

WHEN RECORDED, MAIL TO:  
Utah Department of Transportation  
Right of Way, Fourth Floor  
Box 148420  
Salt Lake City, Utah 84114-8420

## STORM DRAINAGE EASEMENT

UDOT Parcel No. 436W:EQ  
436W:2EQ  
UDOT Project Reference No. I-15-7(3)289  
Affecting Tax ID No. 21-26-200-017  
21-26-201-004  
21-26-201-008

Arbor Gardner Bingham Junction Holdings, L.C., a Utah limited liability company ("**Grantor**"), for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, hereby grants and conveys to the Utah Department of Transportation ("**Grantee**"), a perpetual non-exclusive easement ("**Easement**") for the construction, installation, operation, inspection, servicing, maintenance, repair and replacement of storm drainage facilities and for the maintenance of landscaping, including the right of ingress and egress for such purposes, on, over, across, through, and under those parcels of real property located in Salt Lake County, Utah and legally described on Exhibit A (collectively, the "**Easement Area**"). A map of the Easement Area is attached as Exhibit B.

[Signatures Follow]

11174268  
04/28/2011 04:21 PM \$0.00  
Book - 9921 Pg - 1699-1710  
GARY W. OTT  
RECORDER, SALT LAKE COUNTY, UTAH  
UT ST-DEPT OF TRANSPORTATION  
BOX 148420 ATT: MONE WARDLE  
SLC UT 84114-8420  
BY: LDT, DEPUTY - 12 P.

DATED this day of February \_\_, 2011.

**GRANTOR:**

ARBOR GARDNER BINGHAM JUNCTION HOLDINGS, L.C.,  
a Utah limited liability company, by its managers:

KC Gardner Company, L.C.,  
a Utah limited liability company

By: [Signature]  
Name: Christian K. Gardner  
Its: Manager

Arbor Commercial Real Estate, L.L.C.,  
a Utah limited liability company

By: [Signature]  
Name: [Signature]  
Its: Manager

**GRANTEE:**

UTAH DEPARTMENT OF TRANSPORTATION

By: [Signature]  
Name: JAMES A. OLSCHKE  
Its: DEPUTY DIRECTOR ROAD VDOT

**CONSENTED TO AND ACKNOWLEDGED BY:**

MIDVALE CITY, a municipal  
corporation

By: [Signature]  
Name: JoAnn B. Seghini  
Its: Mayor

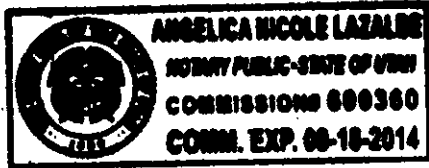
Attested to by:

[Signature]  
City Attorney

State of Utah )  
 ) ss.  
County of SALT LAKE )

March

The foregoing instrument was acknowledged before me on ~~February 2~~, 2011, by JoAnn B. Seghini the Mayor of Midvale City, a municipal corporation.



Angelica J.  
Notary Public

Residing in: Salt Lake

My Commission expires: 8-18-14

State of Utah )  
 ) ss.  
County of SALT LAKE )

The foregoing instrument was acknowledged before me on ~~February 18~~, 2011, by Christian K. Gardner, the Mayor of Midvale City, a municipal corporation.

April

~~\_\_\_\_\_~~

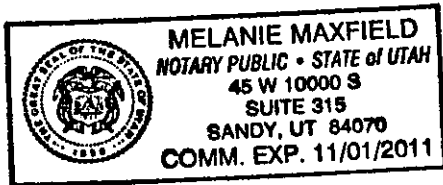
Notary Public

Residing in: \_\_\_\_\_

My Commission expires: \_\_\_\_\_

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

The foregoing instrument was acknowledged before me this 14<sup>th</sup> day of April, 2011 by Christian K. Gardner, the Manager of KC Gardner Company, L.C.

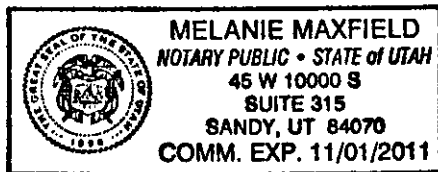


*Melanie Maxfield*  
\_\_\_\_\_  
NOTARY PUBLIC

Residing in: Salt Lake  
My Commission Expires: 11-1-11

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

The foregoing instrument was acknowledged before me this 14<sup>th</sup> day of April, 2011 by John Gust, the Manager of Arbor Commercial Real Estate LLC



*Melanie Maxfield*  
\_\_\_\_\_  
NOTARY PUBLIC

Residing in: Salt Lake  
My Commission Expires: 11-1-11

State of Utah )  
 ) ss.  
County of Salt Lake )

The foregoing instrument was acknowledged before me on ~~February 19<sup>th</sup>~~<sup>April</sup>, 2011, by James A. Olschewski; the Deputy Director Row of the Utah Department of Transportation.



Terri St Armand  
Notary Public

Residing in: Salt Lake

My Commission expires: January 4, 2015

[Notarizations Continue]

## EXHIBIT A

### Legal Description of the Easement Area

#### Parcel 1

All of Parcel 1 as described in that certain Assignment of Storm Drainage Easements, recorded September 15, 2010 as Entry No. 11031870, in Book 9858, at Page 7675 through 7681 in the Office of the Salt Lake County Records, also being the Offsite Storm Drainage Channel Easement as described and shown on The Junction at Bingham Subdivision Plat, recorded November 3, 2009 as Entry No. 10830846, in Book 2009P, at Page 158 in the Office of the Salt Lake County Recorder, being more particularly described as follows:

Beginning at a point which is North 00°17'30" East 2280.25 feet along the Section Line and West 2724.28 feet from the East Quarter Corner of Section 26, Township 2 South, Range 1 West, Salt Lake Base and Meridian; and running thence South 60°54'59" West 78.44 feet; thence South 89°41'40" West 81.83 feet; thence North 60°38'36" West 20.68 feet; thence North 04°03'48" West 53.91 feet; thence South 60°38'36" East 38.46 feet; thence North 89°41'40" East 47.98 feet; thence North 60°54'59" East 94.74 feet; thence South 08°32'11" East 53.40 feet to the point of beginning. Contains 8,580 Square Feet or 0.197 Acres

#### Parcel 2

All of Parcel 2 as described in that certain Assignment of Storm Drainage Easements, recorded September 15, 2010 as Entry No. 11031870, in Book 9858, at Page 7675 through 7681 in the Office of the Salt Lake County Records, also being the Onsite Storm Drainage Channel Easement as described and shown on The Junction at Bingham Subdivision Plat, recorded November 3, 2009 as Entry No. 10830846, in Book 2009P, at Page 158 in the Office of the Salt Lake County Recorder, being more particularly described as follows:

Beginning at a point which is North 00°17'30" East 2191.80 feet along the Section Line and West 1997.56 feet from the East Quarter Corner of Section 26, Township 2 South, Range 1 West, Salt Lake Base and Meridian; and running thence Northwesterly 634.93 feet along the arc of a 1307.90 foot radius curve to the left (center bears South 28°00'59" West and the chord bears North 75°53'27" West 628.72 feet with a central angle of 27°48'53"); thence South 60°54'59" West 133.33 feet; thence North 08°32'11" West 126.82 feet to the Southerly Right-of-Way Line of 7200 South Street; thence North 89°20'39" East 115.07 feet along said Southerly Right-of-Way Line; thence Southeasterly 662.78 feet along the arc of a 1369.90 foot radius curve to the right (center bears South 00°39'21" East and the chord bears South 76°47'44" East 656.33 feet with a central angle of 27°43'14") along said Southerly Right-of-Way Line; thence South 16°21'22" East 32.32 feet along said Southerly Right-of-Way Line to the Westerly Right-of-Way Line of FL Smidth Drive; thence South 27°47'27" West 38.71 feet along said Westerly Right-of-Way Line to the point of beginning.

Contains 52,157 Square Feet or 1.197 Acres

### Parcel 3

All of Parcel 3 as described in that certain Assignment of Storm Drainage Easements, recorded September 15, 2010 as Entry No. 11031870, in Book 9858, at Page 7675 through 7681 in the Office of the Salt Lake County Records, being more particularly described as follows:

Beginning at a the intersection of 7200 South Street and Bingham Junction Boulevard, said point being North 00°17'30" East 1619.55 feet along the Section Line and West 1252.37 feet from the East Quarter Corner of Section 26, Township 2 South, Range 1 West, Salt Lake Base and Meridian; and running thence South 10°51'59" East 37.13 feet along the Westerly Right-of-Way Line of Bingham Junction Boulevard; thence South 33°11'04" West 44.56 feet along the Westerly Right-of-Way Line of Bingham Junction Boulevard; thence Northwesterly 309.56 feet along the arc of a 1,405.74 foot radius curve to the right (center bears North 35°11'27" East and the chord bears North 48°30'02" West 308.94 feet with a central angle of 12°37'02"); thence North 42°11'31" West 215.55 feet; thence Northwesterly 372.39 feet along the arc of a 1,299.90 foot radius curve to the left (center bears South 47°48'29" West and the chord bears North 50°23'56" West 371.12 feet with a central angle of 16°24'50") to the Easterly Right-of-Way Line of FL Smidth Drive; thence North 31°36'33" East 47.02 feet along the Easterly Right-of-Way Line of said FL Smidth Drive; thence North 75°45'23" East 31.88 feet along the Easterly Right-of-Way Line of said FL Smidth Drive to the Southerly Right-of-Way Line of 7200 South Street; thence Southeasterly 369.98 feet along the arc of a 1,369.90 foot radius curve to the right (center bears South 32°20'02" West and the chord bears South 49°55'45" East 368.85 feet with a central angle of 15°28'27") along the Southerly Right-of-Way Line of said 7200 South Street; thence South 42°11'31" East 215.55 feet along the Southerly Right-of-Way Line of said 7200 South Street; thence Southeasterly 265.85 feet along the arc of a 1,335.74 foot radius curve to the left (center bears North 47°48'29" East and the chord bears South 47°53'37" East 265.41 feet with a central angle of 11°24'12") along the Southerly Right-of-Way Line of said 7200 South Street to the point of beginning.

Contains 62,306 Square Feet or 1.430 Acres

### Parcel 4

A portion of Parcel 4 as described in that certain Assignment of Storm Drainage Easements, recorded September 15, 2010 as Entry No. 11031870, in Book 9858, at Page 7675 through 7681 in the Office of the Salt Lake County Records, being more particularly described as follows:

Beginning at a point on the Southerly Right-of-Way Line of 7200 South Street, said point being North 00°17'30" East 1380.87 feet along the Section Line and West 700.03 feet from the East Quarter Corner of Section 26, Township 2 South, Range 1 West, Salt Lake Base and Meridian; and running thence South 35°53'18" East 41.47 feet; thence South 07°48'12" West 51.05 feet; thence Northwesterly 537.98 feet along the arc of a 1,415.74 foot radius curve to the right (center bears North 09°06'46" East and the chord bears North 70°00'03" West 534.75 feet with a central angle of 21°46'21") to the Easterly Right-of-Way Line of Bingham Junction Boulevard; thence North 33°11'04" East 54.54 feet along the Easterly Right-of-Way Line of said Bingham Junction Boulevard to the Southerly Right-of-Way Line of 7200 South Street; thence North 76°58'02" East 37.26 feet along the Southerly Right-of-Way Line of 7200 South Street; thence Southeasterly 448.06 feet along the arc of a 1,335.74 foot radius curve to the left (center bears North 29°38'31" East and the chord bears South 69°58'03" East 445.96 feet with a central angle of 19°13'09") along the Southerly Right-of-Way Line of 7200 South Street to the point of beginning.

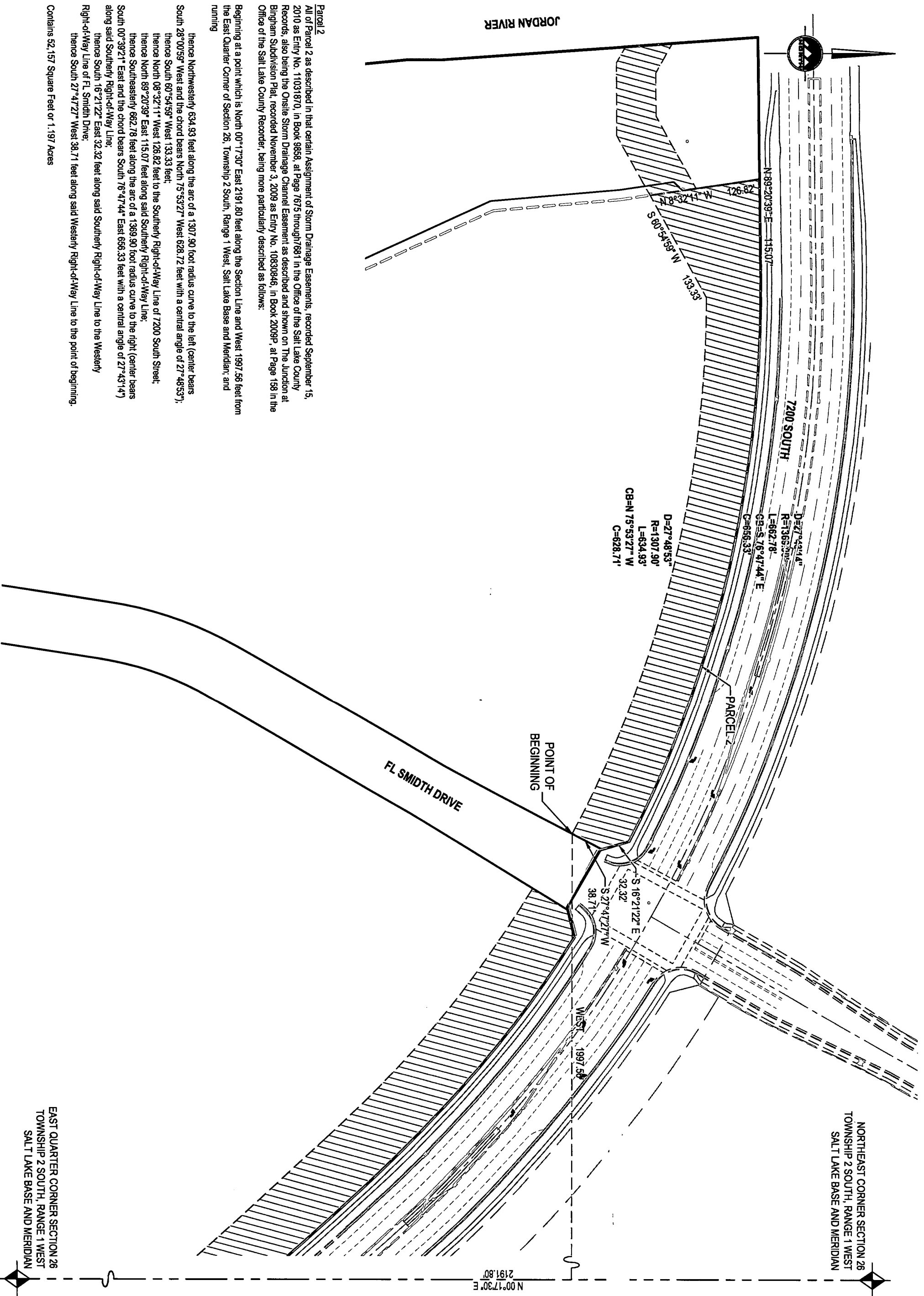
Contains 40,887 Square Feet or 0.939 Acres

**EXHIBIT B**

Map of the Easement Area







**Parcel 2**  
 All of Parcel 2 as described in that certain Assignment of Storm Drainage Easements, recorded September 15, 2010 as Entry No. 11031870, in Book 9858, at Page 7675 through 7681 in the Office of the Salt Lake County Records, also being the Onsite Storm Drainage Channel Easement as described and shown on The Junction at Bingham Subdivision Plat, recorded November 3, 2009 as Entry No. 10830846, in Book 2009P, at Page 158 in the Office of the Salt Lake County Recorder, being more particularly described as follows:  
 Beginning at a point which is North 00°17'30" East 2191.80 feet along the Section Line and West 1997.56 feet from the East Quarter Corner of Section 26, Township 2 South, Range 1 West, Salt Lake Base and Meridian; and running  
 thence Northwesteasterly 634.93 feet along the arc of a 1307.90 foot radius curve to the left (center bears South 28°00'59" West and the chord bears North 75°53'27" West 628.72 feet with a central angle of 27°48'53");  
 thence South 60°54'59" West 133.33 feet;  
 thence North 08°32'11" West 126.82 feet to the Southerly Right-of-Way Line of 7200 South Street;  
 thence North 89°20'39" East 115.07 feet along said Southerly Right-of-Way Line;  
 thence Southeasteasterly 682.78 feet along the arc of a 1369.90 foot radius curve to the right (center bears South 00°39'21" East and the chord bears South 76°47'44" East 656.33 feet with a central angle of 27°43'14") along said Southerly Right-of-Way Line;  
 thence South 16°21'22" East 32.32 feet along said Southerly Right-of-Way Line to the Westeary Right-of-Way Line of Fl Smith Drive;  
 thence South 27°47'27" West 38.71 feet along said Westeary Right-of-Way Line to the point of beginning.

Contains 52,157 Square Feet or 1.197 Acres



90 E. Fort Union Blvd  
 Suite 100  
 Midvale UT 84047  
 Phone: 801.255.0529  
 Fax: 801.255.4449  
 WWW.ENSIGNUTAH.COM

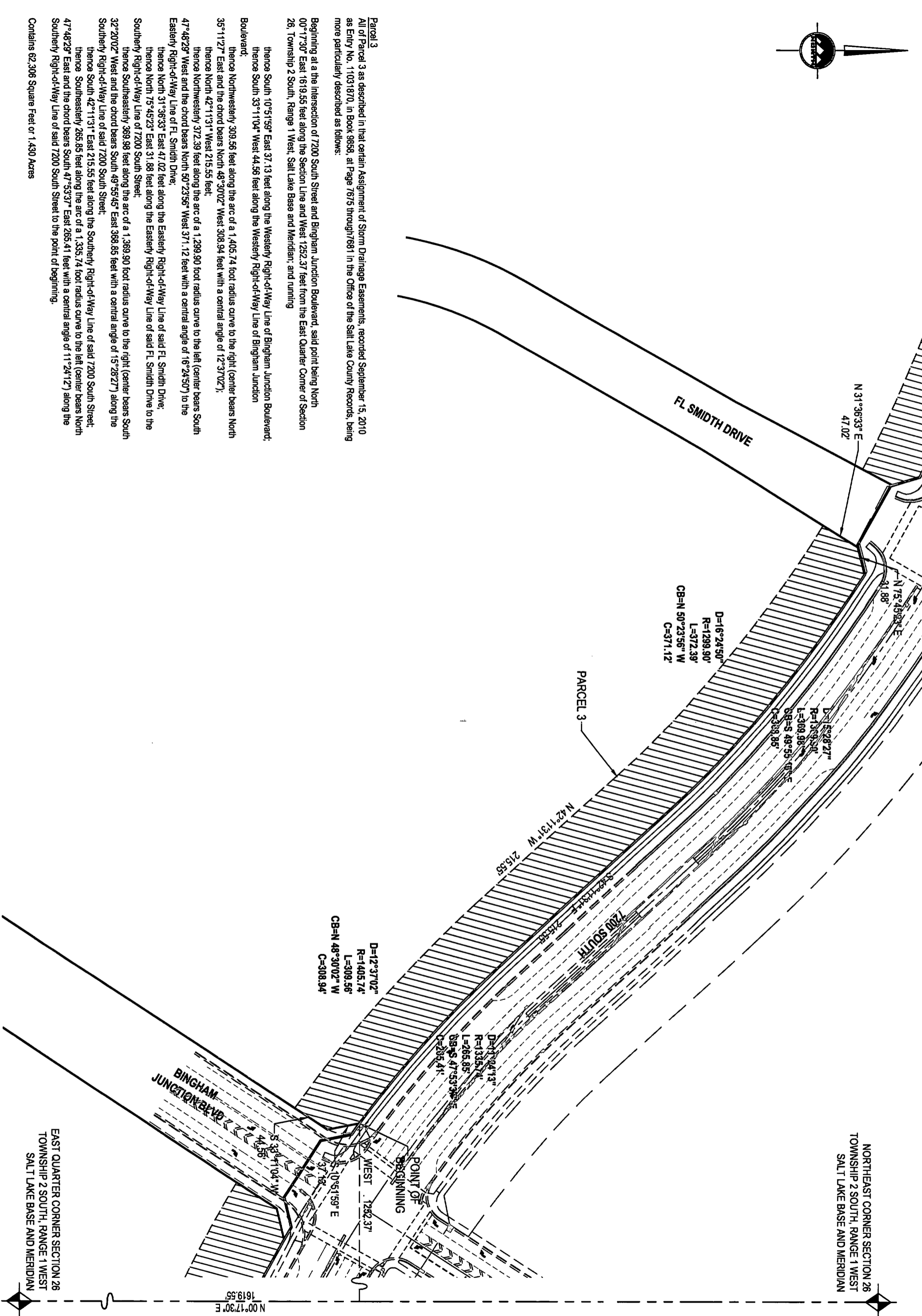
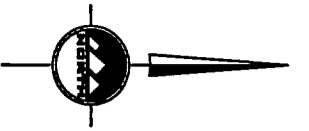
FOR:  
 ARBOR GARDNER  
 BINGHAM JUNCTION  
 HOLDINGS, LLC  
 CONTRACT:  
 PHONE:  
 FAX:

**BINGHAM JUNCTION  
 DRAINAGE EXHIBIT**  
 MIDVALE, UTAH

**PARCEL 2  
 EXHIBIT**

PROJECT #  
 4594  
 DATE  
 4/11/11  
 DRAWN BY  
 KFW  
 PROJECT NUMBER  
 R0E

EAST QUARTER CORNER SECTION 26  
 TOWNSHIP 2 SOUTH, RANGE 1 WEST  
 SALT LAKE BASE AND MERIDIAN



Parcel 3  
 All of Parcel 3 as described in that certain Assignment of Storm Drainage Easements, recorded September 15, 2010 as Entry No. 11031870, in Book 9858, at Page 7675 through 7681 in the Office of the Salt Lake County Records, being more particularly described as follows:

Beginning at a the intersection of 7200 South Street and Bingham Junction Boulevard, said point being North 00°17'30" East 1619.55 feet along the Section Line and West 1252.37 feet from the East Quarter Corner of Section 26, Township 2 South, Range 1 West, Salt Lake Base and Meridian; and running

thence South 10°51'59" East 37.13 feet along the Western Right-of-Way Line of Bingham Junction Boulevard;

thence South 33°11'04" West 44.56 feet along the Western Right-of-Way Line of Bingham Junction Boulevard;

thence Northwesterly 309.56 feet along the arc of a 1,405.74 foot radius curve to the right (center bears North 35°11'27" East and the chord bears North 48°30'02" West 308.94 feet with a central angle of 12°37'02");

thence North 42°11'31" West 215.55 feet;

thence Northwesterly 372.39 feet along the arc of a 1,289.90 foot radius curve to the left (center bears South 47°48'29" West and the chord bears North 50°23'56" West 371.12 feet with a central angle of 16°24'50") to the Eastern Right-of-Way Line of FL Smidth Drive;

thence North 31°36'33" East 47.02 feet along the Eastern Right-of-Way Line of said FL Smidth Drive;

thence North 75°45'23" East 31.88 feet along the Eastern Right-of-Way Line of said FL Smidth Drive to the Southern Right-of-Way Line of 7200 South Street;

thence Southeasterly 369.98 feet along the arc of a 1,369.90 foot radius curve to the right (center bears South 32°20'02" West and the chord bears South 49°55'45" East 368.85 feet with a central angle of 15°28'27") along the Southern Right-of-Way Line of said 7200 South Street;

thence South 42°11'31" East 215.55 feet along the Southern Right-of-Way Line of said 7200 South Street;

thence Southeasterly 265.85 feet along the arc of a 1,335.74 foot radius curve to the left (center bears North 47°48'29" East and the chord bears South 47°53'37" East 265.41 feet with a central angle of 11°24'12") along the Southern Right-of-Way Line of said 7200 South Street to the point of beginning.

Contains 62,306 Square Feet or 1.430 Acres

NORTHEAST CORNER SECTION 26  
 TOWNSHIP 2 SOUTH, RANGE 1 WEST  
 SALT LAKE BASE AND MERIDIAN

N 00°17'30" E  
 1619.55'

EAST QUARTER CORNER SECTION 26  
 TOWNSHIP 2 SOUTH, RANGE 1 WEST  
 SALT LAKE BASE AND MERIDIAN



90 E. Fort Union Blvd  
 Suite 100  
 Midvale UT 84047  
 Phone: 801.255.0329  
 Fax: 801.255.4449  
 WWW.ENSGNUTAH.COM

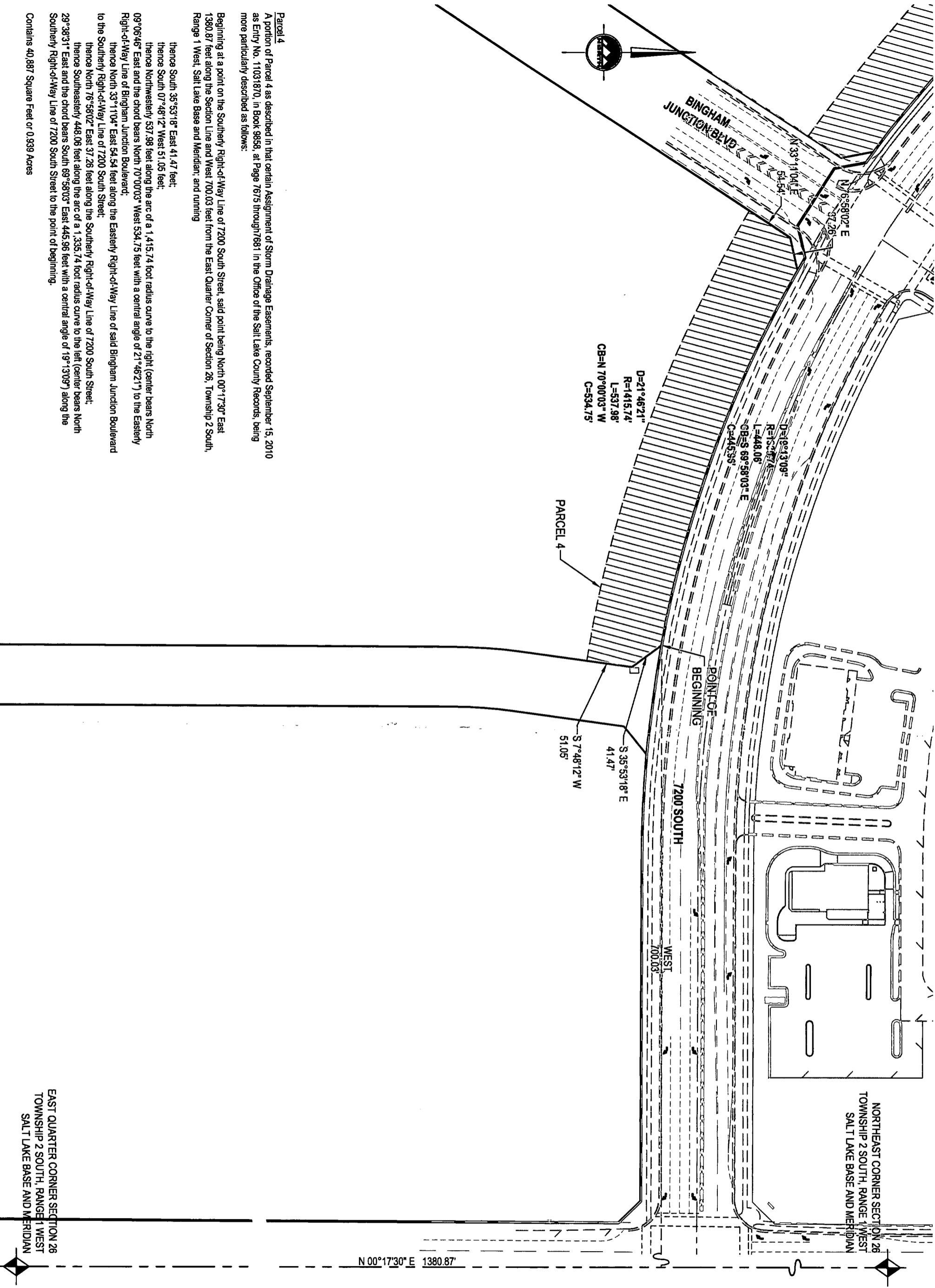
FOR:  
 ARBOR GARDNER  
 BINGHAM JUNCTION  
 HOLDINGS, LLC  
 CONTRACT:  
 PHONE:  
 FAX:

# BINGHAM JUNCTION DRAINAGE EXHIBIT

MIDVALE, UTAH

PARCEL 3  
 EXHIBIT

Project #  
 4584  
 DATE  
 4/11/11  
 DRAWN BY  
 KFW  
 PROJECT NUMBER  
 RDE



**Parcel 4**  
 A portion of Parcel 4 as described in that certain Assignment of Storm Drainage Easements, recorded September 15, 2010 as Entry No. 11031870, in Book 9858, at Page 7675 through 7681 in the Office of the Salt Lake County Records, being more particularly described as follows:

Beginning at a point on the Southerly Right-of-Way Line of 7200 South Street, said point being North  $00^{\circ} 17' 30''$  East 1380.87 feet along the Section Line and West 700.03 feet from the East Quarter Corner of Section 26, Township 2 South, Range 1 West, Salt Lake Base and Meridian; and running

thence South  $35^{\circ} 53' 18''$  East 41.47 feet;  
 thence South  $07^{\circ} 48' 12''$  West 51.05 feet;

thence Northwestly 537.98 feet along the arc of a 1,415.74 foot radius curve to the right (center bears North  $09^{\circ} 06' 46''$  East and the chord bears North  $70^{\circ} 00' 03''$  West  $534.75$  feet with a central angle of  $21^{\circ} 46' 21''$ ) to the Easterly Right-of-Way Line of Bingham Junction Boulevard;

thence North  $33^{\circ} 1' 04.1''$  East 54.54 feet along the Easterly Right-of-Way Line of said Bingham Junction Boulevard to the Southerly Right-of-Way Line of 7200 South Street;

thence North  $33^{\circ} 1' 04.1''$  East 54.54 feet along the Southerly Right-of-Way Line of 7200 South Street;

thence Southeastly 448.06 feet along the arc of a 1,325.74 foot radius curve to the left (center bears North  $29^{\circ} 38' 31''$  East and the chord bears South  $69^{\circ} 58' 03''$  East 445.96 feet with a central angle of  $19^{\circ} 13' 09''$ ) along the Southerly Right-of-Way Line of 7200 South Street to the point of beginning.

Contains 40,887 Square Feet or 0.939 Acres

EAST QUARTER CORNER SECTION 26  
 TOWNSHIP 2 SOUTH, RANGE 1 WEST  
 SALT LAKE BASE AND MERIDIAN



90 E. Fort Union Blvd  
 Suite 100  
 Midvale UT 84047  
 Phone: 801.255.0529  
 Fax: 801.255.4449  
 WWW.ENSGNUTAH.COM

FOR:  
 ARBOR GARDNER  
 BINGHAM JUNCTION  
 HOLDINGS, LLC  
 CONTACT:  
 PHONE:  
 FAX:

**BINGHAM JUNCTION  
 DRAINAGE EXHIBIT**

MIDVALE, UTAH

**PARCEL 4  
 EXHIBIT**

PROJECT #  
 4584  
 DATE  
 4/11/11  
 DRAWN BY  
 KRW  
 PROJECT NUMBER  
 R02