

When recorded, return to:  
Cottonwood Title Ins. Agency, Inc.  
1996 East 6400 South, Ste 120  
Salt Lake City, UT 84121

13760928  
8/31/2021 4:13:00 PM \$40.00  
Book - 11232 Pg - 348-354  
RASHELLE HOBBS  
Recorder, Salt Lake County, UT  
COTTONWOOD TITLE  
BY: eCASH, DEPUTY - EF 7 P.

**AFFIDAVIT REGARDING EASEMENT AGREEMENT**

The undersigned, having been duly sworn, hereby states as follows:

1. I am a resident of Salt Lake County over the age of twenty-one years and in all respects competent to testify concerning the matters stated herein. I am a Vice President and Escrow Officer of Cottonwood Title Insurance Agency, Inc., and in the course of business have obtained personal knowledge of the facts discussed below.
2. That certain Easement Agreement dated as of March 7, 2019 between Kennecott Utah Copper LLC, a Utah limited liability company, as Grantor, and Magna Water District, a political subdivision of the State of Utah, as Grantee, was recorded August 22, 2019 as Entry 13057353 in the records of the Salt Lake County recorder (the "Easement Agreement").
3. The Easement Agreement established a "Utility Easement" (as defined in the Easement Agreement) and a "Temporary Construction Easement" (as defined in the Easement Agreement) in favor of the Grantee. The real property affected by the Easement Agreement is described in the exhibits to the Easement Agreement, which are attached hereto as Exhibits A, B, C, and D.
4. Pursuant to Section 2(b) of the Easement Agreement, the Temporary Construction Easement "shall automatically expire upon completion of construction of the Utility Line and Water Storage Facility."
5. Pursuant to the attached letter, attached hereto as Exhibit E, dated August 16, 2021, the Grantee (Magna Water District) indicates that after September 15, 2021, it will no longer use the Temporary Construction Easement and that the Temporary Construction Easement will automatically expire pursuant to the terms of the Easement Agreement.

Executed this 31<sup>st</sup> day of August, 2021.



Darla Milovich  
VP and Escrow Officer

State of Utah  
County of Salt Lake

Subscribed and sworn before me this 31<sup>st</sup> day of August, 2021, by Darla Milovich.



NOTARY PUBLIC

## EXHIBIT A

### Legal Description of Grantee Property

PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 1 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, MAGNA, SALT LAKE COUNTY, UTAH, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 32, THENCE NORTH 89°18'07" WEST 439.12 FEET ALONG THE SOUTH LINE OF SAID SECTION 32, THENCE NORTH 390.03 FEET TO THE NORTHEAST CORNER OF THE MAGNA WATER COMPANY PARCEL, ASSESSOR'S PARCEL NUMBER 14-32-300-002, AND THE POINT OF BEGINNING; THENCE NORTH 89°17'32" WEST 466.22 FEET; THENCE NORTH 00°42'40" EAST 416.00 FEET; THENCE SOUTH 89°17'32" EAST 466.22 FEET; THENCE SOUTH 00°42'40" WEST 80.57 FEET TO THE NORTHWEST CORNER OF THE ANDERSON PROPERTIES, LLC. PARCEL, ASSESSOR'S PARCEL NUMBER 14-32-300-006; THENCE CONTINUING SOUTH 00°42'40" WEST 335.43 FEET ALONG THE WEST LINE OF SAID ANDERSON PROPERTIES, LLC. PARCEL TO THE NORTHEAST CORNER OF SAID MAGNA WATER COMPANY PROPERTY AND THE POINT OF BEGINNING.



**EXHIBIT C**

Legal Description of Utility Easement Parcel

WATER LINE EASEMENT

A 10.00 WIDE WATER LINE EASEMENT LOCATED IN THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 1 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, MAGNA, SALT LAKE COUNTY, UTAH, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 32, THENCE NORTH 00°23'55" EAST 726.36 FEET ALONG THE ONE-QUARTER SECTION LINE, THENCE WEST 70.98 FEET TO A POINT ON THE WEST LINE OF SR-111 AND THE POINT OF BEGINNING; THENCE NORTH 89°18'35" WEST 369.03 FEET; THENCE NORTH 00°42'40" EAST 10.00 FEET; THENCE SOUTH 89°18'35" EAST 368.98 FEET TO A POINT ON THE WEST LINE OF SAID SR-111; THENCE SOUTH 00°23'52" WEST 10.00 FEET ALONG SAID WEST LINE OF SR-111 TO THE POINT OF BEGINNING.

## EXHIBIT D

### Legal Description of Temporary Construction Easement

A TEMPORARY CONSTRUCTION EASEMENT LOCATED IN THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 1 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, MAGNA, SALT LAKE COUNTY, UTAH, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 32, THENCE NORTH 89°18'07" WEST 443.97 FEET ALONG THE SOUTH LINE OF SAID SECTION 32, THENCE NORTH 00°42'40" EAST 390.00 FEET TO THE NORTHEAST CORNER OF THE MAGNA WATER COMPANY PARCEL, ASSESSOR'S PARCEL NUMBER 14-32-300-002, AND THE POINT OF BEGINNING; THENCE NORTH 89°17'32" WEST 165.06 FEET ALONG SAID MAGNA WATER COMPANY PARCEL; THENCE SOUTH 00°42'28" WEST 250.00 FEET ALONG THE WEST LINE OF SAID MAGNA WATER COMPANY PARCEL; THENCE NORTH 89°17'32" WEST 451.17 FEET; THENCE NORTH 00°42'40" EAST 716.00 FEET; THENCE SOUTH 89°17'32" EAST 984.54 FEET, MORE OR LESS, TO THE WEST LINE OF STATE ROUTE - 111 (8400 WEST, BAACHUS HIGHWAY); THENCE SOUTH 00°23'52" WEST 130.46 FEET ALONG SAID WEST LINE OF STATE ROUTE - 111; THENCE NORTH 89°18'35" WEST 369.03 FEET; THENCE SOUTH 00°42'40" WEST 335.43 FEET ALONG THE WEST LINE OF SAID ANDERSON PROPERTIES, LLC. PARCEL TO THE NORTHEAST CORNER OF SAID MAGNA WATER COMPANY PROPERTY AND THE POINT OF BEGINNING.

**EXHIBIT E**

**Letter from Magna Water (Grantee)**



BOARD OF TRUSTEES  
Mick Sudbury, Chairman  
Jeff White  
Dan L. Stewart

GENERAL MANAGER  
Clint Dilley, P.E.

Cottonwood Title Company  
7020 S. Union Park Avenue  
Midvale, UT 84047

August 16, 2021  
Re: Easement Agreement

To whom it may concern,

Magana Water District (MWD) is the grantee under easement agreement recorded on August 8, 2019 in the office or the Salt Lake County Recorder as entry no. 13057353. Paragraph 2(b) of the agreement grants MWD a temporary construction easement, which currently encumbers land owned by D R Horton, Inc., and Kennecott Utah Copper Corporation (Kennecott). The land is located within the Magna Metro Township.

The temporary construction easement will automatically terminate upon the completion of the work authorized under the agreement. The remaining work needed before the temporary construction easement will expire is the removal of approximately 42,000 cubic yards of fill material. Kennecott has given MWD verbal authorization to access and remove the fill material through Kennecott's property. MWD is currently using Kennecott's property to remove the fill material rather than the temporary construction easement. Nevertheless, the temporary construction easement is MWD's only legal access point to the fill material. As a result, if Kennecott revokes its permission for MWD to use its land, MWD will use the temporary construction easement to remove the fill material. As such, MWD needs the temporary construction easement to remain in place until the fill material is removed.

To date, MWD has removed approximately 50% of the fill material. The remaining portions (about 21,000 yards) are scheduled to be removed no later than September 15, 2021. MWD will vacate their use of the temporary construction easement on or before September 15, 2021, and no longer use the temporary construction easement. As such the temporary construction easement will automatically expire pursuant to the terms of the agreement.

Sincerely,

A handwritten signature in black ink, appearing to read "Clint Dilley", written over a large, stylized, circular flourish.

Clint Dilley  
General Manager  
Magna Water District