



Welcome to  
**Garden**

Recorded 25-Sep-2020 Filing No.98093  
At 11:55 AM in Book J12 Page 542  
Fee \$40.00 Debra L. Ames Rich County Recorder  
For HICKMAN LAND TITLE LOGAN



*Where Families Play*

After recording, mail to:

Town of Garden City  
PO Box 207  
Garden City, Utah 84028

## **TOWN OF GARDEN CITY**

### **Lot Line Adjustment Covenant to run with the land**

ON THIS 8<sup>th</sup> day of September, 2020, COMES NOW the Town of Garden City, a Class 4 municipality, acting by and through its duly appointed Mayor, (hereinafter known as the "town") Beck and Michelle Locey, and Lauren and Cheryl Locey (hereinafter known as the "owners") and owners of certain real property in the Town of Garden City, Rich County, State of Utah, known generally as parcels #41-21-047-0001, 41-21-047-0002 and 41-21-047-0003 and more particularly described as follows:

#### **NEW LOT 1:**

PART OF LOT 1, WOOD HAVEN SUBDIVISION, as shown by the official plat of said subdivision filed February 14, 2007, as Filing No. 70855, in Book I10, at Page 1231 in the office of the Recorder of Rich County, Utah, described as follows:

A parcel of ground located in the Northwest Quarter of Section 21, Township 14 North, Range 5 East of the Salt Lake Base and Meridian, described as follows: Commencing at the Northwest Corner of Block 5, Plat B of the Garden City Survey and running thence South 00°50'05" West 145.53 feet (South 148.5 feet by record) to the point of beginning; and running thence South 89°41'15" East 82.40 feet; thence South 00°26'36" West 15.00 feet; thence South 89°41'15" East 72.00 feet; thence South 00°26'36" west 20.70 feet; thence South 89°21'23" East 10.00 feet; thence South 00°59'06" West 25.80 feet to mow strip; thence along mow strip the following three courses, 1) South 30°53'50" West 13.56 feet; 2) thence South 55°33'23" East 1.11 feet; 3) thence 6.16 feet along the arc of a 10.00 foot radius curve to the left through a central angle of 35°19'22" and a long chord that bears South 73°13'04" East 6.07 feet; thence South 00°59'06" West 77.25 feet to a point in an existing fence line; thence North 89°28'09" West (West by record) along fence 164.33 feet to the East right of way line of State Highway 30; thence North 00°50'05" East (North by record) along said right of way line 152.20 feet (148.5 feet by record) to the point of beginning.

TOGETHER WITH AND SUBJECT TO an easement, in common with others, over the following described property:

P.O. Box 207 • 69 North Paradise Parkway • Garden City, Utah 84028  
Phone: (435) 946-2901 • Fax (435) 946-8852  
EMail: townofgardencity@gmail.com • Website: www.gardencityut.us

A parcel of ground located in the Northwest Quarter of Section 21, Township 14 North, Range 5 East of the Salt Lake Base and Meridian, to be used for Ingress and Egress and Utility Lines, described as follows:

Commencing at the Northwest Corner of Block 5, Plat B of the Garden City Survey and running thence South 00°50'05" West (South by record) 145.53 feet (South 148.5 feet by record); thence continuing South 00°50'05" West 19.29 feet to the point of beginning; and running thence South 89°09'55" East 82.53 feet; thence North 00°26'36" East 5.05 feet; thence South 89°41'15" East 72.00 feet; thence South 00°26'36" West 5.70 feet; thence South 89°09'55" East 10.14 feet; thence South 00°59'06" West 30.00 feet; thence North 89°09'55" West 164.59 feet to the East right of way line of State Highway 30; thence North 00°50'05" East (North by record) along said right of way line 30.00 feet to the point of beginning. Together with a non-described gravel driveway access situated to the South of the East Half of the above described easement parcel. Said non-described gravel driveway access is depicted on that certain Survey dated August 19, 2020 by JSH Surveying & Drafting Inc. identified as Job No. 20-090.

NEW LOT 2:

PART OF LOTS 1 AND 3, AND ALL OF LOT 2 WOOD HAVEN SUBDIVISION, as shown by the official plat of said subdivision filed February 14, 2007, as Filing No. 70855, in Book I10, at Page 1231 in the office of the Recorder of Rich County, Utah, described as follows:

A parcel of ground located in the Northwest Quarter of Section 21, Township 14 North, Range 5 East of the Salt Lake Base and Meridian, described as follows: Commencing at the Northwest Corner of Block 5, Plat B of the Garden City Survey and running thence South 00°50'05" West 145.53 feet (South 148.5 feet by record); thence South 89°41'15" East 82.40 feet to the point of beginning; and running thence South 00°26'36" West 15.00 feet; thence South 89°41'15" East 72.00 feet; thence South 00°26'36" West 20.70 feet; thence South 89°21'23" East 10.00 feet; thence South 00°59'06" West 25.80 feet to mow strip; thence along mow strip the following eight courses, 1) South 30°53'50" West 13.56 feet; 2) thence South 55°33'23" East 1.11 feet; 3) thence 6.16 feet along the arc of a 10.00 foot radius curve to the left through a central angle of 35°19'22" and a long chord that bears South 73°13'04" East 6.07 feet; 4) thence North 89°07'15" East 31.39 feet; 5) thence North 81°44'13" East 11.93 feet; 6) thence North 70°54'23" East 17.90 feet; 7) thence North 75°57'12" East 3.97 feet; 8) thence South 86°28'10" East 1.57 feet to the Northwest corner of a concrete driveway pad; thence North 02°12'34" East 9.19 feet; thence South 87°47'26" East 66.25 feet; thence North 00°59'06" East 125.84 feet; thence North 89°45'21" West (west by record) 158.25 feet; thence South 00°26'36" West 27.04 feet; thence North 87°38'29" East 15.52 feet; thence South 00°26'36" West (South by record) 40.00 feet; thence North 89°41'15" West (West by record) 72.00 feet to the point of beginning.

TOGETHER WITH AND SUBJECT TO an easement, in common with others, over the following described property:

A parcel of ground located in the Northwest Quarter of Section 21, Township 14 North, Range 5 East of the Salt Lake Base and Meridian, to be used for Ingress and Egress and Utility Lines, described as follows:

Commencing at the Northwest Corner of Block 5, Plat B of the Garden City Survey and running thence South 00°50'05" West (South by record) 145.53 feet (South 148.5 feet by record); thence continuing South 00°50'05" West 19.29 feet to the point of beginning; and running thence South 89°09'55" East 82.53 feet; thence North 00°26'36" East 5.05 feet; thence South 89°41'15" East 72.00 feet; thence South 00°26'36" West 5.70 feet; thence South 89°09'55" East 10.14 feet; thence South 00°59'06" West 30.00 feet; thence North 89°09'55" West 164.59 feet to the East right of way line of State Highway 30; thence North 00°50'05" East (North by record) along said right of way line 30.00 feet to the point of beginning. Together with a non-described gravel driveway access situated to the South of the East Half of the above described easement parcel. Said non-described gravel driveway access is depicted on that certain Survey dated August 19, 2020 by JSH Surveying & Drafting Inc. identified as Job No. 20-090.

Also, Together with a 30 foot access and utility easement described herein:

A thirty foot wide parcel of ground located in the Northwest Quarter of section 21, Township 14 North, Range 5 East of the Salt Lake Base and Meridian to be used for ingress and egress and utility lines. Described as follows:

Commencing at the Northwest corner of Block 5, Plat B of the Garden City Survey and running thence South 00°50'05" West (South by record) 164.82 feet to the true point of beginning; and running thence South 89°09'55" East 154.53 feet; thence South 00°26'36" West 15.00 feet; thence South 89°21'23" East 10.00 feet; thence South 00°59'06" West 15.03 feet; thence North 89°09'55" West 164.59 feet to the East right of way line of State Highway 30; thence North 00°50'05" East (North by record) along said right of way line 30.00 feet to the point of beginning.

NEW LOT 3:

PART OF LOT 3, WOOD HAVEN SUBDIVISION, as shown by the official plat of said subdivision filed February 14, 2007, as Filing No. 70855, in Book I10, at Page 1231 in the office of the Recorder of Rich County, Utah, described as follows:

A parcel of ground located in the Northwest Quarter of Section 21, Township 14 North, Range 5 East of the Salt Lake Base and Meridian, described as follows: Commencing at the Northwest Corner of Block 5, Plat B of the Garden City Survey and running thence South 00°50'05" West 145.53 feet (South 148.5 feet by record); thence continuing South 00°50'05" West 152.20 feet; thence South 89°28'09" East (East by record) 164.33 feet to the point of beginning; and running thence North 00°59'06" East 77.25 feet to mow strip; thence along said mow strip the following 5 courses, 1) thence North 89°07'15" East 31.39 feet; 2) thence North 81°44'13" East 11.93 feet; 3) thence North 70°54'23" East 17.90 feet; 4) thence North 75°57'12" East 3.97 feet; 5) thence South 86°28'10" East 1.57 feet to the Northwest corner of a concrete driveway pad; thence North 02°12'34" East 9.19 feet; thence South 87°47'26" East 66.25 feet; thence South 00°59'06" West 94.02 feet; thence North 89°28'09" West (West by record) 131.77 feet to the point of beginning.

TOGETHER WITH AND SUBJECT TO an easement, in common with others, over the following described property:

A parcel of ground located in the Northwest Quarter of Section 21, Township 14 North,

Range 5 East of the Salt Lake Base and Meridian, to be used for Ingress and Egress and Utility Lines, described as follows:

Commencing at the Northwest Corner of Block 5, Plat B of the Garden City Survey and running thence South 00°50'05" West (South by record) 145.53 feet (South 148.5 feet by record); thence continuing South 00°50'05" West 19.29 feet to the point of beginning; and running thence South 89°09'55" East 82.53 feet; thence North 00°26'36" East 5.05 feet; thence South 89°41'15" East 72.00 feet; thence South 00°26'36" West 5.70 feet; thence South 89°09'55" East 10.14 feet; thence South 00°59'06" West 30.00 feet; thence North 89°09'55" West 164.59 feet to the East right of way line of State Highway 30; thence North 00°50'05" East (North by record) along said right of way line 30.00 feet to the point of beginning. Together with a non-described gravel driveway access situated to the South of the East Half of the above described easement parcel. Said non-described gravel driveway access is depicted on that certain Survey dated August 19, 2020 by JSH Surveying & Drafting Inc. identified as Job No. 20-090.

("Hereinafter known as "property") and do hereby enter into this Agreement and Covenant as follows:

WHEREAS the Town of Garden City has duly enacted ordinances and statutes prescribing zoning land use policies and requirements of the Town of Garden City; and

WHEREAS owners are desirous of utilizing their land and improvements in a manner in conformity with the ordinances or statutes; and

WHEREAS the Town is willing to grant a lot line adjustment to the subject property based on the owner's providing the Town with a covenant to run with the land applicable to any and all heirs, successors of interest or assigns as set forth herein

NOW THEREFORE, for valuable consideration received, the sufficiency of which is hereby acknowledged by the owners, the Town and the Owners do hereby covenant, promise, and agree as follows:

1. THIS COVENANT shall be a covenant that runs with the land and shall be in perpetuity.
2. THIS COVENANT shall be binding on all heirs, successors in interest, assigns, sureties, or any other persons hereinafter acquiring any interest in the property.
3. THIS COVENANT shall be governed by the laws of the State of Utah and shall be enforceable through any and all remedies allowable at law including, but not limited to, injunctive or declaratory relief. The owner does hereby stipulate that the failure to abide by the covenants would leave the Town irreparably injured, and that there is no adequate remedy at law save and except injunctive relief.

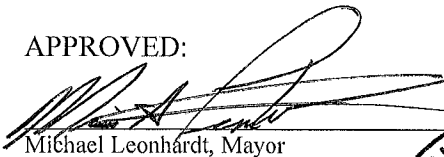
4. THAT SHOULD THIS COVENANT have to be enforced, requiring the services of an attorney, either in Court, or in any administrative proceedings or otherwise, the Town shall be entitled to recover against the owners, or their successors, assigns, or heirs a reasonable attorney's fee for the enforcement of the covenant herein, as well as all costs and fees incurred therein.
  
5. OWNER, HIS HEIRS, SUCCESSORS IN INTEREST OR ASSIGNS promise to abide by the covenant and understand that the failure to abide by this covenant shall, be grounds for the Town to pursue any and all remedies, granted by the Town upon 10 days written notice to the property owners.

Thereafter, the Town may enforce strict compliance with its land use planning and other ordinance allowable at law, and no claim or waiver estoppel shall apply as against the Town.

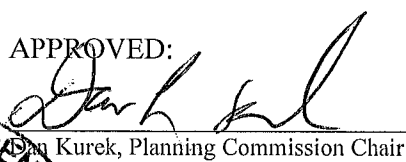
Any future development i.e. construction, etc., of the lots described in this agreement will comply with Garden City's then current side-yard, set-back, density, open space, or other requirements as they may exist.

DATED this 8<sup>th</sup> day of September, 2020.

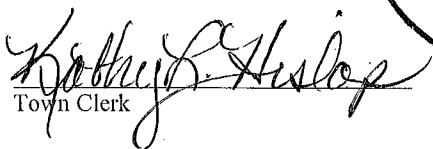
APPROVED:

  
Michael Leonhardt, Mayor

APPROVED:

  
Tom Kurek, Planning Commission Chair

Attest:

  
Town Clerk

Michelle Locey  
Michelle Locey

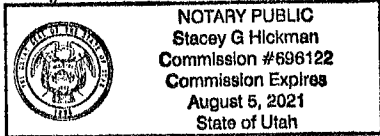
State of Utah )  
County of Salt Lake )§

On the 23<sup>RD</sup> day of September, 2020, before me, Stacey G. Hickman a notary public, personally appeared before me, Michelle Locey, proved on the basis of satisfactory evidence to be the person(s) whose name(s) (is/are) subscribed to in this document, and acknowledge (he/she/they) executed the same.

Stacey G. Hickman  
Notary

My Commission expires: August 5, 2021

Residing in: Parangana Springs, Utah



Beck Locey  
Beck Locey

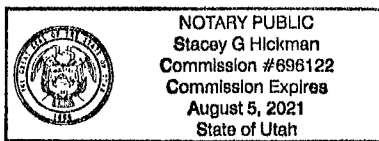
State of Utah )  
County of Salt Lake )§

On the 23<sup>RD</sup> day of September, 2020, before me, Stacey G. Hickman a notary public, personally appeared before me, Beck Locey, proved on the basis of satisfactory evidence to be the person(s) whose name(s) (is/are) subscribed to in this document, and acknowledge (he/she/they) executed the same.

Stacey G. Hickman  
Notary

My Commission expires: August 5, 2021

Residing in: Parangana Springs, Utah



Lauren Locey  
Lauren Locey

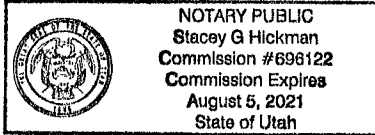
State of Utah )  
County of Salt Lake )§

On the 23<sup>rd</sup> day of September, 2020, before me, Stacey G. Hickman a notary public, personally appeared before me, Lauren Locey, proved on the basis of satisfactory evidence to be the person(s) whose name(s) (is/are) subscribed to in this document, and acknowledge (he/she/they) executed the same.

Stacey G. Hickman  
Notary

My Commission expires: August 5, 2021

Residing in: Uarratoga Springs, Utah



\_\_\_\_\_  
Cheryl Locey

State of Utah )  
County of )§

On the \_\_\_\_\_ day of \_\_\_\_\_, 2020, before me, \_\_\_\_\_ a notary public, personally appeared before me, Cheryl Locey, proved on the basis of satisfactory evidence to be the person(s) whose name(s) (is/are) subscribed to in this document, and acknowledge (he/she/they) executed the same.

\_\_\_\_\_  
Notary

My Commission expires: \_\_\_\_\_

Residing in: \_\_\_\_\_

\_\_\_\_\_  
Lauren Locey

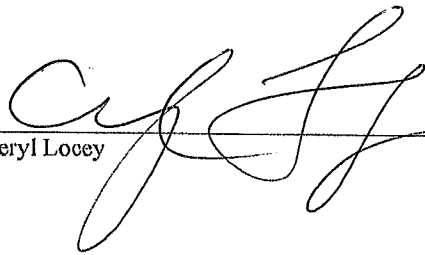
State of Utah            )  
                                  )§  
County of                )

On the \_\_\_\_\_ day of \_\_\_\_\_, 2020, before me, \_\_\_\_\_ a notary public, personally appeared before me, Lauren Locey, proved on the basis of satisfactory evidence to be the person(s) whose name(s) (is/are) subscribed to in this document, and acknowledge (he/she/they) executed the same.

\_\_\_\_\_  
Notary

My Commission expires: \_\_\_\_\_

Residing in:

  
\_\_\_\_\_  
Cheryl Locey

State of Utah            )  
                                  )§  
County of                )

On the \_\_\_\_\_ day of \_\_\_\_\_, 2020, before me, \_\_\_\_\_ a notary public, personally appeared before me, Cheryl Locey, proved on the basis of satisfactory evidence to be the person(s) whose name(s) (is/are) subscribed to in this document, and acknowledge (he/she/they) executed the same.

\_\_\_\_\_  
Notary

My Commission expires: \_\_\_\_\_

Residing in:

**Please see attached sheet  
for CA Acknowledgment/Jurat  
As per CA civil codes:  
8202, 8205, 8207, 1189**



## ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of Contra Costa )

On September 23, 2020 before me, Jackie L. Drucker, Notary Public  
(insert name and title of the officer)

personally appeared Cheryl Locey,  
who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature *Jackie L. Drucker* (Seal)

