

Declaration of Agricultural Preservation Easement

This Declaration of Agricultural Preservation Easement agreement (the "Agreement") concerning Sandhill Crane Cluster Subdivision (the "Subdivision") (see Exhibit A) is made as of the ____ day of _____, 2014, by and between JW Valley Properties, LLC ("JW"), the Sandhill Crane Cluster Subdivision Homeowner's Association (the "HOA"), and Weber County, an incorporated county within the State of Utah (the "County"). JW, the HOA and the County are collectively referred to as the "Parties".

RECITALS

- A. JW is the owner of certain property located within Weber County, State of Utah, more fully identified by the preliminary plat submitted to the County as Sandhill Crane Cluster Subdivision (the "Subdivision").
- B. JW is developing the Subdivision into a cluster development within the scope of the County municipal code. The Subdivision will consist of individual residential building lots and an Agricultural Preservation Parcel as shown on Exhibit A.
- C. Prior to approval of the final plat for the Subdivision the Covenants, Conditions and Restrictions (the "CC&Rs") will be recorded against the Subdivision and the Agricultural Preservation Parcel. The CC&Rs shall restrict the use of the Agricultural Preservation Parcel consistent with this agreement and shall allow the HOA to enforce the restrictions placed on the Agricultural Preservation Parcel.
- D. The County desires to have standing to enforce the use restrictions on the Agricultural Preservation Parcel and is therefore a party to this Agreement.

Now therefore, in consideration of the mutual promises, covenants and conditions contained in this Agreement, and for other good and valuable consideration, the receipt of which is hereby acknowledged by the Parties, the Parties agree as follows:

- 1. Permitted Uses of the Agricultural Preservation Parcel: The Parties agree that the Agricultural Preservation Parcel shall be restricted to the following uses:
 - a. Structures: Only structures used for agricultural or associated purposes may be built on the Agricultural Preservation Parcel. This includes but is not limited to structures used for the purpose of housing crops, animals, equipment, vehicles, tools, feed and implements to support agricultural endeavors. Structures shall not be used for permanent or temporary residential purposes.
 - b. Crops and Animals: Permitted crops and animals are limited to only those crops and animals permitted by County zoning and use ordinances then in effect. Notwithstanding the forgoing, animals by type or in numbers that emit odors or whose presence can

constitute a nuisance to the residential properties of the Subdivision, as reasonable determined by the HOA, are prohibited.

- c. Waste and Maintenance: All animal or agricultural waste must be regularly removed from the Agricultural Preservation Parcel. Waste may be used as fertilizer, provided the waste is tilled, churned, disced or otherwise integrated into the soil so as not to cause a nuisance to the residential properties.
 - d. Agricultural Preservation Use: Except for items stored within appropriate containers or buildings, the Agricultural Preservation Parcel shall be maintained such that trash, refuse, rubbish, inoperable or abandoned equipment, dead animals, scrap lumber or building materials, dirt or fill material, scrap metal, silage, grass clippings, tree clippings, or plant waste are not visible from the street nearest the Agricultural Preservation Parcel. No odor, including smoke from fires ignited for any reason, shall arise from the Agricultural Preservation Parcel so as to render neighboring and adjacent properties unsanitary, unsightly, or offensive. Barbeque grills, fire pits and fire places are allowed.
2. Easement: JW dedicates, grants and conveys a perpetual easement to the County and HOA upon the Agricultural Preservation Parcel; said easement to be used only to guarantee that the Agricultural Preservation Parcel will remain open and undeveloped except for the approved uses as set forth above and does not grant the HOA, the County or the public at large the right to use the Agricultural Preservation Parcel. The Parties agree that this Agreement is for the express purpose of enhancing the value and protecting the attractiveness of the Subdivision, and as such, the use restrictions state herein shall run with the land. This agreement is binding upon all claiming any right, title, or interest in the Subdivision and shall inure to the benefit of the Parties and their respective successors, assign, heirs or nominees.
 3. Ownership: The Parties agree that the Agricultural Preservation Parcel shall be owned by the HOA.
 4. Miscellaneous: The Parties agree that the Agricultural Preservation Parcel is required at all times to conform to the use restriction stated herein and the County zoning and use ordinances per applicable law. To the extent that there is a conflict between the use restrictions in this Agreement and the zoning and use ordinances, the more restrictive provision shall govern. In the event that the owner of the Agricultural Preservation Parcel violates any of the above referenced use restrictions or ordinances, any of the Parties may enforce the provisions of this Agreement.
 5. Attorney's Fees: If any legal action or any arbitration or other proceeding is brought or any action taken for the enforcement of this Agreement, the prevailing parties shall be entitled to recover reasonable attorney's fees and other incurred expenses, in addition to any other relief to which they may be entitled as a result of those proceedings.

6. Amendment: This Agreement may be modified and/or amended only by written agreement by the Parties or their successors or assigns.

In witness whereof, the Parties have executed this Agreement as of the date first written above.

JW Valley Properties, LLC

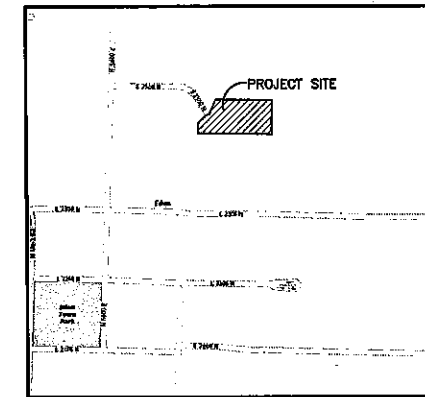
Sandhill Crane Cluster Subdivision HOA

Weber County

Exhibit A

LEGEND

- SECTION CORNER
- P.U.E. = PUBLIC UTILITY EASEMENT
- BOUNDARY LINE
- LOT LINE
- ADJOINING PROPERTY
- EASEMENTS
- SECTION TIE LINE
- EXISTING FENCELINE
- BERM
- TRAIL
- PERCOLATION TEST LOCATIONS
- PROPOSED FIRE HYDRANT
- PROPOSED CULINARY WATER LINE (SIZE VARIES)
- EXIST W = EXISTING CULINARY WATER LINE
- EXIST SD = EXISTING STORM DRAIN
- FLOOD ZONE "A" WITH SHEET FLOW DEPTH LESS THAN 0.75 FEET
- PROPOSED ASPHALT SURFACE

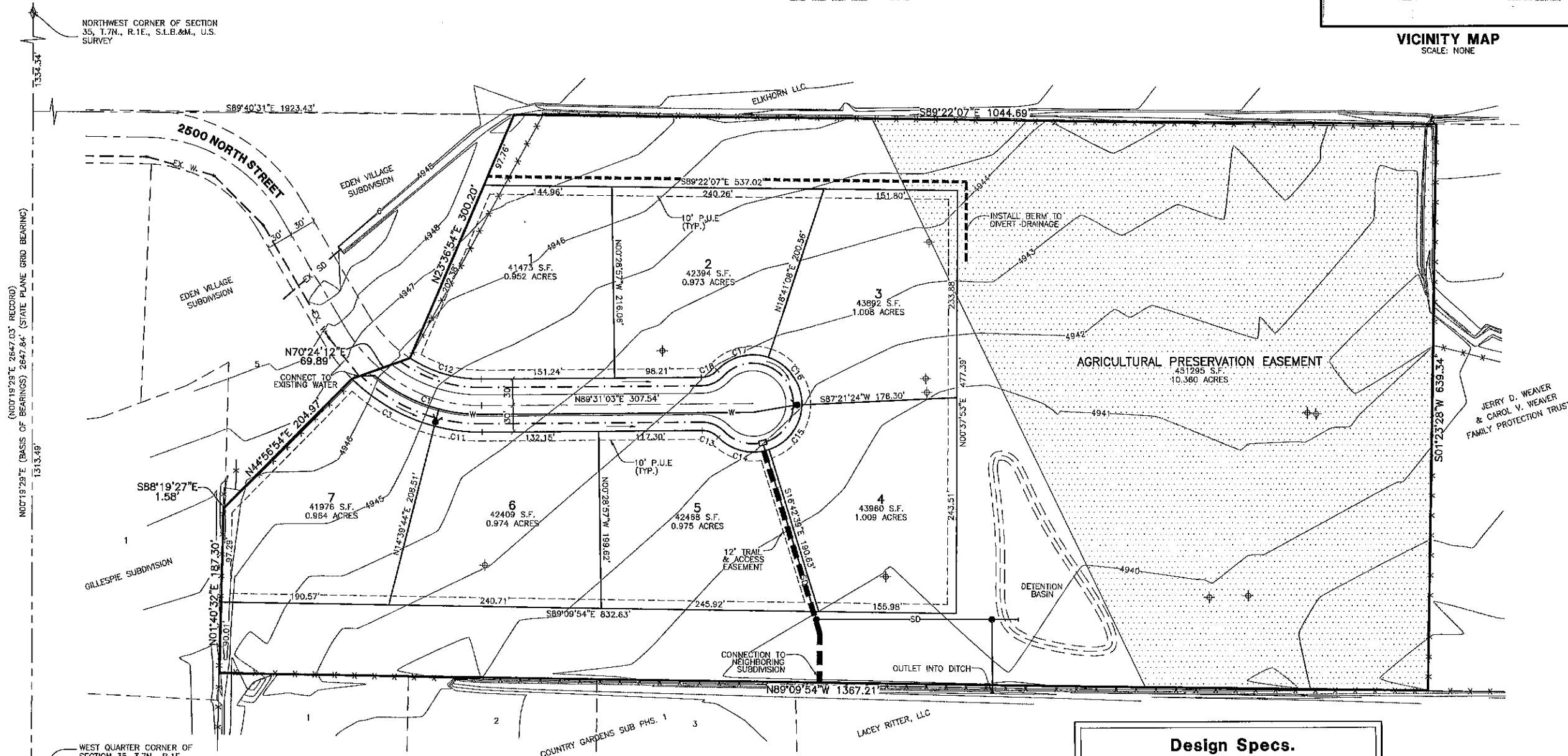


VICINITY MAP
SCALE: NONE

STREET SECTION (60' R.O.W.)

SCALE: NONE

NOTE: THESE PAVEMENT THICKNESSES SHALL BE CONSIDERED AS MINIMUMS AND MAY BE INCREASED BY THE COUNTY ENGINEER WHEN SUBGRADE C.B.R. IS LESS THAN 10 OR WHEN A GREATER DEPTH IS NECESSARY TO PROVIDE SUFFICIENT STABILITY. DESIGNER MAY SUBMIT AN ALTERNATIVE PAVEMENT DESIGN BASED ON A DETAILED SOILS ANALYSIS FOR



CURVE TABLE

#	RADIUS	ARC LENGTH	CHD LENGTH	TANGENT	CHD BEARING	DELTA
C1	176.75'	124.98'	122.39'	65.23'	N70°13'35"W	40°30'46"
C3	206.75'	108.89'	107.44'	55.53'	S60°16'39"E	30°07'15"
C11	206.75'	54.66'	54.49'	27.49'	N82°54'37"W	15°08'42"
C12	146.75'	85.52'	84.31'	44.01'	N73°47'16"W	33°23'22"
C13	25.00'	20.32'	19.76'	10.76'	N67°11'56"W	46°34'03"
C14	55.00'	62.18'	58.92'	34.89'	N76°18'19"W	64°46'48"
C15	55.00'	66.87'	62.82'	38.27'	S36°28'35"W	69°39'25"
C16	55.00'	70.04'	65.40'	40.67'	S34°50'00"E	72°57'44"
C17	55.00'	63.10'	59.70'	35.54'	N75°49'04"E	65°44'08"
C18	25.00'	20.32'	19.76'	10.76'	S66°14'01"W	46°34'03"

Design Specs.

Total Area	17.96 Acres
Area of Right-of-Way	0.74 Acres
Developable Area	17.22 Acres
Open Space (60% req.)	10.78 Acres (60%)
Number of Lots Possible (at 3/4 ac.)	5.74 Lots
Cluster Bonus (30%)	7.46 Lots
Number of Lots Proposed	7 Lots

Bonus Point Breakdown	
Development of Cluster Subdivision	10%
Public Access to Open Space & Trail	10%
Agricultural Preservation Easement	10%
	30%

Developer:

Blake Wahlen
2080 East Oakridge Circle
Layton, UT 84040
(801) 510-6136



REVISIONS	DESCRIPTION
DATE	

Sandhill Crane Cluster Subdivision
PART OF THE NORTH HALF OF SECTION 35, T.7N., R.1E., S.L.B.&M., U.S. SURVEY
EDEN DISTRICT, WEBER COUNTY, UTAH

Preliminary Design

Project Info.

Engineer: N. Reeve
Designer: C. Coyle
Begin Date: OCTOBER 20, 2014
Name: SANDHILL CRANE CLUSTER SUBDIVISION
Number: 6460-01

NOTES:
1. CONTOURS ARE SHOWN WITH A ONE FOOT INTERVAL.

Eden District, Weber County, Utah

Sandhill Crane Cluster Subdivision