



\*W2109693\*

RECORDING REQUESTED BY  
AND WHEN RECORDED, RETURN TO:

Gloria J. Berrett, Ogden City Recorder  
2549 Washington Blvd., Suite 200  
Ogden, Utah 84401

(Space above for recorder's use only)

**DECLARATION OF ACCESS EASEMENT**

THIS DECLARATION OF ACCESS EASEMENT ("Declaration") is made this 16<sup>th</sup> day of June 2005, by the Ogden City Redevelopment Agency, a body politic and political subdivision of the State of Utah, formerly known as the Ogden Neighborhood Development Agency ("RDA").

RECITALS:

- A. RDA is the owner of certain real property (herein called the "Property") more fully described on Exhibit A, attached and made a part hereof; which property is being subdivided concurrently herewith as the Ogden Entertainment Subdivision - Phase 2 (the "Plat").
- B. Access easements are depicted on the Plat and are more fully described on Exhibit B, attached and made a part hereof (the "Access Easements").
- B. RDA desires to establish a private non-exclusive easement for vehicular and pedestrian access to and from the respective subdivided lots adjacent to the Access Easements.
- C. In consideration of the mutual promises and obligations set forth herein providing for the creation, improvement and maintenance of said Access Easement, the RDA declares as follows:

NOW THEREFORE, the RDA declares as follows:

- 1. The RDA hereby declares, conveys and establishes a private, non-exclusive easement for vehicular and pedestrian access over and across the Access Easements, such easement established for the sole and mutual benefit of the owners of Lots 4, 5 and 6 of the Ogden Entertainment Subdivision-Phase 2 (the "Lot Owners"), with no public rights of access created.
- 2. The rights established and granted herein are subject to public utility easements established and created on the Plat.
- 3. The RDA reserves the right to establish, construct, install and maintain vehicular and/or pedestrian bridge ways over the Access Easement, maintaining a minimum clearance of 14 feet for passage of vehicles underneath such bridge ways.
- 4. Each of the Lot Owners shall be responsible to share in the reasonable cost of all maintenance, repair and upkeep of the Access Easement consistent with all applicable

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governmental standards at a minimum. All such costs shall be shared equally among the Lot Owners.

5. This Declaration shall run with the land and shall inure to the benefit of and be binding upon the Lot Owners and their successors and assigns.

6. The Lot Owners, now or in the future, or their assigns or successors in interest, shall have the right to enforce the mutual obligations contained herein by any action in law or equity, pursuant to the laws of the State of Utah and the prevailing party shall be entitled to recovery of costs and reasonable attorney fees occasioned thereby.

7. The provisions of this Declaration may be amended or supplemented by mutual agreement of the Lot Owners.

IN WITNESS WHEREOF, the RDA has executed this Declaration as of the date first above written.

OGDEN CITY REDEVELOPMENT AGENCY, a body politic and political subdivision of the State of Utah, formerly known as the Ogden Neighborhood Development Agency

By: Matthew R. Godfrey  
Matthew R. Godfrey, Executive Director

ATTEST:

Heidi Bennett  
Ogden City Recorder

Approved As to Form:

N. Banta  
City Attorney



STATE OF UTAH )  
                          :SS  
COUNTY OF WEBER )

On this 16 day of June, 2005, personally appeared before me Matthew R. Godfrey, personally known to me to be the Executive Director of the OGDEN CITY REDEVELOPMENT AGENCY, who acknowledged to me that he signed the foregoing instrument as Executive Director for said entity, and the said Matthew R. Godfrey acknowledged to me that the said Corporation executed the same.

Tracy Hansen  
Notary Public



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**Exhibit "A"**

All of Lots 4, 5 and 6, Ogden City Entertainment Subdivision – Phase II, a recorded subdivision located in a part of Block 39, Plat "A", Ogden City Survey, Ogden City, Weber County, Utah.

01-095-0001, 0002, 0003 ✓

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**Exhibit "B"**

The west 4 feet of Lots 5 and 6, Ogden City Entertainment Subdivision – Phase II, a recorded subdivision located in a part of Block 39, Plat "A", Ogden City Survey, Ogden City, Weber County, Utah.

The east 10 feet of Lot 4, Ogden City Entertainment Subdivision – Phase II, a recorded subdivision located in a part of Block 39, Plat "A", Ogden City Survey, Ogden City, Weber County, Utah.

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