



W2935210

E# 2935210 PG 1 OF 6
Leann H. Kilts, WEBER COUNTY RECORDER
09-Aug-18 0355 PM FEE \$23.00 DEP KL
REC FOR: FIRST AMERICAN TITLE-NCS-SLC1
ELECTRONICALLY RECORDED

Return to:
Rocky Mountain Power
Curtis Galvez
1438 W. 2550 S.
Ogden, Utah 84403

Project Name: Uintah Springs Business Park
WO#: _____
RW#: _____

UNDERGROUND RIGHT OF WAY EASEMENT

For value received, Uintah Springs Business Park LLC, a Utah limited liability company (“Grantor”), hereby grants to PacifiCorp, an Oregon Corporation, d/b/a Rocky Mountain Power its successors and assigns (“Grantee”), a non-exclusive easement for a right of way for the construction, reconstruction, operation, maintenance, repair, replacement, enlargement, and removal of underground electric power transmission, distribution and communication lines and all necessary or desirable accessories and appurtenances thereto, including without limitation: wires, fibers, cables and other conductors and conduits therefor; and pads, transformers, switches, cabinets, and vaults on, across, or under the surface of the real property of Grantor in Weber County, State of Utah more particularly described as follows:

COMMENCING AT THE CENTER QUARTER CORNER OF SECTION 26, TOWNSHIP 5 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE SOUTH 89°08'07" EAST, A DISTANCE OF 1143.61 FEET; THENCE NORTH, A DISTANCE OF 153.72 FEET, TO A POINT ON THE SOUTHERLY SIDELINE OF 6600 SOUTH STREET (66 FEET WIDE), SAID POINT ALSO THE NORTHEAST CORNER OF LOT 4, UINTAH SPRINGS BUSINESS PARK PHASE 2 (COMMERCIAL), RECORDED IN THE OFFICE OF THE WEBER COUNTY RECORDER, ENTRY NUMBER 2841456, IN BOOK 80 AT PAGE 53, AND THE POINT OF BEGINNING FOR THIS DESCRIPTION; THENCE ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 428.26 FEET, THE CENTER OF WHICH BEARS SOUTH 77°48'54" WEST, THROUGH A CENTRAL ANGLE OF 40°03'33", A DISTANCE OF 299.43 FEET (CHORD BEARS SOUTH 07°50'40" WEST, A DISTANCE OF 293.36 FEET); THENCE SOUTH 27°52'27" WEST, A DISTANCE OF 444.72 FEET; THENCE ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 428.26 FEET, THROUGH A CENTRAL ANGLE OF 01°10'58", A DISTANCE OF 8.84 FEET (CHORD BEARS SOUTH 28°27'56" WEST, A DISTANCE OF 8.84 FEET); THENCE, NORTH 74°09'35" WEST, A DISTANCE OF 15.24 FEET; THENCE NORTH 27°52'27" EAST, A DISTANCE OF 30.72 FEET; THENCE SOUTH 74°09'35" EAST, A DISTANCE OF 5.11 FEET; THENCE NORTH 27°52'27" EAST, A DISTANCE OF 424.96 FEET; THENCE ALONG THE ARC OF A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 418.26 FEET, THROUGH A CENTRAL ANGLE OF 39°59'44", A DISTANCE OF 291.97 FEET (CHORD BEARS NORTH 07°52'35" EAST, A DISTANCE OF 286.08 FEET) TO THE NORTHERLY LINE OF SAID LOT 4 AND THE SOUTHERLY SIDELINE OF SAID 6600 SOUTH; THENCE ALONG SAID NORTHERLY LINE AND SAID SOUTHERLY SIDELINE ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 243.00 FEET, THE CENTER OF WHICH BEARS NORTH 13°40'57" WEST, THROUGH A CENTRAL ANGLE OF 02°21'38", A DISTANCE OF 10.01 FEET (CHORD BEARS NORTH 75°08'14" EAST, A DISTANCE OF 10.01 FEET) TO THE POINT OF BEGINNING.

CONTAINS 7,655 SQUARE FEET, MORE OR LESS

Affects Assessor Parcel Nos. 07-777-0001, 07-777-0002, 07-777-0003, 07-777-0004
07-777-0008, 07-777-0009

FIRST AMERICAN TITLE
NCS 901306 + NCS 901307

The foregoing easement area also is illustrated on the diagram attached hereto as Exhibit A and incorporated herein by reference.

Together with the right of access to the right of way over existing access ways or parking areas on the adjacent lands of Grantor for all activities in connection with the purposes for which this non-exclusive easement has been granted; and together with the present and (without payment therefor) the future right to keep the right of way clear of all brush, trees, timber and other hazards which might endanger Grantee's facilities.

At no time shall Grantor place or store any flammable materials (other than agricultural crops), or light any fires, on or within the boundaries of the right of way. Subject to the foregoing limitations, the surface of the right of way may be used for agricultural crops, parking, storage and other purposes not inconsistent with the purposes for which this Easement has been granted.

In the event that Grantee's use of the easement area established by this Easement causes any damage to Grantor's property, Grantee agrees to promptly repair such damage.

The rights and obligations of the parties hereto shall be binding upon and shall benefit their respective heirs, successors and assigns.

To the fullest extent permitted by law, each of the parties hereto waives any right it may have to a trial by jury in respect of litigation directly or indirectly arising out of, under or in connection with this agreement. Each party further waives any right to consolidate any action in which a jury trial has been waived with any other action in which a jury trial cannot be or has not been waived.

Dated this 8 day of August, 2018.

Uintah Springs Business Park LLC

By: [Signature]
Kim Rindlisbacher, Manager



STATE OF UTAH)
) ss.
County of Salt Lake)

On this 8 day of August, 2018, before me, the undersigned Notary Public in and for said State, personally appeared Kim Rindlisbacher, known or identified to me to be the Manager of the limited liability company that executed the instrument or the person who executed the instrument on behalf of said entity, and acknowledged to me that said entity executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

[Signature]
Notary

Commission Expires: 03/17/2021

CONSENT OF LENDER

On this 8th day of August, 2018, Susan O. Bybee, Trustee of the Bruce E. Bybee and Susan O. Bybee Revocable Living Trust ("Lender"), hereby consents to the foregoing Underground Right of Way Easement (the "Easement"), and subjects and subordinates to such Easement that certain Deed of Trust dated April 22, 2016, which secures repayment of a loan to Uintah Springs Business Park LLC, as Trustor, for the benefit of that Lender, as beneficiary, recorded April 26, 2016 as Entry No. 2790063 of Official Records.

By: *Susan O Bybee*
Susan O. Bybee, Trustee of the Bruce E. Bybee
and Susan O. Bybee Revocable Living Trust

STATE OF UTAH)
): s.s.
COUNTY OF South Lake)

The above and foregoing instrument was acknowledged before me this 8th day of August, 2018, by Susan O. Bybee, Trustee of the Bruce E. Bybee and Susan O. Bybee Revocable Living Trust.

My Commission expires:
03 | 17 | 2021

Cathy C. Prestwich
Notary Public



CONSENT OF LIEN HOLDER

On this 8th day of August, 2018, Douglas D. Boulden and Judith Ann Boulden, as Trustees of the Ruth Boulden Trust, u/t/a dated December 23, 1994 ("Lien Holder"), hereby consent to the foregoing Underground Right of Way Easement (the "Easement"), and subject and subordinate to such Easement that certain Deed of Trust dated October 19, 2017, by and between Uintah Springs Business Park LLC, as Trustor, for the benefit of Lien Holder, as beneficiary, which was recorded October 20, 2017 as Entry No. 2885296 of Official Records.

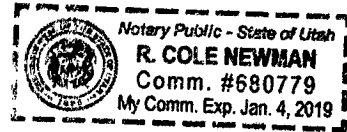
By: Douglas D. Boulden Trustee
Douglas D. Boulden, Trustee of the
Ruth Boulden Trust u/t/a dated December 23, 1994

STATE OF UTAH)
 : s.s.
COUNTY OF SALT LAKE)

The above and foregoing instrument was acknowledged before me this 8 day of August, 2018, by Douglas D. Boulden, Trustee of the Ruth Boulden Trust u/t/a dated December 23, 1994.

My Commission expires:
1-4-19

[Signature]
Notary Public



By: Judith Ann Boulden Trustee
Judith Ann Boulden, Trustee of the
Ruth Boulden Trust u/t/a dated December 23, 1994

STATE OF UTAH)
 : s.s.
COUNTY OF SALT LAKE)

The above and foregoing instrument was acknowledged before me this 8 day of August, 2018, by Judith Ann Boulden, Trustee of the Ruth Boulden Trust u/t/a dated December 23, 1994.

My Commission expires:
1-4-19

[Signature]
Notary Public

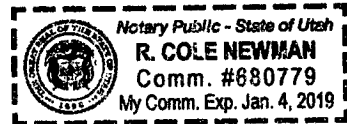


Exhibit A
Map of Easement
[Attached]



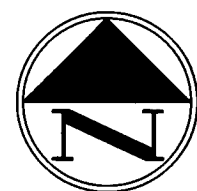
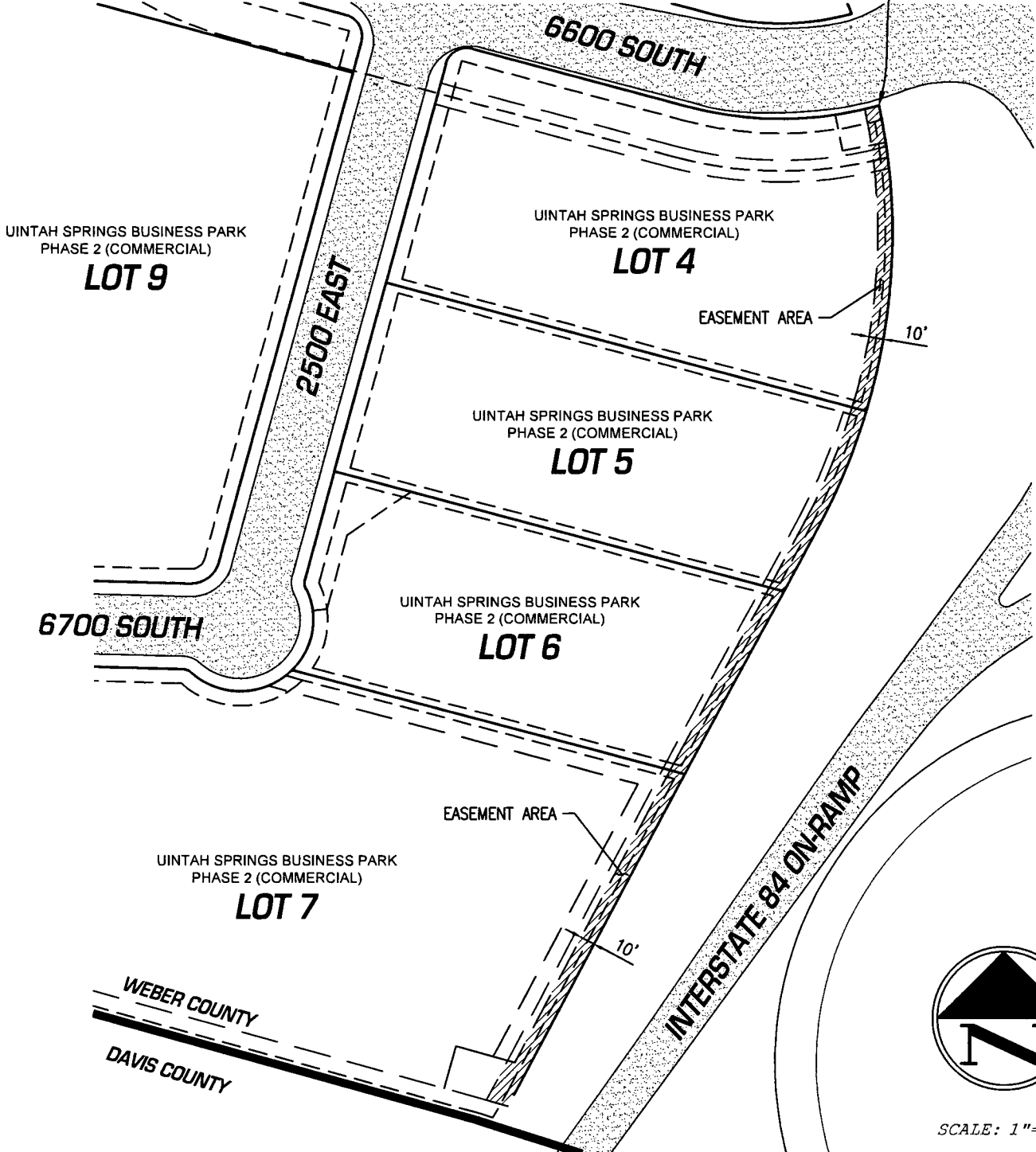
JT Engineering, PC
7805 South 2325 East
South Weber, Utah
ph 801.866.7702
jason@jtengepc.com

EXHIBIT A

LOCATED IN THE EAST HALF OF SECTION 26
TOWNSHIP 5 NORTH, RANGE 1 WEST
SALT LAKE BASE & MERIDIAN
UINTAH CITY, WEBER COUNTY, UTAH

PREPARED BY: JHT
DATE PREPARED: AUGUST 7, 2018

POINT OF BEGINNING



SCALE: 1"=100'