

Ent 509525 Bk 1381 Pg 1629-1638
Date: 25-OCT-2021 2:06:01PM
Fee: \$40.00 Check Filed By: TC
MARCY M MURRAY, Recorder
WASATCH COUNTY CORPORATION
For: BRC ADG JV HEBER LLC

RECORDING REQUESTED BY
AND AFTER RECORDING RETURN TO:

BRC ADG JV Heber, LLC
Attn: Brad Watson
166 East 14000 South, Suite 110
Draper, Utah 84020

Tax Parcel No.: 00-0021-5172

(space above for Recorder's use)

GRANT OF PUBLIC AND CITY UTILITY EASEMENT

BRC ADG JV HEBER, LLC, a Utah limited liability company ("**Grantor**"), whose mailing address for purposes of this Grant of Public Utility Easement (the "**Grant**") is c/o Alpha Development Group, 166 East 14000 South, Suite 110, Draper, Utah 84020, hereby DEDICATES to the public and Heber City Corporation (the "**City**") a perpetual, non-exclusive, public and city utility easement over and across all private streets, parking areas, and common areas on Grantor's real property legally described and depicted on Exhibit A and Exhibits B1, B2, and B3 attached hereto and incorporated herein by reference (the "**Easement Area**"), for the use and installation of public utility facilities, as provided in Utah Code Section 54-3-27 (the "**PUE Statute**"), and for City utilities. This easement is non-exclusive and may be used by all public utilities and the City (collectively, the "**Grantee**") according to the terms of the PUE Statute as more fully set forth below.

Subject to all other easements, rights, rights-of-way, reservations, conditions, restrictions, covenants and taxes and assessments of record or enforceable in law or equity.

Grantee shall take the Easement Area in an "As-Is," "Where-Is" condition, without warranties, either express or implied, "WITH ALL FAULTS," including both latent and patent defects. Grantee and Grantee's agents, contractors, invitees and licensees ("**Grantee's Agents**") shall enter upon the Easement Area at its/their sole risk and hazard, and Grantee, Grantee's Agents, and its/their successors and assigns, hereby release Grantor from any claims relating to the condition of the Easement Area and the entry upon the Easement Area by the Grantee and Grantee's Agents, and its/their successors and assigns. Grantor reserves the right to traverse the Easement Area, and to use the same for any surface improvements not inconsistent with Grantee's permitted use of the Easement Area; provided, however, neither Grantor nor its successors or assigns shall install or construct, or cause to be installed or constructed, any permanent building on the Easement Area. Grantor shall have the right, at Grantor's cost, to connect to any and all public utilities that traverse the Easement Area consistent with Grantee's rules and regulations.

Grantee shall have the right to access the Easement Area to access, maintain, and repair any public and/or City utilities located therein. No changes to topography and structures above or below ground are allowed in the Easement Area within ten (10) feet of City utilities located therein without the written consent of the City Engineer. Any structures located within the Easement Area without the written consent of the City Engineer may be removed at the current property owner's expense.

All storm drain, sewer and secondary water utilities located within and outside of the Easement Area are private and shall be maintained by Grantor or the current property owner. All culinary water services and maintenance of the same from the user to the water meter service vault shall be the responsibility of Grantor or the current property owner.

Grantee shall construct and maintain or shall cause the construction and maintenance of any and all public and/or City utilities in the Easement Area and Grantor shall have no responsibility therefor. Grantee shall conduct all construction and maintenance activities to minimize interference with Grantor's property, shall protect the public from injury, and shall restore the Easement Area (and any of Grantor's adjacent property damaged thereby) per Utah Code Section 54-3-27 upon completion of any construction and/or maintenance activities.

The easement granted herein is subject to the condition that Grantee shall indemnify and hold harmless Grantor, Grantor's employees, agents and independent contractors and Grantor's successors and assigns against any and all liability caused by any negligent acts of Grantee or Grantee's Agents, and/or arising out of, related to or connected with this Grant.

IN WITNESS WHEREOF, Grantor has granted this Grant to be effective as of the ___ day of _____, 2021.

[Signatures and Acknowledgments Follow]

SIGNATURE AND ACKNOWLEDGEMENT
OF
GRANTOR

GRANTOR:

BRC ADG JV HEBER, LLC,
a Utah limited liability company

By: Alpha-Heber GP, LLC,
a Utah limited liability company
Its: Manager

By: Wadsworth dbUrban Heber, LLC,
a Utah limited liability company
Its: Manager

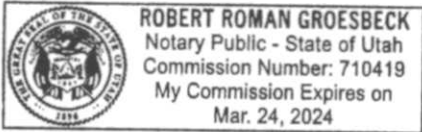
By: Wadsworth Heber, LLC,
a Utah limited liability company
Its: Manager

By: Wadsworth & Sons II, LLC,
a Utah limited liability company
Its: Manager

By: _____
Name: Kip L. Wadsworth
Its: Executive Manager

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

On this 15th day of OCTOBER, 2021, personally appeared before me Kip L. Wadsworth, Executive Manager of Wadsworth & Sons II, LLC, a Utah limited liability company, Manager of Wadsworth Heber, LLC, a Utah limited liability company, Manager of Wadsworth dbUrban Heber, LLC, a Utah limited liability company, Manager of Alpha-Heber GP, LLC, a Utah limited liability, Manager of BRC ADG JV Heber, LLC, a Utah limited liability company, who duly acknowledged to me that said company executed the same.



NOTARY PUBLIC

EXHIBIT A

(Legal Description of Grantor's Property)

Lot 1, TURNER MILL MASTER SUBDIVISION PLAT, according to the official plat thereof, as filed in the office of the Wasatch County Recorder, State of Utah, recorded August 28, 2020 as Entry No. 483557 in Book 1309 at Page 807.

EXHIBIT B1

(Legal Description of Easement Area; Depiction of Easement Area)

Legal Description of Easement Area

A public utility & drainage easement being a part of Lot 1, Turner Mill Master Subdivision Plat recorded August 28, 2020 as Entry No. 483557 in Book 1309, at Page 807 in the Office of the Wasatch County Recorder and located in the Northwest Quarter of Section 8, Township 4 South, Range 5 East, Salt Lake Base and Meridian.

Said public utility & drainage easement lies 10.00 feet inside of the northerly, easterly and southerly line of said Lot 1 and 5.00 feet inside the westerly line of said Lot 1.

The above-described easement contains 33,134 square feet or 0.760 acre, more or less.

BASIS OF BEARING is N. 00°03'25" W. per said Turner Mill Master Subdivision Plat along the Section line between the West Quarter Corner and the Northwest Corner of said Section 8, Township 4 South, Range 5 East, Salt Lake Base and Meridian.

EXHIBIT B1 (Cont.)

Depiction of Easement Area

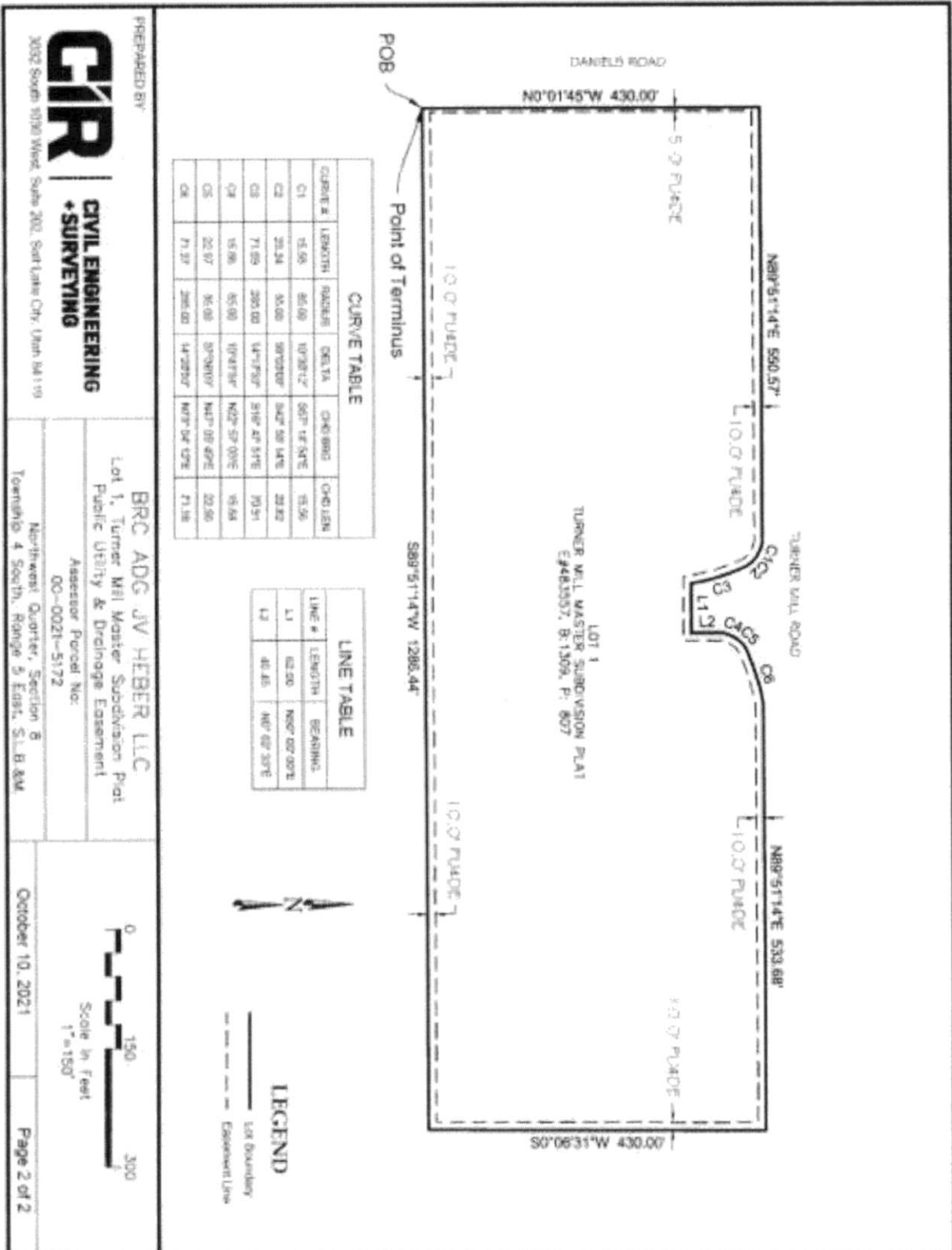


EXHIBIT B2

(Legal Description of Easement Area; Depiction of Easement Area)

Legal Description of Easement Area

A water and utility easement being a part of Lot 1, Turner Mill Master Subdivision Plat recorded August 28, 2020 as Entry No. 483557 in Book 1309, at Page 807 in the Office of the Wasatch County Recorder. Said easement is located in the Northwest Quarter of Section 8, Township 4 South, Range 5 East, Salt Lake Base and Meridian and is described as follows:

Beginning at a point on the westerly line of said Lot 1, which is 91.36 feet N. 00°01'45" W. from the southwesterly corner of said Lot 1; thence N. 00°01'23" W., 24.36 feet along said westerly line of Lot 1; thence East 18.22 feet; thence North 11.95 feet; thence East 6.00 feet; thence South 11.95 feet; thence East 91.66 feet; thence N. 00°08'46" W. 20.44 feet; thence N. 89°51'14" E. 62.50 feet; thence S. 00°08'46" E. 18.00 feet; thence N. 89°51'14" E. 251.37 feet to a point of tangency with a 22.00 – foot radius curve to the left, concave northerly; thence Easterly 13.91 feet along the arc of said curve through a central angle of 36°13'18" (Chord bears N. 71°44'35" E. 13.68); thence N. 00°08'46" W. 17.75 feet; thence N. 89°51'14" E. 9.00 feet; thence N. 00°13'03" W. 51.51 feet; thence S. 89°51'14" W. 29.44 feet; thence N. 00°08'46" W. 6.00 feet; thence N. 89°51'14" E. 29.43 feet; thence N. 00°13'13" W. 49.82 feet to a point of non-tangency with a 22.00 – foot radius curve to the left, concave southwesterly (Radius point bears S. 83°28'15" W.); thence Northwesterly 30.90 feet along the arc of said curve, through a central angle of 80°28'11" (Chord bears N. 46°45'50" W. 28.42 feet); thence S. 89°51'42" W. 248.57 feet to a point of non-tangency with a 22.00 – foot radius curve to the left, concave southeasterly (Radius point bears S. 00°08'46" E.); thence Southwesterly 34.56 feet along the arc of said curve through a central angle of 90°00'00" (Chord bears S. 44°51'14" W. 31.11 feet); thence S. 00°08'46" E. 55.97 feet; thence N. 89°52'15" E. 6.92 feet; thence S. 00°08'46" E. 6.00 feet; thence S. 89°52'15" W. 6.92 feet; thence S. 00°08'46" E. 46.92 feet; thence S. 89°51'14" W. 44.50 feet; thence N. 00°08'46" W. 108.89 feet to a point of tangency with a 66.50 – foot radius curve to the right, concave southeasterly; thence Northeasterly 104.46 feet along the arc of said curve through a central angle of 90°00'00" (Chord bears N. 44°51'14" E. 94.05 feet); thence N. 89°51'14" E. 298.91 feet; thence S. 00°08'46" E. 18.00 feet; thence N. 89°51'14" E. 133.21 feet; thence South 32.50 feet; thence S. 89°51'14" W. 129.77 feet to a point of non-tangency with a 22.03 – foot radius curve to the left, concave easterly (Radius bears S. 43°27'30" E); thence Southerly 18.81 feet along the arc of said curve, through a central angle of 48°55'22" (Chord bears S. 22°04'49" W. 18.24 feet); thence S. 00°08'46" E. 152.50 feet; thence S. 89°51'14" W. 40.95 feet; thence S. 00°01'06" E. 29.00 feet; thence S. 89°58'54" W. 6.00 feet; thence N. 00°01'06" W. 28.98 feet; thence S. 89°51'14" W. 208.96 feet; thence S. 00°15'57" E. 5.32 feet; thence S. 89°44'03" W. 6.00 feet; thence N. 00°15'57" W. 5.33 feet; thence S. 89°51'14" W. 215.89 feet to the **Point of Beginning**.

The above-described easement contains 43,841 square feet or 1.006 acres, more or less.

BASIS OF BEARING is N. 00°03'25" W. per said Turner Mill Master Subdivision Plat along the Section line between the West Quarter Corner and the Northwest Corner of said Section 8, Township 4 South, Range 5 East, Salt Lake Base and Meridian.

EXHIBIT B2 (Cont.)

Depiction of Easement Area

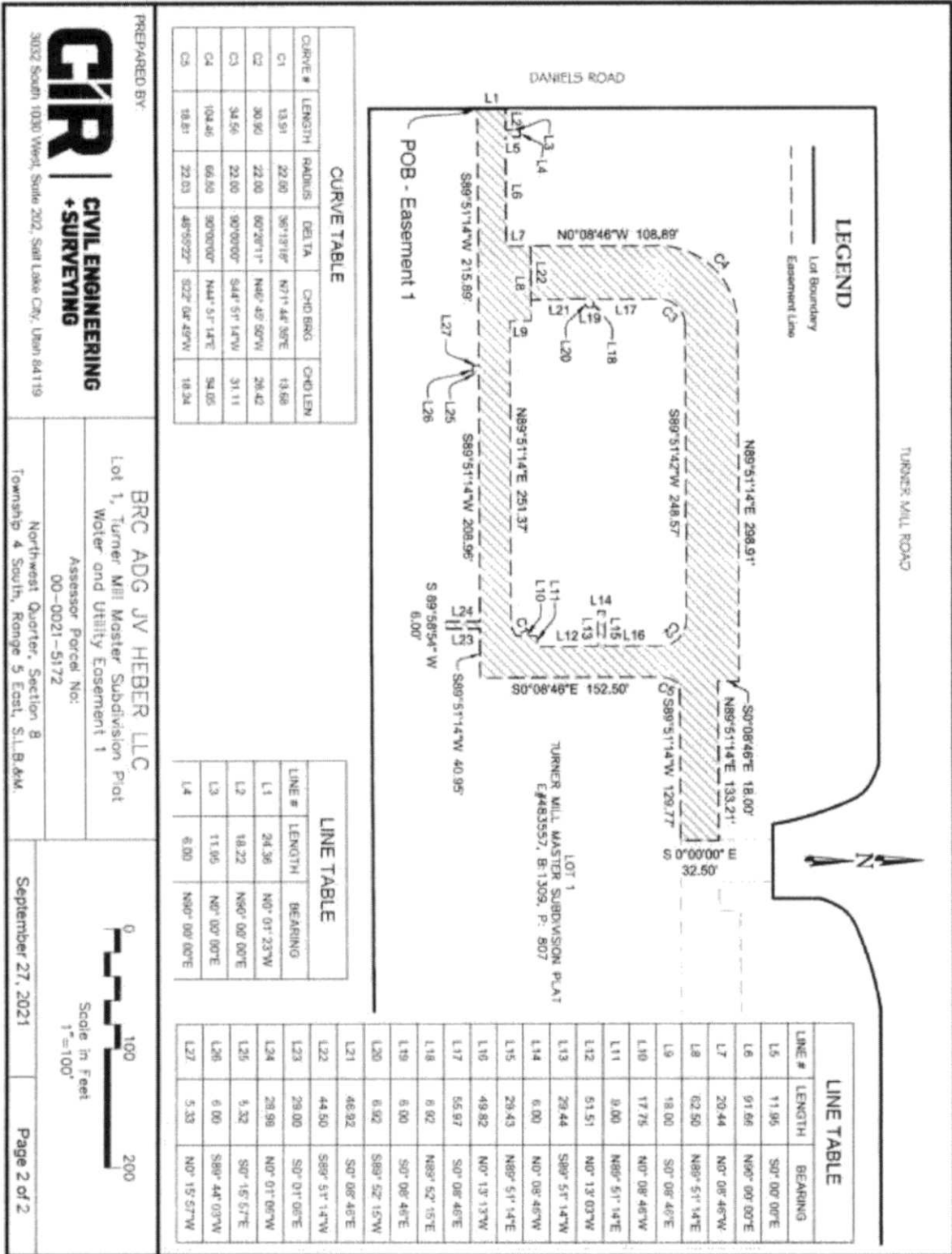


EXHIBIT B3

(Legal Description of Easement Area; Depiction of Easement Area)

Legal Description of Easement Area

A water and utility easement being a part of Lot 1, Turner Mill Master Subdivision Plat recorded August 28, 2020 as Entry No. 483557 in Book 1309, at Page 807 in the Office of the Wasatch County Recorder. Said easement is located in the Northwest Quarter of Section 8, Township 4 South, Range 5 East, Salt Lake Base and Meridian and is described as follows:

Beginning at a point on the northerly line of said Lot 1, which is 108.57 feet S. 89°51'14" W. from the northeasterly corner of said Lot 1; thence S. 00°06'31" W. 309.50 feet to a point of non-tangency with a 72.00 – foot radius curve to the right, concave northwesterly (Radius point bears N. 69°31'38" W.); thence Southwesterly 87.19 feet along the arc of said curve, through a central angle of 69°22'52" (Chord bears S. 55°09'48" W. 81.96 feet); thence S. 89°51'14" W. 89.55 feet; thence N. 00°08'46" W. 44.00 feet; thence N. 89°51'14" E. 95.53 feet; thence N. 00°08'46" W. 9.00 feet; thence N. 89°51'14" E. 17.75 feet to a point of non-tangency with a 22.00 – foot radius curve to the left, concave northwesterly (Radius point bears N. 53°55'46" W.); thence Northerly 13.26 feet along the arc of said curve, through a central angle of 34°32'18" (Chord bears N. 18°48'05" E. 13.06 feet); thence N. 00°06'44" E. 105.44 feet to a point of non-tangency with a 22.00 – foot radius curve to the left, concave southwesterly (Radius point bears N. 89°53'29" W.); thence Northwesterly 33.45 feet along the arc of said curve, through a central angle of 87°07'21" (Chord bears N. 43°27'10" W. 30.32 feet); thence S. 89°51'19" W. 68.43 feet; thence S. 00°08'46" E. 29.83 feet; thence S. 89°51'14" W. 6.00 feet; thence N. 00°08'46" W. 29.83 feet; thence S. 89°51'19" W. 219.87 feet to a point of non-tangency with a 22.00 – foot radius curve to the left, concave southeasterly (Radius bears S. 02°52'47" E.); thence Southwesterly 33.51 feet along the arc of said curve, through a central angle of 87°15'59" (Chord bears S. 43°29'13" W. 30.36 feet); thence S. 00°09'49" E. 106.08 feet to a point of non-tangency with a 22.00 – foot radius curve to the left, concave easterly (Radius point bears N. 86°44'26" E.); thence Southerly 12.71 feet along the arc of said curve, through a central angle of 33°05'41" (Chord bears S. 19°48'25" E. 12.53 feet); thence N. 89°51'14" E. 17.75 feet; thence S. 00°08'46" E. 9.00 feet; thence N. 89°51'14" E. 91.22 feet; thence N. 00°08'46" W. 29.73 feet; thence N. 89°51'14" E. 6.00 feet; thence S. 00°08'46" E. 29.73 feet; thence N. 89°51'14" E. 98.84 feet; thence S. 00°08'46" E. 33.81 feet; thence South 22.75 feet; thence West 180.22 feet; thence West 6.00 feet; thence North 22.75 feet; thence West 57.84 feet; thence N. 00°08'49" W. 160.39 feet to a point of non-tangency with a 22.00 – foot radius curve to the left, concave southwesterly (Radius point bears S. 89°01'26" W.); thence Northwesterly 17.60 feet along the arc of said curve, through a central angle of 45°49'41" (Chord bears N. 23°53'25" W. 17.13 feet); thence S. 89°51'14" W. 155.85 feet; thence North 78.50 feet to a northerly line of said Lot 1; thence N. 89°59'51" E. 34.82 feet along said northerly line of Lot 1; thence South 45.91 feet; thence N. 89°51'14" E. 24.64 feet; thence N. 00°08'46" W. 18.00 feet; thence N. 89°51'14" E. 460.42 feet; thence N. 00°06'55" W. 118.75 feet; thence N. 89°51'14" E. 45.10 feet to **Point of Beginning**.

The above-described easement contains 57,103 square feet or 1.310 acres, more or less.

BASIS OF BEARING is N. 00°03'25" W. per said Turner Mill Master Subdivision Plat along the Section line between the West Quarter Corner and the Northwest Corner of said Section 8, Township 4 South, Range 5 East, Salt Lake Base and Meridian.

EXHIBIT B3 (Cont.)

Depiction of Easement Area

