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DOC # 20210025066

CCR Annexation Page 1 of 9
Gary Christensen Washington County Recorder
04/08/2021 01:39:04 PM Fee \$ 40.00
By SNOW JENSEN & REECE



AETER RECORDING, PLEASE RETURN TO:

RREF II - JFH BRILLO, LLC
c/o Matthew J. Ence
SNOW JENSEN & REECE, P.C.
912 West 1600 South, Suite B-200
St. George, Utah 84770

**DECLARATION OF ANNEXATION
FOR
BRIO - PHASE 2C SUBDIVISION**

THIS DECLARATION OF ANNEXATION FOR BRIO - PHASE 2C SUBDIVISION (hereinafter "Declaration of Annexation") is made by RREF II - JFH BRILLO, LLC, a Delaware limited liability company, hereinafter referred to as "Declarant."

PREAMBLE

A. Declarant is the owner and developer of certain real property located in the city of Washington, Washington County, State of Utah, which is particularly described as follows:

See legal description attached Exhibit "A" and incorporated herein by this reference.

(hereinafter the "Annexed Property").

B. The Annexed Property is part of the real property described in Exhibit "B" to that Declaration of Covenants, Conditions, and Restrictions for Brio, recorded August 12, 2015, as Doc. No. 20150028404, in the Official Records of the Washington County Recorder's Office, as amended or supplemented (hereinafter referred to as "Declaration").

C. By annexation into the Community known as BRIO, the Annexed Property is made subject to the Declaration by virtue of Sections 1.1 and 11.1 of the Declaration.

D. Declarant is the "Declarant" as defined in Section 2.16 of the Declaration.

E. Pursuant to Section 1.1 and Article 10 of the Declaration, Declarant now desires to add and include the above-described Annexed Property to hereafter become part of the Community known as BRIO as described in Section 2.12 of the Declaration, and thereafter subject to the terms and provisions of the Declaration as provided in Section 1.1 and Article 10 of the Declaration.

THEREFORE, Declarant hereby declares, and submits the Annexed Property to such Declaration, and imposes thereon the provisions of the Declaration, as follows:

1. The undersigned Declarant here by declares the foregoing recitals to be true and accurate, and incorporate the same herein with this reference.

2. Declarant with the execution of this Declaration of Annexation here by consents to the annexation of the Annexed Property into the Community known as BRIO.

3. Declarant hereby declares the Annexed Property is added to and made a part of the Community subject to the Declaration. The Annexed Property is and shall be held, conveyed, hypothecated, encumbered, leased, occupied, built upon or otherwise used, improved or transferred in whole or in part, subject to this Declaration of Annexation and the Declaration.

4. The covenants, conditions and restrictions of this Declaration of Annexation and the Declaration are here by imposed as equitable servitudes upon each lot within the Annexed Property, as a servient tenement, for the benefit of each and every other lot or property within BRIO, as the dominant tenements.

5. The covenants, conditions and restrictions of this Declaration of Annexation shall run with and shall inure to the benefit of and shall be binding upon all of the Annexed Property and shall be binding upon and inure to the benefit of all parties having, or hereafter acquiring, any right, title or interest in all or any portion of the Annexed Property.

6. This Declaration of Annexation is recorded pursuant to Section 1.1 and Article 10 of the Declaration, and each of the provisions hereof shall be deemed a part of the Declaration, and they may be enforced as therein provided for the enforcement of any other provisions thereof.

7. The rights and obligations of all Owners of lots in the Annexed Property shall be the same as the rights and obligations of the Owners of lots currently affected by the Declaration, except as may be modified herein.

(remainder of page intentionally left blank; signatures and acknowledgments to follow)

EXHIBIT A
To Declaration of Annexation

LEGAL DESCRIPTION OF THE ANNEXED PROPERTY

BRIO PHASE 2C BOUNDARY DESCRIPTION

BEGINNING AT A POINT N0°46'17"E, 49.14 FEET ALONG THE SECTION LINE AND WEST, 367.65 FEET FROM THE EAST 1/4 CORNER OF SECTION 10, T42S, R15W, SLB&M (S0°46'17"W, 10.91 FEET FROM A RING & LID REFERENCE MONUMENT ON THE SECTION LINE AT THE CENTER LINE OF CAMINO QSO AS SHOWN AND NOTED ON BRIO PHASE 4D SUBDIVISION), SAID POINT BEING ON THE BOUNDARY OF BRIO PHASE 2B SUBDIVISION FILED AS DOCUMENT NO. 20180024521 IN THE OFFICE OF THE WASHINGTON COUNTY RECORDER, RUNNING THENCE ALONG SAID BOUNDARY THE FOLLOWING TEN (10) COURSES: N59°16'10"W, 163.44 FEET; THENCE N55°34'06"W, 138.10 FEET; THENCE N52°17'24"W, 138.10 FEET; THENCE N49°21'49"W, 103.67 FEET; THENCE N59°49'05"W, 86.84 FEET; THENCE S13°13'53"W, 22.40 FEET; THENCE N78°07'40"W, 135.00 FEET TO THE POINT OF CURVE OF A 625.00 FOOT RADIUS CURVE TO THE RIGHT, RADIUS POINT BEARS N78°07'40"W; THENCE SOUTHWESTERLY 4.59 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 0°25'15"; THENCE N77°42'24"W, 25.00 FEET; THENCE N83°11'37"W, 94.96 FEET; THENCE N0°41'09"E, 246.61 FEET; THENCE N5°41'38"W, 73.77 FEET; THENCE N86°43'09"E, 112.37 FEET TO THE POINT OF CURVE OF A 2075.00 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, RADIUS POINT BEARS S86°51'46"W; THENCE SOUTHEASTERLY 21.43 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 0°35'31"; THENCE N87°37'27"E, 162.72 FEET; THENCE S78°48'29"E, 70.10 FEET TO THE POINT OF CURVE OF A 2103.81 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT, RADIUS POINT BEARS N48°19'58"E; THENCE SOUTHEASTERLY 715.60 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 19°29'20" TO A POINT ON THE NORTHWESTERLY LINE OF RIALTO PARK WAY AS SHOWN ON BRIO PHASE 4D SUBDIVISION; THENCE S28°07'44"W, 259.98 FEET ALONG SAID NORTHWESTERLY LINE TO THE POINT OF BEGINNING.

CONTAINING 6.318 ACRES



COTTONWOODTITLE

1996 East 6400 South, Suite 120, Salt Lake City, UT 84121
Phone: 801.277.9999 | Fax: 801.277.1411

REAL PROPERTY TITLE REPORT

NOTICE

At your request, Cottonwood Title Insurance Agency, Inc. ("Cottonwood") has conducted a search of public records and provides the following Report based on that search. **Please note that this Report is NOT: (i) title insurance; (ii) a commitment for title insurance; (iii) an abstract of title; or (iv) a guarantee of the status of title or of any information reflected in this Report.** No representation is made or liability assumed as to the effect, completeness, validity, priority or the accuracy of any disclosure herein or the various documents reported herein. The Report is provided as an accommodation to you for informational purposes only, and any liability of Cottonwood in connection with this Report is strictly limited to the compensation Cottonwood receives from you for issuing the Report.

If you desire title insurance or a guarantee respecting any information reflected in this Report, please notify Cottonwood so that Cottonwood may assist you in obtaining such coverage through one of our title insurance underwriters.

REPORT

File Number: 137387-TQF

1. Effective Date: November 22, 2020 at 7:30AM
2. The estate or interest in the land described or referred to in this Report is Fee Simple and title thereto is at the effective date hereof vested in:
RREF II-JFH BRILLO, LLC, a Delaware limited liability company
3. The land referred to in this Report is situated in the County of Washington, State of Utah, and is described as follows:

See Exhibit A attached hereto

NOTE: Parcel Identification Number: W-5-2-10-2101 (for reference purposes only)

File Number: 137387-TOF

RECORD MATTERS

The search of public records conducted by Cottonwood for this Report did not include a search of the State Construction Registry or any other non-public record sources. Cottonwood makes no representations, and disclaims any liability, concerning the existence or absence of any filings or other information on the State Construction Registry.

The following items of record may affect title to the land:

1. Taxes for the year 2020 have been paid in the amount of \$28,097.29 under Parcel No. W-5-2-10-2101. (covers this and other land)
2. The herein described Land is located within the boundaries of Washington County, The Washington County Water Conservancy District, Ash-Creek Special Service District, Washington County Special Service District No. 1, Southwest Mosquito Abatement and Control District, and is subject to any and all charges and assessments levied thereunder.
3. Minerals of whatsoever kind, subsurface and surface substances, including but not limited to coal, lignite, oil, gas, uranium, clay, rock, sand and gravel in, on, under and that may be produced from the Land, together with all rights, privileges, and immunities relating thereto, whether or not appearing in the Public Records or listed in Schedule B. The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed.
4. Claim, right, title or interest to water or water rights whether or not shown by the public records.
5. Water Conservation Easement (Commercial/Industrial Parcel) in favor of the Washington County Water Conservancy District, a political subdivision of the State of Utah, dated June 1, 2015 and recorded August 12, 2015, as Entry No. 20150028405.
6. Water Conservation Easement (Common Areas) in favor of the Washington County Water Conservancy District, a political subdivision of the State of Utah, dated August 21, 2015 and recorded September 18, 2015, as Entry No. 20150033171.
7. Water Conservation Easement (Common Areas) in favor of Washington County Water Conservancy District, a political subdivision of the State of Utah, dated September 25, 2018 and recorded October 4, 2018 as Entry No. 20180040285.
8. Easements, notes and restrictions as shown on the proposed plat for Brio - Phase 2C.
9. Development Agreement for Brillo Del Sol, a Jack Fisher Homes Planned Community by and among Jack Fisher Homes of Southern Utah, LLC, a Utah limited liability company and Washington City, a municipal corporation and political subdivision of the State of Utah, dated April 13, 2014 and recorded October 23, 2014 as Entry No. 20140032552.
Assignment and Assumption Agreement in favor of RREF II-JFH Brillo, LLC, a Delaware limited liability company, dated March 23, 2015 and recorded February 24, 2016 as Entry No. 20160006209.
10. Terms, provisions, covenants, conditions, restrictions, easements, charges, assessments and liens provided for in that certain Declaration of Covenants, Conditions and Restrictions for Brio a Jack Fisher Homes Planned Community recorded August 12, 2015 as Entry No. 20150028404, but omitting any covenant, condition or restriction, if any, based on race, color, religion, sex, handicap, familial status or national origin unless and only to the extent that the covenant, condition or restriction (a) is exempt under Title 42 of the United States Code, or (b) relates to handicap, but does not discriminate against handicapped persons.

File Number: 137387-TOF

**RECORD MATTERS
(CONTINUED)**

Declaration of Annexation for Brio - Phase 1B, recorded November 8, 2016 as Entry No. 20160042532.

Declaration of Annexation for Brio - Phase 1C Subdivision, recorded March 28, 2017 as Entry No. 20170012674.

Declaration of Annexation for Brio - Phase 3A Subdivision, recorded June 5, 2017 as Entry No. 20170022917.

Declaration of Annexation for Brio - Phase 2A Subdivision, recorded November 16, 2017 as Entry No. 20170046365.

Declaration of Annexation for Brio - Phase 3B Subdivision, recorded November 17, 2017 as Entry No. 20170046576.

Declaration of Annexation for Brio - Phase 3C Subdivision, recorded April 26, 2018 as Entry No. 20180017003.

Declaration of Annexation for Brio - Phase 2B Subdivision, recorded June 13, 2018 as Entry No. 20180024522.

Declaration of Annexation for Brio - Phase 3D Subdivision, recorded August 2, 2018 as Entry No. 20180031652.

Declaration of Annexation for Brio - Phase 4B Subdivision, recorded January 4, 2019 as Entry No. 20190000478.

Declaration of Annexation for Brio - Phase 5B Subdivision, recorded July 17, 2019 as Entry No. 20190028136.

Declaration of Annexation for Brio - Phase 3E Subdivision, recorded August 27, 2019 as Entry No. 20190034441.

Declaration of Annexation for Brio - Phase 4A Subdivision, recorded February 20, 2020 as Entry No. 20200008544.

11. Bylaws of Brio Homeowners Association, recorded January 11, 2016 as Entry No. 20160000907.
12. Storm Water Management BMP Maintenance Agreement wherein RREF-II-JFH BRILLO, LLC recognizes that the post construction storm water facilities must be maintained for the Brillo del Sol Development, recorded November 4, 2015 as Entry No. 20150038680.
13. Reservations and exceptions as contained in Patent No. 20331 from the State of Utah, recorded November 6, 2014 as Entry No. 20140034108, Official Washington County Records.
Amended and Restated State of Utah Patent No. 20331, recorded March 10, 2015 as Entry No. 20150007649.
14. Notice of Reinvestment Fee Covenant in favor of Brio Homeowners Association, Inc., recorded June 6, 2018 as Entry No. 20180023472.

Resolution of the Board of Trustees of Brio Homeowners Association, Inc., recorded June 12, 2018 as Entry No. 20180024291.

File Number: 137387-JOF

**RECORD MATTERS
(CONTINUED)**

15. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the Public Records.

NOTE: The following names have been checked for judgments:

RREF II-JFH BRILLO, LLC, a Delaware limited liability company

No unsatisfied judgments appear of record in the last eight years except as shown herein.

File Number: 137387-TOF

EXHIBIT A
LEGAL DESCRIPTION

PROPOSED BRIO - PHASE 2C, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT NORTH 00°46'17" EAST 49.14 FEET ALONG THE SECTION LINE AND WEST 367.65 FEET FROM THE EAST QUARTER CORNER OF SECTION 10, TOWNSHIP 42 SOUTH, RANGE 15 WEST, SALT LAKE BASE AND MERIDIAN (SOUTH 00°46'17" WEST 10.71 FEET FROM A RING AND LID REFERENCE MONUMENT ON THE SECTION LINE AT THE CENTER LINE OF CAMINO OSO AS SHOWN AND NOTED ON BRIO PHASE 4D SUBDIVISION), SAID POINT BEING ON THE BOUNDARY OF BRIO PHASE 2B SUBDIVISION FILED AS DOCUMENT NO. 20180024521 IN THE OFFICE OF THE WASHINGTON COUNTY RECORDER AND RUNNING THENCE ALONG SAID BOUNDARY THE FOLLOWING TEN (10) COURSES: NORTH 59°16'10" WEST 163.44 FEET; THENCE NORTH 55°34'06" WEST 138.10 FEET; THENCE NORTH 52°17'24" WEST 138.10 FEET; THENCE NORTH 49°21'49" WEST 103.67 FEET; THENCE NORTH 59°49'05" WEST 86.84 FEET; THENCE SOUTH 13°13'53" WEST 22.40 FEET; THENCE NORTH 78°07'40" WEST 135.00 FEET TO THE POINT OF CURVE OF A 625.00 FOOT RADIUS CURVE TO THE RIGHT, RADIUS POINT BEARS NORTH 78°07'40" WEST; THENCE SOUTHWESTERLY 4.59 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00°25'15"; THENCE NORTH 77°42'24" WEST 25.00 FEET; THENCE NORTH 83°11'37" WEST 94.96 FEET; THENCE NORTH 00°41'09" EAST 246.61 FEET; THENCE NORTH 05°41'38" WEST 73.77 FEET; THENCE NORTH 86°43'09" EAST 112.37 FEET TO THE POINT OF CURVE OF A 2075.00 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, RADIUS POINT BEARS SOUTH 86°51'46" WEST; THENCE SOUTHEASTERLY 21.43 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00°35'31"; THENCE NORTH 87°37'27" EAST 162.72 FEET; THENCE SOUTH 78°48'29" EAST 70.10 FEET TO THE POINT OF CURVE OF A 2103.81 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT, RADIUS POINT BEARS NORTH 48°19'58" EAST; THENCE SOUTHEASTERLY 715.60 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 19°29'20" TO A POINT ON THE NORTHWESTERLY LINE OF RIALTO PARKWAY AS SHOWN ON BRIO PHASE 4D SUBDIVISION; THENCE SOUTH 28°07'44" WEST 259.98 FEET ALONG SAID NORTHWESTERLY LINE TO THE POINT OF BEGINNING.