

When recorded, return to:

Keystone Construction
Attn: Grant Lefgren
520 S 850 E, Suite A300
Lehi, UT 84043

SHARED ACCESS AND MAINTENANCE AGREEMENT

(Private Alleys Within Lakeshore Landing Townhome Project; Utah County, Utah)

For good and valuable consideration received, effective as of this 20th day of January 2022, this Shared Access and Maintenance Agreement (this “**Agreement**”) is entered into by and between the Lakeshore Landing Townhomes Owners Association, Inc., a Utah nonprofit corporation (the “**Townhome Association**”) and AF 21, LLC (the “**Condominium Project Owner**”). The Townhome Association and the Condominium Project Owner are sometimes collectively referred to herein as the “**Parties.**”

RECITALS

A. The Townhome Association was formed as the owners association for the Lakeshore Landing Townhome Project located in the City of American Fork, Utah (the “**Townhome Project**”) and is responsible to manage, maintain and repair the Common Areas and Facilities of the Townhome Project as set forth in the Declaration of Covenants, Conditions and Restrictions for Lakeshore Landing Townhomes (the “**Townhome CC&Rs**”), recorded in the Utah County Recorder’s Office on July 8th, 2021, as Entry No.: 121179:2021.

B. Among the Common Areas and Facilities to be maintained and repaired by the Townhome Association are certain private alleys. Some of those private alleys are located adjacent to the land owned by the Condominium Project Owner and will be used by the future owners of condominium units to be constructed on the land owned by the Condominium Project Owner (the “**Shared Alleys**”).

C. Attached hereto as Exhibit A is a map depicting the location of the Shared Alleys and the adjacent land owned by the Condominium Project Owner (identified as “**Future Condo Plat**” on the attached map). The land that is adjacent to the Shared Alleys and designated as “Future Condo Plats” on the attached map is herein referred to as the “**Condominium Land.**”

D. The Townhome Association, as the owner of the Shared Alleys and party responsible to maintain them under the Townhome CC&Rs, and the Condominium Project Owner, as the owner of the Condominium Land on which future condominium units will be constructed that require use and access of the Shared Alleys, desire to confirm by this Agreement their rights and responsibilities for the shared use of the Shared Alleys and their joint maintenance obligations regarding the Shared Alleys.

AGREEMENT

Now therefore, the Parties hereby covenant and agree as follows:

1. Recitals. The above-stated Recitals are incorporated herein by this reference.
2. Shared Access. The Townhome Association hereby grants to the Condominium Project Owner and all future owners and residents of the condominium units to be constructed on the Condominium Land a perpetual, non-exclusive right of access and use of and to the Shared Alleys depicted in the map attached hereto as Exhibit A.
3. Shared Maintenance and Costs. The Condominium Project Owner, on behalf of itself and intending to also bind: (i) all future owners of condominium units on the Condominium Land, and (ii) the future condominium owners association responsible for the Common Areas and Facilities of the Condominium Land (the “**Condominium Association**”) shall promptly reimburse and pay the Townhome Association fifty percent (50%) of all costs incurred by the Townhome Association to maintain, snow-plow, repair, and replace, if needed, the Shared Alleys (and improvements on and within the Shared Alleys). Said reimbursement and payment obligation shall be satisfied within thirty (30) days of receipt of a payment request from the Townhome Association with sufficient information and materials to support the payment request and verify the amount expended by the Townhome Association. All amounts not timely paid to the Townhome Association shall accrue interest at the rate of 18% per annum until paid in full. In any enforcement action by the Townhome Association to recover the sums due hereunder, the prevailing party shall be entitled to an award of attorney fees and costs.
4. No Interference. Neither party hereto (nor its successors in interest) shall take any action with respect to the Shared Alleys, or make any use of the Shared Alleys, that unreasonably interferes with or impairs the rights of the other party’s ability to make use of the Shared Alleys.
5. Damages. To the extent either party or its guests, invitees, agents, contractors, or employees cause damage to the Shared Alleys or the improvements within the Shared Alleys, the party responsible for said damages shall be 100% responsible to promptly repair and fix the damages (reasonable wear and tear excepted).
6. Binding. The rights and obligations under this Agreement extend to the Parties of this Agreement, and their respective guests and invitees, and their respective successors and assigns. The rights and obligations of this Agreement shall run with the land of both the Shared Alleys within the Townhome Project and the Condominium Land, and shall be binding on, and inure to the benefit of, the Parties and all future owners and occupants of the subject parcels.
7. Recording. This Agreement shall be recorded against the Condominium Land (described in Exhibit B hereto) and the Shared Alleys (described in Exhibit C hereto).
8. Miscellaneous. This Agreement may not be terminated, extended, modified or amended without the written consent of each owner of the respective properties, and any such

of Utah. This instrument shall be governed by, and construed in accordance with the laws of the State of Utah.

- 9. Authority. Each of the undersigned persons executing this Agreement represents and warrants that he/she has been duly authorized to sign this Agreement on behalf of the entity indicated, and to bind said entity to the terms and conditions of this Agreement.

IN WITNESS WHEREOF, the undersigned have executed this Agreement, to be effective on the recording date hereof.

TOWNHOME ASSOCIATION

Lakeshore Landing Townhomes Owners Association, Inc., a Utah nonprofit corporation




 Grant Lefgren, Authorized Officer/Director

**CONDOMINIUM PROJECT OWNER
AF 21, LLC**

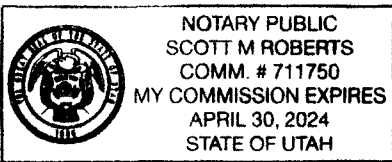
By: _____
 Name: Scott Smithson
 Title: Manager

STATE OF UTAH)
 : ss.
 COUNTY OF UTAH)

The foregoing instrument was acknowledged before me this 24th day of January, 2022, by Grant Lefgren in his capacity as an Authorized Officer and Director of the Lakeshore Landing Townhomes Owners Association, Inc.

SEAL: 

 Notary Public



STATE OF UTAH)
COUNTY OF Salt Lake) : ss.
OSM

The foregoing instrument was acknowledged before me this 21 day of January, 2022, by Scott Smithson in his capacity as Manager of AF 21, LLC.

SEAL:

[Signature]
Notary Public

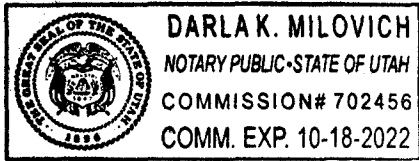


EXHIBIT "A"

(Map Depicting Shared Alleys and Future Condominium Plats)

LAKESHORE LANDING
TOWNHOME & CONDO SHARED ALLEY
EXHIBIT "A"

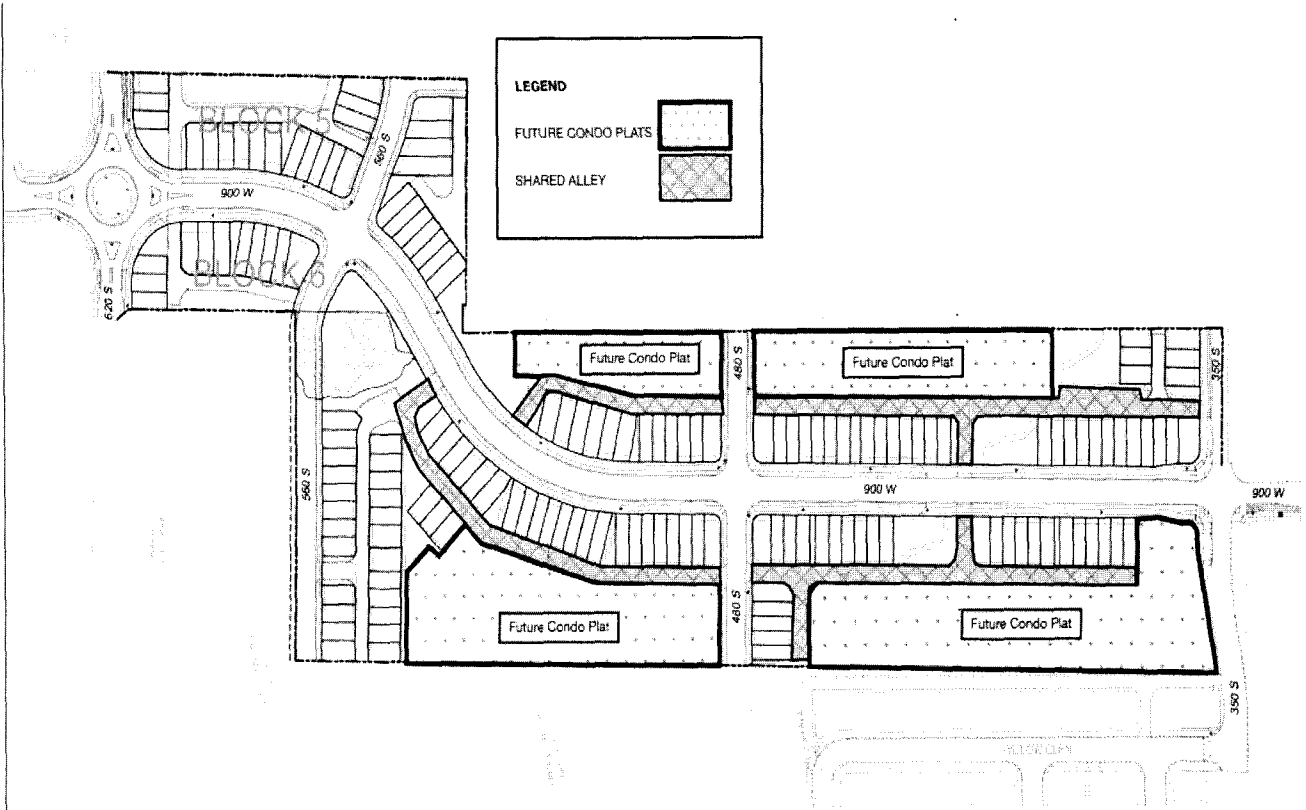


EXHIBIT "B"

(Legal Description of Condominium Land)

LAKESHORE LANDING BLOCK 4 PLAT H

BEGINNING AT A POINT WHICH IS NORTH 1134.59 FEET AND WEST 29.54 FEET FROM THE SOUTH QUARTER CORNER OF SECTION 22, TOWNSHIP 5 SOUTH, RANGE 1 EAST; AND RUNNING:

THENCE NORTH 89°04'08" WEST 137.29 FEET; THENCE NORTH 46°17'43" WEST 54.66 FEET; THENCE NORTH 44°45'12" EAST 24.26 FEET; THENCE NORTH 45°47'22" WEST 69.07 FEET; THENCE NORTH 45°17'41" EAST 42.27 FEET; THENCE NORTH 16°47'47" EAST 209.48 FEET; THENCE NORTH 00°44'31" EAST 218.59 FEET; THENCE SOUTH 89°13'03" EAST 123.91 FEET; THENCE SOUTH 00°50'20" WEST 552.60 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 81,268 SQUARE FEET IN AREA OR 1.87 ACRES.

(NOTE: ALL BEARINGS IN THE ABOVE DESCRIPTION ARE BASED ON THE NAD 27 BEARING OF N 89°52'20" E ALONG THE SECTION LINE FROM THE SOUTH QUARTER CORNER OF SECTION 22, TOWNSHIP 5 SOUTH, RANGE 1 EAST TO THE SOUTHEAST CORNER OF SAID SECTION 22.)

LAKESHORE LANDING BLOCK 3 PLAT F

BEGINNING AT A POINT WHICH IS NORTH 1328.42 FEET AND WEST 461.34 FEET FROM THE SOUTH QUARTER CORNER OF SECTION 22, TOWNSHIP 5 SOUTH, RANGE 1 EAST; AND RUNNING:

THENCE NORTH 89°08'21" WEST 91.24 FEET; THENCE NORTH 02°31'59" EAST 18.56 FEET; THENCE NORTH 00°42'25" EAST 346.27 FEET; THENCE SOUTH 89°13'03" EAST 120.59 FEET; THENCE SOUTH 00°51'39" WEST 156.66 FEET; THENCE SOUTH 12°45'06" WEST 135.61 FEET; THENCE SOUTH 01°38'03" WEST 75.62 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 39,824 SQUARE FEET IN AREA OR 0.91 ACRES.

(NOTE: ALL BEARINGS IN THE ABOVE DESCRIPTION ARE BASED ON THE NAD 27 BEARING OF N 89°52'20" E ALONG THE SECTION LINE FROM THE SOUTH QUARTER CORNER OF SECTION 22, TOWNSHIP 5 SOUTH, RANGE 1 EAST TO THE SOUTHEAST CORNER OF SAID SECTION 22.)

LAKESHORE LANDING BLOCK 2 PLAT D

BEGINNING AT A POINT WHICH IS NORTH 1843.64 FEET AND WEST 28.48 FEET FROM THE SOUTH QUARTER CORNER OF SECTION 22, TOWNSHIP 5 SOUTH, RANGE 1 EAST; AND RUNNING:

THENCE NORTH 89°17'44" WEST 95.51 FEET; THENCE ALONG THE ARC OF A 21.00 FOOT RADIUS CURVE TO THE RIGHT A DISTANCE OF 33.00 FEET (CURVE HAVING A CENTRAL ANGLE 90°02'15" AND A LONG CHORD BEARS N44°16'37"W 29.71 FEET); THENCE NORTH 00°48'57" EAST 132.38 FEET; THENCE NORTH 53°26'45" WEST 3.91 FEET; THENCE NORTH 00°44'31" EAST 418.58 FEET; THENCE NORTH 89°15'29" WEST 98.77 FEET; THENCE NORTH 00°46'05" EAST 32.41 FEET; THENCE NORTH 07°36'20" EAST 38.25 FEET; THENCE NORTH 00°46'05" EAST 15.51 FEET; THENCE ALONG THE ARC OF A 20.00 FOOT RADIUS CURVE TO THE RIGHT A DISTANCE OF 30.43 FEET (CURVE HAVING A CENTRAL ANGLE 87°10'52" AND A LONG CHORD BEARS N44°21'37"E 27.58 FEET); THENCE ALONG THE ARC OF A 503.00 FOOT RADIUS CURVE TO THE LEFT A DISTANCE OF 79.47 FEET (CURVE HAVING A CENTRAL ANGLE 09°03'09" AND A LONG CHORD BEARS N83°25'35"E 79.39 FEET); THENCE NORTH 78°54'02" EAST 120.20 FEET; THENCE ALONG THE ARC OF A 447.00 FOOT RADIUS CURVE TO THE RIGHT A DISTANCE OF 14.89 FEET (CURVE HAVING A CENTRAL ANGLE 01°54'30" AND A LONG CHORD BEARS N79°51'16"E 14.89 FEET); THENCE SOUTH 01°00'42" WEST 448.93 FEET; THENCE SOUTH 01°30'56" WEST 425.15 FEET; THENCE NORTH 89°13'03" WEST 8.60 FEET; THENCE NORTH 00°47'10" EAST 156.40 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 105,398 SQUARE FEET IN AREA OR 2.42 ACRES.

LAKESHORE LANDING BLOCK 1 PLAT B

BEGINNING AT A POINT WHICH IS NORTH 1692.92 FEET AND WEST 426.82 FEET FROM THE SOUTH QUARTER CORNER OF SECTION 22, TOWNSHIP 5 SOUTH, RANGE 1 EAST; AND RUNNING:

THENCE NORTH 89°13'03" WEST 120.67 FEET; THENCE NORTH 00°42'25" EAST 48.11 FEET; THENCE NORTH 01°03'27" EAST 349.48 FEET; THENCE NORTH 00°53'50" EAST 181.48 FEET; THENCE SOUTH 89°40'40" EAST 117.41 FEET; THENCE SOUTH 00°29'16" WEST 131.64 FEET; THENCE SOUTH 00°42'16" WEST 448.37 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 69,073 SQUARE FEET IN AREA OR 1.59 ACRES.

EXHIBIT "C"

(Legal Description of Shared Alleys)

LAKESHORE LANDING BLOCK 1**SHARED ACCESS EASEMENT**

BEGINNING AT A POINT WHICH IS NORTH 1748.31 FEET AND WEST 400.13 FEET FROM THE SOUTH QUARTER CORNER OF SECTION 22, TOWNSHIP 5 SOUTH, RANGE 1 EAST; AND RUNNING:

THENCE NORTH $89^{\circ}13'03''$ WEST 26.00 FEET; THENCE NORTH $00^{\circ}42'16''$ EAST 392.37 FEET; THENCE NORTH $00^{\circ}29'16''$ EAST 131.64 FEET; THENCE NORTH $89^{\circ}40'40''$ WEST 18.41 FEET; THENCE NORTH $00^{\circ}42'16''$ EAST 174.78 FEET; THENCE NORTH $89^{\circ}23'00''$ WEST 82.03 FEET; THENCE NORTH $00^{\circ}37'00''$ EAST 24.00 FEET; THENCE SOUTH $89^{\circ}23'00''$ EAST 80.59 FEET; THENCE ALONG THE ARC OF AN 18.00 FOOT RADIUS CURVE TO THE LEFT A DISTANCE OF 28.25 FEET (CURVE HAVING A CENTRAL ANGLE OF $89^{\circ}54'44''$ AND A LONG CHORD BEARS $N45^{\circ}39'38''E$ 25.44 FEET); THENCE NORTH $00^{\circ}42'16''$ EAST 42.98 FEET; THENCE SOUTH $89^{\circ}23'31''$ EAST 28.00 FEET; THENCE SOUTH $00^{\circ}38'55''$ WEST 380.63 FEET; THENCE ALONG THE ARC OF AN 18.00 FOOT RADIUS CURVE TO THE LEFT A DISTANCE OF 28.25 FEET (CURVE HAVING A CENTRAL ANGLE OF $89^{\circ}54'24''$ AND A LONG CHORD BEARS $S44^{\circ}18'17''E$ 25.44 FEET); THENCE SOUTH $89^{\circ}15'29''$ EAST 55.19 FEET; THENCE SOUTH $00^{\circ}46'05''$ WEST 28.00 FEET; THENCE NORTH $89^{\circ}15'29''$ WEST 55.09 FEET; THENCE ALONG THE ARC OF AN 18.00 FOOT RADIUS CURVE TO THE LEFT A DISTANCE OF 28.29 FEET (CURVE HAVING A CENTRAL ANGLE OF $90^{\circ}02'15''$ AND A LONG CHORD BEARS $S45^{\circ}43'23''W$ 25.46 FEET); THENCE SOUTH $00^{\circ}42'16''$ WEST 339.11 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 28,549 SQUARE FEET IN AREA OR 0.66 ACRES.

LAKESHORE LANDING BLOCK 2**SHARED ACCESS EASEMENT**

BEGINNING AT A POINT WHICH IS NORTH 1843.64 FEET AND WEST 28.48 FEET FROM THE SOUTH QUARTER CORNER OF SECTION 22, TOWNSHIP 5 SOUTH, RANGE 1 EAST; AND RUNNING:

THENCE SOUTH 00°47'10" WEST 29.00 FEET; THENCE NORTH 89°17'44" WEST 97.52 FEET; THENCE ALONG THE ARC OF AN 20.00 FOOT RADIUS CURVE TO THE LEFT A DISTANCE OF 31.40 FEET (CURVE HAVING A CENTRAL ANGLE OF 89°57'45" AND A LONG CHORD BEARS S45°43'23"W 28.28 FEET); THENCE SOUTH 00°44'31" WEST 51.24 FEET; THENCE NORTH 89°14'05" WEST 28.00 FEET; THENCE NORTH 00°44'31" EAST 339.23 FEET; THENCE ALONG THE ARC OF AN 18.00 FOOT RADIUS CURVE TO THE LEFT A DISTANCE OF 28.27 FEET (CURVE HAVING A CENTRAL ANGLE OF 90°00'00" AND A LONG CHORD BEARS N44°15'29"W 25.46 FEET); THENCE NORTH 89°15'29" WEST 54.91 FEET; THENCE NORTH 00°46'05" EAST 28.00 FEET; THENCE SOUTH 89°15'29" EAST 54.90 FEET; THENCE ALONG THE ARC OF AN 18.00 FOOT RADIUS CURVE TO THE LEFT A DISTANCE OF 28.28 FEET (CURVE HAVING A CENTRAL ANGLE OF 90°00'17" AND A LONG CHORD BEARS N45°44'31"E 25.46 FEET); THENCE NORTH 00°44'23" EAST 271.25 FEET; THENCE SOUTH 89°15'29" EAST 26.01 FEET; THENCE SOUTH 00°44'31" WEST 418.58 FEET; THENCE SOUTH 53°26'45" EAST 3.91 FEET; THENCE SOUTH 00°48'57" EAST 132.38 FEET; THENCE ALONG THE ARC OF AN 21.00 FOOT RADIUS CURVE TO THE LEFT A DISTANCE OF 33.00 FEET (CURVE HAVING A CENTRAL ANGLE OF 90°02'15" AND A LONG CHORD BEARS S44°16'37"E 29.71 FEET); THENCE SOUTH 89°17'44" EAST 95.51 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 23,983 SQUARE FEET IN AREA OR 0.55 ACRES.

LAKESHORE LANDING BLOCK 3**SHARED ACCESS EASEMENT**

BEGINNING AT A POINT WHICH IS NORTH 1324.50 FEET AND WEST 401.86 FEET FROM THE SOUTH QUARTER CORNER OF SECTION 22, TOWNSHIP 5 SOUTH, RANGE 1 EAST; AND RUNNING:

THENCE NORTH $51^{\circ}51'28''$ WEST 74.11 FEET; THENCE NORTH $01^{\circ}38'03''$ EAST 33.76 FEET; THENCE NORTH $12^{\circ}45'06''$ EAST 135.61 FEET; THENCE NORTH $00^{\circ}51'39''$ EAST 156.66 FEET; THENCE SOUTH $89^{\circ}13'03''$ EAST 26.00 FEET; THENCE SOUTH $00^{\circ}51'39''$ WEST 133.37 FEET; THENCE ALONG THE ARC OF AN 250.00 FOOT RADIUS CURVE TO THE RIGHT A DISTANCE OF 51.88 FEET (CURVE HAVING A CENTRAL ANGLE OF $11^{\circ}53'27''$ AND A LONG CHORD BEARS $S06^{\circ}48'22''W$ 51.79 FEET); THENCE SOUTH $12^{\circ}45'06''$ WEST 112.28 FEET; THENCE ALONG THE ARC OF AN 18.00 FOOT RADIUS CURVE TO THE LEFT A DISTANCE OF 20.30 FEET (CURVE HAVING A CENTRAL ANGLE OF $64^{\circ}36'33''$ AND A LONG CHORD BEARS $S19^{\circ}33'11''E$ 19.24 FEET); THENCE SOUTH $51^{\circ}51'28''$ EAST 53.25 FEET; THENCE ALONG THE ARC OF AN 335.50 FOOT RADIUS CURVE TO THE RIGHT A DISTANCE OF 28.03 FEET (CURVE HAVING A CENTRAL ANGLE OF $04^{\circ}47'15''$ AND A LONG CHORD BEARS $S35^{\circ}42'40''W$ 28.03 FEET) TO THE POINT OF BEGINNING.

PARCEL CONTAINS 10,158 SQUARE FEET IN AREA OR 0.23 ACRES.

LAKESHORE LANDING BLOCK 4**SHARED ACCESS EASEMENT**

BEGINNING AT A POINT WHICH IS NORTH 1164.41 FEET AND WEST 315.10 FEET FROM THE SOUTH QUARTER CORNER OF SECTION 22, TOWNSHIP 5 SOUTH, RANGE 1 EAST; AND RUNNING:

THENCE ALONG THE ARC OF AN 128.00 FOOT RADIUS CURVE TO THE RIGHT A DISTANCE OF 62.00 FEET (CURVE HAVING A CENTRAL ANGLE OF 27°45'08" AND A LONG CHORD BEARS S59°10'15"W 61.40 FEET); THENCE SOUTH 73°02'50" WEST 60.49 FEET; THENCE ALONG THE ARC OF AN NON-TANGENT 97.44 FOOT RADIUS CURVE TO THE LEFT A DISTANCE OF 34.35 FEET (CURVE HAVING A CENTRAL ANGLE OF 20°11'51" AND A LONG CHORD BEARS N23°43'18"W 34.17 FEET); THENCE NORTH 33°49'14" WEST 31.73 FEET; THENCE NORTH 57°57'04" EAST 13.19 FEET; THENCE ALONG THE ARC OF AN 414.50 FOOT RADIUS CURVE TO THE LEFT A DISTANCE OF 14.82 FEET (CURVE HAVING A CENTRAL ANGLE OF 02°02'53" AND A LONG CHORD BEARS N56°55'37"E 14.82 FEET); THENCE SOUTH 33°49'14" EAST 32.47 FEET; THENCE ALONG THE ARC OF AN 18.00 FOOT RADIUS CURVE TO THE LEFT A DISTANCE OF 22.98 FEET (CURVE HAVING A CENTRAL ANGLE OF 73°09'56" AND A LONG CHORD BEARS S70°23'12"E 21.45 FEET); THENCE NORTH 73°01'50" EAST 21.21 FEET; THENCE ALONG THE ARC OF A 100.00 FOOT RADIUS CURVE TO THE LEFT A DISTANCE OF 47.33 FEET (CURVE HAVING A CENTRAL ANGLE OF 27°07'01" AND A LONG CHORD BEARS N58°51'12"E 46.89 FEET); THENCE NORTH 45°17'41" EAST 121.37 FEET; THENCE ALONG THE ARC OF A 100.00 FOOT RADIUS CURVE TO THE LEFT A DISTANCE OF 49.74 FEET (CURVE HAVING A CENTRAL ANGLE OF 28°29'54" AND A LONG CHORD BEARS N31°02'44"E 49.23 FEET); THENCE NORTH 16°47'47" EAST 155.52 FEET; THENCE ALONG THE ARC OF A 100.00 FOOT RADIUS CURVE TO THE LEFT A DISTANCE OF 28.02 FEET (CURVE HAVING A CENTRAL ANGLE OF 16°03'16" AND A LONG CHORD BEARS N08°46'09"E 27.93 FEET); THENCE NORTH 00°44'31" EAST 200.84 FEET; THENCE SOUTH 89°13'03" EAST 26.00 FEET; THENCE SOUTH 00°44'31" WEST 218.59 FEET; THENCE SOUTH 16°47'47" WEST 209.48 FEET; THENCE SOUTH 45°17'41" WEST 149.69 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 19,565 SQUARE FEET IN AREA OR 0.45 ACRES.