

Morley Estates  
Lot 1

11-292-0001

## 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.

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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 14<sup>th</sup> day of January, 1993.



FRUIT HEIGHTS CITY

By: Blaine L. Nelson  
Blaine L. Nelson, Mayor

ATTEST:

Belva M. Provost  
Belva M. Provost, City Recorder

Jon R. Morley  
JON R. MORLEY

Rebecca A. Morley  
REBECCA A. MORLEY

STATE OF UTAH )

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:SS

County of Davis)

On the 14<sup>th</sup> 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.

My Commission Expires

Notary Public  
 LINDA S. RUSSELL  
 281 South Mountain Road  
 Fruit Heights, Utah 84037  
 My Commission Expires  
 November 13, 1996  
 State of Utah

*Linda S. Russell*  
 NOTARY PUBLIC  
 Residing at:

STATE OF UTAH )

:SS

County of Davis)

On the 14<sup>th</sup> 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: 7-31-94

Notary Public  
 DELVA M. PROVOST  
 281 South Mountain Road  
 Fruit Heights, Utah 84037  
 My Commission Expires  
 July 31, 1994  
 State of Utah

*Delva M. Provost*  
 NOTARY PUBLIC  
 Residing at: Fruit Heights

EXHIBIT "A"

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

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BEGINNING at a point 186.75 feet North  $0^{\circ}08'$  West along the Section line and 402.6 feet North  $43^{\circ}33'$  West and 665.77 feet South  $70^{\circ}13'$  West and 49.5 feet North  $19^{\circ}47'$  West and 41.855 feet South  $70^{\circ}13'$  West from the Southeast corner of Section 35, Township 4 North, Range 1 West, SALT LAKE BASE & MERIDIAN, and running thence South  $21^{\circ}16'$  East 14.40 feet to the North line of a road; thence South  $70^{\circ}22'$  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  $21^{\circ}16'$  West 347.54 feet; thence North  $70^{\circ}13'$  East 150.00 feet; thence South  $21^{\circ}16'$  East 336.90 feet to the point of BEGINNING.

LESS AND EXCEPTING:

Beginning at a point 186.75 feet N  $0^{\circ}08'$  W along the Section line and 402.6 feet N  $43^{\circ}33'$  W and 665.77 feet S  $70^{\circ}13'$  W and 49.5 feet N  $19^{\circ}47'$  W and 41.855 feet S  $70^{\circ}13'$  W from the Southeast corner of Section 35, Township 4 North, Range 1 West, Salt Lake Base and Meridian; and running thence S  $21^{\circ}16'$  E 14.40 feet to the North line of road; thence S  $70^{\circ}22'$  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  $21^{\circ}16'$  W 10.64 feet; thence N  $70^{\circ}13'$  E 150.00 feet to the point of beginning.

EXHIBIT "B"

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

E 1017217 B 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