

When recorded  
Return to: Marilyn Simmons  
12441 S. 900 E.  
Draper, Utah 84020

(1)

ENT 47841-2003 PG 1 of 7  
RANDALL H. COVINGTON  
UTAH COUNTY RECORDER  
2003 Mar 31 9:53 am FEE 27.00 BY SS  
RECORDED FOR DRAPER CITY

**DETENTION AND CONVEYANCE EASEMENT**

This EASEMENT (the "Easement") is made as of this 17<sup>th</sup> day of January, 2003, by Alpine Joint Venture, a Utah partnership, ("Grantor"), as the owner of fee title to a parcel of real property more particularly described on Exhibit "1" attached hereto (the "Grantor's Property"), for the benefit of Draper City, a Utah municipal corporation (the "City").

In consideration of the sum of \$10.00 and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by Grantor:

1. Grant of Easements. Grantor hereby grants, bargains, sells, and conveys to the City, its successors, assigns and transferees, and others claiming by, through or under them, permanent, exclusive easements (the "Detention Easements") on, over and across the portion of the Grantor's Property more particularly described on Exhibit "2" attached hereto (the "Detention Easement Properties"). The Detention Easements granted by this Agreement are for the purpose of constructing and thereafter operating, maintaining and restoring a stormwater detention and/or retention basin and related stormwater conveyance facilities on, over, under and across the Detention Easement Properties in conjunction with the construction of a public road known as SunCrest Drive (the "Road") in accordance with engineering plans to be approved by such governmental agencies as shall have jurisdiction over the same. The Detention Improvements are appurtenant to the Road and shall be deemed to have been granted for the benefit of any and all persons from time to time constructing, owning or using the Road.

2. Grantor's Title. Grantor hereby covenants and agrees that it has good title to the Detention Easement Properties and that it has good and lawful right to grant the Detention Easements granted herein, and Grantor hereby warrants title to the Detention Easement Properties against all persons claiming by, through or under Grantor, subject only to easements, covenants, conditions and restrictions of record affecting the Detention Easement Properties and duly recorded in the real property records of Utah County, Utah prior to the recording of this Easement.

3. Obligations Run With the Land. This Easement shall be binding upon Grantor, its successors, assigns and transferees, and shall inure to the benefit of the City, its successors, assigns and transferees, and shall run with the land.

4. Attorneys' Fees. In the event any party hereto commences legal proceedings to enforce any of the terms of this Easement, the prevailing party in such action shall have the right to recover reasonable attorneys' fees and costs from the other party or parties to be fixed by the court in such action.

5. Authority. The individuals who have signed this Easement represent and warrant that they are duly authorized to execute this Easement, in either their individual or representative

capacity as indicated, and that this Easement is enforceable according to its terms.

IN WITNESS WHEREOF, Grantor and the City have caused their names to be hereunto affixed by their duly authorized officers, or personally signed the same, as the case may be, as of the day and date first set forth above.

GRANTOR

Alpine Joint Venture, a Utah partnership

By: Steve E. Thayne

Its: General Partner

By: Melvin E. Thayne

Its: General Partner

By: Jean Wood

Its: General Partner

STATE OF UTAH )  
COUNTY OF Salt Lake ) :ss.

On the 16<sup>th</sup> day of January, 2003, personally appeared before me Steven E. Thayne, General Partner of Alpine Joint Venture, a Utah partnership, the signer of the above instrument, who duly acknowledged to me that the partnership executed the same.

Wendy M. Briggs  
Notary Public

My Commission Expires:

3-10-05

Residing at:  
Salt Lake County

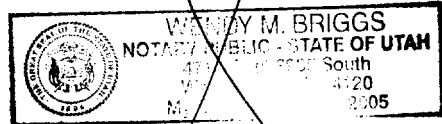
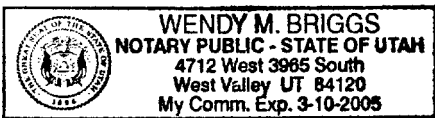




Exhibit 1[Legal Description for Grantor's Property]

ENT 28057 BK 2814 PG 37

## PARCEL NO. 1:

Beginning at a point which is the Northeast Corner of Section 22, Township 4 South, Range 1 East, Salt Lake Base and Meridian; thence South  $89^{\circ}53'56''$  West 134.64 feet along the North line of said Section 22, said line also being the south line of an Alpine Limited deed; the following seven courses being along the south line of Alpine Limited deed recorded as Entry No. 12531 in Book 2215 at Page 420, Parcel No. 16: 1) thence South  $62^{\circ}46'00''$  West 590.04 feet; 2) thence South  $54^{\circ}39'00''$  West 1669.14 feet; 3) thence South  $66^{\circ}29'00''$  West 1540.44 feet; 4) thence South  $73^{\circ}57'00''$  West 899.58 feet; 5) thence South  $28^{\circ}01'00''$  West 205.92 feet; 6) thence South  $30^{\circ}13'00''$  West 564.30 feet; 7) thence South  $31^{\circ}11'00''$  West 1281.99 feet to the west line of said Section 22; thence South  $00^{\circ}35'18''$  East 1535.86 feet along the West line of said Section 22 to the Southwest Corner of said Section 22; thence South  $00^{\circ}01'47''$  East 1121.62 feet along the west line of Section 27, Township 4 South, Range 1 East to a point 198.00 feet North of the West Quarter Corner of Section 27; thence North  $77^{\circ}15'00''$  East 955.02 feet; thence North  $38^{\circ}15'00''$  East 630.96 feet; thence North  $53^{\circ}15'00''$  East 0.97 feet to the West line of a Utah Valley Land Company deed recorded as Entry No. 3725 in Book 1617 at Page 450 and following along said deed the next three courses; 1) thence North  $0^{\circ}00'48''$  East 7.20 feet; 2) thence North  $53^{\circ}15'00''$  East 660.00 feet; 3) thence North  $87^{\circ}54'15''$  East 10.15 feet; thence North  $53^{\circ}15'00''$  East 636.47 feet; thence North  $62^{\circ}30'00''$  East 304.92 feet; thence North  $62^{\circ}15'00''$  East 989.34 feet; thence North  $66^{\circ}30'00''$  East 495.54 feet to a point on the West line of a Van Edward Burgess and Joann C. Burgess (Trustees) deed recorded as Entry No. 10762 in Book 1907 at Page 200 and following along said deed the next three courses; 1) thence North  $0^{\circ}06'40''$  East 21.96 feet; 2) thence North  $66^{\circ}30'00''$  East 388.08 feet; thence North  $88^{\circ}10'59''$  East 54.47 feet; thence North  $66^{\circ}30'00''$  East 72.79 feet to the South line of a Van Edward Burgess and Joann C. Burgess (Trustees) deed recorded as Entry No. 10762 in Book 1907 at Page 201 and following along said Deed the next two courses; 1) thence South  $89^{\circ}59'29''$  West 109.35 feet; 2) thence North  $66^{\circ}30'00''$  East 1051.38 feet to the East line of said Section 22; thence North  $00^{\circ}20'42''$  East 923.24 feet to the East Quarter Corner of said Section 22; thence South  $89^{\circ}39'27''$  East 590.00 feet; thence North  $00^{\circ}20'33''$  East 804.67 feet; thence East 217.60 feet; thence North  $29^{\circ}52'00''$  East 234.60 feet to a point on a 75.00 foot radius curve to the right (center bears South  $60^{\circ}08'00''$  East 75.00 feet of which the central angle is  $84^{\circ}57'02''$ ), thence Northeasterly along the arc of said curve 111.20 feet; thence South  $65^{\circ}13'00''$  East 40.10 feet; thence South  $43^{\circ}24'00''$  East 146.70 feet to a point on a 25.00 foot radius curve to the left (center bears North  $46^{\circ}36'00''$  East 25.00 feet of which the central Angle is  $66^{\circ}55'17''$ ); thence Southeasterly along the arc of said curve 29.20 feet; thence North  $69^{\circ}40'00''$  East 472.50 feet;

thence North  $12^{\circ}46'00''$  West 1650.64 feet to a point on the South line of Section 14, Township 4 South, Range 1 East; thence Westerly along the South line of said Section 14 North  $89^{\circ}48'32''$  West 1252.06 feet to the point of beginning.

**EXCEPTING THEREFROM THE FOLLOWING PARCELS:**

A 50 foot wide strip of land owned by the United States of America for the Salt Lake City aqueduct tunnel beginning at the point which is West 492.41 feet and South 184.37 feet from the Northeast Corner of Section 22, Township 4 South, Range 1 East, Salt Lake Base and Meridian and running thence South  $30^{\circ}20'00''$  East 2119.46 feet; thence North  $00^{\circ}20'33''$  East 98.01 feet; thence North  $30^{\circ}20'00''$  West 2032.46 feet; thence South  $62^{\circ}46'00''$  West 50.07 feet to the point of beginning.

**ALSO EXCEPTING:**

A 10-acre parcel being more particularly described, beginning at a point which is 618.56 North and 2383.95 feet West from the Southeast corner of Section 22, Township 4 South Range 1 East, Salt Lake Base and Meridian; thence South  $62^{\circ}15'00''$  West 309.34 feet; thence South  $62^{\circ}30'00''$  West 304.92 feet; thence South  $53^{\circ}15'00''$  West 3.79 feet; thence North  $28^{\circ}00'00''$  West 528.02 feet; thence North  $32^{\circ}30'00''$  East 573.67 feet to a point on a 257.00 foot radius curve to the right (center bears South  $57^{\circ}30'00''$  East 257.00 feet of which the central angle is  $28^{\circ}34'19''$ ); thence Northeasterly along the arc of said curve 128.16 feet; thence South  $27^{\circ}45'00''$  East 847.24 feet to the point of beginning.

*[Legal Description of Detention Easement Properties]*

STORM DRAIN EASEMENT No. 1

A parcel of land located in the Southeast Quarter of Section 22, Township 4 South, Range 1 East, Salt Lake Base and Meridian, Utah County, Utah described as follows:

BEGINNING at a point on the northerly right-of-way line of SunCrest Drive, as described on the SunCrest Drive Extension Phase 2 Right-of-Way Dedication Plat, said point being South 89°53'10" West 1,583.46 feet along the section line and North 4,223.77 feet from the Southeast Corner of Section 22 (1958 Brass Cap), Township 4 South, Range 1 East, Salt Lake Base and Meridian, said Southeast Corner being North 89°53'10" East 2647.723 feet from the South Quarter Corner of said Section 22 (1987 Brass Cap) and running thence along said northerly right-of-way line Westerly 37.07 feet along a 811.50 foot radius curve to the left through a central angle of 02°37'03" and a long chord of North 82°16'00" West 37.07 feet; thence North 65°04'48" East 149.33 feet; thence South 88°01'43" East 249.65 feet; thence South 64°05'58" East 403.19 feet; thence South 25°54'02" West 20.00 feet; thence North 64°05'58" West 398.95 feet; thence North 88°01'43" West 240.63 feet; thence South 65°04'48" West 113.34 feet to the POINT OF BEGINNING.

Encompassing 15,546 square feet or 0.357 acres.

STORM DRAIN EASEMENT No. 2

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A parcel of land located in the Southeast Quarter of Section 22, Township 4 South, Range 1 East, Salt Lake Base and Meridian, Utah County, Utah described as follows:

BEGINNING at a point on the westerly right-of-way line of SunCrest Drive, as described on the SunCrest Drive Extension Phase 2 Right-of-Way Dedication Plat, said point being South 89°53'10" West 1,573.33 feet along the section line and North 2,128.19 feet from the Southeast Corner of Section 22 (1958 Brass Cap), Township 4 South, Range 1 East, Salt Lake Base and Meridian, said Southeast Corner being North 89°53'10" East 2647.723 feet from the South Quarter Corner of said Section 22 (1987 Brass Cap) and running thence North 11°42'49" West 111.33 feet; thence South 84°03'01" West 14.03 feet; thence North 57°17'36" West 45.07 feet; thence North 02°05'37" West 81.23 feet; thence North 13°03'13" West 218.68 feet; thence North 64°33'15" East 9.94 feet; thence South 34°28'18" East 192.92 feet; thence North 54°13'02" East 49.48 feet to said westerly right-of-way line; thence along said westerly right-of-way line Southerly 304.38 feet along a 691.50 foot radius non-tangent curve to the left through a central angle of 25°13'11" and a long chord of South 05°58'53" West 301.92 feet to the POINT OF BEGINNING.

Encompassing 21,958 square feet or 0.504 acres.

STORM DRAIN EASEMENT No. 3

A parcel of land located in the Southeast Quarter of Section 22, Township 4 South, Range 1 East, Salt Lake Base and Meridian, Utah County, Utah described as follows:

BEGINNING at a point on the easterly right-of-way line of SunCrest Drive, as described on the SunCrest Drive Extension Phase 2 Right-of-Way Dedication Plat, said point being South 89°53'10" West 1,236.43 feet along the section line and North 1,219.85 feet from the Southeast Corner of Section 22 (1958 Brass Cap), Township 4 South, Range 1 East, Salt Lake Base and Meridian, said Southeast Corner being North 89°53'10" East 2647.723 feet from the South Quarter Corner of said Section 22 (1987 Brass Cap) and running thence along said easterly right-of-way line Northerly 13.13 feet along a 697.00 foot radius curve to the left through a central angle of 01°04'45" and a long chord of North 09°14'09" West 13.13 feet; thence along said easterly right-of-way line South 80°13'29" West 5.50 feet; thence along said easterly right-of-way line North 09°49'37" West 1.25 feet; thence North 58°31'10" East 61.78 feet; thence South 31°28'50" East 20.00 feet; thence South 58°31'10" West 28.01 feet; thence South 66°17'46" West 34.40 feet to the POINT OF BEGINNING.

Encompassing 1,127 square feet or 0.026 acres.