

When Recorded Return To:



W2353945

Lance L. Wood, General Manager
Central Weber Sewer Improvement District
2618 West Pioneer Road
Marriott-Slaterville, Utah 84404

EH 2353945 PG 1 OF 11
ERNEST D ROWLEY, WEBER COUNTY RECORDER
15-JUL-08 1025 AM FEE \$0.00 DEP SPY
REC FOR: CENTRAL WEBER SEWER

ODOR EASEMENT
FOUR MILE PARKWAY

KNOW ALL MEN BY THESE PRESENTS, that Hawkeye Developers L.L.C., Whitechapel, LLC, Diane Taylor (an individual), Diane Taylor Charitable Remainder UniTrust, Diane Taylor Trustee, and Richard Glenn Taylor Trust, Diane Taylor Trustee, GRANTORS, in consideration of approval by the Board of Trustees of the Central Weber Sewer Improvement District (the "DISTRICT") of the annexation into the DISTRICT of Grantor's real property which is referred to as the "Four Mile Parkway" located in Plain City, Weber County, Utah (the "Subject Property") which is described in attached Exhibit "A" which is incorporated herein by this reference and the payment by DISTRICT to GRANTORS of the sum of \$1 and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, do hereby warrant, grant and convey unto the DISTRICT a perpetual easement and right-of-way for the passage of odoriferous air, noise, and physical airborne particles of any kind, including but not limited to dust, generated at, emitted by or emanating from the sewage treatment plant and composting facility (including subsequent expansions and modifications the "Treatment Facility") owned by the District which is located in proximity to the Subject Property over, across and upon the Subject Property.

This Odor Easement is for the benefit of and appurtenant to that land situated in the County of Weber, State of Utah, upon which is located the Treatment Facility which is more particularly described in attached Exhibit "B" which is incorporated herein by this reference.

GRANTORS hereby declare that they realize that it is foreseeable that injuries to persons, including as examples only and not as limitations on the types of injuries which are foreseeable, headaches, bronchial spasms, nausea, loss of appetite, loss of sleep, mental anguish, distress, anxiety, shock, grief and mortification, and damage to property, including as an example only and not as a limitation, reduction in market value, may arise or result from the passage of odoriferous air, noise and/or physical airborne particles generated at, emitted by or emanating from the Treatment Facility across, over and upon the Subject Property.

GRANTORS do hereby consent for themselves and for their heirs, successors and assigns to the passage of odoriferous air, noise and physical airborne particles generated at, emitted by or

emanating from the Treatment Facility, across, over and upon the Subject Property. GRANTORS also agree for themselves and for their heirs, successors and assigns to defend, save harmless and indemnify the DISTRICT from any and all liability, losses, damages, claims, demands, costs and expenses whatsoever for the injury to or death of any person whomsoever or loss or destruction of or damage (including reduction in value) to any property whatsoever based upon, arising out of or resulting from the passage of odoriferous air, noise and physical airborne particles generated at, emitted by or emanating from the Treatment Facility, over, across or upon the Subject Property. Any owner of all or part of the Subject Property shall be liable under the indemnification stated in the immediately preceding sentence, whether it be one of the named GRANTORS or an heir, successor or assign of the same, solely respecting occurrences on the Subject Property of the said owner during the period of ownership of all or a portion of the Subject Property by the said GRANTOR, heir, successor or assign.

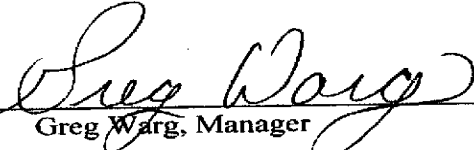
GRANTORS for themselves and for their heirs, successors and assigns hereby waive, release and covenant never to prosecute any action or suit in law or equity or any claim or demand against the DISTRICT and/or any Tenant of the DISTRICT for any liability, loss damage, costs, fees or expenses whatsoever for injury to or death of any person whomsoever or loss or destruction of or damage (including reduction in value) to any property whatsoever, whether developed or undeveloped, resulting or to result, known or unknown, past, present or future based upon, arising out of or resulting from the passage of odoriferous air, noise and/or physical airborne particles generated at, emitted by or emanating from the Treatment Facility over, across or upon the Subject Property. This covenant shall run with the Subject Property and shall be binding upon GRANTORS and their heirs, successors and assigns for so long as the DISTRICT, its successors and/or assigns continue to operate or maintain the Treatment Facility or any part thereof.

If any paragraph, sentence, clause, phrase or word in this Odor Easement is for any reason held to be against public policy, unconstitutional, invalid, ineffective or otherwise unenforceable by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Odor Easement. GRANTORS declare that they would have included each paragraph, sentence, clause, phrase and word of this Odor Easement irrespective of the inclusion, validity or enforceability of any other.

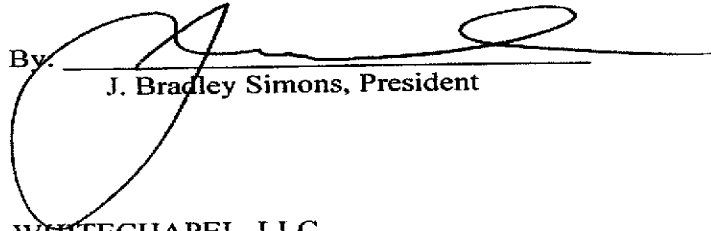
Each individual signing below represents and warrants that he/she has full legal right, power and authority to do so and, in the case of an individual signing for or on behalf of an entity, that the individual's signature on behalf of the entity has been duly and legally authorized and approved and that by so signing the entity shall be bound.

GRANTORS:

HAWKEYE DEVELOPERS L.L.C.,
a Utah limited partnership

By: 
Greg Warg, Manager


By its Manager, Cottage Real Estate &
Construction, a Utah Corporation

By: 
J. Bradley Simons, President

WHITECHAPEL, LLC

By: 
John Lish, Member

By: 
Ryan E. Wilde, Member

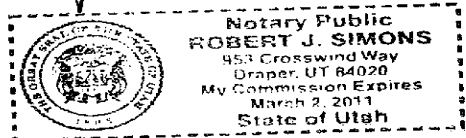

Diane Taylor, an individual

Attest:

STATE OF UTAH)
COUNTY OF Salt Lake)
SS.

On this 26th day of June, 2008, personally appeared before me, a Notary Public, in and for said County and State, Diane Taylor who acknowledged to me that she executed the above instrument freely and voluntarily and for the uses and purposes therein mentioned.

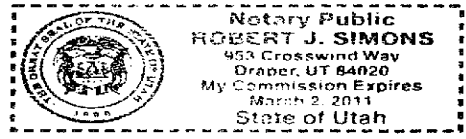
Robert J. Simons
Notary Public



STATE OF UTAH)
COUNTY OF Salt Lake)
SS.

On this 26th day of June, 2008, personally appeared before me, a Notary Public, in and for said County and State, Diane Taylor, as Trustee of the Diane Taylor Charitable Remainder UniTrust and as Trustee of the Richard Glenn Taylor Trust, who acknowledged to me that she executed the above instrument freely and voluntarily and for the uses and purposes therein mentioned.

Robert J. Simons
Notary Public



STATE OF UTAH)
COUNTY OF Davis)
SS.

On this 26th day of June, 2008, personally appeared before me, John Lish, Member of Whitechapel, LLC, whose identity is personally known to me (or proven on the basis of satisfactory evidence) and who by me duly sworn/affirmed, did say that he is a Member of Whitechapel, LLC and that said document was signed by him as a Member in behalf of said limited liability Company.

Tawnya Boss
Notary Public



**EXHIBIT A
SUBJECT PROPERTY
(both parcels)**

LF.

PARCEL 1 *15-006-0062, 0063* *15-007-0002 to 0004.*
15-006-0064, 0057 *15-007-0019, 0023*

BEGINNING AT A POINT WHICH IS S 0°10'55"E, 657.95 FEET ALONG THE CALCULATED QUARTER SECTION LINE FROM THE NORTH QUARTER CORNER OF SECTION 3, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE EAST, 677.87 FEET; THENCE S 66°59'31"E, 66.00 FEET; THENCE 126.89 FEET ALONG THE ARC OF A 987.38 FOOT RADIUS CURVE TO THE LEFT (CHORD BEARS S 19°19'35".W, 126.80 FEET; THENCE S 69°50'00"E, 150.33 FEET; THENCE S 0°51'29"E, 332.80 FEET; THENCE N 88°30'00"E, 293.00 FEET; THENCE S 06°15'58"W, 473.35 FEET; THENCE WEST, 27.58 FEET; THENCE S 7°10'51"W, 115.52 FEET; THENCE S 14°51'37"W, 116.92 FEET; THENCE S 15°33'24"E 67.29 FEET; THENCE S 30°32'52"E, 542.05 FEET; THENCE S 35°41'38"E, 96.58 FEET; THENCE S 44°11'00"E, 206.31 FEET TO THE SOUTHWEST CORNER OF LOT 49 OF POPLAR ESTATES PHASE 2 SUBDIVISION; THENCE N 89°06'35"W, 26.86 FEET; THENCE S 35°44'00"E, 45.08 FEET TO A POINT ON THE QUARTER SECTION LINE; THENCE ALONG SAID QUARTER SECTION LINE N 88°47'09"W, 308.01 FEET; THENCE S 11°15'00"W, 300.30 FEET; THENCE N 67°30'00" W, 3.76 FEET THENCE S 9°51'00"W, 33.06 FEET; THENCE S 58°30'00"E, 684.82 FEET THENCE S 50°15'00"E, 627.00 FEET; THENCE S 27°30'00"E, 165.00 FEET; THENCE S 5°00'00"W, 132.00 FEET; THENCE N 89°05'15"W, 97.76 FEET; THENCE S 4°53'00"W, 321.50 FEET TO A POINT ON THE BANK OF FOUR MILE CREEK AS SURVEYED; THENCE ALONG THE BANK OF SAID FOUR MILE CREEK AS SURVEYED THE FOLLOWING FOURTEEN (14) COURSES: S 85°44'41"W, 6.56 FEET; THENCE S 63°21'23"W, 72.69 FEET; THENCE S 52°33'01"W, 125.78 FEET; THENCE S 34°35'41"W, 74.41 FEET; THENCE S 3°46'53"E, 25.28 FEET; THENCE S 52°33'46"W, 51.74 FEET; THENCE N 68°05'19"W, 70.19 FEET; THENCE N 55°55'48"W, 140.24 FEET; THENCE N 37°52'26"W, 111.06 FEET; THENCE N 45°30'19"W, 122.39 FEET; THENCE N 12°01'07"W, 49.63 FEET; THENCE N 38°12'41"W, 99.56 FEET; THENCE N 24°40'40"W, 102.86 FEET; THENCE N 34°00'42"W, 79.08 FEET; THENCE LEAVING SAID DITCH BANK AND RUNNING N 88°48'40"W, 366.95 FEET; THENCE N 9°30'00"E, 501.60 FEET; THENCE N 89°34'00"W, 593.67 FEET; THENCE N 67°39'00"W, 657.00 FEET TO THE EASTERLY LINE OF THE UTAH POWER AND LIGHT CORRIDOR; THENCE, ALONG SAID POWER CORRIDOR THE FOLLOWING FOUR (4) COURSES: N 9°17'00"W, 488.00 FEET; THENCE N 11°39'00"E, 137.69 FEET; THENCE N 88°47'09"W, 48.56 FEET; THENCE N 9°17'00"W, 537.51 FEET; THENCE S 86°45'00"E, 69.86 FEET; THENCE N 6°45'00"E, 316.95 FEET; THENCE N 9°21'25"W, 855.20 FEET; THENCE EAST, 233.15 FEET; THENCE N 5°50'08"E, 295.08 FEET; THENCE EAST, 54.31 FEET TO THE POINT OF BEGINNING.

CONTAINS: 105.82 ACRES, MORE OR LESS.

15-009-0010, 0011, 0014
 15-009-0007, 0026, 0032
 PARCEL 2

15-008-0006, 0003, 0057
 19-038-0042 L.F.

BEGINNING AT A POINT WHICH IS S 0°10'55"E, 2640.91 FEET (SAID POINT BEING THE CALCULATED CENTER OF SECTION 3) AND N 88°47'14"W, 1978.91 FEET ALONG THE CALCULATED QUARTER SECTION LINE FROM THE NORTH QUARTER CORNER OF SECTION 3, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE N 15°00'45"E, 161.84 FEET TO THE SURVEYED CENTERLINE OF FOUR MILE CREEK; THENCE ALONG SAID SURVEYED CENTERLINE THE FOLLOWING: N 77°56'42"W, 112.64 FEET; THENCE N 60°52'28"W, 44.65 FEET TO A POINT ON A DESCRIBED BOUNDARY LINE AGREEMENT LISTED AS NUMBER 1975141 AND AN EXISTING FENCE LINE; THENCE N 01°16'29"E, 608.74 FEET ALONG SAID BOUNDARY LINE AGREEMENT; THENCE S 89°06'27"E, 332.50 FEET ALONG THE BOUNDARY OF PLAIN VIEW SUBDIVISION AND THE EXTENSION THEREOF; THENCE S 88°15'56"E, 330.01 FEET ALONG AN EXISTING FENCE LINE TO A FENCE CORNER; THENCE N 01°12'50"E, 1213.67 FEET ALONG A FENCE LINE MARKING THE EAST BOUNDARY OF PLAIN VIEW SUBDIVISION AND THE EXTENSION THEREOF; THENCE EAST, 34.00 FEET; THENCE NORTH, 15.51 FEET; THENCE EAST, 640.50 FEET; THENCE NORTH, 706.84 FEET; THENCE S 88°46'00"E, 25.95 FEET; THENCE N 01°52'51"W, 48.23 FEET; THENCE NORTH, 328.99 FEET TO A POINT ON A FENCE LINE MARKING THE SOUTH RIGHT OF WAY LINE OF 1975 NORTH STREET; THENCE S 87°56'53"E, 84.94 FEET ALONG SAID FENCE LINE; THENCE S 1°39'00"W, 1428.30 FEET TO THE WESTERLY LINE OF THE UTAH POWER AND LIGHT CORRIDOR. THENCE S 08°41'11"E, 1187.64 FEET ALONG SAID CORRIDOR LINE; THENCE S 9°17'00"E, 1061.38 FEET ALONG SAID CORRIDOR LINE; THENCE N 78°19'30"W, 879.27 FEET TO A POINT WHICH IS 25.00 FEET NORTHERLY FROM THE WARREN CANAL; THENCE S 17°27'00"W, 25.00 FEET TO THE WARREN CANAL; THENCE ALONG SAID WARREN CANAL THE FOLLOWING SIX (6) COURSES: N 70°28'57"W, 56.06 FEET; THENCE N 78°53'36"W, 185.10 FEET; THENCE N 85°59'49"W, 157.10 FEET; THENCE N 85°58'06"W, 189.74 FEET; THENCE N 83°41'19"W, 160.16 FEET; THENCE N 87°36'03"W, 151.84 FEET; THENCE N 15°45'00"E, 299.23 FEET TO THE CALCULATED QUARTER SECTION LINE; THENCE N 89°04'33"W, 8.82 FEET ALONG SAID QUARTER SECTION LINE TO THE POINT OF BEGINNING.

CONTAINS: 69.18 ACRES, MORE OR LESS.

**EXHIBIT B
TREATMENT FACILITY
(all parcels)**

IF
15-030-0163

CWSID PROPERTY NORTH OF PIONEER ROAD

THAT PART OF THE FOLLOWING DESCRIBED PROPERTY LYING WITHIN THE CORPORATE LIMITS OF MARRIOTT-SLATERVILLE CITY. PART OF THE FOLLOWING SECTION, ALL OF WHICH IS LOCATED IN TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY: PART OF THE SOUTHEAST QUARTER OF SECTION 3; PART OF THE SOUTHWEST QUARTER OF SECTION 2; PART OF THE NORTHEAST QUARTER OF SECTION 10; PART OF THE NORTHWEST QUARTER OF SECTION 11; BEGINNING AT A POINT 332 FEET WEST FROM THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER OF SECTION 3, RUNNING THENCE NORTH 15D EAST 805 FEET, MORE OR LESS, TO THE CHANNEL OF FOUR MILE CREEK, THENCE SOUTHEASTERLY ALONG SAID CREEK TO A POINT 100 FEET NORTH FROM THE SOUTHEAST CORNER OF THE WEST HALF OF SOUTHWEST QUARTER OF SAID SECTION 2, THENCE SOUTH 100 FEET, MORE OR LESS, TO THE SECTION LINE, THENCE EAST ALONG SAID SECTION LINE TO A POINT 568 FEET SOUTH 89D41' WEST FROM THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 11, THENCE SOUTH 5D56' WEST 703.47 FEET, THENCE EAST 72.72 FEET, THENCE SOUTH 1D06' WEST 15 FEET TO THE CENTER OF FOUR-MILE CREEK, THENCE SOUTH 59D08'40" WEST 91.9 FEET ALONG SAID CREEK CENTERLINE, THENCE WEST 75 FEET ALONG SAID CREEK, THENCE SOUTH 7D18' WEST 756.15 FEET, THENCE NORTH 74D30' WEST 250 FEET, THENCE SOUTH 13D52' WEST 1075 FEET, MORE OR LESS, TO THE CENTERLINE OF ROAD, THENCE ALONG SAID ROAD NORTH 74D50' WEST 699 FEET, THENCE SOUTH 15D30' WEST TO THE SOUTH LINE OF COUNTY ROAD, THENCE SOUTH 15D30' WEST 6 FEET, THENCE SOUTH 29D30' WEST 48.78 FEET, THENCE NORTH 74D30' WEST 59.67 FEET, THENCE NORTH 29D30' WEST 48.78 FEET, THENCE NORTH 15D30' EAST TO THE NORTHERLY LINE OF PIONEER ROAD, THENCE WESTERLY ALONG SAID NORTHERLY LINE TO A POINT 332 FEET WEST AND 1697.88 FEET SOUTH 15D WEST FROM THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER OF SECTION 10, THENCE NORTH 15D EAST 1697.88 FEET, MORE OR LESS, TO THE NORTH LINE OF SECTION 10 AND THE POINT OF BEGINNING. EXCEPT THAT PART IN PIONEER ROAD. (E# 1647400, MAP E# 1652953 BK 50, PG 10).

**CWSID PROPERTY SOUTH OF PIONEER ROAD
(FRY PROPERTY)**

15-030-0064

PART OF THE EAST HALF OF SECTION 10 AND PART OF THE WEST HALF OF SECTION 11, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY: BEGINNING AT A POINT 3.04 CHAINS WEST OF THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 10, RUNNING THENCE SOUTH 18.15 CHAINS, THENCE EAST 3.04 CHAINS TO THE SECTION LINE, THENCE SOUTH 0.18 CHAINS, THENCE EAST 2.90 CHAINS, THENCE NORTH 09D30' EAST 24.73 CHAINS MORE OR LESS TO THE CENTER OF COUNTY ROAD, THENCE NORTH 74D30' WEST ALONG THE CENTER LINE OF SAID ROAD 9.0 CHAINS, THENCE FOLLOWING SAID CENTERLINE NORTH 56D30' WEST 1.60 CHAINS TO A POINT NORTH OF BEGINNING, THENCE SOUTH 9.33 CHAINS TO THE PLACE OF BEGINNING.

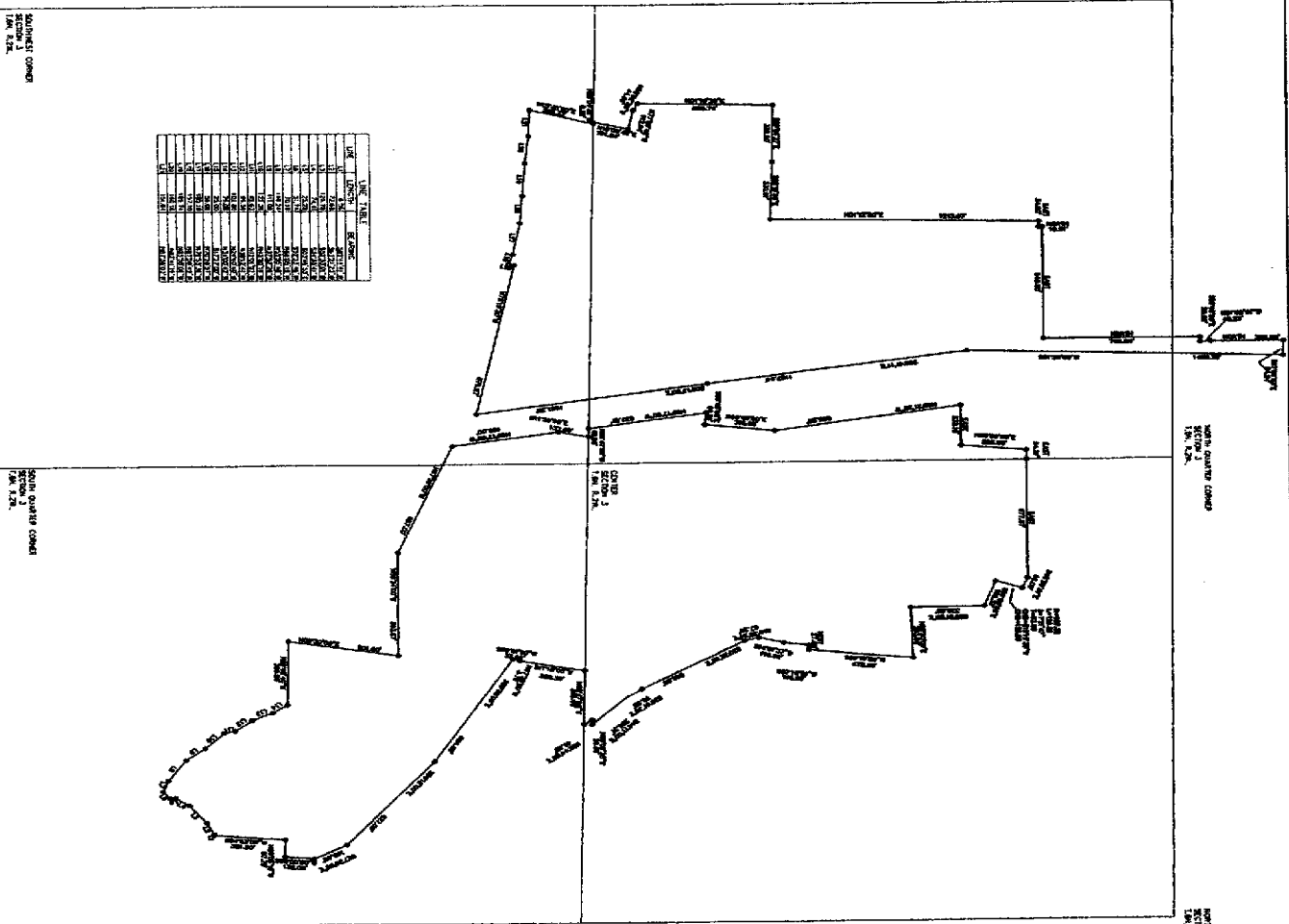
**CWSID PROPERTY SOUTH OF PIONEER ROAD
(OUTFALL LINE)**

UF.
PT 15-029-0020

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY; THENCE NORTH 669.2 FEET; THENCE WEST 282.4 FEET, MORE OR LESS, TO THE CENTER OF COUNTY ROAD AND TRUE POINT OF BEGINNING OF SUBJECT PROPERTY; THENCE SOUTH 15D30' WEST 205.7 FEET; THENCE SOUTH 82D40'30" WEST 333.4 FEET; THENCE NORTH 481.1 FEET, MORE OR LESS, TO THE CENTER OF COUNTY ROAD; THENCE SOUTH 56D50' EAST ALONG CENTER OF SAID ROAD 451.5 FEET, MORE OR LESS, TO POINT OF BEGINNING AND END OF SUBJECT PROPERTY.

FOUR MILE PARKWAY
AREA ANNEXED TO SEWER DISTRICT

LINE NO.	LINE TYPE	REMARKS
1	1"	12"
2	1"	12"
3	1"	12"
4	1"	12"
5	1"	12"
6	1"	12"
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97	1"	12"
98	1"	12"
99	1"	12"
100	1"	12"



NORTH QUARTER CORNER
SECTION 3
1/4 1/4 1/4

EAST QUARTER CORNER
SECTION 3
1/4 1/4 1/4

EAST QUARTER CORNER
SECTION 3
1/4 1/4 1/4

NORTH QUARTER CORNER
SECTION 3
1/4 1/4 1/4

WEST QUARTER CORNER
SECTION 3
1/4 1/4 1/4