

RETURNED
AUG 19 1997

IMPROVEMENT AGREEMENT
and
GRANT OF LIEN

SE 164n-200

Vance T & Kathryn S. Bennett of Syracuse City, State of Utah, hereinafter referred to as Applicant, and Syracuse City, a city in the State of Utah, hereinafter referred to as the City, hereby mutually agree as follows:

1. Preliminary. Applicant is owner of real property situated in the City, which property is particularly described as follows:

E 1341671 P 2165 P 1093
JAMES ASHAUER, DAVIS CNTY RECORDER
1997 AUG 19 11:41 AM FEE 12.00 DEP REC
REC'D FOR SYRACUSE CITY

LEGAL DESCRIPTION:

BEG N 0°12'E 33.0 FT & S 89°38'E 3200.39 FT FROM THE SW COR OF SAID SEC 16, T4N-
10W; SLM: & RUN TH N 0°12'E 894.45 FT, TH S 89°38'10"E 287.91 FT, TH S 0°12' W 8
59.46 FT, TH N 89°38'W 287.91 FT TO THE POB. CONT. 5.912 ACRES

12-094-0036

There is now in force in the City an ordinance known as Syracuse City Subdivision Ordinance, which requires the installation of curb, gutter, sidewalk and other off-site improvements (as set forth in said ordinance), adjacent to any property where the same improvements have not previously been installed; and said improvements are to be installed at the time application is made for a building permit.

2. Agreement for Postponed Installation. The parties agree that the Applicant may postpone compliance with the off-site improvement provisions of said subdivision ordinance until such time as the City Council shall determine that such improvements should be installed adjacent to Applicant's said property. The Council's decision shall be based on the general overall development of the area; but it is expressly understood and agreed that the Council may order the required off-site improvements to be made at any time.

3. Postponed Installation. Upon receipt of notice that the City Council has made the determination referred to in Paragraph 2 above, the Applicant or his successor in interest in the ownership of the above described property shall either proceed to install the said off-site improvements at his own expense, or at the option of the City, in the event a special improvement district is organized for the purpose of installing the said off-site improvements, to pay his share of the costs of such improvements, through the said special improvement district.

4. Compliance with City Ordinances and Specifications. It is agreed that the installation of said off-site improvements shall be done in accordance with all applicable City Ordinances, specifications, standards, and any administrative rules or regulations pertinent thereto, at the time of installation. All work shall be subject to the inspection of the City Building Official or his agent; and any question as to conformity with City specifications or standards or as to the technical sufficiency of the work shall be decided by the said Building Official, and his decision shall be final and conclusive.

5. Grant of Lien. Applicant hereby gives and grants a lien to the City on the above described real property to insure compliance with this agreement by applicant; and to give notice of such lien it is agreed that this Agreement shall be recorded in the office of the Davis County Recorder, and shall continue to be a lien against the said real property until the installation of said off-site improvements are completed as hereinabove provided. Thereafter, the lien shall be discharged by the City.

6. Successors Enforcement. This agreement shall run with the land and be binding on the parties hereto, their successors or assigns. Should the services of an attorney be required to enforce this Agreement, the defaulting party agrees to pay a reasonable attorney's fee.

IN WITNESS WHEREOF, the undersigned parties have executed this agreement

this 30 day of April 1996

Kathryn Bennett
Applicant
Vance Bennett
Michael R. Spurr
Syracuse City Mayor

ATTEST:

J. Paul May
Syracuse City Recorder

E 1341671 B 2165 P 1094

State of Utah)
) SS:
County of Davis)

The foregoing instrument was acknowledged before me this 30th day of

May 1996
by Kathryn Bennett and Vance Bennett

Kathryn W. Holt
Notary Public

