

12/4

(A)

WHEN RECORDED, RETURN TO:
PacifiCorp
Attn: Lisa Louder / blm
1407 West North Temple, Suite 110
Salt Lake City, Utah 84116

ENT 177760:2007 PG 1 of 4
RANDALL A. COVINGTON
UTAH COUNTY RECORDER
2007 Dec 27 4:07 pm FEE 16.00 BY SS
RECORDED FOR PACIFI CORP

Parcel Number: 27-037-0021

EASEMENT

For the sum of Ten Dollars (\$10.00) and other good and valuable consideration PACIFICORP, an Oregon Corporation, d/b/a Rocky Mountain Power, whose address is 1407 West North Temple, Salt Lake City, Utah, 84116 ("GRANTOR"), hereby CONVEYS to MESQUITE PRESIDIO, LLC, whose principal address is 5132 North 300 West, Provo, Utah 84604, its successors-in-interest and assigns ("GRANTEE"), a perpetual easement and right of way for the installation, construction, operation, maintenance and repair of a public roadway, along with a perpetual easement and right of way for the associated public utilities, in on, and/or across the following described real property owned by Grantor located in Utah County, State of Utah, to-wit:

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 8 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN AND THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 8 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 8 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN, SAID POINT BEING NORTH 89°06'24" EAST 0.83 FEET FROM THE EAST QUARTER CORNER OF SECTION 27, TOWNSHIP 8 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE SOUTHERLY 5.18 FEET ALONG THE ARC OF A 16.00 FOOT RADIUS CURVE TO THE LEFT TO A POINT OF TANGENCY (CHORD BEARS SOUTH 09°07'31" WEST A DISTANCE OF 5.16 FEET); THENCE SOUTH 00°09'22" EAST 377.39 FEET; THENCE SOUTH 89°50'38" WEST 40.00 FEET; THENCE NORTH 00°09'22" WEST 376.58 FEET TO A POINT OF CURVATURE; THENCE NORTHERLY 5.71 FEET ALONG THE ARC OF A 16.00 FOOT RADIUS CURVE TO THE LEFT (CHORD BEARS NORTH 10°23'03" WEST A DISTANCE OF 5.68 FEET); THENCE NORTH 89°06'24" EAST 41.84 FEET TO THE POINT OF BEGINNING.

CONTAINS 15,296 SQUARE FEET

THERE IS ALSO A 10 PUBLIC UTILITY EASEMENT ALONG BOTH SIDES OF PROPOSED HUNTER BOULEVARD. TOTAL SQUARE FOOTAGE OF PUBLIC UTILITY EASEMENT ALONG HUNTER BOULEVARD EQUALS 7,653 SQUARE FEET.

This easement and right-of-way is granted to Grantee, its successors and assigns and their authorized agents, for the benefit of that certain real property located in Utah County, State of Utah, and more particularly described on Exhibit "A" attached hereto, subject to the following restrictive covenants and conditions:

1. Grantee, its successors and assigns, will not make or allow to be made any use of the easement herein granted that is inconsistent with, or interferes in any manner with Grantor's operation, maintenance or repair of Grantor's existing installations or additional facilities or improvements constructed after the granting of this easement, including electric transmission and distribution circuits that cross over or above the property as herein described.

2. Grantee has examined the Easement area and accepts it in its present condition, AS-IS and with all faults. Grantor makes no representations or warranties as to the present or future condition of the Easement area and shall not be required to perform, pay for, or be responsible for any work to ready the property or remedy any property conditions or perform any work, repair, or improvement whatsoever to the property or Grantor's facilities or structures to accommodate Grantee's use conveyed hereunder.

3. In the event that curb and gutter is constructed on the easement herein granted by Grantee or made as a condition of development by Grantee, said curb and gutter will be high-back type and will contain a 30-foot curb cut on both sides of the roadway located at place designated by the Grantor, which curb cut will permit passage of Grantor's equipment used for repair and maintenance of Grantor's substation and electric transmission lines. Roadway construction will be sufficient to support Grantor's equipment in excess of 50 tons.

4. Grantee, its successors and assigns, will not use or permit to be used on said easement construction cranes or other equipment that violate OSHA and UTAH High Voltage Act Clearance Standards. Grantee will not store materials within the easement area. Grantee will not excavate within 50 feet of Grantor's transmission structures. The storage of flammable and hazardous materials or refueling of vehicle/equipment is prohibited within the easement area. At no time shall Grantee place any equipment or materials of any kind that exceeds fifteen (15) feet in height, or that creates a material risk of endangering Grantor's facilities, or that may pose a risk to human safety. Grantee's use of the easement area shall comply with OSHA and UTAH High Voltage Act Safety Clearance Standards.

5. Grantee shall not place or allow to be placed any trees or other vegetation within the easement exceeding twelve (12) feet in height. Grantee shall be responsible for removing any trees or vegetation that exceeds the 12 foot limitation.

6. In the event Grantee ceases to use, for thirty (30) or more consecutive days, for purposes of a roadway, the property herein described, this easement shall thereupon immediately terminate, with all rights and interest conveyed herein by Grantor to revert back to Grantor by instrument of disclaimer from Grantee, or its successors or assigns.

7. Grantor shall have the right, at any time and from time to time, to cross and recross with equipment, personnel, overhead power lines or underground power lines and access roads, at any location or locations thereon, the lands included with the easement herein conveyed by Grantor to

EXHIBIT "A"
(Legal description of Grantor's Parcel)

Beginning at a Southwest corner of the Grantor's land at a point 1346.77 feet N. 0°41' W. from the South one quarter corner of Section 27, T. 8 S., R. 3 E., S.L.M., thence North 1340 feet, more or less, thence East 4765 feet, more or less, thence S. 8°44' W. 380.4 feet, thence West 675 feet, more or less, thence N. 0°30' E., 14 feet, more or less, thence N. 88°30' W. 1298.1 feet, thence S. 1°30' W. 48 feet, more or less, thence West 1394 feet, more or less, thence South 964 feet, more or less, thence S. 89°58' W. 1341.50 feet to the point of beginning and being in the N ½ of the SE ¼ of said Section 27, the N ½ of the SW ¼ of Section 26, Township and Range aforesaid.

Containing 69.65 acres, more or less.