

WHEN RECORDED, RETURN TO:
Provo City Corporation
ATTN: Property Coordinator
P.O. Box 1849
Provo, Utah 84603

STORM DRAIN AND SEWER LINE EASEMENT

NOVATEK MANAGEMENT, LLC, a Utah Limited Liability Company, Grantor, of Utah County, Utah, hereby grants and conveys to **PROVO CITY CORPORATION**, a municipal corporation, its successors in interest and assigns, Grantee, for the sum of One (\$1.00) Dollar and other valuable consideration, perpetual easements and right-of-ways for the construction of and continued maintenance, repair, alteration, and replacement of a storm drain and sewer line to be built and maintained upon and across the perpetual right-of-ways of the Grantor, in Utah County, Utah, along the areas described as follows:

Tract SD:2:E - That certain portion of Lot 2, Birka Pointe, Plat A, being located in the Northwest Quarter of the Northeast Quarter of Section 20, Township 7 South, Range 3 East, Salt Lake Base and Meridian, Utah County, Utah, described as follows:

BEGINNING at a point on the easterly boundary of the Union Pacific Railroad Company right of way tract described in Book 285 at Page 56 recorded as Entry Number 1931:1107 in the Utah County records, said point also being North 64°30'38" East 8.50 feet along the southerly boundary of Lot 2, Birka Pointe, Plat A located in the Northwest Quarter of the Northeast Quarter of Section 20, Township 7 South, Range 3 East, Salt Lake Base and Meridian, and running thence North 24°24'10" West 32.08 feet along said easterly boundary to a point 15.00 feet perpendicularly distant northerly from a proposed storm drain pipeline; thence North 84°43'14" East 14.21 feet parallel with said pipeline to a point 15.00 feet perpendicularly distant northerly from said pipeline; thence South 85°11'26" East 53.85 feet parallel with said pipeline to a point on the southerly boundary of said Lot 2; thence South 64°30'38" West 60.43 feet along said southerly boundary to the point of BEGINNING, containing 1,036 square feet or 0.0238 acres.

Less 748 square feet contained in existing drainage easement.

Net easement acquisition 288 square feet or 0.0066 acres.

Tract SD:4B:2E - That certain portion of Lot 2, Birka Pointe, Plat A and Lot 17A, Billings Technology Park Subdivision, Plat C, both being located in the Northwest Quarter of the Northeast Quarter of Section 20, Township 7 South, Range 3 East, Salt Lake Base and Meridian, Utah County, Utah, described as follows:

BEGINNING at a point on the easterly boundary of the Union Pacific Railroad Company right of way tract described in Book 285 at Page 56 recorded as Entry Number 1931:1107 in the Utah County records, said point also being North 64°30'38" East 8.50 feet along the southerly boundary of Lot 2, Birka Pointe, Plat A located in the Northwest Quarter of the Northeast Quarter of Section 20, Township 7 South, Range 3 East, Salt Lake Base and Meridian, and North 24°24'10" West 0.33 feet along said easterly boundary from the southwest corner of said Lot 2, said point also being 15.00 feet perpendicularly distant southerly from a proposed storm drain pipeline and running thence South 84°43'14" West 32.81 feet parallel with said pipeline to the westerly boundary of said Railroad tract; thence North 24°24'10" West 31.75 feet along said westerly boundary to a

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point 15.00 feet perpendicularly distant northerly from said pipeline; thence North 84°43'14" East 32.81 feet parallel with said pipeline to the easterly boundary of said Railroad tract; thence South 24°24'10" East 31.75 feet along said easterly boundary to the point of BEGINNING, containing 984 square feet or 0.0226 acres.

Tract SD:4B:E - That certain portion of Lot 4, Billings Technology Park Subdivision, Plat F located in the Northwest Quarter of the Northeast Quarter of Section 20, Township 7 South, Range 3 East, Salt Lake Base and Meridian, Utah County, Utah, described as follows:

BEGINNING at a point on the southerly boundary of Lot 4, Billings Technology Park Subdivision, Plat F located in the Northwest Quarter of the Northeast Quarter of Section 20, Township 7 South, Range 3 East, Salt Lake Base and Meridian, said point being at the intersection with the easterly boundary of the Union Pacific Railroad Company right of way tract described in Book 285 at Page 56 recorded as Entry Number 1931:1107 in the Utah County records, said point also being South 65°35'50" West 450.69 feet along said southerly boundary and North 24°24'10" West 445.22 feet along said easterly boundary from the southeast corner of said Lot 4, and running thence South 24°24'10" East 24.41 feet along said easterly boundary to a point 15.00 feet perpendicularly distant southerly from a proposed storm drain pipeline; thence North 85°11'26" West 50.01 feet parallel with said pipeline to the northerly boundary of said Railroad tract; thence North 65°35'50" East 43.65 feet along said northerly boundary to the point of BEGINNING, containing 533 square feet or 0.0122 acres.

Tract SD:17A:E - That certain portion of Lot 17A, Billings Technology Park Subdivision, Plat C, being located in the Northwest Quarter of the Northeast Quarter of Section 20, Township 7 South, Range 3 East, Salt Lake Base and Meridian, Utah County, Utah, described as follows:

BEGINNING at a point on the westerly boundary of Lot 17A, Billings Technology Park, Plat C, located in the Northwest Quarter of the Northeast Quarter of Section 20, Township 7 South, Range 3 East, Salt Lake Base and Meridian, said point being North 22°01'50" West 59.21 feet along said westerly boundary from the southwest corner thereof, said point also being 15.00 feet perpendicularly distant southerly from a proposed storm drain pipeline, and running thence North 22°01'50" West 31.33 feet along said westerly boundary of Lot 17A to a point 15.00 feet perpendicularly distant northerly from said pipeline; thence North 84°43'14" East 290.68 feet parallel with said pipeline to a point on the westerly boundary of the Union Pacific Railroad Company right of way tract described in Book 285 at Page 56 recorded as Entry Number 1931:1107 in the Utah County records; thence South 24°24'10" East 31.75 feet along said westerly boundary to a point being 15.00 feet perpendicularly distant southerly from said pipeline; thence South 84°43'14" West 292.05 feet parallel with said pipeline to the point of BEGINNING, containing 8,741 square feet or 0.2007 acres.

Together with all rights of ingress and egress necessary or convenient for the full and complete use, occupation and enjoyment of the easement hereby granted, and all rights and privileges incident thereto, including but not limited to, the right to cut and remove timber, trees, brush, overhanging branches and other obstructions which may injure or interfere with the Grantee's use, occupation or enjoyment of this easement.

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IN WITNESS WHEREOF, the Grantors have executed this instrument this 5 day of Oct, 2004.

GRANTOR:

Novatek Management, LLC

[Signature]

By: David R. Hall
Member of Novatek Management LLC

STATE OF UTAH)
 : ss.
COUNTY OF UTAH)

On the 5 day of October, 2004, before me personally appeared David R. Hall, Member of Novatek Management LLC, a Notary Public in and for the State of Utah, the signer of the above instrument, who duly acknowledged to me that he executed the same.

[Signature]
Notary Public

