

AGREEMENT TO CREATE NO-BUILD EASEMENT

This Agreement is entered into this 7 day of Feb, 2011 between UrbanBlue Development, a Utah limited liability company of 250 East 100 South, Salt Lake City 84111 (Property Owner), Utah, and UrbanBlue Development, a Utah limited liability company of 250 East 100 South, Salt Lake City (Adjacent & Same Property Owner).

RECITALS

- 1. For the purposes of potential site development and property improvements, Property Owner is entering into an agreement to create a "no-build" easement with the Adjacent Property Owner on its property located at 349 West 700 South in Salt Lake City, County of Salt Lake, State of Utah, and legally described as follows:

Parcel # 15-12-130-002

COM AT NW COR LOT 6 BLK 12 PLAT A SLC SUR E 78.5 FT S 200 FTE 13.2 FT S 12 FT E 73.3 FT S 118 FT W 10 RDS N 20 RDS TO BEG., 3562-83,8646-1209,1213 8654-4201 8930-5797 9452-4347 9458-2576 9477-2222,2219

to prohibit building construction within said easement, between its property and the adjacent property, owned by UrbanBlue Development, located at 345 West 700 South in Salt Lake City, County of Salt Lake, State of Utah and legally described as follows:

Parcel # 15-12-130-027

BEG E 78.5 FT FR NW COR OF LOT 6, BLK 12, PL A, SLC SUR; E 42.5 FT; S 200 FT; W 42.5 FT; N 200 FT TO BEG. 9458-2576 9477-2222,2219

The easement shall establish a prescriptive "no-build" easement for the length and width of the legally recorded cross access area, approximately 20'-0" x 200'-0" as follows:

At the Property Owner's existing northeast corner, and corresponding Adjacent Property Owner's northwest corner, easement shall be a constant 20'-0" in width from the north property line continuing due south 200'-0" to the south property line of the Adjacent Property Owner at 345 West 700 South.

AGREEMENT

NOW THEREFORE IT IS HEREBY AGREED AS FOLLOWS:

- 1. In fulfillment of the requirement imposed as a condition of site plan approval, Property Owner and Adjacent Property Owner agree, in the future and upon demand by Salt Lake City, to grant a no-build easement.

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Book - 9903 Pg - 9787-9789
GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
ROB BEISHLINE
250 E 100 S
SLC UT 84111
BY: KLD, DEPUTY - WI 3 P.

2. Property Owner agrees to grant the no-build agreement and to execute all necessary documents to create said no-build easement.
3. The easements to be created shall burden and benefit the parcels. The easements shall run with the land and shall be binding on and shall insure to the benefit of the property owners, their respective heirs, successors or assigns.
4. The easements to be created shall continue until expressly terminated by written agreement between the parties, their successors, or their assigns. Any agreement to terminate or modify the easements to be created shall be approved in writing by Salt Lake City.
5. Property Owner and Adjacent Property Owner agree to make the necessary improvements to their respective properties, jointly or separately, to allow the no-build agreement as set forth herein within a reasonable time after the creation of the no-build easements.
6. Property Owner agrees to maintain the easement area that will be located in its property in a reasonable manner and at their sole expense.
7. Any violation or breach of this Agreement shall be considered a breach of the site plan, and Salt Lake City shall have the authority to enforce this Agreement in any manner permitted by law.
8. This Agreement to create a no-build easement shall be recorded with the Salt Lake County Register of Deeds.

WITNESSED:

UrbanBlue Development, LLC

By: Robert O. Beishline
Robert O. Beishline, Partner

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

On this 7 day of February, 2011, before me, a Notary Public in and for the County of Salt Lake, personally appeared Robert Beishline on behalf of Urban Blue Dev, to me known to be the same person who signed and is described in the above instrument and acknowledged the same to be his/her free act and deed.

Sarah Stephens

, Notary Public
Salt Lake County, Utah
My Commission expires: 8-1-13

