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Mary Ann Trussell, Summit County Utah Recorder

10/23/2017 11:32:14 AM Fee \$30.00

By Snell & Wilmer LLP

Electronically Recorded

**WHEN RECORDED, RETURN TO:**

**SNELL & WILMER L.L.P.**

Attn: Wade R. Budge

15 West South Temple, Suite 1200

Salt Lake City, UT 84101

Affects Summit County Parcel Nos: CD-417-418,

SAGE-AGR-1,

SAGE-AGR-2

Affects Wasatch County Parcel Nos: 00-0020-7812,

90-0000-3116

Tuhaye Park Drive,

Ridgeway Drive

**DECLARATION OF EMERGENCY ACCESS EASEMENT**

[Tuhaye Summit County Land]

**THIS DECLARATION OF EMERGENCY ACCESS EASEMENT (“Declaration”)** is made as of this 19<sup>th</sup> day of October, 2017 (the “Effective Date”), by **REDUS Park City LLC**, a Delaware liability company (“Declarant”).

A. Declarant owns certain real property located in Summit County, State of Utah, more particularly described on **Exhibit A** (the “Benefitted Property”), as well as certain real property located in Wasatch County, State of Utah, (the “Tuhaye Wasatch Property”).

B. Located on the Tuhaye Wasatch Property are two private roads known as “Tuhaye Park Drive” and “Ridgeway Drive” and a certain open space lot known as “Lot RW-OS-2” of the Tuhaye Ridgeway Drive Phase B Amended Subdivision, according to the official plat filed March 11, 2008 as Entry No. 333065 in the Office of the Wasatch County Recorder.

C. Portions of the Tuhaye Park Drive, Ridgeway Drive, and Lot RW-OS-2 are sometimes collectively referred to herein as the “Burdened Property”.

D. This Declaration is executed for purposes of creating, declaring, and granting an access easement over the Burdened Property for the benefit of the Benefitted Property.

**NOW, THEREFORE**, Declarant executes and shall cause to be recorded in the Summit County Recorder’s Office, Utah, and the Wasatch County Recorder’s Office, Utah, this Declaration, and hereby declares and states as follows:

1. **Incorporation.** The recitals set forth above are incorporated in this Declaration as if fully set forth in the body of this Declaration.

2. **Easement.** Declarant hereby creates, declares, and grants for the benefit of the Benefitted Property a perpetual, non-exclusive, and continuous easement and right-of-way appurtenant to the Benefitted Property (the “Access Easement”) over portions of (a) Tuhaye Park Drive and Ridgeway Drive, private roads located in Wasatch County, as more particularly described on **Exhibit B** and depicted on **Exhibit C-1** (the “Road Easement Area”), and (b) Lot RW-OS-2, as more particularly described on **Exhibit B** and depicted on **Exhibit C-2** (the “Lot Easement Area”). A portion of the Road Easement Area is also located on the dedicated public right-of-way known as “Longview Drive”. The Road

**"Easement Area"**. The purpose of the Access Easement is to provide emergency vehicular and pedestrian ingress and egress to and from the Benefitted Property. The Benefitted Property owner may, but shall not be required to, install and maintain road improvements on the Lot Easement Area, at the Benefitted Property owner's cost and expense.

3. **Relocation**. The owner of the Burdened Property, or any portion thereof, may relocate the Easement Area, at such Burdened Property owner's cost and expense, so long as the relocation does not interfere materially with the purposes of the above-described Access Easement.

4. **No Interference; Use**. Except to the extent reasonably necessary (on a temporary basis) for reasonable construction, for repair and maintenance, for traffic regulation and control, or to prevent a public dedication or the accrual of any rights to the public, and except for the security gate located on and controlling access to Tuhaye Park Drive, no fence, gate, wall, barricade, or other obstruction, whether temporary or permanent in nature, which limits or impairs the free and unimpeded use of the Access Easement shall be constructed or erected, nor shall any party in any other manner obstruct or interfere with the use of such right-of-way and easement.

5. **Rights Run With The Land**. All provisions of this Declaration, including the benefits and burdens, shall run with the land and are binding upon and shall inure to the benefit of the successors-in-title of the owner(s) of the Benefitted Property and Burdened Property.

6. **No Public Dedication/No Third Party Beneficiaries**. The provisions of this Declaration are not intended to and do not constitute a dedication for public use of the Access Easement, and the rights herein created are for private use of the Benefitted Property, and no other. This Declaration is not intended to confer benefits other than on the owners of the Benefitted Property defined herein.

7. **Miscellaneous**. If any term, provision or condition contained in this Declaration shall to any extent be deemed invalid or unenforceable, the remainder of the Declaration shall not be affected thereby, and each remaining term, provision and condition of this Declaration shall be valid and enforceable to the fullest extent permitted by law. This Declaration shall be governed by the laws of the State of Utah, without giving effect to its conflict of laws principles. All references in this Declaration to exhibits shall, unless otherwise expressly provided, be deemed to be references to the exhibits attached to this Declaration. All such exhibits attached hereto are incorporated into this Declaration as though fully set forth herein. No modification, waiver, or amendment of any provision of this Declaration shall be made except by a written agreement signed by the owner(s) of the Benefitted Property and Burdened Property, or their respective successors-in-title, and recorded in the official records of Wasatch County and Summit County.

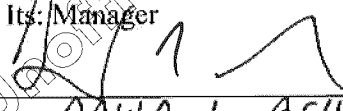
*[Remainder of page intentionally blank]*

IN WITNESS WHEREOF, Declarant has executed this Declaration as of the day and year first above written.

**DECLARANT:**

**REDUS PARK CITY LLC,**  
a Delaware limited liability company

By: REDUS PROPERTIES, INC.,  
a Delaware corporation  
Its: Manager

By:   
Name: DAVID L. ASH  
Title: SVP

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA )  
COUNTY OF SAN FRANCISCO )

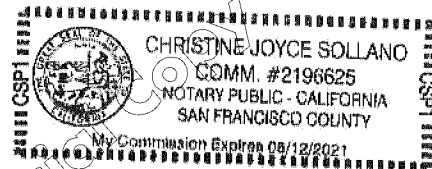
On 10/19/2017 before me, CHRISTINE JOYCE SOLLANO, NOTARY PUBLIC  
(insert name and title of the officer)

personally appeared DAVID LOWELL ASH, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signatures on the instrument the person or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature:  (Seal)



**EXHIBIT A**  
**(Legal Description of the Benefitted Property)**

BEGINNING AT A POINT ON THE WEST LINE OF SECTION 22, TOWNSHIP 2 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN, SAID POINT BEING 405.20 FEET NORTH 00°04'35" EAST FROM THE WEST QUARTER CORNER OF SAID SECTION 22, THENCE NORTH 00°04'35" EAST 292.74 FEET TO A POINT ON THE SOUTH RIGHT OF WAY OF HIGHWAY 248; THENCE ALONG SAID SOUTH RIGHT OF WAY THE FOLLOW FOUR (4) COURSES; (1) NORTH 87°12'07" EAST 2389.47 FEET; (2) NORTH 87°09'32" EAST 999.75 FEET; (3) SOUTH 85°08'32" EAST 303.88 FEET; (4) NORTH 87°11'05" EAST 206.10 FEET; THENCE SOUTH 00°33'40" EAST 549.96 FEET; THENCE SOUTH 84°44'35" EAST 1422.44 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 22 AND A POINT ON THE WEST LINE OF SAGE CREEK RANCHES SUBDIVISION ON FILE IN THE OFFICE OF THE SUMMIT COUNTY RECORDER AS ENTRY NUMBER 425115; THENCE ALONG THE WEST LINE OF SAID SECTION 22 AND SAID SUBDIVISION SOUTH 00°05'17" WEST 668.56 FEET TO A POINT ON THE SOUTH LINE OF SAID SUBDIVISION; THENCE ALONG SAID SOUTH LINE THE FOLLOWING NINE (9) COURSES; (1) SOUTH 89°51'56" EAST 1373.63 FEET; (2) SOUTH 00°59'45" WEST 890.34 FEET; (3) SOUTH 89°51'56" EAST 1348.76 FEET; (4) NORTH 00°36'39" EAST 124.24 FEET; (5) SOUTH 89°28'01" EAST 890.90 FEET; (6) NORTH 00°31'59" EAST 217.85 FEET; (7) SOUTH 89°28'01" EAST 865.33 FEET; (8) NORTH 00°31'59" EAST 338.82 FEET; (9) SOUTH 89°28'01" EAST 885.95 FEET TO A POINT ON THE EAST LINE OF SECTION 23, TOWNSHIP 2 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 00°01'19" WEST 1035.19 FEET ALONG SAID EAST LINE; THENCE NORTH 89°19'18" WEST 705.65 FEET; THENCE SOUTH 00°01'28" WEST 705.71 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 23; THENCE NORTH 89°18'58" WEST 1952.74 FEET ALONG SAID SOUTH LINE TO THE SOUTH QUARTER CORNER OF SAID SECTION 23; THENCE SOUTH 89°16'21" WEST 13.71 FEET ALONG THE SAID SOUTH LINE OF SECTION 23 TO A POINT ON THE SUMMIT AND WASATCH COUNTY LINE SAID POINT ALSO BEING ON THE NORTH LINE OF THE TUHAYE RIDGEWAY DRIVE PHASE B SUBDIVISION PLAT ON FILE IN THE OFFICE OF THE WASATCH COUNTY RECORDER AS ENTRY NUMBER 291790; THENCE ALONG THE SUMMIT WASATCH COUNTY LINE AND THE NORTH LINE OF SAID SUBDIVISION THE FOLLOWING FOUR (4) COURSES; (1) NORTH 85°24'35" WEST 1081.40 FEET; (2) NORTH 56°38'53" WEST 1370.67 FEET; (3) NORTH 34°31'51" WEST 932.04 FEET; (4) NORTH 73°48'11" WEST 1785.51 FEET TO A POINT ON SAID COUNTY LINE AND THE NORTH LINE OF THE TUHAYE RIDGEWAY DRIVE PHASE A SUBDIVISION PLAT ON FILE IN THE OFFICE OF THE WASATCH COUNTY RECORDER AS ENTRY NUMBER 287405; THENCE ALONG SAID COUNTY LINE AND SAID NORTH THE FOLLOWING TWO (2) COURSES; (1) SOUTH 62°36'17" WEST 1097.81 FEET; (2) NORTH 76°40'02" WEST 771.20 FEET TO A POINT ON THE SAID COUNTY LINE AND THE NORTH LINE OF TUHAYE PHASE 1 SUBDIVISION THIRD AMENDED PLAT ON FILE IN THE OFFICE OF THE WASATCH COUNTY RECORDER AS ENTRY NUMBER 297718; THENCE ALONG SAID COUNTY LINE AND SAID NORTH LINE THREE (3) COURSES; (1) NORTH 18°38'50" WEST 524.54 FEET; (2) NORTH 66°54'43" WEST 1476.80 FEET; (3) NORTH 89°55'25" WEST 280.69 FEET TO A POINT ON THE WEST LINE OF SECTION 22 TOWNSHIP 2 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN AND THE POINT OF BEGINNING.

(Summit County Tax Serial No's. CD-417-418, SAGE-AGR-1, SAGE-AGR-2  
Wasatch County Tax Serial No's. OTS-2RWP2-0-022-025, STA-0391)

TOGETHER WITH ANY AND ALL APPURTENANT EASEMENTS,  
LESS AND EXCEPTING THE FOLLOWING 2 DESCRIPTIONS:

(EXCEPTION 1)

LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 2 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH IS NORTH 00°04'35" EAST 679.59 FEET AND SOUTH 89°55'25" EAST 1076.42 FEET FROM THE WEST QUARTER CORNER OF SAID SECTION 22; THENCE NORTH

87°03'20" EAST 25.00 FEET; THENCE SOUTH 02°56'40" EAST 15.00 FEET; THENCE SOUTH 87°03'20" WEST 25.00 FEET; THENCE NORTH 02°56'40" WEST 15.00 FEET TO THE POINT OF BEGINNING.

(EXCEPTION 2)

LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 2 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH IS NORTH 00°04'35" EAST 323.24 FEET AND SOUTH 89°55'25" EAST 965.67 FEET FROM THE WEST QUARTER CORNER OF SAID SECTION 22; THENCE NORTH 31°29'00" EAST 50.00 FEET; THENCE SOUTH 58°31'00" EAST 75.00 FEET; THENCE SOUTH 31°29'00" WEST 50.00 FEET; THENCE NORTH 58°31'00" WEST 75.00 FEET FROM THE POINT OF BEGINNING.

**EXHIBIT B**  
**(Legal Description of the Easement Area)**

**ROAD EASEMENT AREA:**

A PERMANENT AND PERPETUAL EMERGENCY VEHICLE ACCESS EASEMENT FOLLOWING THE CENTERLINE OF AND RIDGEWAY PARKWAY AND TUHAYE PARK DRIVE LOCATED IN THE SOUTH HALF AND THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 2 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN, WASATCH COUNTY, UTAH. SAID CENTERLINE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 22, THENCE SOUTH 00°06'36" WEST 611.44 FEET ALONG THE WEST LINE OF SECTION 22, THENCE EAST 3836.68 FEET TO A POINT ON THE CENTERLINE OF SAID RIDGEWAY PARKWAY AS SHOWN ON THE TUHAYE RIDGEWAY PHASE "B" AMENDED, ENTRY NUMBER 33065, FILED IN THE WASATCH COUNTY SURVEYOR'S OFFICE AND THE **POINT OF BEGINNING** OF A 50.00 FOOT WIDE EMERGENCY ACCESS EASEMENT, 25.00 FEET ON EACH SIDE OF CENTERLINE; THENCE WESTERLY 3967.4 FEET, MORE OR LESS, ALONG SAID ROADWAY CENTERLINE AS SHOWN ON TUHAYE RIDGEWAY PHASE "B" AMENDED, TUHAYE RIDGEWAY PHASE "A", ENTRY NUMBER 287405, AND TUHAYE PHASE 1 THIRD AMENDED, ENTRY NUMBER 297718, ALL FILED IN THE WASATCH COUNTY SURVEYOR'S OFFICE TO A POINT ON THE CENTERLINE OF SAID TUHAYE PARK DRIVE AND THE BEGINNING OF A 72.00 FOOT WIDE EMERGENCY VEHICLE ACCESS EASEMENT, 36.00 FEET ON EACH SIDE OF CENTERLINE; THENCE WESTERLY 995.2 FEET, MORE OR LESS, ALONG THE CENTERLINE OF SAID TUHAYE PARK DRIVE TO A POINT ON THE WEST LINE OF SAID TUHAYE PHASE 1; THENCE NORTHWESTERLY 718.0 FEET, MORE OR LESS, CONTINUING ALONG THE CENTERLINE OF SAID TUHAYE PARK DRIVE TO A POINT ON THE CENTERLINE OF LONGVIEW DRIVE; THENCE NORTHEASTERLY 212.6 FEET, MORE OR LESS, ALONG THE CENTERLINE OF SAID LONGVIEW DRIVE TO A POINT ON THE SOUTH LINE OF STATE HIGHWAY U-248 (aka U.S. ALT 189) AND THE POINT OF TERMINATION. SAID POINT OF TERMINATION BEING NORTH 23°54'45" WEST 747.2 FEET FROM THE WEST QUARTER CORNER OF SAID SECTION 22.

CONTAINS: 337,129 S.F. / 7.7 AC +/-

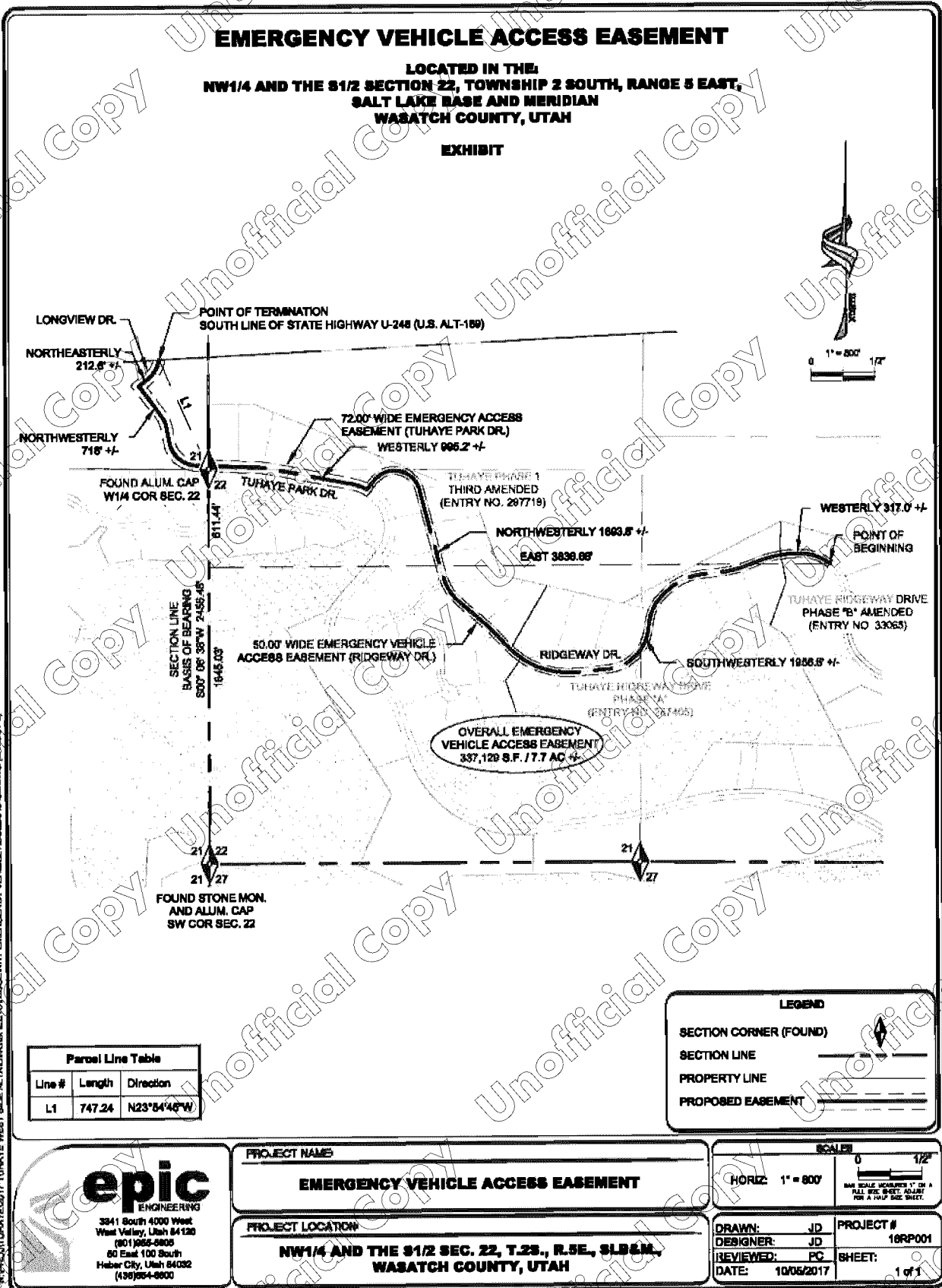
**LOT EASEMENT AREA:**

A 50.00 WIDE, EMERGENCY VEHICLE ACCESS EASEMENT, 25.00 FOOT ON EACH SIDE OF CENTERLINE, BEING A PORTION OF LOT RW-OS-2, RIDGEWAY DRIVE PHASE "B" AMENDED SUBDIVISION, ENTRY NUMBER 333065 RECORDED IN THE WASATCH COUNTY RECORDER'S OFFICE LOCATED IN THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 2 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN, HEBER CITY, WASATCH COUNTY, UTAH, THE CENTERLINE BEING MORE PARTICULARLY DESCRIBES AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 22, THENCE SOUTH 00°06'38" WEST 576.71 FEET ALONG THE WEST LINE OF SAID SECTION, THENCE EAST 3832.13 FEET TO A POINT ON THE NORTH LINE OF RIDGEWAY DRIVE AS SHOWN ON SAID SUBDIVISION AND THE **POINT OF BEGINNING**; THENCE NORTH 24°50'42" EAST 77.03 FEET TO THE BEGINNING OF A 100.00 FOOT RADIUS CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE 66.32 FEET HAVING A CENTRAL ANGLE OF 38°00'02" (CHORD BEARS NORTH 05°50'41" EAST 65.11 FEET) TO THE NORTH LINE OF SAID LOT RW-OS-2, A POINT ON THE SUMMIT AND WASATCH COUNTY LINE AND THE POINT OF TERMINATION.

CONTAINS: 7196 S.F. / 0.17 AC +/-

**EXHIBIT C-1**  
**(Depiction of the Road Easement Area)**

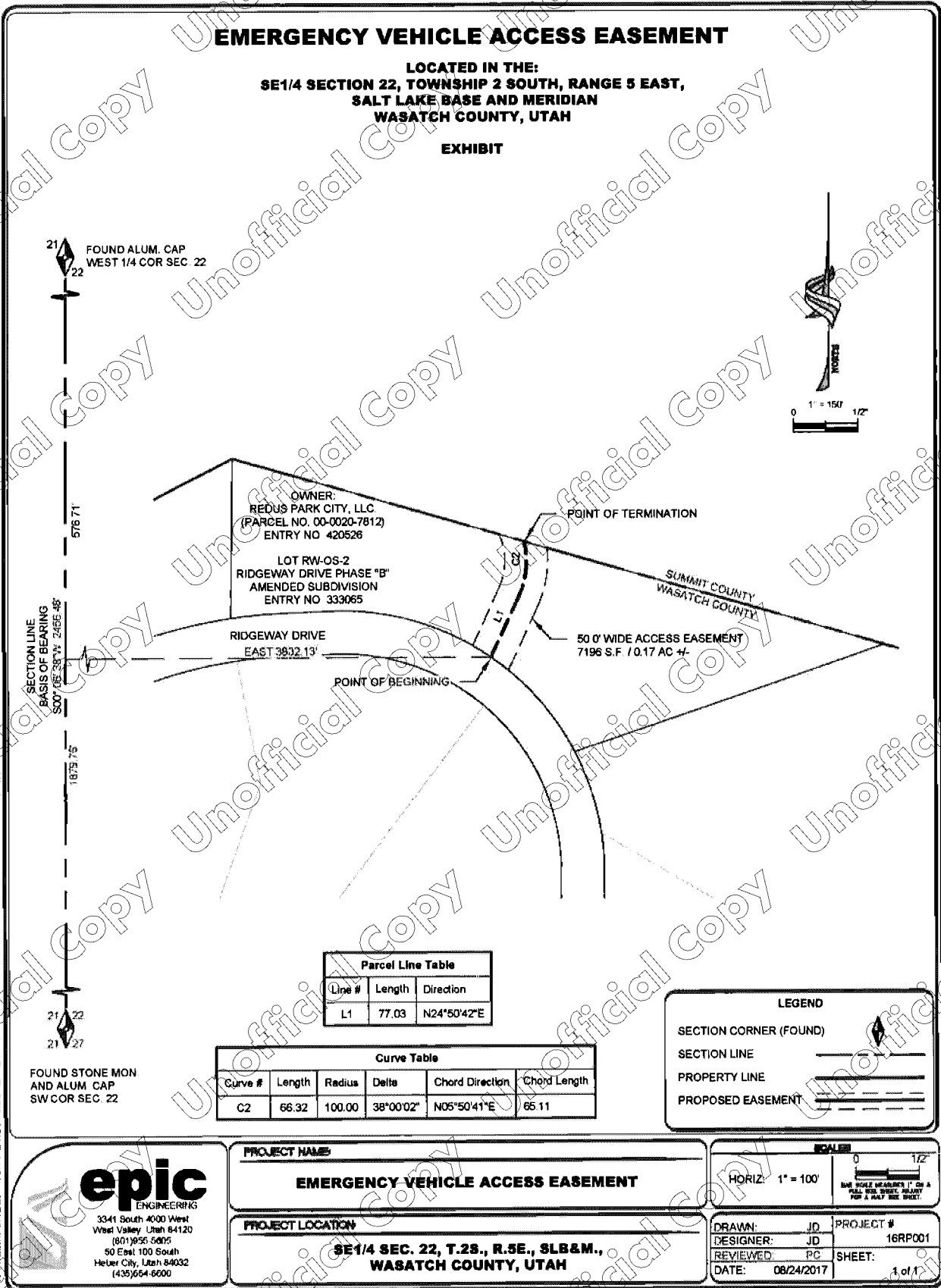


**EXHIBIT C-2  
(Depiction of the Lot Easement Area)**

**EMERGENCY VEHICLE ACCESS EASEMENT**

LOCATED IN THE:  
SE1/4 SECTION 22, TOWNSHIP 2 SOUTH, RANGE 5 EAST,  
SALT LAKE BASE AND MERIDIAN  
WASATCH COUNTY, UTAH

EXHIBIT



21  
22  
FOUND ALUM. CAP  
WEST 1/4 COR SEC. 22

SECTION LINE  
BASIS OF BEARING  
S007°05'38" W 2455.48'

1875.75'

21  
22  
21  
27  
FOUND STONE MON  
AND ALUM CAP  
SW COR SEC. 22

OWNER:  
REDUS PARK CITY, LLC  
(PARCEL NO. 00-0020-7812)  
ENTRY NO. 420526

LOT RW-OS-2  
RIDGWAY DRIVE PHASE "B"  
AMENDED SUBDIVISION  
ENTRY NO. 333065

RIDGWAY DRIVE  
EAST 3822.13'


POINT OF TERMINATION


50' WIDE ACCESS EASEMENT  
7196 S.F. / 0.17 AC +/-


Parcel Line Table		
Line #	Length	Direction
L1	77.03	N24°50'42"E


Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C2	66.32	100.00	38°00'02"	N05°50'41"E	65.11

**LEGEND**

SECTION CORNER (FOUND) 

SECTION LINE 

PROPERTY LINE 

PROPOSED EASEMENT 


**epic**  
ENGINEERS  
3341 South 4000 West  
West Valley Utah 84120  
(801)956-5806  
50 East 100 South  
Heiler City, Utah 84032  
(435)654-6600

**PROJECT NAME:**  
**EMERGENCY VEHICLE ACCESS EASEMENT**

**PROJECT LOCATION:**  
**SE1/4 SEC. 22, T.2S., R.5E., SLB&M.,  
WASATCH COUNTY, UTAH**

**SCALE:**

HORIZ: 1" = 100'



BAR SCALE HEADINGS 1" ON A  
PALL FOR QUARTER SHEET  
FOR A HALF SHEET.

**DRAWN:** JD **PROJECT #**  
**DESIGNER:** JD **16RP001**  
**REVIEWED:** PC **SHEET:**  
**DATE:** 08/24/2017 **1 of 1**