

When Recorded Return To:

VIRGIN TOWN
Attn: Heath Snow, Town Attorney
255 West St. George Blvd., Suite 100
St. George, Utah 84790

Affects Parcel Nos:

See Exhibit A

NOTICE OF FIRE SPRINKLER REQUIREMENT

NOTICE IS HEREBY GIVEN that pursuant Virgin Ordinance No 2020-50 adopted by the Virgin Town Council on the 16th day of December, 2020, which is attached hereto as *Exhibit B* and is incorporated herein by this reference, effective immediately, all new residential dwellings within the Rio de Sion Subdivision (Phases 1, 2 and 3) not already under construction or a complete building permit submitted to the Town to commence construction as of December 16, 2020, shall be required to have an installed and functioning automatic fire suppression sprinkler system in compliance with Sections 903.3.1.1 thru 903.3.1.3 of the International Fire Code (as amended).

DATED this 31st day of December, 2020

VIRGIN TOWN
a Utah Municipal Corporation



Heath Snow, Esq., Virgin Town Attorney

CONSENT

By countersigning this Notice of Fire Sprinkler Requirement, I hereby acknowledge and consent for and on behalf of myself and Rio Virgin Properties, LLC, a Utah limited liability company of which I am the sole manager thereof, to the recording of this Notice of Fire Sprinkler Requirement against all lots within the Rio de Sion Subdivision (Phases 1, 2 & 3) of which Rio Virgin Properties, LLC owns.

RIO VIRGIN PROPERTIES, LLC
a Utah limited liability company



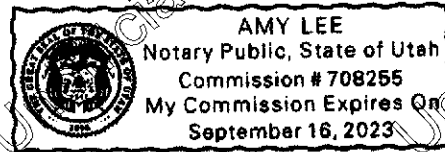
Jane Campbell, Manager

ACKNOWLEDGEMENTS

STATE OF UTAH)
) ss:
COUNTY OF WASHINGTON)


Heath Snow, being first duly sworn, deposes and says that he is the Town Attorney of Virgin Town, a Utah municipal corporation; that he has read the foregoing instrument and knows the contents thereof; and that he signed the said instrument for its intended purpose under the authority given him by the Virgin Town Council.


NOTARY PUBLIC



STATE OF UTAH)
) ss:
COUNTY OF WASHINGTON)

Jana Campbell, being first duly sworn, deposes and says she is the manager of Rio Virgin Properties, LLC, a Utah limited liability company; that she has read the foregoing instrument and knows the contents thereof; and that she signed the consent contained herein on behalf of said Company for its intended purpose under the authority given her by the Operating Agreement of the Company or an affirmative vote of majority of the members of the Company.


NOTARY PUBLIC

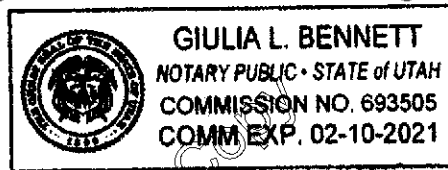


EXHIBIT A

To Notice of Fire Sprinkler Requirement

(Legal Description and Parcel Numbers of Affected Real Property)

(Phase 1)

ALL OF LOTS 1 THRU 19 OF THE RIO DE SION SUBDIVISION, according to the Official Plat thereof on file in the Office of the Recorder of Washington County, State of Utah

Parcel Nos. V-RIOD-1 thru V-RIOD-19

(Phase 2)

ALL OF LOTS 20 THRU 40 OF THE RIO DE SION PHASE 2 SUBDIVISION, according to the Official Plat thereof on file in the Office of the Recorder of Washington County, State of Utah

Parcel Nos. V-RIOD-2-20 thru V-RIOD-2-40

(Phase 3)

ALL OF LOTS 41 THRU 68 OF THE RIO DE SION PHASE 3 SUBDIVISION, according to the Official Plat thereof on file in the Office of the Recorder of Washington County, State of Utah

Parcel Nos. V-RIOD-3-41 thru V-RIOD-3-68

EXHIBIT B

To Notice of Fire Sprinkler Requirement

(Copy of Virgin Ordinance 2020-50)

(Ordinance to Follow)

VIRGIN TOWN

ORDINANCE # 2020-50

AN ORDINANCE REQUIRING ALL FUTURE HOMES LOCATED WITHIN PHASES 1, 2 AND 3 OF THE RIO DE SION SUBDIVISION TO BE CONSTRUCTED WITH FIRE SPRINKLER SYSTEM COMPLIANT WITH THE MOST CURRENT VERSION OF THE INTERNATIONAL FIRE CODE AS APPROVED BY THE HURRICANE VALLEY FIRE SPECIAL SERVICES DISTRICT.

RECITALS

WHEREAS, Virgin Town ("Town") is an incorporated municipality duly organized under the laws of the State of Utah;

WHEREAS, the Town is authorized pursuant to Utah Code Annotated, Title 10, Chapter 9A, to enact ordinances necessary or appropriate for the use of land within the Town's municipal boundaries;

WHEREAS, pursuant to Utah Code Annotated, Title 10, Chapter 3b, Section 301, the Virgin Town Council ("Virgin Town Council") is designated as the governing body of the Town.

WHEREAS, on or about October 18, 2006, the Town approved and allowed to be recorded the final plat for the Rio de Sion Subdivision, Phase 1 as Instrument No. 20060048467 in the Official Records on file in the Office of the Recorder of Washington County, State of Utah.

WHEREAS, on or about May 31, 2007, the Town approved and allowed to be recorded the final plat for the Rio de Sion Subdivision, Phase 2 as Instrument No. 20070028165 in the Official Records on file in the Office of the Recorder of Washington County, State of Utah.

WHEREAS, on or about May 31, 2007, the Town also approved and allowed to be recorded the final plat for the Rio de Sion Subdivision, Phase 3 as Instrument No. 20070028166 in the Official Records on file in the Office of the Recorder of Washington County, State of Utah.

WHEREAS, at the time the plats for the Rio de Sion Subdivision, Phases 1, 2 & 3 were approved and recorded the Town's fire protection provider was Hurricane City who utilized an older version of the International Fire Code which was less strict regarding the number and location of fire access roads to and from single family residential subdivisions.

WHEREAS, subsequent to the approval and recordation of the final plats for Phases 1, 2 & 3 of the Rio De Sion Subdivision, Washington County created the Hurricane Valley Fire Special Service District ("HVFD") to be the fire protection provider for the eastern part of Washington County, including the municipal boundaries of the Town.

WHEREAS, likewise, subsequent to the approval and recordation of the final plats for Phases 1, 2 & 3 of the Rio de Sion Subdivision, the Town and the HVFD adopted newer versions of the International Fire Code which require Single Family Residential developments containing more than 30 residences to either have 2 fire access roads coming in and out of the subdivision or for the residences constructed therein to have automatic fire suppression sprinkler systems which comply with Sections 903.3.1.1 thru 903.3.1.3 of the International Fire Code (as amended).

WHEREAS, the Rio de Sion Subdivision is located on the south side of the Virgin River and is accessed by a singular bridge and improved and dedicated road – Camino Del Rio.

WHEREAS, the owner, or prospective successors of the vast majority of the building lots within Phase 1, and essentially all of the buildings lots within Phase 2 and Phase 3 of the Rio de Sion Subdivision have inquired and expressed a desire to the Town and the HVFD to begin construction of the public improvements within Phases 2 and 3 and to begin to sell lots or apply for building permits to construct homes on lots throughout all 3 phases of the Subdivision within the near future.

WHEREAS, both the Town and the owner, or prospective successors, of said building lots have looked into locations and costs for constructing a second bridge and access road into the Rio de Sion Subdivision and have determined that such an endeavor would not be economically feasible and environmentally advisable at this point in time.

WHEREAS, in an effort to give the current owner and prospective successors clarity on how the Town and the HVFD will deal with future building permit applications on improved lots within Rio de Sion Subdivision in light of the fact that a second fire access road to and from the Subdivision is not feasible, the Town and the HVFD have determined that they will require all future residential dwellings within all three phases of the Rio de Sion Subdivision to include automatic fire suppression sprinkler systems that are approved and inspected prior to occupancy by the HVFD and that notice of said requirement should be recorded against all lots within the Subdivision.

ORDINANCE

NOW THEREFORE BE IT ORDAINED BY THE VIRGIN TOWN COUNCIL that, based upon the recitals set forth above, that:

1. Official Policy/Requirement Regarding Automatic Fire Suppression Sprinklers Systems Within the Rio de Sion Subdivision. Effective immediately, all residential dwellings to be constructed in the future within the Rio de Sion Subdivision (Phases 1, 2 and 3) shall be required to have an installed and functioning automatic fire suppression sprinkler system in compliance with Sections 903.3.1.1 thru 903.3.1.3 of the International Fire Code (as amended).

2. Exempt Residential Dwellings. Any residential dwelling already constructed and possessing a certificate of occupancy issued by the Town and any residential dwelling that is presently under construction or for which a building permit has been submitted prior to the

enactment of this Ordinance shall be exempt from the fire suppression sprinkler system requirement set forth in Section 1, above.

3. **Compliance.** Compliance with the requirements of Section 1 above shall be accomplished by the HVFD reviewing and approving the design and layout of the automatic fire suppression sprinkler system at the time it reviews and approves the building plans for the residence prior to the Town's issuance of a building permit. Furthermore, the HVFD shall inspect, for a fee that it shall determine and charge to the owner, all new residences within the Rio de Sion Subdivision to confirm that the automatic fire suppression sprinkler system is actually installed and fully functioning. The Town building officials shall not issue a certificate of occupancy for the residence until receiving a written confirmation from the HVFD of its inspection and acceptance.

4. **Recorded Notice of Automatic Fire Suppression Sprinkler Requirement.** So as to put all future owners of building lots within the Rio de Sion Subdivision on constructive, if not actual, notice of the requirement set forth in Section 1, above, the Town Attorney shall record an instrument entitled "Fire Sprinkler System Requirement" which shall include a copy of this Ordinance, fully executed, and inform all readers of the requirement set forth in Section 1, in the Official Records on file in the Office of the Recorder of Washington County, State of Utah. The instrument shall reference, and indicate that it attaches to and effects, all lots within Phases 1, 2 and 3 of the Rio de Sion Subdivision.

5. **Repealer.** This Ordinance supersedes or repeals the provisions of any ordinance or resolution of the Town that is inconsistent with the provisions of this Ordinance.

6. **Savings Clause.** If any provision or clause in this Ordinance or the application thereof to any person or entity or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other sections, provisions, clauses, or applications hereof which can be implemented without the invalid provision, clause, or application hereof, and to this end the provisions and clauses of this Ordinance are declared to be severable.

7. **Effective Date.** This Ordinance shall become effective immediately upon adoption by the Virgin Town Council.

ADOPTED AND ORDAINED BY THE VIRGIN TOWN COUNCIL this 16th day of December, 2020 based upon the following vote:

Council Member:

Gene Garate

AYE NAE

LeRoy Thompson

AYE NAE

Kevin Stout

AYE NAE

Jay Lee

AYE NAE

Matthew Spendlove, Mayor

AYE NAE

VIRGIN TOWN
a Utah municipal corporation

Matthew Spendlove
Matthew Spendlove, Mayor

ATTEST:

Monica Bowcutt
Monica Bowcutt, Town Clerk