



W3299560

WHEN RECORDED, MAIL TO:

CW DEVELOPMENT GROUP, LLC
Attn: Colin Wright and Quin Stephens
610 N 800 W
Centerville, UT 84014

E# 3299560 PG 1 OF 7
LEANN H KILTS, WEBER CTY. RECORDER
26-SEP-23 1011 AM FEE \$40.00 SW
REC FOR: CW DEVELOPMENT

DECLARATION OF ACCESS & UTILITY EASEMENT

THIS DECLARATION OF ACCESS & UTILITY EASEMENT (the "Declaration") is made as of this the 26th day of September, 2023 by CW Development Group, LLC, a Utah limited liability company (the "Owner").

RECITALS

WHEREAS, Owner is the fee simple owner of those certain lots 1 and 2, as part of the bolded section on the map and the description in the "Boundary Description" (such being known herein as the "Lots") of the Salt Point Commercial Plat (the "Plat") attached hereto as **Exhibit A**;

WHEREAS, Owner is the fee simple owner of the parcel labeled "Remainder Parcel" on the Plat (such "Remainder Parcel" being known herein as "Remainder Parcel" and together with the Lots, the "Property");

WHEREAS, South Mesa Ranch Land & Cattle Company, LLC, a Utah limited liability company ("South Mesa") is the fee simple owner of that certain lot on the Plat labeled Lot 1, Salt Point Subdivision Parcel F ("Parcel F Lot");

WHEREAS, Owner desires to create an easement at the border between the Lots and the Remainder Parcel, as more fully described in the easement description attached hereto as **Exhibit B** titled Legal Description of Access and Utility Easement and **Exhibit C** titled Access and Utility Easement Area (such easement known hereafter as the "Access and Utility Easement");

WHEREAS, the Property may be separately leased or subdivided and sold as separate parcels at some future time, and Owner desires that all current and future parcels of the Property, the owners and occupants thereof, and their respective successors and assigns, be subject to the Access and Utility Easement; and

WHEREAS, the Owner desires to grant an access easement as described more fully herein to Parcel F Lot, its successors, and assigns.

AGREEMENT

NOW, THEREFORE, Owner hereby declares and grants as follows:

1. Access & Utility Easement. Subject to the terms of this Declaration, Owner hereby grants and conveys to any and all future owners and occupants of the Property, their successors

and assigns, and their respective patrons, invitees, licensees, customers, agents, contractors, subcontractors, a non-exclusive, perpetual easement in those tracts of land (the "Easement Areas") described in the Access and Utility Easement for the purposes of shared commercial access, the same to be used as thoroughfares and for the installation, maintenance, and operation of utilities, as maybe authorized by the Owner and any and all future owners and occupants of the Property, their successors, and assigns. The Easement Areas shall benefit and burden the parcels of the Property, as described in the Access and Utility Easement, and all such easements, covenants, rights, benefits, obligations and liabilities created in this Declaration shall be deemed covenants and easements running with and binding upon the land as appurtenances to the dominant estates. The estate of the fee and easements created herein shall not be merged by reason of the same person or entity acquiring, owning or holding title to more than one of the parcels.

2. Subject to the terms of this Declaration, Owner hereby grants to Parcel F Lot, its successors, and assigns and their respective patrons, invitees, licensees, customers, agents, contractors, and subcontractors, a non-exclusive, perpetual access easement in the Easement Areas.
3. Maintenance of Easement Areas and Improvements. The Owner, and any and all future owners and occupants of the Property, their successors and assigns, shall be solely responsible for maintaining the Easement Areas on their respective parcels within the Property. The Owner, and any and all future owners and occupants of the Property, their successors and assigns, shall have the right to construct any necessary or desired improvements on their respective parcels so long as reasonable access as described herein is maintained.
4. Not a Public Dedication. Except as contained in this Declaration, nothing contained herein shall be deemed to be a gift or dedication of any portion of the Easement Areas to the general public or for the general public or for any public purposes whatsoever. The right of the public or any person to make any use whatsoever of the Easement Areas, or any portion thereof (other than any use expressly allowed by a written or recorded map, agreement, deed or dedication) is by permission and subject to the control of the Owner, and any and all future owners and occupants of the Property, their successors and assigns.
5. Miscellaneous.
 - a. Covenants Running with the Land. This Declaration and all of the terms and conditions contained herein shall inure to the benefit of the Parcel F Lot and the parcels of the Property, and be binding upon the parcels of the Property and the Owner, and any and all future owners and occupants of the Property, their successors and assigns, and shall be "covenants running with the land."
 - b. Amendment; Modification. This Declaration may not be modified except with the consent of the Owner, or any and all owners or occupants of the Property, their

successors and assigns, as applicable, and, then, only by written instrument duly executed and acknowledged and recorded in the Weber County Recorder's Office of Weber County, Utah.

- c. Governing Law. This Declaration shall be governed by and construed in accordance with the laws of the State of Utah. This Declaration shall be recorded in the records of the Weber County Recorder's Office of Weber County, Utah.

(Signature Page to Follow)

IN WITNESS WHEREOF the undersigned Owner has executed this Declaration as of the date set forth above.

CW DEVELOPMENT GROUP, LLC
a Utah Limited Liability Company

By: *Darlene Carter*
Name: Darlene Carter
Its: CEO

09/26/23
Date

STATE OF UTAH)
) ss
COUNTY OF Davis)

The above and foregoing instrument was acknowledged before me this 26 day of September 2023, by Darlene Carter, as CEO of CW DEVELOPMENT GROUP, LLC.

Stephanie Heiner
Notary Public

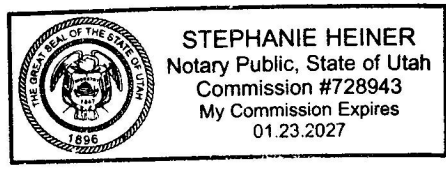
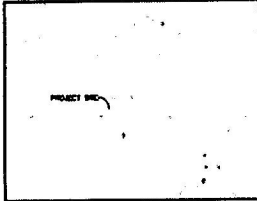


EXHIBIT A

SALT POINT COMMERCIAL PLAT

SALT POINT COMMERCIAL

PART OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 5 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY
CITY OF WEST HAVEN, WEBER COUNTY, UTAH
AUGUST, 2023



VICINITY MAP

NARRATIVE

The plat shown hereon is the plat of a commercial lot within the City of West Haven, Utah, and is subject to all applicable laws, ordinances, and regulations of the City of West Haven, Utah, and the State of Utah.

BASIS OF BEARINGS

The bearings and distances shown on this plat were obtained from a survey conducted by a professional land surveyor licensed under the laws of the State of Utah, and are true and correct.

BOUNDARY DESCRIPTION

The boundaries of the lots shown on this plat are as follows: Lot 1 is bounded on the north by the south line of the 3000 South Street, on the east by the west line of the 3000 South Street, on the south by the north line of the 4000 South Street, and on the west by the east line of the 3000 South Street. Lot 2 is bounded on the north by the south line of the 3000 South Street, on the east by the west line of the 3000 South Street, on the south by the north line of the 4000 South Street, and on the west by the east line of the 3000 South Street.

LINE TABLE

LINE NUMBER	DESCRIPTION
1	3000 SOUTH STREET
2	4000 SOUTH STREET
3	3000 WEST STREET
4	2500 WEST STREET

LEGEND

- PUBLIC HIGHWAY
- PRIVATE HIGHWAY
- RAILROAD
- WATERWAY
- ESTATE LINE
- SURVEY LINE
- PROPERTY LINE
- EASEMENT

SURVEYOR'S CERTIFICATE

I, the undersigned, being duly qualified and licensed as a professional land surveyor under the laws of the State of Utah, do hereby certify that the survey shown hereon was made by me or under my direct supervision, and that the same is true and correct.

DATE: _____

SURVEYOR: _____

OWNER'S DECLARATION AND CERTIFICATION

I, the undersigned, being the owner of the property shown hereon, do hereby declare and certify that the same is true and correct, and that I have read and understand the contents of this plat, and that I have signed and acknowledged the same before a duly qualified and licensed professional land surveyor.

DATE: _____

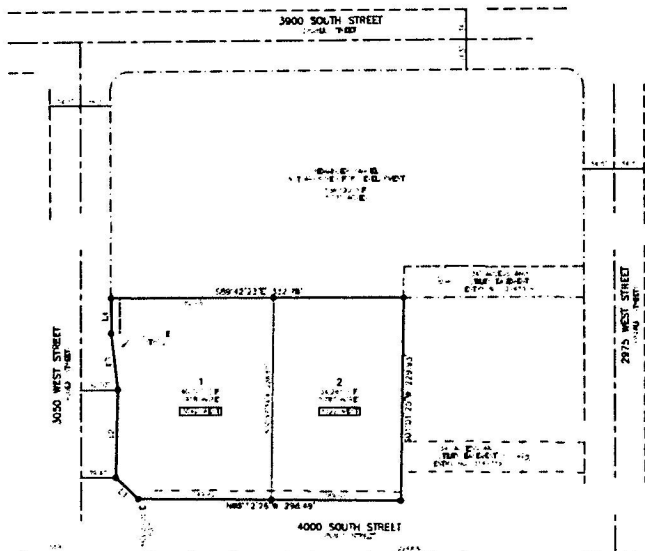
OWNER: _____

ACKNOWLEDGMENT

The foregoing plat was acknowledged before me on this _____ day of _____, 2023, by _____, the owner of the property shown hereon, and by _____, the professional land surveyor who conducted the survey shown hereon.

DATE: _____

NOTARY: _____



Reeve & Associates, Inc.

Professional Land Surveyors

1000 West 1000 South, Salt Lake City, UT 84119

Phone: (801) 555-1234

Fax: (801) 555-5678

Website: www.reeveandassociates.com

<p>WEST HAVEN CITY ENGINEER</p> <p>DATE: _____</p> <p>NAME: _____</p>	<p>WEST HAVEN CITY PLANNING COMMISSION</p> <p>DATE: _____</p> <p>NAME: _____</p>	<p>WEST HAVEN CITY ATTORNEY</p> <p>DATE: _____</p> <p>NAME: _____</p>	<p>WEBER COUNTY ENGINEER</p> <p>DATE: _____</p> <p>NAME: _____</p>
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EXHIBIT B

LEGAL DESCRIPTION OF ACCESS AND UTILITY EASEMENT

A 32 FOOT ACCESS AND UTILITY EASEMENT BEING PART OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 5 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY, DESCRIBED AS FOLLOWS:

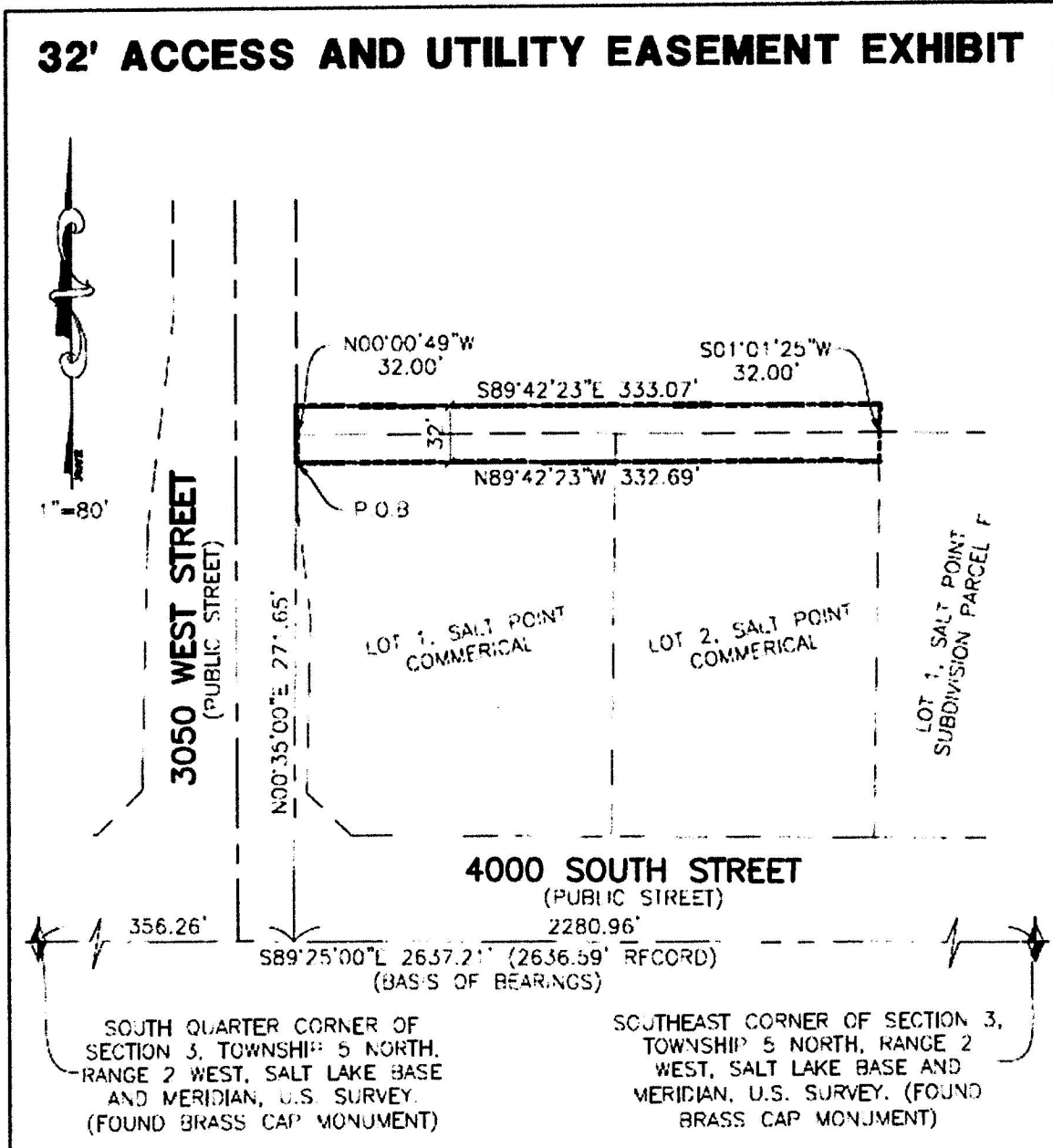
BEGINNING AT A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF 3050 WEST STREET, SAID POINT BEING 356.26 FEET SOUTH 89°25'00" EAST AND 271.65 FEET NORTH 00°35'00" EAST FROM THE SOUTH QUARTER CORNER OF SAID SECTION 3 (SAID SOUTH QUARTER CORNER BEING NORTH 89°25'00" WEST 2637.21 FEET FROM THE SOUTHEAST CORNER OF SAID SECTION 3); THENCE NORTH 00°00'49" WEST 32.00 FEET; THENCE SOUTH 89°42'23" EAST 333.07 FEET; THENCE SOUTH 01°01'25" WEST 32.00 FEET; THENCE NORTH 89°42'23" WEST 332.69 FEET TO THE POINT OF BEGINNING.

CONTAINING 10,649 SQUARE FEET OR 0.244 ACRES.

EXHIBIT C

ACCESS AND UTILITY EASEMENT AREA

32' ACCESS AND UTILITY EASEMENT EXHIBIT



Reeve & Associates, Inc.

5160 S 1500 W, MIDVALE UTAH 84043
 TEL (801) 871-5100 FAX (801) 871-2860 reeve@rae.com
 LAND PLANNERS • CIVIL ENGINEERS • LAND SURVEYORS
 PLANNING ENGINEERS • STRUCTURAL ENGINEERS • LANDSCAPE ARCHITECTS

Project Info.

Designer: N. ANDERSON
 Date: 8-23-23
 Name: EASEMENT EXHIBIT
 Number: 7562-15
 Scale: 1"=80'