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Book - 10738 Pg - 4089-4096
ADAM GARDINER
RECORDER, SALT LAKE COUNTY, UTAH
OLD REPUBLIC TITLE DRAPER/DREM
898 NORTH 1200 WEST
OREM UT 84057
BY: PSP, DEPUTY - WI 8 P.

WHEN RECORDED RETURN TO:

VP Daybreak Operations LLC
11248 Kestrel Rise Road, Suite 201
South Jordan, Utah 84009
Attn: Mr. Gary Langston

APNs: 26-22-401-002, 26-22-428-001, 26-23-351-002, 26-23-376-001

GRANT OF PUBLIC UTILITY EASEMENT

VP Daybreak Operations LLC, a Delaware limited liability company, and VP Daybreak Investments LLC, a Delaware limited liability company (collectively, "**Grantor**") as owners of the land described in Exhibit "A" attached hereto and made a part hereof (the "**Easement Area**"), do hereby grant and establish a public utility easement dedicated to the use and installation of public utility facilities, in accordance with and subject to the terms and conditions of Utah Code Section 54-3-27, et seq., over, under, across and within said Easement Area, as depicted in Exhibit "A".

[Signatures on Following Pages]

Executed this 3 day of December, 2018.

GRANTOR:


VP Daybreak Operations LLC,
a Delaware limited liability company

By: Daybreak Communities LLC,
a Delaware limited liability company,
Its: Project Manager

By: 
Ty McCutcheon, President & CEO

VP Daybreak Investments LLC,
a Delaware limited liability company

By: Daybreak Communities LLC,
a Delaware limited liability company,
Its: Project Manager

By: 
Ty McCutcheon, President & CEO

ACKNOWLEDGMENTS

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

On the 3rd day of December, 2018, personally appeared before me Ty McCutcheon who being by me duly sworn did say that he is the President & CEO of Daybreak Communities LLC, a Delaware limited liability company, the project manager of **VP Daybreak Operations LLC, a Delaware limited liability company** and that the within and foregoing instrument was duly authorized by the limited liability company at a lawful meeting held by authority of its operating agreement; and duly acknowledged to me that said limited liability company executed the same.



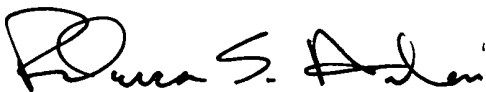
Notary Public

[seal]



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

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Notary Public

[seal]



EXHIBIT "A"

**PUBLIC UTILITY EASEMENT AREA
LEGAL DESCRIPTION**

Daybreak Parkway Public Utility Easement Areas

East Segment

A ten (10) foot wide public utilities easement, said easement being more particularly described as follows:

Beginning at the Northeast Corner of Daybreak Parkway 6000 West to 6400 West Road Dedication Plat, also being a Southerly Corner of Lot 100-A of the Daybreak Village 7 Subdivision Amended, said point lies South 89°56'14" West 217.701 feet along the Section Line and North 53.000 feet from the South Quarter Corner of Section 23, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along said Daybreak Parkway 6000 West to 6400 West Road Dedication Plat South 89°56'14" West 1239.802 feet to the East Right-of-Way of Willow Walk Drive; thence along said East Right-of-Way North 10.000 feet; thence North 89°56'14" East 1239.802 feet to a Westerly Line of said Lot 100-A; thence along said Lot 100-A South 10.000 feet to the point of beginning.

Property contains 0.285 acres, 12398 square feet.

West Segment

A variable width public utilities easement, said easement being more particularly described as follows:


Beginning at the Northeasterly Corner of Road Dedication Parcel 1 of the Daybreak Parkway 6000 West to 6400 West Road Dedication Plat, said point lies South 89°56'14" West 1507.002 feet along the Section Line and North 53.000 feet from the South Quarter Corner of Section 23, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along said Daybreak Parkway 6000 West to 6400 West Road Dedication Plat the following (2) courses: 1) South 89°56'14" West 1140.837 feet; 2) North 89°49'08" West 1315.339 feet along said Daybreak Parkway 6000 West to 6400 West Road Dedication Plat and said line extended to the Westerly Line extended of the South Jordan City Tank Site 5B; thence along said Westerly Line extended North 00°10'52" East 17.000 feet to the Southwest Corner of said South Jordan City Tank Site 5B; thence along South Jordan City Tank Site 5B South 89°49'08" East 336.000 feet; thence South 00°10'52" West 7.000 feet; thence South 89°49'08" East 979.318 feet; thence North 89°56'14" East 1140.827 feet to the West

Right-of-Way of Willow Walk Drive; thence along said West Right-of-Way South 10.000 feet to the point of beginning.

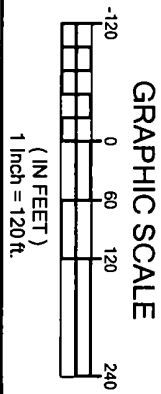
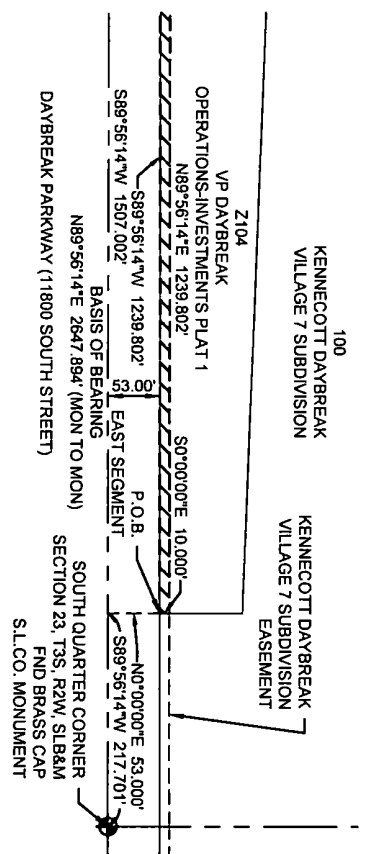
Property contains 0.618 acres, 26914 square feet.

[THE PUBLIC UTILITY EASEMENT AREAS DESCRIBED ABOVE ARE SHOWN ON THE ATTACHED DRAWING.]

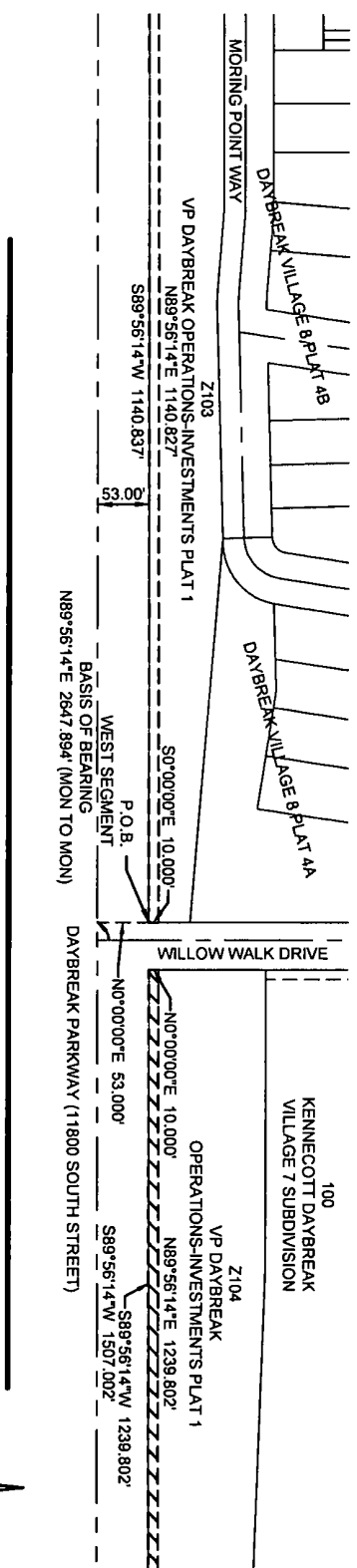
REFS:

LEGEND
 PROPOSED 10' WIDE PUBLIC UTILITY EASEMENT

MATCHLINE B
SEE ABOVE

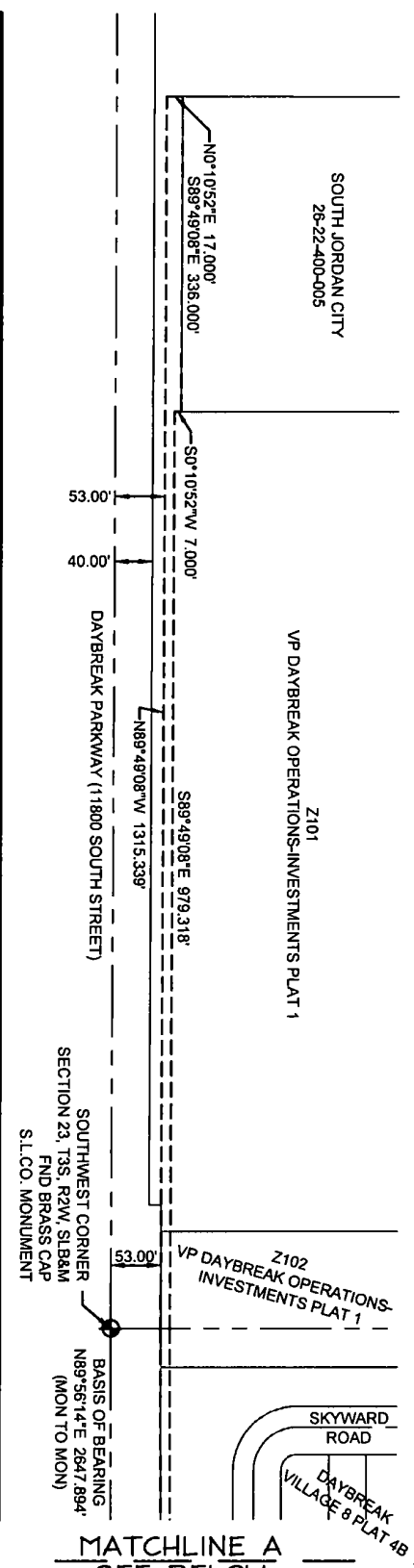


MATCHLINE A
SEE ABOVE




MATCHLINE B
SEE BELOW

MATCHLINE A
SEE BELOW



DAYBREAK PARKWAY PUBLIC UTILITY EASEMENT

JOB NUMBER DATE	DATE: _____ TIME: _____
	NETWORK: _____
	PATH: _____
	DWG NAME: _____
	LAYOUT: _____
DESIGNER: _____	MGR: _____



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LENDER'S CONSENT AND SUBORDINATION

PUBLIC UTILITY EASEMENT –
PARCEL I.D. # 26-22-401-002, 26-22-428-001, 26-23-351-002, 26-23-376-001

THE UNDERSIGNED, THE BENEFICIARY UNDER THAT CERTAIN DEED OF TRUST, DATED DECEMBER 19, 2016, ENCUMBERING THE HEREIN DESCRIBED REAL PROPERTY (THE "DEED OF TRUST"), HEREBY EXPRESSLY CONSENTS TO AND JOINS IN THE EXECUTION AND RECORDING OF THAT CERTAIN PUBLIC UTILITY EASEMENT, DATED AS OF December 3, 2018, FROM VP DAYBREAK OPERATIONS LLC, A DELAWARE LIMITED LIABILITY COMPANY, AND VP DAYBREAK INVESTMENTS LLC, A DELAWARE LIMITED LIABILITY COMPANY (THE "EASEMENT"), TO WHICH THIS LENDER'S CONSENT AND SUBORDINATION IS ATTACHED.

THE UNDERSIGNED LENDER HEREBY CONSENTS TO THE EASEMENT AND MAKES THE LIEN OF THE DEED OF TRUST SUBORDINATE THERETO. THIS LENDER'S CONSENT AND SUBORDINATION SHALL NOT OTHERWISE AFFECT THE PRIORITY OF MORTGAGES AND/OR LIENS AGAINST THE REAL PROPERTY DESCRIBED HEREIN, BUT SHALL SOLELY EVIDENCE THE LENDER'S INTENT TO SUBORDINATE ITS LIEN OF THE DEED OF TRUST TO THE EASEMENT. THE UNDERSIGNED REPRESENTS THAT HE OR SHE HAS FULL POWER AND AUTHORITY TO EXECUTE THIS LENDER'S CONSENT AND SUBORDINATION ON BEHALF OF THE LENDER.

U.S. BANK NATIONAL ASSOCIATION
d/b/a Housing Capital Company

By: Carl F. Swanson
Name: CARL F. SWANSON
Title: SVP

[SIGNATURE MUST BE NOTARIZED]
[Notary acknowledgement on following page]

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF FRESNO

On November 29, 2018, before me, **Lori Beckman, a Notary Public**, personally appeared **Carl F. Swanson** who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature 

[SEAL]

