

W3248941

E# 3248941 PG 1 OF 6 LEANN H KILTS, WEBER CTY. RECORDER 04-AUG-22 1028 AM FEE \$.00 TN REC FOR: WEBER COUNTY PLANNING

15-798-0001 thm 0031

DECLARATION OF OPEN SPACE PRESERVATION EASEMENT

This Declaration of OPEN SPACE Preservation Eas	ement Agreemei	nt (hereinafter "Agreement")
concerning the Open Space A parcel of the Taylor	Landing Cluster	Subdivision Phase 1A 1st
Amendment (see Exhibit A) is made as of the	day of	, 2022, by and
between Heritage Land Development, LLC ("Devel	loper") and Web	er County, a political subdivision of
the State of Utah ("County"). Developer and the O	County are collec	tively referred to as the "Parties".

RECITALS

- A. Developer is the owner of certain property located within Weber County, State of Utah, which is more fully identified by the final plat submitted to the County for the Open Space A parcel of the Taylor Landing Cluster Subdivision Phase 1A 1st Amendment (hereinafter the "Open Space Preservation Parcel"), as shown in Exhibit A attached hereto.
- B. The County desires to have authority to enforce the open space use restrictions described herein on the Open Space Preservation Parcel.
- C. Weber County Ordinance § 108-3-5(f)(3) requires an agreement detailing the open space preservation plan and any related conditions of approval necessary to execute the open space preservation plan.

NOW THEREFORE, in consideration of the mutual promises, covenants and conditions herein contained and in consideration of the execution of this agreement, and for other good and valuable consideration, the receipt of which is hereby acknowledged, Developer and the County agree as follows:

- 1. Permitted Use of the Open Space Preservation Parcel: Developer and the County agree that the Open Space Preservation Parcel shall be restricted to the following uses:
 - a. Land Use: The open space preservation parcel shall be limited to agricultural uses, a public park, or other approved uses described within the Chapter 108-3 (Cluster Subdivisions) of Weber County Land Use Code.
 - b. **Structures:** No structures will be permitted on the open space parcel except in support of legitimate on-site agricultural uses or public park uses.
- 2. Easement: Developer dictates, grants and conveys a perpetual easement to the County,

upon the Open Space Preservation Parcel, said easement to be used only to guarantee that the Open Space Preservation Parcel will remain open and underdeveloped except for the approved uses as set forth above and does not grant the County or public at large a right to use the Open Space Preservation Parcel. The use restrictions started hereto shall run with the Open Space Preservation Parcel. This agreement is binding upon all claiming any right, title or interest in the Open Space Preservation Parcel and shall inure to the benefit of developer and the county, and their successors, assigns heirs or nominees.

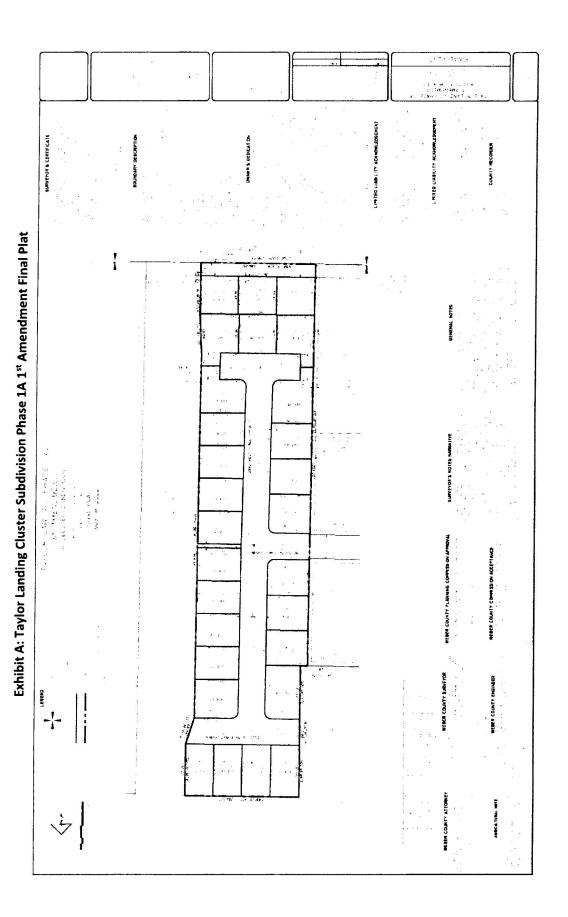
- 3. Miscellaneous: The parties agree that the Open Space Preservation Parcel is required at all times to conform to the use restrictions stated herein and the Weber County Zoning Ordinances. To the extent that Weber County Zoning Ordinances conflict with this Agreement, the Zoning Ordinance shall govern. In the event an owner of the Open Space Preservation Parcel violates any use restriction for the Open Space Preservation Parcel, the County may enforce the correction of said violation to the extent provided by law.
- 4. Attorney's Fee: If any legal action or any arbitration or other proceeding is brought or any action taken for the enforcement of this agreement or any related document, or because of an alleged dispute, breach, default or misrepresentation in connection with any of the provisions of the Agreement or any related document, the successful or prevailing party or parties shall be entitled to recover reasonable attorney fees and other cost incurred, in addition to any other relief to which they may be entitled.
- 5. This Agreement may be amended or modified only by a written instrument executed by the County and the owner/s of the Open Space Preservation Parcel.

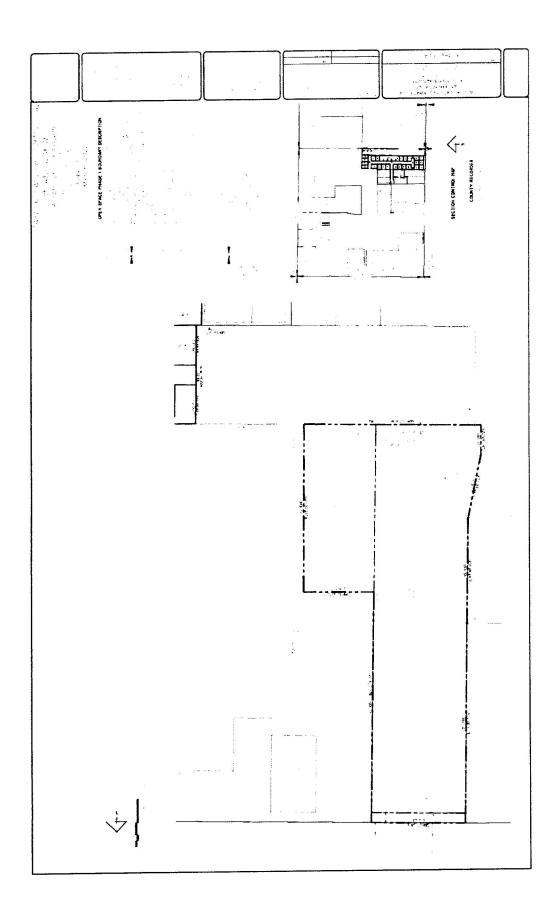
IN WITNESS WHEREOF, the parties have executed the foregoing Agreement as of the day and year first written above

	Dated thisday of	
Heritage	Land Development, LC	
	State of Utah)	
) :ss County of	
	Weber)	
	On the 22 day of July , 2022 personally appe	
	before me this signer of the within instrument, who duly acknowledged to me executed the same.	ne
	CAROLE FARNSWORTH Notary Public - State of Utah Comm. No. 715464 My Commission Evolves	Page 2 of !

ommission Expires on

BY: Commission and	r, Weber Caunky
ITS:	
State of Utah)) :ss County of	MICHELLE K HALACY NOTARY PUBLIC • STATE OF UTAH COMMISSION NO. 716651 COMM. EXP. 02/05/2025
Weber)	
On the day of On the day of On the day of On the large day of on the large day of day of on the large day of day of on the large day of	, 2022, personally Who, being first duly Mission Chav of Weber County, and that the
above instrument was signed on	behalf of said County.
Muhellet Shill Notary Public	def





(27) 20.85 20.00 70.414 27.75 (27) 20.85 20.00 70.414 30.85	C82 42.27 175.00 119073* 42.17 C83 136.35 225.00 3443*15* 134.87 C85 108.05 175.00 3443*15* 104.43	C77 22.53 200.00 627.17 22.51 C78 19.71 175.00 827.17 19.70 C79 19.40 175.00 327.31.78 94.16 19.20 200.00 487.21.54 157.81 182.27 235.00 487.21.54 177.33	78.12 220.00 (1/2/W) 73.00 774 36.17 225.00 (1/2/1) 36.13 775 32.38 225.00 (1/2/1) 32.33 776 25.34 225.00 (271)2 25.33	12121212	C62 18002 323.00 2674,17 16889 M.327,107 W C63 1875 57 167 17 17 17 17 17 17 17 17 17 17 17 17 17	30000		C51 123.47 27500 254378" 129.73 C51 124.47 27500 254378" 129.43 C52 140.49 25000 371136" 138.65 C53 25.73 225.00 633'05" 25.71	C47 33.94 275.00 704/14 33.91 C48 130.33 175.00 42/40/20 127.34 C49 148.92 200.00 42/40/20 145.54	C44 17.53 250.00 401.07 17.53 C45 15.78 225.00 401.07 15.78 C46 30.85 250.00 704'14' 30.85		00000	333	C28 262.01 225.00 68:4309° 247.45 C29 232.89 200.00 68:4309° 219.86 C30 203.78 175.00 68:4309° 192.46 C31 53.79 175.00 175.40° 53.58	5 6 6 6	64 23 175 73 40 200 82 56 225	C18 258.01 175.00 217.592.25 270.70 C16 255.00 175.00 75.922.5 270.611 C16 64.91 255.00 217.31.07 64.40 C17 61.12 255.00 217.31.07 64.40 C18 54.33 250.00 123.33.00 54.16	100000	000	100.57 150.0 244.68 100.0 200.57 125.0 200.57 125.0 199.50 150.0	CONST. 1987 STORES OF THE CONST.			23 NORTH STATE STREET PRESTON, IDAHO 83263	ALLEN LAND SURVEYING, P.C.
LAZZZZ-E. 1 ACCESS AUDIONIC LIVE TO THE LOSS LAZZZZ-E. 1 DACCESS AUDIONIC LIVE TO THE CASE AND ASSOCIATED STRICTIONS AND MATERIAL THAT SAO OWN AND ASSOCIATED AT ALL THATES, AND JOHN ATTENIAL PROPRIESTS. ANY ALTERNIAL PROPRIESTS. ANY ALTERNIAL PROPRIESTS OF TIME FRANKLIN COUNTY.	FIGHT PUBLIC	13.000 MILES STORM ACREASE: 60.33 ACRES STORM STORM STORM STORM STORMS S	SUBDIVISION NOTES: SOUTHE AS IN INTENDED USE: RESIDENTIAL SINGLE FAMILY /		SANITARY RESTRI CHAPTER 13 ARE BUILDING, DWELL SUPPLYING OF W USING SUCH PRI		S 272407 E	131	2522	262	ទីខិច	\$ 397200 E 1:0 3:1 N 414335 W \$ 141146 E 1:0 30:8 \$ 5071040 W \$ 141146 E 1:0 30:8 \$ 5071040 W \$ 141146 E 1:0 30:8 \$ 5071040 W	155	- 15 6 6 - 16 6 6	2 6 6 2	N 11724-33" E LI 7.81 S 00739-72" E N 11724-33" E LI 7.81 S 00739-72" E N 11724-33" E LI 7.81 N 00739-72" W	7	N 2925-725-W N 2925-725-W N 5202-28-W	N 740049	S. 1873-72.9 W S. 1873-72.9 W N. 2673-72.1 W N. 2673-73.1 W	[6.0]		OFFICE WORK BY BA COUNTY. FIELD BOOK: N/A FEE		
⊚⊙ ⊚ 0	LOTS TO				E TILE 50, HSTRUCT ANY ES THE ERSONS		THENCE WORTH OF 37 OF BEGINNING. TO THE POINT OF BEGINNING. CONTAINING APPROXIMATELY 80.35 ACRES.					ACCESSED OF LAND LOCATE BY THE COUNTY OF STREET OF THE AVERTICAL CHAPTER OF THE AVERTICAL CHAPTE			ON THIS CLUM SUBDIVISOR, PIASE 2. WS. ACCEPTED AND APPROVE BY THE FRANKLIN COUNTY COMMISSION AND DOES HEREBY APPROVE AND ACCEPT THE HEREBON DEDUCATED PUBLIC STREETS.	COUNTY COMMISSION APPROVAL AND ACCEPTANCE	CHAIRMAN	APPROVED THIS DAY OF 2021 BY THE PLANNING AND ZONING COMMISSION.	PLANNING AND ZONING APPROVAL	FRANKLIN COUNTY TREASURER	COUNTY TREASURER'S CERTIFICATION CERTIFIED THIS DAY OF AD., 2021.		COUNTY: FRANKLIN FEE.	D FOR: ALLEN LAND SURVEYING, P.C.	O NUMBER
(YOU Syd Repair to the Post Take (Patril Willing (20018)) Bedds on 10000001 w 2 20030000000000000000000000000000000	CORNER NOTES: CORNER	470 N 2450 W OCDEN, UT 84401 TREMOTION UT 84337 OCDEN, UT 84401 NSTR. # 280717 601-920-0252	ODJELOPER/CHHEEL HERITAGE LAND DEVELOPMENT HERITAGE LAND DEVELOPMENT 2850 WASHINGTON AR NO. SUITE	PLS NO WASE OLDRENSHAW, PLS	LAND SURVEYOR, DO KED THIS PLAT, AND OF IDAHO CODE	REVIEWING LAND SURVEYOR CERTIFICATE	YOUR SHAPES.	ONG THE SOUTH BOUNDARY OF SAID ON THE SOUTH BOUNDARY OF SAID ONG THE SOUTH BOUNDARY OF SAID	ORTHMEST CORNER THEREOF: ONG THE WEST BOUNDARY OF SAID 1) AT THE MORTHWEST CORNER OF THE	ONG THE EAST BOUNDARY OF SAID SECTION S 9193" AT THE MORTHEAST CORNIER OF DNG THE MORTH BOUNDARY OF SAID	R WHICH THE MOTOR COMMER OF SAID RENT HAZER SOUTH SET SOUTH OF SAID RENT HAMBER 200183 BEARS NORTH OF	MARY AST QUARTER OF THE MORTHEAST QUARTER QUARTER OF SECTION 20: TOMASHOP 13 COUNTY, IDAHO, AND MORE EMPTICULABLY OF EVEN RETURN AND ALC SEARS FOR			JOZ1, THIS PLAT OF WAS ACCEPTED AND APPROVED WAND DOES HEREBY APPROVE JBLIC STREETS.	VAL AND ACCEPTANCE	1	HE FRANKUN COUNTY	L	FRANKLIN COUNTY, IDAHO SHEET 3 OF 3	RANGE 40 EAST, BOISE MERIDIAN.	SE1/4 0	NEI/4 OF THE SEI/4 OF SECTION 29,	=	SIERRA HOLLOW SURDIVISION PHASE
L REAL 1, ALEN, DO REZROY CERTY TRAY 1 MA 1 AL AND SURVINGE ME STATE OF LAND. AND TRAY THIS SLAW TANK AND A SERVING PROBLEM TO RECORD AND TRAY THE SLAW ACCOUNT REPORTATION AND TRAY IT CONTINUES TO APPLICABLE TO MADE AND STRIPTIS. THAN TO BE ALCOUNT REPORTATION OF SLAW STRIPTIS. THAN DO COMES RELATING TO FAITS AND STRIPTIS.	PRELIMIN SURVEYOR'S CERTIFICATE	ALL DOCUMENTS, REFERENCES, LIMES, SYMBOLS, MOTES, DESCRIPTIONS, AMMORATIONS, LABELS, ITC., SHOWN OR REFERENCED HEREON, ARE TO BE INCLUDED AS PART OF THIS MARBATTYE	RSTR	MARSHADE. MERITAGE OF THIS SUPPLY IS TO CREATE SEERS HOLLOW SURDIVISION, PHASE 2 IN CREATE SEERS HOLLOW SURDIVISION, PHASE 2 IN CREATE SEERS HOLLOW SURDIVISION, PHASE 2 IN CREATE SEERS HOLLOW SURDIVISION OF SERVICE COMPTUNES TO SUPPLY COSTS. THE PROMISE OF SUPPLY CONTROL IS AS SUPPLY COSTS.	DATE AY STOCKING, MEMBER, HERRAGE LAND HOLDINGS, LIC	IN IDANO CORE 31-3805, AND THE REDUREMENTS IN IC 31-3805 ARE NOT APPLICABLE	IRRIGATION CERTIFICATE		NY COMMISSION EXPIRES:	NOTARY PUBLIC FOR IDAHO	IN MITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY SEAL THE DAY AND YEAR FIRST ABOVE WRITTEN.	ON THIS DAY OF	COUNTY OF > SS	AC	DATE LAY STOCKING, MEMBER, HERMAGE LAND HOLDINGS, LLC	MORE OF THE LOTS, BUT WILL BE SERVED BY INDMIDUAL WELLS.	AND THE NUMERICAL QUARTER OF THE SOUTHEAST QUARTER SECTION TO WASHED IS SOUTH, RANGE AG EAST, BROSE LIFERDAM, TO HEREOF DEDOATE TO THE PUBLIC THE FREED (SERVICE) PUBLIC STRETERS, AND DO HEREOFY STRIKE AS REQUIRED BY DAYO CODE 50-1334 THAT THE INDIVIDUAL LOTS DEPORTED FREEDY WITH AND THE FERENCE MY ANY WASHED STRIKE OR WANNELD TO BE SERVICED.	MUM ALL MEN BY INESE PRESENTS INFO ME INE ONDERSONAND HERBITAGE UND HOLDINGS, LLC) OF THE TRACT OF UND DESCRIB- HANNE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS AND STI HERBITAGE UND HERBERATER HOWN AS SUBDIVIDED INTO LOTS SEDIO A SUBDIVISION LOCATED IN THE SOUTHEAST OLARIER OF THE NO A SUBDIVISION LOCATED IN THE SOUTHEAST OLARIER OF THE A SUBDIVISION LOCATED IN THE SOUTHEAST OLARIER OF THE A SUBDIVISION LOCATED IN THE SOUTHEAST OLARIER OF THE A SUBDIVISION LOCATED IN THE SOUTHEAST OLARIER OF THE A SUBDIVISION LOCATED IN THE SOUTHEAST OLARIER OF THE A SUBDIVISION LOCATED IN THE SOUTHEAST OLARIER OF THE A SUBDIVISION LOCATED IN THE SOUTHEAST OLARIER OF THE A SUBDIVISION LOCATED IN THE SOUTHEAST OLARIER OF THE A SUBDIVISION LOCATED IN THE SOUTHEAST OLARIER OF THE A SUBDIVISION LOCATED IN THE SOUTHEAST OLARIER OF THE A SUBDIVISION LOCATED IN THE SOUTHEAST OLARIER OF THE A SUBDIVISION LOCATED IN THE SOUTHEAST OLARIER OF THE A SUBDIVISION LOCATED IN THE SOUTHEAST OLARIER OF THE A SUBDIVISION LOCATED IN THE SOUTHEAST OLARIER OF THE A SUBDIVISION LOCATED IN THE SOUTHEAST OLARIER OF THE A SUBDIVISION LOCATED IN THE SOUTHEAST OLARIER OF THE A SUBDIVISION LOCATED IN THE SOUTHEAST OLARIER OF THE A SUBDIVISION LOCATED IN THE SOUTHEAST OLARIER OF THE A SUBDIVISION LOCATED IN THE SOUTHEAST OLARIER OF THE A SUBDIVISION LOCATED IN THE SOUTHEAST OLARIER OF THE SUBDIVISION LOCATED IN THE SUBD	OWNERS DEDICATION	ФАНО	in,	SECTION 29,	SECTION 29,		ON PHASE 2