

**PRIVATE ROAD WITHIN A PUBLIC RIGHT-OF-WAY AREA  
(TO RUN WITH THE LAND)**

This Covenant is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ between \_\_\_\_\_, hereafter referred to as Grantor, and Weber County, Grantee, hereafter referred to as County.

WHEREAS, Grantor has applied for approval from the County for a subdivision, which requires conformity with the Uniform Land Use Code of Weber County, Utah (LUC). If an applicant meets the specific criteria and conditions outlined in LUC §106-1-5.10 and §106-1-8.20 the subdivision plat may be forwarded to the County Commission for final approval; and

WHEREAS, this development is planned to contain private streets. In the Ogden Valley Planning Area, the County, and in some cases the applicant, may find benefit from a street being temporarily or permanently private. In those cases, the Land Use Authority may require or an applicant may volunteer a proposed street to be privately owned or privately operated and maintained, Section 106-2-2.1 (b). The County finds that circumstances exist to support the approval of a private streets within a public right-of-way; and

WHEREAS, the conformity with applicable land use codes is only feasible or practical at this time through a private street within a public right-of-way;

NOW, THEREFORE, conditions of approval for a private road within a public right-of-way, found in Section 106-2-2.1 **Responsibility for construction.** The applicant shall pay for and construct the private street.

**Ownership.** The final plat shall dedicate the land under the private street to the County for the purpose of future conversion to a public street at a time the governing body determines a public street is necessary, if ever.

**Street-parcel configuration.** The parcel being dedicated to the county shall be the length of the private street and extend to adjacent developable land or another street regardless of whether the private street infrastructure does. The parcel shall be the same width required for a public street right-of-way, and be configured at a grade that will not create an unreasonable burden for future street-building and connectivity given typical grading and construction methods.

**Operation, maintenance, and use.** Except after the county assumes responsibility for the street, if ever, the operations and maintenance of the installed private street improvements shall be the sole responsibility of the owners of each lot gaining access from the private street. The Land Use Authority may allow these owners to restrict access to the street by the general public, except county officials conducting official county business on a county-owned street-parcel.

**Building setback standards.** The minimum building setbacks shall be measured from the boundary of the county-owned street-parcel.

**Construction standards.** Unless otherwise required by the local Fire Authority or County Engineer, a private street shall be constructed to public street standards.

**Privately operated and maintained street plat note.** "Privately operated and maintained street" is reserved for the exclusive and private use of the adjoining lot owners until and unless the governing body assumes public responsibility for the street."

**Recording requirements.** At the time of final plat recording, the applicant shall record a covenant to run with the land that provides that:

1. The owners of all lots that gain access from the private street are solely and equally responsible for operations and maintenance of the street.
2. If applicable, that by purchasing a lot that gains access from a private street, the owner acknowledges that the street-parcel is owned in fee by the governing body for possible future public street purposes, but that the governing body assumes no responsibility or liability for the street or for the uses thereof or thereon until and unless, if applicable, the governing body assumes responsibility for it.
3. The owner is responsible for disclosing the nature of the street to prospective purchasers, renters, or lessees.
4. The landowner of record or authorized representative agree to pay a proportionate amount of the costs associated with improving or restoring the street to operational public street standards at the time the governing body assumes

responsibility for it; and agrees to not protest the creation of a special assessment area or other similar revenue generating mechanism the governing body deems necessary to bring the private street to operational public street standards.

The legal description of Grantor's subject property and Right-of-Way location is as follows:

ALL OF THE LUXURY AT THE LEGENDS SUBDIVISION, WEBER COUNTY, UTAH.

See attached plat map

By \_\_\_\_\_  
GRANTOR

\_\_\_\_\_  
Date

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, appeared before me \_\_\_\_\_,  
Grantor, and acknowledged that it had executed the above Covenant.

\_\_\_\_\_  
NOTARY PUBLIC

Residing at \_\_\_\_\_, Utah

BOARD OF COUNTY COMMISSIONERS OF WEBER COUNTY

By \_\_\_\_\_

Gage Froerer, Chair

Commissioner Jenkins          Voting

Commissioner Froerer          Voting

Commissioner Harvey          Voting

ATTEST:

\_\_\_\_\_  
Ricky Hatch, CPA  
Weber County Clerk

Insert subdivision plat here