

KIER Const Co  
4900 So 4500 W  
OLDEN B4403

BOOK 1605 PAGE 536

FILED AND RECORDED FOR

#13.50 Security Title Co  
1972 SEP 28 PM 2 00

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RUTH EAMES OLSEN  
WEBER COUNTY RECORDER  
DEPUTY *Ruth E. Olsen*

DECLARATION OF COVENANTS,

CONDITIONS AND RESTRICTIONS

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THIS DECLARATION of covenants, conditions and restrictions,  
is made and executed at Weber County, State of Utah, this 27<sup>th</sup>  
day of September, 1972, by JAMES E. KIER and NORMA ANN KIER,  
husband and wife, hereinafter called "Declarants".

WITNESSETH:

WHEREAS, Declarants are the owners of the following described  
real property, situate in Weber County, State of Utah, to-wit:

PARCEL NO. ONE:

Part of the Northwest quarter of the Northwest  
quarter of Section 17, Township 5 North, Range  
1 West, Salt Lake Base & Meridian, U.S. Survey:  
BEGINNING at a point which is East (South 89°  
34' East) 394 feet along the quarter quarter  
section line and North (North 0° 22' East) 555.00  
feet paralleling the West line of said Northwest  
quarter section, from the Southwest corner of the  
Northwest quarter of the Northwest quarter section,  
running thence East (South 89° 34' East) 132.00  
feet, paralleling the South line of said Quarter  
quarter section, thence North (North 0° 22' East)  
74.89 feet, paralleling the West line of said  
Northwest quarter section to the South line of 4900  
South Street, thence West (North 89° 31' West) 132.00  
feet, along said South line of street, thence South  
(South 0° 22' West) 75.00 feet to the point of  
beginning.

PARCEL NO. TWO:

Part of the Northwest quarter of the Northwest  
quarter of Section 17, Township 5 North, Range 1  
West, Salt Lake Base & Meridian, U.S. Survey:  
BEGINNING at a point which is East (South 89° 34'  
East) 452 feet along the quarter quarter section  
line and North (North 0° 22' East) 425.00 feet  
paralleling the West line of said Northwest quarter  
section, from the Southwest corner of the Northwest  
quarter of the Northwest quarter section, running  
thence East (South 89° 34' East) 74.00 feet, parallel-  
ing the South line of said quarter quarter section,  
thence North (North 0° 22' East) 130.00 feet,  
paralleling the West line of said Northwest quarter  
section, thence West (North 89° 34' West) 74.00 feet,  
paralleling the South line of said quarter quarter  
section, thence South (South 0° 22' West) 130.00  
feet to the point of beginning.

PARCEL NO. THREE:

Part of the Northwest quarter of the Northwest quarter of Section 17, Township 5 North, Range 1 West, Salt Lake Base & Meridian, U.S. Survey: BEGINNING at a point which is East (South 89° 34' East) 394 feet along the quarter quarter section line and North (North 0° 22' East) 425.00 feet paralleling the West line of said Northwest quarter section, from the Southwest corner of the Northwest quarter of the Northwest quarter section, running thence East (South 89° 34' East) 58.00 feet, paralleling the South line of said quarter quarter section, thence North (North 0° 22' East) 130.00 feet, paralleling the West line of said Northwest quarter section, thence West (North 89° 34' West) 58.00 feet, paralleling the South line of said quarter quarter section, thence South (South 0° 22' West) 130.00 feet to the point of beginning.

PARCEL NO. FOUR:

Part of the Northwest quarter of the Northwest quarter of Section 17, Township 5 North, Range 1 West, Salt Lake Base & Meridian, U.S. Survey: BEGINNING at a point which is East (South 89° 34' East) 394 feet along the quarter quarter section line and North (North 0° 22' East) 330.00 feet paralleling the West line of said Northwest quarter section, from the Southwest corner of the Northwest quarter of the Northwest quarter section, running thence East (South 89° 34' East) 132.00 feet, paralleling the South line of said quarter quarter section, thence North (North 0° 22' East) 95.00 feet, paralleling the West line of said Northwest quarter section, thence West (North 89° 34' West) 132.00 feet, paralleling the South line of said quarter quarter section, thence South (South 0° 22' West) 95.00 feet to the point of beginning.

and,

WHEREAS, Declarants are the owner of certain fourplex buildings and certain other improvements heretofore or hereafter to be constructed on said premises, and

WHEREAS, Declarants desire and intend to sell the fee title to the said parcels to various purchasers, subject to the covenants, conditions and restrictions reserved;

NOW, THEREFORE, Declarants declare that all the said property is and shall be held, conveyed, hypothecated, encumbered, leased, rented, used, occupied and improved subject to the provisions of this Declaration which shall run with the land and be a burden and a benefit to all having an interest therein, their successors, assigns

heirs, executors, administrators, grantees and devisees.

1. Subject to Right-of-Way and Easement Grant in favor of Mountain Fuel Supply Company to lay, maintain, operate, repair, inspect, protect, remove and replace pipe lines, valves, valve boxes and other gas transmission and distribution facilities (and other rights). Said right of way is more particularly described as follows:

BEGINNING at a point 626.01 feet North and 527.89 feet East from the Southwest corner of the Northwest quarter of the Northwest quarter of Section 17, Township 5 North, Range 1 West, Salt Lake Base and Meridian, thence South  $0^{\circ} 22'$  West along the East line of Grantors' property 297 feet, more or less, to the Southeast corner of Grantors' property, thence North  $89^{\circ} 34'$  West 16 feet, thence North  $0^{\circ} 22'$  East 97.9 feet, thence North  $89^{\circ} 34'$  West 116 feet, more or less, to the West line of Grantors' property, thence North  $0^{\circ} 22'$  East 16 feet, thence South  $89^{\circ} 34'$  East 116 feet, thence North  $0^{\circ} 22'$  East 183.1 feet, thence South  $89^{\circ} 34'$  East 16 feet to the point of beginning.

2. The lands are subject to the following easements for Pineview water, to-wit:

A 5 foot easement through a part of the Northwest quarter of the Northwest quarter of Section 17, Township 5 North, Range 1 West, Salt Lake Base & Meridian, U.S. Survey: said easement being 2.5 feet on either side of the following described center line: BEGINNING at a point which is East (South  $89^{\circ} 34'$  East) 425.00 feet along the quarter quarter section line and North (North  $0^{\circ} 22'$  East) 440.00 feet from the southwest corner of the Northwest quarter of the Northwest quarter of said Section 17; running thence South  $89^{\circ} 34'$  East 90.00 feet.

Also,

A 5 foot easement through a part of the Northwest quarter of the Northwest quarter of Section 17, Township 5 North, Range 1 West, Salt Lake Base & Meridian, U.S. Survey: said easement being 2.5 feet on either side of the following described center line: BEGINNING at a point which is East (South  $89^{\circ} 34'$  East) 425.00 feet along the quarter quarter section line and North (North  $0^{\circ} 22'$  East) 514.5 feet from the Southwest corner of the Northwest quarter of the Northwest quarter of said Section 17; running thence South  $89^{\circ} 34'$  East 90.00 feet.

3. The lands are subject to the following easement for sewer, to-wit:

A part of the Northwest quarter of the Northwest quarter of Section 17, Township 5 North, Range 1 West, Salt Lake Base & Meridian, U.S. Survey: BEGINNING at a point which is East (South 89° 34' East) 394.00 feet along the quarter quarter section line; and North (North 0° 22' East) 330.00 feet from the Southwest corner of the Northwest quarter of the Northwest quarter of said Section 17; running thence South 89° 34' East 8.00 feet, thence North 0° 22' East 300.00 feet, thence North 89° 31' West 8.00 feet, thence South 0° 22' West 300.00 feet to the point of beginning.

4. The various parcels are subject to the following utilities and drainage easements to-wit:

PARCEL NO. ONE:

BEGINNING at a point which is East 394 feet along the quarter quarter section line, North 330 feet paralleling the West line of said Northwest quarter section and East 132 feet paralleling the West line of said Northwest quarter section and East 132 feet paralleling the South line of said quarter quarter section from the Southwest corner of the Northwest quarter of the Northwest quarter section, running thence North 0° 22' East 299.89 feet to the South line of 4900 South Street, thence North 89° 31' West 20.00 feet, thence South 0° 22' West 64.89 feet, thence North 89° 34' West 112.00 feet, thence South 0° 22' West 215.00 feet, thence South 89° 34' East 20.00 feet to the point of beginning.

PARCEL NO. TWO:

BEGINNING at a point which is East 394 feet along the quarter quarter section line, North 330 feet paralleling the West line of said Northwest quarter section and East 132 feet paralleling the South line of said quarter quarter section from the Southwest corner of the Northwest quarter of the Northwest quarter section, running thence North 0° 22' East 299.89 feet to the South line of 4900 South Street, thence North 89° 31' West 20.00 feet, thence South 0° 22' West 64.89 feet, thence North 89° 34' West 112.00 feet, thence South 0° 22' West 20.00 feet, thence South 89° 34' East 112.00 feet, thence South 0° 22' West 215.00 feet, thence South 89° 34' East 20.00 feet to the point of beginning.

PARCEL NO. THREE:

BEGINNING at a point which is East 394 feet along the quarter quarter section line, North 330 feet paralleling the West line of said Northwest quarter section and East 132 feet paralleling the South line of said quarter quarter section from the Southwest corner of the Northwest quarter of the Northwest quarter section, running thence North 0° 22' East 299.89 feet to the South line of 4900 South Street, thence North 89° 31' West 20.00 feet, thence South 0° 22' West 64.89 feet, thence North 89° 34' West 112.00 feet, thence South 0° 22' West 20.00 feet, thence South 89° 34' East 112.00 feet, thence South 0° 22' West 215.00 feet, thence South 89° 34' East 20.00 feet to the point of beginning.

PARCEL NO. FOUR:

BEGINNING at a point which is East 394 feet along the quarter quarter section line, North 330 feet paralleling the West line of said Northwest quarter section and East 132 feet paralleling the South line of said quarter quarter section from the Southwest corner of the Northwest quarter of the Northwest quarter section, running thence North 0° 22' East 299.89 feet to the South line of 4900 South Street, thence North 89° 31' West 20.00 feet, thence South 0° 22' West 64.89 feet, thence North 89° 34' West 112.00 feet, thence South 0° 22' West 20.00 feet, thence South 89° 34' East 112.00 feet, thence South 0° 22' West 215.00 feet, thence South 89° 34' East 20.00 feet to the point of beginning.

5. The lands are subject to and have the benefit of rights-of-ways and easements on the walkways, and roadways therein for ingress and egress.

6. All easements and rights-of-way shall be kept in a good state of repair and as is applicable at the common and joint expense of the owners of the various parcels prorata and snow and debris removed therefrom as appropriate.

7. Declarants specifically reserve all the easement and right-of-way rights mentioned herein to use in connection with adjoining property of Declarants South and East of the subject property, described as follows, to-wit:

A part of the Northwest quarter of Section 17, Township 5 North, Range 1 West, Salt Lake Base & Meridian, U.S. Survey: BEGINNING at a point on the South line of the said Northwest quarter of the Northwest quarter of said Section 17, which point lies 394 feet East of the Southwest corner of said Northwest quarter of the said Northwest quarter, and running thence Easterly along said South line 132 feet, thence Northerly 330 feet parallel to the West line of said section, thence Westerly 132 feet parallel to said South line, thence Southerly 330 feet parallel to said West line of said Section 17, to the point of beginning. EXCEPTING THEREFROM the South 33 feet of said tract of land used or intended to be used for roadway purposes.

A part of the Northwest quarter of the Northwest quarter of Section 17, Township 5 North, Range 1 West, Salt Lake Base & Meridian, U.S. Survey: BEGINNING at a point 526 feet East and 169 feet North of the Southwest corner of said Northwest quarter of said Northwest quarter, and running thence Easterly along said South line 132 feet,

thence Northerly 324.89 feet parallel to the West line of said section, thence Westerly 132 feet parallel to said South line, thence Southerly 324.89 feet parallel to said West line of said Section 17, to the point of beginning.

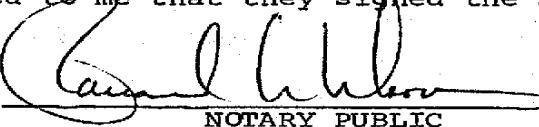
IN WITNESS WHEREOF, the parties hereto have executed these presents on the date first above written.

  
JAMES E. KIER

  
NORMA ANN KIER

STATE OF UTAH )  
ss.  
COUNTY OF WEBER )

On the 27<sup>TH</sup> day of September, 1972, personally appeared before me JAMES E. KIER and NORMA ANN KIER, signers of the foregoing instrument, who acknowledged to me that they signed the same.

  
NOTARY PUBLIC  
Residing At: Ogden, Utah

My Commission Expires: 10/27/74

