E 1017217 B 1581 P 126 CARGL DEAN PAGE, DAVIS CNTY RECORDER 1993 FEB 10 10:52 AM FEE 12.00 DEP MEC REC'D FOR FRUIT HEIGHTS CITY

Mortey Estates Lets 1 11-392-0001

AGREEMENT

Agreement made between FRUIT HEIGHTS CITY, a municipal corporation of the state of Utah (hereinafter "City"), and JON R. MORLEY and REBECCA A. MORLEY (hereinafter "Owners").

RECITALS:

- 1. Owners are the owners of real property situated on the North side of Green Road, a roadway running East and West (to the West of Highway 89) in the City of Fruit Heights, Davis County, State of Utah.
- 2. The legal description of the Owner's real property is attached hereto as Exhibit "A". The City is the owner of real property contiguous to that of the owners and which is situated between the owner's parcel and the proposed North line of Green Road. The legal description of the City's parcel is attached as Exhibit "B".
- 3. Certain off-site improvements for the parcel owned by Owners have not been installed and Owners agree that the expenses for the installation of the improvements shall be borne by the Owners, if and when the need is determined to exist, in the sole discretion of the City.

NOW, THEREFORE, in consideration of the real property conveyed by the City to the owners and the mutual covenants and conditions herein set forth, it is agreed as follows:

- 1. The City shall convey to owners the real property described on Exhibit "B" by Quit-Claim Deed in the form attached hereto as Exhibit "A".
- 2. All expenses for the off-site improvements shall be borne by the Owners and shall consist of curb, gutter, sidewalk, and asphalt, including roadbase, pursuant to the City's standards. A legal description of the Owners property indicates a frontage of approximately 150 feet fronting on Green Road. Owners shall not be obligated to install these off-site improvements until the City makes a demand for such installation.
- 3. The City shall issue a building permit to Owners, conditioned upon Owner's execution of and compliance with this Agreement.

- 4. In the event the City determines that it is in the best interest of the City to create a Special Improvement District to accomplish curb, gutter, sidewalk and paving along the Green Road, Owners shall not protest the creation of such a Special Improvement District. \$ 1017217 B 1581 P
- 5. The parties agree that the covenants and agreements entered into herein, including the encumbering of the property shall be construed as covenants running with the land, acknowledging that this instrument shall be recorded in the office of the Davis County Recorder and in all respects be treated as a Covenant to run with the land. The effects and consequences of this Agreement shall be fully binding upon the heirs, devisees, assignees and transferees of the parties hereto.
- 6. In the event of any default hereunder by either party, the damaged party may institute suit to enforce its rights hereunder, and the prevailing party shall be entitled to an award of attorney's fees and costs incurred in enforcing its rights.

IN WITNESS WHEREOF, the parties hereto have caused their names or the names of their duly authorized officers or agents to be signed hereunder this $1/4^{cC}$ day of

January, 1993.

FRUIT HEIGHTS CITY

127

ATTEST:

Belva M. Provost, City Recorder

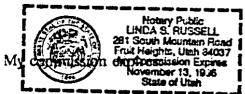
JON R. MORLEY

REBECCA A. MORLEY

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County of Davis)

On the // day of January, 1993, personally appeared before me BLAINE L. NELSON, MAYOR and BELVA M. PROVOST, CITY RECORDER of Fruit Heights City, a municipal corporation, who being by me duly sworn, said that the foregoing AGREEMENT was signed in behalf of said municipal corporation by authority of a resolution of its City Council.



NOTARY PUBLIC
Residing at:

STATE OF UTAH)

County of Jens

On the 14th day of January, 1993, personally appeared before me JON R. MORLEY AND REBECCA A. MORLEY, signers of the within instrument, who duly acknowledged to me that they executed the same.

My Commission Expires: 7-3/-94 NOTARY PU

Notary Public
CELVA M. PROYOST
281 South Mountain Road
Fruit Hargine, Uach 84037
My Commence Luby 31, 1984
State of Uteh

EXHIBIT "A"

The following described property is located in Davis County, Utah:

E 1017217 8 1581 P 129

BEGINNING at a point 186.75 feet North 0.08' West along the Section line and 402.6 feet North 43.33' West and 665.77 feet South 70.13' West and 49.5 feet North 19.47' West and 41.855 feet South 70.13' West from the Southeast corner of Section 35, Township 4 North, Range 1 West, SALT LAKE BASE & MERIDIAN, and running thence South 21.16' East 14.40 feet to the North line of a road; thence South 70.22' West 114.25 feet along the North line of said road to the point of a curve; thence 36.06 feet along the arc of a 192.7 foot radius curve to the right and North line of said road; thence North 21.16' West 347.54 feet; thence North 70.13' East 150.00 feet; thence South 21.16' East 336.90 feet to the point of BEGINNING.

LESS AND EXCEPTING:

Beginning at a point 186.75 feet N 0°08' W along the Section line and 402.6 feet N 43°33' W and 665.77 feet S 70°13' W and 49.5 feet N 19°47' W and 41.855 feet S 70°13' W from the Southeast corner of Section 35, Township 4 North, Range 1 West, Salt Lake Base and Meridian; and running thence S 21° 16' E 14.40 feet to the North line of road; thence S 70°22' W 114.25 feet along North line of said road to the point of a curve; thence 36.06 feet along the arc of a 192.7 foot radius curve to the right and North line of said road; thence N 21°16' W 10.64 feet; thence N 70°13' E 150.00 feet to the point of beginning.

EXHIBIT "B"

The following described property is located in Davis County, Utah: £ 1017217 8 1581 P 130

Beginning at a point 186.75 feet N 0°08' W along the Section line and 402.6 feet N 43°33' W and 665.77 feet S 70°13' W and 49.5 feet N 19°47' W and 41.855 feet S 70°13' W from the Southeast corner of Section 35, Township 4 North, Range 1 West, Salt Lake Base and Meridian; and running thence S 21° 16' E 14.40 feet to the North line of road; thence S 70°22' W 114.25 feet along North line of said road to the point of a curve; thence 36.06 feet along the arc of a 192.7 foot radius curve to the right and North line of said road; thence N 21°16' W 10.64 feet; thence N 70°13' E 150.00 feet to the point of beginning.

Contains 0.048 Acres