

BST



\*W3028896\*

3028896 PG 1 OF 5  
LEANN H KILTS, WEBER COUNTY RECORDER  
16-JAN-20 204 PM FEE \$40.00 DEP PV  
REC FOR: ANDERSON MAHLEN & ASSOC

AGREEMENT FOR  
A FUTURE  
CROSS-ACCESS EASEMENT

This Agreement is entered into this 14 day of January, 2020 between the Utah Department of Transportation (UDOT) and Lotus Whisperwood, LLC (Property Owner).

RECITALS

WHEREAS, Property Owner has received access approval to improve its property located at 1450 Canyon Road in City of Ogden, County of Weber, State of Utah, and legally described as follows:

A part of the West Half of Section 22, Township 6 North, Range 1 West, Salt Lake Base and Meridian, U.S. Survey in Weber County, Utah:

Beginning at a point on the North Line of Canyon Road located 190.90 feet South  $74^{\circ}59'04''$  East; 21.33 feet North  $0^{\circ}49'26''$  East; and 129.50 South  $76^{\circ}10'04''$  East from the Monument in the Intersection of Canyon Road and Mountain Road; said Intersection Monument is located 912.71 feet South  $79^{\circ}33'03''$  West from the Center of said Section 22; and running thence North  $0^{\circ}49'26''$  East 119.00 feet; thence North  $76^{\circ}10'04''$  West 113.24 feet; thence North  $0^{\circ}49'26''$  East 95.16 feet to the South Line of the Carver Subdivision as it exists on the ground; thence South  $89^{\circ}04'39''$  East (South  $88^{\circ}40'31''$  West plat) 449.23 feet along said South Line as it exists on the ground; thence South  $1^{\circ}09'55''$  West 73.28 feet; thence North  $89^{\circ}02'45''$  East 30.35 feet; thence South  $1^{\circ}05'47''$  West 96.48 feet; thence North  $82^{\circ}31'21''$  West 60.67 feet; thence South  $1^{\circ}02'58''$  West 124.74 feet to the Northerly Line of Canyon Road; thence along said Northerly Line the following four courses: North  $81^{\circ}44'02''$  West 81.15 feet; South  $1^{\circ}21'14''$  West 2.33 feet; North  $83^{\circ}46'19''$  West 95.65 feet; and North  $76^{\circ}10'04''$  West 135.34 feet to the point of beginning.

13-072-0075 /  
13-072-0072 CM

Contains 102,152 sq. ft.  
or 2.345 acres

Basis of Bearings

The basis of bearings for the above described legal description is the Ogden City Engineering Plat bearing of North  $1^{\circ}02'$  East along the Monument Line of Mountain Road from the Monument at Canyon Road to the PI Monument of the curve in Mountain Road.

WHEREAS, as a condition of this access approval, Property Owner is required to enter into an agreement to create a future cross-access easement on its property to allow for ingress and egress between its property and the adjacent property located at 1518 CANYON RD OGDEN UT 84404; and

WHEREAS, the purpose of the easement is to allow traffic flow between the properties in one access and onto SR-039, Canyon Road so as to relieve congestion and to create less traffic hazards; and

WHEREAS, at this time, the adjacent property located at 1518 CANYON RD OGDEN UT 84404 is not seeking access approval, and the owner of that property is unwilling to grant a mutual cross-access easement at this time. It is anticipated that when the adjacent property is improved so as to

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require access approval, UDOT shall require that a cross-access easement be created to connect the two (2) properties. As required by UDOT, Property Owner agrees to grant an easement as set forth in this Agreement; and

WHEREAS, Exhibit B shall include a site plan showing the approximate location of the future easement.

## AGREEMENT

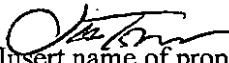
Now therefore it is hereby agreed as follows:

1. In fulfillment of the requirements imposed as a condition of access approval, Property Owner agrees, in the future and upon demand by UDOT, to grant a cross-access easement provided that the adjacent property owner located at 1518 CANYON RD OGDEN UT 84404 and as shown in attached Exhibit A, likewise grants a similar cross-access easement over its property.
2. At such time as the adjacent property owner desires access, Property Owner agrees to grant the cross-access agreement and to execute all necessary documents to create the cross-access easement.
3. The easements to be created shall burden and benefit the parcels. The easements shall run with the land and shall be binding on and shall insure to the benefit of the property owners, their respective heirs, successors or assigns.
4. The easements to be created shall continue until expressly terminated by written agreement between the parties, their successors, or their assigns. Any agreement to terminate or modify the easements to be created shall be approved in writing by UDOT.
5. Property Owner agrees to make the necessary improvements to its property to allow the ingress and egress as set forth herein within a reasonable time after the creation of the cross-access easements.
6. Property Owner agrees to maintain the easement area that will be located in its property in a reasonable manner and at its sole expense.
7. Any violation or breach of this Agreement shall be considered a breach of the access permit, and UDOT shall have the authority to enforce this Agreement in any manner permitted by law.
8. This Agreement to create a cross access agreement shall be recorded with the Weber County Recorder's office.

REQUIRED EXHIBITS: Exhibit A is the required legal description of the subject adjacent property. Exhibit B shall include a site plan showing the approximate location of the future easement. Both referenced exhibits are required to be attached to this agreement prior to recording.

**IN WITNESS WHEREOF**, the Parties have caused this Agreement to be executed on their behalf by the following duly authorized representatives as of the date appearing opposite their signature

below.

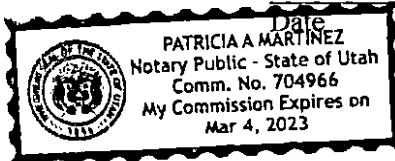
  
[Insert name of property owner]

JOE TORMAN

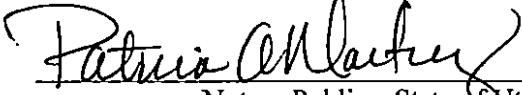
By: LOTUS WHISPERWOOD, LLC  
[Insert name of signatory]

1-14-2020

STATE OF UTAH )  
COUNTY OF Salt Lake )  
 )ss.



On this 14 day of January, 2020, before me, a Notary Public in and for the County of Salt Lake, personally appeared Joe Torman on behalf of Lotus Whisperwood, to me known to be the same person who signed and is described in the above instrument and acknowledged the same to be his/her free act and deed.

  
\_\_\_\_\_  
Notary Public State of Utah  
My Commission expires: March 4<sup>th</sup>, 2023

**Exhibit A**

**Poyner  
1518 Canyon Road  
Ogden, Utah 84401**

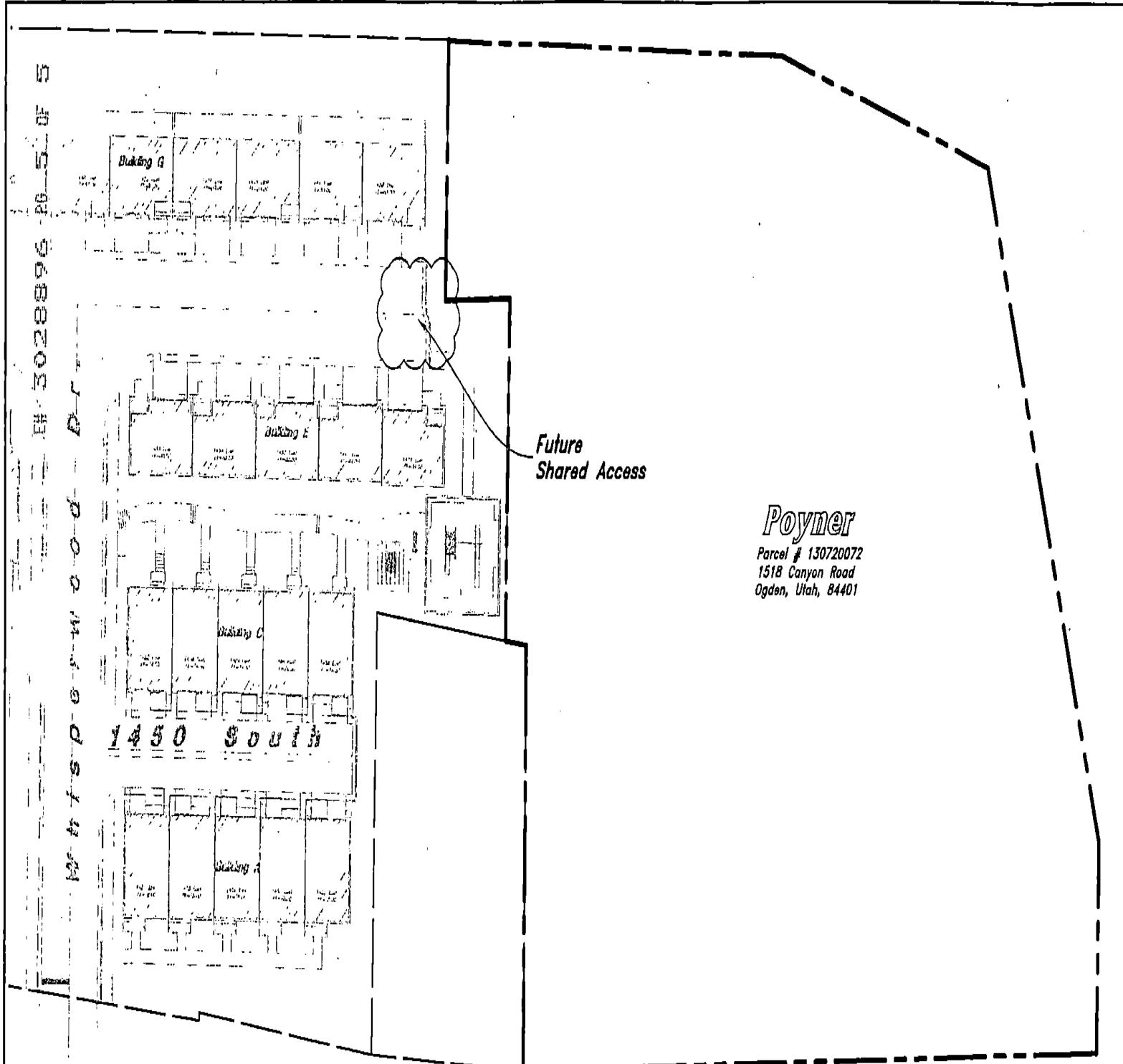
**December 31, 2019**

Parcel 130720072:

Part of the Southwest Quarter of Section 22, Township 6 North, Range 1 West, Salt Lake Base and Meridian, U.S. Survey:

Beginning at the Intersection of an existing North Ogden Irrigation Canal and the North Line of said Southwest Quarter being located North 88°40'46" West 55.65 feet from the calculated Northeast Corner of said Southwest Quarter said point also being North 75°11'21" East 675.11 feet and South 88°20'46" East 189.36 feet from the Ogden City Centerline Monument at Canyon Road and Mountain Road (Basis of Bearing is a line between the Ogden City Monument at Canyon Road and the Ogden City Pi Monument on Mountain Road) running thence along said exiting canal the following four courses: South 53°15'49" East 63.23 feet, South 62°02'04" East 28.08 feet, South 34°10'44" East 18.62 feet, thence South 13°02'23" East 217.25 feet to the North Right-of-Way line of Canyon Road, thence along said North Right-or-Way line the following two courses; South 88°59'48" West 250.00 feet; South 89°15'26" West 29.60 feet to an existing fence line; thence along said existing fence line the following five courses: North 01°08'37" East 118.75 feet, North 82°31'21" West 20.16 feet, North 01°05'47" East 96.48 feet, South 89°02'45" West 30.35 feet, North 01°09'55" East 70.97 feet to the North line of said Southwest Quarter, thence along said North line South 88°20'46" East 189.36 feet to the point of beginning.

Contains 72,222 s.f.  
Or 1.658 acres



*Poyner*

Parcel # 130720072  
1518 Canyon Road  
Ogden, Utah, 84401

Exhibit B	Sheet No.	Designed By: EM
B3		Drafted By: NE
Client Name: Lotus		16-003EX-B3
<b>Lotus Whisperwood</b> 1455 East Canyon Road Ogden, Utah		
<b>ANW</b> ANDERSON WAHLEN & ASSOCIATES 2010 North Redwood Road, Salt Lake City, Utah 84118 801 521-8929 - <a href="http://AWengineering.net">AWengineering.net</a>		31 Dec, 2019

Scale: 1" = 50'

