

4600

RECORDED AT THE REQUEST OF
AND WHEN RECORDED RETURN TO:

Wm. Shane Topham, Esq.
JARDINE, LINEBROWN, BROWN & DUNN
370 East South Temple, Fourth Floor
Salt Lake City, Utah 84111

5653247
10 NOVEMBER 93 10:34 AM
KATIE L. DIXON
RECORDER, SALT LAKE COUNTY, UTAH
METRO NATIONAL TITLE
REC BY: SHARON WEST , DEPUTY

5653247

GRANT OF EASEMENT

ROBERT V. DESPAIN, of Salt Lake County, Utah, DAVID L. DESPAIN, of Imperial County, California, and KJERSTIE ANN OLSON, of Ada County, Idaho, "Grantors", to the extent they may individually or collectively own an interest(s) in the real properties described on Exhibit "A" attached hereto, hereby grant, convey, and quit claim to JEFFREY C. SCHMIDT, VICTORIA SCHMIDT, LEE R. BANGERTER, ANITA BANGERTER, individually, and DEL ROY BANGERTER, as Trustee of the Lee R. Bangerter Family Partnership Trust, all of Salt Lake County, Utah, collectively "Grantees," for good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, a non-exclusive easement to and in, over, upon and across a portion of the real property described in Exhibit "A" hereto in which Grantors, individually or collectively, have an ownership interest. The easement is more particularly described in Exhibit "B" hereto, and shall benefit the real properties more particularly described in Exhibits "C" and "D" hereto. The purpose of the easement is to provide an accessway and underground utility services (water, natural gas, sewer, telephone and electricity) to one single-family residence located on the real property described in Exhibit "C" and to one single-family residence located on the real property described in Exhibit "D" hereto. The width, use, and rights granted herein shall be strictly construed; provided, however, that if in the future Grantors or their successors in interest develop lots of a size less than 2.7 acres within the "Buffer Area" designated on Exhibit "E" hereto, then Grantees or their successors may seek governmental approval to use the Easement for ingress and egress as well as a utility corridor for the benefit of lots on their properties of a size no smaller than those that Grantees then shall have developed or be authorized to develop within the Buffer Area.

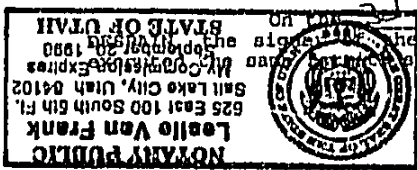
BR6798PG1971

The Grant herein is subject to and is a part of that certain Settlement Agreement into which the Grantors and the Grantees have entered on the date even herewith, which Settlement Agreement has been recorded with the Office of the Salt Lake County Recorder.

DATED this 3rd day of November 1993.

Robert V. Despain
ROBERT V. DESPAIN

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



On this 3rd day of November, 1993, personally appeared before me ROBERT V. DESPAIN, the signer of the within instrument, who duly acknowledged to me that he voluntarily executed the same for its stated purposes.

Robert V. Despain
Notary Public

DATED this 28th day of October, 1993.

David L. Despain
DAVID L. DESPAIN

STATE OF _____)
COUNTY OF _____) : ss.

On this _____ day of _____, 1993, personally appeared before me DAVID L. DESPAIN, the signer of the within instrument, who duly acknowledged to me that he voluntarily executed the same for its stated purposes.

See attached
Notary Public

My Commission Expires: _____ Residing at: _____

DATED this _____ day of _____, 1993.

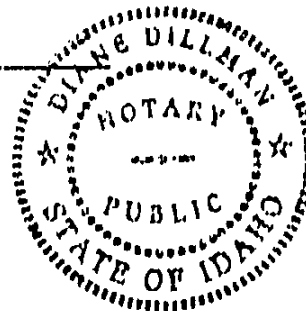
Kjerstie Ann Olson
KJERSTIE ANN OLSON

STATE OF Idaho)
COUNTY OF Ada) : ss.

On the 29 day of Oct, 1993, personally appeared before me KJERSTIE ANN OLSON, the signer of the within instrument, who duly acknowledged to me that she voluntarily executed the same for its stated purposes.

Diane Dilleman
Notary Public

My Commission Expires: 10-30-95 Residing at: Boise

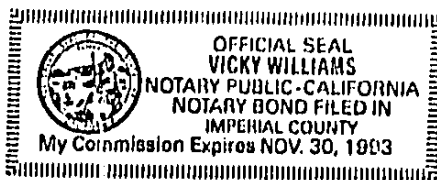


CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

No. 5103

State of California
County of Imperial
On 10-28-93 before me, Vicky Williams, Notary Public
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"
personally appeared David L. Dospain
NAME(S) OF SIGNER(S)

personally known to me - OR - proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.
Vicky Williams
SIGNATURE OF NOTARY

OPTIONAL SECTION

CAPACITY CLAIMED BY SIGNER

Though statute does not require the Notary to fill in the data below, doing so may prove invaluable to persons relying on the document.

- INDIVIDUAL
- CORPORATE OFFICER(S)
TITLE(S) _____
- PARTNER(S) LIMITED GENERAL
- ATTORNEY-IN-FACT
- TRUSTEE(S)
- GUARDIAN/CONSERVATOR
- OTHER: _____

SIGNER IS REPRESENTING:

NAME OF PERSON(S) OR ENTITY(IES)

OPTIONAL SECTION

THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED AT RIGHT:
TITLE OR TYPE OF DOCUMENT Grant of Easement
NUMBER OF PAGES Ten DATE OF DOCUMENT 10-28-93
SIGNER(S) OTHER THAN NAMED ABOVE _____

Though the data requested here is not required by law, it could prevent fraudulent reattachment of this form.

BK6798PG1973

Exhibit A to Easement Agreement

PARCEL 1: Legal Description of Despain Property

BEGINNING at a point on the West line of North Little Cottonwood Road, said point being South $89^{\circ}53'04''$ West 1290.82 feet along the Section line and South 421.09 feet from the North Quarter Corner of Section 12, Township 3 South, Range 1 East, Salt Lake Base and Meridian, and running thence South $38^{\circ}07'42''$ East 558.95 feet along the West line of said road; thence South $15^{\circ}23'42''$ West 222.14 feet; thence North $87^{\circ}55'18''$ West 276.83 feet; thence North $78^{\circ}28'17''$ West 300.55 feet; thence South $21^{\circ}01'43''$ West 310.01 feet to the center of Little Cottonwood Creek; thence North $74^{\circ}35'01''$ West 114.00 feet along the center of said Creek; thence North $28^{\circ}55'38''$ East 686.25 feet; thence South $63^{\circ}46'41''$ East 58.00 feet; thence North $22^{\circ}50'14''$ East 205.00 feet; thence North $63^{\circ}46'41''$ West 150.00 feet; thence North $85^{\circ}41'58''$ East 177.95 feet to the point of BEGINNING.

PARCEL 2:

BEGINNING at a point 1610.87 feet North and 1556.46 feet East of the West Quarter Corner of Section 12, Township 3 South, Range 1 East, Salt Lake Base and Meridian; thence North $15^{\circ}23'42''$ East 222.14 feet to the Southwest right-of-way line of the North Fork Little Cottonwood Road; thence South $38^{\circ}07'42''$ East (Highway plat shows South $38^{\circ}04''$ East) 287.781 feet along the right-of-way line; thence Southeasterly 675.35 feet along the arc of a 1106.61 foot radius curve to the left (Highway plat shows a 1221.30 foot radius) (central angle equals $34^{\circ}58'$) along right-of-way line; thence South $73^{\circ}05'42''$ East (Highway plat shows South $73^{\circ}02'$ East), 270.58 feet along the right-of-way line to the East boundary of the Northwest Quarter of said Section 12; thence South $1^{\circ}27'58''$ East 84.54 feet along the East boundary of the Northwest Quarter of said Section 12; thence South $88^{\circ}32'02''$ West 225.00 feet; thence South $1^{\circ}27'58''$ East 288.00 feet (Ownership plat shows 161.30 feet) to the center of Little Cottonwood Creek; thence North $39^{\circ}10'$ West 226.00 feet along the center of the Creek; thence North $54^{\circ}50'$ West 101.00 feet along the center of the Creek; thence North $69^{\circ}45'$ West 125.00 feet along the center of the Creek; thence North $89^{\circ}40'$ West 149.00 feet along the center of the Creek; thence North $73^{\circ}39'18''$ West 167.26 feet along the center of the Creek; thence departing from Creek North $18^{\circ}36'42''$ East 220.10 feet; thence North $38^{\circ}25'18''$ West 397.50 feet to the point of BEGINNING.

PARCEL 3:

BEGINNING at a point which lies North $45^{\circ}53.5'$ East 2117.9 feet from the Southwest corner of the Northwest Quarter of Section 12, Township 3 South, Range 1 East, Salt Lake Base and Meridian, and running thence North $78^{\circ}20'$ West 270.0 feet; thence North $15^{\circ}24'$ East 95.9 feet;

BK 6798 PG 1974

Exhibit B to Easement Agreement

Legal Description of Easement

Description of 20 Foot Right-of-Way Over Despain Property

A 20 foot wide right-of-way, the centerline being described as follows:

Beginning at a point North $78^{\circ}27'59''$ West 3.00 feet from an existing rebar, said rebar lies North $45^{\circ}49'40''$ East 2122.31 feet (deed equals North $45^{\circ}43.5'$ East 2117.9 feet) from the West quarter corner of Section 12, Township 3 South, Range 1 East, Salt Lake Base and Meridian, and running thence North $15^{\circ}26'21''$ East 153.84 feet to a point of curvature; thence Easterly along the arc of a 20.00 foot radius curve to the right through a central angle of $128^{\circ}48'18''$ a distance of 44.961 feet to a point of tangency; thence South $35^{\circ}45'21''$ East 50.59 feet to a point of curvature; thence Southeasterly along the arc of a 50.00 foot radius curve to the left through a central angle of $13^{\circ}35'35''$ a distance of 11.862 feet to a point of tangency; thence South $49^{\circ}20'56''$ East 60.211 feet to a point of curvature; thence Southeasterly along the arc of a 50.00 foot radius curve to the left through a central angle of $9^{\circ}24'49''$ a distance of 8.215 feet to a point of tangency; thence South $58^{\circ}45'45''$ East 120.444 feet to a point of curvature; thence Southeasterly along the arc of a 50.00 foot radius curve to the left through a central angle of $5^{\circ}01'49''$ a distance of 4.390 feet to a point of tangency; thence South $63^{\circ}47'35''$ East 94.212 feet to a point of curvature; thence Southeasterly along the arc of a 50.00 foot radius curve to the left through a central angle of $7^{\circ}48'48''$ a distance of 6.818 feet to a point of tangency; thence South $71^{\circ}36'23''$ East 144.495 feet, more or less, to the South right-of-way line of Wasatch Boulevard.

Description of 20 Foot Right-of-Way Over Despain, Smith and Schmidt Property

A 20 foot wide right-of-way, the centerline being described as follows:

Beginning at a point North $78^{\circ}27'59''$ West 3.00 feet from an existing rebar, said rebar lies North $45^{\circ}49'40''$ East 2122.31 feet (deed equals North $45^{\circ}43.5'$ East 2117.9 feet) from the West quarter corner of Section 12, Township 3 South, Range 1 East, Salt Lake Base and Meridian, and running thence South $15^{\circ}24'00''$ West 84.783 feet to a point of curvature; thence Southwesterly along the arc of a 35.00 foot radius curve to the right through a central angle of $84^{\circ}53'12''$ a distance of 51.854 feet to a point of tangency, said point also being on the centerline of an existing 20 foot private right-of-way.

Exhibit C to Easement Agreement

Legal Description of Schmidt Property

Beginning at an existing rebar which lies North 45°43.5' East 2117.9 feet (survey equals North 45°49'40" East 2122.31 feet) from the West Quarter Corner of Section 12, Township 3 South, Range 1 East, Salt Lake Base and Meridian and running thence South 15°24'00" West 109.12 feet to the true point of beginning; thence South 15°24'00" West 295.28 feet to the center of Little Cottonwood Creek; thence Westerly along the center of said Cottonwood Creek North 80°02'00" West 124.30 feet and South 75°04'00" West 105.00 feet; thence leaving Little Cottonwood Creek North 17°22'10" East 49.97 feet; thence North 53°37'50" West 128.59 feet; thence North 2°30'17" West 151.56 feet to the center of a 20 foot right-of-way; thence Northerly and Northeasterly along the center of said 20 foot right-of-way the following three courses: North 30°21'26" East 24.11 feet, North 4°33'08" East 93.36 feet to a point of curvature, and Northerly and Easterly along the arc of a 35.00 foot radius curve to the right 72.49 feet to a point of tangency; thence North 15°58'47" East 50.79 feet; thence South 78°27'59" East 120.84 feet; thence South 30°21'25" West 49.52 feet; thence South 32°51'00" East 98.59 feet to the center of a 20 foot right-of-way; thence Easterly along the center of said 20 foot right-of-way and the arc of a 160.00 foot radius curve to the left (center bears North 20°50'27" East) 29.47 feet to a point of tangency; thence South 79°42'48" East 128.10 feet to a point of the South line of said 20 foot radius curve; thence Northeasterly along the arc of a 45.00 foot radius curve to the left (center bears North 28°39'21" West) 10.65 feet to the point of beginning. Contains 2.77 acres.

ALSO THE FOLLOWING DESCRIBED PROPERTY:

Beginning at a point which is North 1332.90 feet and East 1068.94 feet from the West Quarter Corner of Section 12, Township 3 South, Range 1 East, Salt Lake Base and Meridian; and running thence South 59°38'34" East 10.00 feet; thence North 30°21'26" East 35.89 feet; thence South 2°30'17" East 12.76 feet; thence South 38°53'52" West 27.40 feet; thence North 51°06'08" West 13.00 feet to the point of beginning.

EXCLUDING THE FOLLOWING DESCRIBED PROPERTY:

Beginning at an existing rebar which lies North 45°49'40" East 2122.31 feet (deed equals North 45°43.5' East 2117.9 feet) from the West Quarter Corner of Section 12, Township 3 South, Range 1 East, Salt Lake Base and Meridian and running thence South 15°24'00" West 404.40 feet to the center of Little Cottonwood Creek; thence Westerly along the center of said Cottonwood Creek North 80°02'00" West 124.30 feet and South 75°04'00" West 105.00 feet; thence leaving Little Cottonwood Creek North 17°22'10" East 49.97 feet to the true point of beginning; thence North 53°37'50" West 128.59 feet; thence North 2°30'17" West 43.64 feet; thence South 45°56'15" East 152.69 feet; thence South 17°22'10" West 14.31 feet to the point of beginning. Contains 3160 square feet.

BK6798PG1976

Exhibit C (cont.)

TOGETHER WITH A RIGHT OF WAY, where the said right of way presently exists, for egress and ingress, to and from the following described property to North Little Cottonwood Road:

Beginning at a point which lies North 45°43.5' East 2117.9 feet from the West quarter corner of Section 12, Township 3 South, Range 1 East, Salt Lake Base and Meridian; and running thence South 15°24' West 404.4 feet to the center of Little Cottonwood Creek; thence down Little Cottonwood Creek, North 80°2' West 124.3 feet; thence South 75°4' West 180.9 feet; thence North 79°39' West 114.9 feet; thence North 6°54' East 199.8 feet; thence North 52°58' West 189.6 feet; thence leaving Little Cottonwood Creek, North 21°10' East 213.8 feet; thence South 78°20' East 580.1 feet, more or less, to the point of beginning.

SUBJECT TO AND TOGETHER WITH THE FOLLOWING DESCRIBED RIGHT OF WAY:

BEGINNING at an existing rebar which lies North 45°49'40" East 2122.31 feet (deed equals North 45°43.5' East 2117.9 feet) from the West Quarter Corner of Section 12, Township 3 South, Range 1 East, Salt Lake Base and Meridian and running thence South 15°24'00" West 109.12 feet to a point on a 45.00 foot radius curve to the right (center bears North 42°12'45" West); thence Southwesterly along the arc of said curve 41.23 feet to a point of tangency; thence North 79°42'48" West 99.82 feet to a point of curvature; thence Northwesterly along the arc of a 170.00 foot radius curve to the right 68.025 feet to a point of tangency; thence North 56°47'12" West 155.53 feet to a point of curvature; thence along the arc of a 25.00 foot radius curve to the left 51.78 feet to a point of tangency; thence South 4°33'08" West 71.32 feet to a point of curvature; thence Southeasterly along the arc of a 28.00 foot radius curve to the left 31.47 feet to a point of tangency; thence South 59°51'00" East 49.07 feet; thence South 30°09'00" West 20.00 feet; thence North 59°51'00" West 35.14 feet to a point of curvature; thence along the arc of a 28.00 foot radius curve to the left 43.88 feet to a point of tangency; thence South 30°21'26" West 22.14 feet; thence North 59°38'34" West 20.00 feet; thence North 30°21'26" East 46.26 feet to a point of curvature; thence Northerly along the arc of a 50.00 foot radius curve to the left 22.52 feet to a point of tangency; thence North 4°33'08" East 79.61 feet to a point of curvature; thence along the arc of a 45.00 foot radius curve to the right 93.20 feet to a point of tangency; thence South 56°47'12" East 155.53 feet to a point of curvature; thence Southeasterly along the arc of a 150.00 foot radius curve to the left 60.02 feet to a point of tangency; thence South 79°42'48" East 99.82 feet to a point of curvature; thence along the arc of a 25.00 foot radius curve to the left 37.04 feet to a point of tangency; thence North 15°24'00" East 84.14 feet; thence South 78°27'59" East 13.03 feet to the point of beginning.

LESS AND EXCEPTING that portion of land deeded to Alan D. Miller and Beverly B. Miller as part of entry no. 4288707 book 5798, pages 1101-1103 on record with the office of the Salt Lake County Recorder. More particularly described as follows:

BEGINNING at a point which is North 1332.90 feet and East 1068.94 feet from the West Quarter Corner of Section 12, Township 3 South,

BK6798PG1977

Exhibit C (cont.)

Range 1 East, Salt Lake Base and Meridian, and running thence South 59°38'34" East 13.15 feet to the true point of beginning; thence North 38°53'52" East 25.40 feet; thence South 2°30'17" East 5.67 feet; thence South 30°21'26" East 20.40 feet; thence North 59°38'34" West 6.85 feet to the point of beginning. Contains 118 square feet.

BK 67 98 PG 1978

Exhibit D to Easement Agreement

Legal Description of Bangerter Property

Beginning at an existing rebar which lies North 45°43.5' East 2117.9 feet (survey equals North 45°49'40" East 2122.31 feet) from the West Quarter Corner of Section 12, Township 3 South, Range 1 East, Salt Lake Base and Meridian and running thence North 78°27'59" West 345.86 feet to the true point of beginning, thence South 15°38'47" West 50.79 feet to the center of a 20 foot right-of-way; thence along the center of said 20 foot right-of-way the following three courses: Westerly and Southerly along the arc of a 35.00 foot radius curve to the left (center bears South 33°12'48" West) 72.49 feet to a point of tangency, South 4°33'08" West 93.36 feet, and South 30°21'26" West 60.00 feet; thence North 59°38'34" West 10.00 feet; thence South 38°53'52" West 64.26 feet to the center of Little Cottonwood Creek; thence Westerly along said center of Little Cottonwood Creek to a point which is North 52°58'00" West 189.6 feet; thence leaving Little Cottonwood Creek North 21°10'00" East 212.09 feet; thence South 70°27'59" East 234.25 feet to the point of beginning. Contains 1.244 acres.

SUBJECT TO AND TOGETHER WITH THE FOLLOWING DESCRIBED RIGHT OF WAY:

BEGINNING at an existing rebar which lies North 45°49'40" East 2122.31 feet (deed equals North 45°43.5' East 2117.9 feet) from the West Quarter Corner of Section 12, Township 3 South, Range 1 East, Salt Lake Base and Meridian and running thence South 15°24'00" West 109.12 feet to a point on a 45.00 foot radius curve to the right (center bears North 42°12'45" West); thence Southwesterly along the arc of said curve 41.23 feet to a point of tangency; thence North 79°42'48" West 99.82 feet to a point of curvature; thence Northwesterly along the arc of a 170.00 foot radius curve to the right 68.025 feet to a point of tangency; thence North 56°47'12" West 155.53 feet to a point of curvature; thence along the arc of a 25.00 foot radius curve to the left 51.78 feet to a point of tangency; thence South 4°33'00" West 71.32 feet to a point of curvature; thence Southeasterly along the arc of a 28.00 foot radius curve to the left 31.47 feet to a point of tangency; thence South 59°51'00" East 40.07 feet; thence South 30°09'00" West 20.00 feet; thence North 59°51'00" West 35.14 feet to a point of curvature; thence along the arc of a 20.00 foot radius curve to the left 43.88 feet to a point of tangency; thence South 30°21'26" West 22.14 feet; thence North 59°38'34" West 20.00 feet; thence North 30°21'26" East 46.26 feet to a point of curvature; thence Northerly along the arc of a 50.00 foot radius curve to the left 22.52 feet to a point of tangency; thence North 4°33'03" East 79.61 feet to a point of curvature; thence along the arc of a 45.00 foot radius curve to the right 93.20 feet to a point of tangency; thence South 56°47'12" East 155.53 feet to a point of curvature; thence Southeasterly along the arc of a 150.00 foot radius curve to the left 60.02 feet to a point of tangency; thence South 79°42'48" East 99.82 feet to a point of curvature; thence along the arc of a 25.00 foot radius curve to the left 37.04 feet to a point of tangency; thence North 15°24'00" East 8'.14 feet; thence South 70°27'59" East 13.03 feet to the point of beginning.

BK6798PG1979

Exhibit D (cont.)

LESS AND EXCEPTING that portion of land deeded to Alan D. Miller and Beverly B. Miller as part of entry no. 4288707 book 5798, pages 1101-1103 on record with the office of the Salt Lake County Recorder. More particularly described as follows:

BEGINNING at a point which is North 1332.90 feet and East 1068.94 feet from the West Quarter Corner of Section 12, Township 3 South, Range 1 East, Salt Lake Base and Meridian, and running thence South $59^{\circ}38'34''$ East 13.15 feet to the true point of beginning; thence North $38^{\circ}53'52''$ East 25.40 feet; thence South $2^{\circ}30'17''$ East 5.67 feet; thence South $30^{\circ}21'26''$ East 20.40 feet; thence North $59^{\circ}38'34''$ West 6.85 feet to the point of beginning. Contains 118 square feet.

TOGETHER WITH A RIGHT OF WAY, where the said right of way presently exists, for egress and ingress, to and from the following described property to North Little Cottonwood Road:

Beginning at a point which lies North $45^{\circ}43.5'$ East 2117.9 feet from the West quarter corner of Section 12, Township 3 South, Range 1 East, Salt Lake Base and Meridian; and running thence South $15^{\circ}24'$ West 404.4 feet to the center of Little Cottonwood Creek; thence down Little Cottonwood Creek, North $80^{\circ}2'$ West 124.3 feet; thence South $75^{\circ}4'$ West 180.9 feet; thence North $79^{\circ}39'$ West 114.9 feet; thence North $6^{\circ}54'$ East 199.8 feet; thence North $52^{\circ}58'$ West 189.6 feet; thence leaving Little Cottonwood Creek, North $21^{\circ}10'$ East 213.8 feet; thence South $78^{\circ}20'$ East 580.1 feet, more or less, to the point of beginning.

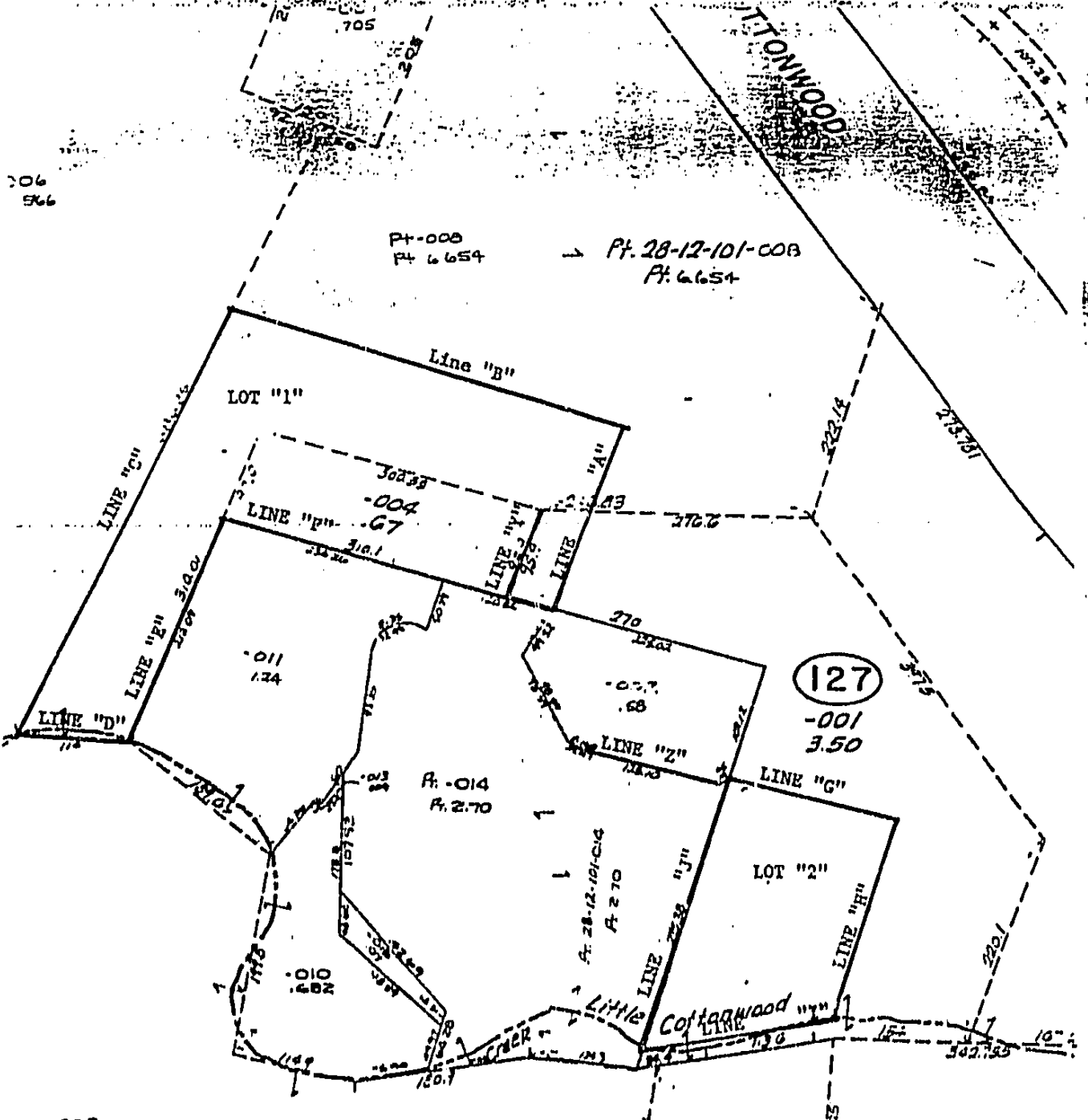
WAT\p\3003.006

BK6798Pg1980

EXHIBIT "E" TO GRANT OF EASEMENT
 "BUFFER AREA"

The parties intend that Lot 1 of the Buffer Area be comprised of two acres, bounded by Lines "A", "B", "C", "D", "E", and "F". Line "A" shall start at the point where the Schmidt, Smith, and Despain properties intersect, as approximately shown on the map, and shall be parallel to Line "Y". Line "B" shall be parallel to Line "F". Line "A" shall extend northeasterly as far as necessary to create a two acre area. Lines "C", "D", "E", and "F" are the present boundary lines of the parties' properties as approximately shown on the map.

The parties intend that Lot 2 of the Buffer Area be comprised of two acres, bounded by Lines "G", "H", "I", and "J". Line "G" shall start on the point where the Schmidt, Smith, and Despain properties intersect, as approximately shown on the map, and shall be parallel to Line "Z". Line "H" shall be parallel to Line "J". Line "G" shall extend southeasterly as far as necessary to create a two acre area. Lines "I" and "J" are the present boundary lines of the parties' properties as approximately shown on the map.



-FOUR COPY-
 CO. RECORDED

BK 6798 PG 1981