

**SITE IMPROVEMENT AGREEMENT
AND
COVENANT RUNNING WITH THE LAND**

THIS AGREEMENT, entered into this 31~~st~~ day of October, 2007
by and between Heber City, hereinafter referred to as the City, and William Wayne Foy "Owners".
and James G. Hyde

WHEREAS, the Owners desire to subdivide and improve their hereinafter described property; and

WHEREAS, the City is willing to approve the same and to postpone the time frame for bringing certain improvements up to City standards upon certain conditions and subject to certain covenants;

NOW, THEREFORE, the parties hereby agree as follows:

1. Heber City agrees to approve the Foy Timpview Storage Building located at 1970 Daniel Road, in Section 7, T4S, R5E, SLB&M, without at this time requiring the installation of sidewalk, curb and gutter, and road paving from curb to existing asphalt per City standards.
2. Owners Timpview Storage LLC and William Wayne Foy of said property, and their successors and assigns, agree to install or contribute the cost, at City discretion, of bringing such sidewalk, curb, gutter, and paving improvements fronting the property on the East along Daniel Road, and on the South along Airport Road, up to City standards at such time as (a) storm drainage routes and elevations have been determined and/or (b) the City requests that the improvements be installed.
3. The property covered by this agreement is located in Heber City, Wasatch County, Utah, and more particularly described in the attached Exhibit A.
(Tax ID OHE-1753)

BEGINNING S.620.56FT FROM E1/4 CORNER SEC 7 T4S R5E SLM: S.0°08'21"E.418.47FT; W.435.6FT; N.0°08'26"W.415.55FT;
S.89°32'46"W.261.87FT; N.0°06'0"W.363FT; N.89°32'47"E.265.59FT; S.0°24'30"E.96.57FT; S.89°37'37"E.236.71FT;
S.0°27'14"E.263FT; N.89°42'11"E.193.04FT TO THE BEGINNING. AREA: 7.83 ACRES +- OHE-1753-0-007-045

- 4. This agreement shall be a covenant running with the land, shall be binding upon the parties and their assigns and successors in interest, and the above-described parcel is hereby assigned and pledged as security to secure performance of the agreements, terms and conditions herein stated.

HEBER CITY:

By: *David R. Phillips*
 David R. Phillips, Mayor

ATTEST
Paulette Barber
 Paulette Barber, Recorder

LANDOWNER:

By: *William Wayne Foy*
 William Wayne Foy
 (Printed Name)

By: *James G. Hyde*
 James G. Hyde (Timpview Storage)
 (Printed Name)

STATE OF Utah
 COUNTY OF Wasatch ; ss.

On the 31st day of OCT, 2007, personally appeared before me William Wayne Foy & James Hyde, the landowner of the property described in the attached Exhibit A and duly acknowledged to me that they executed the same.

ROBBI R BIGELOW
 Notary Public
 State of Utah
 My Commission Expires March 26, 2009
 254 E 100 N, PO Box 183, Wallsburg, UT 84082

Robbi R Bigelow
 NOTARY PUBLIC

APPLICANT NOTARY

(Limited Liability Company)

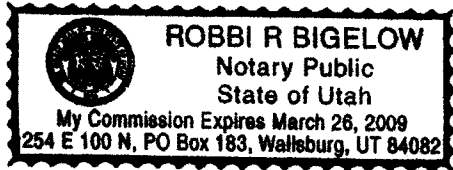
STATE OF Utah)

COUNTY OF Wasatch)

:SS

Ent 328212 Bk 0953 Pg 1550

On this 31st day of Oct, personally appeared before me, James G. Ayde who being by me duly sworn did say that he is a managing member of Timorview Storage LLC by authority of its members or its articles of organization, and he acknowledged to me that said Limited Liability Company executed the same.



Robbi R Bigelow
NOTARY PUBLIC

(Corporate)

STATE OF _____)

COUNTY OF _____)

:SS

On this _____ day of _____, personally appeared before me, _____, who being by me duly sworn did say that he is the _____ of _____ a _____ corporation, and that the foregoing instrument was signed in behalf of said corporation by authority of its Board of Directors, he acknowledged to me that said corporation executed the same.

NOTARY PUBLIC

(Individual)

STATE OF _____)

COUNTY OF _____)

:SS

On this _____ day of _____, personally appeared before me, _____, who being by me duly sworn did acknowledge to me that he is the signer of the foregoing instrument.

NOTARY PUBLIC

Exhibit "A"

NOTE: Roads, Lakes, Streams, Trails etc are approximate unless described

DRAFTED BY JDH

