



W3140584

WHEN RECORDED MAIL TO:

GB MS Industrial, LLC
423 West 300 South, Suite 230
Salt Lake City, UT 84101

E# 3140584 PG 1 OF 15
Leann H. Kilts, WEBER COUNTY RECORDER
01-Apr-21 0335 PM FEE \$42.00 DEP PC
REC FOR: COTTONWOOD TITLE INSURANCE AGENCY
ELECTRONICALLY RECORDED

File No.: 134265-MCY

ROADWAY ACCESS EASEMENT AGREEMENT AND TERMINATION OF RIGHT-OF-WAY EASEMENT DEED

In Reference to Tax ID Number(s):

15-031-0008; 15-031-0005; 15-031-0007; 15-031-0004; 15-001-0010; 15-001-0025; 15-001-0003;
15-031-0016; 15-031-0020; 15-031-0023; and 15-031-0022

WHEN RECORDED RETURN TO

**ROADWAY AND UTILITIES EASEMENT AGREEMENT
AND TERMINATION OF RIGHT-OF-WAY EASEMENT DEED**

This ROADWAY AND UTILITIES EASEMENT AGREEMENT AND TERMINATION OF RIGHT-OF-WAY EASEMENT DEED (this "Agreement") is made and entered into effective as of the 1 day of April, 2021, by and between The Frank S. Blair Limited Partnership, a Utah limited partnership ("Blair"), Marriott-Slaterville City ("City"), Holt Lending #1, LLC, a Utah limited liability company ("Holt"), and Westside Investment, LC, a Utah limited liability company ("Westside"). Blair, City and Westside are herein referred to individually as a "Party" and collectively as the "Parties".

RECITALS:

A. Blair and Holt are the owners or have development control over that certain real property located in Weber County, Utah depicted on Exhibit "A" attached hereto (the "Blair Parcel" and the "Holt Parcel").

B. City is the owner of that certain real property depicted on Exhibit "A" attached hereto (the "City Parcel").

C. Westside is the owner of that certain real property legally described on Exhibit "B" (the "Westside Parcel"). The Blair Parcel, the Holt Parcel, the City Parcel and the Westside Parcel are herein referred to individually as a "Parcel" and collectively as the "Parcels".

D. Also depicted on Exhibit "A" and legally described on Exhibit "C" is a certain dirt roadway (the "Roadway") which traverses over and across a portion of the Blair Parcel and the Holt Parcel and a portion of the City Parcel, which Roadway is anticipated to provide a perpetual easement for vehicles, pedestrians, and utilities over, under, across, and through the Blair Parcel, Holt Parcel and the City Parcel to the Westside Parcel.

E. The Owners of the Blair Parcel, Holt Parcel and the City Parcel desire to grant a perpetual easement over, under, across, and through the Roadway for the benefit of the Westside Parcel.

AGREEMENT:

NOW, THEREFORE, for good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the Parties agree as follows:

1. **Grant of Easements.** The Owners of the Blair Parcel, the Holt Parcel and the City Parcel hereby grant, for the benefit of the Owner of the Westside Parcel, together with its tenants, invitees, licensees and agents (the "**Benefitted Parties**"), a non-exclusive perpetual easement for the purposes of: 1) vehicular and pedestrian ingress and egress over and across the Roadway (the "**Easement**") and 2) the installation and transmission of wet and dry utility services and any and all infrastructure related to such utilities over, under, across, and through the Easement. As used herein, the term "Owner" shall mean the fee owner of record in the Official Records of Weber County, Utah.

2. **Termination upon Dedication.** At such time as the Roadway is dedicated to the City of Marriott-Slaterville, this Agreement shall terminate and the Easement shall be null and void; provided the Easement shall continue to exist over the northern portion of the Roadway as legally described as "66' WIDE ACCESS AND UTILITY EASEMENT NO. 1" and "NO. 3" on Exhibit "C" and as depicted as the same on Exhibit "A."

3. **Termination of Right-of-Way Easement Deed.** The Owner of the Westside Parcel, as successor in interest to Drogheda, L.C., a Utah limited liability company, hereby terminates, withdraws claim to, and negates: (i) that certain Right-of-Way Easement Deed dated June __, 2012 and recorded in the Weber County Recorder's Office on September 1, 2015 as Entry No. 2754063 and (ii) any other recorded or unrecorded right, title or interest of the Owner of the Westside Parcel over and across the Blair Parcel and the City Parcel for egress and ingress, except as stated herein.

4. INTENTIONALLY DELTED

5. **Run with Land.** All of the provisions, agreements, rights, powers, covenants, conditions, obligations, and easements contained in this Agreement shall be binding upon and inure to the benefit of the Owners, their respective successors, assigns, heirs, devisees, executors, administrators, subsidiaries, representatives, lessees, sublessees, members and all other persons or entities acquiring either tenement, or any portion thereof or interest therein. All of the provisions, agreements, rights, powers, covenants, conditions, obligations and easements contained in this Agreement shall be covenants running with the Roadway and the Parcels, both for the benefit of each tenement and as a burden upon each, pursuant to the applicable laws of the State of Utah.

6. **Counterparts.** This Agreement may be executed in counterparts, each of which shall constitute a separate document but all of which together shall constitute one and the same agreement.

[Signatures and Acknowledgments Follow]

CITY

MARRIOTT-SLATERVILLE CITY,

By: Scott VanLeeuwen

Name: Scott VanLeeuwen

Its: Mayor

Attest and Countersign:

Dana Spencer
City Recorder

STATE OF UTAH)

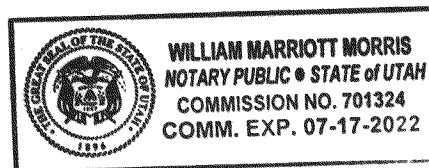
: ss.

COUNTY OF WEBER)

On the 18th day of March, 2021, personally appeared before me Scott VanLeeuwen, the signer of the foregoing instrument, who duly acknowledged to me that he executed the same for its stated purpose.

William Morris

Notary Public



WESTSIDE

WESTSIDE INVESTMENT, LLC, a Utah
limited liability company

By: Randy Marriott

Name: Randy Marriott

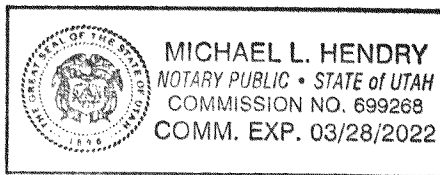
Its: Manager

STATE OF UTAH)

: ss.

COUNTY OF WEBER)

On the 31 day of MARCH, 2021, personally appeared before me Randy Marriott, the signer of the foregoing instrument, who duly acknowledged to me that he executed the same for its stated purpose.



[Signature]
Notary Public

HOLT

HOLT LENDING #1, LLC, a Utah limited liability company

By: Nick Holt

Name: Nick Holt

Its: Manager

STATE OF Utah)

: ss.

COUNTY OF Salt Lake)

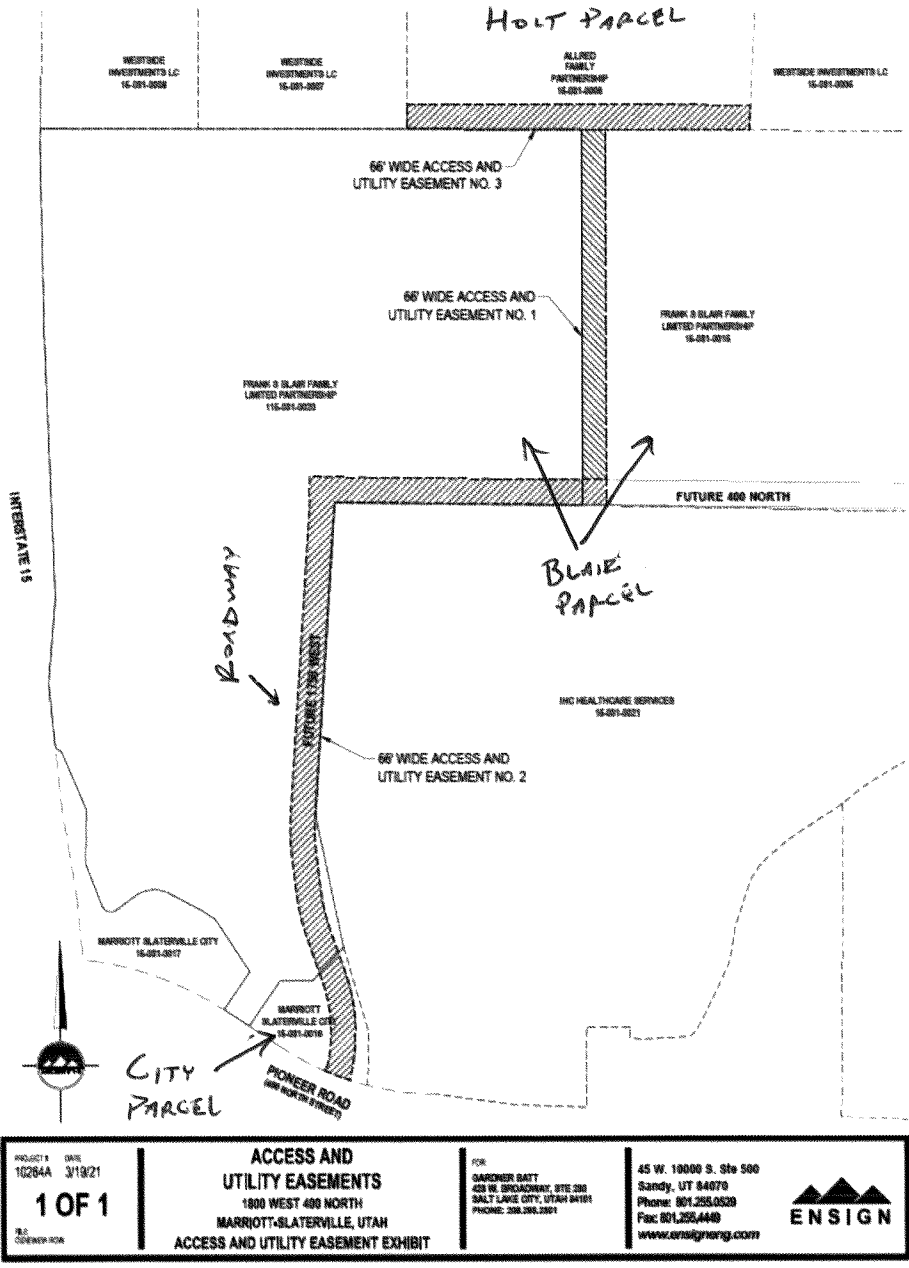
On the 1 day of April, 2021, personally appeared before me Nick Holt, the signer of the foregoing instrument, who duly acknowledged to me that he executed the same for its stated purpose.



Jake Jackson
Notary Public

EXHIBIT A

Depiction of Parcels and Roadway



PROJECT # 10284A DATE 3/19/21 1 OF 1 <small>PLANNING</small>	ACCESS AND UTILITY EASEMENTS 1800 WEST 400 NORTH HARRIOTT-SLATERVILLE, UTAH ACCESS AND UTILITY EASEMENT EXHIBIT	FOR: GARDNER BATT 403 W. SPOCKWAY, STE 200 SALT LAKE CITY, UTAH 84101 PHONE: 208.298.2301	45 W. 10000 S. Ste 500 Sandy, UT 84070 Phone: 801.225.0529 Fax: 801.225.4448 www.ensign.com
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EXHIBIT B**Legal Description of Westside Parcel****Parcel 15-031-0008**

PART OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY: BEGINNING AT A POINT 153 FEET SOUTH OF THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 12, RUNNING THENCE SOUTH 864 FEET, THENCE NORTH 89D26' EAST IN CENTER OF ROAD 314.8 FEET, THENCE NORTH 2D15' EAST 860 FEET, THENCE NORTH 89D34' WEST 348.3 FEET TO PLACE OF BEGINNING. CONTAINING 6.5 ACRES, M/L.

Parcel 15-031-0005

PART OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE MERIDIAN, U.S. SURVEY: BEGINNING AT A POINT WHICH IS 44.07 CHAINS WEST OF THE NORTHEAST CORNER OF SAID SECTION 12; RUNNING THENCE SOUTH 0D45' EAST 15.8 CHAINS; THENCE WEST 9.6 CHAINS; MORE OR LESS, TO AN EXISTING FENCE, THENCE (NORTH 02D26'48" EAST ALONG AN EXISTING FENCE LINE E# 2203455) 15.8 CHAINS TO THE NORTH LINE OF SAID NORTHWEST 1/4, THENCE EAST TO THE PLACE OF BEGINNING. SUBJECT TO A RIGHT OF WAY OVER THE SOUTH 1 ROD.

Parcel 15-031-0007

PART OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY: BEGINNING AT THE NORTHWEST CORNER OF SECTION 12, THENCE SOUTH 89D15' EAST ALONG SECTION LINE 13.30 CHAINS, THENCE SOUTH 15.8 CHAINS, THENCE WEST TO A POINT 314.8 FEET EAST OF SECTION LINE, THENCE NORTH 2D30' EAST 887.16 FEET, THENCE NORTH 89D34' WEST 348.3 FEET TO SECTION LINE, THENCE NORTH 153 FEET TO BEGINNING. TOGETHER WITH: AN 80.00 FOOT WIDE EASEMENT AND RIGHT OF WAY BEING 40.00 LEFT AND 40.00 FEET RIGHT OF THE FOLLOWING DESCRIBED CENTERLINE. THE LEFT AND RIGHT OFFSETS ARE TO BE PROLONGED OR SHORTED TO EXTEND OR TRIM TO THE BOUNDARIES OF THE GRANTORS LAND. A PART OF THE WEST HALF OF SECTION 12, TOWNSHIP 6 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN. BEGINNING ON THE NORTH RIGHT OF WAY LINE OF 400 NORTH STREET AT A POINT LOCATED SOUTH 89D08'13" EAST 360.40 FEET

ALONG THE SOUTH LINE OF SAID SECTION AND NORTH 00D51'47" EAST 1911.03 FEET FROM THE SOUTHWEST CORNER OF SAID SECTION AND RUNNING THENCE NORTHWESTERLY ALONG THE ARC OF A 200.00 FOOT RADIUS CURVE TO THE LEFT A LENGTH OF 254.85 FEET, CHORD BEARS NORTH 02D51'20" WEST 237.96 FEET; THENCE NORTHERLY ALONG THE ARC OF A 200.00 FOOT RADIUS CURVE TO THE RIGHT OF A LENGTH OF 139.77 FEET, CHORD BEARS NORTH 19D20'21" WEST 136.95 FEET, THENCE NORTH 00D400'55" EAST 1985.087 FEET TO THE NORTH BOUNDARY LINE OF FRANK BLAIRS PROPERTY AND THE POINT OF TERMINATION. (E#2754063).

Parcel 15-031-0004

PART OF THE SOUTH 1/2 OF SECTION 1, AND PART OF THE NORTH 1/2 OF THE NORTH 1/2 OF SECTION 12, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY: BEGINNING 34.47 CHAINS WEST FROM THE NORTHEAST CORNER OF SAID SECTION 12, AND RUNNING THENCE SOUTH 0D45' EAST 1042.80 FEET, THENCE WEST 633.6 FEET, THENCE NORTH 1292.88 FEET, THENCE SOUTH 89D15' EAST 593.34 FEET, THENCE SOUTH 300.3 FEET TO THE PLACE OF BEGINNING. CONTAINING 13.9 ACRES, #. TOGETHER WITH A RIGHT-OF-WAY OVER THE SOUTH 16.5 FEET OF PROPERTY IMMEDIATELY ADJOINING ON WEST FOR A DISTANCE OF 9.6 CHAINS. EXCEPT THAT PORTION PURCHASED BY U.S.A.

Parcel 15-001-0010

PART OF THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY: BEGINNING AT THE SOUTHWEST CORNER OF SECTION 1, THENCE NORTH 4.57 CHAINS, THENCE SOUTH 89D15' EAST 13.30 CHAINS, THENCE SOUTH TO SECTION LINE, THENCE WEST TO BEGINNING.

Parcel 15-001-0025

PART OF THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE MERIDIAN, U.S. SURVEY: BEGINNING AT A POINT WHICH IS 3.79 CHAINS WEST OF THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER AND RUNNING THENCE WEST 8.33 CHAINS, MORE OR LESS, TO A POINT WHICH IS 27.89 CHAINS EAST OF THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 1; THENCE (NORTH 02D13'17"

EAST ALONG AN EXISTING FENCE LINEE# 2203455) 4.3 CHAINS THENCE SOUTH 89D15' EAST TO A POINTNORTH OF THE PLACE OF BEGINNING, THENCE SOUTH TO THE PLACEOF BEGINNING. EXCEPTING THEREFROM THAT CERTAIN 0.33 ACRE TRACT OF LANDCONVEYED TO THE UNITED STATES OF AMERICA, IN WARRANTY DEEDDATED JULY 31, 1961 AND RECORDED AUGUST 23. 1961, INBOOK 687 OF RECORDS, PAGE 252, RECORDS OF WEBER COUNTY, UTAH.

Parcel 15-001-0003

PART OF THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 6 NORTH,RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY:BEGINNING 3.46 CHAINS WEST FROM THE SOUTHEAST CORNER OF SAIDSOUTHWEST QUARTER; THENCE WEST ON SECTION LINE 21.78 FEET;THENCE NORTH TO WILLARD CANAL; THENCE SOUTHEASTERLY TO A POINTNORTH OF BEGINNING; THENCE SOUTH TO THE PLACE OF BEGINNING.

EXHIBIT C

Legal Description of Roadway

see attached

DUT5 – Access and Utility Easement No. 1

A parcel of land, situate in the Northwest Quarter of Section 12 and the Northeast Quarter of Section 11, Township 6 North, Range 2 West, Salt Lake Base and Meridian, said parcel also located in Marriott-Slaterville, Weber County, Utah. Being more particularly described as follows:

Beginning at a point being South 00°12'35" East 1,096.73 feet along the section line and East 1,335.84 feet from the Northwest Corner of Section 12, Township 6 North, Range 2 West, Salt Lake Base and Meridian; and running thence

thence South 89°57'35" East 66.00 feet;
 thence South 00°00'02" East 927.07 feet;
 thence North 89°20'54" West 66.00 feet;
 thence North 00°00'02" West 926.37 feet to the point of beginning.

Contains 61,164 Square Feet or 1.404 Acres

DUT5 – Access and Utility Easement No. 2

A parcel of land, situate in the Northwest Quarter of Section 12 and the Northeast Quarter of Section 11, Township 6 North, Range 2 West, Salt Lake Base and Meridian, said parcel also located in Marriott-Slaterville, Weber County, Utah. Being more particularly described as follows:

Beginning at a point being South 00°12'35" East 2,014.81 feet along the section line and East 603.59 feet from the Northwest Corner of Section 12, Township 6 North, Range 2 West, Salt Lake Base and Meridian; and running thence

thence South 89°20'54" East 794.95 feet;
 thence South 00°00'02" East 66.00 feet;
 thence North 89°20'54" West 729.70 feet;
 thence South 00°39'06" West 12.37 feet;
 thence South 03°43'46" West 829.28 feet;
 thence Southeasterly 88.19 feet along the arc of a 467.00 foot radius curve to the left (center bears South 86°16'14" East and the chord bears South 01°40'49" East 88.06 feet with a central angle of 10°49'11");
 thence South 07°05'25" East 103.56 feet;
 thence Southeasterly 101.89 feet along the arc of a 467.00 foot radius curve to the left (center bears North 82°54'35" East and the chord bears South 13°20'26" East 101.69 feet with a central angle of 12°30'02");
 thence South 19°35'27" East 115.87 feet;
 thence Southeasterly 285.07 feet along the arc of a 483.00 foot radius curve to the right (center bears South 70°24'33" West and the chord bears South 02°40'58" East 280.95 feet with a central angle of 33°48'58");
 thence Southwesterly 9.60 feet along the arc of a 35.50 foot radius curve to the left (center bears South 75°46'29" East and the chord bears South 06°28'53" West 9.57 feet with a central angle of 15°29'17") to the northerly right-of-way line of Pioneer Road (400 North Street);
 thence Northwesterly 75.63 feet along the arc of a 758.51 foot radius curve to the right (center bears North 17°54'03" East and the chord bears North 69°14'34" West 75.60 feet with a central angle of 05°42'46") along said northerly right-of-way line of Pioneer Road;

thence Northeasterly 24.68 feet along the arc of a 36.13 foot radius curve to the left (center bears North 38°50'09" West and the chord bears North 31°35'31" East 24.20 feet with a central angle of 39°08'40");

thence Northwesterly 223.88 feet along the arc of a 417.00 foot radius curve to the left (center bears North 78°49'45" West and the chord bears North 04°12'36" West 221.20 feet with a central angle of 30°45'41");

thence North 19°35'27" West 115.87 feet;

thence Northwesterly 116.29 feet along the arc of a 533.00 foot radius curve to the right (center bears North 70°24'33" East and the chord bears North 13°20'26" West 116.06 feet with a central angle of 12°30'02");

thence North 07°05'25" West 103.56 feet;

thence Northwesterly 100.65 feet along the arc of a 533.00 foot radius curve to the right (center bears North 82°54'35" East and the chord bears North 01°40'49" West 100.50 feet with a central angle of 10°49'11");

thence North 03°43'46" East 827.51 feet;

thence North 00°39'06" East 76.59 feet to the point of beginning.

Contains 153,847 Square Feet or 3.532 Acres

DUT5 – Access and Utility Easement No. 3

A parcel of land, situate in the Northwest Quarter of Section 12 and the Northeast Quarter of Section 11, Township 6 North, Range 2 West, Salt Lake Base and Meridian, said parcel also located in Marriott-Slaterville, Weber County, Utah. Being more particularly described as follows:

Beginning at a point being South 00°12'35" East 1,096.40 feet along the section line and East 869.89 feet from the Northwest Corner of Section 12, Township 6 North, Range 2 West, Salt Lake Base and Meridian; and running thence

thence North 00°12'01" East 66.00 feet;

thence South 89°57'34" East 616.19 feet;

thence South 89°26'52" East 300.50 feet;

thence South 02°31'36" West 66.04 feet;

thence North 89°26'52" West 298.22 feet;

thence North 89°57'35" West 615.78 feet to the point of beginning.

Contains 60,412 square feet or 1.387 acres