



\*W2193481\*

**WHEN RECORDED RETURN TO:**

Matt C. Osborne  
OSBORNE & BARNHILL, P.C.  
11578 South State Street, Bldg. 204  
Draper, UT 84020

EH 2193481 PG 1 OF 3  
DOUG CROFTS, WEBER COUNTY RECORDER  
13-JUL-06 501 FEE \$15.00 DEP 46  
REC FOR: PEACHTREE PLACE

Tax Serial No. 08-458-0001; and  
Tax Serial No. 08-458-0002

**EASEMENT AGREEMENT FOR CONSTRUCTION AND MAINTENANCE  
OF STORM DRAIN, DETENTION POND AND UTILITIES**

PEACHTREE PLACE - LOT 6, L.L.C., a Utah limited liability company, Grantor, does hereby convey and warrant to PEACHTREE PLACE VII, L.C., a Utah limited liability company, Grantee, for a good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the following permanent easements and rights-of-way:

1. Storm Drain Pipe and Storm Detention Pond. An easement for the purpose of constructing and maintaining a storm drain pipeline therein for the transportation of storm drain water through the premises and for storage of storm drain water in the storm water detention pond located on and under the following described land and premises located in Weber County, Utah:

BEGINNING AT THE NORTHEAST CORNER OF LOT 5 SODENKAMP SUBDIVISION; THENCE SOUTH 43°49'14" WEST 224.41 FEET; THENCE NORTH 89°39'16" WEST 569.41 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 89°39'16" WEST 5.0 FEET; THENCE NORTH 00°04'22" WEST 114.75 FEET; THENCE NORTH 89°14'26" WEST 8.29 FEET; THENCE NORTH 21°00'43" WEST 28.03 FEET; THENCE NORTH 23°09'58" EAST 18.53 FEET; THENCE NORTH 82°24'32" EAST 20.10 FEET; THENCE NORTH 87°47'04" EAST 25.14 FEET; THENCE SOUTH 81°35'22" EAST 25.46 FEET; THENCE SOUTH 07°32'58" FEET EAST 21.16 FEET; THENCE SOUTH 15°17'23" WEST 23.41 FEET; THENCE NORTH 89°41'26" WEST 50.87 FEET; THENCE SOUTH 00°04'22" WEST 114.75 FEET TO THE POINT OF BEGINNING.

2. Utilities. An easement for the purposes of ingress and egress and for location of water, gas, electric and telephone transmission and distribution facilities and sanitary sewer facilities, and it is agreed and understood that this easement is to be construed as an easement given to the exclusion of the Grantor, its successors and assigns. The easement and right-of-way is located on and under the following described land and premises located in Weber County, State of Utah:

An easement 10 feet in width being more particularly described as follows:

BEGINNING AT THE NORTHEAST CORNER OF LOT 5 SODENKAMP SUBDIVISION; THENCE NORTH 89°39'16" WEST 13.78 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 43°49'14" WEST 13.78 FEET; THENCE NORTH 89°39'16" WEST 749.46 FEET; THENCE NORTH 00°42'44" EAST 10.00 FEET; THENCE SOUTH 89°39'16" EAST 758.88 FEET TO THE POINT OF BEGINNING.

This easement grants Grantee, its successors and assigns, the right of ingress and egress

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over and to and from said right-of-way, and the additional right to maintain, operate, repair, inspect, protect, remove and replace any facilities located therein. During temporary periods Grantee may use such portion of the property along and adjacent to said right-of-way as may be reasonably necessary in connection with the said construction, maintenance, repair, removal or replacement of the right-of-way and facilities located therein.

The Grantor shall not build or construct or permit to be built or constructed any building or other improvement over or across said right-of-way, without the consent of Grantee. This right-of-way shall be binding upon and inure to the benefit of the successors and assigns of Grantor and the successors and assigns of Grantee, and may be assigned in whole or in part by the Grantee.

Grantee shall restore all property through which work traverses to as near its original condition as is reasonably possible. Grantor and its successors shall have the right to use said premises except for the purposes for which this easement is granted. This easement shall be binding upon the Grantor and Grantee and their respective successors and assigns.

WITNESS the hands of said Grantor this 13 day of July, 2006.

GRANTOR:

PEACHTREE PLACE - LOT 6, L.L.C.,  
Utah limited liability company

By: Jon Purvance  
Its: Jon Purvance  
Member and Chief Executive Officer

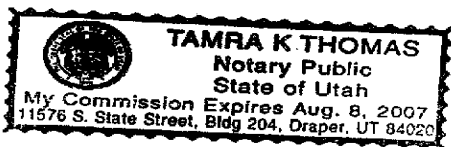
GRANTEE:

PEACHTREE PLACE VII, L.C. a  
Utah limited liability company

By: Jon Purvance  
Its: Jon Purvance  
Manager

STATE OF UTAH )  
COUNTY OF SALT LAKE ) ss.

On the 13 day of July, 2006, personally appeared before me Jon Purvance, Member and Chief Executive Officer of Peachtree Place - Lot 6, L.L.C., a signer of the above instrument, who duly stated to me that said instrument was signed in behalf of said company, and acknowledged to me that he executed the same with full authority to do so.



T Thomas  
Notary Public

STATE OF UTAH )  
COUNTY OF SALT LAKE ) ss.

On the 13 day of July, 2006, personally appeared before me Jon Purvance, the Manager of Peachtree Place VII, L.C., a signer of the above instrument, who duly stated to me that said instrument was signed in behalf of said company, and acknowledged to me that he executed the same with full authority to do so.



*Tamra K Thomas*  
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Notary Public