

WHEN RECORDED,
MAIL TO:
City of Washington
1305 East Washington
Dam Road
Washington, Ut 84780

DOC # 20210049208

Declaration Page 1 of 5
Gary Christensen Washington County Recorder
07/22/2021 09:29 AM Fee \$ 0.00
By WASHINGTON CITY



PARCEL # W-4-2-19-1201

DECLARATION OF EROSION HAZARD AND LIABILITY DISCLAIMER

This DECLARATION made this 21 day of July, 2021, by Middon, LLC ("Owner") having an address at 1842 South 3430 East St. George, Utah 84790.

WITNESSETH

WHEREAS, the Owner is the record owner of all that real property located at the Red Waters Development in the City of Washington in the County of Washington, designated in the Tax Records as Parcel No.: W-4-2-19-1201.

WHEREAS, the Owner plans to subdivide the above-referenced property and apply for a permit or variance, that if approved, may allow placement of a structure or structures on the proposed subdivided lots that either (1) does not conform, or (2) may be noncompliant by later conversion to the strict requirements of the Washington City Erosion Hazard Zone ("Ordinance # 2009-24") and under the subdivision grading permit ("Permit").

WHEREAS, the Owner agrees to record this DECLARATION and by so doing, the Owner acknowledges that the Owner's property is subject to Washington City's Erosion Hazard Zone and applicable ordinances, and also the Owner certifies and declares that the following covenants, conditions and restrictions are placed on the affected property as a pre-condition and pre-requisite of Washington City granting the Permit, and affects rights and obligations of the Owner and shall be binding on the Owner, his heirs, personal representatives, successors and assigns.

WHEREAS, the Owner acknowledges that flood events larger than the 100-year flood can and do occur and that areas adjacent to the Virgin River are susceptible to erosion, sedimentation and flood damage.

WHEREAS, the Owner acknowledges that Owner's subject property is located within a land that is designated by Washington City as an Erosion Hazard Zone and therefore subject to Washington City's Erosion Hazard Zone ordinance.

WHEREAS, the Owner does hereby covenant, acknowledge, and agree to forever release, discharge, hold harmless, and indemnify Washington City, its officers, boards, successors, assigns, employees, and agents from any and all claims of damages of whatever nature, and by any person, related to the use of this property now and in the future, by reason of flooding, flowage, or any damage, directly or indirectly, caused by water, erosion, or deposition, sudden or gradual, whether surface, flood, rainfall, or deviation from the plans as shown in attached Exhibit "A" or otherwise, unless such damage is the direct result of the negligent or intentional acts of the City, its officers, boards, successors, assigns employees and agents.

UPON THE TERMS AND SUBJECT TO THE CONDITIONS, as follows:

1. The structure(s) or part thereof to which these conditions apply is: All future structures lying within or partially within the erosion hazard boundary or within a future subdivided lot lying within or partially within the erosion hazard boundary.
2. Any alterations or changes from these conditions constitute a violation of the Permit and may render the future affected lots as shown in Exhibit "A" uninsurable or increase the cost for flood insurance. The jurisdiction issuing the Permit and enforcing the Ordinance may take any appropriate legal action to correct any violation.
3. Other conditions: _____

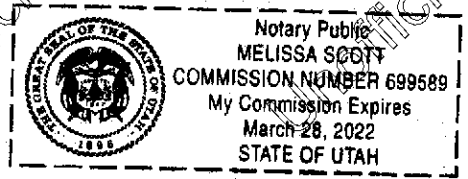
In witness whereof the undersigned set their hand this 21 day of July, 2021.

Sign: [Signature]
Print: Judd Palmer

STATE OF Utah)
)ss.
COUNTY OF Washington)

On this 21 day of July, 2021, before me personally appeared Judd Palmer, personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are signed on the preceding document, and acknowledged before me that he/she/they signed it voluntarily for its stated purpose.

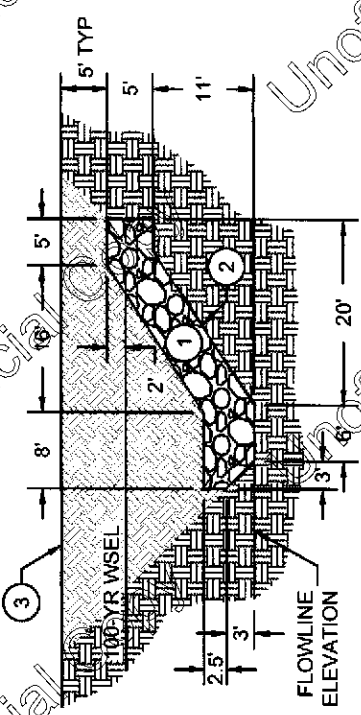
[Signature]
NOTARY PUBLIC
Address: Herriman, Utah
My Commission Expires: March 28 2022



CONSTRUCT EROSION PROTECTION PER DETAIL ABOVE

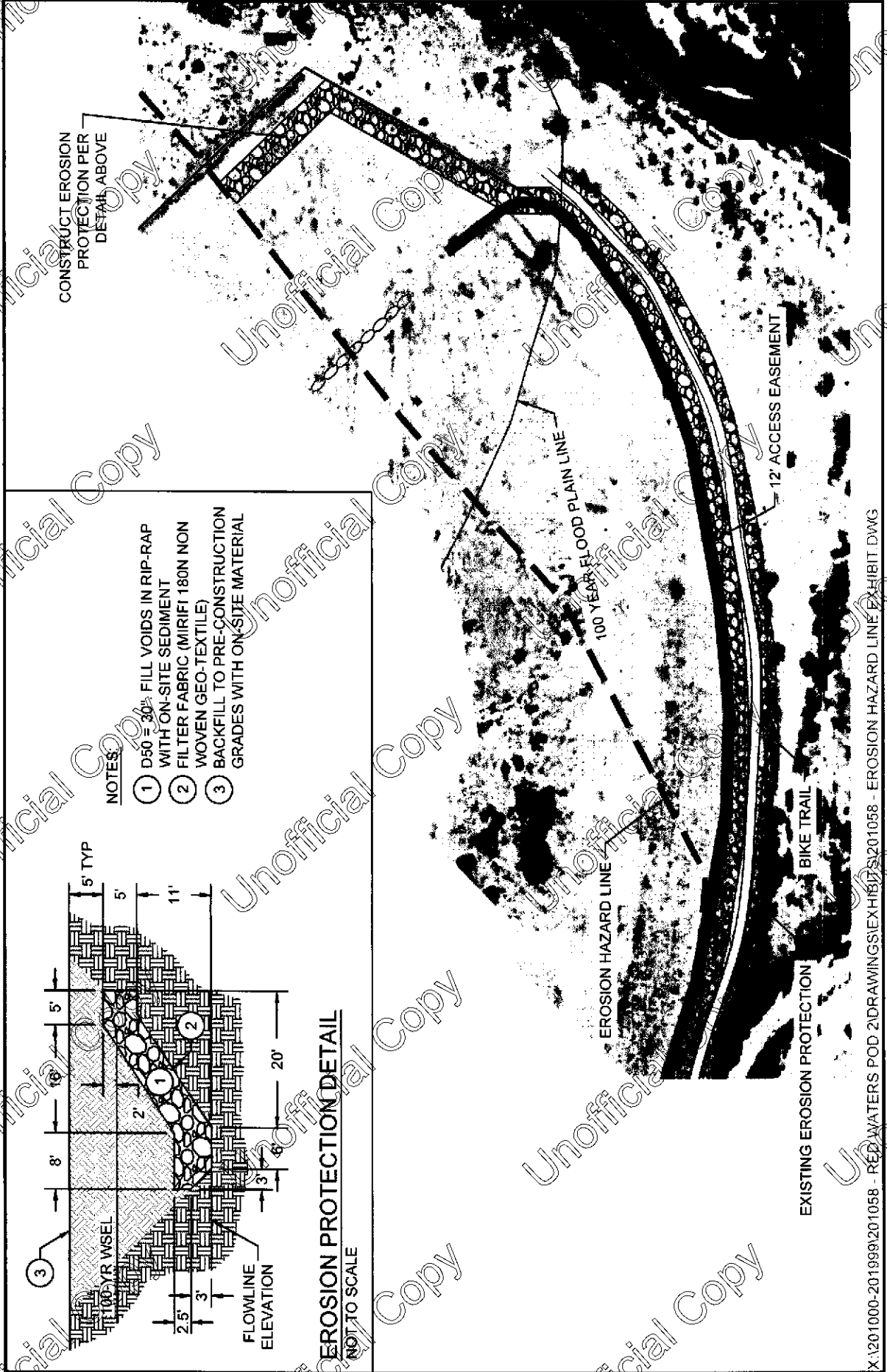
NOTES:

- 1 D50 = 30% FILL VOIDS IN RIP-RAP WITH ON-SITE SEDIMENT
- 2 FILTER FABRIC (MIRIFT 180N NON WOVEN GEO-TEXTILE)
- 3 BACKFILL TO PRE-CONSTRUCTION GRADES WITH ON-SITE MATERIAL



EROSION PROTECTION DETAIL

NOT TO SCALE



BUSH & GUDGELL, INC.
 Engineers - Planners - Surveyors
 205 East Tabernacle Suite #4
 St. George, Utah 84770
 Phone (435) 673-2337 / Fax (435) 673-3161



EXHIBIT A
 EROSION PROTECTION - PARCEL W-4-2-19-1201
 WASHINGTON, UTAH

X:1201000-201999\201058 - RED WATERS POD 2\DRAWINGS\EXHIBIT A\201058 - EROSION HAZARD LINE EXHIBIT DWG