



Date: June 15th, 2020
To: Weber County Board of Commissioners
From: Scott Mendoza
Community Development Department
Agenda Date: June 23rd, 2020
Subject: **Grant of a temporary emergency egress easement by P.C. Thomas Investment Co. L.C. to Weber County for the Weber Center parking structure project.**
Exhibits: A – Easement

Summary:

The attached easement, that you're being asked to accept, is being granted to Weber County by P.C. Thomas Investment Company L.C. who owns property immediately north of the Weber Center parking structure. The intent of the easement is to grant the County and Weber Center occupants the temporary right to cross the Thomas' property during the Weber Center parking structure project.

By accepting the easement, the County will agree to limit the use of the property to:

1. emergencies only;
2. pedestrian traffic that will flow generally north, from the Weber Center to 23rd Street; and
3. a time period that will not go beyond December 1st, 2020.

There is no cost associated with the county accepting the easement.

Recommendation:

Accept the temporary emergency egress easement in order to provide the right to cross the Thomas' property during the Weber Center parking structure project.

When recorded, return to:
Weber County Community Development
444 24th Street
Ogden, Utah 84401
Tax ID No.: 01-027-0024

GRANT OF EASEMENT
(Temporary Emergency Egress Easement)

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the undersigned, P.C. Thomas Investment Co. L.C. (“GRANTOR”) hereby conveys and grants to Weber County, a political subdivision of the State of Utah (“GRANTEE”), and its successors and assigns, the following easement (the “Easement”):

A temporary emergency egress easement allowing for Weber Center occupants, including County personnel and customers, tenant personnel and clients, and the visiting public, to enter upon and cross land of the Grantor, located in Weber County, State of Utah, for emergency egress purposes only. The parcel subject to the Easement (the “Burdened Parcel”) is described in EXHIBIT A, which is attached hereto and incorporated by reference herein.

This Easement is granted subject to the following rights, covenants, and restrictions:

1. For emergency purposes only and on a temporary basis, not to go beyond December 1st, 2020, Grantee, including County personnel and customers, Weber Center tenant personnel and clients, and the visiting public conducting business in the Weber Center, shall have the right to utilize the Burdened Parcel as an emergency egress route in the event that an emergency arises and the Weber Center needs to be evacuated.
2. Emergency egress is restricted to pedestrian traffic which will generally flow from Grantee’s property, north across Grantor’s property, to the public rights-of-way at 23rd Street.
3. Grantor reserves the right to use and enjoy the Burdened Parcel, subject to the rights, covenants, and restrictions described hereunder, so long as Grantor shall not take any action which would unreasonably obstruct or interfere in any way with Grantee’s rights to the use of the Easement.
4. The Easement and related rights granted hereunder create an equitable servitude on the Burdened Parcel and constitute a covenant running with the land, which shall be binding upon Grantor and Grantee and their respective legal representatives, successors-in-interest, and assigns.
5. This Easement, and all rights, covenants, and restrictions set forth herein, may not be terminated, extended, modified, or amended without the consent of Grantor and Grantee, or their respective successors-in-interest, and any such termination, extension, modification, or amendment shall be effective only upon recordation, in the official records of Weber County, Utah, of a written document effecting the same, duly executed and acknowledged by Grantor and Grantee or their respective successors-in-interest.
6. By accepting delivery of and recordation of this Grant of Easement, Grantee acknowledges and agrees with the terms and provisions hereof.

WITNESS the hand of Grantor this 29 day of April, 2020.

P.C. Thomas Investment Co. L.C.
A Utah Limited Liability Company.

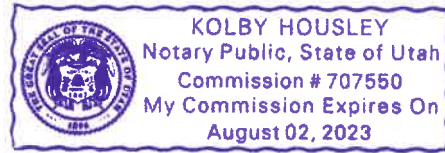
GRANTOR: [Signature]
Eric Thomas, Manager/Member

STATE OF UTAH)
: ss.
County of Weber)

On this 28 day of April, 2020, personally appeared before me, the undersigned Notary Public, Kolby Housley and being by me duly sworn, acknowledged to me that he/she is Eric Thomas of the company and that he/she signed the above instrument freely, voluntarily, and with proper authority on behalf of the company for the purposes described herein.

[Signature]
Notary Public
Residing at: 1384 N. Washington Blvd Ogden
My commission expires: 8/2/23

Seal:



BOARD OF COUNTY COMMISSIONERS
OF WEBER COUNTY

By: _____
Gage H. Froerer, Chair

Date: _____

Commissioner Harvey voted _____
Commissioner Jenkins voted _____
Commissioner Froerer voted _____

ACKNOWLEDGED BEFORE ME:

Ricky Hatch, CPA/Weber County Clerk/Auditor

EXHIBIT A
LEGAL DESCRIPTION OF PARCEL SUBJECT TO EASEMENT

PART OF LOT 6, BLOCK 31, PLAT A, OGDEN CITY SURVEY, WEBER COUNTY, UTAH: COMMENCING AT A POINT 227 FEET EAST OF THE NORTHWEST CORNER OF SAID LOT, AND RUNNING THENCE EAST 31 FEET; THENCE SOUTH 8 RODS; THENCE WEST 31 FEET; THENCE NORTH 8 RODS TO THE PLACE OF BEGINNING. SUBJECT HOWEVER TO A RIGHT-OF-WAY OVER THE WEST 5 FEET OF THE ABOVE DESCRIBED REAL ESTATE. TOGETHER WITH ALL RIGHTS-OF-WAY APPURTENANT THERETO. PART OF LOT 5, BLOCK 31, PLAT A, OGDEN CITY SURVEY, WEBER COUNTY, UTAH: BEGINNING AT A POINT 227 FEET EAST FROM THE NORTHWEST CORNER OF SAID LOT 5, AND RUNNING THENCE EAST 34 FEET; THENCE SOUTH 108 FEET; THENCE EAST 32 FEET; THENCE SOUTH 24 FEET, TO THE SOUTH LINE OF LOT 5; THENCE WEST 66 FEET ALONG SAID SOUTH LINE OF LOT 5; THENCE NORTH 132 FEET TO THE POINT OF BEGINNING. SUBJECT TO A RIGHT-OF-WAY OVER THE WEST 6 FEET OF THE ABOVE DESCRIBED PROPERTY. TOGETHER WITH ALL RIGHTS-OF-WAY APPURTENANT THERETO. PART OF LOT 4, BLOCK 31, PLAT A, OGDEN CITY SURVEY, WEBER COUNTY, UTAH: BEGINNING AT A POINT 194 FEET EAST OF THE SOUTHWEST CORNER OF SAID LOT 4, AND RUNNING THENCE NORTH 0D58'EAST 108 FEET; THENCE SOUTH 89D02' EAST TO EAST LINE OF WATERSECT; THENCE NORTHERLY ALONG THE EAST LINE OF THE WATER SECT, TO THE NORTH LINE OF SAID LOT; THENCE EAST 66 FEET, MORE OR LESS, TO A POINT 66 FEET WEST FROM THE NORTHEAST CORNER OF SAID LOT 4; THENCE SOUTH 132 FEET TO THE SOUTH LINE OF SAID LOT; THENCE WEST 69 FEET, MORE OR LESS, TO THE PLACE OF BEGINNING. EXCEPTING FROM THE ABOVE DESCRIBED PARCEL OF LAND ANY PORTION THEREOF CONVEYED IN DEED RECORDED IN BOOK 44 OF DEEDS, PAGE 50 RECORDS OF WEBER COUNTY, UTAH.