


WHEN RECORDED, MAIL TO:

Sunrise 3, LLC
1099 W. South Jordan Parkway
South Jordan, Utah 84095



ENT 23139:2017 PG 1 of 7
JEFFERY SMITH
UTAH COUNTY RECORDER
2017 Mar 08 12:49 pm FEE 34.00 BY SS
RECORDED FOR DAI

DECLARATION OF UTILITIES EASEMENTS

THIS DECLARATION OF UTILITIES EASEMENTS (“**Declaration**”) is made this 7 day of March, 2017, by SUNRISE 3, LLC, a Utah limited liability company (“**Declarant**”).

RECITALS

A. Declarant owns the fee title interest in and to that certain real property located in Utah County, State of Utah, more particularly described on Exhibit “A” attached hereto and incorporated herein (collectively the “**Burdened Property**”).

B. Declarant and/or its affiliated entities also owns the fee title interest in and to that certain real property located in Utah County, State of Utah, more particularly described on Exhibit “B” attached hereto and incorporated herein (collectively the “**Benefitted Property**”), upon which Benefitted Property Declarant is developing, as master developer, a certain development project commonly known as “Wildflower”.

C. Declarant desires to grant and reserve unto itself, and to any successor and assign, as the owner and master developer of the Benefitted Property (the “**Master Developer**”), and to any public or private party which undertakes and provides for the ownership, operation and maintenance of the applicable utilities constructed within the easement areas described herein (“**Utility Providers**”), certain utilities easements for the benefit of the Benefitted Property, on the terms and conditions set forth herein.

DECLARATION

NOW THEREFORE, in consideration of the foregoing Recitals and the covenants set forth herein, Declarant declares that the Burdened Property shall be held, sold, conveyed, leased and occupied subject to the following utilities easements, which are for the benefit of the Benefitted Property, and which shall be binding on the owner(s) (from time to time) of the Burdened Property (the “**Burdened Property Owner**”) and all parties having any right, title or interest in the Burdened Property or any part thereof, their heirs, successors and assigns.

1. Reservation of Utilities Easement. Declarant hereby establishes, declares, grants, sells, and reserves unto itself, as owner and Master Developer of the Benefitted Property, and to its successors and assigns in such capacity, a perpetual, non-exclusive right-of-way and easement upon, over, through, under, and across those portions of the Burdened Property which are more particularly described and/or depicted on Exhibit “C” attached hereto and incorporated herein as “Utility Easement” areas (collectively, the “**Utilities Easement Areas**”), for the location, construction, installation, delivery, inspection, maintenance,

operation, use, repair, alteration, augmentation, protection, removal, and replacement of lines, conduits, pipelines, valves, structures, control boxes and other related facilities, for water, sewer, and other utilities and utility services (collectively "**Utilities Facilities**"). The easements granted and reserved by this Declaration shall include the right of ingress and egress in the Master Developer, Utility Providers, or their respective officers, employees, agents and assigns, to enter upon the Utilities Easement Areas with such equipment as is necessary to construct, install, maintain, operate, repair, inspect, protect, remove and replace the Utilities Facilities.

2. Reservation of Temporary Construction Easement. Declarant hereby further establishes, declares, grants, sells, and reserves unto itself, and to any assignee or transferee of Declarant as Master Developer of the Benefitted Property, on a temporary basis during construction periods, additional portions of the Burdened Property equal to twenty (20) feet of width along and adjacent to both sides of the Utilities Easement Areas, as such temporary easement areas may be reasonably necessary in connection with the construction or repair of the Utilities Facilities. The contractor performing the work shall restore all property, through which the work traverses, to as near its original condition as is reasonably possible.

3. General Provisions.

a. Additional easements consistent with the easements granted and reserved in favor of the Master Developer of the Benefitted Property pursuant to this Declaration may be assigned, transferred, and/or dedicated, in whole or part, by the Master Developer to any applicable Utility Provider. The Burdened Property Owner shall cooperate with the Master Developer or applicable Utility Provider, at the Master Developer's or Utility Provider's request, in connection with the further dedication or grant of any easements or other rights in favor of such Utilities Provider(s) within the Utilities Easement Areas which are consistent with the intent of the easements granted and reserved pursuant to this Declaration.

b. Declarant and its successors and assigns, specifically including the Master Developer of the Benefitted Property Owner, shall have the right to enforce by any proceeding at law or in equity the restrictions, covenants, conditions, and easements now or hereafter imposed by the provisions of this Declaration. Failure to enforce any restriction, covenant, condition, or easement herein contained shall in no event be deemed a waiver of the right to do so thereafter. All remedies provided herein at law or in equity shall be cumulative and not exclusive. Invalidity of any provision of this Declaration by judgment or court order shall in no way affect any of the other provisions hereof which shall remain in full force and effect. This Declaration and every provision hereof shall continue in full force and effect unless amended, modified or terminated in accordance with the provisions hereof.

c. This Declaration or any provision hereof may be amended, modified, or terminated, as to all or any portion of the Burdened Property only with the written consent of the Burdened Property Owner and the Master Developer or applicable Utilities Provider. No such amendment, modification, termination or extension shall be effective until a proper instrument in writing has been executed, acknowledged, and recorded in the Office of the County Recorder of Utah County, Utah.

d. In any legal or equitable proceeding for the enforcement or to restrain the violation of this Declaration or any provision hereof, the party or parties against whom judgment

is rendered shall pay the attorneys' fees of the prevailing party or parties in such amount as may be fixed by the court in such proceeding.

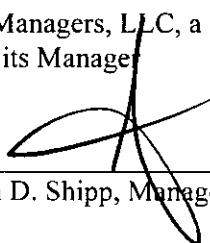
The provisions of this Declaration shall be binding upon the heirs, successors, assigns and legal representatives of the Declarant, specifically including (but not limited to) the Burdened Property Owner.

IN WITNESS WHEREOF, this Declaration of Utilities Easement is executed as of the date first written above.

DECLARANT:

SUNRISE 3, LLC, a Utah limited liability company

By: Sunrise 3 Managers, LLC, a Utah limited liability company, its Manager

By: 
Nathan D. Shipp, Manager

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

The foregoing instrument was acknowledged before me this 7th day of March, 2017, by Nathan D. Shipp, Manager of Sunrise 3 Managers, LLC, a Utah limited liability company, the Manager of Sunrise 3, LLC, a Utah limited liability company.


Notary Public

SEAL:

1404783



EXHIBIT A**BURDENED PROPERTY (UDOT DETENTION PARCEL)**

A parcel of land situate in the Southwest Quarter of Section 10, T5S., R1W., S.L.B. & M. The boundaries of said parcel of land are described as follows:

Beginning at a point located $S0^{\circ}11'02''W$ along the Quarter Section Line 3688.22 feet from the North Quarter Corner of Section 10, Township 5 South, Range 1 West, Salt Lake Base and Meridian; thence $S0^{\circ}11'02''W$ along the Quarter Section Line 1425.36 feet to the easterly right-of-way line of Mountain View Corridor; thence along said right-of-way line the following seven (7) courses: northwesterly along the arc of a 2062.50 foot radius non-tangent curve to the left (radius bears: $S66^{\circ}56'14''W$) 68.66 feet through a central angle of $1^{\circ}54'26''$ (chord: $N24^{\circ}00'59''W$ 68.66 feet); thence $N24^{\circ}58'12''W$ 309.29 feet; thence along the arc of a 1937.50 foot radius curve to the right 326.07 feet through a central angle of $9^{\circ}38'34''$ (chord: $N20^{\circ}08'56''W$ 325.69 feet); $N15^{\circ}19'39''W$ 806.76 feet; thence $S89^{\circ}48'58''E$ 488.53 feet to the point of beginning.

Contains: ± 8.97 Acres

EXHIBIT B**Benefitted Property****BENEFITTED PROPERTIES****VILLAGE PLAN (SOUTH PORTION)**

A Portion of the West Half of Section 10 and the South Half of Section 3, Township 5 South, Range 1 West, Salt Lake Base and Meridian, described as follows:

Beginning at a point located $S0^{\circ}11'02''W$ along the Quarter Section Line 25.65 feet from the North 1/4 Corner of Section 10, Township 5 South, Range 1 West, Salt Lake Base and Meridian; thence $S0^{\circ}11'02''W$ along the Quarter Section Line 3662.56 feet; thence $N89^{\circ}48'58''W$ 491.89 feet; thence $N15^{\circ}21'47''W$ 459.85 feet; thence along the arc of a 4440.00 foot radius curve to the right 2668.32 feet through a central angle of $34^{\circ}26'00''$ (chord: $N1^{\circ}51'13''E$ 2628.34 feet); thence $N19^{\circ}04'13''E$ 684.52 feet to the southerly line of that real property described in Deed Entry No. 3238:2014 in the official records of the Utah County Recorder; thence along said real property the following three (3) courses: $S18^{\circ}26'38''E$ 1.65 feet; thence $S25^{\circ}22'31''E$ 60.27 feet; thence $N89^{\circ}45'50''E$ 164.03 feet; thence $S87^{\circ}19'02''E$ 22.04 feet; thence East 104.40 feet to the point of beginning.

Contains: ± 54.43 Acres

PARCEL "C" (Sunrise 3, LLC)

A Portion of the Southwest Quarter of Section 10, Township 5 South, Range 1 West, Salt Lake Base and Meridian, described as follows:

Beginning at a point located $S0^{\circ}11'02''W$ along the Quarter Section Line 2969.72 feet and West 1216.19 feet from the North 1/4 Corner of Section 10, Township 5 South, Range 1 West, Salt Lake Base and Meridian; thence $S8^{\circ}56'42''E$ 241.96 feet; thence along the arc of a 2074.50 foot radius curve to the left 426.55 feet through a central angle of $11^{\circ}46'52''$ (chord: $S14^{\circ}50'08''E$ 425.80 feet); thence along the arc of a 3400.00 foot radius curve to the right 353.95 feet through a central angle of $5^{\circ}57'53''$ (chord: $S17^{\circ}44'37''E$ 353.79 feet); thence $S14^{\circ}45'41''E$ 361.44 feet; thence $S12^{\circ}37'19''E$ 764.34 feet; thence along the arc of a 1800.00 foot radius curve to the right 268.03 feet through a central angle of $8^{\circ}31'54''$ (chord: $S8^{\circ}21'22''E$ 267.78 feet) to the South Line of said Section 10; thence $N89^{\circ}52'02''W$ along the Section Line 87.26 feet to the northerly line of that real property described in Deed Entry No. 61632:2013 in the official records of the Utah County Recorder; thence along said real property the following five (5) courses: $N15^{\circ}09'00''W$ 367.71 feet; thence along the arc of a 741.78 foot radius curve to the left 365.74 feet through a central angle of $28^{\circ}15'00''$ (chord: $N29^{\circ}16'30''W$ 362.05 feet); thence $N43^{\circ}24'00''W$ 763.70 feet; thence along the arc of a 741.78 foot radius curve to the left 684.01 feet through a central angle of $52^{\circ}50'00''$ (chord: $N69^{\circ}49'00''W$ 660.03 feet); thence $S83^{\circ}46'00''W$ 176.36 feet; thence $N5^{\circ}03'04''E$ 911.08 feet; thence $N89^{\circ}40'27''E$ 1047.25 feet to the point of beginning.

Contains: ± 35.69 Acres

PARCEL "D" (Sunrise 3, LLC)

A Portion of the Southwest Quarter of Section 10, Township 5 South, Range 1 West, Salt Lake Base and Meridian, described as follows:

Beginning at the Southwest Corner of Section 10, Township 5 South, Range 1 West, Salt Lake Base and Meridian; thence N0°20'24"E along the Section Line 928.72 feet; thence N33°57'04"E 432.41 feet; thence S70°29'56"E 67.56 feet; thence N19°30'04"E 20.00 feet; thence N70°29'56"W 62.40 feet; thence N33°57'04"E 88.80 feet to the southerly line of that real property described in Deed Entry No. 61632:2013 in the official records of the Utah County Recorder; thence along said real property the following five (5) courses: N83°46'00"E 193.58 feet; thence along the arc of a 691.78 foot radius curve to the right 637.90 feet through a central angle of 52°50'00" (chord: S69°49'00"E 615.54 feet); thence S43°24'00"E 763.70 feet; thence along the arc of a 691.78 foot radius curve to the right 341.09 feet through a central angle of 28°15'00" (chord: S29°16'30"E 337.64 feet); thence S15°09'00"E 354.05 feet to the South Line of said Section 10; thence N89°52'02"W along the Section Line 1860.68 feet to the point of beginning.

Contains: ±45.36 Acres

WEST PORTION OF COLLINS PURCHASE (TANUKI)

A Portion of the West Half of Section 10 and West Half of Section 3, Township 5 South, Range 1 West, Salt Lake Base and Meridian, described as follows:

Beginning at a point located S0°11'02"W along the Quarter Section Line 2969.72 feet and West 1216.19 feet from the North 1/4 Corner of Section 10, Township 5 South, Range 1 West, Salt Lake Base and Meridian; thence S89°40'27"W 1047.25 feet; thence N5°03'04"E 6998.96 feet; thence N89°52'43"E 1644.05 feet; thence S0°17'28"W 304.24 feet to the proposed westerly right-of-way line of Mountain View Corridor; thence along said right-of-way line the following twelve (12) courses: thence southwesterly along the arc of a 1000.00 foot radius non-tangent curve to the left (radius bears: S69°02'57"E) 21.43 feet through a central angle of 1°13'41" (chord: S20°20'12"W 21.43 feet); thence S19°43'22"W 600.87 feet; thence S15°24'52"W 391.36 feet; thence S17°09'12"W 330.78 feet; thence along the arc of a 1229.50 foot radius curve to the left 452.55 feet through a central angle of 21°05'21" (chord: S6°36'32"W 450.00 feet); thence S3°56'09"E 560.76 feet; thence along the arc of a 1085.00 foot radius curve to the right 643.69 feet through a central angle of 33°59'29" (chord: S13°03'36"W 634.29 feet); thence S30°03'20"W 320.30 feet; thence along the arc of a 4000.00 foot radius curve to the left 1453.26 feet through a central angle of 20°48'59" (chord: S19°38'51"W 1445.28 feet); thence S9°14'21"W 197.23 feet; thence along the arc of a 5312.50 foot radius curve to the left 1686.05 feet through a central angle of 18°11'03" (chord: S0°08'50"W 1678.98 feet); thence S8°56'42"E 252.73 feet to the point of beginning.

Contains: ±190.43 Acres

LESS AND EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PROPERTY:

A parcel of land situated in the SW ¼ SW ¼ of Section 3, Township 5 South, Range 1 West, S.L.B. & M., more particularly described as follows:

Beginning at the southeast fence corner of an existing fence surrounding a water tank, which point is 1549.27 feet N89°32'24"W along the section line and 564.31 feet North from the South quarter corner of said Section 3; and running thence along said existing fence the following four (4) courses and distances: (1) N85°19'19"W 200.71 feet; (2) thence N5°06'14"E 200.67 feet; (3) thence S85°06'52"E 200.20 feet; (4) thence S4°57'34"W 199.94 feet to the point of beginning.

Contains: ±0.92 Acres

NET AREA OF WEST PORTION OF COLLINS PURCHASE (TANUKI): ±189.51 ACRES

EXHIBIT C

Utilities Easement Areas

SEWER AND ACCESS EASEMENT

A parcel of land situate in the Southwest Quarter of Section 10, T5S., R1W., S.L.B. & M. more particularly described as follows:

Beginning at a point located $S0^{\circ}11'02''W$ along the Quarter Section Line 3688.22 feet from the North Quarter Corner of Section 10, Township 5 South, Range 1 West, Salt Lake Base and Meridian; thence $S0^{\circ}11'02''W$ along the Quarter Section Line 889.08 feet; thence $N89^{\circ}48'58''W$ 20.00 feet; thence $N0^{\circ}11'02''E$ 245.21 feet; thence $N89^{\circ}48'58''W$ 289.83 feet to the easterly right-of-way line of the Mt. View Corridor; thence $N15^{\circ}19'39''W$ along said right-of-way line 20.76 feet; thence $S89^{\circ}48'58''E$ 295.38 feet; thence $N0^{\circ}11'02''E$ 623.87 feet; thence $S89^{\circ}48'58''E$ 20.00 feet to the point of beginning.

Contains: $\pm 23,634$ Sq. Ft.