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E# 2218844 PG 1 OF 6  
DOUG CROFTS, WEBER COUNTY RECORDER  
31-OCT-06 12:18 PM FEE \$29.00 DEP JC  
REC FOR: TALON GROUP  
ELECTRONICALLY RECORDED

**When Recorded, return to:**

David K. Broadbent  
Holland & Hart LLP  
60 East South Temple, Suite 2000  
Salt Lake City, Utah 84111

**EMERGENCY VEHICLE EASEMENT AGREEMENT**

This Emergency Vehicle Easement Agreement is dated this 31 day of October, 2006, by and between Canyon Cove Properties, LLC, , a Utah limited liability company ("Canyon Cove"), and Canyon Cove Land, LLC ("Grantee"). Canyon Cove and Grantee are referred to collectively herein as the "Parties."

**Recitals:**

A. The parties are adjoining landowners in Weber County, Utah. Canyon Cove is the owner of the real property described on Exhibit A attached hereto (the "Canyon Cove Property"); and Grantee is the owner of the real property described on Exhibit B attached hereto (the "Grantee Property"). The Parties desire to cooperate with each other in the use and development of their respective properties as provided herein.

B. Grantee has requested, and Canyon Cove is willing to grant, a limited right of access for emergency vehicles across a portion of Canyon Cove Property, which access is intended to connect to Valley Drive, a public road located on the north side of the Canyon Cove Property.

Now therefore, in consideration ten dollars and other consideration, the Parties agree as follows:

1. **Grant of Easement.** Canyon Cove hereby grants to Grantee and its successors and assigns with respect to the Grantee Property, a perpetual non-exclusive easement (the "Access Easement"), for ingress and egress of emergency vehicles, including fire, police and ambulance, for emergency and other official purposes requiring emergency access to the Grantee Property from a dedicated road known as Valley Drive. Subject to the provisions of Section 2 hereof, the Access Easement shall be located only on that portion of Canyon Cove Property that is used for driveways as depicted on Exhibit C (the "Access Area"). Grantee, at its sole cost and expense, shall be responsible to install a "crash gate" at the point identified on Exhibit C as the "Easement beginning point" which gate shall be reasonably acceptable to Canyon Cove or its successor and assigns

2. **Reserved Relocation and Other Rights.** The easement granted hereby shall be a floating easement, and Canyon Cove reserves the exclusive right, in Canyon Cove's, or its successors and assigns', sole and absolute discretion, to alter the course or otherwise change in any way the location of the Access Easement at any time and from time to time in such manner as Canyon

Cove, or its successors and assigns, in its sole and absolute discretion, may determine. Canyon Cove also reserves the right to use the Access Area for any and all purposes that do not unreasonably interfere with the use thereof by Grantee, or its successors and assigns in interest in the Grantee Property, for the limited purposes herein specified.

3. Nothing contained in this Agreement shall, or shall be deemed to, constitute a gift or dedication of any portion of Canyon Cove Property to the general public or for the benefit of the general public or for any public purpose whatsoever, it being the intention of the parties that this Agreement will be strictly limited to and for the purposes expressed herein.

4. This Agreement shall inure to the benefit of, and be binding upon, the parties hereto and their respective heirs, executors, representatives, successors and assigns.

DATED as of the day and year first written above.

Canyon Cove Properties, LLC

By: [Signature]  
Its Manager

Canyon Cove Land, LLC

By: [Signature]  
Its: Manager

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

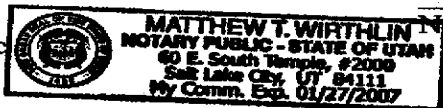
The foregoing instrument was acknowledged before me this 30 day of October, 2006, by Howard Schmidt, manager of Canyon Cove Properties, LLC, a Utah limited liability company.



[Signature]  
NOTARY PUBLIC

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

The foregoing instrument was acknowledged before me this 30 day of October, 2006, by Howard Schmidt, as the Manager of Canyon Cove Land, LLC, a Utah limited liability company.



[Signature]  
NOTARY PUBLIC

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**EXHIBIT A****Legal Description of Canyon Cove Property**

Beginning at a point North 0°23'33" East 457.67 feet from the Southwest Corner of the Northeast Quarter of the Northwest Quarter of Section 27, Township 6 North, Range 1 West, Salt Lake Base and Meridian, and running thence South 89°02' East 560.46 feet; thence North 0°58' East 164.01 feet; thence South 89°02' East 464.00 feet; thence North 0°58' East 33.00 feet; thence South 89°02' East 33.00 feet; thence North 0°58' East 264.03 feet; thence North 89°02' West 335.00 feet; thence North 82°00' West 85.00 feet; thence North 47°30' West 8.00 feet; thence North 42°30' East 199.02 feet to the Southerly right of way line of Valley Drive; thence South 82°35' West 86.86 feet along said right of way line; thence South 7°38'30" East 7.00 feet along said right of way line; thence South 82°08' West 626.24 feet along said right of way line to a point of a 859.00 foot radius curve to the right; thence Southwesterly along the arc of said curve and right of way line 65.87 feet, the bearing of the long chord being South 84°19'48" West, a distance of 65.85 feet; thence South 0°23'33" West 502.40 feet to the point of beginning.

Parcel Identification No. 13-113-0031 (for reference purposes only)

*De*



**EXHIBIT B****Legal Description of Grantee Property****PARCEL 1: (13-113-0001)**

All of Lots 15 to 18 and the East 5 feet of Lot 19, Block 8, COLORADO PLACE ADDITION to Ogden City, including the vacated street and a part of the Northeast quarter of the Northwest quarter of Section 27, Township 8 North, Range 1 West, Salt Lake Base and Meridian, U.S. Survey, described as follows: Beginning North 0°23'33" East 457.67 feet from the Southwest corner of the Northeast quarter of said Northwest quarter and running thence South 89°02' East 580.46 feet; thence North 0°58' East 164.01 feet; thence South 89°02' East 105 feet; thence South 0°58' West 123 feet; thence South 89°02' East 569.57 feet; thence South 0°40'08" West 229.36 feet; thence South 40°36'28" West 248.49 feet; thence North 89°27'22" West 333.94 feet to a point 40 feet East from the extended centerline of Robin Street; thence North 0°58' East 55 feet; thence North 64°54' West 434.09 feet; thence North 0°58' East 36.03 feet; thence North 70°58' West 355.49 feet to the point of beginning.

TOGETHER WITH AND SUBJECT TO a right of way more particularly described as follows:

Beginning at a point at the intersection of the South line of the said Northeast one-quarter of the Northwest one-quarter of Section 27 and the center line of Polk Avenue, said point being North 0°58' East 578.93 feet from the intersection of the centerlines of Polk Avenue and 21st Street; thence North 89°27'22" West 25.00 feet along the South line of the above mentioned one-quarter section to a point; thence North 0°58' East 317.15 feet parallel to and 15.00 feet Easterly from the West line of Polk Avenue extended to a point; thence South 64°51'04" East 54.81 feet to a point; thence South 0°58' West 294.33 feet parallel to and 15.00 feet Westerly from the East line of Polk Avenue extended to a point in the South line of the above mentioned one-quarter section; thence North 89°27'22" West 25.00 feet to the point of beginning.

**PARCEL 2: (13-113-0015)**

All of Lots 1, 2 and 3, Block 7, COLORADO PLACE ADDITION, Ogden City, Weber County, Utah.

TOGETHER WITH the South 1/2 of vacated East Street and the West 1/2 of Hill Avenue on the East.

**PARCEL 3: (13-080-0003)**

Part of the Northeast quarter of Section 27, Township 6 North, Range 1 West, Salt Lake Base and Meridian, U.S. Survey: Beginning at a point on the quarter section line 747.44 feet North 0°40'08" East along said quarter section line from the Southwest corner of the Northwest quarter of said Northeast quarter; running thence North 0°40'08" East 414.93 feet to the South line of Valley Drive; thence along said South line two courses as follows: Easterly along the arc of a 606.69 foot radius curve to the left 109.78 feet (LC bears North 67°10'02" East 109.63 feet) and North 61°59' East 277.91 feet to the North line of said quarter section; thence South 89°32'42" East 465.91 feet along said North line to a point 304.55 feet East of the intersection of the center line of Fillmore Avenue extended (North 0°58' East) and North line of said quarter section; thence South 23°33'07" West 539.35 feet to a point 100 feet North 0°58' East and 600 feet South 89°02' East from the point of beginning; thence South 0°58' West 100.00 feet; thence North 89°02' West 600.00 feet to the point of beginning.

EXCEPTING THEREFROM a parcel of land 0.5 feet wide parallel with and abutting Valley Drive on the Southeasterly side.

**PARCEL 4: (13-113-0013)**

All of Lots 9, 10, 11 and 12, Block 6, COLORADO PLACE ADDITION to Ogden City, Utah, and part of a vacated street and alley abutting said property and being described as follows: Beginning at a point which is North 0°23'33" East 621.69 feet and South 89°02' East 1026.10 feet from the Southwest corner of the Northeast quarter of the Northwest quarter of Section 27, Township 6 North, Range 1 West, Salt Lake Base and Meridian; and running thence North 0°58' East 33.0 feet; thence South 89°02' East 33.00 feet; thence North 0°58' East 127.0 feet; thence South 89°02' East 133.0 feet; thence South 0°58' West 160.0 feet; thence North 89°02' West 166.00 feet to the point of beginning.

**PARCEL 5: (13-113-0027)**

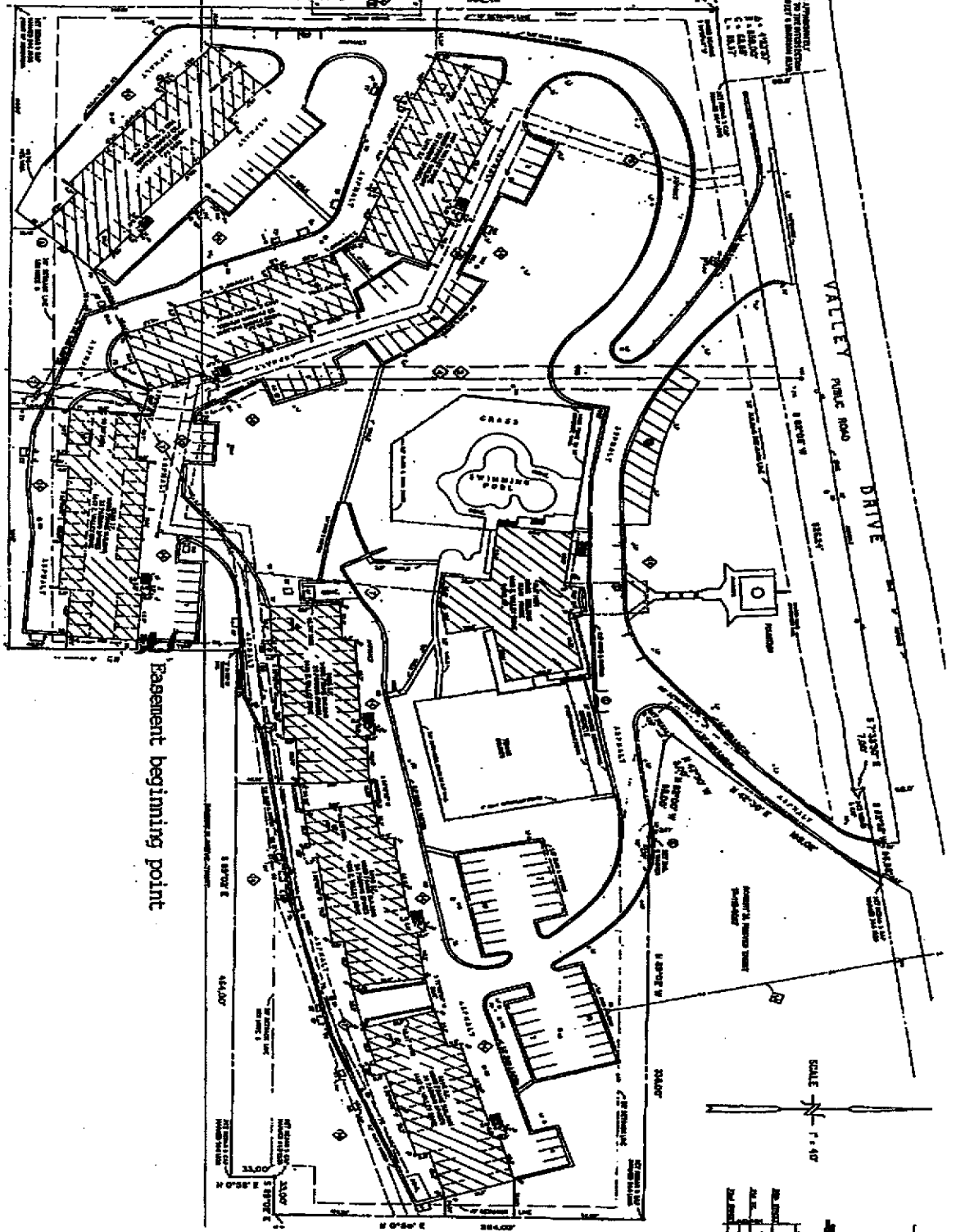
Part of Blocks 1 and 2, COLORADO PLACE ADDITION to Ogden City, Utah, and part of a vacated street, described as follows:

Beginning at the Northeast corner of Canyon Cove Condominium, Phase I, which is described as being 900.92 feet North and 1068.22 feet East of the Southwest corner of the Northeast quarter of the Northwest quarter of Section 27, Township 6 North, Range 1 West; running thence North 89°02' West 335.0 feet; thence North 82°00' West 85.00 feet; thence North 47°30' West 8.0 feet; thence North 42°30' East 199.02 feet to the South line of Valley Drive; thence North 82°35' East 452.37 feet; thence along a 606.69 foot radius curve to the left 108.35 feet to the East line of a quarter section; thence South 0°40'08" West 231.32 feet; thence North 89°02' West 255.42 feet; thence South 0°58' West 22.97 feet to the point of beginning.

**PARCEL 6: (13-113-0017)**

All of Lots 1 to 14, Inclusive Block 8, COLORADO PLACE ADDITION, Ogden City, Weber County, Utah.

TOGETHER WITH ½ of the vacated streets abutting thereon.



**EXHIBIT C - Access Area**