



W2793720

When recorded return to:
Mountain View Title & Escrow, Inc.
5732 South 1475 East
Suite 100
Ogden, Utah 84403

E# 2793720 PG 1 OF 26
Leann H. Kilts, WEBER COUNTY RECORDER
17-May-16 0448 PM FEE \$97.00 DEP KL
REC FOR: MOUNTAIN VIEW TITLE - OGDEN
ELECTRONICALLY RECORDED

126958

See attached
Exhibit "A"
parcel numbers

REAFFIRMATION OF ENCROACHMENT AGREEMENT

THIS REAFFIRMATION OF ENCROACHMENT AGREEMENT

BT
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("Agreement") dated May 16, 2016 ("Reference Date") is given between **Ben Lomond Suites, LLC**, a ~~Utah~~ ^{CALIFORNIA} limited liability company, ("**Ben Lomond**") and **Ogden City**, a municipality and political subdivision of the state of Utah, ("**City**"). Ben Lomond and City are referred to collectively herein as the "**Parties**" and sometimes individually as a "**Party**."

RECITALS:

A. Ben Lomond is the current owner of certain real property located in Ogden City, Weber County, Utah, and more particularly described in **Exhibit "A"**, a copy of which is attached hereto and by this reference made a part hereof ("**Hotel Property**").

B. On October 2, 1984, the City and DCA Development Corporation and Ben Lomond Suites Ltd. the former owners of the Hotel Property, entered into an agreement entitled "Agreement to Encroach on City Property" ("**Encroachment Permit**") which permitted certain improvements ("**Encroaching Improvements**") to be built within a small part of Ogden Avenue, a dedicated street located in Ogden City. A legal description of the property ("**Encroached Property**") upon which the improvements encroach is attached hereto as **Exhibit "B"** and by this reference is made a part hereof. A copy of the Encroachment Permit is attached hereto as **Exhibit "C"** and by this reference made a part hereof.

C. Ben Lomond entered into an agreement for the sale of the Hotel Property to a purchaser ("**Purchaser**"). The Purchaser and Purchaser's lender have expressed concern over the Encroaching Improvements and status of the Encroachment Permit.

D. Ben Lomond and Purchaser, including Purchaser's lender, want assurances from the City that the Encroachment Permit has not been revoke or cancelled as of the date hereof, that it is still in effect, and that the City has no present intent to terminate or revoke the Encroachment Permit.

NOW, THEREFORE, the Parties hereto intending to be legally bound and in consideration of the respective undertakings made and described herein, do agree as follows:

1. **Recitals.** The above recitals are incorporated herein by reference and made a part hereof.
2. **Reaffirmation of Encroachment Agreement.** The Parties reaffirm the attached Encroachment Permit dated October 2, 1984 and represent to each other that (i) the Encroachment Permit was properly executed by all parties thereto and (ii) the Encroachment Permit remains in effect as of the date of this Agreement. The City further represents that (i) it has not commenced any proceedings or taken any steps to cancel the Encroachment Agreement or require removal of the Encroaching Improvements and (ii) it has no present intent to terminate, cancel or modify the Encroachment Agreement, now or in the future. The Parties agree that this Agreement can be recorded in the Weber County Recorder's Office.
3. **Utility Lines.** The City represents that to the of best its knowledge there are no utility lines, including but not limited to natural gas, culinary water, secondary water, electrical, sewer or communications lines, which run underneath the Encroaching Improvements within the Encroached Property.
4. **Binding Effect.** This Agreement shall become binding upon the Parties only upon execution of the Agreement by all Parties.
5. **Successors.** This Agreement shall be binding upon, and inure to the benefit of, the legal representatives, successors and assigns of the Parties hereto.
6. **Severability.** Should any portion of this Agreement for any reason be declared invalid or unenforceable, the invalidity or unenforceability of such portion shall not affect the validity of any of the remaining portions and the same shall be deemed in full force and effect as if this Agreement had been executed with the invalid portions eliminated.
7. **Governing Law.** This Agreement and the performance hereunder shall be governed by the laws of the State of Utah.
8. **Captions.** The Captions preceding the paragraphs of this Agreement are for convenience only and shall not affect the interpretation of any provision herein.
9. **Integration.** This Agreement, together with the Encroachment Permit attached hereto, contains the entire and integrated agreement of the Parties as of its date, and no prior or contemporaneous promises, representations, warranties, inducement, or understandings between the Parties and not contained herein shall be of any force or effect.
10. **Authority and Consent.** The Parties represent and warrant that each has the right, legal capacity and authority to enter into, and perform its respective obligations under this Agreement, and that no approvals or consents of any other person, other than the respective Party, are necessary.
11. **Terms of Encroachment Permit.** All terms of the Encroachment Permit shall remain the same and unaffected hereby.

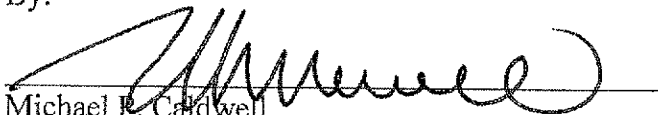
12. **Facsimile (FAX) Documents.** A signed facsimile transmission of this Agreement, and re-transmission of any signed facsimile transmission, shall be the same as execution and delivery of this Agreement as an original. If the transaction involves multiple parties, facsimile transmission may be executed in counterparts.

IN WITNESS WHEREOF, the Parties hereto have executed and approved this Agreement on the date set forth opposite their respective signatures below.

CITY:

OGDEN CITY,
a municipality and political subdivision
of the state of Utah

By:



Michael P. Caldwell
Mayor



ATTEST:



~~Tracy Hanson~~ City Recorder *Chief Deputy*



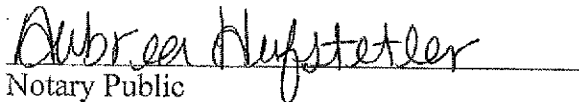
Approved as to Form:



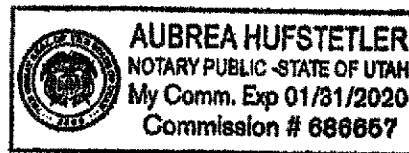
Office of City Attorney

STATE OF UTAH)
 : ss
COUNTY OF WEBER)

The foregoing instrument was acknowledged before me this 17th day of May, 2016 by Michael P. Caldwell, the Mayor of Ogden City.



Notary Public



BEN LOMOND:

Ben Lomond Suites, LLC, a
~~Utah~~ ^{CALIFORNIA} Limited Liability Company
 by: *William L. Gavan*
 Name: WILLIAM L. GAVAN
 Its: MANAGING MEMBER

STATE OF ~~UTAH~~ ^{oregon}
 : ss
 COUNTY OF ~~WEBER~~ ^{manion}

The foregoing instrument was acknowledged before me this 16 day of May, 2016 by William Gavan, the Manager under authority and on behalf of Ben Lomond Suites, LLC, a ~~Utah~~ ^{CALIFORNIA} limited liability company.

Jacy Vasquez
 Notary Public

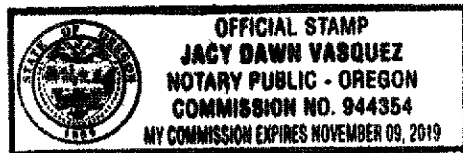


EXHIBIT "A"
TO
REAFFIRMATION OF
ENCROACHMENT AGREEMENT

(Legal Description of Hotel Property)

PARCEL 1:

PART OF LOTS 5 AND 6, BLOCK 17, PLAT A, OGDEN CITY SURVEY: BEGINNING AT A POINT 68.0 FEET, SOUTH 0°58' WEST AND 159.5 FEET SOUTH 89°02' EAST FROM THE NORTHWEST CORNER OF SAID LOT 5 AND RUNNING THENCE NORTH 0°58' EAST 100.0 FEET; THENCE SOUTH 89°02' EAST 112.80 FEET TO THE WEST LINE OF OGDEN AVENUE; THENCE ALONG SAID WEST LINE THE FOLLOWING TWO COURSES: SOUTH 14°50' EAST 67.55 FEET AND SOUTH 0°58' WEST 64.0 FEET TO A POINT NORTH 0°58' EAST 35.0 FEET FROM THE SOUTHEAST CORNER OF SAID LOT 5; THENCE NORTH 89°02' WEST 131.19 FEET; THENCE NORTH 0°58' EAST 29.0 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

CONVERTIBLE SPACE NO. 1A, BUILDING A, AMENDED BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

CONVERTIBLE SPACE NO. 1B, BUILDING A, AMENDED BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

CONVERTIBLE SPACE NO. 2, BUILDING A, AMENDED BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH. EXCEPT THE FOLLOWING: SOUTH ONE THIRD OF UNIT 2, OF BUILDING A CONTAINED WITHIN THE BEN LOMOND SUITES CONDOMINIUM PROJECT (THE "CONDOMINIUM PROJECT"), AS THE SAME IDENTIFIED IN THE RECORD OF SURVEY MAP RECORDED SEPTEMBER 18, 1984, AS ENTRY NO. 919073 IN THE OFFICE OF THE WEBER COUNTY RECORDER (AS SAID RECORD SURVEY MAP MAY HAVE HERETOFORE BEEN AMENDED OR SUPPLEMENTED)(THE "RECORD OF SURVEY MAP") AND IN THE DECLARATION OF CONDOMINIUM THE BEN LOMOND SUITES CONDOMINIUM PROJECT RECORDED CONCURRENTLY WITH SAID RECORD OF SURVEY MAP IN SAID OFFICE AS ENTRY NO. 919072 IN BOOK 1454 AT PAGE 71 (AS SAID DECLARATION MAY HAVE HERETOFORE BEEN AMENDED OR SUPPLEMENTED)(THE "DECLARATION"), TOGETHER WITH THE UNDIVIDED OWNERSHIP IN SAID PROJECT'S COMMON AREAS AND FACILITIES WHICH IS APPURTENANT TO SAID UNIT (THE REFERENCED DECLARATION OF CONDOMINIUM PROVIDING FOR PERIODIC ALTERATION BOTH IN THE MAGNITUDE OF SAID UNDIVIDED OWNERSHIP INTEREST AND IN COMPOSITION OF THE COMMON

FACILITIES TO WHICH SAID INTEREST RELATES) AS MORE PARTICULARLY DESCRIBED IN SAID DECLARATION MAY HAVE HERETOFORE BEEN AMENDED OR SUPPLEMENTED, AS ILLUSTRATED IN THE HERETO ATTACHED DIAGRAM WITH SPACE DESIGNATED AS C-1. (E# 2314078)

EAST 1/2 OF CONVERTIBLE SPACE NO. 101, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH. EXCEPT: THE EASTERLY PORTION OF THE EAST 1/2 OF UNIT AND/OR CONVERTIBLE SPACE NO. 101 BUILDING A CONTAINED WITHIN BEN LOMOND SUITES CONDOMINIUM PROJECT ON THE SHOP MEZZANINE FLOOR (M-1 LEVEL) BEGINNING AT THE SOUTHEAST CORNER OF SAID SPACE AND RUNNING NORTH 16.00 FEET, THENCE WEST 13.63 THENCE SOUTH 16.00 FEET, THENCE EAST 13.63 FEET TO THE POINT OF BEGINNING.

WEST 1/2 CONVERTIBLE SPACE NO. 101 BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

CONVERTIBLE SPACE NO. 102, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 103, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

CONVERTIBLE SPACE NO. 104, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

CONVERTIBLE SPACE NO. 105, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

CONVERTIBLE SPACE NO. 106, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 107, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

CONVERTIBLE SPACE NO. 108, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

CONVERTIBLE SPACE NO. 109, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

CONVERTIBLE SPACE NO. 110, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

CONVERTIBLE SPACE NO. 201, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

CONVERTIBLE SPACE NO. 1108, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

CONVERTIBLE SPACE NO. 1201, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

CONVERTIBLE SPACE NO. 1301, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 221, BUILDING A, AMENDED BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 222, BUILDING A, AMENDED BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 223, BUILDING A, AMENDED BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 224, BUILDING A, AMENDED BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 225, BUILDING A, AMENDED BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 321, BUILDING A, AMENDED BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 322, BUILDING A, AMENDED BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 323, BUILDING A, AMENDED BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 324, BUILDING A, AMENDED BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 325, BUILDING A, AMENDED BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 326, BUILDING A, AMENDED BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 327, BUILDING A, AMENDED BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 328, BUILDING A, AMENDED BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 329, BUILDING A, AMENDED BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 330, BUILDING A, AMENDED BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 331, BUILDING A, AMENDED BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 332, BUILDING A, AMENDED BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 333, BUILDING A, AMENDED BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 401, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 402, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 403, BUILDING A, BEN LOMOND SUITES CONDOMINIUM SUITES, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 404, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 405, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 406, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 407, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 408, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 409, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 410, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 411, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 412, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 413, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 414, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 501, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 502, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 503, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 504, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 505, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 506, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 507, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 508, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 509, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 510, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 511, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 512, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 513, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 514, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 601, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 602, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 603, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 604, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 605, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 606, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 607, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 608, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 609, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 610, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 611, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 612, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 613, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 614, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 701, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 702, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 703, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 704, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 705, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 706, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 707, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 708, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 709, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 710, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 711, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 712, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 713, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 714, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 801, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 802, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 803, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 804, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 805, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 806, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 807, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 808, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 809, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 810, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 811, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 812, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 813, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 814, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 901, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 902, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 903, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 904, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 905, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 906, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 907, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 908, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 909, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 910, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 911, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 912, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 913, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 914, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 1001, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 1002, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 1003, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 1004, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 1005, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 1006, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 1007, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 1008, BUILDING A, BEN LOMOND SUITE CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 1009, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 1010, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 1011, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 1012, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 1013, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 1014, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 1102, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 1103, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 1105, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

UNIT 1106, BUILDING A, BEN LOMOND SUITES CONDOMINIUM PROJECT, OGDEN CITY, WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.

TOGETHER WITH THE UNDIVIDED OWNERSHIP INTEREST IN BEN LOMOND SUITES CONDOMINIUM PROJECT COMMON AREAS & FACILITIES APPURTENANT TO UNITS OR CONVERTIBLE SPACE, AS STIPULATED TO OR IDENTIFIED IN THE RECORD OF SURVEY MAP, FURTHER DEFINED AND DESCRIBED IN DECLARATION OF CONDOMINIUM OF BEN LOMOND SUITES CONDOMINIUMS PROJECT.

PARCEL 3:

REAL PROPERTY BENEFICIAL USE INTEREST AS SET FORTH IN THE "AGREEMENT TO ENCROACH ON CITY PROPERTY" DATED OCTOBER 2, 1984, DOCUMENT AND THE REAFFIRMATION OF ENCROACHMENT AGREEMENT RECORDED _____, UPON AND SUBJECT TO ALL THE TERMS CONTAINED THEREIN, COVERING THE FOLLOWING DESCRIBED PROPERTY.

A PART OF LOT 5 AND LOT 6, BLOCK 17, PLAT "A", OGDEN CITY SURVEY, OGDEN CITY, WEBER COUNTY, UTAH.

BEGINNING AT A POINT AT THE INTERSECTION OF THE WEST LINE OF OGDEN AVENUE AND THE SOUTH LINE OF 25TH STREET; SAID POINT BEING AT OGDEN CITY ENGINEER'S "A" STATION 107+12.90 AND "B" STATION 103+10.00; SAID POINT ALSO BEING SOUTH 89 DEG 02 MIN EAST 244.00 FEET FROM THE NORTHWEST CORNER OF SAID LOT 6 AND RUNNING THENCE SOUTH 89 DEG 02 MIN EAST 20.79 FEET; THENCE SOUTH 14 DEG 50 MIN EAST 168.60 FEET; THENCE SOUTH 0 DEG 58 MIN WEST 66.78 FEET; THENCE NORTH 89 DEG 02 MIN WEST 20.00 FEET TO A POINT ON THE WEST LINE OF OGDEN AVENUE; THENCE ALONG SAID WEST LINE THE FOLLOWING 2 COURSES: NORTH 0 DEG 58 MIN EAST 64.00 FEET AND NORTH 14 DEG 50 MIN WEST 171.48 FEET TO THE POINT OF BEGINNING.

SUBJECT TO AND TOGETHER WITH THE RIGHTS & AUTHORITIES GRANTED IN THE EASEMENT ESTATES CONVEYED IN DOCUMENTS RECORDED JUNE 17, 1927 IN BOOK 107 AT PAGE 365 OF RECORDS; IN DOCUMENT RECORDED MAY 10, 1954 IN BOOK 443 AT PAGE 511 AS ENTRY NUMBER 218973; IN DOCUMENT RECORDED SEPTEMBER 29, 2004 AS ENTRY NUMBER 2059380.

EXHIBIT "A"

PARCEL NUMBERS

/BT

| | | | |
|-------------|-------------|-------------|-------------|
| 01-015-0019 | 01-077-0001 | 01-078-0010 | 01-079-0019 |
| 01-075-0001 | 01-077-0002 | 01-078-0011 | 01-079-0020 |
| 01-075-0002 | 01-077-0003 | 01-078-0012 | 01-079-0021 |
| 01-075-0023 | 01-077-0004 | 01-078-0013 | 01-079-0022 |
| 01-075-0021 | 01-077-0005 | 01-078-0014 | 01-079-0023 |
| 01-075-0025 | 01-077-0006 | 01-078-0015 | 01-079-0024 |
| 01-075-0005 | 01-077-0007 | 01-078-0016 | 01-079-0025 |
| 01-075-0006 | 01-077-0008 | 01-078-0017 | 01-079-0026 |
| 01-075-0007 | 01-077-0009 | 01-078-0018 | 01-079-0027 |
| 01-075-0008 | 01-077-0010 | 01-078-0019 | 01-079-0028 |
| 01-075-0009 | 01-077-0011 | 01-078-0020 | 01-080-0001 |
| 01-075-0010 | 01-077-0012 | 01-078-0021 | 01-080-0002 |
| 01-075-0011 | 01-077-0013 | 01-078-0022 | 01-080-0003 |
| 01-075-0012 | 01-077-0014 | 01-078-0023 | 01-080-0004 |
| 01-075-0013 | 01-077-0015 | 01-078-0024 | 01-080-0005 |
| 01-075-0015 | 01-077-0016 | 01-078-0025 | 01-080-0006 |
| 01-075-0017 | 01-077-0017 | 01-078-0026 | 01-080-0007 |
| 01-075-0018 | 01-077-0018 | 01-078-0027 | 01-080-0008 |
| 01-075-0019 | 01-077-0019 | 01-078-0028 | 01-080-0009 |
| 01-076-0001 | 01-077-0020 | 01-079-0001 | 01-080-0010 |
| 01-076-0002 | 01-077-0021 | 01-079-0002 | 01-080-0011 |
| 01-076-0003 | 01-077-0022 | 01-079-0003 | 01-080-0012 |
| 01-076-0004 | 01-077-0023 | 01-079-0004 | 01-080-0013 |
| 01-076-0006 | 01-077-0024 | 01-079-0005 | 01-080-0014 |
| 01-076-0007 | 01-077-0025 | 01-079-0006 | 01-080-0016 |
| 01-076-0008 | 01-077-0026 | 01-079-0007 | 01-080-0017 |
| 01-076-0009 | 01-077-0027 | 01-079-0008 | 01-080-0019 |
| 01-076-0010 | 01-077-0028 | 01-079-0009 | 01-080-0020 |
| 01-076-0011 | 01-078-0001 | 01-079-0010 | |
| 01-076-0012 | 01-078-0002 | 01-079-0011 | 01-075-0020 |
| 01-076-0013 | 01-078-0003 | 01-079-0012 | |
| 01-076-0014 | 01-078-0004 | 01-079-0013 | |
| 01-076-0015 | 01-078-0005 | 01-079-0014 | |
| 01-076-0016 | 01-078-0006 | 01-079-0015 | |
| 01-076-0017 | 01-078-0007 | 01-079-0016 | |
| 01-076-0018 | 01-078-0008 | 01-079-0017 | |
| 01-076-0019 | 01-078-0009 | 01-079-0018 | |

EXHIBIT "B"

**TO
REAFFIRMATION OF
ENCROACHMENT AGREEMENT**

(Legal Description of Encroached Property)

A part of Lot 5 and Lot 6, Block 17, Plat "A", Ogden City Survey, Ogden City, Weber County, Utah.

Beginning at a point at the intersection of the West line of Ogden Avenue and the South line of 25th Street; said point being at Ogden City Engineer's "A" Station 107+12.90 and "B" Station 103+10.00; said point also being South 89 Deg 02 Min East 244.00 feet from the Northwest corner of said Lot 6 and running thence South 89 Deg 02 Min East 20.79 feet; thence South 14 Deg 50 Min East 168.60 feet; thence South 0 Deg 58 Min West 66.78 feet; thence North 89 Deg 02 Min West 20.00 feet to a point on the West line of Ogden Avenue; thence along said West line the following 2 courses: North 0 Deg 58 Min East 64.00 feet and North 14 Deg 50 Min West 171.48 feet to the point of beginning.

EXHIBIT "C"
TO
REAFFIRMATION OF
ENCROACHMENT AGREEMENT
(Encroachment Permit)

Executed by
City 10-02-84

Copy

AGREEMENT TO ENCROACH ON CITY PROPERTY

OGDEN CITY, a Municipal Corporation, hereby consents to allow the construction of a retaining wall, Bermed landscape area and a portion of the parking area on the portion of City property described hereinafter. This is being done as a result of the reduction of the width of Ogden Avenue right-of-way from eighty feet (80') to sixty feet (60'), as described in the case-ment below.

DCA DEVELOPMENT CORPORATION and BEN LOMOND SUITES LTD., the Owners of the abutting property involved, for itself and its successors in interest, hereby agree that if the City should, for any reason, so need the use of the property being encroached upon, they will vacate that area and relocate the above mentioned facilities upon its own property with no recourse or expense toward the City.

DCA DEVELOPMENT CORPORATION and BEN LOMOND SUITES LTD., hereby consent and agree that neither they or any of their agents, employees or successors in interest will contest the closure of Ogden Avenue and hereby agree to sign any petition for said closure.

The City property encroached upon is described as follows:

A part of Lot 5 and Lot 6, Block 17, Plat "A", Ogden City Survey, Ogden City, Weber County, Utah.

Beginning at a point at the intersection of the West line of Ogden Avenue and the South line of 25th Street; said point being at Ogden City Engineer's "A" Station 107+12.90 and "B" Station 103+10.00; said point also being South 89°02' East 244.00 feet from the Northwest corner of said Lot 6 and running thence South 89°02' East 20.79 feet; thence South 14°50' East 168.60 feet; thence South 0°58' West 66.78 feet; thence North 89°02' West 20.00 feet to a point on the West line of Ogden Avenue; thence along said West line the following 2 courses; North 0°58' East 64.00 feet and North 14°50' West 171.48 feet to the point of beginning. (Contains 0.11 Acres)

Dated this 2nd day of October, 1984.

OGDEN CITY, a Municipal Corporation

BY [Signature]
COWLES MALLORY
City Manager

ATTEST:

[Signature]
DONNA ADAM
City Recorder

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STATE OF UTAH)
COUNTY OF WEBER)

On this 3rd day of October, 1984, personally appeared before me COWLES MALLORY and DONNA ADAM, who being by me first duly sworn, on oath, did say that he, the said COWLES MALLORY, is the City Manager and she, the said DONNA ADAM, is the City Recorder of Ogden City, and that the within and foregoing instrument was signed in behalf of a motion of the Ogden City Council at a meeting held the 27th day of Sept., 1984, and the said COWLES MALLORY and DONNA ADAM each duly acknowledged to me that said municipal corporation executed the same and that the seal affixed is the seal of said corporation.

Morris J. Bennett
NOTARY PUBLIC
Residing At: Ogden, Utah

My Commission Expires:

August 10, 1987

DCA DEVELOPMENT CORPORATION
BEN LOMOND SUITES LTD.

BY: Daniel W. Cook
DANIEL W. COOK
President, DCA Development Corporation
General Partner, Ben Lomond Suites Ltd.

STATE OF UTAH)
COUNTY OF WEBER)

On the 2 day of OCTOBER, 1984, personally appeared before me DANIEL W. COOK, President, DCA Development Corporation and General Partner, Ben Lomond Suites Ltd., the signer of the within instrument, who duly acknowledged to me that he executed the same.

Shirley C. Young
NOTARY PUBLIC
Residing At: Webster County

My Commission Expires: 4-18-87

Approved As To Form: [Signature]

Approved as to Description: _____

the flat fronts which now exist. The back wall must be demolished or dismantled and completely reconstructed. The Inspections Department has issued a condemnation notice unless the structure is made safe. The dismantled brick from the rear wall will be saved and cleaned and used to cover new block wall. All openings will be reconstructed to match the original, and a new six-foot wide double door will be placed where the existing damaged opening exists now. Windows and brick relieving arches will also match the original. It was indicated that all proposed new paint colors, signs and the design for the rear plaza will be reviewed by the Landmarks and Planning Commissions at a later date. Inasmuch as the proposed remodeling of the front and rear facades of the building were consistent with the guidelines for the Historic 25th Street District, and general good taste, the Planning Commission voted unanimously to recommend approval of the CBD Site Plan at 246 25th Street, subject to the required future submittals of plaza design, paint colors and signs. Councilman Goff moved this CBD Site Plan be approved as recommended by the Planning Commission subject to the required future submittals of plaza design, paint colors and signs. Motion was seconded by Councilman Saunders, all voting aye.

Letter from Planning Commission re: CBD Site Plan for Mike Perkins Auto Body at 2557 Lincoln Avenue.

File No. 080.3 ✓

A letter from the Ogden City Planning Commission Chairman Gerald H. Raat came before the Council concerning the CBD Site Plan for Mike Perkins Auto Body at 2557 Lincoln Avenue. Chairman Raat said the Planning Commission reviewed a proposed site expansion at 2557 Lincoln Avenue. Originally this building was built as a car wash. Mr. Perkins purchased the building and has converted the building into an auto body shop. A new addition of 37' x 34' is proposed to be constructed at the rear of the existing building. The new addition will match the existing architectural design and color of the building. The staff noted that the submitted site plan had some discrepancies from the actual conditions on the site. Staff presented a suggested revision to the submitted site plan to meet the conditions that actually exist. Mr. Perkins stated that he felt the proposed revisions would create problems to the site and felt that his original proposal would be adequate. Mr. Perkins also questioned the revision to the plan that called for planting in the parkway area and also in the area between the sidewalk and fence which is in the right-of-way. Staff commented that the right-of-way (the area between the curb and fence) was required to be landscaped by ordinance. The legal counsel representative, Mr. Baldwin, noted that the language of the ordinance would not allow the Planning Commission to waive the requirement. The Planning Commission voted unanimously to recommend approval of the CBD Site Plan subject to working with the staff in the 10% landscaping requirements and Engineering comments. Councilman Goff moved this CBD Site Plan be approved as recommended by the Planning Commission subject to working with the Planning staff in the 10% landscaping requirements and Engineering comments. Motion was seconded by Councilman Saunders, all voting aye.

Letter from Planning Commission re: approval of final plan for Cherokee Apartments.

File No. 070.1 ✓

A letter from Gerald H. Raat, Chairman of the Ogden City Planning Commission, came before the Council relative to approval of the final plan for the Cherokee Apartments. The Chairman said the Planning Commission reviewed the plan for the Cherokee Apartments at 891 West Harrisville Road. The project calls for the renovation of seven four-plex structures into apartment units ranging in size from 1,050 square feet to 1,500 square feet. The plan also shows large open areas between buildings with new landscaping around the units. Access to the project will be by means of a 24-foot private road that runs to Harrisville Road. The private road will be realigned as the future phases of the Fairground Estates P.R.U.D. develops. Chairman Raat said the Planning Commission voted unanimously to recommend approval of the final plan for the Cherokee Apartments subject to engineering comments. (Said comments were attached to the letter.) Councilman Goff moved that approval be given the final plan for the Cherokee Apartments as recommended by the Planning Commission subject to Engineering comments. Motion was seconded by Councilman Saunders, all voting aye.

Letter from Planning Commission re: approval of amended Record of Survey Map for Deerwalk Condominiums.

File No. 070.1 ✓

A letter from the Ogden City Planning Commission Chairman, Gerald H. Raat, came before the Council pertaining to the amended Record of Survey Map for the Deerwalk Condominiums. Chairman Raat said the Planning Commission reviewed this amendment to the wording for the Deerwalk Condominiums at 1136 Canyon Road. Planning Staff noted that the original wording of the lines inadvertently excluded the ability to construct storage sheds on any portion of the lot other than the location that is designated for home. There are still adequate controls in the Zoning Ordinance and the private covenants. Construction of storage sheds in the private yards should not pose a problem. The Planning Commission voted unanimously to recommend approval of the amended linen wording. Councilman Goff moved the approval be given for the amended Record of Survey Map for Deerwalk Condominiums. Motion was seconded by Councilman Saunders, all voting aye.

Letter from Planning Commission re: request for Encroachment Permit on Ogden Avenue between 25th and 26th Streets.

File No. 070 ✓

A letter from Gerald H. Raat, Chairman of the Ogden City Planning Commission, came

before the Council regarding the request of Dan Cook for an Encroachment Permit for Ogden Avenue between 25th and 26th Streets. Chairman Raat said Ogden Avenue is a dedicated 80-foot road. Mr. Cook desires to use 20 feet of the right-of-way for a proposed parking terrace and landscaping for the Raddison Towers. The reduction of the effective width of the street should not pose any circulation problems. It was noted that with the development of the State Office Building the center section of Ogden Avenue may be entirely vacated closing the street as a through street. This would also add to the reason to grant the 20-foot Encroachment Permit. The Chairman said it was understood that Mr. Cook would not protest the possible closure of Ogden Avenue. The Planning Commission voted unanimously to recommend approval of the Encroachment Permit on condition that Mr. Cook would not oppose possible future vacation of Ogden Avenue in connection with the State Office Building. Councilman Goff moved that approval be given for an Encroachment Permit to Mr. Cook providing that Mr. Cook would not protest the possible closure of Ogden Avenue. Motion was seconded by Councilman Saunders, all voting aye.

Resolution #48-84 honoring Norma Stimpson upon her retirement from Ogden City School District. File No. 001.1 ✓

Resolution #48-84 honoring Norma Stimpson upon her retirement from the Ogden City School District came before the Council for consideration.

Councilwoman Littleton read this resolution and congratulated Mrs. Stimpson upon her retirement. Councilwoman Littleton then moved this Resolution be approved and the Mayor be authorized to sign the same. Motion was seconded by Councilman Sneddon, all voting aye.

A copy of this Resolution was marked "Exhibit A" and made a part of these minutes by reference.

Mrs. Stimpson mentioned that it has been a privilege for her to serve in this position for over 40 years and expressed her appreciation to the Council for this recognition.

Resolution #49-84 approving Administrative Order #298-84 establishing a No Parking At Any Time Zone on the north side of 3300 South Street. File No. 533.2 ✓

Resolution #49-84 approving Administrative Order #298-84 establishing a No Parking At Any Time Zone beginning 387.43 feet east of the prolongation of the centerline of 1325 West Street and extending 1465.74 feet west thereof came before the Council for consideration. Councilman Goff moved this Resolution be approved and the Mayor be authorized to sign the same. Motion was seconded by Councilman Saunders, all voting aye.

A copy of the Resolution was marked "Exhibit A" and made a part of these minutes by reference.

Proposed ordinance, first reading, adding a new Section 20 to provide use of existing commercial buildings in residential zones. File No. 040 ✓

Councilman Goff introduced in writing a proposed ordinance in the form in which it was proposed that it be finally passed, entitled:

"An Ordinance of Ogden City, Utah, amending Chapter 3, Title 19 (the Zoning Ordinance) by adding a new Section 20 to provide for the use of existing commercial buildings in residential zones and setting forth the necessary requirements and conditions for issuance of a Conditional Use Permit therefor; and providing that this Ordinance shall become effective 20 days after publication after final passage."

Three copies of said proposed ordinance were deposited with the City Recorder and it was ordered that the City Recorder have at least one copy thereof available for public inspection in her office during all business hours. The proposed ordinance was then read for the first time and on motion of Councilman Goff and duly seconded by Councilman Saunders and passed unanimously the said ordinance was passed on first reading and it was ordered that public hearing on said proposed ordinance be and it is set to be held at the Council Chambers on October 11, 1984, at 6:00 o'clock p.m. and that the City Recorder be and she is directed to cause notice thereof to be given as required by law.

Proposed ordinance, first reading, amending Zoning Ordinance by adding a new Chapter 30 establishing a new zone classification R-2A. File No. 040 ✓

Councilman Goff introduced in writing a proposed ordinance in the form in which it was proposed that it be finally passed, entitled:

"An Ordinance of Ogden City, Utah, amending Title 19 (The Zoning Ordinance) of the Ogden Municipal Code by adding a new Chapter 30 establishing a new zone classification R-2A and stating the purpose and intent, permitted uses and conditional uses and sign regulations for that new moderate density residential district; and providing that this Ordinance shall become effective 20 days after publication after final passage."

Three copies of said proposed ordinance were deposited with the City Recorder and it was ordered that the City Recorder have at least one copy thereof available for public inspection in her office during all business hours. The proposed ordinance was then read for the first time and on motion of Councilman Goff and duly seconded by Councilman Saunders and passed unanimously the said ordinance was passed on first reading and it was ordered that public hearing on said proposed ordinance be and it is set to be held at the