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KRR
AUGUST 28, 1998
98-145eas

7077325
09/03/98 12:30 PM 26.00
NANCY WORKMAN
RECORDER, SALT LAKE COUNTY, UTAH
RUEL J ALDER
7120 RODE CANYON RD
HERRIMAN UT 84065
REC BY:V ASHBY
DEPUTY - WI

EASEMENT AND RIGHT OF WAY AGREEMENT

This Right of Way Agreement is made the 1 day of Sept., 1998, by and between Dick Robert Andersen II and Nedra Ann Andersen, (herein Andersens); and Ruel J. Alder and Tamura R. Alder (herein Alders); and Gina L. Peterson and Brian R. Peterson (herein Petersons). For good and valuable consideration the adequacy of which is hereby acknowledged the parties hereto understand and agree that this agreement is made to amend and modify the previously made agreement, which has been recorded as Entry No. 6880496 on March 3, 1998 in the office of the Salt Lake County Recorder. The original agreement made between all of the parties contained within this agreement is as follows:

1. The Andersens are the owners of the following described property located in Salt Lake County, Utah :

Beginning at a point North 89°54'47" East 516.250 feet and North 0°13'41" East 333.624 feet from the Southwest Corner of Section 3, Township 4 South, Range 2 West, Salt Lake Base and Meridian, and running thence North 0°13'41" East 318.180 feet; thence North 89°56'11" East 715.719 feet; thence South 0°07'31" West 318.178; thence South 89°56'11" West 716.290 feet to the point of beginning. (Salt Lake Tax Parcel Number 32-03-300-014.)

2. The Alders and Petersons are the respective owners of the following described properties located in Salt Lake County, Utah :

Owners

Salt Lake County Tax Parcel Number

Ruel J. Alder and Tamura R. Alder

32-03-300-015 - See Exhibit "A"

Gina L. Peterson and Brian R. Peterson

32-03-300-006 - See Exhibit "B"

3. The Andersens and the owners named above share, at least in part, the use of a common private road way commonly known as Sky Haven Circle which roadway is located in Salt Lake County, Utah and is more particularly described in part as follows: (herein referred to as the private road):

BK 8085 PG 1669

PRIVATE ROAD DESCRIPTION

Beginning at a point which is North 89°54'47" East 528.25 feet from the Southwest Corner of Section 3, Township 4 South, Range 2 West, Salt Lake Base and Meridian and running;

thence North 0°13'41" East 1385.86 feet to the beginning of a 25.00 foot radius curve to the left, (chord bears North 19°26'39" West 16.83 feet);

thence Northwesterly along the arc of said curve 17.17 feet to the beginning of a 50.00 foot radius curve to the right (chord bears South 89°46'19" 77.33 feet); thence along the arc of said curve 225.75 feet to the beginning of a 25.00 foot radius curve to the left (chord bears South 19°54'04" West 16.83 feet); thence Southwesterly along the arc of said curve 17.17 feet; thence South 0°13'41" West 1335.50 feet; thence North 89°54'47" East 580.838 feet; thence South 20°00'00" West 53.24 feet; thence South 89°54'47" West 628.828 feet to the point of beginning.

4. Each of the undersigned parties acknowledges the other parties to use said private Road for access, ingress, egress and public utilities and desire to put said agreement in writing
5. NOW, THEREFORE, in consideration of the premises, each of the undersigned does hereby grant to each of the other parties hereto an easement and right of way of access, ingress, egress and public utilities over, under and across the private road as described above.
6. This Agreement shall be binding upon the heirs, successors and assigns of the respective parties.

BK8085PG1670

ATTACHMENT TO EASEMENT AND RIGHT OF WAY AGREEMENT

EXHIBIT "A" (Alder Parcel):

Beginning at a point North $89^{\circ}54'47''$ East 561.250 feet from the Southwest Corner of Section 3, Township 4 South, Range 2 West, Salt Lake Base and Meridian, and running; thence North $0^{\circ}13'41''$ East 333.624 feet; thence North $89^{\circ}56'11''$ East 716.29 feet; thence South $0^{\circ}07'31''$ West 90.053 feet; thence South $20^{\circ}00'00''$ West 259.031 feet; thence South $89^{\circ}54'47''$ West 628.828 feet to the point of beginning. (Salt Lake County Tax Parcel Number 32-03-300-015.)

EXHIBIT "B" (Peterson Parcel)

Beginning at the Southwest Corner of Section 3, Township 4 South, Range 2 West, Salt Lake Base and Meridian, and running; thence North $0^{\circ}13'41''$ East 390.028 feet; thence North $89^{\circ}56'11''$ East 561.25 feet; thence South $0^{\circ}13'41''$ West 389.80 feet; thence South $89^{\circ}54'47''$ West 561.25 feet to the point of beginning. (Salt Lake County Tax Parcel Number 32-03-300-006.)

BK8085PG1671

The amendment to this agreement shall remove completely the previous agreement and be binding upon the parties of this agreement and their heirs, successors and assigns. The parties agree and amend the agreement as follows:

EASEMENT AND RIGHT OF WAY AGREEMENT

This Right of Way Agreement is made the ___ day of _____, 1998, by and between Dick Robert Andersen II and Nedra Ann Andersen, (herein Andersens); and Ruel J. Alder and Tamura R. Alder (herein Alders); and Gina L. Peterson and Brian R. Peterson (herein Petersons). For good and valuable consideration the adequacy of which is hereby acknowledged the parties hereto understand and agree that this agreement is made to amend and modify the previously made agreement, which has been recorded as Entry No. 6880496 on March 3, 1998 in the office of the Salt Lake County Recorder. The original agreement made between all of the parties contained within this agreement is as follows:

- 4. The Andersens are the owners of the following described property located in Salt Lake County, Utah :

Beginning at a point North 89°54'47" East 516.250 feet and North 0°13'41" East 333.624 feet from the Southwest Corner of Section 3, Township 4 South, Range 2 West, Salt Lake Base and Meridian, and running thence North 0°13'41" East 318.180 feet; thence North 89°56'11" East 715.719 feet; thence South 0°07'31" West 318.178; thence South 89°56'11" West 716.290 feet to the point of beginning. (Salt Lake Tax Parcel Number 32-03-300-014.)

- 5. The Alders and Petersons are the respective owners of the following described properties located in Salt Lake County, Utah :

Owners

Salt Lake County Tax Parcel Number

Ruel J. Alder and Tamura R. Alder

32-03-300-015 - See Exhibit "A"

Gina L. Peterson and Brian R. Peterson

32-03-300-006 - See Exhibit "B"

- 6. The Andersens and the owners named above share, at least in part, the use of a common private road way commonly known as Sky Haven Circle which roadway is located in Salt Lake County, Utah and is more particularly described in part as follows: (herein referred to as the private road):

BK8085PG1672

Easement for Sky Haven Circle
(Private Drive)

Beginning at a point on the south line of Section 3, said point being North 89°54'47" East 525.25 feet along the Section line from the Southwest Corner of said Section 3, Township 4 South, Range 2 West, Salt Lake Base and Meridian and running;

thence North 0°13'41" East 389.81 feet to the north line of the Petersen Parcel, also known as Lot 10 in a certain unrecorded plat completed in March of 1975 by Ron Hiatt & Associates;

thence North 89°56'11" East 33.00 feet along the north line to the Northeast Corner of said Lot 10, said point also being the Southwest Corner of Lot 12 of said unrecorded subdivision;

thence North 0°13'41" East 262.00 feet along the west line to the Northwest Corner of said Lot 12;

thence North 89°56'11" East 33.00 feet along the north line of said Lot 12;

thence South 0°13'41" t 618.79 feet to a point 33.00 feet north of the section line;

thence North 89°54'47" East 607.71 feet along a line 33.00 feet north of and parallel to the section line to the northwesterly line of Rose Canyon Road, said point also being on the east line of Lot 11 of the said unrecorded subdivision;

thence South 20°00'00" West 35.13 feet along the said northwesterly right-of-way line of Rose Canyon Road and the east line of said Lot 11 to the Southeast Corner of said Lot 11, said point also being on the section line;

thence South 89°54'47" West 661.83 feet along the south line of Lot 11 to and along the south line of Lot 12 of the said unrecorded subdivision and also being on the section line to the point of beginning.

Dick Robert Andersen II
Dick Robert Andersen II

Nedra Ann Andersen
Nedra Ann Andersen

Ruel J. Alder
Ruel J. Alder

Tamura R. Alder
Tamura R. Alder

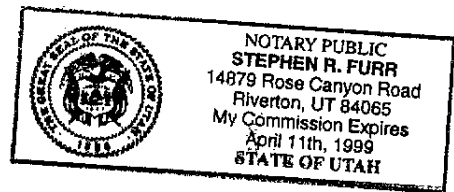
Gina L. Peterson
Gina L. Peterson

Brian R. Peterson
Brian R. Peterson

BK 8085 PG 1673

State of Utah)
:
County of Salt Lake)

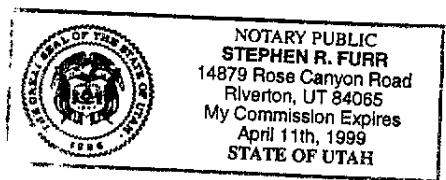
The foregoing instrument was acknowledged before me this 1st day of Sept., 1998
by Dick Robert Andersen II and Nedra Ann Andersen.



Stephen R. Furr
NOTARY PUBLIC

State of Utah)
:
County of Salt Lake)

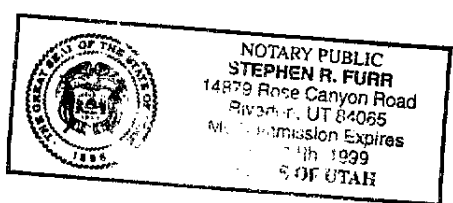
The foregoing instrument was acknowledged before me this 1st day of Sept., 1998
by Ruel J Alder and Tamura R. Alder.



Stephen R. Furr
NOTARY PUBLIC

State of Utah)
:
County of Salt Lake)

The foregoing instrument was acknowledged before me this 1st day of Sept., 1998
by Gina L. Peterson and Brian R. Peterson.



Stephen R. Furr
NOTARY PUBLIC

BK8085PG1674

ATTACHMENT TO EASEMENT AND RIGHT OF WAY AGREEMENT
(WEST)

EXHIBIT "A" (Alder Parcel):

Beginning at a point North 89°54'47" East 561.250 feet from the Southwest Corner of Section 3, Township 4 South, Range 2 West, Salt Lake Base and Meridian, and running; thence North 0°13'41" East 333.624 feet; thence North 89°56'11" East 716.29 feet; thence South 0°07'31" West 90.053 feet; thence South 20°00'00" West 259.031 feet; thence South 89°54'47" West 628.828 feet to the point of beginning. (Salt Lake County Tax Parcel Number 32-03-300-015.)

EXHIBIT "B" (Peterson Parcel)

Beginning at the Southwest Corner of Section 3, Township 4 South, Range 2 West, Salt Lake Base and Meridian, and running; thence North 0°13'41" East 390.028 feet; thence North 89°56'11" East 561.25 feet; thence South 0°13'41" West 389.80 feet; thence South 89°54'47" West 561.25 feet to the point of beginning. (Salt Lake County Tax Parcel Number 32-03-300-006.)