When Recorded Return to: Kern River Gas Transmission Company Land and Environment Department P.O. Box 71400 Salt Lake City, Utah 84171-0400

Ent 125360 N 296 P 1080
Date: 22-MAR-2012 11:54:24AM
Fee: \$25.00 Check
Filed By: CB
BRENDA NELSON, Recorder
MORGAN COUNTY
For: KERN RIVER GAS TRANSMISSION COM
PANY

AFFIDAVIT OF RIGHT-OF-WAY AND EASEMENT CENTERLINE DESCRIPTION

Kern River Gas Transmission Company, whose address is 2755 East Cottonwood Parkway, Suite 300, Salt Lake City, UT 84121, hereinafter referred to as "Affiant", is the Grantee of an Exclusive Right-of-Way and Easement Agreement identified as follows:

Grantors:

Lazy H Ranch, LLC

Dated:

June 22, 2010, recorded June 23, 2010, in Book 285, Page 478, in the public records of

Morgan County, Utah.

Location:

Land situated in Section 5, Township 2 North, Range 3 East, SLB&M, Morgan

County, Utah.

Whereas, Affiant surveyed the proposed pipeline location and easement description <u>before</u> construction (the "Initial Survey") and attached said survey and legal description to the Exclusive Right-of-Way and Easement Agreement described above, and,

Whereas, Affiant surveyed the actual pipeline location and easement description <u>after</u> construction (the "As-built Pipeline Survey").

Now therefore, for and in consideration of the mutual covenants, promises and agreements contained in said Exclusive Right-of-Way and Easement Agreement, Affiant does hereby replace and supersede the recorded Initial Survey, with the As-built Pipeline Survey, attached hereto as Exhibits "A" and "B."

To the extent that any discrepancy exists between the As-built Pipeline Survey and the actual location of the pipeline, the actual location of the pipeline shall govern, with the permanent right-of-way and easement running parallel to and extending 25 feet on each side of the actual location of the centerline of the pipeline as it is installed on Grantor's property. In all other respects, said Exclusive Right-of-Way and Easement Agreement remains unchanged.

Executed this 7th day of March, 2012.

Kern River Gas Transmission Company

By: Christopher D. Jorgensen

Its: Attorney-in-Fact

ACKNOWLEDGMENT-ATTORNEY-IN-FACT

STATE OF UTAH)
COUNTY OF SALT LAKE)

On the _______ day of March, 2012, Christopher D. Jorgensen personally appeared before me and being duly sworn, did say that he is the Attorney-in-fact for Kern River Gas Transmission Company, and that the above Affidavit of Right-of-Way and Easement Centerline Description was signed on behalf of Kern River Gas Transmission Company, and said Christopher D. Jorgensen acknowledged to me that he as such Attorney-in-fact executed the same.

Name & Title of Officer: WENDY L WHITE , Notary Public in and for the State of Utah
Printed Name

My commission expires: 07-12-2014

Windy JWhith
Signature: Notary Public

(SEAL)



Tract	Serial	Parcel
UT-MO-012.000	01-002-056	00-0000-1659
UT-MO-013.001	01-002-056	00-0000-1659

EXHIBIT "A" - AS-BUILT PLAT SOUTHEAST CORNER SOUTHWEST CORNER, MORGAN COUNTY, UTAH SECTION 31, T3N, R3E, SECTION 33, T3N, R3E, SLB&M: FOUND ORIG. SECTION 5, T2N, R3E, SLB&M SLB&M: FOUND ORIG. GLO STONE MON. GLO STONE MON S89°49'23"W 4,425.33 S89°31'08"W NORTHEAST 898.60 DETAIL LINE TABLE CORNER. NORTHWEST CORNER R3E, ORIG r corner, Tan, r3e, BEARING NE. LENGTH IINE SW SECTION 5, SECTION 5, T2N, SEC. 5 SEC. 33 NOO TOSTW 1,888.20" NOT TOSTWA 1,888.20" NO ANNAE NEULION SE SECULION 34" ILEN' KE SECUL S32°11'34"W L1 18.57 R3E, SLB&M FOUND GLO LOT 4 L2 128.34 S62°20'56"W 71.94 SLB&M STATE HWY MON. AT L3 35.35 N87°53'30"W FOUND GLO C.C. COR. LOT 5 N60°13'12"W MON. AT 49,20 14 S89°31'08"M CLOSING L5 231.81 N48°05'40"W CORNER NW L6 129.67 N55°40'32"W SEC. 5 N70°49'25"W 382.47 L7 LEGEND L8 289.33 N72°10'07°W SALT LAKE BASE & MERIDIAN SLB&M WITNESS CORNER
TO NORTHWEST COR.,
SECTION 5, T2N, R3E,
SLB&M; FOUND ORIG.
SLB&M; FOUND ORIG.
GLO STONE MON. L9 518.44 N80°26'43"W GOVERNMENT LAND OFFICE N.T.S. GLO 90.80.00N S55°34'36"W L10 80.26 POINT OF COMMENCEMENT P.O.C. N83°57'58"W 169.90 POINT OF BEGINNING POINT OF TERMINATION 111 P.O.B. N88°13'51"W L12 177.99 POT REBAR AND CAP RB/CAP \$80°49'11"W L13 183.40 S72°15'09"W 134.69 N80°20'36"W 174.63 L17 L14 279.63 S62°24'37"W L18 40.02 N73°54'51"W L15 LOT 12 N55°31'21"W S70°57'19"W 11.45 L19 L16 113.95 UT-MO-013.001 LAZY H RANCH LLC 50' WIDE EASEMENT UT-MO-010.000, -011.000, & -011.001 STATE HWY 66 P.O.7 STATE OF UTAH, DEPT. OF NATURAL RESOURCES, DIVISION OF WILDLIFE RESOURCES UT-MO-013.000 DESC. #2 YOUNG AUTOMOTIVE GROUP, INC UT-MO-012.000 L14 L13 L12 L11 P.O.T. P.O.B. MICHAEL ELLERBECK, ET AL NO1°40'49"W 1,758.30" DESC. #1 LO DESC. #2 50' WIDE AS-BUILT CENTERLINE EASEMENT 1.19-DETAIL SEE RS #391 STATE HWY 66 ROW FOUND MT. ENG. DESC. #1 FOUND RB/CAP (SEE FILED ±|18' DOMINION SURVEY #462) FENCE (UT-MO-012.000) RB/ÇAP 60.21 EAST DISTANCE ACROSS P.O.C. DESC. #
TZN, R3E, SL
(#3080) ADJA 21.98 N86°10'49"W 56.56' 733,13' PROPERTY: 3,137.65 FEET 39. P.O.C. DESC. 1/4 CORNER, R3E, SLB&M; GLO STONE A AREA OF 50' WIDE ESC. #1: EAST 1/4 CORNER, SECTIO 3E, SLB&M; FOUND MANNING RB/CA) ADJACENT TO ORIG. STONE MON. PERMANENT EASEMENT WEST 77.56' 3.60 ACRES **FOUND** MANNING C. #2: WEST R, SEC. 5, T2N, R; FOUND ORIG. E MON. P.O.B. DESC. #2 RB/CAP DESC. #1 Ş (SEE FILED (UT-MO-013.001) SURVEY DISTANCE ACROSS #449) 8 PROPERTY: 1,106.49 FEET 3.90.80.00A SOUTHWEST CORNER, SECTION 5, 12N, R3E, SLB&M; FOUND ORIG.
GLO STONE MON. AREA OF 50' WIDE SEE RS #462 FOUND MT. ENG. PERMANENT EASEMENT: RB/CAP (SEE FILED IG REVCAP 1.27 ACRES SURVEY #462) 3,384.38 TOTAL DISTANCE:4,247.12 TOTAL AREA: 4.87 ACRES N.T.S SOUTHEAST CORNER, SECTION 5, T2N, R3E, S86°04'44"W 1,456.29" N86°04'44"E 5, 131.34" SLB&M; FOUND MANNING RB/CAP (#3080) 715.66 ADJACENT TO ORIG. STONE MON. I, BRENT E. CHRISTENSEN DO HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY DIRECTION AND THAT THIS PLAT CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF THE SURVEY. THIS EASEMENT PLAT AND ACCOMPANYING DESCRIPTION WERE PREPARED ACCORDING TO INFORMATION REPORTED ON A LIMITED TITLE CERTIFICATE AND VESTING DEED DOCUMENT PROVIDED TO THE UNDERSIGNED SURVEYOR BY OTHERS. 2. ALL BEARINGS AND DISTANCES CONTAINED HEREIN ARE GRID, ASSED ON THE UTAH COORDINATE SYSTEM OF 1983, UTAH CENTRAL ZONE, US SURVEY FEET, AS DERIVED FROM A GLOBAL POSITIONING SURVEY PERFORMED BY UNIVERSAL PEGASUS INTERNATIONAL. IN 2009 (COMBINED SCALE FACTOR . 0.99983). TO OBTAIN THE ORIGINAL BASIS OF BEARINGS OF THE ROSE-CHARD PROPERTY LINES AS SURVEYED BY MOUNTAIN ENGINEERING CIRCA NOVEMBER, 2003, (SEE FILED SURVEY MAS). ROTATE THE BEARINGS ON THIS PLAT IN THE COUNTERCLOCKWISE DIRECTION 00°045°. TO OBTAIN THE ORIGINAL BASIS OF BEARINGS OF THE YOUNG AUTOMOTIVE GROUP INC. PROPERTY LINES AS SURVEYED BY MOUNTAIN ENGINEERING CIRCA OCTOBER, 2000, (SEE FILED SURVEY MS). ROTATE THE BEARINGS ON THIS PLAT IN THE COUNTERCLOCKWISE DIRECTION 0°00612°. 3.6.12 NO. 4854808 CHRISTENSE 3. SURVEY OF AS-BUILT PIPELINE PERFORMED 10/2010 - 10/2011. 800' 400' **Universal**Pegasus ONAL LAND SURVEYOR INTERNATIONAL UTAH REGISTRATION NO. 4854808 EASEMENT PLAT DATE BY CHKD DATE REVISIONS 50' WIDE PERMANENT EASEMENT & UPDATED PER AS-BUILT SURVEY BEC DRAWN: BEÇ 2/24/2010 RIGHT-OF-WAY UPON THE PROPERTY OF EXPANSION DESIGNED: LAZY H RANCH LLC CHECKED MORGAN COUNTY, UTAH
ERI 125360 BK 0296 PI VING 42-LAZY-H-RANCH APP'D: JOB NO: 17180

EXHIBIT "B" – AS-BUILT DESCRIPTION

APEX EXPANSION PROJECT KERN RIVER TRACT NOS. UT-MO-012.000 & UT-MO-013.001 LAZY H RANCH LLC MORGAN COUNTY, UTAH

<u>DESCRIPTION OF A FIFTY (50) FOOT WIDE</u> <u>PERMANENT EASEMENT AND RIGHT-OF-WAY UPON THE PROPERTY OF LAZY H RANCH LLC</u>

Description of a fifty (50) foot wide permanent easement and right-of-way situated in Section 5, Township 2 North, Range 3 East, Salt Lake Base and Meridian, Morgan County, Utah, said fifty (50) foot wide permanent easement and right-of-way being situated twenty five (25) feet on each side of the herein described as-built centerline, said as-built centerline being more particularly described as follows with all bearings and distances herein being grid based upon the Utah Coordinate System of 1983, Central Zone (U.S. Survey Feet). Combined scale factor: 0.999832;

DESCRIPTION NO. 1 (UT-MO-012.000):

COMMENCING at a found rebar and cap survey marker set by J. Russell Manning adjacent to an original Government Land Office stone monument for the east one-quarter corner of Section 5, Township 2 North, Range 3 East, Salt Lake Base and Meridian (see filed record of survey number 449), from said east one-quarter corner a found rebar and cap survey marker set by J. Russell Manning adjacent to an original Government Land Office stone monument for the southeast corner of Section 5 bears South 00°59'23" East 2,089.22 feet, in conformance with the Utah Coordinate System of 1983. Central Zone:

THENCE North 00°08'06" East 851.08 feet along the section line and West 77.56 feet to a point on the westerly line of the Rose/Chard property, said point being the TRUE POINT OF BEGINNING of the herein described as-built centerline; from said true point of beginning a found rebar and cap survey marker set by William L. Holyoak, RLS #167461 (Mountain Engineering), in conjunction with that certain survey performed at the request of Gerald A. Rose circa November, 2003, and filed in the office of the Morgan County recorder as record of survey filing number 462, bears South 01°02'49" East 67.00 feet along the westerly line of the Rose/Chard property;

AND RUNNING THENCE across a portion of the above referenced tract of land the following bearings and distances:

THENCE South 32°11'34" West 18.57 feet; THENCE South 62°20'56" West 128.34 feet; THENCE North 87°53'30" West 35.35 feet; THENCE North 60°13'12" West 49.20 feet; THENCE North 48°05'40" West 231.81 feet; THENCE North 55°40'32" West 129.67 feet; THENCE North 70°49'25" West 382.47 feet; THENCE North 72°10'07" West 289.33 feet; THENCE North 80°26'43" West 518.44 feet; THENCE South 55°34'36" West 80.26 feet; THENCE North 83°57'58" West 169.90 feet; THENCE North 88°13'51" West 177.99 feet; THENCE South 80°49'11" West 183.40 feet; THENCE South 72°15'09" West 174.63 feet; THENCE South 62°24'37" West 279.63 feet; THENCE South 70°57'19" West 113.95 feet; THENCE North 80°20'36" West 134.69 feet; THENCE North 73°54'51" West 40.02 feet to a point on the easterly line of the Young Automotive Group Inc. property, AND TERMINATING.

From said point of termination the original Government Land Office stone monument for the southwest corner of said Section 5 bears South 01°16'45" East 3,384.38 feet along the easterly line of said Young Automotive Group, Inc. property to the section line and South 86°04'44" West 2,171.95 feet along the section line. The right-of-way boundary lines of said fifty (50) foot wide permanent easement and right-of-way shall be shortened and lengthened at their extremities so as to conform to the property lines of

PAGE 1 OF 2 Rev. A (As-Built) **UPI JOB NO. 17180**

APEX EXPANSION PROJECT KERN RIVER TRACT NOS. UT-MO-012.000 & UT-MO-013.001 LAZY H RANCH, LLC MORGAN COUNTY, UTAH

the above referenced tract of land thereby providing for a continuous fifty (50) foot wide permanent easement and right-of-way width.

DESCRIPTION NO. 2 (UT-MO-013.001):

COMMENCING at the original Government Land Office (GLO) stone monument for the west one-quarter corner of Section 5, Township 2 North, Range 3 East, Salt Lake Base and Meridian, from said monument the original GLO stone monument for the southwest corner of said Section 5 bears South 01°41'54" East 2,467.76 feet, in conformance with the Utah Coordinate System of 1983, Central Zone;

THENCE East 733.13 feet to a point on the westerly line of the Young Automotive Group, Inc. property and North 01°16'45" West 957.09 feet along said westerly line to the TRUE POINT OF BEGINNING of the herein described as-built centerline;

AND RUNNING THENCE across a portion of the above referenced tract of land the following bearing and distance:

THENCE North 55°31'21" West 11.45 feet; THENCE North 43°30'28" West 1,095.04 feet to the section line, AND TERMINATING.

From said point of termination the original Government Land Office stone monument for the witness corner to the northwest corner of said Section 5 bears North 01°40'49" West 940.05 feet along the section line. The right-of-way boundary lines of said fifty (50) foot wide permanent easement and right-of-way shall be shortened and lengthened at their extremities so as to conform to the property lines of the above referenced tract of land thereby providing for a continuous fifty (50) foot wide permanent easement and right-of-way width.

Brent E. Christensen

Professional Land Surveyor Utah Registration No. 4854808

3.6.2012

Date:



SEAL

If this description and accompanying plat are not sealed with the stamped seal of the registered professional land surveyor, whose signature appears above, it should be considered as a copy and not the original.

PAGE 2 OF 2 Rev. A (As-Built) **UPI JOB NO. 17180**