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EB 3162541 PG 1 OF 2  
LEANN H KILTS, WEBER COUNTY RECORDER  
21-JUN-21 143 PM FEE \$1.00 DEP PV  
REC FOR: WEBER COUNTY PLANNING

**BUILDING ON A PRIVATE RIGHT OF WAY/ACCESS EASEMENT  
EQUITABLE SERVITUDE AND COVENANT  
(TO RUN WITH THE LAND)**

This Covenant is entered into this 21<sup>st</sup> day of June, 2021 between Robert Marker, hereafter referred to as Grantor, and Weber County, Grantee, hereafter referred to as County.

WHEREAS, Grantor is the owner of real estate situated in Weber County, Utah, more fully described as Hillside Haven Subdivision; and

WHEREAS, Grantor has applied for approval from the County for access by a private right of way/access easement, which is allowed in the Uniform Land Use Code of Weber County, Utah (LUC) if an applicant meets the specific criteria and conditions set forth in LUC §108-7-29 and §108-7-31 for lots that do not have frontage on a public street but have access by a private right-of-way/access easement; and

WHEREAS, based on substantial evidence, it has been shown that it is unfeasible or impractical to extend a public street to serve Grantor's lot(s), the County finds that circumstances support the approval of a private right-of-way/access easement as access to the lot(s); and

WHEREAS, access to the lot is only feasible or practical at this time by means of a private right-of-way easement;

NOW THEREFORE, as a condition of approval for access by a private right of way/access easement as outlined in LUC§ 108-7-31(2)(b), the Grantor(s) hereby executes this equitable servitude and perpetual covenant, which the parties intend to run with the land and be binding on Grantor and its assigns and other successors in interest. If at any time in the future the County deems it necessary to replace the private right-of-way/access easement with a public street that would serve as access to additional lots, the Grantor covenants to deed the area(s) of land encumbered by the private right-of-way/access easement without financial compensation from Weber County, and pay a proportionate amount of the costs associated with developing a public street. The cost allocation will only apply to the private right-of-way/access easement identified as an area on the recorded Hillside Haven Subdivision plat providing access to the subject property and as more precisely described as follows:

*Beginning at a point on the North line of said Quarter Section South 89°31'08" East 825.34 feet from the Northwest Corner of said Quarter of Section; running thence South 89°31'08" East along said North Section line 34.47; thence South 17°16'52" West 787.67 feet; thence South 7°35'38" West 196.11 feet; thence South 17°16'52" West 260.94 feet to the North right-of-way line of County Road 3350 North Street; thence along said North line of road North 83°23'08" West 67.16 feet; thence North 17°16'52" East 1244.40 feet to the point of beginning.*

The Grantor and its assigns and other successors in interest shall be responsible for the maintenance of vegetation and snow removal within the area of this private right-of-way/access easement prior to, and following its conveyance via deed to County ownership. Such maintenance shall be assumed by the County at such a time in the future that a full county standard street is installed within the right-of-way.

(Signatures on following page)

By Robert Markher  
GRANTOR

21<sup>st</sup> June 2021  
Date

On the 21 day of June, 2021, appeared before Robert Markher, Grantor, and acknowledged that it had executed the above Covenant.

Mabrey Hennon  
NOTARY PUBLIC  
Residing at Weber, Utah

