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BOOK 1021 PAGE 675

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RUTH EAMES OLSEN
WEBER COUNTY RECORDER
Renee Bailey Evans

PROTECTIVE COVENANTS

STATE OF UTAH
COUNTY OF WEBER

KNOW ALL MEN BY THESE PRESENTS:

That the WEBER COUNTY INDUSTRIAL DEVELOPMENT BUREAU (hereinafter called the Bureau), a Utah Corporation, is the owner of all that certain real property located in Weber County, State of Utah, more particularly described in Exhibit A, attached hereto and herein by reference thereto; and

WHEREAS, it is the desire and intention of the Bureau to develop all of said property as a garden type industrial park; and

WHEREAS, the BUREAU is about to sell, lease, and/or develop the property described in Exhibit A, which it desires to be subject, pursuant to a general plan of improvement, to certain restrictions, conditions, covenants and agreements between it and the several purchasers of said property and between the several purchasers of said property themselves as hereinafter set forth:

NOW, THEREFORE, the BUREAU declares that the property described in Exhibit A is held and shall be sold, conveyed, leased, occupied and held subject to the following restrictions, conditions, covenants and agreements between it and the several owners, purchasers and lessees of said property and between themselves and their heirs, successors and assigns:

- MUTUAL and RECIPROCAL BENEFITS, ETC.
1. All of said restrictions, conditions, covenants, and agreements shall be made for the direct, mutual and reciprocal benefit of all of the land on the attached map and shall be intended to create mutual and equitable servitudes upon said land in favor of all other land shown on said map, and to create reciprocal rights and obligations between the respective owners of all of the land shown on said map and to create

a privity of contract and estate between the grantees of said land, their heirs, successors and assigns, and shall, as to the owners of said land in said tract, their heirs, successors, and assigns, operate as covenants running with the land for the benefit of all of the land in said Park.

TERMS OF
RESTRICTIONS.

II. Each condition and covenant in the Weber County Industrial Park shall continue until such time as the Bureau, or its successors or assigns, and the Owners of a majority of the acreage in the Weber County Industrial Park acting in mutual agreement may by written declaration signed and acknowledged by them and recorded in the Deed Records of Weber County, alter or amend such restrictions, conditions and covenants.

CREATION OF
SPECIAL APPROVAL
COMMITTEE:

III. In order to administer and supervise the restrictions herein and to give the approvals required, authority is hereby granted to the Executive Board of the Weber County Industrial Development Bureau to ^{appoint} an Industrial Park Review Board consisting of not less than five and not more than nine members. This Review Board to serve at the pleasure of the Executive Board and shall include representatives of industries sited in the Industrial Park.

The Review Board shall be required to review and approve the proposed use of each parcel of land, the architectural drawings of the buildings, site and landscaping proposed for each site, and any

variances deemed necessary; keeping in mind the broad outlines of the purpose of the Industrial Park.

The Review Board shall have all powers necessary to approve land use and plans, and to enforce their decisions in accordance with the Covenants as outlined herein.

PERMITTED
USES

IV. The purpose of the Weber County Industrial Park is to create a wholesome environment for the conducting of selective manufacturing and marketing enterprises which do not create a hazard or are not offensive due to appearance or to the emission of noxious odors, smoke or noise, and to promote research laboratories and regional office facilities. Retail services shall be allowed but shall be limited to sales of goods and services reasonably required for the convenience of occupants of the Park, such as restaurants, drug store and medical facility, barber and beauty shop, clothes repair and cleaning, banks, post office, and automobile service stations. Such services shall first be approved by the Planning Committee.

PROHIBITED
USES

V. No portion of the property may be occupied by any of the following uses;

- (1) Residential purposes, except for the dwelling of watchmen or other employees attached to a particular enterprise authorized in the Area.
- (2) Manufacture, storage, distribution or sale of explosives.

(3) Storage in bulk of junk, wrecked autos or other unsightly or second hand materials.

(4) No portion of the premises or any portion thereof of any building or structure thereon at any time shall be used for the manufacturing, storage, distribution or sale of any products or items which shall increase the fire hazard of adjoining property; or for any business which constitutes a nuisance or causes the emission of odors, smoke or gas injurious to the products manufactured or stored on adjoining premises, or which emit noise or vibrations which will injure the reputation of said premises or the neighboring property, or for any use which is in violation of the laws of Weber County and the State of Utah.

YARD
SPACES

VI. All buildings which may be erected on any of the property contained in the Weber County Industrial Park shall maintain the following yard areas:

- (1) Front Yards. Buildings shall not be nearer than 30 feet to the street property line.
- (2) Side Yards. Buildings shall not be nearer than 15 feet from any side property line.
- (3) Rear Yards. No rear yard restrictions.
- (4) No building shall be closer than 40' to any other building on an adjacent site.
- (5) No more than 50% of the site area shall be covered by building.

Within the required set back area from the streets, there shall be maintained on each site only paved walks, paved driveways, lawns and landscaping. At

least one-half of the surface of the required set-back area from the streets shall be maintained in lawns and landscaping.

LOADING
DOCKS

VII. There shall be maintained on each site facilities for truck turning, parking, loading and unloading sufficient to serve the business conducted thereon without using adjacent streets or the 30 foot front set back area therefor. Loading docks are restricted to the area behind the 30 foot front set back line.

PARKING
REQUIREMENTS

VIII. No parking will be permitted on any of the streets in the Weber County Industrial Park. It is the responsibility of the property owners, their successors and assigns to provide such parking facilities as needed on their own property. Minimum requirements are as follows:

- (1) One parking space for every vehicle used in conducting the business, plus one parking space for every 1.5 employees working on the highest shift plus sufficient visitor parking.
- (2) One square foot of parking area for each square foot of building area. If this requires more land area than required under item (1), then only that amount of area need be paved to meet the requirements of item (1).
- (3) Spaces for visitor parking may be provided in the front of buildings provided that the parking area is not closer than 20 feet to the street curb line, and that the area between the street and the parking area is attractively landscaped and the parking area is restricted

for visitor parking only.

- (4) All parking areas must be paved with a year around surface of asphalt or concrete and adequately drained.
- (5) While as a general rule, parking and truck loading facilities are to be located at the side or rear of buildings, necessary parking and loading in the front will be permitted when visually screened by landscaping and other appropriate screening arrangements.

BUILDING AND
CONSTRUCTION
REQUIREMENTS

- IX. Any building erected on the property shall be of masonry construction, tilt-up concrete, precast concrete or equal material. Should any building be constructed of plain concrete blocks, tile blocks or tile brick, the front and sides to a minimum depth of three feet must be finished with face brick or their equivalent, or better, as determined by the Review Board. The exterior finish of the remaining side and rear walls must be common or face brick, or concrete block, or their equivalent, or better, as determined by the Review Board. All other types of construction must first be submitted to and have the written approval of the Review Board.

Renderings of drawings, specifications and samples of materials proposed for use in the construction or alteration of any building, sign, loading dock, parking facility and landscape planting must first be submitted to and have the written approval of the Review Board.

The placement on the building roofs of unsightly items such as cooling towers, mechanical equipment, etc. which would have an adverse affect upon the aesthetics of the building and the Industrial Park will not be allowed.

No plant effluents shall be discharged into the sanitary sewer or storm drains which contain any material which would be harmful to the sewer lines, the sewage treatment plant structure, interfere with the normal sewage processing action, or create a danger to workmen maintaining the sewer lines and sewage treatment plants. All effluents discharged into the sanitary sewer lines shall meet the requirements of the Central Weber Sanitary Sewer District ordinances, in addition to these covenants.

The Review Board shall review the proposed use of the property and shall reserve the right to refuse to approve any plan for a use which in the judgment of the Review Board, is not in keeping with the stated purposes of the Weber County Industrial Park. Where a proposed development could become offensive, the Review Board shall have the right to require special equipment or special design features to overcome such conditions.

STORAGE

- X. No land or buildings shall be used so as to permit the keeping of articles, goods or materials in the open exposed to public view. When necessary to store or keep such materials in the open, the lot or area shall be fenced with a screening fence at least 6 feet in height and high enough to fully screen the material from view of the public as viewed from the

streets. Said storage shall be limited to an area at least 30 feet behind the front building line.

SIGNS

- XI. All signs proposed to be placed within the Industrial Park shall be subject to the approval of the Committee and shall conform to the following general requirements:
- (1) No billboards or outdoor advertising bases will be permitted.
 - (2) A single sign or nameplate shall be allowed on the front of each facility, (facing a street) advertising only the name, product or service of the occupant.
 - (3) Signs attached to buildings shall project not more than 16 inches beyond the face of the building nor project above the parapet or eaves of the buildings. The face of the sign shall be parallel to the face of the building.
 - (4) Total size of sign is limited to 25 square feet or one square foot for each lineal foot of the street frontage of the building, whichever is larger.
 - (5) Signs may be independently seated in the front of the building if they are architecturally designed to add to the aesthetic appearance of the building and property.
 - (6) Floodlighting of signs at night is acceptable but the use of animated or flashing signs is prohibited.

LANDSCAPING XII. "Green" treatment of the site may be in the form
AND
MAINTENANCE

of grass lawns and ground covers, shade trees in parking areas, street trees, plantings in areas used as dividers and in areas otherwise unuseable. Landscaped treatment includes the use of walls, screenings, terraces, fountains, pools and other water arrangements.

Lawn and shrubs shall be planted in the area between the street curb line and the building.

Consideration shall be given to the use of trees and plantings in and around parking lots to relieve asphalt monotony.

The owners or tenants of the developed land in the Industrial Park must at all times keep the premises, buildings and improvements, including all parking and planting areas, in a safe, clean and wholesome condition. All areas of the property not covered by improvements shall be kept free from weeds. They shall comply in all respects with all government, health, police and fire department requirements.

Any owner or tenant shall remove at his own expense any rubbish of any character accumulated on his property and will at all times keep shrubs and lawns properly trimmed and watered and the exterior of all buildings in an attractive condition.

XIII. If, after the expiration of two years from the date of execution of a sales or lease contract or other disposition on any lot, any purchaser shall not have begun in good faith the construction of an acceptable

TIME
LIMITATION
ON
CONSTRUCTION

building upon said lot, the Weber County Industrial Development Board retains the option to refund the purchase price or lease deposit and enter into possession of said land. At any time, the Board may extend in writing the time in which such building may be begun.

It is understood and agreed that said conditions, and restrictions shall operate as covenants running with the land and that a breach or violation thereof may be enjoined, abated or remedied by appropriate proceedings by the said Weber County Industrial Development Board, and/or other owners of said lots or parcels of land in the Park or their heirs, successors, assigns, or bonafide purchasers under contract.

Invalidation of any of the foregoing Restrictive Covenants shall not affect the validity of any other of such covenants, but the same shall remain in full force and effect.

Dated this 30th day of March, 1973.

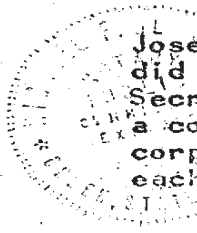
WEBER COUNTY INDUSTRIAL DEVELOPMENT BUREAU

By Joseph F. Breeze
Joseph F. Breeze, President

Nathan H. Mazer
Nathan H. Mazer
Executive Director and Secretary

STATE OF UTAH)
) ss
COUNTY OF WEBER)

On the 30th day of March, 1973, personally appeared before me Joseph F. Breeze and Nathan H. Mazer, who being by me duly sworn did say that they are the President and Executive Director and Secretary respectively of Weber County Industrial Development Bureau, a corporation, and that said instrument was signed in behalf of said corporation by authority of a resolution of its Board of Directors, and each of them acknowledged to me that said corporation executed the same.



William D. [Signature]
Notary Public
Residing at Ogden, Utah

My commission expires:

May 31, 1975

EXHIBIT A

A part of Section 1, Township 6 North, Range 2 West, part of Section 6, Township 6 North, Range 1 West, part of Section 31, Township 7 North, Range 1 West and part of Section 36, Township 7 North, Range 2 West, Salt Lake Base and Meridian, U. S. Survey: Beginning at a point which is North $89^{\circ}01'$ East 2711.83 feet along the Section line and South $0^{\circ}26'$ East 33.00 feet from the Northwest corner of said Section 36, said point is also North $89^{\circ}52'$ West 2632.1 feet along the section line and South $0^{\circ}26'$ East 33.00 feet from the Northeast corner of said Section 36, running thence South $89^{\circ}52'$ East 1106.51 feet, thence South $26^{\circ}12'$ East 1315.91 feet, thence North $63^{\circ}48'$ East 261.10 feet to the West line of the Oregon Short Line Railroad right of way, thence five courses along said West line as follows: South $26^{\circ}12'$ East 4105.45 feet, South 38.5 feet, South $26^{\circ}12'$ East 690.0 feet, North $89^{\circ}43'$ West 36.87 feet, and South $26^{\circ}12'$ East 747.16 feet to the North bank of the Harrisville Canal, thence four courses along said North bank as follows: South $88^{\circ}21'45''$ West 807.70 feet, North $88^{\circ}32'$ West 1187.58 feet, North $69^{\circ}40'15''$ West 777.79 feet and North $78^{\circ}38'24''$ West 1105.02 feet to the East right of way line of the Salt Lake Pipeline Company, thence four courses along said East line as follows: North $18^{\circ}45'22''$ West 2877.54 feet, North $18^{\circ}32'51''$ West 1254.06 feet, North $18^{\circ}15'40''$ West 851.09 feet and North $18^{\circ}27'28''$ West 866.61 feet to the South line of 2700 North Street, thence two courses along said South line as follows: Easterly along the arc of a 1877.10 foot radius curve to the right 255.5 feet more or less and North $89^{\circ}01'$ East 1086.26 feet to the point of beginning. Contains 430.8 acres.

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