

**WHEN RECORDED**  
**RETURN TO:**  
**Qwest Coporation**  
**1425 West 3100 South**  
**West Valley, UT 84119**

Ent 238481 Page 1 of 3  
Date: 06-APR-2005 10:19AM  
Fee: \$14.00 Check  
Filed By: JYW  
CALLEEN B PESHELL, Recorder  
TOOELE COUNTY CORPORATION  
For: QWEST CORP

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RECORDING INFORMATION ABOVE

R/W # 05-063-01UT

EASEMENT AGREEMENT

The Undersigned Grantor (and each and all of them if more than one) for and in consideration of \$4500 dollars (FORTY-FIVE HUNDRED DOLLARS) and other good and valuable consideration, the receipt whereof is hereby acknowledged, do hereby grant and convey to Qwest Corporation, a Colorado corporation, hereinafter referred to as "Grantee", whose address is 1425 West 3100 South, West Valley City, Utah 84119, its successors, assigns, lessees, licensees and agents, a perpetual easement to construct, reconstruct, modify, change, add to, operate, maintain and remove such telecommunications facilities and electrical facilities, and appurtenances, from time to time, as Grantee may require upon, over, under and across the following described land situated in the County of Tooele, State of Utah, which the Grantor owns or in which the Grantor has any interest, to wit:

**An easement 18.00 feet in width, situate in the Southeast Quarter of Section 17, Township 3 South, Range 4 West, Salt Lake Base and Meridian, as described and shown in Exhibit 'A', attached hereto and made a part of:**

Grantee shall have the right of ingress and egress over and across the land of the Grantor to and from the above-described property as may be necessary for the Grantee's use and enjoyment of the easement area.

Grantee shall indemnify Grantor for all damage caused to Grantor as a result of Grantee's negligent exercise of the rights and privileges herein granted.

Grantor reserves the right to occupy, use, and cultivate said easement for all purposes not inconsistent with the rights herein granted.

Grantor covenants that he/she/they is/are the fee simple owner of said land or in which the Grantor has any interest and will warrant and defend title to the land against all claims.

Grantor hereby covenants that no excavation, building, structure or obstruction will be constructed, erected, built or permitted on said easement.

The rights, conditions and provisions of this easement shall inure to the benefit of and be binding upon the heirs, executors, administrators, successors and assigns of the respective parties hereto.

Any claim, controversy or dispute arising out of this Agreement shall be settled by arbitration in accordance with the applicable rules of the American Arbitration Association, and judgment upon the award rendered by the arbitrator may be entered in any court having jurisdiction thereof. The arbitration shall be conducted in the county where the property is located.

Signed and delivered this 28<sup>th</sup> day of March, A.D., 20 05

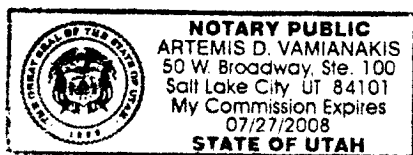
Grantor: **TOOELE ASSOCIATES L.P. and Perry / Tooele Associates, LLC**

By: *Drew D. Hall*  
Drew Hall

Title: Managing Partner

STATE OF UTAH )  
 )  
 ) SS  
COUNTY OF Salt Lake )

On the 28<sup>th</sup> day of MARCH, 20 05, personally appeared before me Drew D. Hall, the signer(s) of the above instrument, who duly acknowledged to me that (he) (she) (they) executed the same. Witness my hand and official seal this 28<sup>th</sup> day of MARCH, 20 05.



*Artemis D. Vamianakis*  
Notary Public

**ROUTINE - TOOELE - SE 1/4 - Sec 16, T3S, R4W, SLB&M - PARCEL: 2-128-5**

**When Recorded Mail To: Qwest Corporation, 1425 West 3100 South, West Valley City, Utah 84119**

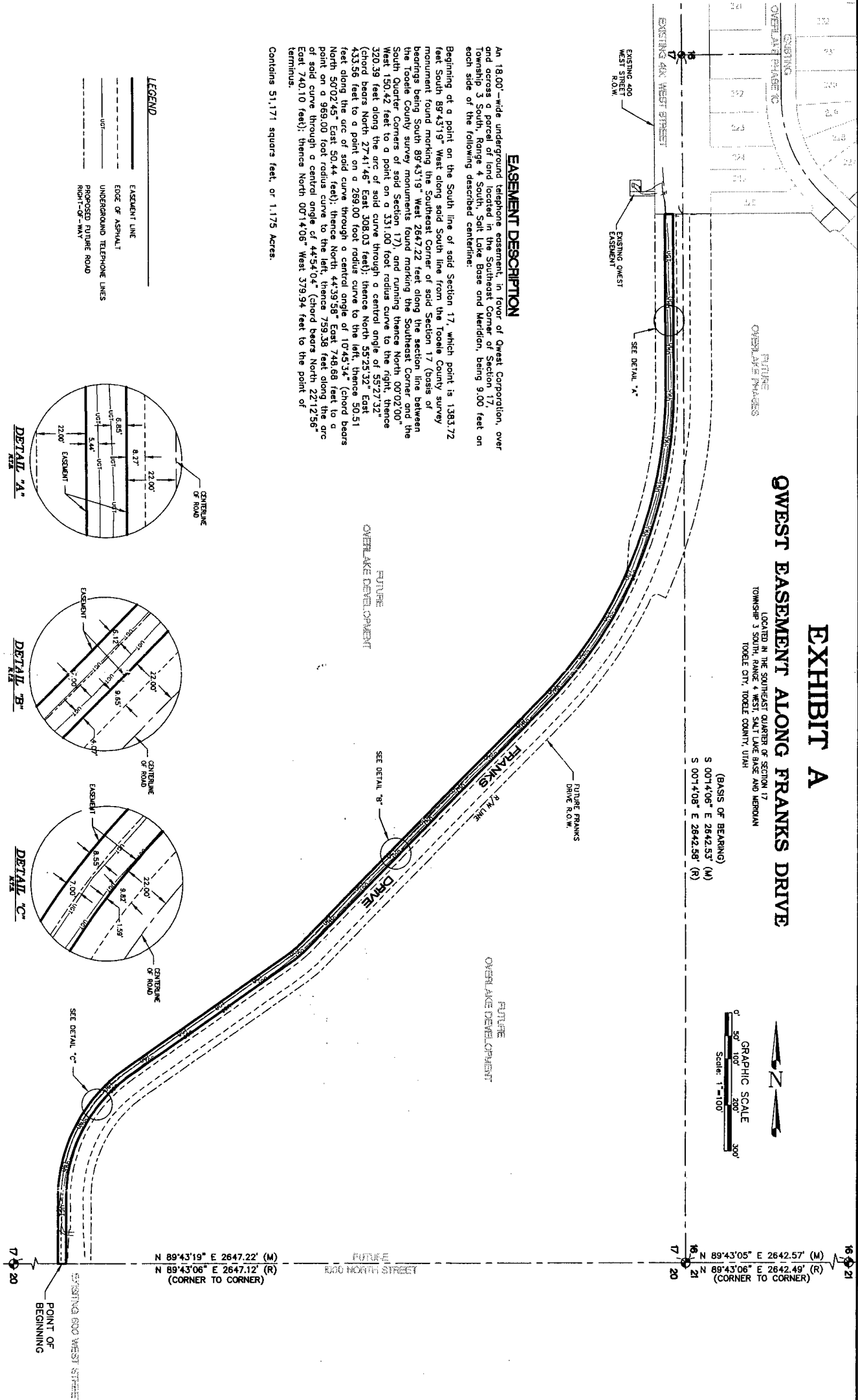
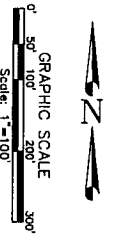
PL:238481-0401T.dwg 2/17/2005 10:15:09 AM ME

# EXHIBIT A

## QWEST EASEMENT ALONG FRANKS DRIVE

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 17  
TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN  
TOOLEE CITY, TOOLEE COUNTY, UTAH

(BASIS OF BEARING)  
S 001°4'06" E 2642.53' (M)  
S 001°4'08" E 2642.58' (R)



### EASEMENT DESCRIPTION

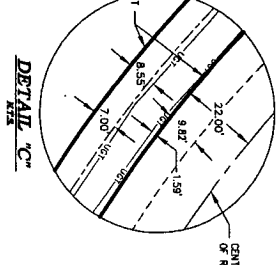
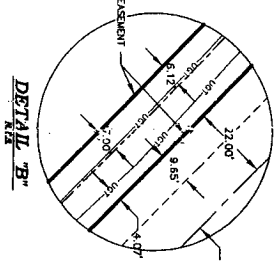
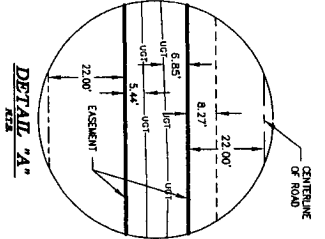
An 18.00'-wide underground telephone easement, in favor of Qwest Corporation, over and across a parcel of land located in the Southeast Corner of Section 17, Township 3 South, Range 4 South, Salt Lake Base and Meridian, being 9.00 feet on each side of the following described centerline:

Beginning at a point on the South line of said Section 17, which point is 1383.72 feet South 89°43'19" West along said South line from the Toolee County survey monument found marking the Southeast Corner of said Section 17 (basis of bearings being South 89°43'19" West 2647.22 feet along the section line between the Toolee County survey monuments found marking the Southeast Corner and the South Quarter Corners of said Section 17), and running thence North 00°02'00" West 150.42 feet to a point on a 231.00 foot radius curve to the right, thence 220.39 feet along the arc of said curve through a central angle of 35°27'52" (Chord bears North 27°41'45" East 508.03 feet); thence North 55°25'32" East 514.3356 feet to a point on a 289.00 foot radius curve to the left, thence 50.51 feet along the arc of said curve through a central angle of 10°45'34" (Chord bears North 50°02'45" East 50.44 feet); thence North 44°39'58" East 748.88 feet to a point on a 969.00 foot radius curve to the left, thence 759.38 feet along the arc of said curve through a central angle of 44°54'04" (Chord bears North 22°12'56" East 740.10 feet); thence North 00°14'06" West 379.94 feet to the point of terminus.

Contains 51,171 square feet, or 1.175 Acres.

### LEGEND

- EASEMENT LINE
- EDGE OF ASPHALT
- UNDERGROUND TELEPHONE LINES
- PROPOSED FUTURE ROAD
- RIGHT-OF-WAY



INITIAL \_\_\_\_\_  
DATE \_\_\_\_\_

