

When Recorded Return to:

Stephen K. Christensen  
68 South Main Street, #600  
Salt Lake City, Utah 84101

9575197  
12/07/2005 04:06 PM \$22.00  
Book - 9227 Pg - 3193-3199  
GARY W. OTT  
RECORDER, SALT LAKE COUNTY, UTAH  
LANDMARK TITLE  
BY: EPM, DEPUTY - OT 7 P.

## DECLARATION OF EASEMENT

(Detention Basin)

THIS DECLARATION OF EASEMENT ("Declaration") is made this 7<sup>TH</sup> day of December, 2005 by **BOYER PEBBLEBROOK, L.C.**, a Utah limited liability company ("Declarant").

### RECITALS

WHEREAS, Declarant owns the real property described in the attached Exhibit "A" (the "**Pebblebrook Property**") which is contiguous to real property described in the attached Exhibit "B" (the "**Quarry Bend Property**"); and

WHEREAS, the Pebblebrook Property and the Quarry Bend Property have been divided into Lots 1, 2, 3, 4, 5, 6, 7 and 8, as designated on the Site Plan attached at Exhibit "C" (collectively the "**Lots**"); and

WHEREAS, Declarant desires to grant an easement for the use of a storm water detention basin on the Pebblebrook Property for the benefit of the Lots on the terms and conditions set forth in this Declaration;

NOW, THEREFORE, Declarant hereby declares as follows:

1. Easement. Declarant hereby declares for the benefit of the present and future owners of the Lots, a non-exclusive perpetual easement for the storage and detention of storm water on Lot 6 of the Pebblebrook Property in the area designated on Exhibit "C" (the "**Storm Water Detention Basin**").

2. Size and Capacity. Declarant, its successors or assigns shall design, construct and maintain the Storm Water Detention Basin of such size and capacity to store and detain all storm water run-off from the Lots.

3. Runs with the Land. The easements, rights, covenants and obligations herein contained shall run with the land and be perpetually binding upon Declarant and its successors and assigns, and be appurtenant to the Lots and benefit all parties having or acquiring any right, title, or interest in or to any part of the Lots.

4. Effective Date and Duration. This Declaration shall be effective from and after the recordation of this Declaration in the official records of Salt Lake County, Utah, and thereafter shall continue in force and effect until all owners of the Lots or any successors or assigns of such owners agree in writing to terminate this Declaration.

5. Attorney's Fees. In the event any party initiates or defends any legal action or proceeding to enforce or interpret the terms of this Declaration, the prevailing party in any such action or proceeding shall be entitled to recover its reasonable attorney's fees and costs, including attorney's fees and costs with respect to an appeal.

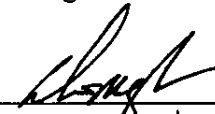
6. Counterparts. This Declaration may be executed in one or more counterparts, each of which shall be deemed an original and all such counterparts shall constitute one and the same instrument.

IN WITNESS WHEREOF, Declarant has executed this Declaration on this 2<sup>nd</sup> day of ~~November~~ <sup>DECEMBER</sup>, 2005.

DECLARANT:

**BOYER PEBBLEBROOK, L.C.**,  
a Utah limited liability company

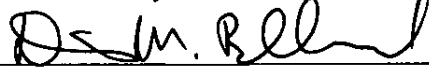
By: THE BOYER COMPANY, L.C.,  
a Utah limited liability company  
Its: Manager

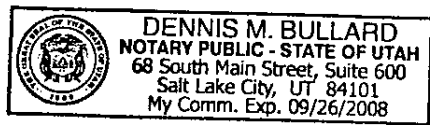
  
By: Dana M. Glenn  
Its: Manager

STATE OF UTAH                    )  
  ss.  
COUNTY OF SALT LAKE        )

On December 2<sup>nd</sup>, 2005, before me, personally appeared Dana M. Glenn of BOYER PEBBLEBROOK, L.C., a Utah limited liability company, personally known to me (or 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 signature on the instrument, the company upon behalf of which he acted executed the instrument.

WITNESS my hand and official seal

  
NOTARY PUBLIC



**EXHIBIT "A"**  
**Description of Pebblebrook Property**

All of Lot 6 of Quarry Bend Subdivision located in Sandy, Utah recorded as an entry in  
Book 2005P Page 392 with Salt Lake County.

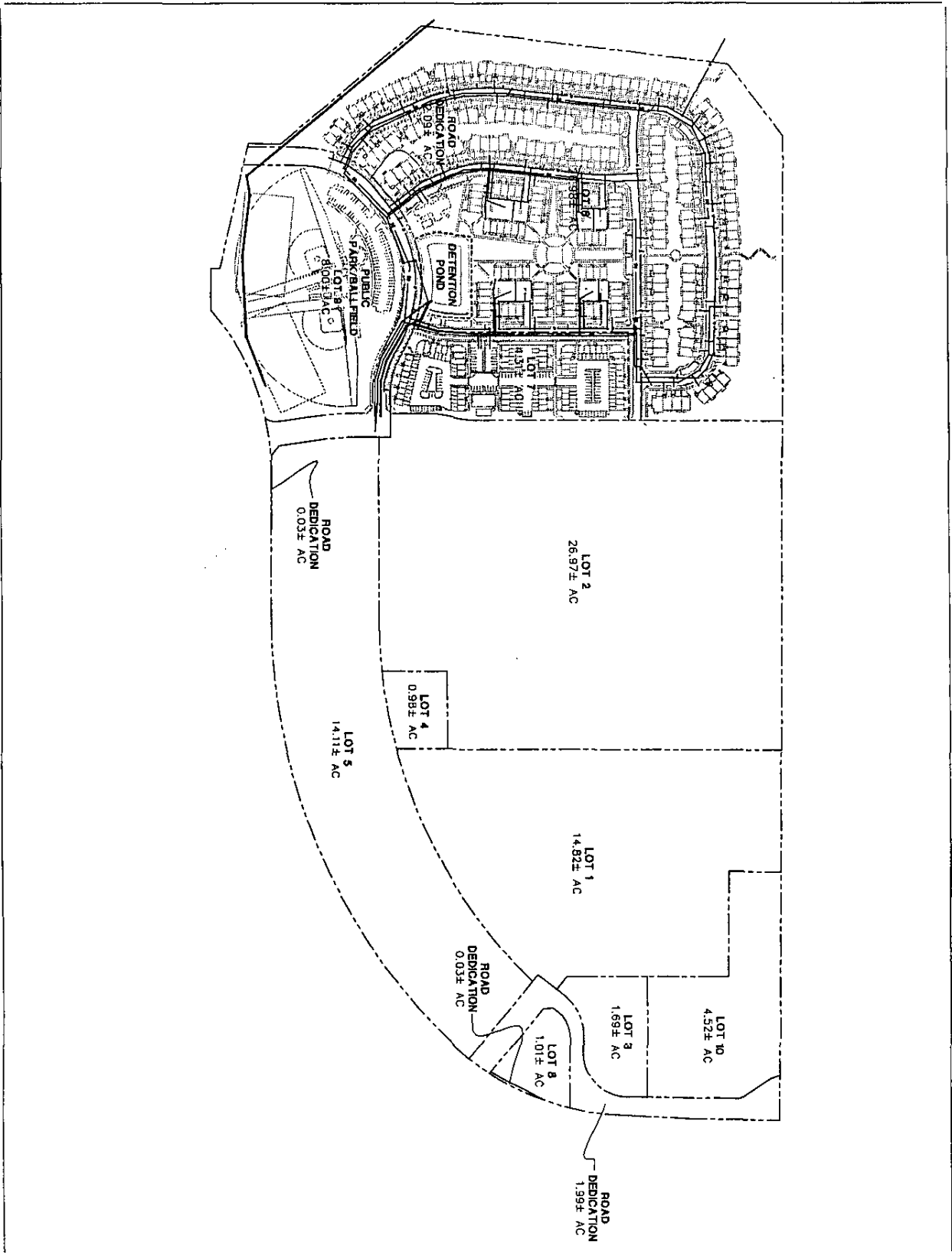
FOR REFERENCE PURPOSES: PART OF  
TAX PARCEL NO. 20-05-401-003

**EXHIBIT "B"**  
**Description Quarry Bend Property**

All of Lots 1, 2, 3, 4, 5, 6, 7, and 8 of Quarry Bend Subdivision located in Sandy, Utah recorded as an entry in Book 2005P Page 392 with Salt Lake County.

FOR REFERENCE PURPOSES  
PART OF THE PARCEL NOS. 20.05.401.003  
4 20.05.451.004

**EXHIBIT "C"**  
**Site Plan**

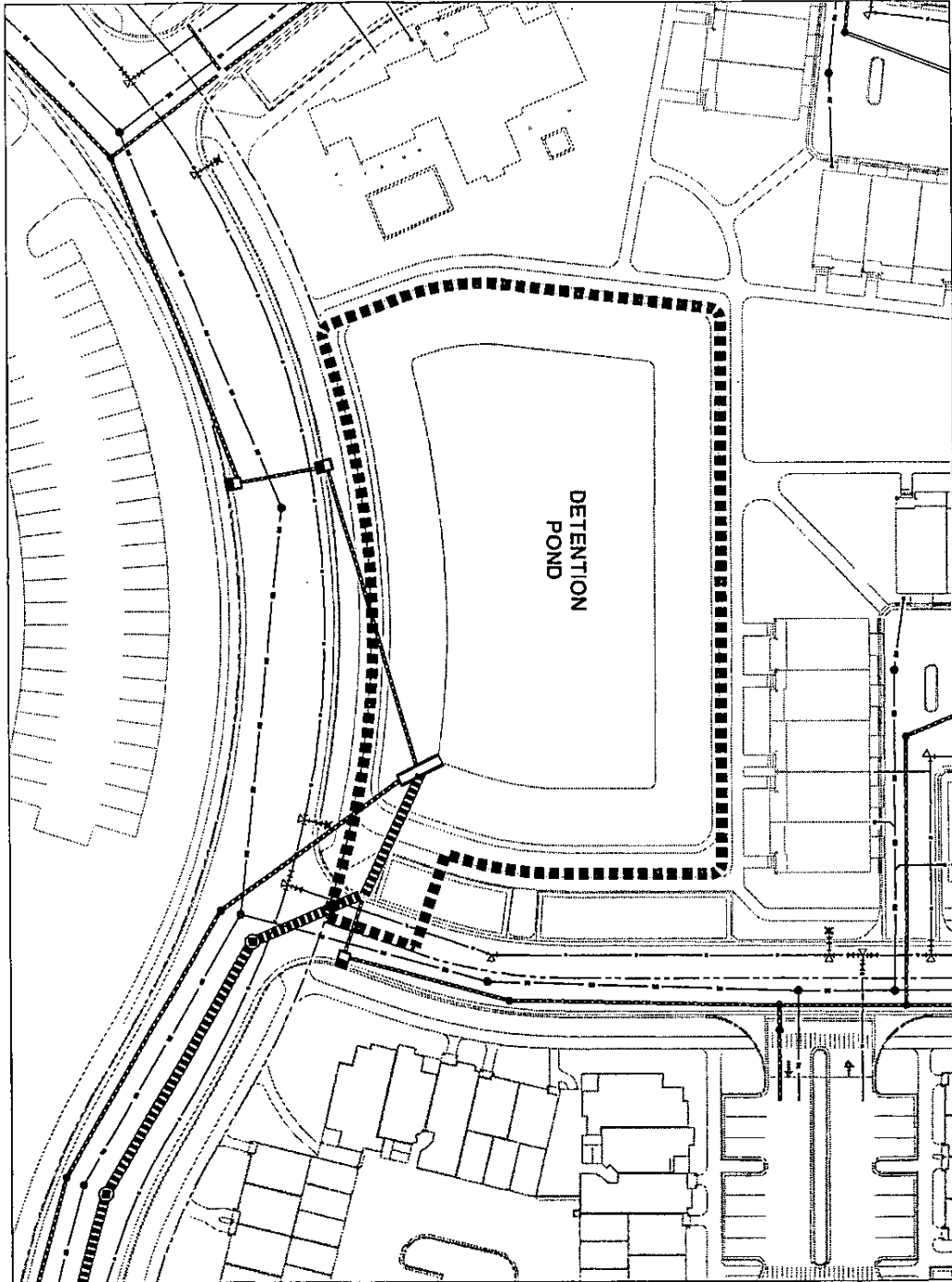


NO.	DESCRIPTION
1	...
2	...
3	...
4	...
5	...
6	...
7	...
8	...
9	...
10	...

EX C

**EXHIBIT D - DECLARATION OF EASEMENT FOR THE HEIGHTS AT QUARRY BEND**  
 1000 E 9200 S  
 SANDY, UTAH





LANDSCAPE ARCHITECT

DATE: 10/15/10

PROJECT: 1000 E 9200 S

DESCRIPTION: DETENTION POND

EXHIBIT C (CONT) - DECLARATION OF EASEMENT

EXHIBIT C (CONT) - DECLARATION OF EASEMENT  
 FOR  
 THE HEIGHTS AT QUARRY BEND  
 1000 E 9200 S  
 SANDY, UTAH

