

Addendum Page 1 of 3

Russell Shirts Washington County Recorder  
 11/07/2019 11:15:59 AM Fee \$0.00 By STATE OF  
 UTAH SCHOOL AND INSTITUTIONAL TRUST  
 LANDS ADMINISTRATION

After Recording Please Return To:  
 State of Utah School and Institutional Trust Lands Administration  
 2303 N Coral Canyon Blvd Ste100A  
 Washington, UT 84780

### **EXCLUSIVE POSSESSION ADDENDUM NO. 3 TO DEVELOPMENT LEASE AGREEMENT NO. 1100**

This EXCLUSIVE POSSESSION ADDENDUM NO. 3 TO DEVELOPMENT LEASE AGREEMENT NO. 1100 (the "Addendum"), is effective August 14, 2019 (the "Effective Date"), by and between the State of Utah, through the School and Institutional Trust Lands Administration (the "Lessor"), and Desert Color St. George, LLC (the "Lessee").

Effective September 11, 2017, the parties entered into Development Lease Agreement No. 1100 (the "Lease"), under which certain lands in Washington County, Utah (the "Premises") were leased to Lessee to be subdivided and developed for residential and other related purposes.

Pursuant to section 2.4 of the Lease, Lessor has the right to enter, occupy, use and control the Premises until such time as exclusive possession and use is provided pursuant to the terms of the Lease.

1. The parties hereby acknowledge that one or more of the conditions described in the Lease has been met and that Lessee has exclusive possession and use of a certain portion of the Premises (the "Exclusive Possession and Use Parcel"). The Exclusive Possession and Use Parcel is more particularly described as follows:

#### **Desert Color Resort Phase 2B**

Desert Color Resort Parcel 2B

Beginning at a point which is South 01°14'25" West 404.87 feet along the West Section line and North 90°00'00" East 1238.01 feet from the West Quarter Corner of Section 25, Township 43 South, Range 16 West of the Salt Lake Base and Meridian and running thence North 41°34'08" East 25.47 feet; thence North 48°20'57" West 10.00 feet; thence North 29°41'17" West 106.09 feet; thence North 60°18'43" East 222.51 feet; thence North 31°05'21" East 14.34 feet; thence North 0°42'02" East 10.12 feet; thence North 29°41'17" West 24.74 feet; thence North 60°18'43" East 58.35 feet; thence North 29°41'17" West 399.13 feet, to a point on the arc of a tangent curve to the left having a radius of 127.50 feet; thence Northwesterly 59.78 feet along the arc of said curve through a central angle of 26°51'52" to a point of tangency; thence North 56°33'09" West 244.00 feet; thence North 33°26'51" East 55.00 feet; thence South 56°33'09" East 244.00 feet, to a point on the arc of a tangent curve to the right having a radius of 182.50 feet; thence Southeasterly 85.57 feet along the arc of said curve through a central angle of 26°51'52" to the point of tangency; thence South 29°41'17" East 399.13 feet; thence North 60°18'43" East 72.08 feet to a point on the arc of a tangent curve to the left having a radius of 20.00 feet; thence Northeasterly 31.42 feet along the arc of said curve through a central angle of 90°00'00", to a point of non-tangency; thence North 60°18'43" East 20.00 feet; thence South

Addendum No. 3 to Development Lease Agreement No. 1100  
Page 2

29°41'17" East 20.00 feet; thence North 60°18'43" East 11.39 feet; thence South 29°41'17" East 112.92 feet; thence North 60°18'43" East 243.09 feet; thence South 43°22'38" East 134.61 feet; thence South 34°29'50" East 27.53 feet; thence South 27°09'02" East 82.03 feet to the northerly boundary of Lagoon Parkway roadway dedication plat recorded on January 04, 2019 as Document No. 20190000314 in the office of the Washington County Recorder, in said County, State of Utah; thence along said roadway dedication for the following (5) courses: said point also being a point on the arc of a non-tangent curve to the left having a radius of 808.50 feet; thence Southwesterly 52.53 feet along the arc of said curve through a central angle of 3°43'20", the radial direction bears South 33°32'58" East, to a point on the arc of a compound curve to the left having a radius of 573.50 feet, thence Southwesterly 130.61 feet along the arc of said curve through a central angle of 13°02'55", the radial direction bears South 37°16'19" East, to a point of tangency; thence South 39°40'46" West 42.47 feet, to a point on the arc of a tangent curve to the left having a radius of 797.00 feet; thence Southwesterly 103.50 feet along the arc of said curve through a central angle of 07°26'26" to a point of tangency; thence South 29°03'28" West 88.46 feet; thence North 56°42'19" West 15.26 feet; thence North 48°17'19" West 99.43 feet, to a point on the arc of a tangent curve to the right having a radius of 635.50 feet; thence Northwesterly 119.23 feet along the arc of said curve through a central angle of 10°45'00" to the point of tangency; thence North 34°32'35" West 65.73 feet; thence South 47°14'51" West 16.41 feet, to a point on the arc of a tangent curve to the left having a radius of 532.50 feet; thence Southwesterly 52.78 feet along the arc of said curve through a central angle of 5°40'43" to the point of tangency; thence South 41°34'08" West 213.54 feet; thence North 48°20'57" West 134.00 feet to the point of beginning.

West 1/2 of Section 25, T 43S R 16W, SLB&M

Contains 254,755 sq.ft. 5.85 acres.

2. Lessee's exclusive possession and use of the Exclusive Possession and Use Parcel commences on the Effective Date.

IN WITNESS WHEREOF, the parties hereto have executed this Addendum on the day and year first written above.

Addendum No. 3 to Development Lease Agreement No. 1100  
Page 3

STATE OF UTAH, SCHOOL AND INSTITUTIONAL  
TRUST LANDS ADMINISTRATION

APPROVED AS TO FORM:

By: [Signature]  
Name: Rodger Mitchell  
Title: Assistant Director

[Signature]  
Special Assistant Attorney General

Desert Color St. George, LLC  
By: [Signature]  
Name: MITCHELL DANSE  
Title: MANAGER

STATE OF UTAH )  
 )  
 ) :ss.  
COUNTY OF SALT LAKE )

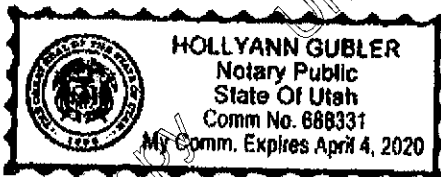
On this 5th day of November, 2019, personally appeared before me Rodger Mitchell, the Assistant Director of the School and Institutional Trust Lands Administration, who acknowledged that he, being duly authorized, did execute the foregoing instrument on behalf of the School and Institutional Trust Lands Administration.



[Signature]  
Notary Public

STATE OF Utah )  
 )  
 ) :ss.  
COUNTY OF Washington )

On this 6 day of November, 2019, personally appeared before me Mitchell Dansie, the Manager of Desert Color St. George LLC, who acknowledged that he/she, being duly authorized, did execute the foregoing instrument on behalf of Desert Color St. George, LLC.



[Signature]  
Notary Public