WHEN RECORDED, MAIL TO:

KARI JIMENEZ
IVINS CITY
55 NORTH MAIN
IVINS, UT 84738

APN: I-6-1-30-321; I-6-1-30-322; I-6-1-30-325; I-6-1-30-33112; I-6-1-30-33221; I-6-1-30-320; I-6-1-31-4410-1; I-6-1-31-4410-2; I-6-1-31-4421; I-6-1-31-4420; I-6-1-31-412; I-6-1-31-41010

SECOND AMENDMENT TO THE MASTER PLAN / DEVELOPMENT AGREEMENT FOR THE TAVIAWK XI & XII SUBDIVISION PROJECTS IVINS CITY, WASHINGTON COUNTY, UTAH

This Second Amendment to the Development Agreement for the Taviawk XI & XII subdivision projects ("2nd Amendment") is entered into as of this _____ day of _____, 2017, by and between **KAYENTA DEVELOPMENT, INC.,** ("Owner / Developer"), the developer and owner of certain real property located in Ivins City, Washington County, Utah, on which they propose to develop a project known as the Taviawk XI and XII Subdivisions (the "Project" – legal description of which is attached hereto as Exhibit "A"), and **IVINS CITY**, a municipality and political subdivision of the State of Utah, by and through its City Council ("City"), collectively the "Parties."

R E C I T A L S

A. On or about July 31, 2013, the Parties entered into a First Amended Master Plan / Development Agreement for the Taviawk XI & XII Subdivision Projects ("Agreement"); and

B. The Parties now desire to amend paragraph (2)(c) of the Agreement as set forth below.

A G R E E M E N T

The Parties hereby agree that paragraph (2)(c) of the Agreement shall now read as follows:

(2) Project Phasing.

* * *

(c) Before a final plat for any Subdivision Phase can be recorded, paved dual access roads shall either be fully installed or bonded for, except for lots served by cul-de-sacs in which case the entrance to the cul-de-sac shall have paved dual access; or have a paved access road along all boundaries of the platted lot(s) and otherwise meet all access road requirements of the Fire Code. Before the first Certificate of Occupancy can be issued for a home in any Subdivision Phase, the required ~~paved dual~~ access roads must be fully installed and all improvements completed for that Phase as stated above.

IN WITNESS WHEREOF, the parties have executed this 2nd Amendment the day and year first above written.

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IVINS CITY:

Attest:

By: _____
Chris Hart, Mayor

_____
Kari Jimenez, Ivins City Recorder

DEVELOPER/OWNER:

_____
KAYENTA DEVELOPMENT, INC.

STATE OF UTAH)
ss.
COUNTY OF WASHINGTON)

On this ___ day of _____, 2017, before me personally appeared CHRIS HART and KARI JIMENEZ whose identities are personally known to or proved to me on the basis of satisfactory evidence, and who, being by me duly sworn (or affirmed), did say that they are respectively the Mayor and Recorder of **Ivins City**, and that the foregoing document was signed by them by authority, and they acknowledged before me that Ivins City executed the document and the document was the act of Ivins City for its stated purpose.

_____
Notary Public

STATE OF UTAH)
ss.
COUNTY OF)

On the ___ day of _____, 2017, personally appeared before me LANCE ANDERSON, PRESIDENT OF KAYENTA DEVELOPMENT, INC., whose identity is personally known to or proved to me on the basis of satisfactory evidence, and who, being by me duly sworn (or affirmed), did say that KAYENTA DEVELOPMENT, INC. is an Owner/Developer of the Taviawk XI and XII Subdivisions and that the foregoing document was signed by him/ by authority, and he/she acknowledged before me that he/she executed the document for its stated purpose.

_____
Notary Public

EXHIBIT "A"

Legal Description for the Property

TAVIAWK PHASE XI AND XII

BEGINNING AT A POINT NORTH 01°22' 24" EAST 137.33 FEET ALONG THE SECTION LINE AND SOUTH 88°44' 09" EAST 2,403.51 FEET ALONG THE SECTION LINE FROM THE SOUTHEAST CORNER OF SECTION 25, TOWNSHIP 41 SOUTH, RANGE 17 WEST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE SOUTH 81° 14' 35" WEST 127.14 FEET; THENCE SOUTH 63° 26' 54" WEST 139.74 FEET; THENCE SOUTH 57° 54' 47" WEST 156.89 FEET; THENCE SOUTH 60° 51' 57" WEST 163.76 FEET; THENCE SOUTH 66° 32' 53" WEST 167.82 FEET; THENCE SOUTH 72° 04' 11" WEST 179.77 FEET; THENCE SOUTH 86° 32' 06" WEST 242.81 FEET; THENCE SOUTH 02° 21' 27" WEST 42.08 FEET; THENCE NORTH 88° 55' 31" WEST 131.65 FEET; THENCE SOUTH 41° 12' 22" WEST 140.50 FEET; THENCE SOUTH 47° 15' 05" WEST 94.64 FEET; THENCE SOUTH 88° 00' 43" WEST 140.07 FEET; THENCE SOUTH 01° 21' 13" WEST 688.91 FEET; THENCE NORTH 88° 51' 27" WEST 1297.20 FEET; THENCE NORTH 81° 07' 39" WEST 38.00 FEET TO A POINT ON A 2119.00 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT (RADIUS POINT BEARS SOUTH 81° 07' 39" EAST); THENCE ALONG THE ARC OF SAID CURVE 373.49 FEET THROUGH A CENTRAL ANGLE OF 10° 05' 56" TO A POINT ON A 5019.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE 640.59 FEET THROUGH A CENTRAL ANGLE OF 07° 18' 46" TO A POINT ON A 1519.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE 38.80 FEET THROUGH A CENTRAL ANGLE OF 01° 27' 49"; THENCE SOUTH 62° 15' 08" EAST 38.00 FEET TO A POINT ON A 1481.00 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT (RADIUS POINT BEARS SOUTH 62° 15' 08" EAST); THENCE ALONG THE ARC OF SAID CURVE 853.04 FEET THROUGH A CENTRAL ANGLE OF 33° 00' 07"; THENCE NORTH 60° 44' 58" EAST 155.10 FEET; THENCE NORTH 60° 44' 58" EAST 111.03 FEET TO A POINT ON A 2981.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE 302.81 FEET THROUGH A CENTRAL ANGLE OF 05° 49' 12"; THENCE NORTH 66° 34' 11" EAST 338.06 FEET; THENCE NORTH 66° 34' 11" EAST 170.70 FEET; THENCE SOUTH 24° 05' 56" EAST 11.10 FEET TO A POINT ON A 20.00 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT (RADIUS POINT BEARS SOUTH 23° 29' 35" EAST); THENCE ALONG THE ARC OF SAID CURVE 28.65 FEET THROUGH A CENTRAL ANGLE OF 82° 04' 34"; THENCE SOUTH 31° 25' 01" EAST 292.02 FEET TO A POINT ON A 20.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE 32.06 FEET THROUGH A CENTRAL ANGLE OF 91° 50' 42"; THENCE SOUTH 29° 30' 25" EAST 35.00 FEET; THENCE NORTH 60° 29' 35" EAST 174.29 FEET TO A POINT ON A 20.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE 30.85 FEET THROUGH A CENTRAL ANGLE OF 88° 22' 43"; THENCE SOUTH 31° 06' 56" EAST 53.49 FEET TO A POINT ON A 20.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE 16.41 FEET THROUGH A CENTRAL ANGLE OF 47° 00' 40" TO A POINT ON A 35.00 FOOT RADIUS CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE 93.76 FEET THROUGH A CENTRAL ANGLE OF 153° 29' 14"; THENCE SOUTH 15° 42' 49" EAST 113.89 FEET; THENCE SOUTH 12° 22' 42" EAST 141.94 FEET; THENCE SOUTH 01° 16' 02" WEST 196.31 FEET TO THE POINT OF BEGINNING.
CONTAINING 58.6965 ACRES

TOGETHER WITH:

BEGINNING AT A POINT BEING ON A WESTERLY CORNER OF LOT 5 OF THE TAVIAWK SUBDIVISION PHASE I AS RECORDED IN WASHINGTON COUNTY UTAH, SAID POINT ALSO BEING NORTH 88°44'09" WEST 660.67 FEET ALONG THE SECTION LINE AND NORTH 638.26 FEET FROM THE SOUTH 1/4 CORNER OF SECTION 30, TOWNSHIP 41 SOUTH, RANGE 16 WEST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE ALONG THE BOUNDARY OF SAID TAVIAWK PHASE I SUBDIVISION THE FOLLOWING TEN (10) COURSES:SOUTH 03° 40' 09" EAST 30.82 FEET TO A POINT ON A 35.00 FOOT RADIUS CURVE TO THE LEFT (RADIUS BEARS SOUTH 25° 42' 22" EAST); THENCE ALONG THE ARC OF SAID CURVE 31.04 FEET THROUGH A CENTRAL ANGLE OF 50° 48' 42" TO A POINT ON A 20.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE 16.41 FEET THROUGH A CENTRAL ANGLE OF 47° 00' 51"; THENCE SOUTH 60° 29' 47" WEST 95.48 FEET TO A POINT ON A 20.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE 30.75 FEET THROUGH A CENTRAL ANGLE OF 88° 05' 25"; THENCE NORTH 31° 24' 49" WEST 286.80 FEET TO A POINT ON A 20.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE 32.75 FEET THROUGH A CENTRAL ANGLE OF 93° 49' 13"; TO A POINT ON A 1030.00 FOOT RADIUS CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE 145.58 FEET THROUGH A CENTRAL ANGLE OF 08° 05' 53"; THENCE SOUTH 33° 25' 28" EAST 171.85 FEET; THENCE SOUTH 31° 06' 44" EAST 115.50 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.263 ACRES

TOTAL AREA: 59.9595 ACRE