

**INDEMNIFICATION AND HOLD HARMLESS AGREEMENT**

This Agreement made as of the 27<sup>th</sup> day of June, 2020 by and among American Loans Inc. located at 7058 South 300 East, Midvale, UT; and Ogden River Water Users' Association located at 471 West 2<sup>nd</sup> Street.



\*W3122602\*

**WITNESSETH:**

E# 3122602 PG 1 OF 7  
LEANN H KILTS, WEBER COUNTY RECORDER  
01-FEB-21 3:24 PM FEE \$0.00 DEP PV  
REC FOR: PINE VIEW WATER SYSTEMS

WHEREAS, American Loans Inc. owns the 13.70-acre Parcel # 11-105-0015 located approximately at 1600 East and 550 South, Ogden Utah (the "Property"); and

WHEREAS, American Loans Inc. desires to develop the Property into the proposed Valley View P.U.R.D. (Development).

~~WHEREAS, Ogden River Water Users' Association (the Association) has reviewed the proposed Property development along with its geotechnical report; and~~

WHEREAS, the Association believes that the developed property may be susceptible to flooding from the Association's Ogden-Brigham Canal (Canal) located above the proposed development during a landslide and/or earthquake; and

WHEREAS, the Association requires a Hold Harmless Agreement from the current property owner in order for the Association to approve the project; and

WHEREAS, all future development of Parcel # 11-105-0015 is subject to and bound by the terms of this agreement to indemnify and hold the Association harmless from all damages and injury resulting from a canal failure caused by a landslide or earthquake.

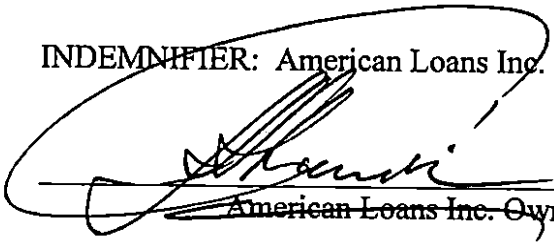
NOW, THEREFORE, in return for an Association approval of proposed Valley View P.U.R.D., receipt of which by the parties hereby acknowledged, agrees as follows:

1. American Loans Inc. owns the Property that consists of 13.70 acre with an assessor parcel # 11-105-0015 and its location can be identified by viewing attachment A.
2. American Loans Inc. desires to develop the Property into a 26 house and 6 duplex residential development. The proposed site plan can be seen on attachment B.
3. The property has had two geotechnical reports prepared for the site that the Association is aware of. The first geotechnical report was prepared by IGES, Intermountain GeoEnvironmental Services Inc., located in Draper Utah in 2015. The report is referenced as - Geotechnical Investigation, Valley View Estates, Residential Development, Ogden, Utah, IGES Project No.: 01230-003, January 9, 2015. The second report was also prepared by IGES in 2019. The second report is referenced as - Geotechnical Report Update, Valley View Estates, Hudson Street and Simoron Drive, Ogden, Utah, IGES Project No. 03229-001.
4. During the review of the above referenced geotechnical reports, the Association observed the slope section C-C' and its factor of safety of 1.0 during an earthquake event. The Association believes

that the Development could be susceptible to flooding from the canal after an earthquake or landslide event. Given the Development's location relative to the Canal, the Development could have high rates of water flow exfiltrating from the canal if a breach occurs. Due to the elevation difference between the Canal and the Development, high inundation depths and velocities could impact the development.

- 5. The Association does not seek protection from flooding events that may occur as a result of neglect or poor Canal operation and or management.
- 6. This agreement will be recorded with the Weber County Recorder's Office and this agreement will run with the land and is binding upon all future owners, heirs, assigns, and any other interest in Parcel # 11-105-0015.
- 7. American Loans Inc. will indemnify and hold the Association harmless from any and all property damage, liability, loss, expense, claim of any kind, suit, case, personal property damage, special or consequential damage, injury or death that may occur or may arise from water coming from the Canal caused by an earthquake or landslide event.
- 8. The WHEREAS portion of this agreement is incorporated into and made part of this agreement.

INDEMNIFIER: American Loans Inc.

  
 \_\_\_\_\_  
 American Loans Inc. Owner

Acknowledgement of American Loans Inc.

State of Utah)

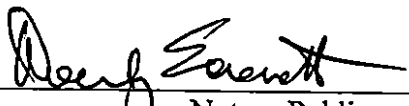
)ss.

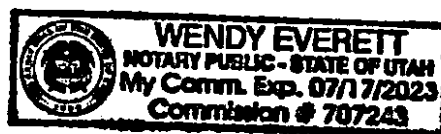
County of Salt Lake

On the 27 day of June, 2020, personally appeared before me

JH Lavina, know to me to be the Owner of American Loans Inc. and who executed the within and foregoing instrument, and acknowledge that he signed the within and foregoing instrument as his free and voluntary act and deed for the uses and purposes therein mentioned.

IN WITNESS HEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

  
 \_\_\_\_\_  
 Notary Public



INDEMNITEE: Ogden River Water Users Association

Benjamin D. Quick  
Ogden River Water Users Association General Manager

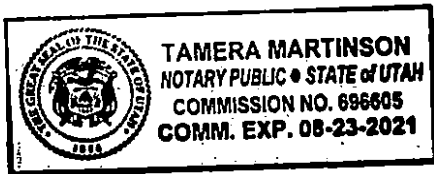
Acknowledgement of Ogden River Water Users' Association

State of Utah)  
                  )ss.  
County of Weber)

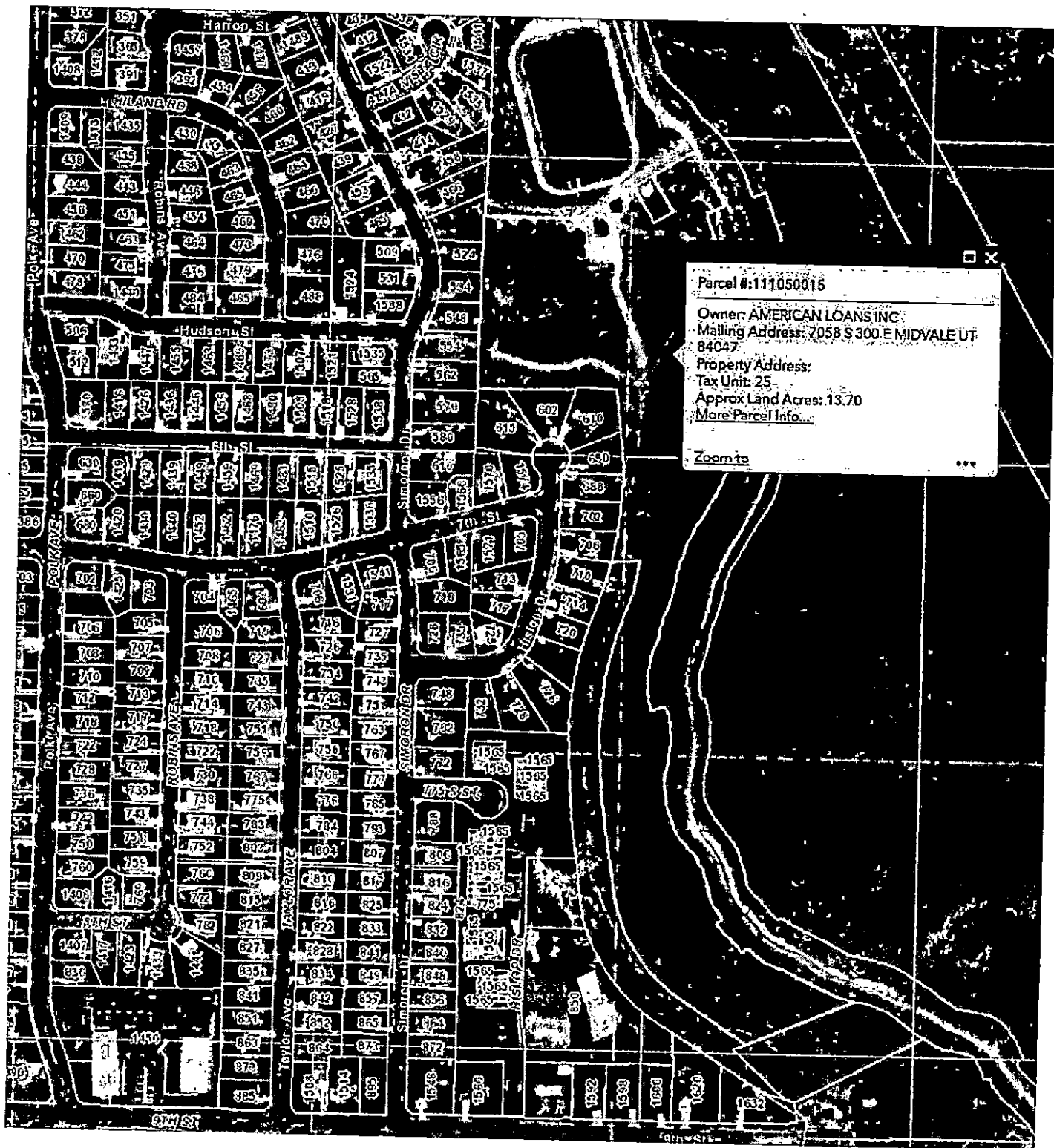
On the 1 day of February, 2020, personally appeared before me Benjamin D. Quick, know to me to be the General Manager of Ogden River Water Users' Association and who executed the within and foregoing instrument, and acknowledge that he signed the within and foregoing instrument as his free and voluntary act and deed for the uses and purposes therein mentioned.

IN WITNESS HEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

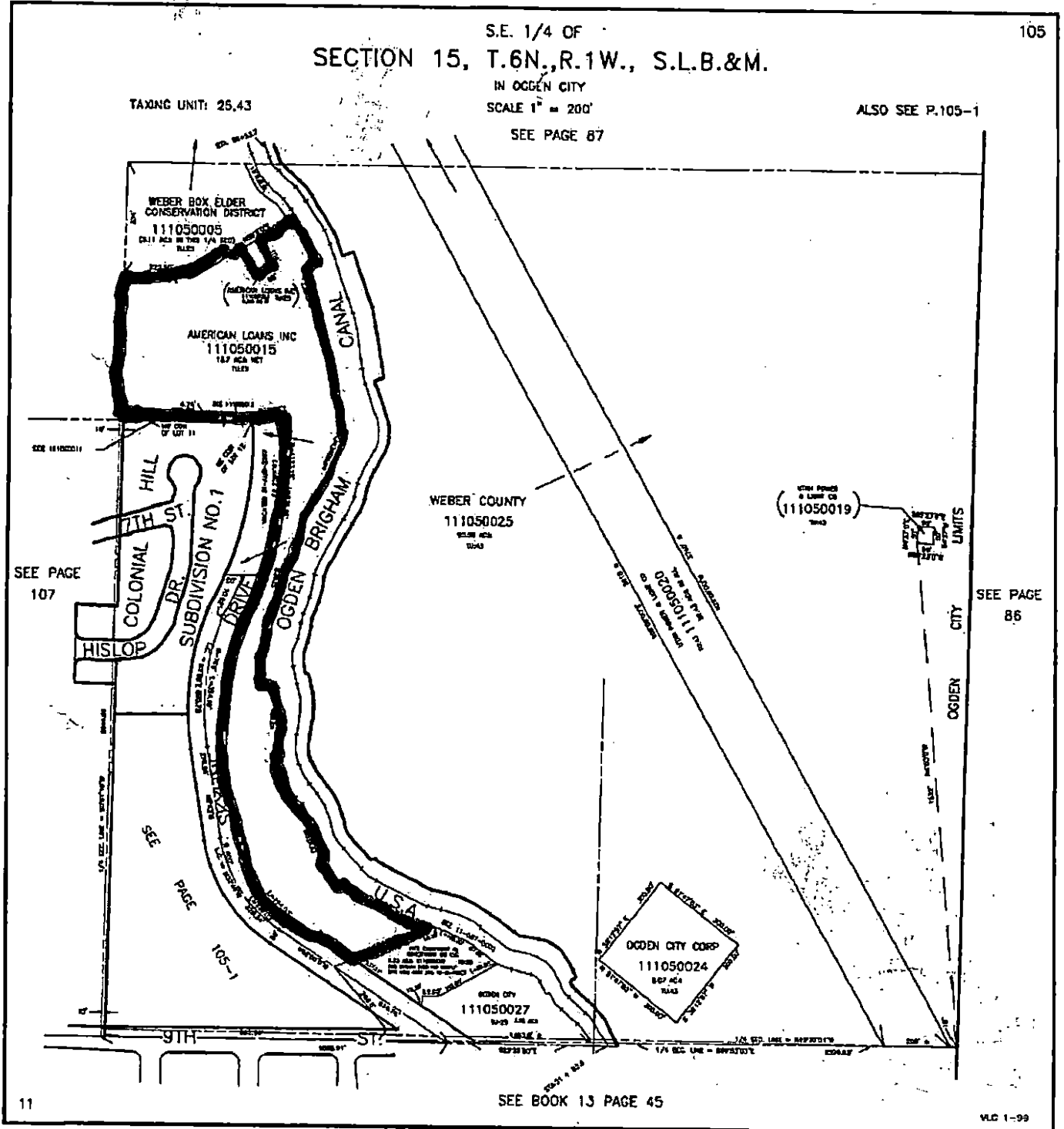
Tamera Martinson  
Notary Public



# ATTACHMENT A



# ATTACHMENT A



## ATTACHMENT A

## Legal Description

\* For Tax Purposes Only \*

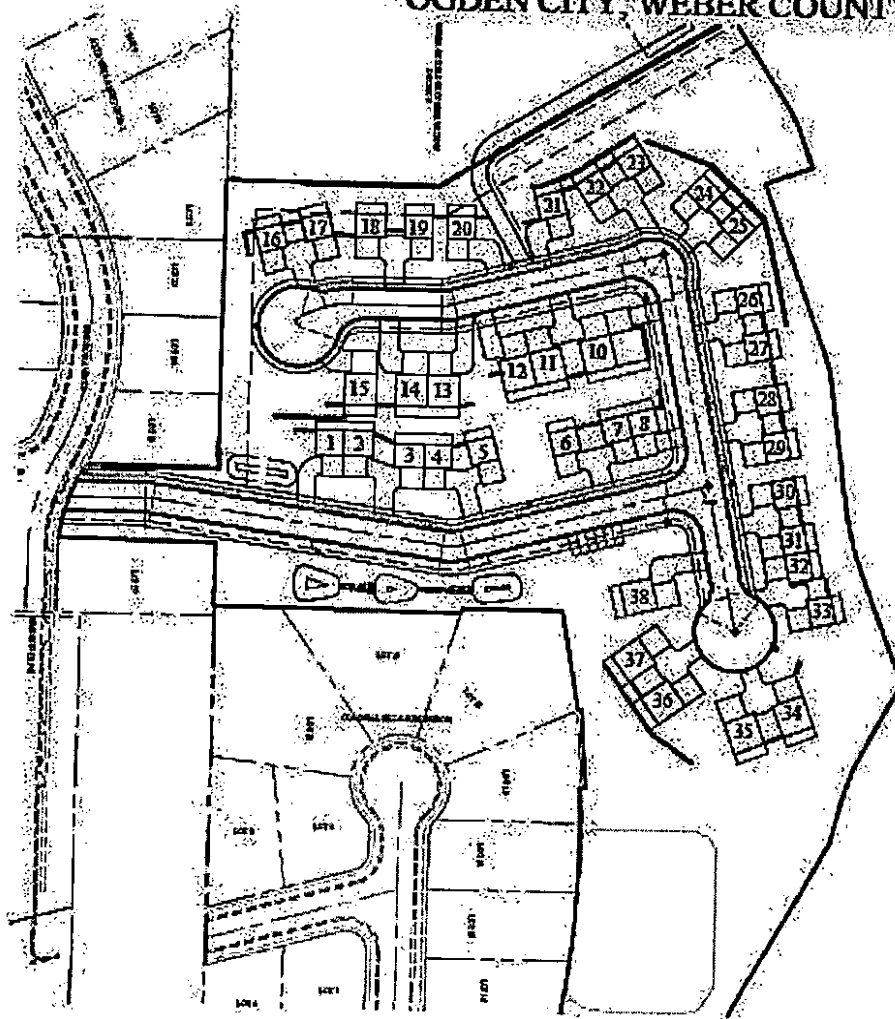
PART OF THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 6 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY; BEGINNING AT A POINT NORTH 0D31'10" EAST 1864.85 FEET FROM THE SOUTHWEST CORNER OF SAID QUARTER SECTION, AND RUNNING THENCE SOUTH 89D30' EAST 10 FEET, THENCE NORTH 0D31'10" EAST 15 FEET, THENCE SOUTH 89D30' EAST 248.25 FEET, THENCE NORTH 18D20'05" EAST 4.24 FEET, THENCE SOUTH 89D30' EAST 100 FEET, MORE OR LESS, TO THE WESTERLY RIGHT-OF-WAY LINE OF SKYLINE DRIVE, THENCE SOUTHERLY TO THE RIGHT ALONG THE ARC OF A 1023.28 FOOT RADIUS CURVE 20 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF COLONIAL HILL SUBDIVISION NO. 1, THENCE NORTH 78D35' EAST 100 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF SKYLINE DRIVE, THENCE SOUTHERLY ALONG THE ARC OF A 1123.28 FOOT RADIUS CURVE TO THE RIGHT FOR A DISTANCE OF 635.85 FEET, THE CHORD WHICH BEARS SOUTH 40D' WEST 627.40 FEET, THENCE SOUTH 21D01' WEST 10.62 FEET, THENCE SOUTHERLY ALONG THE ARC OF A 710 FOOT RADIUS CURVE TO THE LEFT FOR A DISTANCE OF 368.24 FEET, THENCE SOUTH 8D42' EAST 278.96 FEET, THENCE SOUTHERLY ALONG THE ARC OF A 350 FOOT RADIUS CURVE TO THE LEFT FOR A DISTANCE OF 294.03 FEET, THENCE SOUTH 56D50' EAST 240 FEET, MORE OR LESS, TO NORTHERLY LINE OF THE OGDEN CITY PROPERTY, THENCE NORTH 67D41' EAST 260 FEET, MORE OR LESS TO WESTERLY RIGHT OF WAYLINE OF OGDEN BRIGHAM CANAL, THENCE NORTHWESTERLY ALONG THE SAID LINE TO A POINT SOUTH 0D31'10" WEST 334 FEET, THENCE SOUTH 89D30' EAST 222 FEET AND NORTH 59D09' EAST 321 FEET FROM THE NORTHWEST CORNER OF SAID QUARTER SECTION, THENCE SOUTH 59D09' WEST 321 FEET, THENCE NORTH 89D30' WEST 222 FEET, THENCE SOUTH 0D31'10" WEST 446.03 FEET, MORE OR LESS, TO BEGINNING, CONTAINING 12.60 ACRES, EXCEPT RESERVOIR AND SUBJECT TO A RESERVOIR EASEMENT, CONTAINING 12.60 ACRES, TOGETHER WITH THAT PORTION OF VACATED SKYLINE DRIVE BUTTING ON THE WEST AND DESCRIBED AS FOLLOWS: A PARCEL OF LAND LYING AND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 6 NORTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN, OGDEN CITY, WEBER COUNTY, UTAH COMPRISING 47423 SQUARE FEET 1.09 ACRES OF THAT PARTICULAR PARCEL OF LAND DESCRIBED IN THE FOLLOWING THREE (3) QUIT CLAIM DEEDS RECORDED JULY 07, 1997 (1) ENTRY 1480939, IN BOOK 1870 AT PAGE 958, (2) ENTRY 1480940 IN BOOK 1870, AT PAGE 961, (3) ENTRY 1480941, IN BOOK 1871 AT PAGE 963, BASIS OF BEARING FOR SUBJECT PARCEL BEING SOUTH 00D45'00" WEST 2644.13 FEET (MEASURED) COINCIDENT WITH THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 15, SUBJECT PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE OGDEN CITY BRASS CAP MONUMENT MONUMENTALIZING THE WEST QUARTER OF CORNER OF SAID SECTION 15, THENCE SOUTH 00D45'00" WEST 767.29 FEET COINCIDENT WITH THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 15, THENCE SOUTH 89D15'00" EAST 2992.32 FEET TO THE TRUE POINT OF BEGINNING, THENCE NORTH 78D34'56" EAST 100.00 FEET ALONG A RADIAL LINE TO A POINT ON THE ARC OF AN 1123.28 FOOT RADIUS CURVE THENCE SOUTHERLY 483.47 FEET ALONG THE ARC OF SAID 1123.28 FOOT RADIUS CURVE TO THE RIGHT (CENTER BEARS SOUTH 78D34'56" WEST) THROUGH A CENTRAL ANGLE OF 24D39'38" TO A NUMBER 5 REBAR AND CAP STAMPED PLS 356548, THENCE SOUTH 89D27'44" WEST 103.27 FEET TO A NUMBER 5 REBAR AND CAP STAMPED PLS 356548 AND A POINT ON THE ARC OF A 1023.28 FOOT RADIUS CURVE, THENCE NORTHERLY 465.03 FEET ALONG THE ARC OF SAID 1023.28 FOOT RADIUS CURVE TO THE LEFT AND COINCIDENT WITH THE EASTERLY BOUNDARY OF COLONIAL HILL SUBDIVISION NO. 1, RECORDED AS ENTRY 318080 IN BOOK 12 OF PLATS AT PAGE 24 OF THE WEBER COUNTY RECORDS, (CENTER BEARS NORTH 75D22'47" WEST) THROUGH A CENTRAL ANGLE OF 26D02'17" TO THE POINT OF BEGINNING, (ORDINANCE NO. 2007-47 E# 2289062) TOGETHER WITH THE RIGHT OF WAY DESCRIBED AS FOLLOWS: COMMENCING 2315 FEET NORTH AND 3059 FEET EAST OF THE SOUTHWEST CORNER OF SECTION 15, TOWNSHIP 6 NORTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN, AND RUNNING THENCE NORTH 34D WEST 104 FEET, THENCE NORTH 56D EAST 104 FEET, THENCE SOUTH 34D EAST 104 FEET, THENCE SOUTH 56D WEST 104 FEET TO THE PLACE OF BEGINNING, THE CENTER LINE OF SAID WATER PIPE LINE EXTENDING INTO AND ACROSS THE ABOVE DESCRIBED NORTHWEST QUARTER OF THE NORTHWEST QUARTER SECTION 15 IS DESCRIBED AS FOLLOWS: COMMENCING 2094 FEET NORTH AND 2640 FEET EAST OF THE SOUTHWEST CORNER OF SECTION 15, TOWNSHIP 6 NORTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN, AND RUNNING THENCE NORTH 56D EAST 720 FEET, MORE OR LESS, TO THE WEBER BOX ELDER CANAL. [TOGETHER WITH ALL BUILDINGS, FIXTURES AND IMPROVEMENTS THEREON AN ALL WATER RIGHTS, RIGHTS OF WAY EASEMENTS, RENTS, ISSUES, INCOME, TENEMENTS, HEREDITAMENTS, PRIVILEGES AND APPURTENANCES THEREUNTO BELONGING USED OR ENJOYED WITH SAID PROPERTY OR ANY PART THEREOF E# 2661235] [NOTE: THE DESCRIPTION USED E# 2950831 APPEARS IN CONFLICT WITH THE BRACKETED INFORMATION SHOWN ABOVE.] [NOTE: BECAUSE THE DESCRIPTION OF RECORD DID NOT CONTAIN AN AREA FOR THIS PARCEL THE AREA FOR THIS PARCEL WAS CALCULATED BY THIS OFFICE FOR TAX PURPOSES]

ATTACHMENT B

VALLEY VIEW P.R.U.D.

PREPARED FOR:  
AMERICAN LOANS

LOCATED IN  
OGDEN CITY, WEBER COUNTY, UT



SITE MAP