

Aspen Cove @ Scofield HOA Board Meeting

December 21, 2022. 5:00 PM Bob Conner Office, Pleasant Grove, Utah

In attendance...Dan Allen, Allen Rowe, Bonnie and Rick Seastrand, Bob Conner, Jared Edwards, Nicole White.

Due to the lack of board members that are here, Dan requested a vote to make everyone present whether a board member or not to take a vote to be voted in as a quorum. The purpose of this meeting was primarily to bring us up to date with the negotiations/discussions about the fencing issue and back gate. And to approve bills to be paid for the month of December 2022 (which is official). We may make a motion regarding what we decide what to do here, but since we are so close to the annual meeting, whatever is decided will be presented to those in attendance at the annual meeting and take a vote there.

A vote was taken, and everyone present was designated as a board member for today.

Bills approved to be paid. See website for Paid Invoices.

Motion by Nicole White to pay invoices, 2nd by Bob Conner, All, were in favor to pay these bills.

A question was asked about the front gate sprinkling system...Niel and Nicole White have been asked to take care of this area. There have been some repairs done and some things they will need to have some help with. The control box has had some new parts put on to make it easier to blow out the water lines, and fix some of the cracks in the box as well. There are some trees that need to be replaced, maybe this could be done in the spring. Bob Conner has the name of someone who is willing to come up to Aspen Cove.

Bob Conner has been doing some security work for Timber Lakes community, they have a system that will log which lots are being accessed. It has ID tags, takes pictures and a few other things that might work in the Aspen Cove area. We could improve the gate at Aspen Cove.

Narrative for future discussion later in the meeting...

The primary purpose of this meeting is to respond to the request by the Brown's to relocate the right-of-way (ROW) to the back gate. A meeting was held at Mark Nelson's office where this was discussed. Matt Brown sent a proposed new ROW agreement and is requesting that we agree and Dan signs the agreement.

Referring to this map (see attached) the real point of discussion is the proposed new road as an alternative to the existing road to the back gate and a possible fence line that could be up to 2 miles long, running north and south along the entire west property line of Aspen Cove.

Going back 6-8 months ago...when this subject came up the Brown's acquired a strip of property that was once owned by Jerry Frandsen, his property surrounded Aspen Cove. Now going back 25 years or so, we have had this easement that gives us the right to cross this piece of property in order to access the back gate and access the county road, there are actually 2 easements. These easements have been in place for a long time, the Brown's then acquired all this property and they have the intention to

develop it now. Initially he presented a plat and wanted to run the road north along the property line all the way to the Utah County line. This would have been our access to the county road and Dan said NO! Dan made a counter proposal, which would extend west from the end of Skyline Drive Circle. Matt Brown drew it up, had a surveyor formalize it, and it appears acceptable to both sides. Then nothing happened for several months. Then in November, Matt Brown came back and wanted things done in a hurry.

We like this design (GREEN LINE ON MAP) and Matt has submitted proposed agreement along with this as well (also attached). Dan and Mark Nelson pointed out that the existing agreement said, the Browns are responsible for all costs (including fencing) associated with the move of ROW if we agree to this change. Matt's point of view is that the language is ambiguous and they don't think that anyone ever intended for them to be responsible for 2 miles of fencing to give Aspen Cove a private gated community. Essentially Mark and Dan agreed that the language about moving the fence is where we have had to do some negotiating.

Matt's position on fencing is that it will cost approximately \$30,000.00 for about 2 miles of fencing, and they would be willing to split the cost with us. The position that Dan and Mark took was that we do not really need 2 miles of fencing. We could be secure enough with a couple hundred feet of fencing on either side of the gate, because the terrain is such that vehicles would have a very difficult time getting into Aspen Cove. In fact, the Browns would get the most benefit from the fence because they would be able to run cows on their property and save thousands of dollars in property taxes. Dan and Mark suggested to Matt that there could be some value to having the fence the whole way but the south end has never had a fence and has not presented any problems. There is not a lot of incentive for us to spend a lot of money. Dan suggested to Matt that he would take it to the board and see what their sense is, but it is not likely to be supportive of splitting the cost of 2 miles of fencing. That is essentially where the meeting ended. Saying okay, you go back to your board and decide what you are willing to do and make an offer.

Dan's point of view is that it is better to have a fence and have the security but certainly not at the cost of 50% of the cost. So, we have to go and pick a number or we could say for a few hundred dollars that we would have our gate and have a few hundred feet on either side of that. We may spend \$10,000.00 on the gate but not \$15,000 in half of the cost of the fencing.

Question was asked by Allen Rowe, what is their plan with the cattle? There is a cattle guard and they have run cows on the north end, as well as south within the fenced area. Matt's answer regarding cattle is that it depends on what we decide about fencing. According to their CCR'S, an interior fence cannot be barbed wire, so with the addition of the Frandsen property, the existing fence becomes an interior fence and must be removed. There will be no way to run cattle south of the cattle guard without the new proposed fencing. So, it is pretty clear that they have the greatest incentive to put in a fence.

There was discussion among us those in attendance.

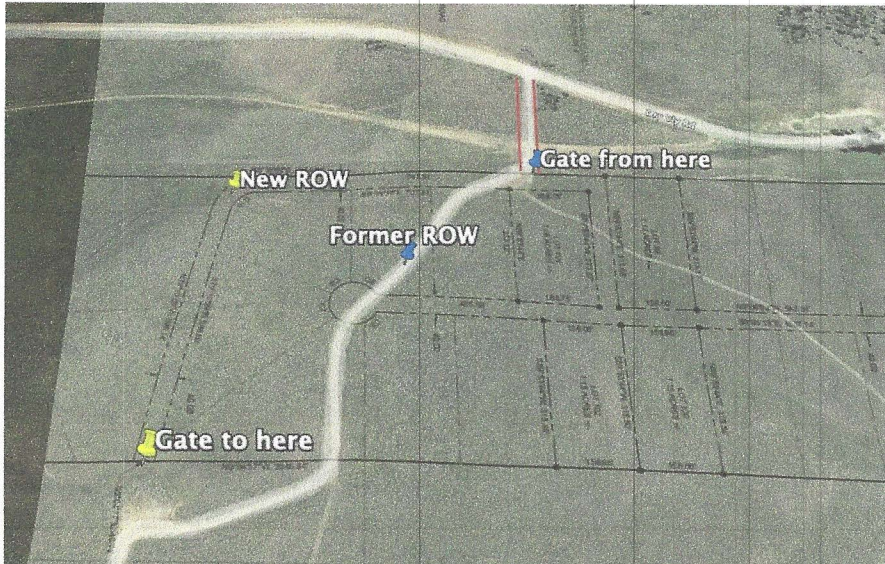
Question asked by Dan, what is a fence worth to us?

Let's pick a number for the fencing...we will offer the Browns \$5,000.00 with \$7500.00 max and this will need to be taken to the members of Aspen Cove. It is worth something to have the fence the whole length, but not half the entire cost.

It was suggested to make a special assessment of \$195.00 to each lot/cabin owner for the basketball back stops, back gate and the fence.

**Agreement Between
Aspen Cove HOA (AC-HOA)
American Recreation & Sports Inc (ARSI)
and Scofield Estates LLC (SE)
to move current right of way south for SME Phase V**

1. AC-HOA and ARSI agree to allow SE to abandon the current right-of-way (as existing seen below) through parcel 2A-0058-0000 and record a new right of way as written in exhibit A attached.



2. SE agrees to pay the expense to cut this new right-of-way and move Aspen Cove's gate from the west side of 2A-0058-0000 to the east side of the right of way and parcel bordering ARSI's 2A-0055-0000 parcel.
3. This agreement fulfills and therefore nullifies the previous agreement that stated:
"The parties agree to move such right-of-way approximately 200' north to a new deeded mutually agreed upon road & utility easement to accommodate the adjoining property owner (Jared Brown/Scofield Estates). Jared Brown/Scofield Estates shall be responsible for all costs associated with moving the road/right-of-way easement which shall include, but is not limited to the following: surveying property, cutting new roadway in, moving fencing, moving gates, recording deeded road & utility easements, etc."

X _____
Aspen Cove Home Owner's Association
Dan Allen, President

Date: _____

Exhibit A

ROADWAY DESCRIPTION:

BEGINNING AT A POINT WHICH IS LOCATED N 89°48'55" W, 671.59 FEET ALONG THE NORTH LINE OF SECTION 5 TO THE NORTHEAST CORNER OF THE SCOFIELD MOUNTAIN ESTATES SUBDIVISION, PHASE IV, OFFICIAL RECORDS OF THE CARBON COUNTY RECORDER AND S 00°15'00" E, 795.26 FEET ALONG THE EAST LINE OF PHASE IV OF SAID SUBDIVISION FROM THE NORTH QUARTER CORNER OF SECTION 5, TOWNSHIP 12 SOUTH, RANGE 7 EAST, SLB&M; THENCE N 89°53'44" E, 313.68 FEET; THENCE N 00°06'53" W, 542.35 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 50.00 FEET AND A DELTA ANGLE OF 312°36'34"; THENCE NORTHERLY, 272.80 FEET ALONG THE ARC OF SAID CURVE (CHORD BEARS N 89°59'25" E, 40.19 FEET); THENCE S 00°05'13" E, 1037.74 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 50.00 FEET AND A DELTA ANGLE OF 312°50'36"; THENCE SOUTHERLY, 273.01 FEET ALONG THE ARC OF SAID CURVE (CHORD BEARS S 89°39'14" W, 40.00 FEET); THENCE N 00°03'53" W, 455.63 FEET; THENCE S 89°53'44" W, 273.67 FEET; THENCE S 00°15'00" E, 660.82 FEET TO THE BEGINNING OF A CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 100.00 FEET AND A DELTA ANGLE OF 74°56'58"; THENCE SOUTHEASTERLY, 130.81 FEET ALONG THE ARC OF SAID CURVE (CHORD BEARS S 37°43'29" E, 121.68 FEET); THENCE S 75°11'58" E, 342.59 FEET TO THE BEGINNING OF A CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 500.00 FEET AND A DELTA ANGLE OF 07°52'27"; THENCE SOUTHEASTERLY, 68.72 FEET ALONG THE ARC OF SAID CURVE (CHORD BEARS S 79°08'11" E, 68.66 FEET); THENCE S 83°04'25" E, 155.22 FEET TO THE NORTH-SOUTH QUARTER SECTION LINE; THENCE S 00°04'17" E, 40.30 FEET ALONG SAID QUARTER SECTION LINE; THENCE N 83°04'25" W, 160.13 FEET TO THE BEGINNING OF A CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF 540.00 FEET AND A DELTA ANGLE OF 07°52'27"; THENCE NORTHWESTERLY, 74.21 FEET ALONG THE ARC OF SAID CURVE (CHORD BEARS N 79°08'11" W, 74.15 FEET); THENCE N 75°11'58" W, 342.59 FEET TO THE BEGINNING OF A CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF 140.00 FEET AND A DELTA ANGLE OF 74°56'58"; THENCE NORTHWESTERLY, 183.14 FEET ALONG THE ARC OF SAID CURVE (CHORD BEARS N 37°43'29" W, 170.36 FEET) TO THE EAST LINE OF PHASE IV OF SAID ABOVE SUBDIVISION; THENCE N 00°15'00" W, 700.92 FEET ALONG SAID EAST LINE TO THE POINT OF BEGINNING.

X _____
American Recreation & Sports Inc.
Mark Nelson, Manager

Date: _____

X _____
Scofield Estates LLC
Matthew Brown, Manager

Date: _____

