

PAGE () INDEX () ABSTRACT () PLAT () CHECK ()

00212299 Blk 00417 Pg 00743-00745
WASATCH CO RECORDER-ELIZABETH M PARCELL
1999 MAR 18 15:25 PM FEE \$14.00 BY MWC
REQUEST: HEBER CITY

AGREEMENT AND COVENANT RUNNING WITH THE LAND

THIS AGREEMENT entered into this 23 day of February, 1999 by and between Heber City and Marvis Clyde, Elma Clyde and Mary Bethers as "Owners."

WHEREAS, the Owners desire City services, and that Heber City annex the hereinafter described property into the City under its C-2 zoning; and

WHEREAS, the City is willing to so annex and to provide City services at City rates upon certain conditions and subject to certain covenants;

NOW, THEREFORE, the parties hereby agree as follows:

1. Heber City agrees to annex into the City under its C-2 Commercial Zone the property described in the attached Exhibit A known as the Clyde/Bethers property.
2. Owners agree
 - (a) to dedicate from the foregoing described parcel for a public right-of-way sufficient land to allow for the extension and construction of 1200 South and 500 East, to be dedicated at time of development of the Owners' property or upon the request of the City.
 - (b) to transfer to the City at time of any and each development of the Owners' property sufficient water rights to meet the needs - based upon the nature of the development - all as required per the City code.
 - (c) to participate in, sign up for and become a part of any special improvement district proposed or created to improve 1200 South streets and provide sewer and water lines to service the Owners' property.
 - (d) to participate on a prorated acreage and/or front foot basis with the other 1200 South property owners within the boundaries of the special improvement district to cover the costs necessary to bring 1200 South Street from the city limits (approximately 600 East) to US Highway 40.
3. This agreement shall be a covenant running with the land, be binding upon the parties and their assigns and successors in interest, with the above-described parcel being pledged as

743

security to secure performance of the agreements, terms and conditions herein stated.

DATED this 23 day of February, 1999.

HEBER CITY:

By: *Lynn E. Adams*
Lynn E. Adams, Mayor



ATTEST:

Paulette Thuler
Heber City Recorder

Marvis Clyde
Marvis Clyde

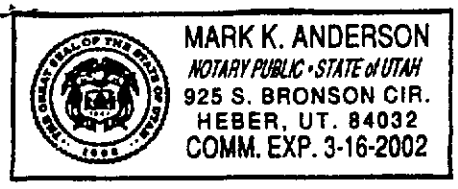
Elma Clyde
Elma Clyde

Mary Bethers
Mary Bethers

STATE OF UTAH)
 : ss.
COUNTY OF WASATCH)

On this 23rd day of February, 1999, personally appeared before me Marvis Clyde, Elma Clyde, and Mary Bethers, who duly acknowledged to me that they executed the same.

Mark K. Anderson
NOTARY PUBLIC



00212299 Blk 00417 Pg 00744

EXHIBIT A

BEGINNING AT A POINT LOCATED 15.18 FEET N 89° 50' 23" E FROM A WASATCH COUNTY BRASS CAP NOTED AS THE NORTH QUARTER CORNER OF SECTION 8, TOWNSHIP 4 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE: S 0° 29' 35" W 500.54 FEET ALONG AN EXISTING FENCE; THENCE S 0° 09' 05" E 846.80 FEET ALONG AN EXISTING FENCE; THENCE S 89° 53' 00" W 1015.61 FEET ALONG AN EXISTING FENCE; THENCE N 0° 19' 41" W 150.29 FEET ALONG AN EXISTING FENCE; THENCE S 89° 31' 37" W 270.05 FEET ALONG AN EXISTING FENCE TO THE EASTERLY RIGHT OF WAY LINE OF STATE HIGHWAY 40; THENCE S 52° 01' 39" W 112.41 FEET TO THE WESTERLY RIGHT OF WAY LINE OF STATE HIGHWAY 40; THENCE S 37° 58' 21" E 1064.24 FEET ALONG SAID RIGHT OF WAY; THENCE S 38° 01' 10" E 644.95 FEET ALONG SAID RIGHT OF WAY; THENCE S 38° 00' 54" E 386.58 FEET ALONG SAID RIGHT OF WAY; THENCE N 51° 59' 06" E 100.96 FEET TO THE EASTERLY RIGHT OF WAY LINE OF STATE HIGHWAY 40; N 0° 14' 22" E 196.60 FEET; THENCE S 89° 57' 52" E 674.23 FEET ALONG AN EXISTING FENCE; THENCE N 0° 11' 04" W 1871.05 FEET ALONG AN EXISTING FENCE; THENCE N 1° 25' 29" E 155.40 FEET ALONG AN EXISTING FENCE; THENCE N 1° 43' 24" W 153.13 FEET ALONG AN EXISTING FENCE; THENCE N 0° 03' 54" E 462.63 FEET ALONG AN EXISTING FENCE; THENCE N 11° 09' 30" W 23.96 FEET ALONG AN EXISTING FENCE TO THE NORTH LINE OF SECTION 8 AS MONUMENTED BY WASATCH COUNTY; THENCE S 89° 50' 23" W 656.67 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING.