

Recorded at the request of
Kern River Gas Transmission Company

RETURNED
FEB 09 2010

E 2510828 B 4958 P 1032-1037
RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
02/09/2010 04:39 PM
FEE \$32.00 Pgs: 6
DEP RT REC'D FOR NATIONAL TITLE AG
ENCY LLC

When Recorded Mail to:
Kern River Gas Transmission Company
Attn: Land Department
PO Box 71400
Salt Lake City, UT 84171-0400

01-324-0003, 0002
01-402-0004

Kern River Gas Transmission Company
EXCLUSIVE RIGHT-OF-WAY AND EASEMENT

State of UTAH
County of Davis

KNOW ALL MEN BY THESE PRESENTS, that the undersigned **Terry R. Seiter, on behalf of both Kriss Group, LLC and Grey Hawk Enterprises, LLC**, whose address is 980 East Wheeler Farm Cove, Salt Lake City, UT 84121, hereinafter referred to as Grantor, for and in consideration of the sum of **TEN DOLLARS AND OTHER CONSIDERATIONS**, to the Grantor in hand paid by **KERN RIVER GAS TRANSMISSION COMPANY**, P.O. Box 71400, Salt Lake City, Utah 84171-0400, hereinafter referred to as Grantee, the receipt and sufficiency of which is hereby acknowledged, does hereby grant, sell and convey unto said Grantee, its successors and assigns, an exclusive right-of-way and easement to locate, survey a route, construct, entrench, maintain, protect, inspect and operate a pipeline and/or communications cable with appurtenances including but not limited to valves, metering equipment, electrical cable, cathodic equipment, underground conduit, cables, splicing boxes and roads (said pipeline, communications cable, appurtenances, valves, metering equipment, cathodic equipment, underground conduits, cables, splicing boxes, markers and roads being hereinafter sometimes collectively called the "facilities") over, under and through the hereinafter described land, approximately along the line designated by survey heretofore made or hereafter to be made by Grantee, through and over the said land on a right-of-way more specifically described as:

That certain parcel of land situated in the **South Half (S 1/2), Section 10, Township 1 North, Range 1 West, SLB&M, Davis County, Utah**, more particularly described on attached Exhibits "A-1", "B-1", "A-2" and "B-2.

To the extent that any discrepancy exists between the legal description and survey heretofore made or hereinafter described and the actual location of the pipeline, the actual location of the pipeline shall govern, with the right-of-way and easement running parallel to and extending 25 feet on each side of the actual location of the centerline of the pipeline as it exists on Grantor's property.

This right-of-way and easement shall carry with it the right of ingress and egress to and from, and access on and along said right-of-way, with the right to use existing and future roads, for the purpose of constructing, inspecting, repairing, protecting and maintaining the facilities and the removal or replacement of same at will, either in whole or in part, and the replacement of said pipeline with either like or different size pipe. During temporary periods Grantee may use such portions of the property along and adjacent to said right-of-way as may be reasonably necessary in connection with construction, maintenance, repair, removal or replacement of the facilities.

TO HAVE AND TO HOLD the above described rights and easements, together with all rights necessary to operate, protect and maintain the facilities over the right-of-way hereby granted unto the said Grantee, its successors and assigns, and the Grantee may assign the rights and easement herein granted, either in whole or in part, subject to the terms of this grant, and such rights and easements shall be covenants running with the land and be binding upon Grantor, his heirs, legal representatives and successors in title.

Grantee may at any time permanently abandon said right-of-way and at its discretion may remove or abandon in place facilities constructed thereon and upon such abandonment action. Grantee may at its discretion execute and record a reconveyance and release hereof, whereupon this right-of-way and easement and all rights and privileges herein mutually granted shall be fully cancelled and terminated.

Grantee shall compensate the Grantor for damages to Grantor's growing crops, pasture, fences, livestock and other real or personal property improvements caused by the construction, maintenance, repair, replacement or removal of the facilities. Grantee shall compensate the Grantor for damages to Grantor's timber caused by the initial construction of the facilities; thereafter, Grantee shall have the right to cut and keep clear without payment of damages all trees, brush and other obstructions that may in the Grantee's opinion endanger, hinder or conflict with the construction, operation, inspection, protection, maintenance and use of said facilities.

Grantee further agrees that within a reasonable time following the completion of construction, Grantee shall restore said right-of-way. Restoration shall include, where necessary, final grading, reseeding and installation of erosion control measures.

Tract	Parcel
UT-DA-124.000	01-324-0002
UT-DA-125.000	01-324-0003

Grantor reserves the right to use and enjoy said property except for the purposes herein granted, but such use shall not hinder, conflict or interfere with Grantee's surface or subsurface rights hereunder or disturb its facilities and no reservoir, excavation, change in surface grade, obstruction or structure shall be constructed, created or maintained on, over, along of within said right-of-way without Grantee's prior written consent. Reserving however, to Grantor, its successors and assigns, the right to construct and to maintain roads, highways, pipelines, sanitary or storm sewers, telephone lines and electric power pole and wire lines, over under and across (but in such a way as will not interfere with) said pipeline of Grantee on the premises described herein, provided Grantor, its successors and assigns obtains an Encroachment Agreement and/or Encroachment Permit from Grantee.

Regardless of the preceding paragraph, Grantor shall not build or permit to be built, any permanent building or other permanent structure requiring a foundation on the fifty (50) foot easement described herein.

Grantor represents and warrants that he is the owner in fee simple of the said described land. Grantee shall have the right to discharge or redeem for Grantor, in whole or in part, any mortgage, tax or other lien on said land and thereupon be subrogated to such lien and rights incident thereto.

It is hereby understood that the parties securing this grant on behalf of the Grantee are without authority to make any covenant or agreement not herein expressed.

WITNESS THE EXECUTION HEREOF THE 4 DAY OF February, 2010.

GRANTOR:

Kriss Group, LLC,
a Utah Limited Liability Company

Terry R. Seiter
Terry R. Seiter, Manager

GRANTOR:

Grey Hawk Enterprises, LLC,
a Utah Limited Liability Company

Terry R. Seiter
Terry R. Seiter, Manager

ACKNOWLEDGMENTS

State of Utah

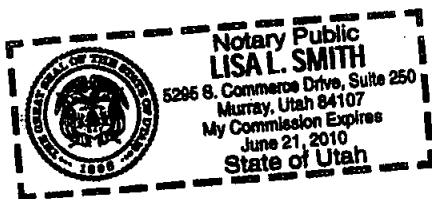
County of Salt Lake

On February 4, 2010, before me, Lisa L. Smith, Notary Public
Date Name and Title of Officer

Personally appeared Terry R. Seiter, Manager of Kriss Group, LLC

personally known to me --OR--

proved to me on the basis of satisfactory evidence to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.



WITNESS my hand and official seal
Lisa L. Smith

State of Utah

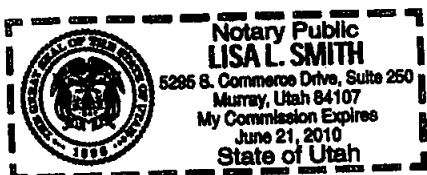
County of Salt Lake

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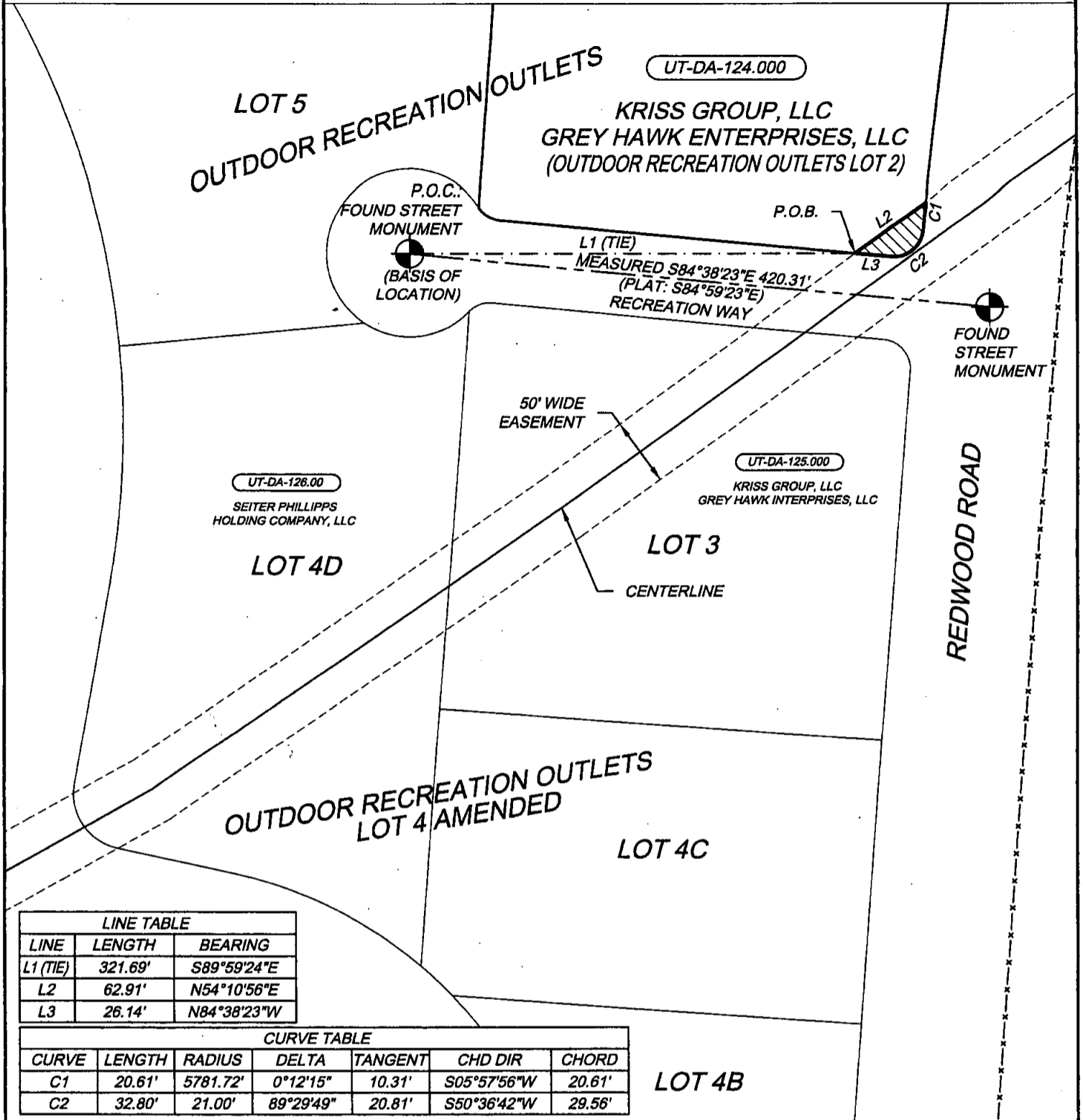
personally known to me --OR--

proved to me on the basis of satisfactory evidence to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.



WITNESS my hand and official seal
Lisa L. Smith

DAVIS COUNTY, UTAH
SECTION 10, T1N, R1W, SLB&M



LINE TABLE		
LINE	LENGTH	BEARING
L1 (TIE)	321.69'	S89°59'24"E
L2	62.91'	N54°10'56"E
L3	26.14'	N84°38'23"W

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHD DIR	CHORD
C1	20.61'	5781.72'	0°12'15"	10.31'	S05°57'56"W	20.61'
C2	32.80'	21.00'	89°29'49"	20.81'	S50°36'42"W	29.56'

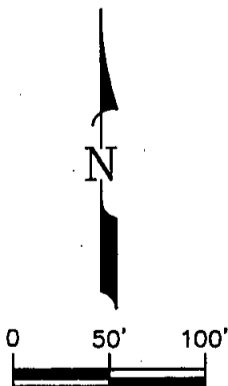
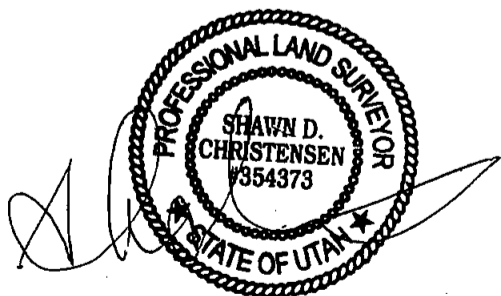
LEGEND
 SLB&M SALT LAKE BASE & MERIDIAN
 P.O.C. POINT OF COMMENCEMENT
 P.O.B. POINT OF BEGINNING.

AREA OF THAT PORTION OF A 50' WIDE
 PERMANENT EASEMENT ACROSS LOT 2,
 OUTDOOR RECREATION OUTLET SUBDIVISIONS:
 879 SQ. FT.

I, SHAWN D. CHRISTENSEN DO HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY DIRECTION AND THAT THIS PLAT CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF THE SURVEY.

NOTES:

1. THIS EASEMENT PLAT AND ACCOMPANYING DESCRIPTION WERE PREPARED ACCORDING TO INFORMATION REPORTED ON A LIMITED TITLE CERTIFICATE AND VESTING DEED DOCUMENT PROVIDED TO THE UNDERSIGNED SURVEYOR BY OTHERS.
2. ALL BEARINGS AND DISTANCES CONTAINED HEREIN ARE GRID, BASED ON THE UTAH COORDINATE SYSTEM OF 1983, UTAH CENTRAL ZONE, US SURVEY FEET, AS DERIVED FROM A GLOBAL POSITIONING SURVEY PERFORMED BY UNIVERSAL PEGASUS INTERNATIONAL IN 2009 (COMBINED SCALE FACTOR: 0.99985110). TO OBTAIN THE ORIGINAL BEARINGS OF OUTDOOR RECREATION OUTLETS, ROTATE THE BEARINGS ON THIS PLAT IN COUNTERCLOCKWISE DIRECTION 00°21'00".
3. SEE EXHIBIT "B" FOR DESCRIPTION.



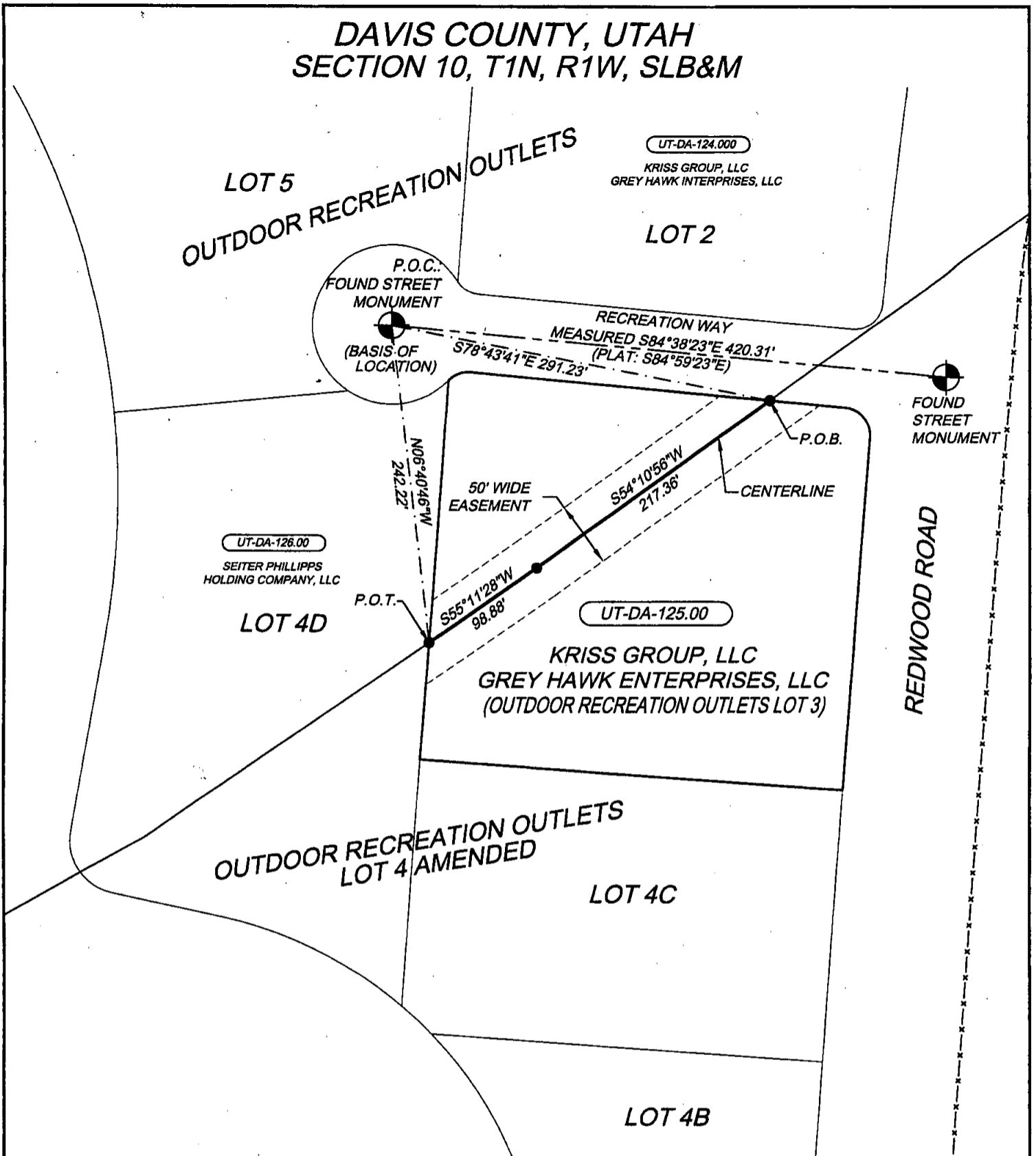
SHAWN D. CHRISTENSEN
 REGISTERED PROFESSIONAL LAND SURVEYOR
 UTAH REGISTRATION NO. 354373

Universal Pegasus
 INTERNATIONAL

NO.	REVISIONS	BY	CHKD.	DATE	SCALE: 1"=100'	DATE	TITLE: EASEMENT PLAT	 DWG NO. 15338-UT-DA-124.000 REV.
					DRAWN: BEC	12/17/09	50' WIDE PERMANENT EASEMENT & RIGHT-OF-WAY UPON THE PROPERTY OF KRISS GOUP, LLC & GREY HAWK ENTERRIPSES, LLC DAVIS COUNTY, UTAH	
					DESIGNED:			
					PROJ. ENG.:			
					CHECKED:			
					APP'D:			
					JOB NO: 15338			

FILE INFO:

DAVIS COUNTY, UTAH
SECTION 10, T1N, R1W, SLB&M



LEGEND

- SLB&M SALT LAKE BASE & MERIDIAN
- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING
- P.O.T. POINT OF TERMINATION

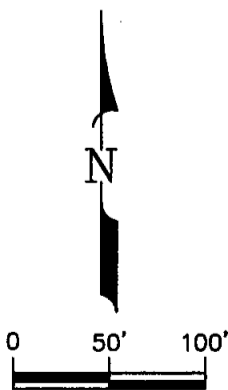
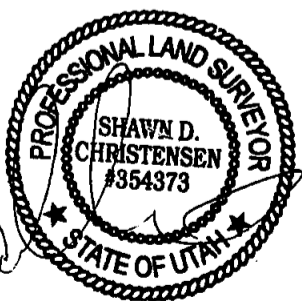
DISTANCE ACROSS PROPERTY: 316.24 FEET

AREA OF 50' WIDE
PERMANENT EASEMENT: 0.36 ACRE

I, SHAWN D. CHRISTENSEN DO HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY DIRECTION AND THAT THIS PLAT CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF THE SURVEY.

NOTES:

1. THIS EASEMENT PLAT AND ACCOMPANYING DESCRIPTION WERE PREPARED ACCORDING TO INFORMATION REPORTED ON A LIMITED TITLE CERTIFICATE AND VESTING DEED DOCUMENT PROVIDED TO THE UNDERSIGNED SURVEYOR BY OTHERS.
2. ALL BEARINGS AND DISTANCES CONTAINED HEREIN ARE GRID, BASED ON THE UTAH COORDINATE SYSTEM OF 1983, UTAH CENTRAL ZONE, US SURVEY FEET, AS DERIVED FROM A GLOBAL POSITIONING SURVEY PERFORMED BY UNIVERSALPEGASUS INTERNATIONAL IN 2009 (COMBINED SCALE FACTOR: 0.99985110). TO OBTAIN THE ORIGINAL BEARINGS OF OUTDOOR RECREATION OUTLETS, ROTATE THE BEARINGS ON THIS PLAT IN COUNTERCLOCKWISE DIRECTION 00°21'00".
3. SEE EXHIBIT "B" FOR DESCRIPTION.



SHAWN D. CHRISTENSEN
REGISTERED PROFESSIONAL LAND SURVEYOR
UTAH REGISTRATION NO. 354373

UniversalPegasus
INTERNATIONAL

SHEET 1 OF 1

NO.	REVISIONS	BY	CHKD	DATE	SCALE: 1"=100'	DATE	TITLE:
					DRAWN: BEC	12/17/09	EASEMENT PLAT
					DESIGNED:		50' WIDE PERMANENT EASEMENT & RIGHT-OF-WAY UPON THE PROPERTY OF KRISS GOUP, LLC & GREY HAWK ENTERPRISES, LLC DAVIS COUNTY, UTAH
					PROJ. ENG.:		
					CHECKED:		
					APP'D:		
					JOB NO: 15338		

DWG NO. 15338-UT-DA-125.000
REV.

FILE INFO:

EXHIBIT "B" - DESCRIPTION

APEX EXPANSION PROJECT
KERN RIVER TRACT NO. UT-DA-125.000
KRISS GOUP, LLC & GREY HAWK ENTERPRISES, LLC
OUTDOOR RECREATION OUTLETS SUBDIVISION- LOT 3
DAVIS COUNTY, UTAH

DESCRIPTION OF A PERMANENT EASEMENT AND
RIGHT-OF-WAY UPON THE PROPERTY OF
KRISS GROUP, LLC & GREY HAWK ENTERPRISES, LLC

Description of a fifty (50) foot wide permanent easement and right-of-way situated in Section 10, Township 1 North, Range 1 West, Salt Lake Base and Meridian, Davis County, Utah, said fifty (50) foot wide permanent easement and right-of-way is situated twenty five (25) feet on each side of the herein described centerline, said centerline being more particularly described as follows with all bearings and distances herein being grid based upon the Utah Coordinate System of 1983, Central Zone (U.S. Survey Feet), as derived from a Global Positioning System survey performed by UniversalPegasus International in 2009 (combined scale factor: 0.99985110):

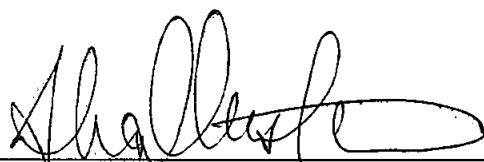
COMMENCING at a found subdivision street monument located at the center of the cul-de-sac at the west end of Recreation Way, from said street monument a found street monument at the intersection of Recreation Way and Redwood Road bears South 84°38'23" East 420.31 feet, in conformance with the Utah Coordinate System of 1983, Central Zone;

THENCE South 78°43'41" East 291.23 feet to a point on the northerly line of Lot 3, Outdoor Recreation Outlets Subdivision, on file and of record in the office of the Davis County Recorder, said point being the **TRUE POINT OF BEGINNING** of the herein described centerline;

AND RUNNING THENCE across a portion of the above referenced tract of land the following bearings and distances:

THENCE South 54°10'56" West 217.36 feet; THENCE South 55°11'28" West 98.88 feet to a point on the westerly line of said Lot 3, **AND TERMINATING.**

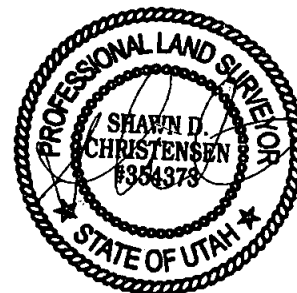
From said point of termination said found subdivision street monument located at the center of the cul-de-sac at the west end of Recreation Way bears North 06°40'46" West 242.22 feet. The right-of-way boundary lines of said fifty (50) foot wide permanent easement and right-of-way shall be shortened and lengthened at their extremities so as to conform to the lot lines of the above referenced tract of land thereby providing for a continuous fifty (50) foot wide permanent easement and right-of-way width.



Shawn D. Christensen
Professional Land Surveyor
Utah Registration No. 354373

1-14-09

Date:



SEAL

If this description and accompanying plat are not sealed with the stamped seal of the registered professional land surveyor, whose signature appears above, it should be considered as a copy and not the original.

Exhibit "B-1" – DESCRIPTION

APEX EXPANSION PROJECT
KERN RIVER TRACT NO. UT-DA-124.000
KRISS GOUP, LLC & GREY HAWK ENTERPRISES, LLC
OUTDOOR RECREATION OUTLETS - LOT 2
DAVIS COUNTY, UTAH

DESCRIPTION OF A PERMANENT EASEMENT AND
RIGHT-OF-WAY UPON THE PROPERTY OF
KRISS GROUP, LLC & GREY HAWK ENTERPRISES, LLC

Description of a permanent easement and right-of-way upon, over, under, across, and through Lot 2, Outdoor Recreation Outlets Subdivision, on file and of record in the office of the Recorder, and situated in Section 10, Township 1 North, Range 1 West, Salt Lake Base and Meridian, Davis County, Utah, said permanent easement and right-of-way being a portion of a fifty (50) foot wide permanent easement and right-of-way and being more particularly described as follows with all bearings and distances herein being grid based upon the Utah Coordinate System of 1983, Central Zone (U.S. Survey Feet), as derived from a Global Positioning System survey performed by UniversalPegasus International in 2009 (combined scale factor: 0.99985110):

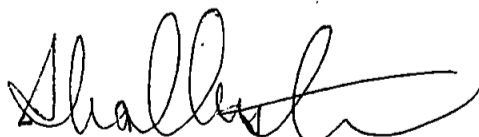
COMMENCING at a found subdivision street monument located at the center of the cul-de-sac at the west end of Recreation Way; from said street monument a found street monument at the intersection of Recreation Way and Redwood Road bears South 84°38'23" East 420.31 feet, in conformance with the Utah Coordinate System of 1983, Central Zone;

THENCE South 89°59'24" East 321.69 feet to a point on the southerly line of said Lot 2, said point being the **TRUE POINT OF BEGINNING**;

AND RUNNING THENCE the following bearings and distances:

THENCE North 54°10'56" East 62.91 feet to a point on the easterly line of said Lot 2 and being the beginning of a non-tangent curve to the left and concave easterly with a radius of 5,781.72 feet and from which a radial line bears South 83°55'57" East; THENCE along the easterly line of said Lot 2 southerly 20.61 feet along the arc of said curve through a central angle of 00°12'15" (chord bears South 05°57'56" West 20.61 feet) to the beginning of a tangent curve to the right and concave northwesterly with a radius of 21.00 feet and from which a radial line bears North 84°08'12" West; THENCE along the southeasterly line of said Lot 2 southwesterly 32.80 feet along the arc of said curve through a central angle of 89°29'49" (chord bears South 50°36'42" West 29.56 feet); THENCE North 84°38'23" West 26.14 feet along the southerly line of said Lot 2 to the **TRUE POINT OF BEGINNING**.

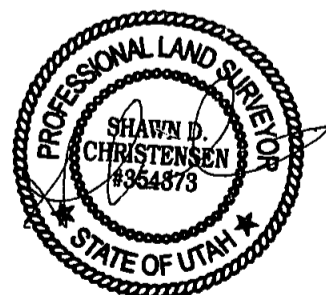
CONTAINING 879 square feet.



Shawn D. Christensen
Professional Land Surveyor
Utah Registration No. 354373

6-14-09

Date:



SEAL

If this description and accompanying plat are not sealed with the stamped seal of the registered professional land surveyor, whose signature appears above, it should be considered as a copy and not the original.