



W2913726

When Recorded, return to:
Weber County Planning Division
2380 Washington Blvd., Ste. 240
OGDEN, UT 84401

EH 2913726 PG 1 OF 5
LEANN H KILTS, WEBER COUNTY RECORDER
05-APR-18 252 PM FEE \$1.00 DEP JKC
REC FOR: WEBER COUNTY PLANNING

Land Serial Number 22-021-0100

3/20/2018

PATHWAY EASEMENT AGREEMENT

WHEREAS **Kent D. and Susan S. Fuller Family Trust**, (“Grantor”) are the owners of certain real property (“Grantor Property”) more particularly described in the Grantor Property Description attached hereto as Exhibit “A” and incorporated herein; and

WHEREAS Grantor is willing to grant to **Weber County Corporation** (“Grantee”), a political subdivision of the state of Utah, an Easement through Grantor Property for a Pathway to be used by the public for non-motorized recreation and travel;

NOW THEREFORE, Grantor and Grantee agree as follows:

Grantor hereby grants and conveys to Grantee a perpetual approximately five (5) foot wide Easement and right-of-way over, across, and through the Grantor Property. [Said Easement is more particularly described in the Easement Description attached hereto as Exhibit “B” and incorporated herein.]

Said Easement shall be for a Pathway open to the general public for transportation and recreation uses. No motorized vehicles shall be permitted on the Pathway except for those operated by authorized personnel in the course of construction, maintenance, supervision, emergency rescue, or law enforcement. Grantee has full discretion to determine the design of the Pathway within the Easement, and to make any changes to that design in the future.

Grantee, its officers, agents, and employees, along with others authorized by Grantee to perform work, shall have the right of ingress and egress over and across Grantor Property for construction and maintenance of the Pathway, and shall have all rights reasonable, necessary, or incident to the grant of said Easement.

Persons using the Pathway do so at their own risk and without any charge for access. Neither Grantor nor Grantee assumes any duty to inspect or maintain the Pathway or warn of any defects or dangerous conditions, except to the extent required by Utah law with respect to premises liability. Except as otherwise stated in this Easement Agreement, or as required by law, Grantor shall not be responsible to maintain or repair the Pathway.

If a Pathway user asserts a claim for bodily injury or property damage caused by an unsafe condition on the Pathway, and the unsafe condition was not the fault of Grantor or

Notary Public

GRANTEE:

WEBER COUNTY CORPORATION

By Jim Harvey
James Ebert, Chair of the Board of County Commissioners
Harvey



Attest:

Ricky D. Hatch
Ricky D. Hatch, CPA
Weber County Clerk/Auditor

State of Utah)
 ss
County of Weber)

On this 10 day of March, 2018 personally appeared before me Jim Harvey known to me to be the person whose name is subscribed to the within instrument, who being first duly sworn that he is the Chair of the Board of County Commissioners of Weber County, acknowledged to me that he executed the same.

IN WITNESS WHEREOF I hereunto set my hand and seal.

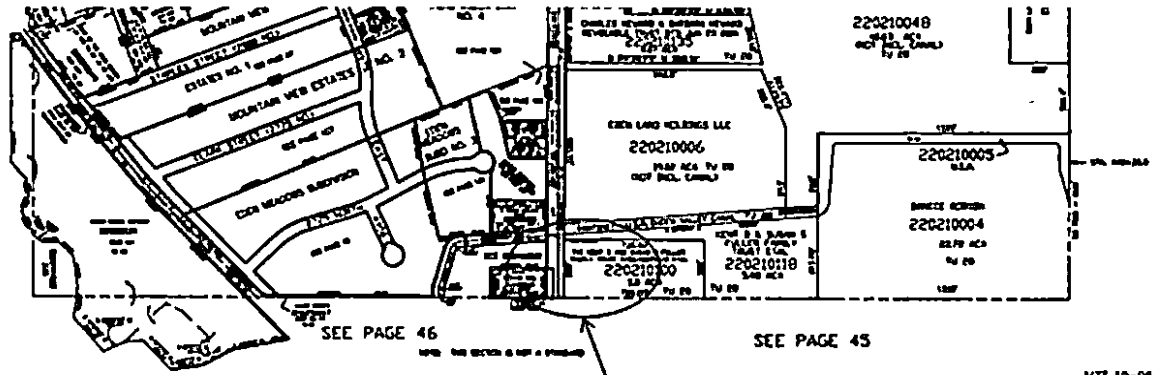
Notary
Notary Public



EXHIBIT "A"
GRANTOR PROPERTY DESCRIPTION

A parcel of land in Weber County, Utah, having the Serial Number 22-021-0100 and more particularly described as follows:

Plat as of 4/18/17



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MTT 10-96

General area of requested easement

EXHIBIT "B"
EASEMENT DESCRIPTION

An easement, running the full width of the grantors property, varying from 4 ft 10 inches wide at the southwest corner to 3 feet 4 inches wide at the northwest corner with an eastern boundary approximately 33 feet from the centerline of the existing Highway 158, as generally depicted in the graphic below; or the actual location of the constructed 10 foot pathway with one foot shoulders (12 foot total width), together with any installed drainage facilities, as negotiated by the grantor and grantee at the time of construction.

Path Alignment and Agreed Easement Fuller Property

Property Line as recorded – red dashed line
Note that physical property survey markers indicate
background aerial photo may be approx 6.5 ft offset to west

