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**DOC # 20220010900**

Agreement Page 1 of 5  
Gary Christensen Washington County Recorder  
02/23/2022 04:32:36 PM Fee \$ 40.00  
By CAPMARC HOLDINGS LLC



When Recorded Return To:  
City of St. George  
Attn: Legal Department  
175 East 200 North  
St. George, Utah 84770

Parcel No.: SG-5-2-32-251

**Flood and Erosion Hazard Indemnification and Liability Release Agreement**

This Flood and Erosion Hazard Indemnification and Liability Release Agreement (“Agreement”) is hereby executed as of the date signed below by Capmarc Holdings, LLC (the “Owner”) regarding real property located near the Virgin River (the “Flood Area”) which real property is more fully described in the attached Exhibit A (hereinafter “Subject Property.”).

The Owner does hereby covenant, acknowledge, and agree that the Owner has been advised by the City of St. George (“City”) of the location of the flood plain along the Flood Area and its proximity to Owner’s property, and that Owner does forever release, discharge, hold harmless, and indemnify the City, its officers, boards, successors, assigns, employees, and agents from and against any and all claims of damages of whatever nature, and by any person, related to the use of Owner’s 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 or rainfall.

The Owner does hereby covenant and agree to forever release, discharge, hold harmless, and indemnify the City, its officers, boards, successors, assigns, employees, and agents from and against any and all claims of damages, injury, or death, of whatever nature, related to any decision made by the City with regard to the Flood Area.

The Owner does covenant and agree to adequately and properly design, permit, install, monitor, provide reasonable access to, maintenance of, and restore as necessary, any and all flood prevention and erosion control improvements which are deemed by the City in its absolute and sole discretion to be necessary to protect the Owner’s property from flood and erosion damage as recommended by a professional engineer licensed in the State of Utah with experience and knowledge in river hydraulics.

Owner agrees that the City required this Agreement to be executed and recorded by the Owner as a condition for approval of Owner’s development and as a measure to reduce the risk of the City for the approval for Owner’s development which is in proximity to the Flood Area.

Owner agrees that this Agreement shall be binding upon future owners of the Subject Property and Owner’s assigns and transferees, and shall constitute a covenant running with the Subject Property. This indemnification and instrument is perpetual, and may not be amended,

altered, or revoked, without the prior written consent of the City of St, George, properly recorded in Washington County, Utah.

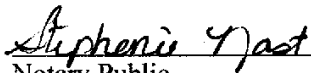
**OWNER:** Capmarc Holdings, LLC

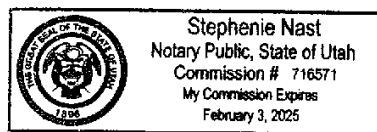
  
Patrick Manning, Owners Capmarc Holdings, LLC

ACKNOWLEDGMENT

STATE OF UTAH            )  
  ss.  
County of Washington    )

On this 23 day of February, 2022, personally appeared before me Patrick Manning Owner Capmarc Holdings LLC, proved on the basis of satisfactory evidence to be the person whose name is subscribed to in this document, and acknowledged he/she executed the same voluntarily for its stated purpose.

  
Notary Public  
My commission expires: 2/3/25



**EXHIBIT A**

**Property Legal Description**

S: 32 T: 42S R: 15W BEGINNING AT A POINT BEING SOUTH 00°32'03" WEST, 2686.48 FEET ALONG THE SECTION LINE TO THE QUARTER CORNER COMMON TO SECTIONS 32 AND 33 AND SOUTH 1284.66 FEET AND WEST 598.83 FEET FROM THE CORNER COMMON TO SECTIONS 28, 29, 32 AND 33, TOWNSHIP 42 SOUTH, RANGE 15 WEST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE SOUTH 12°23'15" WEST, 237.56 FEET; THENCE WESTERLY 74.27 FEET ALONG AN ARC OF A 2794.00 FOOT RADIUS CURVE TO THE LEFT (CENTER BEARS SOUTH 12°35'34" WEST, LONG CHORD BEARS NORTH 78°10'08" WEST, 74.27 FEET WITH A CENTRAL ANGLE OF 01°31'23"); THENCE WESTERLY 669.16 FEET ALONG AN ARC OF A 2794.00 FOOT RADIUS CURVE TO THE LEFT (CENTER BEARS SOUTH 11°04'11" WEST, LONG CHORD BEARS NORTH 85°47'29" WEST, 667.56 FEET WITH A CENTRAL ANGLE OF 13°43'20"); THENCE WESTERLY 180.21 FEET ALONG AN ARC OF A 2781.04 FOOT RADIUS CURVE TO THE LEFT (CENTER BEARS SOUTH 01°10'51" WEST, LONG CHORDS BEARS SOUTH 89°19'28" WEST, 180.18 FEET WITH A CENTRAL ANGLE OF 03°42'46"); THENCE WESTERLY 40.08 FEET ALONG AN ARC OF A 2806.00 FOOT RADIUS CURVE TO THE LEFT (CENTER BEARS SOUTH 06°19'55" EAST, LONG CHORD BEARS SOUTH 83°15'32" WEST, 40.08 FEET WITH A CENTRAL ANGLE OF 00°49'06"); THENCE SOUTH 82°50'58" WEST, 61.10 FEET; THENCE WESTERLY 7.46 FEET ALONG AN ARC OF A 36.00 FOOT RADIUS CURVE TO THE RIGHT (CENTER BEARS NORTH 07°09'02" WEST, LONG CHORD BEARS SOUTH 88°46'58" WEST, 7.44 FEET WITH A CENTRAL ANGLE OF 11°52'00"); THENCE NORTH 17°11'21" WEST, 464.14 FEET; THENCE SOUTH 55°28'12" EAST, 32.62 FEET; THENCE SOUTH 51°21'40" EAST, 15.52 FEET; THENCE EASTERLY 90.84 FEET ALONG AN ARC OF A 151.84 FOOT RADIUS CURVE TO THE LEFT (CENTER BEARS NORTH 38°38'20" EAST, LONG CHORD BEARS SOUTH 68°29'59" EAST, 89.49 FEET WITH A CENTRAL ANGLE OF 34°16'38"); THENCE EASTERLY 77.59 FEET ALONG AN ARC OF A 243.82 FOOT RADIUS CURVE TO THE RIGHT (CENTER BEARS SOUTH 04°21'42" WEST, LONG CHORD BEARS SOUTH 76°31'19" EAST, 77.26 FEET WITH A CENTRAL ANGLE OF 18°13'59"); THENCE SOUTHEASTERLY 176.25 FEET ALONG AN ARC OF A 5552.92 FOOT RADIUS CURVE TO THE RIGHT (CENTER BEARS SOUTH 22°35'41" WEST, LONG CHORD BEARS SOUTH 66°29'46" EAST, 176.25 FEET WITH A CENTRAL ANGLE OF 01°49'07"); THENCE SOUTHEASTERLY 129.59 FEET ALONG AN ARC OF A 493.11 FOOT RADIUS CURVE TO THE RIGHT (CENTER BEARS SOUTH 24°24'48" WEST, LONG CHORD BEARS SOUTH 58°03'28" EAST, 129.22 FEET WITH A CENTRAL ANGLE OF 15°03'28"); THENCE SOUTHEASTERLY 69.93 FEET ALONG AN ARC OF A 384.97 FOOT RADIUS CURVE TO THE LEFT (CENTER BEARS NORTH 39°28'16" EAST, LONG CHORD BEARS SOUTH 55°43'58" EAST, 69.83 FEET WITH A CENTRAL ANGLE OF 10°24'28"); THENCE EASTERLY 83.88 FEET ALONG AN ARC OF A 202.42 FOOT RADIUS CURVE TO THE LEFT (CENTER BEARS NORTH 29°03'48" EAST, LONG CHORD BEARS SOUTH 72°48'28" EAST, 83.28 FEET WITH A CENTRAL ANGLE OF 23°44'31"); THENCE EASTERLY 69.49 FEET ALONG AN ARC OF A 172.97 FOOT RADIUS CURVE TO THE RIGHT (CENTER BEARS SOUTH 05°19'17" WEST, LONG CHORD BEARS SOUTH 73°10'12" EAST, 69.02 FEET WITH A CENTRAL ANGLE OF 23°01'02"); THENCE EASTERLY 78.79 FEET ALONG AN ARC OF A 192.96 FOOT RADIUS CURVE TO THE LEFT (CENTER BEARS NORTH 28°20'19" EAST, LONG CHORD BEARS SOUTH 73°21'34" EAST, 78.25 FEET WITH A CENTRAL ANGLE OF 23°23'45"); THENCE SOUTH 85°03'26" EAST, 82.47 FEET; THENCE SOUTH 28°21'35" EAST, 21.30 FEET; THENCE SOUTH 70°55'02" EAST, 55.83 FEET; THENCE NORTH 32°52'49" EAST, 185.53 FEET; THENCE SOUTH 77°36'45" EAST, 227.18 FEET TO THE POINT OF BEGINNING.

LESS: BEGINNING AT A POINT ON THE THREAD OF THE VIRGIN RIVER, SAID POINT BEING SOUTH 00°32'03" WEST 2,686.48 FEET ALONG THE SECTION LINE TO THE QUARTER CORNER COMMON TO SECTIONS 32 AND 33, AND SOUTH 1,228.33 FEET AND WEST 855.33 FEET FROM THE CORNER COMMON TO SECTIONS 28, 29, 32 AND 33, TOWNSHIP 42 SOUTH, RANGE 15 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE SOUTH 77°36'45" EAST 35.43 FEET TO THE TOP OF A RIP RAP ROCK WALL; THENCE WESTERLY THE FOLLOWING (20) COURSES ALONG THE TOP OF SAID RIP RAP ROCK WALL; THENCE SOUTH 32°52'49" WEST 185.53 FEET; THENCE NORTH 70°55'02" WEST 55.83 FEET; THENCE NORTH 28°21'35" WEST 21.30 FEET; THENCE NORTH 85°03'26" WEST 82.47 FEET; THENCE NORTH 79°12'30" WEST 39.33 FEET; THENCE NORTH 67°30'37" WEST 39.33 FEET; THENCE NORTH 67°24'57" WEST 34.69 FEET; THENCE NORTH 78°55'28" WEST 34.69 FEET; THENCE

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78°44'36" WEST 41.86 FEET; THENCE NORTH 66°52'20" WEST 41.86 FEET; THENCE NORTH 55°43'59" WEST 69.83 FEET; THENCE NORTH 54°17'37" WEST 64.75 FEET; THENCE NORTH 61°49'21" WEST 64.75 FEET; THENCE NORTH 66°29'46" WEST 176.23 FEET; THENCE NORTH 71°57'49" WEST 38.75 FEET; THENCE NORTH 81°04'48" WEST 38.75 FEET; THENCE NORTH 77°04'09" WEST 45.25 FEET; THENCE NORTH 59°55'50" WEST 45.25 FEET; THENCE NORTH 51°21'40" WEST 15.52 FEET; THENCE NORTH 55°28'12" WEST 32.62 FEET TO THE EASTERLY LINE OF RIVER ROAD; THENCE NORTH 17°11'21" WEST 213.88 FEET ALONG THE EASTERLY LINE OF SAID RIVER ROAD TO THE THREAD OF THE VIRGIN RIVER; THENCE EASTERLY THE FOLLOWING (8) COURSES ALONG THE THREAD OF THE VIRGIN RIVER: THENCE SOUTHEASTERLY 170.47 FEET ALONG AN ARC OF A 462.06 FOOT RADIUS CURVE TO THE RIGHT (CENTER BEARS SOUTH 12°14'42" WEST, LONG CHORD BEARS SOUTH 67°11'10" EAST 169.50 FEET WITH A CENTRAL ANGLE OF 21°08'17"); THENCE SOUTH EASTERLY 208.65 FEET ALONG AN ARC OF A 4,478.78 FOOT RADIUS CURVE TO THE LEFT (CENTER BEARS NORTH 33°22'59" EAST, LONG CHORD BEARS SOUTH 57°57'06" EAST 208.63 FEET WITH A CENTRAL ANGLE OF 02°40'09"); THENCE SOUTHEASTERLY 330.11 FEET ALONG AN ARC OF A 35,280.07 FOOT RADIUS CURVE TO THE RIGHT (CENTER BEARS SOUTH 30°42'50" WEST, LONG CHORD BEARS SOUTH 59°01'05" EAST 330.11 FEET WITH A CENTRAL ANGLE OF 00°32'10"); THENCE SOUTHEASTERLY 69.33 FEET ALONG AN ARC OF A 144.68 FOOT RADIUS CURVE TO THE RIGHT (CENTER BEARS SOUTH 31°15'00" WEST, LONG CHORD BEARS SOUTH 45°01'17" EAST 68.67 FEET WITH A CENTRAL ANGLE OF 27°27'27"); THENCE SOUTHEASTERLY 66.26 FEET ALONG AN ARC OF A 92.28 FOOT RADIUS CURVE TO THE LEFT (CENTER BEARS NORTH 58°42'27" EAST, LONG CHORD BEARS SOUTH 51°51'45" EAST 64.85 FEET WITH A CENTRAL ANGLE OF 41°08'24"); THENCE EASTERLY 153.31 FEET ALONG AN ARC OF A 589.19 FOOT RADIUS CURVE TO THE LEFT (CENTER BEARS NORTH 24°05'36" EAST, LONG CHORD BEARS SOUTH 73°21'40" EAST 152.88 FEET WITH A CENTRAL ANGLE OF 14°54'32"); THENCE EASTERLY 109.83 FEET ALONG AN ARC OF A 87.23 FOOT RADIUS CURVE TO THE LEFT (CENTER BEARS NORTH 23°44'21" EAST, LONG CHORD BEARS NORTH 77°40'12" EAST 102.72 FEET WITH A CENTRAL ANGLE OF 72°08'19"); THENCE NORTHEASTERLY 75.83 FEET ALONG AN ARC OF A 1,434.74 FOOT RADIUS CURVE TO THE LEFT (CENTER BEARS NORTH 37°31'38" WEST, LONG CHORD BEARS NORTH 50°57'31" EAST 75.82 FEET WITH A CENTRAL ANGLE OF 03°01'42") TO THE POINT OF BEGINNING.

LESS: COMMENCING AT THE WEST QUARTER CORNER OF SECTION 33; THENCE SOUTH 1206.35 FEET; THENCE WEST 1522.11 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 20 DEGREES 45 MINUTES 12 SECONDS EAST 140.74 FEET THENCE SOUTH 01 DEGREES 23 MINUTES 25 SECONDS EAST 114.06 FEET TO THE NORTH RIGHT OF WAY LINE OF 1450 SOUTH STREET; THENCE ALONG SAID NORTH RIGHT OF WAY LINE THE FOLLOWING FOUR (4) COURSES:; (1) ALONG A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 98.98 FEET, A RADIUS OF 2781.04 FEET, A CHORD BEARING OF SOUTH 88 DEGREES 29 MINUTES 18 SECONDS WEST, AND A CHORD LENGTH OF 98.98 FEET; (2) SOUTH 83 DEGREES 15 MINUTES 32 SECONDS WEST 40.08 FEET; (3) SOUTH 82 DEGREES 50 MINUTES 58 SECONDS WEST 61.10 FEET; AND (4) ALONG A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 7.46 FEET, A RADIUS OF 36.00 FEET, A CHORD BEARING OF SOUTH 88 DEGREES 48 MINUTES 58 SECONDS WEST, AND A CHORD LENGTH OF 7.44 FEET TO THE EAST RIGHT OF WAY LINE OF RIVER ROAD; THENCE NORTH 17 DEGREES 11 MINUTES 21 SECONDS WEST ALONG SAID EAST RIGHT OF WAY LINE 266.98 FEET; THENCE NORTH 88 DEGREES 36 MINUTES 36 SECONDS EAST 233.14 FEET TO THE POINT OF BEGINNING.

LESS: BEGINNING AT A POINT BEING SOUTH 1,206.35 FEET AND WEST 1,522.11 FEET FROM THE WEST QUARTER CORNER OF SECTION 33, TOWNSHIP 42 SOUTH, RANGE 15 WEST, SALT LAKE BASE & MERIDIAN, AND RUNNING; THENCE SOUTH 88°36'36" WEST 233.15 FEET TO THE EASTERLY LINE OF RIVER ROAD; THENCE NORTH 17°11'21" WEST 197.14 FEET ALONG SAID EASTERLY LINE OF RIVER ROAD; THENCE SOUTH 55°28'12" EAST 32.62 FEET; THENCE SOUTH 51°21'40" EAST 15.52 FEET; THENCE SOUTH 59°55'50" EAST 45.25 FEET; THENCE SOUTH 77°04'09" EAST 45.25 FEET; THENCE SOUTH 81°04'48" EAST 38.75 FEET; THENCE SOUTH 71°57'49" EAST 38.75 FEET; THENCE SOUTH 66°29'46" EAST 71.34 FEET; THENCE SOUTH 20°45'12" EAST 80.45 FEET TO THE POINT OF BEGINNING.

LESS: BEGINNING AT A POINT ON THE NORTHERLY LINE OF 1450 SOUTH STREET, SAID POINT BEING SOUTH 00°32'03" WEST 1464.69 FEET ALONG THE SECTION LINE AND WEST 954.91 FEET FROM THE EAST QUARTER CORNER OF SECTION 32, TOWNSHIP 42 SOUTH, RANGE 15 WEST, SALT

LAKE BASE & MERIDIAN, AND RUNNING; THENCE WESTERLY THE FOLLOWING (2) COURSES ALONG SAID NORTHERLY LINE OF 1450 SOUTH STREET; THENCE WESTERLY 420.26 FEET ALONG AN ARC OF A 2,794.00 FOOT RADIUS CURVE TO THE LEFT (CENTER BEARS SOUTH 05°57'55" WEST, LONG CHORD BEARS NORTH 88°20'38" WEST 419.86 FEET WITH A CENTRAL ANGLE OF 08°37'05"); THENCE WESTERLY 81.23 FEET ALONG AN ARC OF A 2,781.04 FOOT RADIUS CURVE TO THE LEFT (CENTER BEARS SOUTH 01°10'50" WEST, LONG CHORD BEARS NORTH 89°39'23" WEST 81.23 FEET WITH A CENTRAL ANGLE OF 01°40'25"); THENCE NORTH 01°23'25" WEST 114.07 FEET; THENCE NORTH 20°45'12" WEST 221.19 FEET; THENCE SOUTH 66°29'46" EAST 104.87 FEET; THENCE SOUTH 61°49'21" EAST 64.75 FEET; THENCE SOUTH 54°17'37" EAST 64.75 FEET; THENCE SOUTH 55°43'S9" EAST 69.83 FEET; THENCE SOUTH 66°52'20" EAST 41.86 FEET; THENCE SOUTH 78°44'36" EAST 41.86 FEET; THENCE SOUTH 78°55'28" EAST 34.69 FEET; THENCE SOUTH 67°24'57" EAST 34.69 FEET; THENCE SOUTH 67°30'37" EAST 39.33 FEET; THENCE SOUTH 79°12'30" EAST 39.33 FEET; THENCE SOUTH 85°03'26" EAST 82.46 FEET; THENCE SOUTH 28°21'35" EAST 21.30 FEET; THENCE SOUTH 70°55'02" EAST 55.83 FEET; THENCE SOUTH 32°52'49" WEST 86.79 FEET TO THE POINT OF BEGINNING.