

**AFFIDAVIT OF RIGHT-OF-WAY AND EASEMENT CENTERLINE DESCRIPTION**

Kern River Gas Transmission Company, whose address is 2755 East Cottonwood Parkway, Suite 300, Salt Lake City, UT 84121, hereinafter referred to as "Affiant", is the Grantee of an Exclusive Right-of-Way and Easement Agreement executed in counterparts identified as follows:

Grantor: **B & E Pace Investment Co., LTD., a Limited Partnership,**  
Dated: **May 3, 1991, recorded as Entry Number 927190, in Book 1412, Page 615, all in the public records of Davis County, Utah.**

Whereas, Kern River Gas Transmission Company obtained a survey of the pipeline right of way and easement after construction and recorded the survey as follows:

Dated: **January, 21, 1993, recorded as Entry Number 1013837 Book 1575, Page 63,**

Now therefore, for and in consideration of the mutual covenants, promises and agreements contained in said Exclusive Right-of-Way and Easement Agreement, Kern River Gas Transmission Company does hereby replace and supersede the recorded as-built survey, Entry Number 1013837, with the following as-built pipeline survey. (see Exhibit ST-47)

Original Easement Tract(s) LL# 113.03 W

A 50.00 FOOT PERMANENT EASEMENT BEING 25.00 FEET RIGHT AND 25.00 FEET LEFT OF THE DESCRIBED CENTERLINE OF A GAS PIPELINE KNOWN AS PARKWAY DRIVE OF THE EAGLEPOINT ESTATES ENTRY # 01-389, SITUATED IN THE NORTHWEST QUARTER OF SECTION 13 THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 1 NORTH, RANGE 1 WEST, SALT LAKE BASE MERIDIAN, CITY OF NORTH SALT LAKE, COUNTY OF DAVIS, STATE OF UTAH; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SECTION 13, T 1 N, R 1 W, S.L.B.M., A FOUND BRASS CAP, RUNNING THENCE SOUTH 89°03'57" WEST A DISTANCE OF 1467.77 FEET TO THE TRUE POINT OF BEGINNING OF A CENTERLINE OF A GAS PIPELINE, EASEMENT LINES TO BE SHORTENED OR LENGTHENED TO TERMINATE AT THE PARCEL BOUNDARY LINES, SAID POINT LIES ON THE EASTERLY RIGHT-OF-WAY LINE OF PARKWAY DRIVE; THENCE ALONG THE SAID CENTERLINE THE FOLLOWING COURSE:

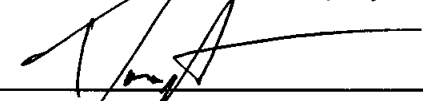
1. NORTH 65° 33' 37" WEST A DISTANCE OF 53.77 FEET TO THE POINT OF TERMINUS OF A CENTERLINE OF A GAS PIPELINE WHICH LIES ON THE WESTERLY RIGHT-OF-WAY LINE OF PARKWAY DRIVE, SAID POINT LIES SOUTH 89°34'07" EAST A DISTANCE OF 1113.71 FEET FROM THE NORTHWEST CORNER OF SECTION 13, T 1 N, R 1 W, S.L.B.M. A FOUND BRASS CAP,

THE TOTAL AREA OF A UNDERGROUND GAS PIPELINE EASEMENT ACROSS THE PARKWAY DRIVE OF THE EAGLEPOINT ESTATES, AS DESCRIBED ABOVE IS 2,694 SQ FT OR 0.06 ACRES OR 53.77 FEET IN LENGTH MORE OR LESS.

Affiant states that the description of the hereinabove right-of-way and easement is the surveyed centerline description or easement boundaries. To the extent that any discrepancy exists between the legal description and survey heretofore made or heretofore described and the actual location of the pipeline, the actual location of the pipeline shall govern, with the permanent 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 is buried on Grantor's property. The description has been recorded.

Executed this 24<sup>th</sup> day of November, 2008

Kern River Gas Transmission Company



By: Douglas R. Gibbons  
Its: Attorney-in-Fact

E 2407112 B 4665 P 545-547  
RICHARD T. MAUGHAN  
DAVIS COUNTY, UTAH RECORDER  
11/26/2008 12:08 PM  
FEE \$20.00 Pgs: 3  
DEP RT REC'D FOR KERN RIVER GAS TR  
ANSMISSION CO

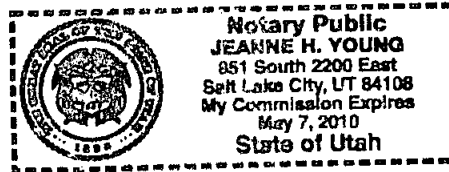
01-389-1323, 1331  
01-120-0052, 0053  
01-391-1308, 1322

ACKNOWLEDGMENT - ATTORNEY-IN-FACT

STATE OF UTAH )  
 )  
COUNTY OF SALT LAKE )

On the 29<sup>th</sup> day of November, 2008, Douglas R. Gibbons personally appeared before me and being duly sworn, did say that he is the Attorney-in-fact for Kern River Gas Transmission Company, and that the above Affidavit of Right-of-Way and Easement Centerline Description was signed on behalf of Kern River Gas Transmission Company, and said Douglas R. Gibbons acknowledged to me that he as such Attorney-in-fact executed the same.

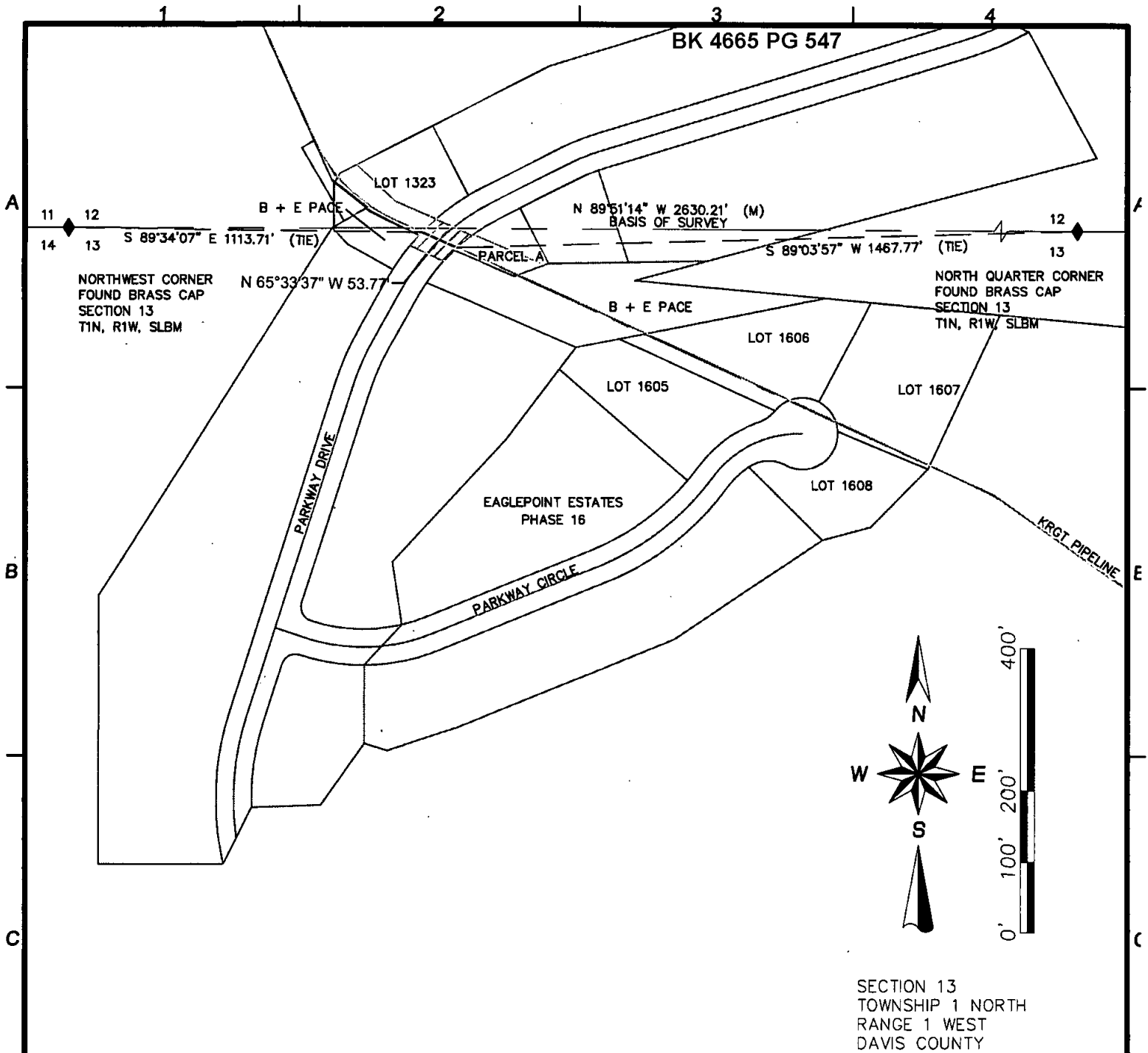
*Jeanne H. Young*



Name & Title of Officer:

May 7, 2010  
My commission expires:

Notary Public in and for  
The State of Utah



**LEGAL DESCRIPTION**

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**CERTIFICATE OF SURVEYOR**

STATE OF UTAH )  
COUNTY OF SALT LAKE)

I, **KYLE A. COOK** A REGISTERED LAND SURVEYOR IN THE STATE OF UTAH, HEREBY CERTIFY THAT THIS EXHIBIT OF A EASEMENT OF A UNDERGROUND GAS PIPELINE FOR THE KERN RIVER GAS TRANSMISSION CORPORATION WAS MADE FROM NOTES TAKEN DURING AN ACTUAL FIELD SURVEY MADE UNDER MY DIRECTION BY DAVID WOLTERS IN SEPTEMBER, 2008 AND IT CORRECTLY SHOWS THE LOCATION OF THE EXISTING CENTERLINE OF A UNDERGROUND GAS PIPELINE.

**SURVEYORS NARRATIVE**

THE PURPOSE OF THIS SURVEY IS TO PROVIDE A PERMANENT EASEMENT FOR A UNDERGROUND GAS PIPELINE FOR THE KERN RIVER GAS TRANSMISSION CORPORATION, LOCATED IN DAVIS COUNTY, STATE OF UTAH AND FOR THE CORRECTION OF PRIOR EXHIBITS AND DOCUMENTS FOR THE CITY OF NORTH SALT LAKE AND/OR DAVIS COUNTY.



- PRINTED 11/4/2008 FOR DATE
- PRELIMINARY
  - DESIGN DEVELOPMENT
  - BIDDING
  - CONSTRUCTION
  - APPROVAL
  - AS BUILT
  - REVISION

| No. | DESCRIPTION | BY | DATE | APPD. |
|-----|-------------|----|------|-------|
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|--|----------------|-------|------|--------------|----------|
| <b>TITLE</b> KERN RIVER GAS TRANSMISSION CORPORATION<br>UNDERGROUND GAS PIPELINE EASEMENT FOR<br>PARKWAY DRIVE |                |       |      | DRAWING No.  | REVISION |
| Drawn By: SRH  | Date 11/08     | ENCR. | Date | <b>ST-47</b> | -        |
| Chk'd. By: KAC   | Date 11/08     | APPD. | Date |              |          |
| Project No. 08-04-124  | SCALE AS NOTED |       |      |              |          |