

RETURNED

JUL 30 1996

E 1264491 B 2027 P 856
CAROL DEAN PAGE, DAVIS CNTY RECORDER
1996 JUL 30 9:40 AM FEE .00 DEP DJW
REC'D FOR DAVIS COUNTY

08-016-0002
SE 5-3N-1W

96-213

EASEMENT AND AGREEMENT

THIS EASEMENT AND AGREEMENT entered into this 29th day of July, 1996, by and between DAVIS COUNTY, a body politic of the State of Utah, and JOHN B. BREZOFF FAMILY LIVING TRUST, TRUSTEES JOHN B. BREZOFF AND CAROLINE R. BREZOFF (hereinafter referred to as "Brezoff Trust"), whose address is 1786 Mark Street, Layton, Utah 84041.

WITNESSETH

WHEREAS, Brezoff Trust is the owner of certain real property located in Davis County; and

WHEREAS, over the years the general public has used a portion of the Brezoff Trust property as a roadway; and

WHEREAS, the parties hereto desire to clarify the road right-of-way and the Brezoff Trust is willing to grant to Davis County an easement for roadway purposes upon the following terms and conditions;

NOW, THEREFORE, in consideration of the mutual covenants and promises contained hereafter the parties hereto agree as follows:

1. The Brezoff Trust does hereby convey to Davis County a 50 foot wide right-of-way across the east portion of its property (identified as Serial No. 08-016-0002). The right-of-way granted to Davis County by this easement and agreement as described on Exhibit A, attached hereto,

incorporated herein and made a part hereof.

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2. The Brezoff Trust agrees to relocate the fence south of the south end of the existing concrete ditch to allow for a widening of the roadway.

3. The Brezoff Trust agrees to allow Davis County to place a culvert into its remaining property near the north end of the concrete ditch.

4. By this conveyance, the Brezoff Trust recognizes and agrees that neither it nor its successors in interest shall gate off or block the public access to the road right-of-way granted in this easement and agreement.


5. Davis County agrees to construct a gravel, but not an asphalt, roadway. The roadway will meet the State of Utah "B" roads standards which will allow for passage of automobiles during all seasons of the year.

6. Davis County will have the right but not the obligation to relocate the concrete ditch at any time in the future which relocation shall be onto the property owned by the Brezoff Trust or its successors in interest.

7. The easement granted by the Brezoff Trust to the County shall be binding upon it and its successors in interest so long as Davis County uses the easement for a roadway.

WHEREFORE, the parties hereto have signed this easement and agreement the day and year first above written.

DAVIS COUNTY

By 
Gayle A. Stevenson, Chairman
Board of County Commissioners

ATTEST:

Margene Isom
Margene Isom
Davis County Clerk/Auditor

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JOHN B. BREZOFF FAMILY
LIVING TRUST, TRUSTEES
JOHN B. BREZOFF AND
CAROLINE R. BREZOFF

John B. Brezoff
John B. Brezoff, Trustee

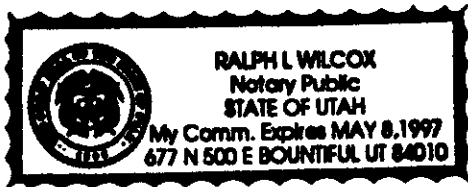
Caroline R. Brezoff
Caroline R. Brezoff, Trustee

Approved as to Form:

David E. Page
Office of the Davis County
Attorney

STATE OF UTAH)
)ss.
COUNTY OF DAVIS)

The foregoing instrument was acknowledged before me this 29th day July, 1996, by Gayle A. Stevenson and Margene Isom who duly represented to me that they are the Chairman of the Board of County Commissioners of Davis County and the Davis County Clerk/Auditor, respectively, and that they each signed the above and foregoing instrument in their official capacity and on behalf of Davis County pursuant to a resolution of the Board of County Commissioners.

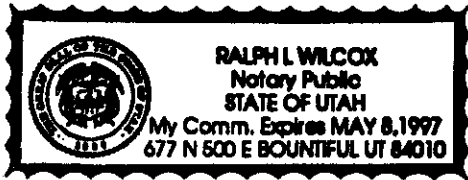


Ralph L. Wilcox
Notary Public

STATE OF UTAH)
)ss.
COUNTY OF DAVIS)

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The foregoing instrument was acknowledged before me this 29th day July, 1996, by John B. Brezoff and Caroline R. Brezoff who duly represented to me that they are the trustees of the John B. Brezoff Family Living Trust.



Ralph L. Wilcox
Notary Public

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BREZOFF TO DAVIS COUNTY

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Beginning at a point in an existing fence line which point is S 89°53'20" W 990.190 feet along the Section Line and South 4033.733 feet from the Northeast Corner of Section 5 Township 3 North, Range 1 West. Salt Lake Base and Meridian, said point is also the P.C. of a 50.0 foot radius curve to the right with a central angle of 250°31'44" , thence along the arc of said curve 218.628 feet to the P.T., P.C. of a 25.00 foot curve to the left with a central angle of 70°31'44" , thence along said curve 30.774 feet, thence N 39°42'05" W 1137.755 feet, thence N 37°37'45" E 51.25 feet to the projection of a southeasterly fence line, thence S 39°42'05" E along the projection and existing fence line 1219.705 feet to the point of beginning.