

**EASEMENT AGREEMENT**

H Gary Niederhauser & Geraldine J Niederhauser, Trustees of the H Gary Niederhauser Family Revocable Trust, dated May 23, 2000 ("Grantor"), in consideration of the mutual covenants set forth herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, hereby conveys and warrants against all claiming by, through or under Grantor, to the CITY OF LOGAN, a municipal corporation of the State of Utah ("Grantee"), a perpetual public utility easement and right of way upon, under, across and through a ten foot (10') wide strip of land ("Easement Area"), which Easement Area is more particularly described on Exhibit A attached hereto, for the purpose of installing, constructing, maintaining, repairing and replacing thereon, public utility infrastructure, facilities, and systems.

Grantee shall have all rights of ingress and egress reasonably necessary or convenient for the full and complete use, occupation, and enjoyment of the easement granted hereby, and all rights and privileges incident thereto.

Grantee hereby covenants and agrees that, upon the exercise of any of its rights hereunder, Grantee will restore the Easement Area to substantially the same condition as existed immediately prior to Grantee's exercise of such rights, including, without limitation, backfilling and compaction of any excavation areas, and the reasonable repair of any landscaping or surface improvements damaged as a result of Grantee's exercise of such rights.

IN WITNESS WHEREOF, Grantor and Grantee have executed this Easement Agreement as of this 25<sup>th</sup> day of September, 2006.

**GRANTOR**

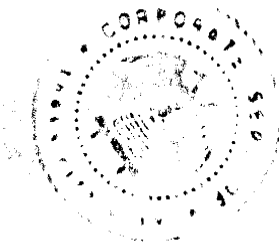
Signature: H. Gary Niederhauser Trustee  
Name: H. Gary Niederhauser

Signature: Geraldine J. Niederhauser  
Name: Geraldine J. Niederhauser

**GRANTEE**

CITY OF LOGAN, a municipal corporation of the State of Utah

Signature: Randy Watts  
Name: RANDY WATTS  
Title: MAYOR



Attest:

By: Lisa Price  
Name: Lisa Price  
Title: City Recorder

Ent 928233 Bk 1430 Pg 1407  
Date 12-Oct-2006 10:34AM Fee \$0.00  
Michael Gleed, Rec. - Filed By SP  
Cache County, UT  
For CITY OF LOGAN

TRUSTEE ACKNOWLEDGMENT

STATE OF UTAH }  
                              SS  
County of CACHE }

On this 25th day of September A.D.2006, personally appeared before me,

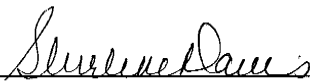
H. GARY NIEDERHAUSER and GERALDINE J. NIEDERHAUSER

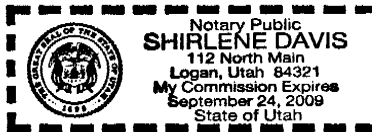
known to me to be the Trustee(s) of the

H. GARY NIEDERHAUSER FAMILY REVOCABLE TRUST dated May 23, 2000

and the Trustee(s) who subscribed the said Trust name to the foregoing instrument, acknowledged to me that he/she/they executed the same in said Trust name, and that said Trust executed the same.

Commission expires: 9/24/2009  
Residing in: Logan, Utah

  
\_\_\_\_\_  
Notary Public



Ent 928233 Bk 1430 Pg 1408

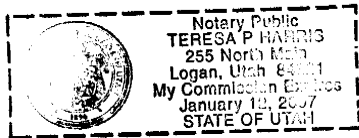
STATE OF UTAH \_\_\_\_\_ )  
:ss.  
COUNTY OF Cache )

On the 10 day of October, 2006, personally appeared before me Mayor Rony Writts and \_\_\_\_\_,  personally known to me or  proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s) or entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Teresa P. Harris  
NOTARY PUBLIC  
Residing at: Logan, Utah.

My Commission Expires:  
1/12/07

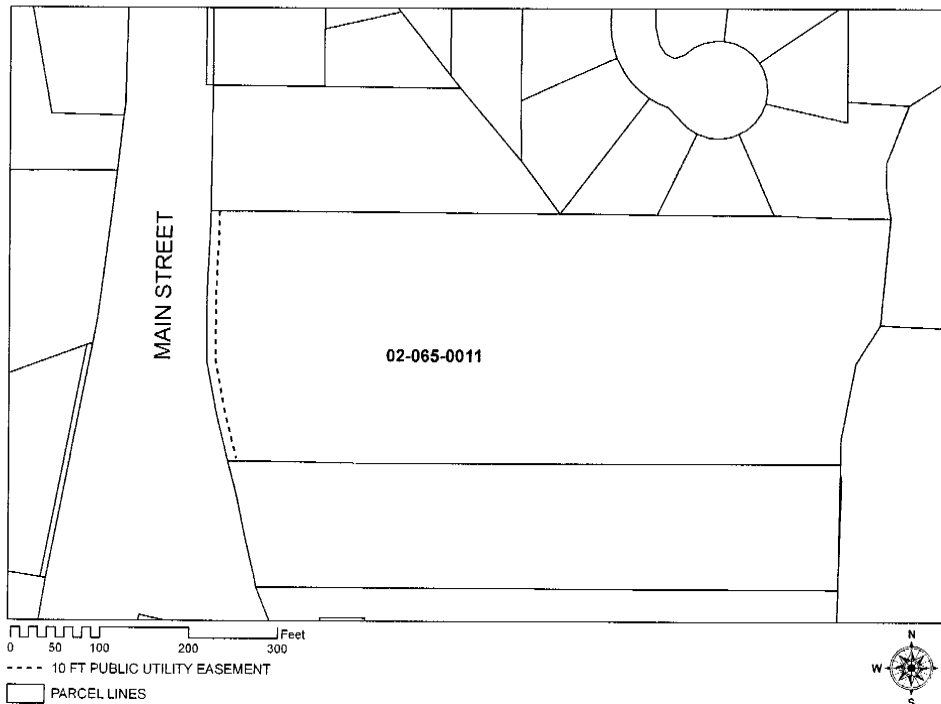


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**EXHIBIT A**

A TEN FOOT WIDE STRIP OF LAND RUNNING ALONG AND PARALLEL TO THE WEST PROPERTY LINE OF PROPERTY PARCEL # 02-065-0011, WHICH EASEMENT AREA CAN BE DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT EAST 8.5 FEET, SOUTH 01°30' WEST 21.68 CHAINS, AND WEST 8 CHAINS FROM THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 11 NORTH, RANGE 1 EAST OF THE SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE SOUTH 89°26'43" EAST 10 FEET; THENCE SOUTH 01°12'43" WEST 101.90 FEET; THENCE 157.92 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 821.47 FEET, INCLUDED ANGLE OF 11°00'53" AND A LONG CHORD THAT BEARS SOUTH 04°17'44" EAST 157.68 FEET; THENCE SOUTH 89°45'36" WEST 10.14 FEET; THENCE 158.16 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 831.47 FEET, INCLUDED ANGLE OF 10°53'55" AND A LONG CHORD THAT BEARS NORTH 04°14'15" WEST, 157.92 FEET; THENCE NORTH 01°12'43" EAST 101.79 FEET TO THE POINT OF BEGINNING.



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