

When recorded, please return to:
Lehi City Planning Department
99 W Main Street Ste 100
Lehi, UT, 84043



ENT 57631:2010 PG 1 of 18
RODNEY D. CAMPBELL
UTAH COUNTY RECORDER
2010 Jul 12 2:16 pm FEE 0.00 BY EO
RECORDED FOR LEHI CITY

**DEVELOPMENT AGREEMENT
CRESTHAVEN VILLAGE TOWNHOMES
A PLANNED UNIT DEVELOPMENT PROJECT**

This Development Agreement is entered into as of this 7th day of July, 2010, by and among the owners and developers of Cresthaven Village Townhomes (hereinafter "Developer") and Lehi City Corporation (the "City") as it relates to the development of a residential subdivision of real property within the corporate Limits of Lehi City, Utah County, Utah.

RECITALS

Whereas, the Developer has sought approval of a 122 unit townhome project designated as Cresthaven Village Townhomes, a copy of which is attached hereto as Exhibit A; and,

Whereas, the City Council has authorized the negotiation and adoption of Development Agreements under appropriate circumstances where the proposed development contains various features which advance the policies, goals and objectives of the City's General Land Use Plan, Capital Improvements Plan, Parks and Open Space Plan, and other land use objectives as well as the Capital Improvements Plan; and

Whereas, the developer is willing to modify the design of the project and voluntarily agrees to provide common area/open space for the preservation of natural areas, parks and related purposes and other recreational facilities in order to promote the policies, goals and objectives of the City; and

Whereas, the City acting pursuant to its authority under Chapter 9 of Title 10 of the Utah Code, and in furtherance of its land use policies, goals, objectives, ordinances, resolutions, and regulations has made certain determinations with respect to the density of the Cresthaven Village Townhome project, and in the exercise of its legislative discretion, has elected to approve this Development Agreement.

Now therefore, in consideration of the mutual covenants, conditions and considerations as more fully set forth below, the Developer and the City hereby agree as follows:

1. The Developer shall create and approve restrictive covenants for the subject townhome

project which shall be approved by the City and shall be incorporated herein by reference (Exhibit "E") and recorded together with this Development Agreement and the subject subdivision plat(s), which will be recorded by phases (1-20) as defined on Exhibit "A" – final plat. Developer agrees to comply with restrictive covenants and enforce the same so long as Developer has standing to do so. Said restrictive covenants shall not be amended unless the proposed amendment is approved by Lehi City. The City shall be considered a beneficiary of said restrictive covenants and is hereby authorized to enforce the terms and provisions of the covenants through whatever means available and to the extent determined appropriate by the City. However, this agreement shall not be construed as placing a responsibility upon the City to enforce any of the restrictive covenants or requirements contained therein. Such enforcement shall be at the sole discretion of the City.

2. Developer has provided open space for Cresthaven Village Townhome project as shown on Exhibit "B" – landscaping plan. The open space is common area and will be maintained by the Home Owners' Association.

3. Density for the project was reviewed and approved through the Traverse Mountain Area Plan process. No additional density will be allowed now or in the future for any of the property included in Cresthaven Village Townhome project.

4. Developer shall provide, as a minimum, open space/common area landscaping and sprinkler system as per attached Exhibit B - Landscape Planting Plan. Trees shall be at least 1 inch and 2 inch caliper as shown in Exhibit B, and shrubs shall be at least 5 gallon size. The Home Owners' Association will be responsible for payment of pressurized irrigation water serving all areas under its maintenance.

5. The proposed amenities for Cresthaven Village Townhome project satisfy the requirements of the Multi-Family Housing Development Standards of the Lehi City Development Code. Amenities shall include a clubhouse, picnic tables and barbecue areas, a swimming pool, sports court, and tot lots. (Exhibit C).

6. Developer shall install a 6 foot wrought iron fence with stone columns along Traverse Mountain Boulevard and all other fencing as approved by the Traverse Mountain Master Association as shown on Exhibit B.

7. Units will be constructed as per the typical elevations attached as Exhibit D.

8. Developer expressly acknowledges and agrees that nothing in this Development Agreement shall be deemed to relieve the developer from the obligation to comply with all applicable requirements of the City necessary for approval and recordation of subdivision plats and site plans for the project, including the payment of fees in compliance with all other applicable ordinances, resolutions, regulations, policies and procedures of the City including but not limited to the City's Development Code Ordinances, Design Standards and Public Improvement Specifications and the recorded subdivision plat.

9. This Development Agreement shall be recorded against the property as described in Exhibit A hereto and shall be deemed to run with the land and shall be binding on all successors and assigns of the developer in the ownership or development of any portion of the property.

10. Neither this Development Agreement nor any provisions, terms, or conditions hereof can be assigned to any other party, individual or entity without assigning the rights as well as the responsibilities under this Development Agreement and without the prior written consent of the City, which shall not be unreasonably withheld.

11. This Development shall not create any joint venture, partnership, undertaking or business arrangement between the parties hereto, nor any rights or benefits to third parties.

12. If this Development Agreement or any of the exhibits hereto are breached, the party at fault agrees to pay attorney's fees and all costs of enforcement of the non-breaching party.

13. This agreement shall apply to all phases of this development as each phase/plat is recorded. A copy of this agreement shall be recorded with each phase.

DATED: July 7, 2010

FIRST UTAH BANK

By: Nathan A. Anderson

Its: SUP - First Utah Bank Its: _____

ACKNOWLEDGMENT

STATE OF UTAH

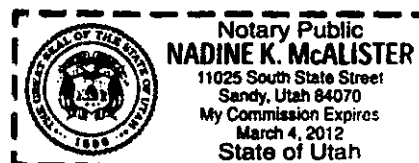
S.S.

COUNTY OF UTAH

On the 6th day of July 2010, personally appeared before me Nathan A. Anderson, the signer(s) of the foregoing document who

duly acknowledged to me that he/she/they did execute the same.

My Commission Expires: 3-4-12 Nadine K McAlister



DATED: 7/19/2010

NOTARY PUBLIC
LEHI CITY CORPORATION

By: 
Bert Wilson, Mayor

Attest:


Connie Ashton, City Recorder



OWNER'S DEDICATION
 I, the undersigned, do hereby dedicate to the public use of the State of Utah, the easements, rights, and interests described herein, for the purpose of providing for the safe and efficient transportation of traffic over the streets and highways shown on this plat. This dedication is made in full and final settlement of all claims and demands of any kind that may be asserted against the State of Utah by reason of the use of the streets and highways shown on this plat.

ACKNOWLEDGEMENT
 STATE OF UTAH, S.S.
 COUNTY OF UTAH, S.S.
 I, the undersigned, do hereby acknowledge the foregoing dedication and certify that the same is in full compliance with the provisions of the Utah Public Use Dedication Act, Chapter 2, Section 2-2-1, Utah Code Annotated, 1953, as amended.

ACCEPTANCE BY LEGISLATIVE BODY
 I, the undersigned, do hereby certify that the foregoing dedication has been accepted by the legislative body of the State of Utah, and that the same is in full compliance with the provisions of the Utah Public Use Dedication Act, Chapter 2, Section 2-2-1, Utah Code Annotated, 1953, as amended.

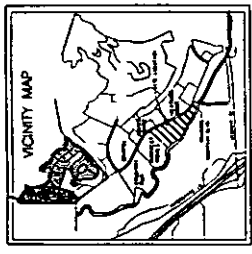
PLANNING COMMISSION APPROVAL
 I, the undersigned, do hereby certify that the foregoing dedication has been approved by the Planning Commission of the City of Salt Lake City, and that the same is in full compliance with the provisions of the Utah Public Use Dedication Act, Chapter 2, Section 2-2-1, Utah Code Annotated, 1953, as amended.

PLANNING COMMISSION
 CITY OF SALT LAKE CITY
 PLANNING COMMISSION

CRESHAVEN VILLAGE TOWNHOMES
 A RESIDENTIAL SUBDIVISION
 INCLUDING A REVISION AND VARIATION OF
 CRESHAVEN VILLAGE PHASE PLAT

PLAT 2
 CONTAINING PLANNING COMMISSION
 APPROVAL

DATE: 5/4/2010
 TIME: 3:51:50 PM



AREA TABULATION

Zone 1 PC	2280
Zone 2 PC	1200
Zone 3 PC	1200
Zone 4 PC	1200
Zone 5 PC	1200
Zone 6 PC	1200
Zone 7 PC	1200
Zone 8 PC	1200
Zone 9 PC	1200
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Zone 50 PC	1200

LINE TABLE

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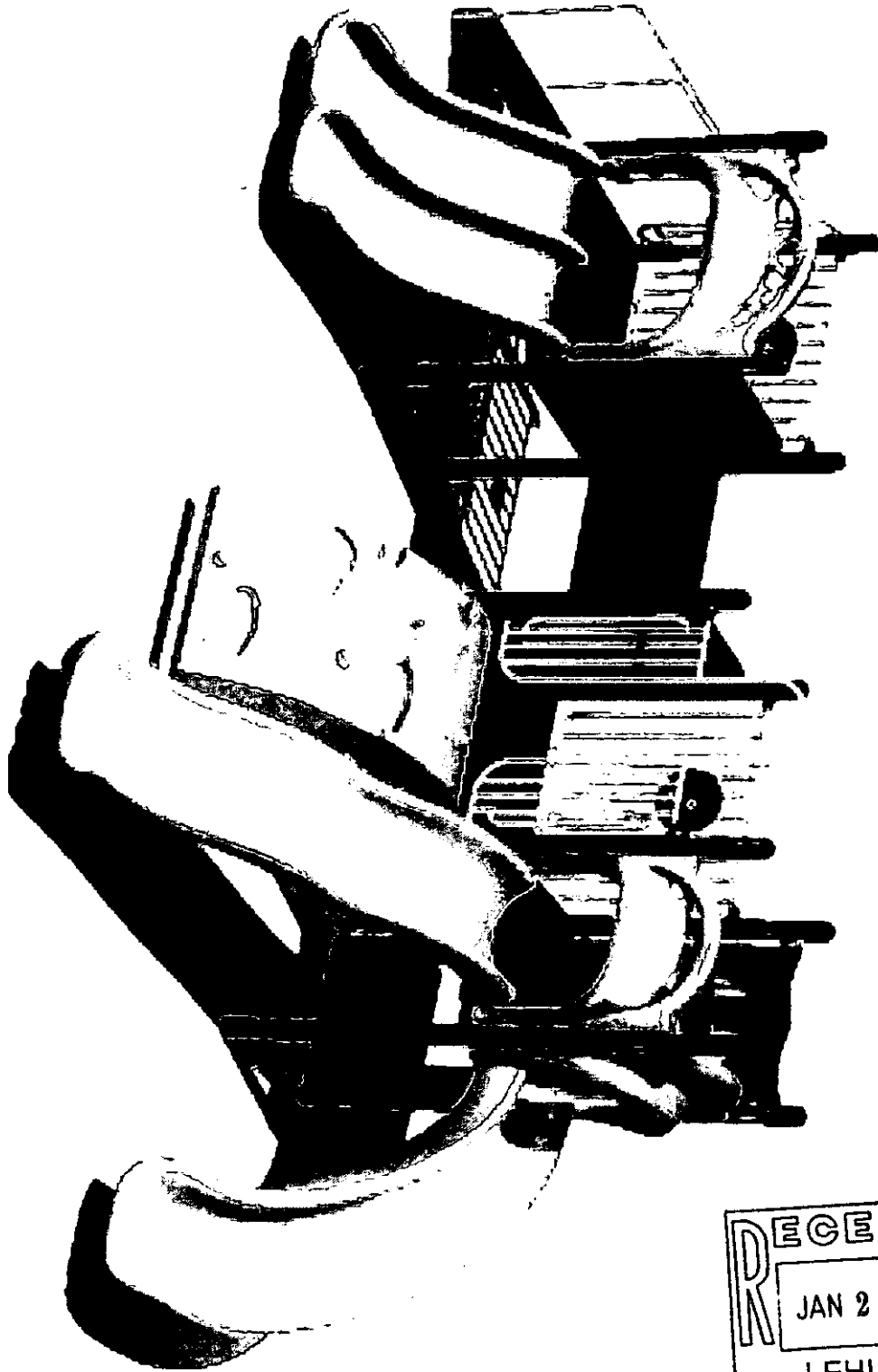
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EXHIBIT C

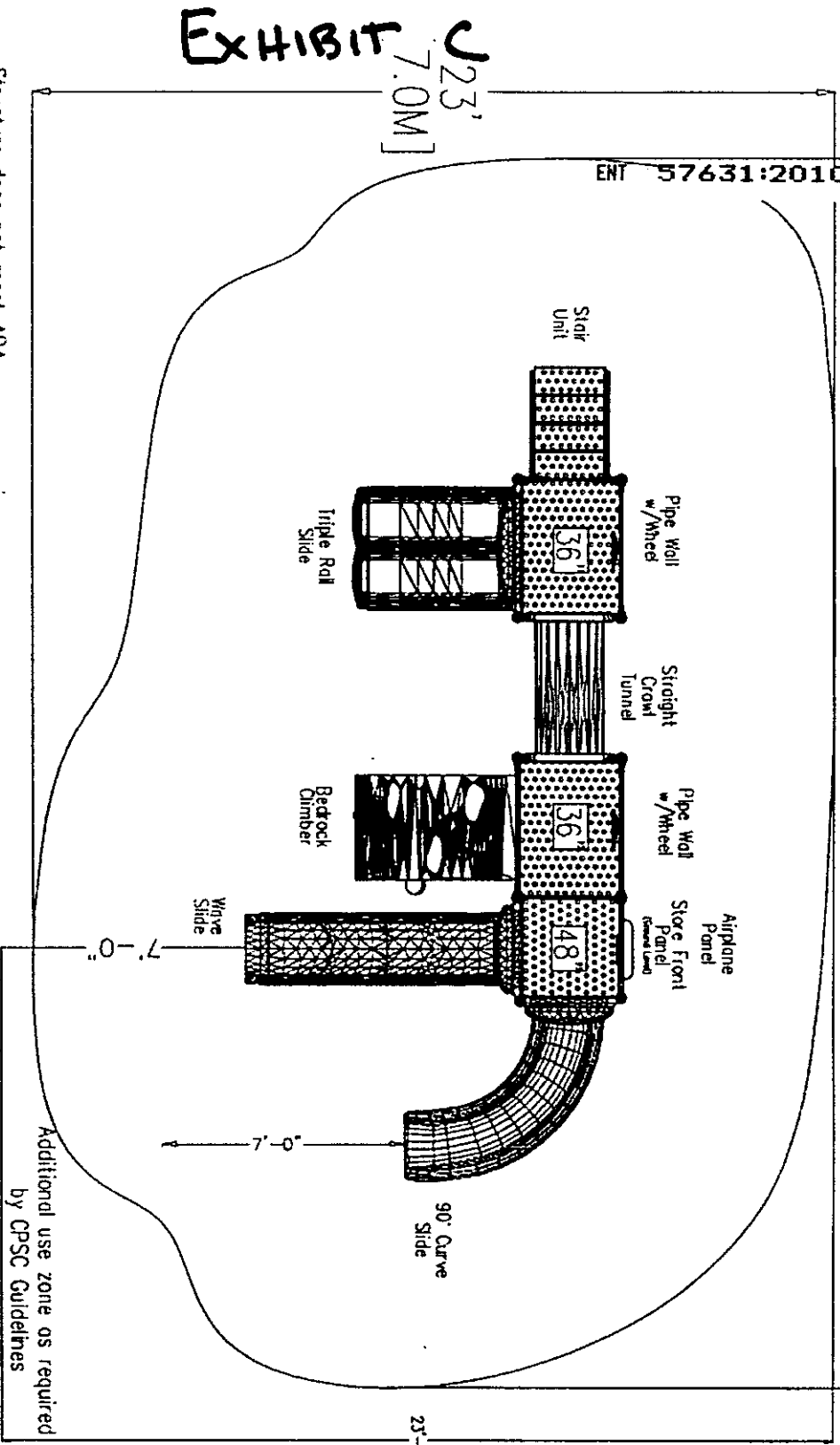
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RECEIVED
JAN 28 2010
LEHI CITY

35'-3"
[10.7M]

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Structure does not meet ADA Guidelines

PS3-24311

Additional use zone as required by CPSC Guidelines

1. This play structure design will meet ADA accessibility guidelines for building and facilities, effective December 19, 2000 as published by the International and Transportation Barriers Compliance Board with the advice of the MA ground level play components of MA different types of play and then conduct one accessible seating

2. This site plan should be checked against the actual site area prior to the purchase or installation of equipment.

3. The unit of measure listed in the center of the platform indicates the height above the protective surfacing level. Protective surfacing for this design shall accommodate a maximum height of at least 4' 0\"/>

4. The structure size for this unit is 24 x 11' requiring protective surfacing for an overall size area of 30 x 25'. The approximate surface area is 600 sq ft.

5. The structure is designed to accommodate 300 children from 2-12 years of age.

6. Specific Callouts as they apply

7. To ensure that accurate measurements are obtained from this site plan print copies on 11 x 17 paper at full scale.

8. The customer's responsibility is to check local soil conditions and drainage within the site. The site must also be surveyed for underground utilities prior to construction.

9. Completely read your installation manual prior to begin construction.

10. This design configuration is the property of this firm and shall be used only as intended or used in any manner without the expressed written consent of this firm and Playland. Perimeter requires 34' Land Scaping (Shrubbery & Lawn)

None

EXHIBIT C
7.0M

EXHIBIT C

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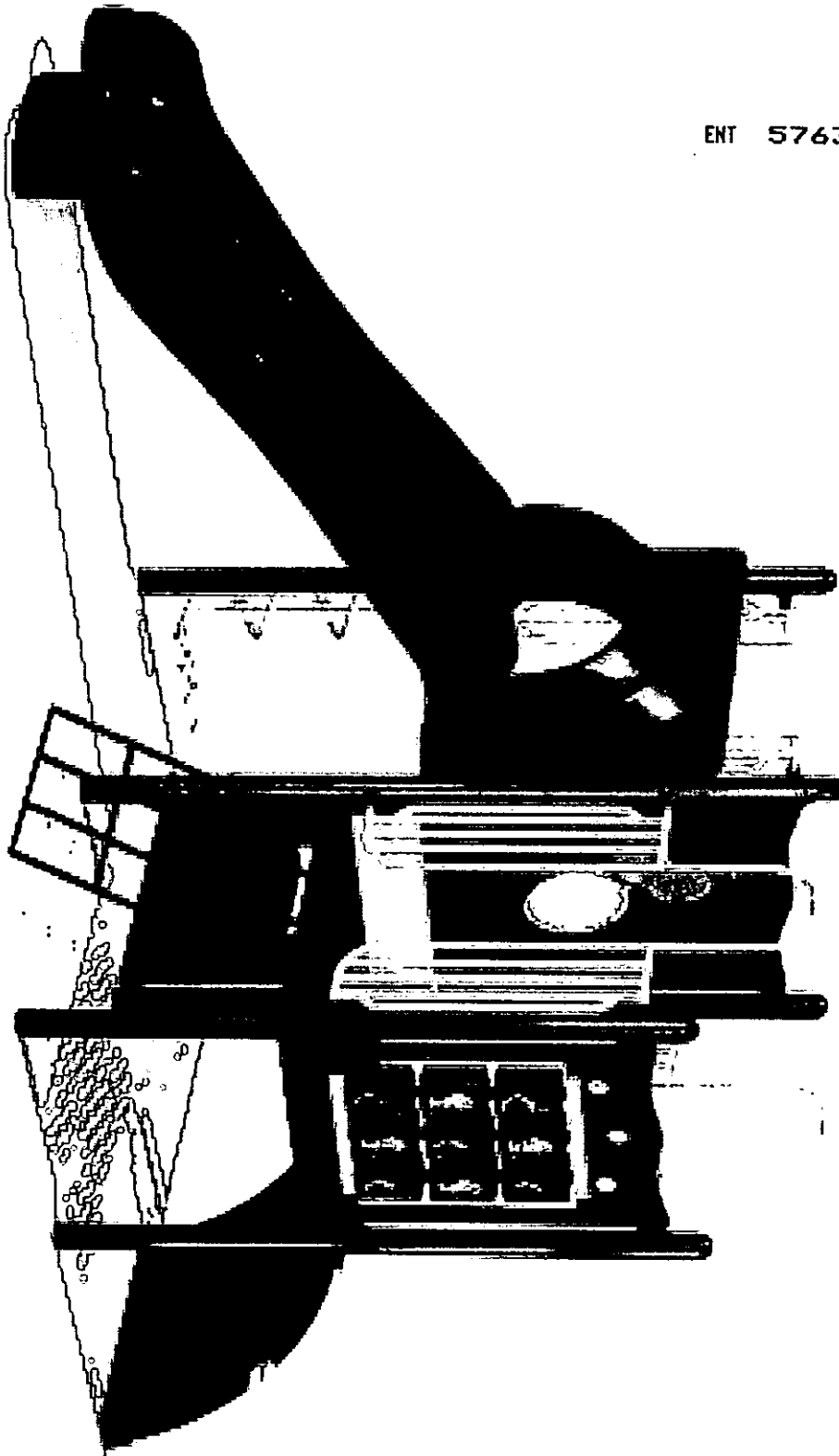
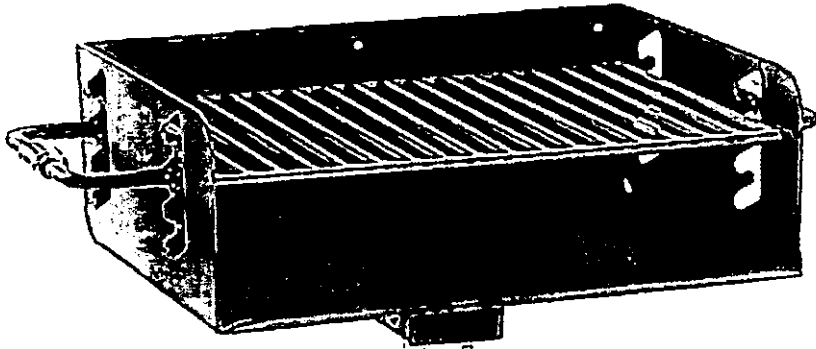


EXHIBIT C



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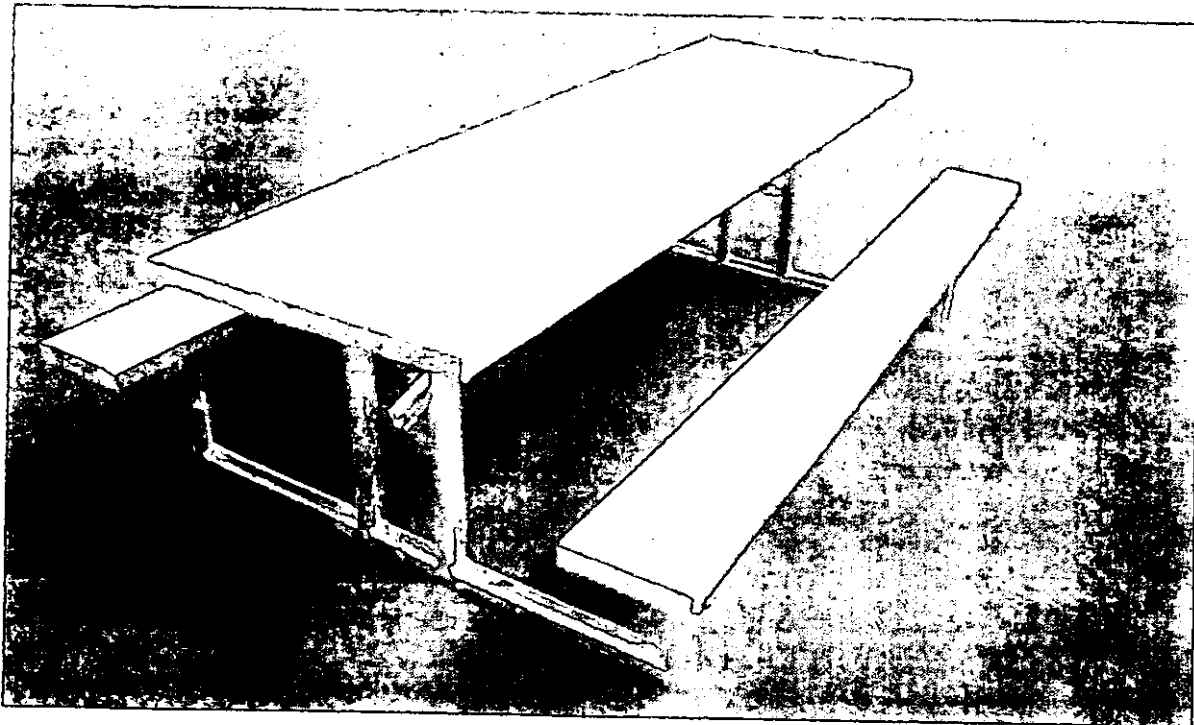
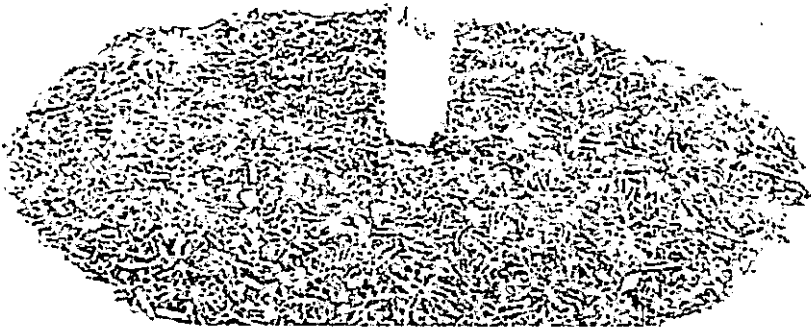


EXHIBIT c

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Sport Court®

OUTDOOR PERFORMANCE FLOORING

Sport Court® products are designed and manufactured with the highest standards of quality, safety, and performance in mind. We employ rigorous internal and third-party testing to make sure our game court products meet our tough specifications.

Whether you choose **PowerGame™** [the premier modular sports surface available today], **SportGame™** [our advanced multi-sport surface], or **SportDeck™** [our specially designed surface that's proven to be outstanding for tennis], you will soon be enjoying products that set the industry standard. The graphs on the following page will help you make the right choice for your court, based on performance analysis conducted by an independent third-party lab in accordance with American Society for Testing and Materials (ASTM) standards.



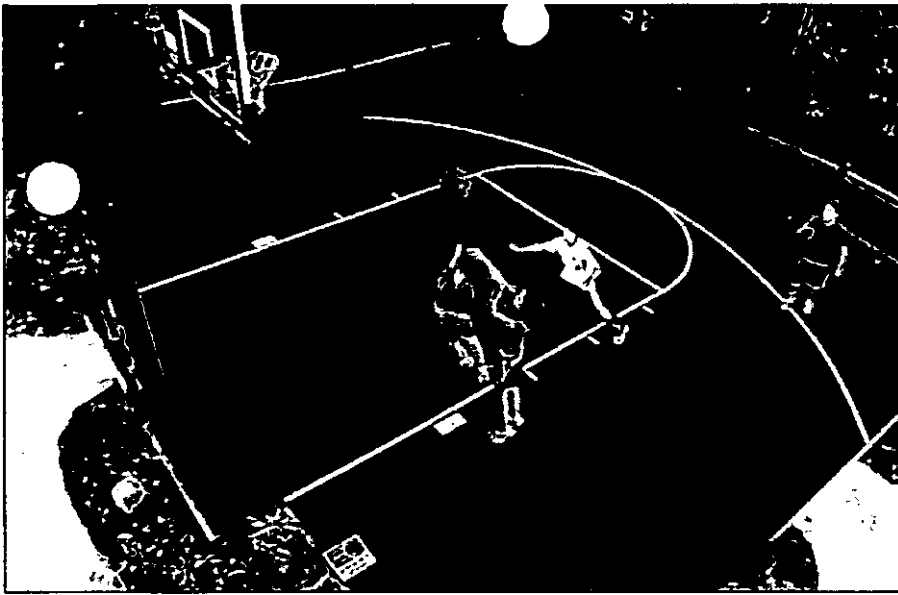
SPORT
COURT

sportcourt.com | 800-421-8112



These organizations
have approved and use
Sport Court® flooring

Sport Court® PowerGame™



PowerGame™

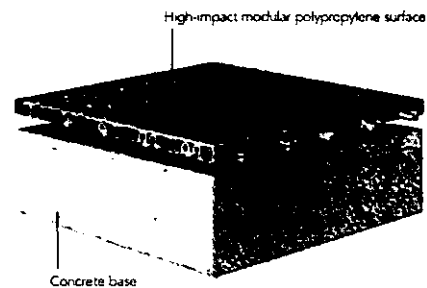
Sport Court's patented PowerGame design provides the highest levels of performance and safety. Independent third-party testing shows that no other outdoor modular surface surpasses PowerGame's combination of surface traction, head impact protection and low skin abrasion. In only a short time on the market, PowerGame has quickly become the number-one selling outdoor sports surface for athletes of all abilities.

BENEFITS | PowerGame™

- LATERAL FORGIVENESS™** Helps reduce joint stress and fatigue
- FAST SPEED RATING** International Tennis Federation
- PATENTED DESIGN** A unique two-tiered surface provides superior ball bounce and traction
- HIGHEST SAFETY RATING** Industry leader in minimizing skin abrasion, providing surface impact protection and superior traction
- BALL RESPONSE** PowerGame provides excellent ball bounce while providing a best-in-class, comfortable surface for active and repetitive play

SPECIFICATIONS | PowerGame™

- SYSTEM TYPE** Modular – Polypropylene
- BALL BOUNCE** ASTM F1551 sec. 32: 101.8%
- LOAD CAPACITY** 170 psi
- FRICTION** ASTM C1028: Dry / 0.65
- SHOCK ABSORPTION** ASTM F1292: Two foot drop height
- SURFACE PACE** ITF CS/01/01-05-133: 52.1 (Fast Surface)
- WEAR RESISTANCE** ASTM D4060: .31 grams
- TILE DIMENSIONS** 12" x 12" x 5/8" (30.5cm x 30.5cm x 15.8mm)



PowerGame™
Sports Surface



FIBA - the international governing body for basketball - has approved PowerGame for outdoor competition. Sport Court is proud to be the only manufacturer with an approved outdoor system.



PowerGame received a fast rating by the International Tennis Federation



SPORT
COURT

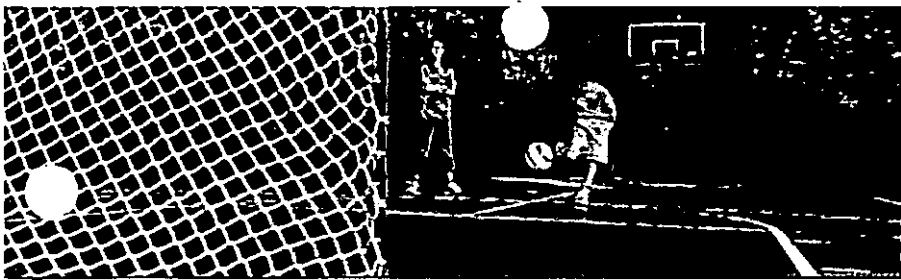


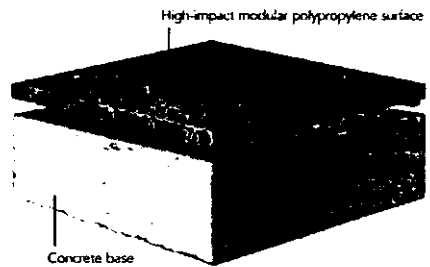
EXHIBIT C

SportGame™

Sport Court's outdoor SportGame is an excellent multi-sport athletic surface, appropriate for a wide variety of backyard and recreational activities. Newly designed for excellent traction and low abrasion, SportGame provides outstanding performance at an economical price and delivers years of durable, safe play.

BENEFITS & SPECS | SportGame™

- LATERAL FORGIVENESS™** Helps reduce joint stress and fatigue
- PATENT PENDING DESIGN** SportGame features advanced athletic surface technology at an affordable price
- DESIGNED FOR SAFETY** Unique geometric grid provides excellent traction and low abrasion
- BALL RESPONSE** Provides excellent response for multi-sport use
- TILE DIMENSIONS** 9.842" x 9.842" x 1/2" (25cm x 25cm x 12.7mm)

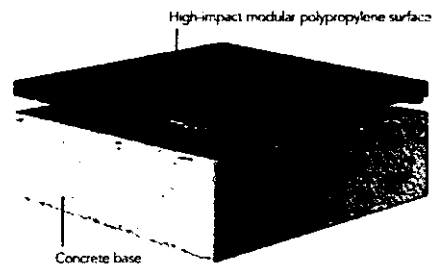


SportDeck™

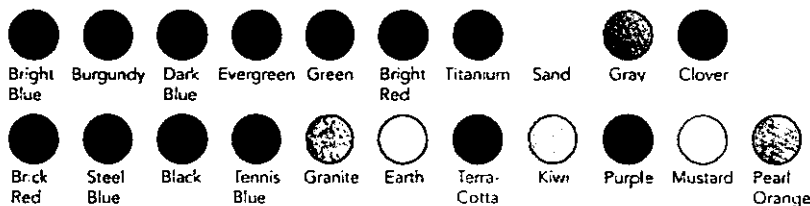
For over a decade, SportDeck has been the stalwart of outdoor sport. Its proven and often copied design is especially valued for its use in tennis and other racquet sports. Used in many sports centers around the world, it may be the ideal solution for your backyard or competition venue. SportDeck retrofits over most hard surfaces and outlasts conventional acrylic coverings.

BENEFITS & SPECS | SportDeck™

- LATERAL FORGIVENESS™** Helps reduce joint stress and fatigue
- MEDIUM SPEED RATING** International Tennis Federation
- PATENTED BALL RESPONSE DESIGN** Our built-in ball response design provides great control in shot-making for tennis players of all abilities
- DURABILITY** Outlasts conventional painted surfaces
- TILE DIMENSIONS** 9.842" x 9.842" x 1/2" (25cm x 25cm x 12.7mm)



COLOR OPTIONS

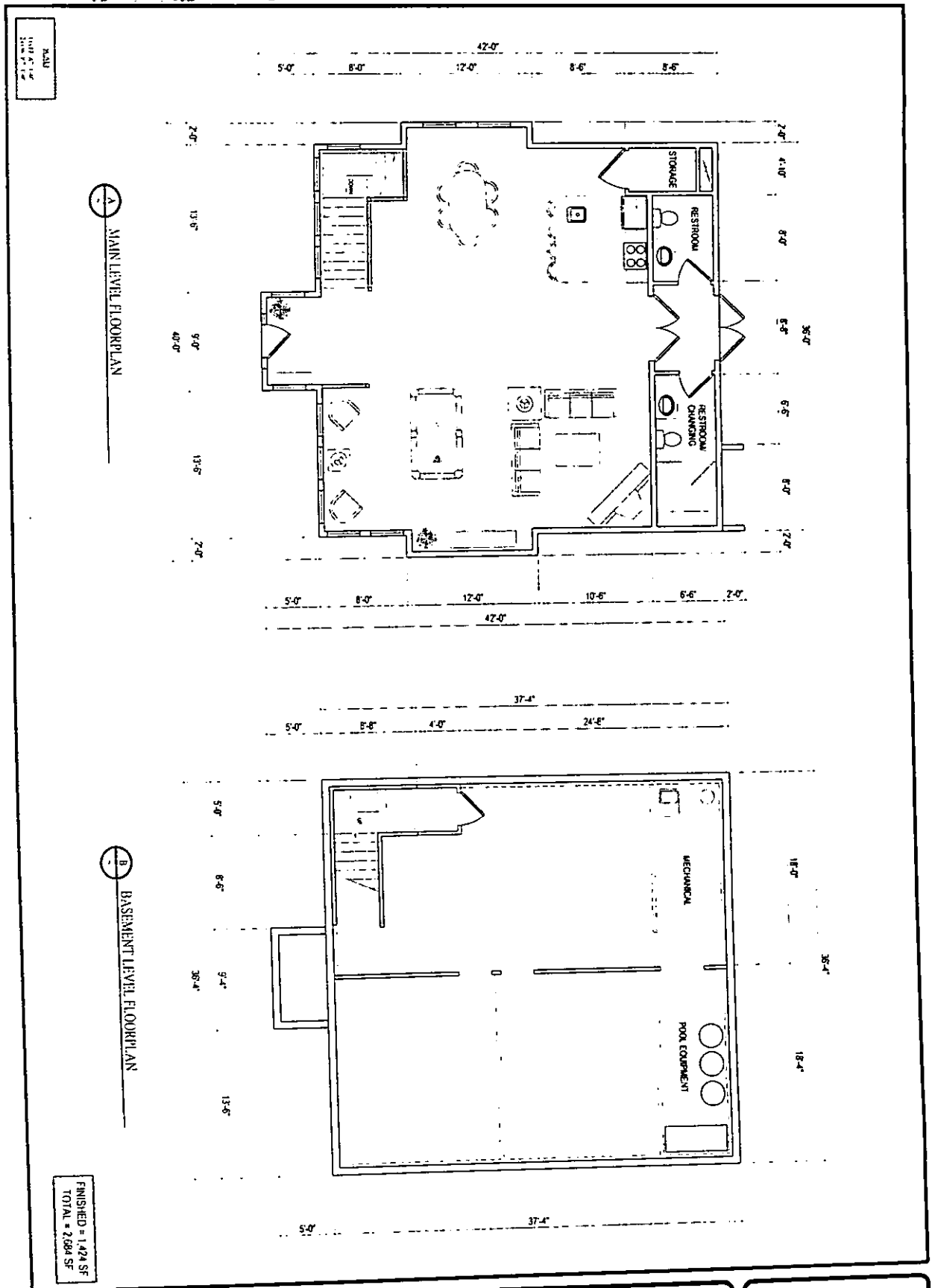


NOTE: Color samples are reproduced as closely as possible. They may not represent an exact color match to the modular court surface

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SPORT COURT



SCALE	1/4" = 1'-0"
SITS	1 (STOR)
DATE	JANUARY 11, 2009
BY	AVL
PROJECT NUMBER	7 OF 7

CLUBHOUSE FLOORPLANS
 CREST HAVEN TOWNHOMES
 TRAVERSE MOUNTAIN
 LEHI, UTAH

CDG HOMES, INC.
 984 S. CINNAMON RIDGE LN.
 PROVO, UT 84606
 MICHAEL @ 801.372.4700

EXHIBIT D

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CREST HAVEN TOWNHOMES
TRAVERSE MOUNTAIN LEHI, UTAH
CDG HOMES, INC.



EXHIBIT D

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ELEVATION 2

CREST HAVEN TOWNHOMES
TRAVERSE MOUNTAIN LEHI, UTAH
CDG HOMES, INC.

