



W2229760

**RECORDING REQUESTED BY
AND WHEN RECORDED, RETURN TO:**

Ogden City Redevelopment Agency
Attention: Ryan McFarland
2549 Washington Blvd., Suite 420
Ogden, Utah 84401

EN 2229760 PG 1 OF 4
DOUG CROFTS, WEBER COUNTY RECORDER
19-DEC-06 958 AM FEE \$.00 DEP SGC
REC FOR: OGDEN CITY

DECLARATION OF ACCESS EASEMENT

THIS DECLARATION OF ACCESS EASEMENT ("Declaration") is made this 17th
day of December 2006, by the Ogden City Redevelopment Agency, a body politic and
political subdivision of the State of Utah ("RDA").

RECITALS:

- A. RDA is the owner of certain real property (herein called the "Property") more fully described on Exhibit A, attached and made a part hereof; which property is being subdivided concurrently herewith as the Ogden River Drive Subdivision (the "Plat").
- B. Access easements are depicted on the Plat and are more fully described on Exhibit B, attached and made a part hereof (the "Access Easements").
- B. RDA desires to establish a private non-exclusive easement for vehicular and pedestrian access to and from the respective subdivided lots adjacent to the Access Easements.
- C. In consideration of the mutual promises and obligations set forth herein providing for the creation, improvement and maintenance of said Access Easement, the RDA declares as follows:

NOW THEREFORE, the RDA declares as follows:

1. The RDA hereby declares, conveys and establishes a private, non-exclusive easement for vehicular and pedestrian access over and across the Access Easements, such easement established for the sole and mutual benefit of the owners of Lots 5, 7 and 8 of the Ogden River Drive Subdivision (the "Lot Owners"), with no public rights of access created.
2. The rights established and granted herein are subject to public utility easements established and created on the Plat.
3. Each of the Lot Owners shall be responsible to share in the reasonable cost of all maintenance, repair and upkeep of the Access Easement consistent with all applicable governmental standards at a minimum. All such costs shall be shared equally among the Lot Owners.

4. This Declaration shall run with the land and shall inure to the benefit of and be binding upon the Lot Owners and their successors and assigns.
5. The Lot Owners, now or in the future, or their assigns or successors in interest, shall have the right to enforce the mutual obligations contained herein by any action in law or equity, pursuant to the laws of the State of Utah and the prevailing party shall be entitled to recovery of costs and reasonable attorney fees occasioned thereby.
6. The provisions of this Declaration may be amended or supplemented by mutual agreement of the Lot Owners.

IN WITNESS WHEREOF, the RDA has executed this Declaration as of the date first above written.

OGDEN CITY REDEVELOPMENT AGENCY, a
body politic and political subdivision of the State of
Utah

By: *Matthew R. Godfrey*
Matthew R. Godfrey, Executive Director

ATTEST:

Lee Ann Peterson
Ogden City Recorder - *Holding*

Approved As to Form:

[Signature]
Office of Agency Counsel



STATE OF UTAH)
 :ss
COUNTY OF WEBER)

On this 11th day of December, 2006, personally appeared before me Matthew R. Godfrey, personally known to me to be the Executive Director of the OGDEN CITY REDEVELOPMENT AGENCY, who acknowledged to me that he signed the foregoing instrument as Executive Director for said entity, and the said Matthew R. Godfrey acknowledged to me that the said Agency executed the same.

Tracy Hansen
Notary Public



Exhibit "A"

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All of Lots 5, 7 and 8, Ogden River Drive Subdivision, a recorded subdivision located in a part of the southeast 1/4 of section 29, T6N, R1W of the SLB&M. Also a part of Block 7, Ogden City Survey, Weber County, Utah.

03-041-0005, 0007, 0008 / UK

Exhibit "B"
Access Easements

The south 16 feet of all Lot 7 and the north 16 feet of all Lot 8, Ogden River Drive, a recorded subdivision located in a part of the southeast 1/4 of section 29, T6N, R1W of the SLB&M. Also a part of Block 7, Ogden City Survey, Weber County, Utah.