

RETURNED  
DEC 22 2009

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BK 4926 PG 882

E 2501288 B 4926 P 882-885  
RICHARD T. MAUGHAN  
DAVIS COUNTY, UTAH RECORDER  
RECEIVED: 53 PM  
FEE \$0.00 Pgs: 4  
DEPT REC'D FOR BONNEVILLE SUPERIOR TITLE CO

142294

**TEMPORARY DETENTION BASIN EASEMENT**

**KAYSVILLE CITY**, a Municipal Corporation, Grantor, of 23 East Center Street,

Kaysville City, Davis County, State of Utah, does hereby grant and convey to **FRUIT HEIGHTS CITY**, a Municipal Corporation, Grantee, of 910 South Mountain Road, Fruit Heights City, Davis County, State of Utah, its licensees, successors and assigns, for **TEN DOLLARS (\$10.00)** and other good and valuable consideration, receipt of which is hereby acknowledged, a temporary easement and right-of-way for the construction, erection, operation, maintenance, repair, alteration, inspection and replacement of facilities for the conveyance and detention of storm drain water and incidental equipment and appurtenances on, over, under, across and through the premises belonging to the said Grantor, in Fruit

Heights City, Davis County, State of Utah, more particularly described as follows:

*tax id # 11-119-0031,0083,0093.*

Beginning at a point on the east line of Highway 89, said point being North 89°59'50" East 730.84 feet along the section line and North 519.99 feet from the Southwest Corner of Section 36, Township 4 North Range 1 West, Salt Lake Base and Meridian and running:

thence North 86°17'22" East 241.90 feet;  
thence South 15°27'15" East 115.25 feet;  
thence South 89°08'14" West 265.68 feet to the east line of Highway 89;  
thence North 03°42'38" West 99.64 feet along the east line of Highway 89 and the point of beginning.

Contains: 26,868 square feet, 0.617 acres.

Together with all rights of ingress and egress necessary for the full and complete construction, use, occupation and enjoyment hereby granted, and all rights and privileges incident thereto, including the right from time to time to cut, trim and remove trees, brush, overhanging branches, roots and other obstructions which may injure or interfere with the

construction, use, occupation, or enjoyment of the said temporary detention basin easement and the installation, operation, maintenance and repair of facilities therein. Said temporary easement shall permit the stockpiling and specify the placement of dirt excavated during construction of the temporary detention basin in accordance with Exhibit "A," which is attached hereto and made a part hereof.


The Grantee shall be solely responsible for the site and the installation, maintenance and repair of all storm drain facilities placed on the site. Upon termination of this temporary easement Grantee shall promptly remove all facilities placed on the site by Grantee or others, except those facilities which Grantor requests in writing to remain on the site. Any items so left on the site shall become the property of Grantor without payment of any compensation to Grantee. Grantee shall give Grantor not less than ninety (90) days written notice of intent to remove any facilities from the site.

Grantee agrees to indemnify and hold Grantor harmless for any claim, loss or damage, including attorneys' fees and court costs, against Grantor in any way arising out of or in any way connected with this grant of temporary easement and Grantee's use of the site.

This temporary easement shall remain in full force and effect until an alternate means of conveying and detaining storm water for the area has been constructed and put into service, or until December 31, 2020, whichever occurs first.

WITNESS the hand of Grantor this 17<sup>th</sup> day of December, 2009.

KAYSVILLE CITY, a municipal corporation

  
NEKA F. ROUNDY  
Mayor

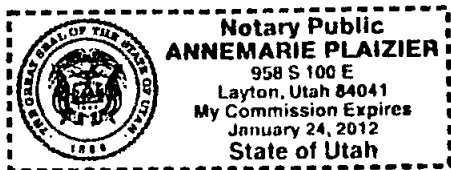
ATTEST:

Linda Ross  
LINDA ROSS  
City Recorder



STATE OF UTAH            )  
  : ss.  
COUNTY OF DAVIS        )

On the 17<sup>th</sup> day of December, 2009, personally appeared before me NEKA F. ROUNDY and LINDA ROSS, who being by me duly sworn did say, each for herself, that she, the said Neka F. Roundy, is the Mayor of Kaysville City, and she, the said Linda Ross is the City Recorder of Kaysville City, and that the within and foregoing instrument was signed on behalf of the said Kaysville City by authority of the City Council of Kaysville City and said Neka F. Roundy and Linda Ross each duly acknowledged to me that the said Kaysville City executed the same and that the seal affixed is the seal of the said Kaysville City.



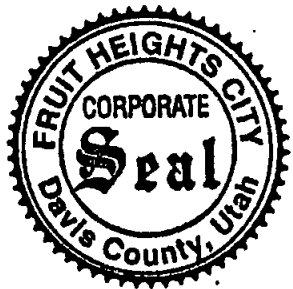
(SEAL)

Annemarie Plazier  
NOTARY PUBLIC

Accepted and agreed to for Fruit Heights City

By: B. Brandon Green  
Its: City Manager

(SEAL)



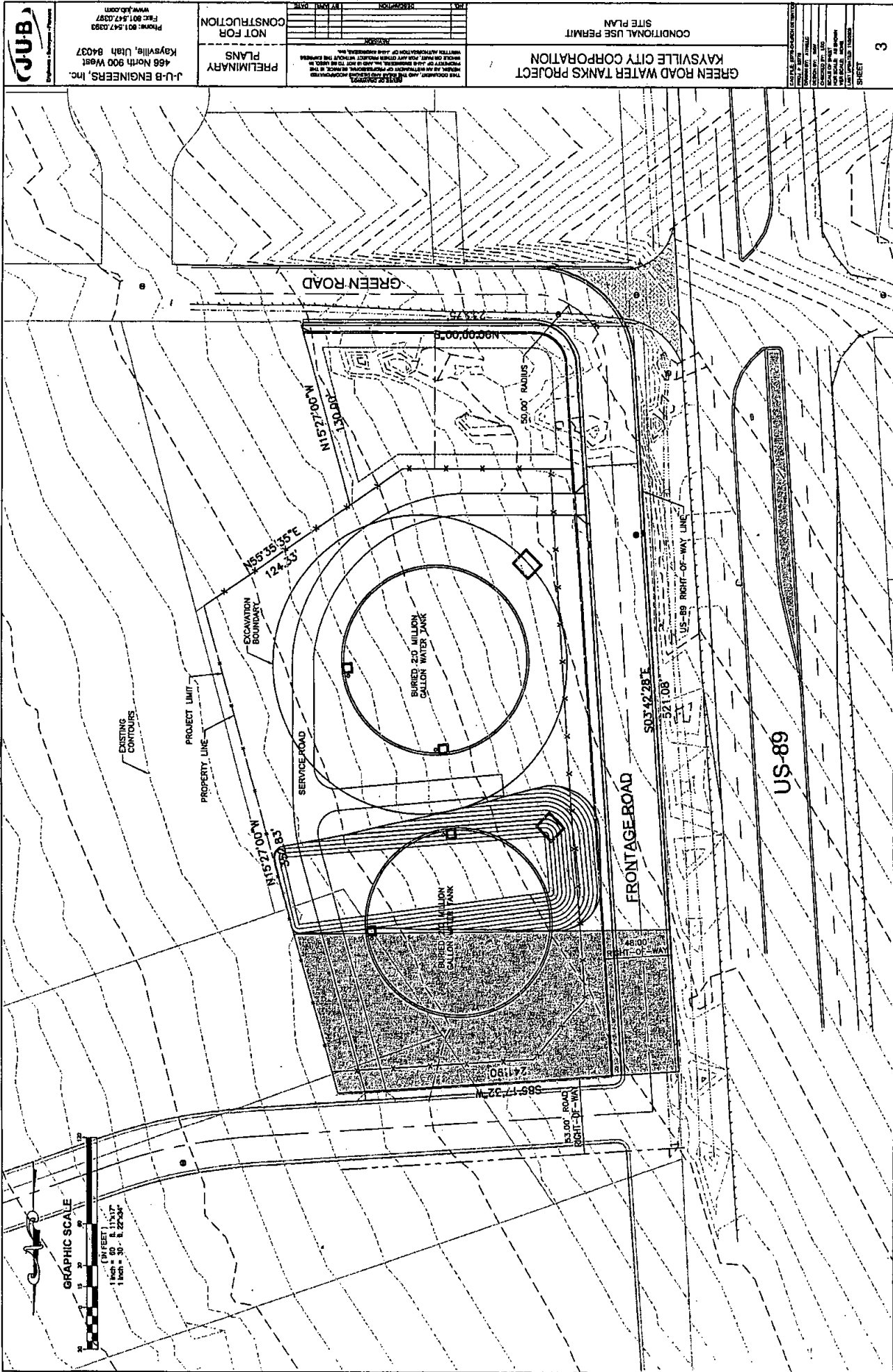


EXHIBIT A

	J-U-B ENGINEERS, Inc. 466 North 900 West Kaysville, Utah 84037 Phone: 801.547.0282 Fax: 801.547.0287 www.jub.com	PRELIMINARY PLANS NOT FOR CONSTRUCTION	THE COMPANY, AND THE ENGINEER, HEREBY ACKNOWLEDGE THAT THESE PLANS AND SPECIFICATIONS ARE PRELIMINARY AND ARE NOT TO BE USED FOR ANY OTHER PROJECT, AND THAT THE ENGINEER WILL BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THESE PLANS AND SPECIFICATIONS.	SITE PLAN CONDITIONAL USE PERMIT	GREEN ROAD WATER TANKS PROJECT KAYSVILLE CITY CORPORATION
	PREPARED BY: JUB CHECKED BY: JUB DATE: 11/11/17 SCALE: AS SHOWN SHEET NO. 885 OF 885		SHEET 3		