

COTTAGES ON THE GREEN OWNERS ASSOCIATION

RESOLUTION OF THE BOARD OF TRUSTEES

Common Area and Lot Landscape Maintenance

1. WHEREAS, the Cottages on the Green Owners Association ("Association") was created by, and subject to that certain *Declaration of Easements, Covenants, Conditions and Restrictions Cottages on the Green P.U.D.*, recorded on June 20, 1996 in the Wasatch County Recorder's Office at Entry No. 00187668 ("Declaration");
2. WHEREAS, the Association, and every Owner / Member therein is subject to the Declaration, as well as the official Cottages on the Green Plat Map, as recorded in the Wasatch County Recorder's Office ("Plat" or "Plat Map");
3. WHEREAS, pursuant to the Declaration and Utah State law, the affairs of the Association, including enforcement of the covenants and restrictions contained in the Declaration, are to be managed and operated by the Association's Board of Trustees ("Board");
4. WHEREAS, a dispute arose between the Board and Ruben and Dorothy Czerny, who are Owners and members within the Association, regarding the definition of "Common Areas" and "Lot" (the "Dispute");
5. WHEREAS, Article II, Section 2.07 of the Declaration defines "Common Areas" as "all portions of the Development except Lots and the residential improvements constructed thereon and shall include all property owned by the Association for the common use, benefit and enjoyment of the Owners including all private undedicated streets, roadways, open spaces, landscaping, structural common areas, if any, amenities and the like";
6. WHEREAS, Article II, Section 2.12 of the Declaration defines "Lot" is defined as "any of the separately numbered and individually described parcels of land within the Development as designated on the Plat intended for single family residence";
7. WHEREAS, Article V, Section 5.06 establishes an Easement in favor of the Association for any and all areas on an Owner's Lot that is "exterior to the actual foundations of the Owner's residence constructed upon such lot . . . for the uniform landscape maintenance on Common Areas within the Development."
8. WHEREAS, the Plat Map identifies each Lot as being a 45' x 45' square ("Lot Boundary");
9. WHEREAS, in an effort to resolve the Dispute, the Board has carefully reviewed the Plat Map and Declaration, and engaged the advice of engineering professionals and legal counsel.

BE IT THUS RESOLVED:

The Board hereby agrees and acknowledges that, pursuant to the plain language of the Declaration and Plat Map, the Association, not the individual Owner, is responsible for the landscape maintenance and repair of all property exterior to the Lot Boundary, as identified on the Plat Map. The Board also agrees that the Association is responsible to maintain and repair all landscaping within the Lot Boundary that is exterior to the actual foundation footprint of the home built on a Lot. The Board further acknowledges that any change to this maintenance structure may only be made by amending the Declaration and Plat Map.

Adopted by unanimous consent this 6 day of March ²⁰¹⁷ ~~2018~~ by the Board of Trustees for Cottages on the Green PUD, to be recorded in the Wasatch County Recorder upon the Lots and parcels as described in the attached Exhibit "A":

Signed: Leslie E. Warden
Print Name: Leslie Warden
Board Position: President

STATE OF UTAH)
) ss.
COUNTY OF Wasatch)

I CERTIFY that on this 6th day of March, 2017, Leslie E. Warden did appear before me, and did execute the foregoing in my presence, and represented that the foregoing is true and accurate.

Sandra Hansen
NOTARY PUBLIC



Commission Expires: 3-31-2019

EXHIBIT A

The foregoing Resolution shall be recorded against all Lots and Common Area within the Cottages on the Green PUD, as follows:

Parcel Numbers

Legal Description

See attached documents.

PLAT B COTTAGES ON THE GREEN PLUD

THURMAN E. MADDEN

DATE

BOUNDARY DESCRIPTION

BEGINNING AT A POINT WHICH IS EAST 825.52 FEET AND NORTH 189.36 FEET FROM THE WEST 1/4 CORNER OF SECTION 27, T3S, R4E, SLB&M; THENCE

S 73°08'05" W 38.34'; THENCE
 N 31°09'55" W 87.59'; THENCE
 N 52°06'33" W 45.40'; THENCE
 WEST 20.00'; THENCE
 NORTH 226.34'; THENCE
 N 16°42'44" W 266.61'; THENCE
 S 80°05'10" W 209.57'; THENCE
 S 44°46'24" W 419.60'; THENCE
 N 03°04'52" E 66.24'; THENCE
 N 04°26'22" W 99.99'; THENCE
 N 13°13'22" W 100.46'; THENCE
 N 02°46'15" W 99.92'; THENCE
 N 75°17'14" E 300.12'; THENCE
 N 14°42'46" W 161.57'; THENCE
 S 75°17'14" W 50.00'; THENCE
 N 00°56'48" W 122.97'; THENCE
 EAST 86.21'; THENCE
 S 45°32'51" E 88.55'; THENCE
 EAST 103.96'; THENCE
 S 76°56'30" E 165.34'; THENCE
 S 52°13'37" E 137.52'; THENCE
 S 23°46'13" E 67.16'; THENCE
 SOUTH 700.57' TO THE POINT OF BEGINNING.

CONTAINING 7.03 ACRES
BASIS OF BEARING: UTAH STATE PLANE

ACCEPTANCE BY MIDWAY CITY

THE CITY COUNCIL OF MIDWAY CITY, WASATCH COUNTY, STATE OF UTAH, HEREBY APPROVES THIS PLANNED UNIT DEVELOPMENT AND ACCEPTS THE DEDICATION OF EASEMENTS AND PUBLIC RIGHTS-OF-WAY HEREON SHOWN.

THIS 4th DAY OF May, 19 95

[Signature]
[Signature]
[Signature]

[Signature]
[Signature]
[Signature]

APPROVED Denise S. [Signature]

ATTEST [Signature]

PLAT C COTTAGES ON THE Green PUP
LITCHMAN E. WOODEN

DATE

BOUNDARY DESCRIPTION

BEGINNING AT A POINT WHICH IS NORTH 24.79 FEET AND EAST 337.25 FEET
FROM THE WEST 1/4 CORNER OF SECTION 27, T3S, R4E, SLB&M; THENCE

NORTH 232.37'; THENCE
N 40°00'00" W 284.07'; THENCE
N 44°46'24" E 354.84'; THENCE
N 80°05'10" E 209.57'; THENCE
S 16°42'44" E 266.61'; THENCE
SOUTH 226.34'; THENCE
EAST 20.00'; THENCE
S 52°06'33" E 45.40'; THENCE
S 31°09'55" E 87.59'; THENCE
N 73°08'05" E 38.34'; THENCE
SOUTH 62.46'; THENCE
S 45°00'00" W 149.97'; THENCE
N 88°39'26" W 167.87'; THENCE
WEST 214.40' TO POINT OF BEGINNING.

CONTAINING: 6.898 ACRES

BASIS OF BEARING: N 00°27'56" W ALONG THE SECTION LINE

ACCEPTANCE BY MIDWAY CITY