



**Annexation Agreement to the Declaration of Covenants,  
Conditions and Restrictions and Reservation of Easements for  
Brookhaven Fields  
("Annexation Agreement")**

Reference is made to the Declaration of Covenants, Conditions and Restrictions and Reservation of Easements for Brookhaven Fields, signed by The Declarant, filed with the Washington County Recorder's office on March 24, 2012 bearing Document #20120017252 ("Declaration") for BROOKHAVEN FIELDS ("Subdivision").

The Subdivision was authorized pursuant to that Development Agreement for Brookhaven Fields entered into between Declarant and Washington City, A Utah municipality, which was filed with the Washington County Recorder's office on June 25, 2012, bearing Document #20120020907 ("Development Agreement"). The Development Agreement specified that the property which would comprise the Subdivision (once all Phases were completed) would consist of 47.91 acres and is refer to in the Development Agreement as the "Project".

Section 2. (c) of the Development Agreement States that the Developer shall be entitled to build the Project in multiple phases.

The Declaration, as filed, referenced 11.28 acres of land described in Exhibit "A" to the Declaration which later became Phase 1 of the Subdivision containing 26 lots ("Phase 1"). Phase 1 was platted and recorded with the Washington County Recorder's office on May 24<sup>th</sup>, 2012.

Section 14.1.2 of Article XIV of the Declaration reserves the Declarant the right to unilaterally amend, modify or extend the Declaration for any purpose deemed necessary by the Declarant.

Section 15.1 of Article XV of the Declaration reserves to Declarant the right to include additional property, in Declarant's discretion, and further provides that in the even Declarant files other plats creating additional subdivision phases under the name and style of "Brookhaven Fields" and states that on said plats the intention to have the property described on said plat subject to the terms, covenants and conditions and reservation of easements of the Declaration; Further, that the terms covenants and conditions and reservation of easement contained in said Declaration will run not only to, with and from the property described in Phase 1, but by this reference shall also run and apply to such additional plats filed by Declarant

Declarant has filed with the Washington County Recorder's office Plat 3 (or Phase 3) to Brookhaven Fields, consisting of 21 lots, which is more specifically described in Exhibit "A" attached to this Annexation Agreement. Declarant represents and warrants that the filing of Plat 3 (or Phase 3) of Brookhaven Fields does not violate any of the terms and conditions of the Development Agreement or the Declaration.



Order Number: W17576

**EXHIBIT "A"**

**BROOKHAVEN FIELDS PHASE 3  
BOUNDARY DESCRIPTION**

BEGINNING AT A POINT WHICH IS LOCATED S 89°07'23" E ALONG THE CENTER SECTION LINE 50.68 FEET AND S 0°52'37" W 33.00 FEET FROM THE WEST 1/4 CORNER OF SECTION 35, TOWNSHIP 42 SOUTH, RANGE 15 WEST, SALT LAKE BASE & MERIDIAN, SAID POINT ALSO BEING ON THE SOUTH RIGHT-OF-WAY LINE OF 3090 SOUTH STREET AND RUNNING THENCE S 89°07'23" E, ALONG SAID SOUTH RIGHT-OF-WAY LINE 1251.44 FEET; THENCE N 0°18'10" E 8.25 FEET; THENCE S 89°07'23" E 8.46 FEET TO A POINT ON THE WEST RIGHT-OF-WAY OF 20 EAST STREET; THENCE S 0°18'08" W ALONG SAID RIGHT-OF-WAY 286.63 FEET TO THE NORTHEAST CORNER OF BROOKHAVEN FIELDS PHASE 2 SUBDIVISION, RECORDED AND ON FILE AT WASHINGTON COUNTY RECORDERS OFFICE, STATE OF UTAH; THENCE ALONG SAID BOUNDARY THE FOLLOWING TEN (10) COURSES, (1) N 89°41'52" W 214.25 FEET; (2) THENCE S 0°18'08" W 31.75 FEET; (3) THENCE N 89°14'51" W 104.48 FEET; (4) THENCE S 88°05'11" W 93.06 FEET; (5) THENCE S 82°11'15" W 93.91 FEET; (6) THENCE S 82°20'55" W 93.87 FEET; (7) THENCE N 89°08'44" W 93.01 FEET; (8) THENCE N 83°32'04" W 93.57 FEET; (9) THENCE N 78°15'37" W 94.94 FEET; (10) THENCE N 85°45'40" W 93.24 FEET TO THE NORTHEAST CORNER OF BROOKHAVEN FIELDS PHASE 1 SUBDIVISION, RECORDED AND ON FILE AT WASHINGTON COUNTY RECORDERS OFFICE, STATE OF UTAH; THENCE ALONG SAID BROOKHAVEN FIELDS PHASE 1 THE FOLLOWING THREE (3) COURSES, (1) N 89°16'41" W 154.51 FEET; (2) THENCE S 0°08'57" W 26.64 FEET; (3) THENCE N 89°51'03" W 155.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF 240 WEST STREET; THENCE N 0°08'57" E ALONG SAID RIGHT-OF-WAY 321.49 FEET TO A POINT ON A 20.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE 31.67 FEET THROUGH A CENTRAL ANGLE OF 90°43'40" TO THE POINT OF BEGINNING.

Tax ID No. (For Reference Purposes Only): **W-5-2-35-3431**