



**BUILDING ON A PRIVATE R.O.W.
COVENANT
(TO RUN WITH THE LAND)**

E# 2782142 PG 1 OF 2
LEANN H KILTS, WEBER COUNTY RECORDER
10-MAR-16 954 AM FEE \$.00 DEP SPY
REC FOR: WEBER COUNTY PLANNING

This Covenant is entered into this 10 day of March, 2016
between Mary Ann Holley & Richard Holley Trustees of Mary Ann Jackson Holley Family Living Trust
hereafter referred to as Grantor, and Weber County, Grantee, hereafter referred to as County.

WHEREAS, Grantor has applied to County for a special exception to the Land Use Code provisions to waive the standard that a dwelling or building lot must have required frontage and lot width on a public street or road, and

WHEREAS, due to unusual topographical or property boundary conditions, County finds it unfeasible or impractical at the present time to require the extension of a public street to Grantor's lot or dwelling, and

WHEREAS, access to the following described lot is only feasible and practical at this time by means of a private right-of-way of at least 20 ft. wide,

THEREFORE, in exchange for County's agreement to grant the special exception sought by Grantor, Grantors hereby executes this covenant, which the parties intend shall run with the land and be binding on Grantor, and its assigns and other successors in interest to the subject property. Grantor covenants that it will participate on the basis of cost allocation according to frontage (or any other basis that County in its sole discretion deems fair), in any cost of developing and constructing, in the future, a public road to replace the private right-of-way or access strip providing access to the subject property. In addition, Grantor covenants to quit claim to County without charge, the private right-of-way or access strip, plus such additional land as required by County for a future public road, within 120 days of receiving notice from County that County intends to commence development and construction of the public road, regardless of which properties will be benefitted by the road.

Legal description of Grantor's subject property and Right of Way location is as follows:

TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 7; TOWNSHIP 6 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, WEBER COUNTY, UTAH, DESCRIBED AS FOLLOWS: BEGINNING 2.90 CHAINS SOUTH 88D34' WEST OF THE NORTHEAST CORNER OF SAID QUARTER SECTION; THENCE SOUTH 88D34' WEST 10.64 CHAINS; THENCE SOUTH 1D40' EAST 8.77 CHAINS IN CENTER OF STREET, THENCE ALONG A LINE 66.00 FEET NORTHERLY OF AND PARALLEL WITH THE SOUTH LINE OF THAT PROPERTY DESCRIBED AS PARCEL 4 IN BOOK 1151 AT PAGE 255 OF WEBER COUNTY RECORDS; SOUTH 86D53' EAST 10.56 CHAINS TO A POINT THAT IS SOUTH 01D21' EAST 9.63 CHAINS FROM THE POINT OF BEGINNING; THENCE NORTH 01D21' WEST 9.63 CHAINS TO BEGINNING. ALSO: PART OF THE WEST 1/2 OF SECTION 8, AND THE EAST 1/2 OF SECTION 7, TOWNSHIP 6 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN U.S. SURVEY: BEGINNING SOUTH 10.72 CHAINS FROM THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 8, RUNNING THENCE NORTH 86D53' WEST 2.60 CHAINS; THENCE NORTH 1D21' WEST 10.63 CHAINS; THENCE NORTH 3D40' WEST 10.24 CHAINS, THENCE SOUTH 89D54' EAST 3.51 CHAINS TO AN EXISTING FENCE; THENCE ALONG SAID EXISTING FENCE AND SOUTH LINE OF LANE THE FOLLOWING THREE COURSES: SOUTH 88D50' EAST 9.4 FEET, SOUTH 89D02' EAST 443.6 FEET, AND SOUTH 71D33' EAST 12.3 FEET, MORE OR LESS, TO AN EXISTING FENCE CORNER; THENCE SOUTH 1D02' EAST 61.1 FEET, MORE OR LESS, ALONG AN EXISTING FENCE; TO A POINT NORTH 1D30' WEST 19.19 CHAINS AND EAST 7.54 CHAINS FROM THE BEGINNING, THENCE SOUTH 1D30' EAST 19.19 CHAINS, THENCE WEST 7.54 CHAINS TO BEGINNING. ALSO: A 66 FOOT WIDE STRIP OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 6 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, WEBER COUNTY, UTAH DESCRIBED AS FOLLOWS: BEGINNING 2.90 CHAINS SOUTH 88D34' WEST AND SOUTH 01D21' EAST 10.63 CHAINS OF THE NORTHEAST CORNER OF SAID QUARTER SECTION; THENCE NORTH 01D21' WEST 66.20 FEET; THENCE ALONG A LINE 66.00 FEET NORTHERLY OF AND PARALLEL WITH THE SOUTH LINE OF THAT PROPERTY DESCRIBED AS PARCEL 4 IN BOOK 1151

AT PAGE 255 OF WEBER COUNTY RECORDS, NORTH 86D53' WEST 10.56 CHAINS, THENCE SOUTH 01D40' EAST 66.23 FEET IN CENTER OF STREET TO THE SOUTH LINE OF SAID PROPERTY; THENCE SOUTH 86D53' EAST 10.56 CHAINS TO BEGINNING. ALSO: PART OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 6 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY: BEGINNING AT A POINT ON THE SOUTH LINE OF SAID QUARTER SECTION, SOUTH 88D34' WEST 2.9 CHAINS FROM THE SOUTHEAST CORNER OF SAID QUARTER SECTION; RUNNING THENCE SOUTH 88D34' WEST 10.6 CHAINS TO THE CENTER OF STREET; THENCE NORTH 1D40' WEST 10.78 CHAINS; THENCE SOUTH 89D EAST 10.34 CHAINS; THENCE SOUTH 3D40' EAST 10.24 CHAINS TO THE PLACE OF BEGINNING. CONTAINING 10.92 ACRES. ALSO: PART OF THE NORTHWEST AND SOUTHWEST QUARTERS OF SECTION 8, TOWNSHIP 6 NORTH, RANGE 2 EAST, SALT LAKE MERIDIAN, U.S. SURVEY: BEGINNING AT A POINT 7.36 CHAINS EAST OF THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER; RUNNING THENCE SOUTH 1D EAST 10.72 CHAINS; THENCE EAST 10.10 CHAINS; THENCE NORTH 1D30' WEST 10.72 CHAINS; THENCE NORTH 8.47 CHAINS; THENCE EAST 495 FEET, THENCE NORTH 1D30' WEST 5.71 CHAINS, THENCE WEST 17.50 CHAINS; THENCE SOUTH 14.18 CHAINS TO PLACE OF BEGINNING. ALSO: ALL OF LOT 5, RY-KY ACRES SUBDIVISION, WEBER COUNTY, UTAH.

By Richard Holley Trustee of MaryAnn Jackson Holley Family Living Trust
GRANTOR
MaryAnn Jackson Holley Trustee of MaryAnn Jackson Holley Family Living Trust

On the 10th day of MARCH, 2016 appeared before me

RICHARD HOLLEY TRUSTEE OF MARY ANN JACKSON HOLLEY, FAMILY LIVING TRUST

_____, Grantor, and acknowledged that it had executed the above Covenant.

Kary C. Serrano
NOTARY PUBLIC
Residing at Ogden, UT (KB), Utah

