

MEMORANDUM OF AGREEMENT No. \_\_\_\_\_

May ??, 2013

This memorandum of agreement supersedes and replaces Memorandum of Agreement A-2012-2 dated February 26, 2013. It documents several historical details associated with an unattached garage (subsequently referred to as "the structure") located at 2821 North 1050 East, North Ogden, Utah. It also provides a written agreement between the signers herein regarding appropriate corrective action which resolves the issue described below.

HISTORICAL DETAILS:

The structure built in the summer of 1980 by a licensed contractor, Mr. Ralph Butler, under the supervision of the North Ogden City building inspector, Mr. Ken Martin, stands at the southwest corner of Lot 36 in the Northridge Subdivision No. 1.

The property line between Northridge Subdivision No. 1 Lots 35 and 36 runs along the centerline of a fence secured to the top of an eighty foot (80') long retaining wall. The retaining wall begins approximately nine feet six inches (9'6") from the rear (west) property line.

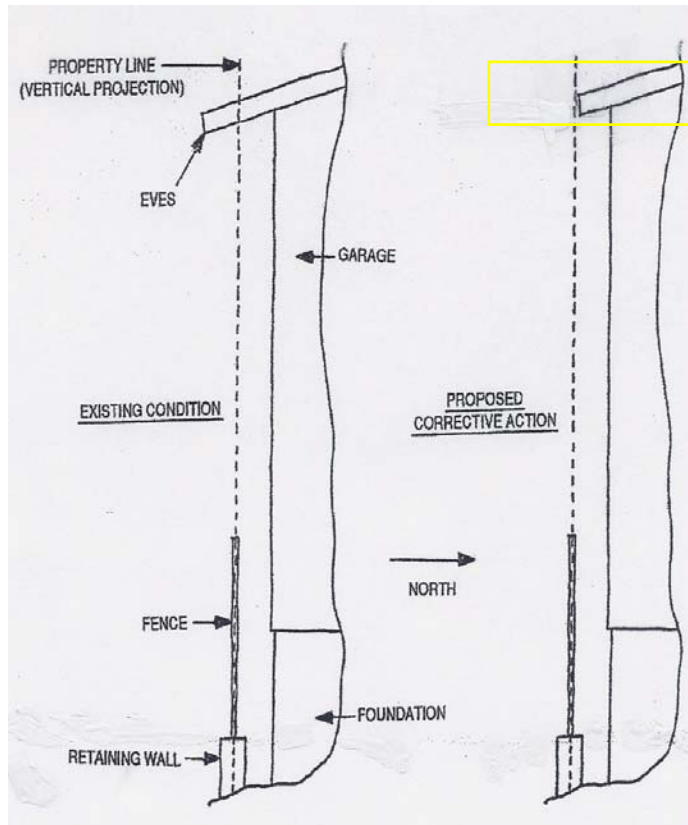
The south wall of the structure is located approximately one foot from the property line as authorized by Mr. Martin prior to construction in 1980. During nor following construction until about 1995, Mr. Martin or the previous Lot 35 property owners made no issue of the southern eves extending across the property line as evident by the fact the structure still stands as built in 1980 (over 32 years ago).

ISSUE:

The eves on the south side of the structure extend beyond the property line approximately one foot (1') and are roughly fourteen feet (14') above ground level of the adjoining property (Northridge Subdivision No. 1 Lot 35).

CORRECTIVE ACTION:

The eves on the south side of the structure will be cut back so as not to extend across the property line. When completed the southern edge of the eves will not extend across but may be coincident with a vertical projection of the property line. Completion of this corrective action is contingent upon Lot 35 owners granting permission for construction crew to access their property along the north property line. The estimated cost of this modification is \$900.00. Sketches of the existing condition and the proposed corrective action are shown below:



Rain gutter portion of drawing is deleted

**AGREEMENT:**

The undersigned agree to the foregoing corrective action. The undersigned also agree, following implementation of the corrective action described herein and completion by July 1, 2013, that 1) the structure will comply with North Ogden City building codes and regulations, 2) there are no outstanding issues regarding this structure and 3) the specific issue addressed herein is considered closed.

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George E. Nichols  
Northridge Subdivision No. 1 Lot 36 Property Owner

**North Ogden City:**

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Richard Harris, Mayor

**ATTEST:**

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S. Annette Spendlove, MMC  
City Recorder