

AFTER RECORDING RETURN TO:

Cottonwood Heights
2277 East Bengal Blvd.
Cottonwood Heights, UT 84121

**Owner's Affidavit
(Paved Activity Surface)**

The undersigned person(s) (collectively, "*Owner*"), being first duly sworn, deposes and states as follows in connection with Owner's application to install a paved activity surface (the "*PAS*") on the real property located in the city of Cottonwood Heights ("*City*"), Salt Lake County, Utah that is particularly described on the attached exhibit (the "*Property*"):

1. That Owner is of legal age and has personal knowledge of the facts herein stated.
2. That Owner is the sole owner of legal title to the Property.
3. That Owner has carefully reviewed or is otherwise aware of City's code of ordinances (the "*Code*") and other laws that are applicable to the construction, use and maintenance of a PAS in the City, including without limitation (a) Code Section 19.76.060, entitled "Paved Activity Surfaces," (b) Code Chapter 9.05, entitled "Nuisances and Abatement," (c) Code Chapter 9.85, entitled "Adoption of Salt Lake County Health Department Regulations by Reference" (including its noise control ordinance), and (d) all other provisions of the Code, Salt Lake County ordinances, or Utah state statutes affecting PASs in the City, including land use regulations and noise control ordinances (collectively and together with all amendments and successors to those ordinances, the "*Applicable Laws*").
4. That Owner knows that its proposed PAS would be subject to ongoing compliance with all Applicable Laws, including without limitation noise control and lighting control ordinances, which are intended (among other things) to assure that use of one property does not materially adversely affect the enjoyment of neighboring properties.
5. That Owner covenants, for itself and its successors, to perpetually only use any PAS on the Property in full compliance with all Applicable Laws, acknowledging that failure to do so may result in civil and/or criminal enforcement activities by City or others.
6. That this affidavit (this "*Affidavit*") is given by Owner to induce City to approve Owner's pending application for construction of a PAS on the Property (the "*Application*"), knowing that City will rely upon the accuracy of this Affidavit in determining whether approval of the Application is appropriate under the Code.
7. That Owner and its successors shall indemnify and hold City harmless from any loss, cost or expense occasioned by any untrue statement made herein and any cost, expense or liability arising from City's enforcement arising from the falsity of the matters in this Affidavit.
8. That this Affidavit shall be recorded against title to the Property in connection with any City approval of the Application and from and after such recording this Affidavit shall (a) create an equitable servitude on the Property in favor of City; (b) constitute a covenant running with the land;

(c) bind every person having any fee, leasehold or other interest in any portion of the Property at any time or from time to time; and (d) inure to the benefit of City and be binding upon Owner and all other current or future owners or occupants of the Property as well as their respective successors and assigns.

IN WITNESS WHEREOF, Owner has executed this Affidavit as of the date(s) set forth below.

OWNER:

By: _____

Print Name: _____

Print Title: _____

Date: _____

By: _____

Print Name: _____

Print Title: _____

Date: _____

STATE OF _____)
: ss
COUNTY OF _____)

Subscribed and sworn (or affirmed) before me this ____ day of _____ 20__ by
_____ and _____ in their capacities specified above.

Notary Public

Exhibit to
Owner's Affidavit

(Attach Legal Description of Property)