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WHEN RECORDED RETURN TO:
Hurricane City
147 N. 870 West
Hurricane, UT 84737

Parcel ID# H-3-1-33-43371 and common area Zion Village Townhomes Phase 1

Legal Description: See exhibit "A"

DOC # 20180026190

Agreement Page 1 of 4
Russell Shirts Washington County Recorder
06/25/2018 04:54:07 PM Fee \$ 0.00
By HURRICANE CITY



SECOND AMENDMENT TO DEVELOPMENT AGREEMENT

THIS Second Amendment to Development Agreement is made and entered into on this 17 day of May, 2018 by and between Hurricane City Corporation, a Utah municipal corporation, hereinafter referred to as "City", and Zion Village Resort, LLC a Utah Corporation, hereinafter referred to as "Developer", (each of the foregoing individually a "Party" and collectively the "Parties").

WHEREAS the Parties have previously entered into a Development Agreement (hereafter "Development Agreement"), duly recorded in the office of the Washington County Recorder as document #20160014777 and a First Amendment to that Development Agreement, duly recorded in the office of the Washington County Recorder as document #20160040532; and

WHEREAS the Developer has provided a bond for completion of clubhouse and pool as required by said First Amendment and has commenced construction of said improvements; and

WHEREAS Developer desires to amend the agreement again to submit for approvals for Phase 2 of Zion Village Townhomes, Parties now desire to enter into an agreement amending said Development Agreement,

NOW, THEREFORE, IN CONSIDERATION of the mutual covenants and obligations contained herein the Parties hereto hereby enter into this Second Amendment to Development Agreement as follows:

1. Amendment of Paragraph 12. Paragraph 12 "Bonding" of the Development Agreement is hereby amended in its entirety to read as follows:

12. **Bonding.** Developer agrees to obtain and provide to City a performance or other bond in the amount of \$825,000, an amount equal to 110% of the estimated cost of the clubhouse and pool improvements shown on the approved site plan for Phase 1 of Zion Village Townhomes, prior to issuance of a building permit for any of the townhome buildings in the project, naming City as an obligee and containing such terms and conditions as are acceptable to City, guaranteeing completion of said clubhouse and pool improvements in accordance with this Agreement. ~~Said bond shall further provide that in the event that said clubhouse and pool are not completed within 3 years of the date of this agreement or prior to submittal for approvals for Phase 2 of Zion Village Townhomes, whichever shall come first, City shall be entitled to proceed against the developer and/or bond for completion of said clubhouse and pool as shown on approved site plan.~~

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2. Addition of Paragraph 13. Paragraph 13 "Completion of Amenities before occupancies in Phase 2" is hereby added as follows:

13. **Completion of Amenities:** Developer agrees to complete clubhouse and pool amenities in Phase 1 before issuance of any certificates of occupancy for buildings in Phase 2.

3. Other Provisions Remain in Effect. Except as modified herein, all other terms and conditions of the Development Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, this First Amendment to Development Agreement has been executed by City and by a duly authorized representative of Developer as of the date first written above.



HURRICANE CITY, a political subdivision of the
State of Utah

By: _____

John Bramall
John Bramall, Mayor

Attest:

Kaden DeMille
Kaden DeMille, Recorder

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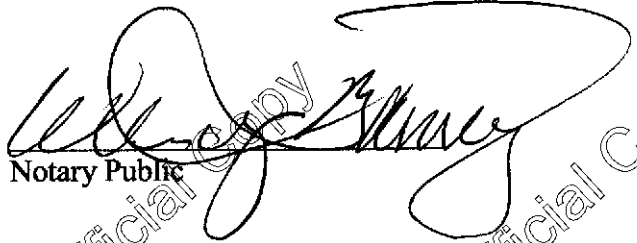
Legal Description: See exhibit "A"

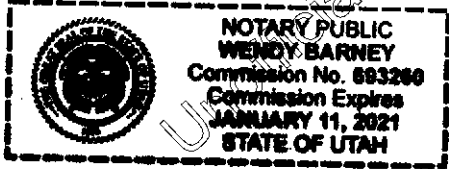
DEVELOPER

By: 
Jay Rice, Zion Village Resort LLC

State of Utah)
 :SS
County of Utah)

On this 18 day of May, 2018, before me Wendy Barney a notary public, personally appeared Jay Rice, proved on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, who duly acknowledged to me that he executed the same. Witness my hand and official seal.


Notary Public



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Exhibit A:

S: 33 T: 41S R: 13W COMMENCING AT THE WEST QUARTER CORNER OF SECTION 33, TOWNSHIP 41 SOUTH, RANGE 13 WEST, OF THE SALT LAKE BASE AND MERIDIAN; THENCE N00°04'05"E, ALONG THE SECTION LINE, 605.80 FEET; THENCE S89°55'55"E, 433.00 FEET TO THE POINT OF BEGINNING SAID POINT BEING LOCATED ON THE EAST LINE OF 2170 WEST STREET; THENCE N00°04'05"E, ALONG SAID LINE, 1,290.67 FEET; THENCE DEPARTING SAID LINE AND RUNNING S89°47'55"E, 379.09 FEET; THENCE S05°12'05"W, 357.90 FEET; THENCE S01°47'55"E, 409.99 FEET; THENCE S41°10'55"E, 122.44 FEET TO A CURVE TO THE RIGHT HAVING A RADIUS OF 160.00 FEET, AND A CENTRAL ANGLE OF 67°39'00"; THENCE SOUTHERLY ALONG SAID CURVE, 188.91 FEET; THENCE S26°28'05"W, 285.34 FEET; THENCE N89°48'34"W, 337.30 FEET TO THE POINT OF BEGINNING