

RETURNED

SEP 18 1996

E 1274944 B 2044 P 1132
CAROL DEAN PAGE, DAVIS CNTY RECORDER
1996 SEP 18 1:02 PM FEE 12.00 DEP REC
REC'D FOR WEST POINT CITY

POSTPONEMENT OF IMPROVEMENTS AGREEMENT

(LIEN FORM)

NW 5 4N 2W

ROBERT M. AND CHERI A. WARDLEIGH OF WEST POINT CITY, STATE OF UTAH, HEREINAFTER REFERRED TO AS APPLICANT, AND WEST POINT CITY, A CITY IN THE STATE OF UTAH, HEREINAFTER REFERRED TO AS THE CITY, HEREBY MUTUALLY AGREE AS FOLLOWS:

1. PRELIMINARY: APPLICANT IS OWNER OF REAL PROPERTY SITUATED IN THE CITY, WHICH PROPERTY IS PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT:

BEGINNING AT A POINT WEST ALONG SECTION LINE 262.2 FEET FROM THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 4 NORTH, RANGE 2 WEST; SALT LAKE MERIDIAN; THENCE WEST 110 FEET ALONG NORTH LINE OF SAID SECTION; THENCE SOUTH 194 FEET; THENCE EAST 110 FEET; THENCE NORTH 194 FEET TO POINT OF BEGINNING. SUBJECT TO STREET RIGHT OF WAY OVER THE NORTH 33 FEET.

12-037-0085

THERE IS NOW IN FORCE IN THE CITY AN ORDINANCE KNOWN AS WEST POINT CITY SUBDIVISION ORDINANCE, WHICH REQUIRES THE INSTALLATION OF CURB, GUTTER, SIDEWALK AND OTHER OFF-SITE IMPROVEMENTS (AS SET FORTH IN SAID ORDINANCE), ADJACENT TO ANY PROPERTY WHERE THE SAME IMPROVEMENTS HAVE NOT PREVIOUSLY BEEN INSTALLED; AND SAID IMPROVEMENTS ARE TO BE INSTALLED AT THE TIME APPLICATION IS MADE FOR A BUILDING PERMIT.

2. AGREEMENT FOR POSTPONED INSTALLATION. THE PARTIES AGREE THAT THE APPLICANT MAY POSTPONE COMPLIANCE WITH THE OFF-SITE IMPROVEMENT PROVISIONS OF SAID SUBDIVISION ORDINANCE UNTIL SUCH TIME AS THE CITY COUNCIL SHALL DETERMINE THAT SUCH IMPROVEMENTS SHOULD BE INSTALLED ADJACENT TO APPLICANT'S SAID PROPERTY. THE COUNCIL'S DECISION SHALL BE BASED ON THE GENERAL OVERALL DEVELOPMENT OF THE AREA; BUT IT IS EXPRESSLY UNDERSTOOD AND AGREED THAT THE COUNCIL MAY ORDER THE REQUIRED OFF-SITE IMPROVEMENTS TO BE MADE AT ANY TIME.

3. POSTPONED INSTALLATION. UPON RECEIPT OF NOTICE THAT THE CITY COUNCIL HAS MADE THE DETERMINATION REFERRED TO IN PARAGRAPH 2 ABOVE, THE CITY SHALL PROCEED WITH THE INSTALLATION OF THE SAID OFF-SITE IMPROVEMENTS AT THE PROPERTY OWNERS EXPENSE. IN THE EVENT A SPECIAL IMPROVEMENT DISTRICT IS ORGANIZED FOR THE PURPOSE OF INSTALLING THE SAID OFF-SITE IMPROVEMENTS, THE APPLICANT OR HIS/HER SUCCESSORS WILL PAY THE COST OF SUCH IMPROVEMENTS, THROUGH THE SAID IMPROVEMENT DISTRICT.

4. COMPLIANCE WITH CITY ORDINANCES AND SPECIFICATIONS. IT

IS AGREED THAT THE INSTALLATION OF SAID OFF-SITE IMPROVEMENTS SHALL BE DONE IN ACCORDANCE WITH ALL APPLICABLE CITY ORDINANCES, SPECIFICATIONS, STANDARDS, AND ANY ADMINISTRATIVE RULES OR REGULATIONS PERTINENT THERETO, AT THE TIME OF INSTALLATION. ALL WORK SHALL BE SUBJECT TO THE INSPECTION OF THE CITY BUILDING OFFICIAL OR HIS/HER AGENT; AND ANY QUESTION AS TO CONFORMITY WITH CITY SPECIFICATIONS OR STANDARDS OR AS TO THE TECHNICAL SUFFICIENCY OF THE WORK SHALL BE DECIDED BY THE SAID BUILDING OFFICIAL, AND HIS/HER DECISION SHALL BE FINAL AND CONCLUSIVE.

E 1274944 B 2044 P 1133

5. GRANT OF LIEN. APPLICANT HEREBY GIVES AND GRANTS A LIEN TO THE CITY ON THE ABOVE DESCRIBED REAL PROPERTY TO INSURE COMPLIANCE WITH THIS AGREEMENT BY APPLICANT; AND TO GIVE NOTICE OF SUCH LIEN IT IS AGREED THAT THIS AGREEMENT SHALL BE RECORDED IN THE OFFICE OF THE DAVIS COUNTY RECORDER, AND SHALL CONTINUE TO BE A LIEN AGAINST THE SAID REAL PROPERTY UNTIL THE INSTALLATION OF SAID OFF-SITE IMPROVEMENTS ARE COMPLETED AS HEREINABOVE PROVIDED. THEREAFTER, THE LIEN SHALL BE DISCHARGED BY THE CITY.

6. SUCCESSORS, ENFORCEMENT. THIS AGREEMENT SHALL RUN WITH THE LAND AND BE BINDING ON THE PARTIES HERETO, THEIR SUCCESSORS OR ASSIGNS. SHOULD THE SERVICES OF AN ATTORNEY BE REQUIRED TO ENFORCE THIS AGREEMENT, THE DEFAULTING PARTY AGREES TO PAY A REASONABLE ATTORNEY'S FEE.

IN WITNESS WHEREOF, THE UNDERSIGNED PARTIES HAVE EXECUTED THIS

AGREEMENT THIS 20th day of August, 1996.

ATTEST:

Diane R. Moss
NOTARY PUBLIC

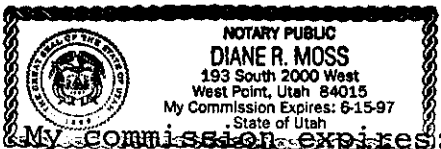
Robert M. Woodleigh
APPLICANT

Cheerle Waudleigh
APPLICANT

Howard F. Stockland
MAYOR WEST POINT CITY

STATE OF UTAH
COUNTY OF DAVIS

On the 20th day of August, A.D. 1996
the signer of the within instrument, who duly acknowledged
to me that They executed the same.



My commission expires:
15 June 1997

Diane R. Moss
NOTARY PUBLIC.

Residing in: West Point, Utah