

COVENANT TO RUN WITH THE LAND

This Covenant Agreement is entered into by and between David Hunt, hereinafter referred to as the "Developer", and Ogden City, a Utah Municipal Corporation, hereinafter referred to as the "City".

WHEREAS, the Developer is the owner of certain real property, hereinafter referred to as "the Property", located approximately at 925 West Harrisville Road, City of Ogden, County of Weber, State of Utah, which property is more particularly described as:

Part of the West Half of Section 6, Township 6 North, Range 1 West, Salt Lake Base and Meridian, U.S. Survey: Beginning at a point South 0°45'01" West 2457.08 feet and West 1309.76 feet from the North Quarter Corner of said Section 6 and running thence South 3°29'53" East 665.19 feet, thence South 86°30'07" West 47.45 feet, thence South 4°21'46" East 195.48 feet, thence South 86°54'40" West 183.94 feet, thence North 3°25'55" West 531.60 feet, thence North 87°21'01" West 459.29 feet, thence North 02°15'45" East 430.03 feet, thence South 87°08'45" East 500.00 feet, thence South 74°14'45" East 70.00 feet, thence South 36°21'52" East 97.46 feet, thence North 85°37'00" East 25.40 feet to the point of beginning.

11-022-0016,0015
11-020-0063P

WHEREAS, the Developer desires at this time to subdivide a portion of the Property and as part of such subdivision the developer proposes to dedicate to Ogden City sanitary sewer lines constructed within the proposed subdivision;

WHEREAS, Ogden City does not at present have a sewer system in the vicinity of the property, since previous development proposals did not involve delivery of sewer services by the City;

WHEREAS, the Developer is the owner of a sewer line, hereinafter referred to as "the Sewer Line", and an easement which connects the Property to an outfall sewer line of the Central-Weber Sewer Improvement District, which Sewer Line the Developer desires to dedicate to the City;

WHEREAS, part of the Sewer Line and the underlying easement cross property belonging to the federal government which easement expires by its terms in the year 2027 and may be terminated or relocated at any time by the federal government, if the land on which the sewer line is located, is necessary for the needs of the federal government;

WHEREAS, dedications to the City of infrastructure necessary for the delivery of sanitary sewer to a subdivision are generally granted in perpetuity and not subject to such limitations;

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DOUG CROFTS, WEBER COUNTY RECORDER
17-MAY-96 350 PM FEE 4.00 DEP PL
REC FOR: OGDEN.CITY

WHEREAS, if Ogden City accepts the dedication of the Sewer Line and underlying easement, with the above limitations, Ogden City assume the continuing responsibility to deliver services to the subdivision, including the responsibility to replace or relocate the sewer line if the easement is terminated or the line otherwise required to be relocated;

WHEREAS, the remaining portion of the Property not being subdivided at this time is intended by the Developer to be served by the Sewer Line as part of future development; and

WHEREAS, the Developer desires to pursue the dedication of the Sewer Line and the underlying easement, in conjunction with a covenant running with the land which will bind the Developer, or subsequent successors in title to all or any portion of the Property, to share in the potential costs of moving or relocating the Sewer Line rather than pursuing more costly means of providing sewer services or foregoing development of the Property at this time.

NOW, THEREFORE, the parties agree, for valuable consideration the receipt of which is hereby acknowledged, as follows:

1. The Developer covenants and agrees that, if the City is required by the federal government to move or relocate the Sewer Line under the terms of the underlying easement, the Developer, or any successors in the chain of title to the Property, shall agree to pay its proportionate share of the cost of moving or relocating the Sewer Line, which costs may include, but not be limited to, cost of property acquisition, planning, design, material and labor. it is understood that the total cost of moving or relocating the Sewer Line shall be apportioned among all properties being served by the Sewer Line at the time of relocation.

2. That the City will not be required to participate in the cost of moving or relocating the Sewer Line, if the City is required by the federal government to move or relocate the Sewer Line under the terms of the underlying easement, and it is understood that the costs should be fairly apportioned among the properties served by the Sewer Line according to the benefit received.

3. The City shall have full authority to determine the location of any new or relocated sewer line and the construction of any such new or relocated sewer line shall be in accordance with the standards of Ogden City regarding the construction of public sewer lines, in effect at the time of construction; provided that before the City proceeds with such construction, the City shall notify the affected property owners of the proposed location and estimated costs and hear any comments regarding such location and estimated costs at a public hearing.

4. If Ogden City chooses to construct and assess the above costs under a type of improvement district, which requires either the consent of property owners or that no greater than a certain percentage of property owners protest the establishment of such district, the Developer and all successors in the chain of title hereby covenant and agree to consent to the establishment of such district.

