

18/4

RETURNED

MAY 17 2002

SHERRILL J. HARRIS, COUNTY CLERK
E 1754448 B 3046 P 757
SHERYL L. WHITE, DAVIS CNTY RECORDER
2002 MAY 17 1:34 PM FEE 18.00 DEP DJW
REC'D FOR CANYON CREEK SUBDIVISION LLC

87561-5D

RELEASE OF EASEMENT and REALIGNMENT AGREEMENT

This Release of Easement and Realignment Agreement is entered into this 19th day of April, 2002, by and between CANYON CREEK SUBDIVISION, LLC, ("Canyon") and EVELYN G. MAW LADD and ROBERT B. LADD, in joint tenancy of the EVELYN G. MAW LADD TRUST AGREEMENT DATED SEPTEMBER 3, 1993, ("Ladd"), hereinafter jointly referred to as the "Parties".

Canyon Creek Estates
pt lots 1, 11, 12 + Parcel A + Private St
14-505-
0001,0001, 0012,0013, 0017

A. WHEREAS, the parties, and each of them, hereby acknowledge and agree that an existing right of way as more particularly described in Exhibit A, herein, is hereby released to allow for the new right of way within the private roadway shown on the dedication plat for CANYON CREEK ESTATES SUBDIVISION, Layton City, Davis County, Utah, according to the official plat thereof, said new right of way more particularly described in Exhibit B, herein.

B. WHEREAS, pursuant to an Agreement executed on or about October 31, 1997, Canyon agrees to provide the following:

1. All subdivision improvements, as required by Layton City, including but not limited to the availability of gas, culinary water and sanitary sewer from within the subdivision, and fire hydrants within the subdivision thus providing better fire protection for all affected properties. Together with a subsurface utilities Right of Way within the Right of Way granted herein.

2. Dedication of the subdivision streets to Layton City with the use and maintenance to be provided as set forth in said Dedication and as more fully defined in the Declaration of Covenants, Conditions, Agreements and Restrictions for said Canyon Creek Estates Subdivision.

Now therefore, in consideration of the foregoing, the mutual covenants contained herein, which are hereby acknowledged, and intending to be legally bound hereby, the parties have executed this Agreement as of the day and year first above written.

CANYON CREEK SUBDIVISION, LLC

Member

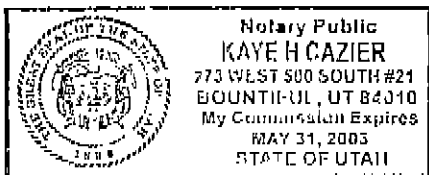
STATE OF UTAH)
):ss
COUNTY OF DAVIS)

By: BRUCE G. ROBINSON, CEO of SYMPHONY DEVELOPMENT CORPORATION, Member of CANYON CREEK SUBDIVISION, LLC

On the 19th day of APRIL, 2002, personally appeared BRUCE G. ROBINSON, who being by me duly sworn, did say, each for himself, that he said BRUCE G. ROBINSON is CEO* is a Member of CANYON CREEK SUBDIVISION, LLC, and that the within and foregoing instrument was signed in behalf of said limited Liability Company and said BRUCE G. ROBINSON, duly acknowledged to me that said Limited Liability Company executed the same.

* of SYMPHONY DEVELOPMENT CORPORATION

NOTARY PUBLIC



Evelyn G. Maw Ladd, Trustee
EVELYN G. MAW LADD, Trustee

Robert B. Ladd, Trustee
ROBERT B. LADD, Trustee

STATE OF UTAH)
 :SS
COUNTY OF DAVIS)

On the 25 day of April, 2002, personally appeared before me EVELYN G. MAW LADD and ROBERT B. LADD, IN JOINT TENANCY, as Trustee of the EVELYN G. MAW LADD TRUST AGREEMENT DATED SEPTEMBER 3, 1993, the signers of the foregoing instrument, who duly acknowledged to me that they executed the same in behalf of said trust by authority.

Kaye H. Cazier

NOTARY PUBLIC

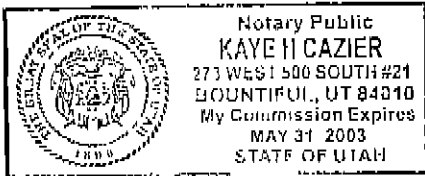


EXHIBIT "A"

E 1754448 B 3046 P 759

RELEASED EASEMENT:

A 50 foot right of way, the Northeast Corner of which begins at a point 2295.4 feet North and 236.98 feet East from the Southwest Corner of Section 24, Township 4 North, Range 1 West, Salt Lake Base and Meridian, which is the East boundary of U.S. 89, and running thence South 30°23' East 575.88 feet; thence Southeasterly in a straight line to a point where the center line of said right of way is 440 feet East of the present East Boundary line of U.S. 89 and the center of North Fork of Holmes Creek.

0013
pt parcel A + str

DESCRIPTION OF NEW RIGHT OF WAY:

Note: These descriptions are written such that they will be recorded simultaneously with the plat of Canyon Creek Estates Subdivision.

Beginning at a point which is South 30°23'00" East 21.75 feet along the Westerly boundary of Lot 12 of Canyon Creek Estates Subdivision from the most Westerly corner of said Lot 12, said point of beginning being also South 0°12'30" West 821.74 feet along the Section Line and East 480.21 feet from the West Quarter Corner of Section 24, Township 4 North, Range 1 West, S.L.B. & M. and running thence along the Southerly boundary of Lot 11 and 12 of said subdivision in the following two courses: Southeasterly 138.34 feet along the arc of a 132.96 foot radius curve to the left through a central angle of 59°36'52" (chord bears South 60°11'26" East 132.18 feet.), East 111.47 feet; thence South 176.57 feet along the extended West boundary of Lot 2 of said subdivision; thence along the boundary of said subdivision in the following three courses: South 88°56'00" West 31.09 feet, North 30.00 feet, West 14.41 feet; thence along the boundary of Lot 1 of said subdivision in the following four courses: North 83.15 feet, Northwesterly 29.06 feet along the arc of a 18.50 foot radius curve to the left through a central angle of 90°00'00" (chord bears North 45°00'00" West 26.16 feet.), West 47.47 feet, Northwesterly 57.37 feet along the arc of a 174.41 foot radius curve to the right through a central angle of 18°50'44" (chord bears North 80°34'29" East 57.11 feet; thence North 29°48'30" West 117.39 feet to the point of beginning.

plat lots 1, 11, 12 + Private Str
0001, 0011 + 002 + 14