

AGRICULTURAL LAND PARCEL DECLARATION

(For use with Agriculture Zone (A) Single-Family Dwelling
- Three Quarters (3/4) Acre Minimum Size Cluster Lot Conditional Use)

SEPARATELY DESCRIBED LOTS SOLD BY DECLARANT

Declaration of Covenants, Conditions and Restrictions

This Declaration of Covenants, Conditions and Restrictions is made this 10 day of March, 20 22, by Karren Acres LLC and _____, hereafter called the Declarant, and applies to the following described property: (Add legal description.)

See attached

RECITALS:

1. Declarant owns clear title to the above-described property consisting of 3/4 acres (not less than 10 acres per three quarters (3/4) acre minimum size cluster lot), and now desires to separately describe and sell portions of the property (not less than three quarters (3/4) acre per minimum size cluster lot) for the construction of a single-family dwelling(s).
2. The above-described property, and/or the not less than three quarters (3/4) acre parcel(s) described below, may be pledged or mortgaged to obtain construction and/or permanent financing.
3. Lewiston City Subdivision Regulations generally require that a division of property for non-agricultural purposes shall be accomplished by the filing or recording of an approved subdivision plat, subject to certain exceptions.
4. Lewiston City Zoning Regulations generally require a minimum lot size of ten (10) acres and a minimum lot width of 250 feet in the A-10 District of the Agricultural Zone (§10-7A-5), for a single-family dwelling, with provision for three quarters (3/4) acre minimum size cluster lot (s) as a Conditional Use (§10-7A-3), for a single-family dwelling(s), subject to compliance with certain

restrictions, including the continued density of not more than one (1) single-family dwelling per ten (10) acres in the Agriculture Zone.

5. Said three quarters (3/4) acre minimum size cluster lot(s) may be permitted with not less than 180 feet of frontage, provided the otherwise required minimum frontage of 250 feet is designated as provided in said Zoning Regulations.

6. If permitted, the three quarters (3/4) acre minimum size cluster lots and the remaining nine (9) acres, or more, per cluster lot, shall be restricted from use for more than one (1) residential dwelling as also stated in said City Zoning Regulations, and in the event the permitted lot has 180 feet of frontage, or any other amount less than 250 feet of frontage, the remaining 70 feet of frontage, or other amount necessary to make a total of 250 feet of frontage equivalent for said lot, must be a part of and subject to the restrictions contained in this land declaration and may not be used for residential buildings, nor be part of any other lot on which a residential building of any type is constructed.

7. This land declaration shall to be recorded in the Cache County Recorder's Office at the expense of the Declarant.

8. The permitted three quarters (3/4) acre minimum size cluster lot(s) shall have metes and bounds description(s) and be reviewed by the City Planning and Zoning Commission, and said description(s) must be written by a Title Company or prepared by a registered land surveyor.

9. After the legal description(s) for such three quarters (3/4) acre minimum size cluster lot(s) are approved, and sale(s) by Declarant completed, or Final Subdivision Plat approved, the conveyance document(s) or Final Plat shall be recorded at the Cache County Recorder's Office and be subject to the terms and provisions of this Declaration.

10. The legal description(s) for the three quarters (3/4) acre minimum size cluster lot(s) and the designated 250 feet of frontage per cluster lot, are as follows: (Add legal descriptions.) A copy of approved, recorded Final Plat may be attached in lieu of separate legal descriptions:

See Attached

NOW, THEREFORE, Declarant makes this Declaration of Covenants, Conditions and Restrictions, agrees to be bound hereby, and acknowledges and agrees that the terms and provisions of this Declaration and Lewiston City Ordinances shall be binding upon and shall run with the title to

the real property first described above, including the three quarters (3/4) acre minimum size cluster lot(s) last described above.

THIS DECLARATION of rights, obligations, conditions and restrictions shall run with said real property in perpetuity unless canceled or modified by the Lewiston City Council or such other governing body as might have subdivision, zoning, and/or land use jurisdiction over said real property, with said cancellation being recorded in the Office of the Cache County, Utah Recorder. The undersigned and their successors, heirs and assignees acknowledge and agree that they are bound by the terms and provisions of this Declaration.

Note: This Declaration is not intended to be a comprehensive statement of City law. The Lewiston City Zoning and Subdivision Ordinances must be carefully read and understood. They are the controlling documents and law relating to the Zoning and Subdivision processes within the City.

IN WITNESS WHEREOF, the parties have executed the foregoing as of the date first written above.

Declarant

Declarant

STATE OF UTAH)
 : ss.
County of Cache)

On the _____ day of _____, 20_____, personally appeared before me
_____ and _____, the signers
of the within instrument, who duly acknowledged to me that they executed the same.

NOTARY PUBLIC

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Lewiston City Drainage Cooperative Form

Property Owner Name Karren Acres LLC
Address PO Box 86 Lewiston UT 84320
Phone 435-764-2947
E-mail chriskarren@gmail.com

Property Location 1320 W Center Lewiston UT 84320

Acres 3/4 Zoning A-10 Parcel Tax I.D. 09-014-0049

Drainage & Irrigation

Lewiston City is aware of the need for a cooperative between the water entities in charge of drainage/irrigation, the property owner, and Lewiston City to work together to be aware of the intricate irrigation and drainage systems in Lewiston. Some of these systems have been in place for many years and continue to be the base for our entire drainage system along with newer systems that are the current water carrier for our agricultural watering. A cooperative between all parties along with knowledge of the location, accessibility for maintenance and upkeep is essential as the city grows.

Recommendations:

A culvert placed in the frontage of the property will provide drainage. It must be equal to or larger than the size of the larger of the culverts in the two adjacent culverts that are currently in use. The water entity or the city would be happy to work with you to determine the size needed to manage the drainage as well as placement.

For any drain (open or closed) or irrigation ditch (open or closed) a minimum distance to accommodate home and residence safety, as well as access for the water entities maintenance crews for yearly clean out and repair should be determined. No structures should be built on or near any lines or ditches that would impede access or maintenance of the system.

Anywhere there is a waterline, irrigation ditch, underground pressure system or tile drain a cooperative between the water entity, landowner, and Lewiston City is essential to continue to maintain a system that has worked for Lewiston for over 80 years and continues currently with the old as well as the new systems.

LEGAL DESCRIPTION
FOR
KARREN ACRES, LLC
JAN 2022

A parcel of land located in the Southwest quarter of Section 6, Township 14 North, Range 1 East, Salt Lake Base and Meridian, Lewiston, Cache County, Utah and more particularly described as follows:

Beginning at the South quarter corner of said Section 6, from which the Southwest corner of Section 6 bears South 89° 20' 10" West 2656.95 feet;

Thence South 89° 20' 10" West 1017.21 feet along the South line of said Section 6;

Thence North 00° 39' 50" West 33.00 feet to a 5/8" rebar with cap labeled, "A.A. Hudson, PLS 375041", set on the North right of way line of West Center Street (State Highway 61), the True Point of Beginning;

Thence South 89° 20' 10" West 227.79 feet along the said North right of way line to a 5/8" rebar with cap;

Thence North 00° 39' 50" West 143.42 feet to a 5/8" rebar with cap;

Thence North 89° 20' 10" East 227.79 feet to a 5/8" rebar with cap;

Thence South 00° 39' 50" East 143.42 feet to the True Point of Beginning.

Containing 0.75 acres of land.

