



Staff Report for Lakeview Estates Subdivision

To: Chairman Tony Matyszczyk
Town of Hideout Planning Commission

From: Thomas Eddington Jr., AICP, ASLA
Town Planner

Re: Lakeview Estates – Recommendation of Subdivision Approval

Date: 14 November 2021

Submittals: Subdivision Plat for Lakeview Estates

Current Proposal

The Lakeview Estates subdivision (69 lots) received Final Subdivision Approval on October 8, 2020 but more than six (6) months have passed without being recorded. The Hideout Town Code, Section 11.06.36, states, “The Town Council may grant a one-time extension to the recording of the Final Plat not exceeding six (6) months; provided, that the Developer submits the request for extension prior to expiration of the Final Plat and satisfies any new Town requirements pertaining to the public health, safety and welfare.”

The Applicant missed the six-month window in which to request an extension and must now go back to the Planning Commission for Subdivision recommendation and Town Council for approval.

There are no changes proposed by the Applicant for Lakeview Estates. This project was reviewed by the Town Planner and Town Engineer in detail back in early/mid 2020 and was approved by the Town Council on October 8, 2020. This approval vested the project under the Town’s former code. The Town’s new code was not adopted until November 2020 and now the subdivision must meet the new updates to the code regarding subdivisions and development standards. However, the zoning classification (Residential Medium Density – RMD) is vested under the Town’s former code:

11.07.143: Residential Medium Density (RMD)

The RMD Classification is provided to allow for greater density near recreational facilities such as the golf course and near the Resort Villages.

1. *Permitted Uses. Permitted uses within this Zone include residential attached, town homes, timeshares and other shared ownership facilities, condominiums, apartments, flats, seasonal employee housing, recreational, trails, parks and other Resort Features.*



2. *Density per Acre. The maximum Gross Density for the RMD Zone is 6 to 20 Units per acre.*
3. *Building Height. Building heights are limited to forty-two (42) feet or 3½ Stories, whichever is greater.*
4. *Setback. Front setbacks shall be taken from the back of curb or edge of road asphalt if there is no curb. All other setbacks shall be taken from property lines. Minimum setback shall be 10 feet; the rear yard minimum shall be 20 feet and front yard minimum setback shall be 20 feet. Larger houses should be located further from roads to avoid dominating the streetscape and to provide room of sensitive grading transitions into existing slopes. Multi-unit structures should be set at the setback line to provide a more urban pedestrian environment.*

The new Town Code has updated Building and Development Standards (new Section 10 of the Town Code as of November 2020) that the subdivision must meet. The following are the applicable planning/design sections of the new Town Code:

- 10.08.06.C General Standards-Monotony Clause and 1008.08 Design Standards:
Major Subdivisions (6 lots or more) shall not have greater than twenty (20%) of the structures with the same elevation and, in no case, shall any two (2) similar structures be located adjacent to each other or directly across the street. The differentiation of each structure shall be a combination of unique roof lines, garage step-backs, entry/porch location and canopy, fenestration, building materials, and colors.
 - The Applicant has agreed to meet this requirement and a Design Review Committee (DRC) of one Town Council member (R. Severini) and one Planning Commissioner (B. Woelfle) and the Town Planner has been established to review building plan submittals.The subdivision meets these new requirements.
- 10.08.14 Roads and Road Requirements:
T-O Engineering reviewed the roads and confirmed the Applicant meets the Town's new road requirements (26'-0" of pavement width).
- 10.08.20 Drainage and Storm Water Facilities
T-O Engineering reviewed the proposed stormwater infrastructure and confirmed the Applicant meets the Town's new requirements.
- 10.08.34 Public Space Requirements:
Based upon the formula $(0.69 * 3)$, Lakeview Estates is required to have a minimum of 2.07 acres of public/open space. The following is an assessment of public/open space per phase:
 - Phase 1: None
 - Phase 2: 5.30 Acres with a park including a ball court (plus 1.80 acres for stormwater retention; not applicable toward public/open space calculations)
 - Phase 3: 3.10 Acres
 - The entire subdivision is connected via a trail systemThe subdivision meets these new requirements.



Conditions of Approval from the October 8, 2020 Town Council Approval

Planning Conditions:

1. Submittal of a Final Landscape Plan
2. Submittal of a final design and engineering specifications (and materials) for the retaining walls
3. Inclusion of a plat note indicating all open space and park amenities would commence construction at the start of Phase Two
4. Submittal of a final design for the park area and dog wash station (and structures)
5. Submittal of detailed trail dimensions, materials, associated landscaping, etc.
6. A dedication of land to the Town where the trail in the Jordanelle State Park could connect to Lakeview in the future (public ownership of this land would likely be necessary for a possible connection) – this dedicated area should be approximately ten feet by ten foot
7. Possible parking to be located on Parcels B and G; layout must be approved by the Town Planner and Engineer

Engineering Conditions:

1. Nate Brockbank commented lots 224 and 225 below Deer Waters needed to be restricted to single-level homes in order not to block the views of the upper lots.
2. Mr. Brockbank also stated extra parking would be constructed in lots B and G, although it was not shown on the design being presented [on October 8, 2020].

On October 8, 2020, per the minutes from the meeting, the Town Council approved 'alternating twenty- and twenty-five-foot setbacks [20' and 25'] from the back of the curb and gutter, which allowed for the reduction of retaining walls while maintaining the staggered component of the streetscape characteristic. Council Member Dwinell clarified although the statute [earlier imposed Town Council Deed Restrictions] called for setbacks to be twenty-five and thirty-feet [25' and 30'], it was approved to allow twenty- and twenty-five-foot [20' and 25'] setbacks in order to reduce the number of necessary retaining walls...'

The Deed Restrictions that were recorded on July 9, 2019 when the project was rezoned from Mountain to R-MD further restricts what is permitted under the R-MD zone and include 35' maximum height, front setbacks at 25', variation of the front elevations, no attached units, 6 units per acre maximum density and 20% open space. The project meets all of the deed restriction requirements except for the homes which have 20' front setbacks. Staff recommends that the Town Council consider amending the deed restriction to reflect the reduced setbacks based in order to achieve their October 8, 2020 approval.

Recommendation

Staff recommends the Planning Commission review the subdivision (attached) and forward a positive recommendation for the Lakeview Estates subdivision to the Town Council keeping all



originally approved conditions of approval in place and favorably recommend any necessary changes to the Deed Restrictions.

SURVEYORS' CERTIFICATE

I, David E. Hawkes, certify that I am a Professional Land Surveyor holding license number 356548 in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act and that a survey of the described tract of land has been completed by me in accordance with Section 17-23-17 and that I have verified all measurements, have placed monuments as shown hereon.

NARRATIVE

See Record of Surveys #2698 and 2888 filed with the Wasatch County Surveyor.

A parcel of land lying and situate in the Northwest Quarter of Section 17, Township 2 South, Range 5 East, Salt Lake Base and Meridian, Comprising a 2.23 acre portion of Wasatch County Tax Parcel 00-0021-8159 described in that certain Warranty Deed recorded as Entry #467738 of the Wasatch County Records. Basis of Bearing for subject parcel being GEODETIC NORTH as determined by GPS or North 89°36'36" East 5328.77 feet measured between the Northwest and Northeast Corners of said Section 17. Subject parcel being more particularly described as follows:

Commencing at the Bl 1994 aluminum cap monument monumentalizing the North Quarter Corner of said Section 17, Thence South 89°36'52" West 1309.68 feet coincident with the north line of the Northwest Quarter of said Section 17 to a point on the west sixteenth section line; Thence South 00°29'05" West 880.53 feet coincident with said sixteenth section line; Thence North 89°31'55" East 1000.99 feet to a number five rebar and cap stamped "PLS 356548" and the True Point of Beginning; Thence South 21°12'35" East 63.50 feet to a number five rebar and cap stamped "PLS 356548"; Thence North 68°47'25" East 5.00 feet to a number five rebar and cap stamped "PLS 356548"; Thence South 21°12'35" East 70.00 feet to a number five rebar and cap stamped "PLS 356548"; Thence South 68°47'25" West 5.00 feet to a number five rebar and cap stamped "PLS 356548"; Thence South 21°12'35" East 70.00 feet to a number five rebar and cap stamped "PLS 356548"; Thence North 68°47'25" East 8.57 feet to a number five rebar and cap stamped "PLS 356548"; Thence North 100°09'59" East 125.81 feet to a number five rebar and cap stamped "PLS 356548"; Thence North 77°08'51" West 22.09 feet to a number five rebar and cap stamped "PLS 356548"; Thence South 18°02'55" West 119.39 feet to a number five rebar and cap stamped "PLS 356548"; Thence South 64°38'28" West 103.90 feet to a number five rebar and cap stamped "PLS 356548"; Thence North 25°35'00" West 96.58 feet; Thence North 26°16'25" West 51.00 feet; Thence North 25°35'54" West 210.23 feet to a number five rebar and cap stamped "PLS 356548"; Thence North 122°07'55" West 38.46 feet to a number five rebar and cap stamped "PLS 356548"; Thence North 10°55'49" West 73.40 feet to a number five rebar and cap stamped "PLS 356548"; Thence North 59°42'02" East 19.86 feet to a number five rebar and cap stamped "PLS 356548"; Thence North 64°13'40" East 96.96 feet to a number five rebar and cap stamped "PLS 356548"; Thence North 89°31'55" East 161.51 feet to the point of beginning.

Contains 97,177 sq. ft. or 2.23 acres and 10 Lots.



Known all men by these presents that we, the undersigned owners of the above described tract of land having caused the same to be subdivided into lots and streets as shown on this plat and name said tract **LAKE VIEW ESTATES, PHASE 1** and hereby dedicate, grant and convey to The Town of Hideout, Utah, all those parts or portions of said tract of land designated as streets, and all Common Space as easements for public utility and drainage purposes, in witness we have hereunto set our signatures.

Signed this _____ day of _____ 2021

Holmes Lakeview Estates, L.L.C.
BY:

ACKNOWLEDGMENT

STATE OF UTAH } S.S.
COUNTY OF }

On the _____ day of _____ 2021, personally appeared before me, the undersigned Notary, in and for said County of _____, in said State of Utah, the signers of the above Owner's Dedication, _____ (_____) in number, who duly acknowledged to me that they signed it freely and voluntarily for the purposes therein mentioned.

Notary Public	My Commission Expires
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WASATCH COUNTY RECORDER

ENTRY NUMBER _____

FEE PAID _____
FILED FOR RECORD AND RECORDED THIS _____

DAY OF _____ 2021, IN BOOK _____, AT PAGE _____ OF THE
OFFICIAL RECORDS.

DEPUTY COUNTY RECORDER



Approved this _____ day of _____ 2021
by the Hideout Town Attorney

Attorney, The Town of Hideout

THE TOWN OF HIDEOUT ENGINEER

Approved this _____ day of _____ 2021.
with the following conditions _____

Director, Engineering Department

THE TOWN OF HIDEOUT
PLANNING COMMISSION APPROVAL

This is to certify that this subdivision plat was duly approved by the Hideout Town Planning Commission on the _____ day of _____, 2021.

Chairman, Planning Commission

ADMINISTRATIVE APPROVAL

The Town of Hideout approves this subdivision and hereby accepts the dedication of all easements for public purposes for the perpetual use of the public,

this ____ day of _____, 2021.

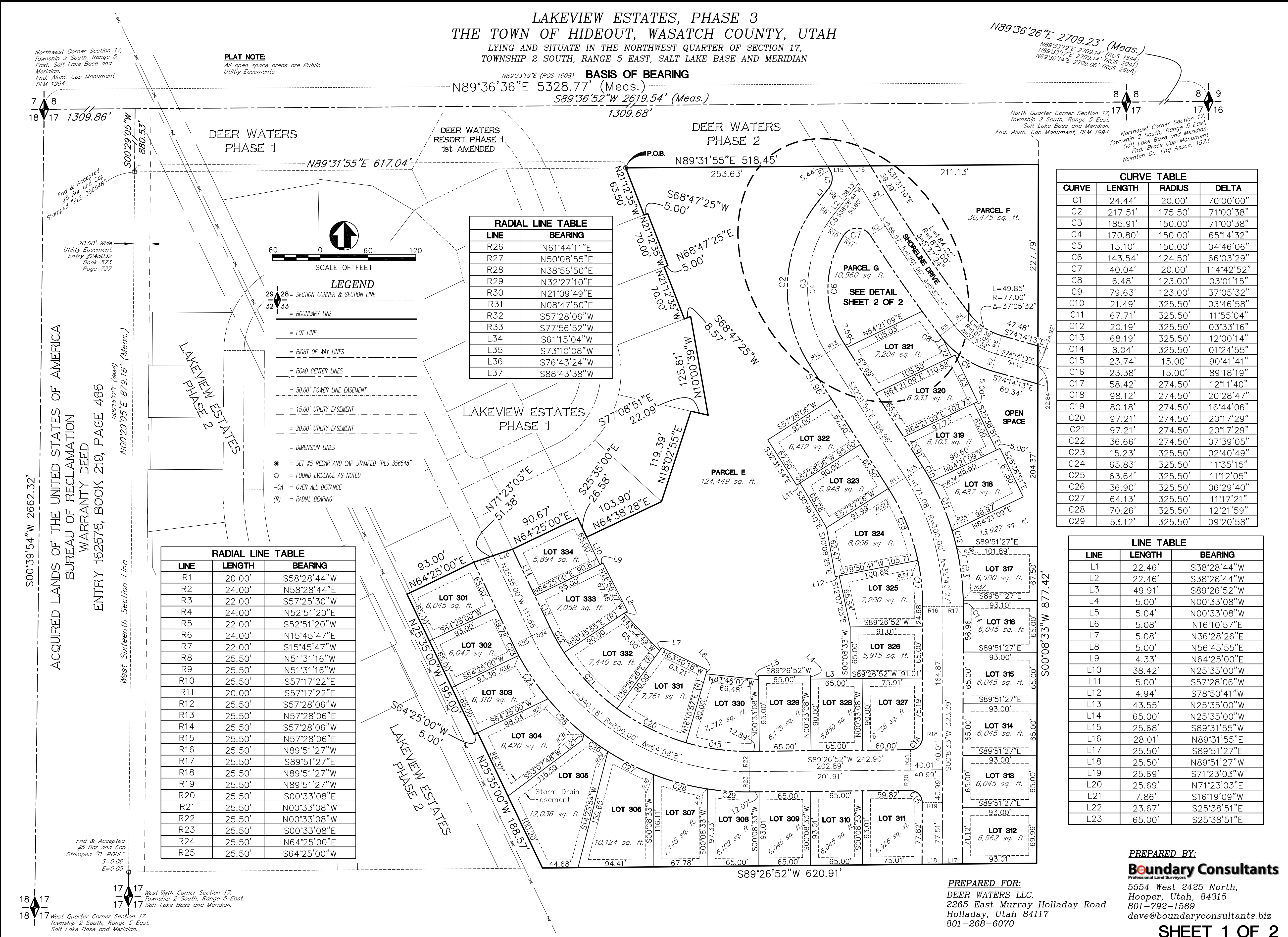
Subject to the following conditions: _____

Attest: _____ Mayor: _____

WASATCH COUNTY SURVEYOR

Approved this _____ day of _____ 2021
by the Wasatch County Surveyor.
Record of Survey Number 2888

Wasatch County Surveyor



SURVEYORS CERTIFICATE

I, David E. Hawkes, certify that I am a Professional Land Surveyor holding license number 356548 in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act and that a survey of the described tract of land has been completed by me in accordance with Section 17-23-17 and that I have verified all measurements, have placed monuments as shown hereon.

NARRATIVE

See Record of Surveys #2698 and 2888 filed with the Wasatch County Surveyor.

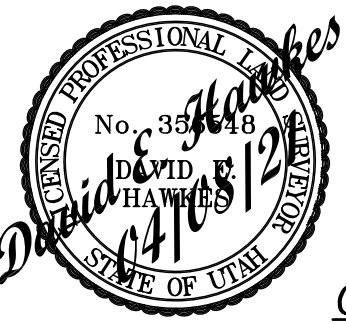
BOUNDARY DESCRIPTION

A parcel of land lying and situate in the Northwest Quarter of Section 17, Township 2 South, Range 5 East, Salt Lake Base and Meridian. Comprising the remaining 11.68 acre portion of Wasatch County Tax Parcel 00-0021-8159 described in that certain Warranty Deed recorded as Entry #467738 of the Wasatch County Records. Basis of Bearing for subject parcel being GEODETIC NORTH as determined by GPS or North 89°36'36" East 617.04 feet to the True Point of Beginning; Thence North 89°31'55" East 617.04 feet to the True Point of Beginning; Thence North 89°31'55" East 518.45 feet coincident with the south boundary of Deer Waters Phase 2 Subdivision; Thence South 00°08'33" West 877.42 feet; Thence South 89°26'52" West 620.91 feet; Thence the following six (6) courses coincident with the boundary of Lakeview Estates Phase 2, 1) North 25°35'00" West 188.57 feet; 2) South 64°25'00" West 5.00 feet; 3) North 71°23'03" East 51.38 feet; 6) North 64°25'00" East 93.00 feet; 5) North 71°23'03" East 51.38 feet; 6) North 64°25'00" East 90.67 feet to a point on the boundary of Lakeview Estates Phase 1; Thence the following eleven (11) courses coincident with said Phase 1, 1) South 25°35'00" East 26.58 feet; 2) North 64°38'28" East 103.90 feet; 3) North 18°02'55" East 119.39 feet; 4) South 77°08'51" East 22.09 feet; 5) North 10°00'39" West 125.81 feet; 6) South 68°47'25" West 8.57 feet; 7) North 21°12'35" West 70.00 feet; 8) North 68°47'25" East 5.00 feet; 9) North 21°12'35" West 70.00 feet; 10) South 68°47'25" West 5.00 feet; 11) North 21°12'35" West 63.50 feet to the point of beginning.

Commencing at the BLM 1994 aluminum cap monument monumentalizing the North Quarter Corner of said Section 17, Thence South 89°36'52" West 1309.68 feet coincident with the north line of the Northwest Quarter of said Section 17 to a point on the west sixteenth section line; Thence South 00°29'05" West 880.53 feet coincident with said sixteenth section line to a number five rebar and cap stamped "PLS 356548"; Thence North 89°31'55" East 617.04 feet to the True Point of Beginning;

Thence North 89°31'55" East 518.45 feet coincident with the south boundary of Deer Waters Phase 2 Subdivision; Thence South 00°08'33" West 877.42 feet; Thence South 89°26'52" West 620.91 feet; Thence the following six (6) courses coincident with the boundary of Lakeview Estates Phase 2, 1) North 25°35'00" West 188.57 feet; 2) South 64°25'00" West 5.00 feet; 3) North 71°23'03" East 51.38 feet; 6) North 64°25'00" East 93.00 feet; 5) North 71°23'03" East 51.38 feet; 6) North 64°25'00" East 90.67 feet to a point on the boundary of Lakeview Estates Phase 1; Thence the following eleven (11) courses coincident with said Phase 1, 1) South 25°35'00" East 26.58 feet; 2) North 64°38'28" East 103.90 feet; 3) North 18°02'55" East 119.39 feet; 4) South 77°08'51" East 22.09 feet; 5) North 10°00'39" West 125.81 feet; 6) South 68°47'25" West 8.57 feet; 7) North 21°12'35" West 70.00 feet; 8) North 68°47'25" East 5.00 feet; 9) North 21°12'35" West 70.00 feet; 10) South 68°47'25" West 5.00 feet; 11) North 21°12'35" West 63.50 feet to the point of beginning.

Contains 508,811 sq. ft. or 11.68 acres and 34 Lots.



OWNERS DEDICATION

Known all men by these presents that we, the undersigned owners of the above described tract of land having caused the same to be subdivided into lots and streets as shown on this plat and name said tract LAKEVIEW ESTATES, PHASE 2, and hereby dedicate, grant and convey to The Town of Hideout, Utah, all those parts or portions of said tract of land designated as streets, and all Open Space areas as easements for public utility and drainage purposes, in witness we have hereunto set our signatures.

Signed this _____ day of _____, 2021.

Holmes Lakeview Estates, L.L.C.
BY: _____

ACKNOWLEDGMENT

STATE OF UTAH
COUNTY OF _____ } S.S.

On the _____ day of _____, 2021, personally appeared before me, the undersigned Notary, in and for said County of _____, in said State of Utah, the signers of the above Owner's Dedication, _____ (_____) in number, who duly acknowledged to me that they signed it freely and voluntarily for the purposes therein mentioned.

Notary Public _____ My Commission Expires _____

CONSENT TO RECORD

As the adjacent land owner, UNITED STATES OF AMERICA BUREAU OF RECLAMATION concurs with the survey and common property line shown on this plat and consents to recording.

Signed this _____ day of _____, 2021.

United States of America Bureau of Reclamation

BY: _____

TITLE: _____

WASATCH COUNTY RECORDER

ENTRY NUMBER _____

FEE PAID _____
FILED FOR RECORD AND RECORDED THIS _____

DAY OF _____, 2021, IN BOOK _____, AT PAGE _____ OF THE
OFFICIAL RECORDS.

DEPUTY COUNTY RECORDER _____

APPROVAL AS TO FORM

Approved this _____ day of _____, 2021
by the Hideout Town Attorney

Attorney, The Town of Hideout

THE TOWN OF HIDEOUT ENGINEER

Approved this _____ day of _____, 2021.
with the following conditions _____

Director, Engineering Department

**THE TOWN OF HIDEOUT
PLANNING COMMISSION APPROVAL**

This is to certify that this subdivision plat was duly
approved by the Hideout Town Planning Commission on
the _____ day of _____, 2021.

Chairman, Planning Commission

ADMINISTRATIVE APPROVAL

The Town of Hideout approves this subdivision and hereby
accepts the dedication of all easements for public purposes for
the perpetual use of the public.

this _____ day of _____, 2021.

Subject to the following conditions: _____

Attest: _____ Mayor: _____

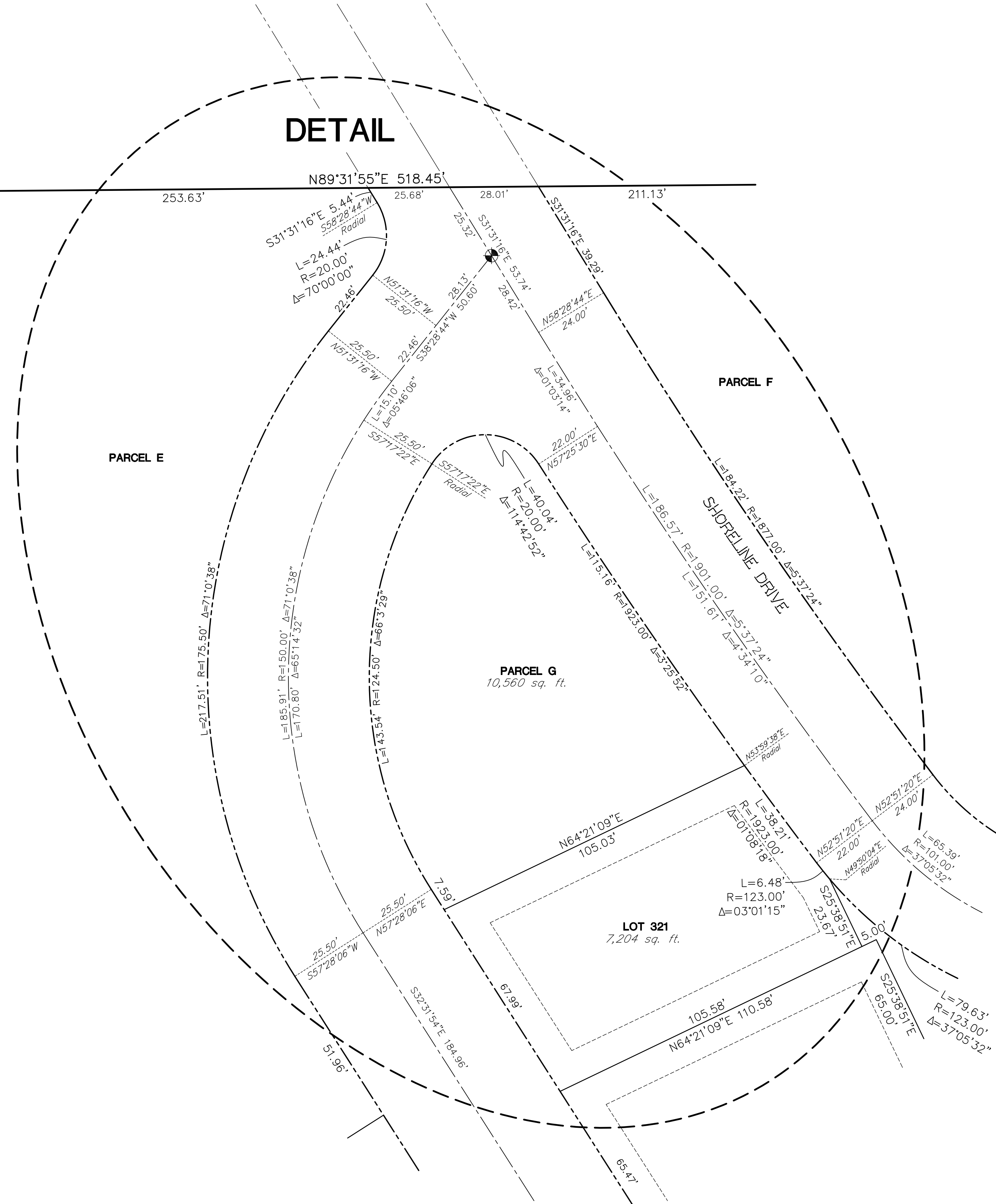
WASATCH COUNTY SURVEYOR

Approved this _____ day of _____, 2021
by the Wasatch County Surveyor.
Record of Survey Number 2888

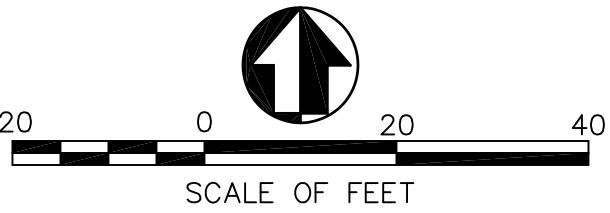
Wasatch County Surveyor

LAKEVIEW ESTATES, PHASE 3
THE TOWN OF HIDEOUT, WASATCH COUNTY, UTAH
LYING AND SITUATE IN THE NORTHWEST QUARTER OF SECTION 17,
TOWNSHIP 2 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN

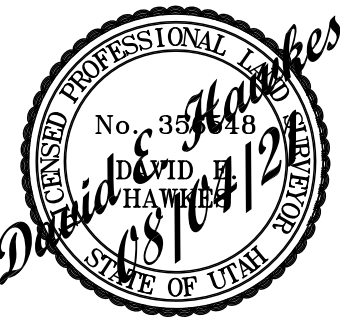
DETAIL



ADDRESS TABLE	
LOT	ADDRESS
301	472 EAST KAYAK DRIVE
302	476 EAST KAYAK DRIVE
303	482 EAST KAYAK DRIVE
304	488 EAST KAYAK DRIVE
305	492 EAST KAYAK DRIVE
306	496 EAST KAYAK DRIVE
307	502 EAST KAYAK DRIVE
308	508 EAST KAYAK DRIVE
309	512 EAST KAYAK DRIVE
310	518 EAST KAYAK DRIVE
311	524 EAST KAYAK DRIVE
311	11617 NORTH DEEPWATER DRIVE
312	11614 NORTH DEEPWATER DRIVE
313	11626 NORTH DEEPWATER DRIVE
314	11642 NORTH DEEPWATER DRIVE
315	11654 NORTH DEEPWATER DRIVE
316	11668 NORTH DEEPWATER DRIVE
317	11682 NORTH DEEPWATER DRIVE
318	11698 NORTH DEEPWATER DRIVE
319	11712 NORTH DEEPWATER DRIVE
320	11726 NORTH DEEPWATER DRIVE
321	11744 NORTH DEEPWATER DRIVE
322	11731 NORTH DEEPWATER DRIVE
323	11717 NORTH DEEPWATER DRIVE
324	11701 NORTH DEEPWATER DRIVE
325	11677 NORTH DEEPWATER DRIVE
326	11663 NORTH DEEPWATER DRIVE
327	11647 NORTH DEEPWATER DRIVE
327	523 EAST KAYAK DRIVE
328	519 EAST KAYAK DRIVE
329	513 EAST KAYAK DRIVE
330	505 EAST KAYAK DRIVE
331	497 EAST KAYAK DRIVE
332	487 EAST KAYAK DRIVE
333	479 EAST KAYAK DRIVE
334	473 EAST KAYAK DRIVE



- LEGEND**
- 29 28 = SECTION CORNER & SECTION LINE
 - 32 33 = BOUNDARY LINE
 - = LOT LINE
 - = RIGHT OF WAY LINES
 - = ROAD CENTER LINES
 - = 50.00' POWER LINE EASEMENT
 - = 15.00' UTILITY EASEMENT
 - = 20.00' UTILITY EASEMENT
 - = DIMENSION LINES
 - = SET #5 REBAR AND CAP STAMPED "PLS 356548"
 - = FOUND EVIDENCE AS NOTED
 - OA = OVER ALL DISTANCE
 - (R) = RADIAL BEARING



SHEET 2 OF 2

WASATCH COUNTY RECORDER

ENTRY NUMBER _____

FEE PAID _____

FILED FOR RECORD AND RECORDED THIS _____

DAY OF _____ 2021, IN BOOK _____, AT PAGE _____ OF THE OFFICIAL RECORDS.

DEPUTY COUNTY RECORDER _____

When Recorded Return To:

TOWN OF HIDEOUT

Attn: Town Clerk

10860 N. Hideout Trail

Hideout, Utah 84036

Tax Parcel No.: 00-0020-8159

Ent 465529 Bk 1257 Pg 491-499
Date: 09-JUL-2019 4:39:01PM
Fee: \$40.00 Check Filed By: TC
PEGGY FOY SULSER, Recorder
WASATCH COUNTY CORPORATION
For: VANDEN AKKER JOEL

DEED RESTRICTION

This *Deed Restriction* ("**Restriction**") is made with respect to the Property, as identified below, for the benefit of the Town of Hideout, a political subdivision of the State of Utah ("**Town**"), by the following individuals and entities (collectively, referred to herein as "**Owner**");

Jill Vanden Akker nka Jill Vanden Akker Martin, as to a ¼ interest in the Property;

Nakker Properties L.P., an Idaho limited partnership, as to a ¼ interest in the Property;

Joel Wright Vanden Akker and Leigh M. Vanden Akker, trustees of the Joel & Leigh Vanden Akker Family Trust dated December 28, 2000, as to a ¼ interest in the Property; and

Joel Vanden Akker, Jill Vanden Akker Martin & Richard Van Den Akker, trustees of the RJJ Trust dated August 1, 2009, as to a ¼ interest in the Property.

RECITALS

A. Owner owns certain real property ("**Property**") located in Wasatch County, known as Wasatch County Tax Parcel No. 00-0020-9604, and more particularly described on **Exhibit A** hereto.

B. Owner desires to rezone the property from "Mountain" to the "Residential Medium Density" classification identified in Section 11.07.143 of the Town's code.

C. Owner is willing to voluntarily enter into this Restriction for the express benefit of the Town in connection with the rezone of the Property.

RESTRICTION

For valuable consideration, acknowledged and received, Owner agrees as follows for the benefit of the Town:

1. **Building Height**. No residential structure, home, building, or improvement on the Property will exceed a height of thirty-five (35) feet above the natural grade of the Property at the measured from the lowest exposed portion of such structure.

2. Front Setback. The front setback for each residential structure within the Property will be at least twenty-five feet (25').

3. Minimum Driveway Length. Residential structures will have a minimum driveway length of twenty-five feet (25').

4. Front Elevations. To encourage a non-uniform feel of structures on the Property, the front elevation of each residential structure will vary from the residential structure on either side as follows: either (a) such front elevation will have an offset of at least five feet (5') from adjacent residential structures relative to the distance to the edge of payment; or (b) the vertical plane of such front elevation will vary at least fifteen degrees (15°) from the vertical plane of adjoining structures.

5. Density. The density for development on the Property will be limited to six (6) residential lots per acre. No more than one (1) detached single-family residence may be constructed on each lot within the Property. Attached residences or multi-family dwellings are not permitted on the Property.

6. Application of Restrictions. The restrictions set forth in this Restriction shall apply to development of the Property; provided, however, that if any applicable zoning ordinance or regulation is modified or amended to provide for more restrictive terms or conditions (i.e. lower building height, increased setbacks and driveway length, additional elevation requirements, or lower density) and such modification or amendment becomes effective prior to the date a completed development application has submitted to the town, the more restrictive terms or conditions will apply.

7. Run with the Land. This Restriction and the terms and conditions hereof will run with the land and be binding on Owner's successors, assigns, beneficiaries, and grantees. The Restriction will survive subdivision of the Property and will apply in full force to each lot created on the Property.

8. Enforcement by the Town. The Town may enforce this Restriction against Owner, and any successor, assign, beneficiary, or grantee having, or claiming, any interest in the Property. The Town may enforce this Restriction through any applicable procedure or proceeding including, without limitation, actions in law or equity. The Town may deny any development application or permit request which fails to comply with the terms and conditions of this Restriction. In the event of any proceeding to interpret or enforce this Restriction, the prevailing party shall be entitled to an award of costs and fees incurred, including reasonable attorneys' fees. The Town's right to enforce this Restriction does not create a right of enforcement in any third-parties.

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LEGAL DESCRIPTION OF THE PROPERTY

Beginning at a point South 89°33'19" West along the section line 3996.525 feet and South 0°15'12" West 880.56 feet from the Northeast corner of Section 17, Township 2 South, Range 5 East, Salt Lake Base and Meridian, and running thence North 89°28'38" East 1110.39 feet; thence South 0°05'38" West 877.09 feet; thence South 89°23'57" West 1112.85 feet to the west line of the east 1/2 of the Northwest Quarter of said Section 17; thence North 0°15'12" East along said west line 878.64 feet to the point of beginning.

Area 22.40 acres, more or less.

OWNER

JOEL WRIGHT VANDEN AKKER AND LEIGH M.
VANDEN AKKER, trustees of the Joel & Leigh
Vanden Akker Family Trust dated December 28,
2000

Joel Vanden Akker 7/8/19

Joel Wright Vanden Akker, Trustee

Leigh M. Vanden Akker 7/8/19

Leigh M. Vanden Akker, Trustee

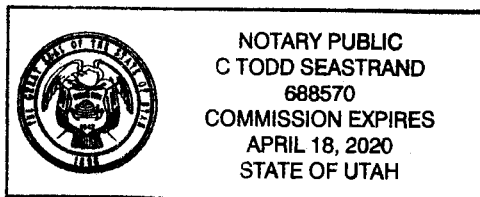
STATE OF UTAH)

SS:
COUNTY OF Salt Lake)

The foregoing DEED RESTRICTION was acknowledged before me this 8 day
of July, 2019, by Joel Wright Vanden Akker and Leigh M. Vanden Akker,
as Trustees of the Joel & Leigh Vanden Akker Family Trust dated December 28, 2000.

[Seal]

C. Todd Seastrand
NOTARY PUBLIC



DATED the 1st day of July 2019.

OWNER

Jill Vanden Akker NKA
Jill Vanden Akker Martin

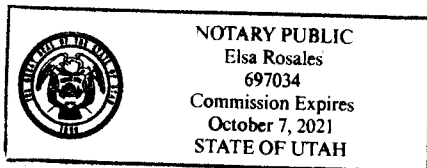
**JILL VANDEN AKKER NKA
JILL VANDEN AKKER MARTIN**

STATE OF UTAH)
COUNTY OF DAVIS ss:)

The foregoing DEED RESTRICTION was acknowledged before me this 1 day of July, 2019, by Jill Vanden Akker nka Jill Vanden Akker Martin.

[Seal]

Elsa Rosales
NOTARY PUBLIC



OWNER

**JOEL VANDEN AKKER, JILL VANDEN AKKER
MARTIN, AND RICHARD VAN DEN AKKER,
trustees of the RJJ Trust dated August 1, 2009**

Joel Vanden Akker 7/8/19
Joel Vanden Akker, Trustee

Jill Vanden Akker Martin, Trustee

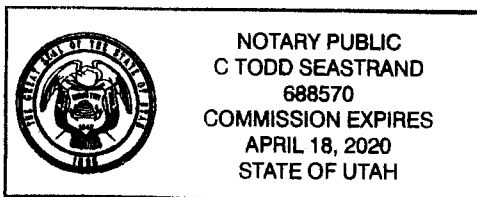
Richard Van Den Akker, Trustee

STATE OF UTAH)
COUNTY OF Salt Lake)
SS:

The foregoing DEED RESTRICTION was acknowledged before me this 8 day of July, 2019, by Joel Vanden Akker, ~~Jill Vanden Akker Martin~~, and ~~Richard Van Den Akker~~, as trustees of the RJJ Trust dated August 1, 2009.

[Seal]

C. Fred Swenson
NOTARY PUBLIC



OWNER

**JOEL VANDEN AKKER, JILL VANDEN AKKER
MARTIN, AND RICHARD VAN DEN AKKER,
trustees of the RJJ Trust dated August 1, 2009**

Joel Vanden Akker, Trustee

Jill Vanden Akker Martin

Jill Vanden Akker Martin, Trustee

Richard Van Den Akker, Trustee

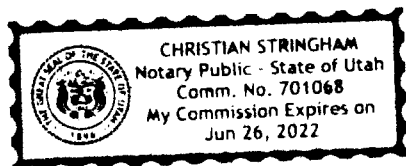
STATE OF UTAH)

SS:
COUNTY OF Davis)

The foregoing DEED RESTRICTION was acknowledged before me this 6 day
of July, 2019, by Joel Vanden Akker, Jill Vanden Akker Martin, and
Richard Van Den Akker, as trustees of the RJJ Trust dated August 1, 2009.

[Seal]

Christian Stringham
NOTARY PUBLIC



OWNER

**JOEL VANDEN AKKER, JILL VANDEN AKKER
MARTIN, AND RICHARD VAN DEN AKKER,
trustees of the RJJ Trust dated August 1, 2009**

Joel Vanden Akker, Trustee

Jill Vanden Akker Martin, Trustee

Richard Van Den Akker, Trustee

STATE OF IDAHO)
COUNTY OF ADA)
SS:)

The foregoing DEED RESTRICTION was acknowledged before me this 1 day of July, 2019, by Joel Vanden Akker, Jill Vanden Akker Martin, and Richard Van Den Akker, as trustees of the RJJ Trust dated August 1, 2009.

[Seal]

Kylee Siebert
Notary Public
State of Idaho
Commission No. 2018-1169
Exp: June 25, 2024

~~NOTARY PUBLIC~~