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WHEN RECORDED, MAIL TO:
Jeffrey N. Starkey
Durham Jones & Pinegar, P.C.
192 East 200 North, 3rd Floor
St. George, Utah 84770

DOC # 20070039830

Easements Page 1 of 13
Russell Shirts Washington County Recorder
08/06/2007 03:33:34 PM Fee \$ 56.00
By DUNN CLIFFORD V



**FIRST AMENDMENT TO MASTER COMMUNICATIONS EASEMENT
FOR
ELIM VALLEY**

THIS FIRST AMENDMENT TO MASTER COMMUNICATIONS EASEMENT FOR ELIM VALLEY ("**Amendment**") is made and entered into as of the 2nd day of August, 2007 (the "**Effective Date**"), by and between **Roland Neil Family Limited Partnership**, a Utah limited partnership ("**Grantor**," which term shall include any successor and assign of Roland Neil Family Limited Partnership), **EVD Communications Infrastructure, LLC**, a Utah limited liability company ("**Grantee**," which term shall include any successor and assign of EVD Communications Infrastructure, LLC), and **Elim Valley Planning and Development, LLC** ("**Optionee**"). All references to the parties collectively shall be the "**Parties**" and individually shall be the "**Party**." This Amendment modifies that certain Master Communications Easement for Elim Valley recorded on February 16, 2007 as Document No. 20070008386 in the office of the Washington County Recorder (the "**Master Easement**").

WITNESSETH:

WHEREAS, on February 14, 2007, the Parties entered into the Master Easement for the purpose of allowing Grantee the ability to install, own and operate communications infrastructure to provide certain communications services to the master planned community known as Elim Valley being developed on the real property located in Hurricane, Utah, and more fully described on Exhibit A attached hereto (the "**Property**");

WHEREAS, in order to proceed with the development of Elim Valley, the City of Hurricane (the "**City**") has requested that the scope or extent of any easement granted by the Master Easement be limited so as not to include or extend into any property which shall be dedicated or otherwise conveyed to the City for the use and benefit of the public as a roadway and/or public right-of-way;

WHEREAS, Optionee's affiliate, EVD Communication Services, LLC, a Utah limited liability company, has applied for a cable T.V. franchise with the City (the "**Cable Franchise**") which Cable Franchise will allow for installation of a cable T.V. system within the City's public roads and public rights-of-way, making the need for a private easement across such property unnecessary; and

WHEREAS, pending final approval of the Cable Franchise and subject to the approval and consent of the City, Grantee desires to retain the right to enter onto those portions of the Property that have been or will be dedicated to public use for the purpose of commencing the construction and installation of its cable T.V. infrastructure;

NOW, THEREFORE, in consideration of the premises and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby amend the Master Easement as follows:

1. **Limitation of Scope of Master Easement.** Subject to Section 2 hereof and notwithstanding the provisions of the Master Easement, the Parties hereto agree that any easement granted pursuant to Section 2 (paragraphs 2.1 through 2.5, inclusive) of the Master Easement shall be deemed and construed by the Parties to be limited in scope and application to private property only. Accordingly, any dedication or other conveyance to the City, from and after the recordation of this Amendment at the office of the Washington County Recorder, of any Property as a public roadway or public right-of-way shall be free and clear of any private easement granted by the Master Easement, and the City's acceptance of such dedication or other conveyance shall be conditioned upon said public roadway or public right-of-way being free and clear of any easement in favor of Grantee or Grantee's successors or assigns.

2. **Reservation of Rights.** Notwithstanding the foregoing, pending final approval of the Cable Franchise and subject to the approval and consent of the City, Grantee hereby reserves and retains the right to enter upon those portions of the Property that have been or will be dedicated to public use for the purpose of commencing the construction and installation of its cable T.V. infrastructure.

3. **Effect on Remainder of Master Easement.** Except as expressly modified by this Amendment, the provisions of the Master Easement shall remain in full force and effect as to any Property owned by Grantor and which is not included in any dedication or other conveyance to the City of any roadway or right-of-way for the use and benefit of the public.

4. **Counterparts.** This Amendment may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. The signature pages from one or more counterparts may be removed from such counterparts and such signature pages all attached to a single instrument so that the signatures of all parties may be physically attached to a single document.

(SIGNATURES APPEAR ON THE FOLLOWING PAGE)

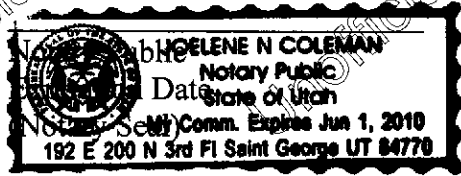
IN WITNESS WHEREOF, the parties have caused this Amendment to be executed by their duly authorized representatives as of the Effective Date.

**Signed and Delivered
In the Presence of:**

**ROLAND NEIL FAMILY LIMITED
PARTNERSHIP**

Joelene N. Coleman
Witness

By: *[Signature]*
Name: Roland N. Walker
Title: Co-Trustee of the R. Family Trust
u/a/d April 4, 2006

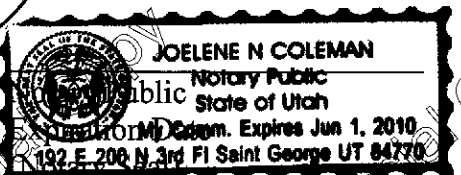


**Signed and Delivered
In the Presence of:**

**EVD COMMUNICATIONS
INFRASTRUCTURE, LLC**

Joelene N. Coleman
Witness

By: *[Signature]*
Name: Roland N. Walker
Title: Manager



**Signed and Delivered
In the Presence of:**

**ELIM VALLEY PLANNING AND
DEVELOPMENT, LLC**

Joelene N. Coleman
Witness

By: *[Signature]*
Name: Roland N. Walker
Title: Manager

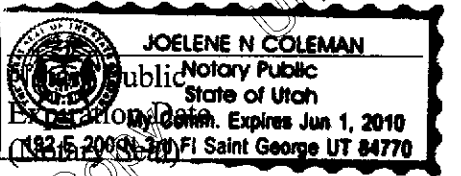


EXHIBIT "A"

PARCEL 1: H-3-2-6-1402

A portion of Section 6, Township 42 South, Range 13 West, Salt Lake Base and Meridian, and Section 31, Township 41 South, Range 13 West, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at the Southwest Corner of said Section 6, Township 42 South, Range 13 West, Salt Lake Base and Meridian; thence North $00^{\circ}12'46''$ East along the Section line 2634.89 feet to the West Quarter (W/4) Corner of said Section 6; thence North $00^{\circ}15'07''$ East 2043.21 feet to a point in the Southerly Right-of-Way line of Highway SR-9; thence North $73^{\circ}41'15''$ East 341.37 feet to a Highway Right-of-Way Marker; thence North $73^{\circ}40'11''$ East 3268.39 feet to a point on the Center Section Line of said Section 31; thence North $01^{\circ}11'00''$ East 51.49 feet to a Right-of-Way marker; thence North $73^{\circ}39'25''$ East 214.52 feet to a Right-of-Way marker; thence North $16^{\circ}36'56''$ West 36.32 feet to a Right-of-Way marker; thence North $73^{\circ}40'00''$ East 350.33 feet to a Right-of-Way marker; thence North $84^{\circ}57'08''$ East 254.78 feet to a Right-of-Way marker; thence North $75^{\circ}41'01''$ East 283.52 feet to a Right-of-Way marker; thence North $51^{\circ}40'55''$ East 174.13 feet to a Right-of-Way marker; thence North $87^{\circ}28'38''$ East 687.67 feet to a Right-of-Way marker; thence North $89^{\circ}03'46''$ East 384.16 feet to a Right-of-Way marker; thence South $89^{\circ}56'12''$ East 163.49 feet to a Right-of-Way marker; thence North $84^{\circ}49'25''$ East 220.84 feet to a point on the East line of the Southeast Quarter (SE/4) of said Section 31; thence leaving said Highway Right-of-Way line and running South $00^{\circ}17'34''$ West along the Section line 756.86 feet to the Southeast Corner of said Section 31; thence South $89^{\circ}58'42''$ West 50.03 feet to the Northeast Corner of said Section 6; thence South $89^{\circ}55'25''$ West 1298.32 feet to the Northeast Corner of Sectional Lot 2 of said Section 6; thence South $00^{\circ}06'25''$ West 1688.51 feet; thence North $79^{\circ}31'35''$ West 977.00 feet; thence South $31^{\circ}22'25''$ West 1412.00 feet; thence South $07^{\circ}16'25''$ West 2240.00 feet; thence South 495.70 feet, more or less, to a point on the South line of said Section 6; thence South $89^{\circ}57'21''$ West 662.22 feet to the Southwest Corner of Sectional Lot 14, said Section 6; thence South $89^{\circ}57'21''$ West 2138.30 feet to the point of beginning.

Less and excepting that parcel shown by Book 235, Page 957, Official Washington County Records, being more particularly described as follows:

Beginning at a point North $15^{\circ}51'40''$ West 1982.51 feet, more or less from the South 1/4, corner of section 6, Township 42 south, Range 13 West, Salt Lake Base and Meridian; Thence West 100 feet; Thence North 100 feet; Thence East 100 feet; Thence South 100 feet, to the Point of Beginning, containing 0.23 acres, more or less.

(Containing a remainder of 461.75 Acres, more or less.)

PARCEL 2: H-3-2-7-4402

A portion of Sectional Lots 2, 3, 4, 5, 8 and 9 of Section 7, Township 42 South, Range 13 West, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at the Northwest Corner of said Section 7, Township 42 South, Range 13 West, Salt Lake Base and Meridian, thence North 89°57'21" East along the Section line 2138.30 feet, to the Northeast Corner of Sectional Lot 2 said Section 7; thence South 00°00'11" West along the East line of Lots 2 and 5 of said Section 7, 2642.71 feet to the Southeast Corner of Lot 5 said Section 7; thence South 00°00'59" West 1319.81 feet to the Southeast Corner of Lot 8 said Section 7; thence South 89°51'10" West along the South line of Lots 8 and 9, 2141.37 feet, to the Southwest Corner of said Lot 9; thence North 00°02'11" East along the West line of said Lot 9, 953.37 feet to the Southwest Corner of that parcel shown on Book 432, Page 840 of Official Washington County Records; thence South 89°56'09" East along the South line of said Parcel 1399.60 feet to the Southeast Corner of said Parcel; thence North 00°03'51" East 1617.00 feet; thence North 89°56'09" West 1400.00 feet to a point on the West line of Lot 4 said Section 7; thence North 00°03'51" East along the West line of Lots 3 and 4 of said Section 7, 1396.00 feet to the point of beginning.

(Containing 142.81 Acres, more or less.)

PARCEL 3: H-3-2-18-4100

A portion of the West One-Half (W½) of Section 18, Township 42 South, Range 13 West, Salt Lake Base and Meridian, more particularly described as follows:

Commencing at the Northwest Corner of said Section 18, Township 42 South, Range 13 West, Salt Lake Base and Meridian, thence North 89°48'13" East along the Section line 651.06 feet to the point of beginning; thence North 89°48'10" East 1490.77 feet to the Northeast Corner of Sectional Lot 2 said Section 18; thence South 00°09'57" East along the East line of Sectional Lots 2 and 5, 2647.63 feet to the Southeast Corner of Sectional Lot 5; thence South 00°13'17" East along the East line of Sectional Lots 8 and 11 2643.84 feet to the Southeast Corner of Sectional Lot 11; thence South 89°51'44" West along the Section line 1836.30 feet to the boundary line of Dixie Spring Project as shown on the Official Washington County Records; thence following the boundary of said Dixie Springs project the following (9) nine courses as follows: North 00°08'16" West 350.96 feet; thence North 89°51'44" East 330.00 feet; thence North 00°08'16" West 660.00 feet; thence North 89°51'44" East 330.00 feet; thence North 00°00'06" West 660.00 feet; thence South 89°51'44" East 330.00 feet; thence North 00°00'06" East 2640.00 feet; thence North 89°59'54" West 660.00 feet; thence North 00°00'06" East 978.16 feet to the point of beginning.

(Containing 139.71 Acres, more or less.)

PARCEL 4: H-4-2-1-1103

A portion of Section 1, Township 42 South, Range 14 West, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at the Southwest Corner of said Section 1, Township 42 South, Range 14 West, Salt Lake Base and Meridian, thence North 00°12'57" East 2643.92 feet to the West Quarter (W¹/₄) Corner of said Section 1; thence North 00°25'33" East 317.49 feet along the Section line to a point on the Southerly Right-of-Way line of Highway SR-9, said point being on a 2775.00 foot radius curve to the right, the radius point of which bears (South 36°33'27" East); thence Northeasterly along the arc of said curve 964.11 feet to the point of tangency; thence North 73°20'56" East 493.02 feet to a point on the East line of Sectional Lot 5 of said Section 1; thence leaving said Highway Right-of-Way line and running South 00°20'44" West 898.15 feet to the Southeast Corner of said Sectional Lot 5; thence South 89°34'39" East 1327.03 feet to the Center Section Corner of said Section 1; thence North 00°15'03" East 1249.91 feet to a point on the Southerly Right-of-Way line of said Highway SR-9, said point being a Highway Right-of-Way marker; thence North 73°56'59" East 359.98 feet; thence North 73°43'59" East 844.39 feet to a Highway-Right-of-Way marker; thence North 73°41'15" East 1122.76 feet; thence leaving said Highway-Right-of-Way line and running South 00°15'07" West 200.00 feet; thence North 73°41'15" East 435.60 feet to a point the East line of said Section 1; thence South 00°15'07" West along the Section line 1843.21 feet the East Quarter (E¹/₄) Corner of said Section 1; thence South 00°12'46" West 2634.89 feet to the Southeast Corner of said Section 1; thence North 89°39'47" West 2651.15 feet; thence North 89°41'13" West 2651.73 feet to the point of beginning.

(Containing 439.49 Acres more or less.)

PARCEL 5A: H-4-2-2-2302

A portion of the Southwest Quarter (SW¹/₄) of Section 2, Township 42 South, Range 14 West, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at the South Quarter (S¹/₄) Corner of said Section 2, Township 42 South, Range 14 West, Salt Lake Base and Meridian, thence South 89°37'54" West 1939.60 feet, more or less, to the Easterly edge of the Virgin River; thence following along the meander of said Easterly edge of the Virgin River as follows: North 44°18'44" East 378.40 feet; thence North 13°38'11" West 235.86 feet; thence North 14°26'01" East 181.87; thence North 34°01'58" East 231.63 feet; thence North 33°53'06" East 527.20 feet; thence North 46°59'10" East 1016.05 feet; thence North 38°22'37" East 476.90 feet to a point on the Southerly Boundary of Highway SR-9, said point being a Highway Right-of-Way marker; thence leaving said Easterly edge of said river and running South 52°17'20" East 265.76 feet to a Highway Right-of-Way marker, said point being on a 1532.39 foot radius curve to the left, the radius point of which bears (North 35°22'54" East); thence Southerly along the arc of said curve 38.40 feet to a point on the Center Section line of said Section 2; thence leaving said Southerly Right-of-Way line and running South 00°29'14" West 2176.17 feet to the point of beginning.

(Containing a remainder of 6.93 acres more or less, after removing less and excepting parcels "A" 1&2.)

PARCEL 5B: H-4-2-2-1200

A portion of the Northeast Quarter (NE $\frac{1}{4}$) of Section 2, Township 42 South, Range 14 West, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at the East Quarter (E $\frac{1}{4}$) Corner of said Section 2, Township 42 South, Range 14 West, Salt Lake Base and Meridian, thence South 89°50'15" West along the Center Section Line 366.22 feet to a point on the Southerly Right-of-Way line of Highway SR-9; thence North 47°16'54" East along said Highway Right-of-Way 189.07 feet to the point of curvature of a 2775.00 foot radius curve to the right, said point being a Highway Right-of-Way marker; thence Northeasterly along the arc of said curve 298.39 feet to a point on the East line of the Northeast Quarter (NE $\frac{1}{4}$) of said Section 2; thence South 00°25'33" West 317.49 feet to the point of beginning.

(Containing 1.39 acres, more or less.)

PARCEL 5C: H-4-2-2-2303

A portion of the Southeast Quarter (SE $\frac{1}{4}$) of Section 2, Township 42 South, Range 14 West, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at the Southeast Corner of said Section 2, Township 42 South, Range 14 West, Salt Lake Base and Meridian; thence North 89°59'50" West along the Section line 2657.12 feet to the South Quarter (S $\frac{1}{4}$) Corner of said Section 2; thence North 00°29'14" East along the Center Section line 2176.17 feet, to a point on the Southerly Right-of-Way line of Highway SR-9, said point being on a 1532.39 foot radius curve to the left, the radius point of which bears (North 33°57'46" East); thence along the arc of said curve 1802.23 feet to a Highway Right-of-Way marker; thence South 31°48'33" East 24.90 feet; to a point on a 1532.39 foot radius curve to the left, the radius point of which bears North 33°02'38" West, thence along the arc of said curve a distance of 258.75 feet, to the point of tangency; thence North 47°16'54" East 496.97 feet to a point on the Center Section line of said Section 2; thence North 89°50'15" East 366.22 feet to the East Quarter (E $\frac{1}{4}$) Corner of said Section 2; thence South 00°12'57" West 2643.92 feet to the point of beginning.

(Containing a remainder of 42.69 acres more or less after removing less and excepting parcel 3 of Parcel "A".)

PARCEL 5D: H-4-2-2-3402

A portion of the Southwest Quarter (SW $\frac{1}{4}$) of Section 2, Township 42 South, Range 14 West, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at the West Quarter (W $\frac{1}{4}$) Corner of said Section 2, Township 42 South, Range 14 West, Salt Lake Base and Meridian, thence North 89°50'53" East 2035.32 feet to a point in the Westerly Right-of-Way line of Highway SR-9; thence South 35°15'46" East 49.87 feet to a Highway Right-of-way marker; thence South 40°30'50" East along said Highway Right-of-Way 282.13 feet to the Westerly edge of the Virgin River; thence following along the meander of the West edge of said River as follows: South 41°34'55" West 378.90 feet; thence South 46°59'10"

West 1033.27 feet; thence South 33°53'06" West 544.43 feet; thence South 22°08'03" West 270.60 feet; thence South 14°26'01" West 206.87 feet; thence South 13°38'11" East 205.48 feet; thence South 44°18'44" West 421.92 feet, more or less, to the South Boundary line of said Section 2; thence leaving said Westerly edge of the Virgin River and running South 89°37'54" West along the Section line 557.68 feet to the Southwest Corner of said Section 2; thence North 00°26'48" East 2646.31 feet to the point of beginning.

(Containing 81.48 acres more or less after removing less and excepting parcel "B")

PARCEL 7B: H-4-2-11-2102

A portion of the East One-Half (E½) of Section 11, Township 42 South, Range 14 West, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at the Northeast Corner of said Section 11, Township 42 South, Range 14 West, Salt Lake Base and Meridian, thence South 00°00'50" East along the Section line 2642.14 feet to the East Quarter (E¼) Corner of said Section 11, said point being an existing BLM Brass Cap; thence South 00°05'00" East 2643.23 feet, to the Southeast Corner of said Section 11; thence South 89°48'52" West along the Section line 1327.34 feet, to the Southwest Corner of the Southeast Quarter of the Southeast Quarter (SE¼SE¼), said Section 11; thence North 00°05'16" West 1321.22 feet; thence South 89°47'45" West 1327.78 feet, to the Southwest Corner of the Northwest Quarter of the Southeast Quarter (NW¼SE¼), said Section 11; thence North 00°05'21" West 1320.55 feet to the Center Quarter (¼) Corner of said Section 11; thence North 89°46'09" East 1327.80 feet to the Northeast Corner, said Northwest Quarter of the Southeast Quarter (NW¼SE¼), said point being an existing Ballard and Campbell rebar and cap; thence North 00°02'08" West 856.97 feet; thence North 89°53'11" East 467.32 feet; thence North 00°06'49" West 466.69 feet; thence South 89°53'11" West 128.34 feet; thence North 00°02'08" West 661.27 feet; thence South 89°57'52" West 338.35 feet; thence North 00°02'08" West 661.95 feet to the Northwest Corner of the Northeast Quarter of the Northeast Quarter (NE¼NE¼), said Section 11; thence South 89°59'50" East 1328.56 feet along the Section line to the point of beginning.

(Containing 185.63 acres more or less, after removing less and excepting parcel 3 of parcel "A")

PARCEL 8: H-4-2-12-1102

A portion of Section 12, Township 42 South, Range 14 West, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at the Northwest Corner of said Section 12, Township 42 South, Range 14 West, Salt Lake Base and Meridian, said point being a Washington County Monument; thence South 89°41'13" East 2651.73 feet to the North Quarter (N¼) Corner of said Section 12; said point being an existing BLM Brass Cap; thence South 89°39'47" East 2651.15 feet, to the Northeast Corner of said Section 12, said point being an existing BLM Brass Cap; thence South 00°03'51" West 1322.01 feet to the Northeast Corner of the Southeast Quarter of the Northeast Quarter (SE¼NE¼), said Section 12, said point being the Northeast Corner of that parcel shown on Book 1004, Page 455, Official Washington County Records; thence North 89°39'44" West 1324.79 feet to the Northwest Corner of the Southeast Quarter of the Northeast Quarter (SE¼NE¼), said

Section 12, said point being the Northwest Corner of said Parcel shown on Book 1004, Page 455; thence South 00°01'50" West 661.18 feet; thence South 89°39'15" East 622.26 feet; thence South 00°02'33" West 330.63 feet, to the Southwest Corner of that parcel shown on Book 748, Page 366, Official Washington County Records; thence South 89°38'59" East 702.19 feet to a point on the East line of the Northeast Quarter (NE¼), said Section 12; thence South 00°03'16" West 330.68 feet to the East Quarter (E¼) Corner of said Section 12; thence South 00°02'11" West 2643.28 feet to the Southeast Corner of said Section 12, said point being an existing BLM Brass Cap; thence North 89°37'51" West 1323.10 feet; thence North 89°39'02" West 1323.77 feet to the South Quarter (S¼) Corner of said Section 12, said point being an existing BLM Brass Cap; thence North 89°39'03" West 2647.13 feet; thence North 00°05'00" West 2643.23 feet to the West Quarter (W¼) Corner of said Section 12; thence North 00°00'50" West 2642.14 feet to the point of beginning.

(Containing 617.66 acres, more or less.)

PARCEL 9: H-4-2-13-1409

A portion of the North One-Half (N½) of Section 13, Township 42 South, Range 14 West, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at the Northwest Corner of said Section 13, Township 42 South, Range 14 West, Salt Lake Base and Meridian, said point being an existing BLM Brass Cap; thence South 89°39'03" East 2647.13 feet to the North Quarter (N¼) Corner of said Section 13, said point being an existing BLM Brass Cap; thence South 89°39'02" East 1323.77 feet to the East 1/16 Corner between Sections 12 and 13, said point being an existing BLM Brass Cap; thence South 89°37'51" East 1315.65 feet; thence South 00°05'09" West 330.63 feet, to a point on the boundary of Dixie Springs project, as shown on Official Washington County Records; thence following along the boundary of said Dixie Springs project the following (9) Nine courses as follows: North 89°38'34" West 1315.57 feet; thence South 00°03'50" West 661.13 feet; thence North 89°38'24" West 1323.02 feet; thence South 00°01'39" West 1349.83 feet; thence North 89°37'06" West 661.08 feet; thence North 00°00'42" East 1349.56 feet; thence North 89°38'30" West 661.57 feet; thence North 00°00'04" East 330.34 feet; thence North 89°38'47" West 1323.45 feet to a point on the West line of the Northwest Quarter (NW¼), said Section 13; thence leaving said boundary of Dixie Springs project and running North 00°01'18" West along the Section line 661.14 feet to the point of beginning.

LESS AND EXCEPTING THEREFROM the following described property:

Commencing at the North Quarter Corner of Section 13, Township 42 South, Range 14 West, Salt Lake Base and Meridian; thence South 89°39'02" East along the Section Line 714.70 feet; thence South 00°02'36" West, 33.00 feet to the point of beginning; thence South 89°39'02" East a distance of 435.60 feet; thence South 00°02'36" West a distance of 200.00 feet; thence North 89°39'02" West a distance of 435.60 feet; thence North 00°02'36" East a distance of 200.00 feet to the point of beginning.

(Containing a remainder of 108.85 acres more or less.)

PARCEL 10: H-4-2-14-1101

The North 20.2 acres of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$), Section 14, Township 42 South, Range 14 West, Salt Lake Base and Meridian, described as follows:

Beginning at the Northeast Corner of said Section 14, Township 42 South, Range 14 West, Salt Lake Base and Meridian, said point being an existing BLM Brass Cap; thence South 00°01'18" East 662.91 feet; thence South 89°48'52" West 1327.40 feet; thence North 00°00'59" West 662.91 feet to the Northwest Corner of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$), said Section 14, said point being an existing BLM Brass Cap; thence North 89°48'52" East 1327.34 feet to the point of beginning.

(Containing 20.2 acres)

PARCEL 11: Part of H-3-2-6-1402 & H-4-2-1-1103.

A parcel of land, being part of the existing highway right of way, lying Northerly and adjacent to the Southerly Right-of-Way Line of existing highway State Route 9, situate in Lots 3, 4, and 5 of Section 6, Township 42 South, Range 13 West, Salt Lake Base and Meridian, Lots 1 and 2 of Section 1, Township 42 South, Range 14 West, Salt Lake Base and Meridian, and Lot 12 of Section 31, Township 41 South, Range 13 West, Salt Lake Base and Meridian, the boundaries of said parcel are described as follows:

Beginning at the intersection of said Southerly Right-of-Way Line and the West Line of the Southeast Quarter (SE $\frac{1}{4}$) of Section 31, Township 41 South, Range 13 West, Salt Lake Base and Meridian at a point 186.26 feet perpendicularly distant Southerly from the Control Line of said State Route 9 at Engineer Station 312+21.12, said point is approximately 258.52 feet North 01°00'50" East along said West Line from the South Quarter Corner of said Section 31; running thence South 74°49'44" West 668.96 feet along said Southerly Right-of-Way Line to a point 186.02 feet perpendicularly distant Southerly from said Control Line at Engineer Station 305+52.16; thence South 74°49'08" West 2600.54 feet along said Southerly Right-of-Way Line to a point 185.54 feet perpendicularly distant Southerly from said Control Line at Engineer Station 279+51.62; thence South 74°49'31" West 1899.75 feet along said Southerly Right-of-Way Line to a point 184.98 feet perpendicularly distant Southerly from said Control Line at Engineer Station 260+51.87; thence South 74°48'57" West 1205.59 feet along said Southerly Right-of-Way Line to the West Line of Lot 2, Section 1, Township 42 South, Range 14 West, Salt Lake Base and Meridian at a point 180.35 feet perpendicularly distant Southerly from said Control Line at Engineer Station 248+56.87; thence North 01°25'47" East 26.51 feet along said West Line to a point 155.00 feet perpendicularly distant Southerly from said Control Line at Engineer Station 248+64.60; thence North 74°28'09" East 679.90 feet to the point of tangency with a 22763.312 foot radius curve to the right; thence 134.73 feet along the arc of said curve; thence North 74°48'30" East 1951.74 feet to a point on the West line of Section 6, Township 42 South, Range 13 West, Salt Lake Base and Meridian, said point being 155.00 feet perpendicularly distant Southerly from said Control Line at Engineer Station 276+20.23; thence North 74°48'30" East 3609.97 feet to a point on the West Line of the Southeast Quarter of Section 31, Township 41 South, Range 13 West, Salt Lake Base and Meridian, said point being 155.00 feet perpendicularly distant from said Control Line at Engineer Station 312+30.21; thence South 01°00'50" West 32.55 feet along said West Line to the point of beginning.

(Containing 4.53 acres more or less)

LESS AND EXCEPTING any of the following Parcels A and B, lying within the ABOVE 11 PARCELS:

PARCEL A: (Consisting of the following parcels 1, 2 & 3).

PARCEL 1:

Beginning at the South Quarter Corner of Section 2, Township 42 South, Range 14 West, Salt Lake Base and Meridian; thence South 89°37'54" West along the Section Line 1744.05 feet; thence along an existing fence line the following courses, North 37°15'14" East, 326.48 feet; thence North 44°43'26" East, 417.53 feet; thence North 16°24'44" East, 521.10 feet; thence South 61°25'06" West, 51.96 feet; thence North 22°58'59" East, 432.47 feet; thence North 39°54'40" East, 360.35 feet; thence North 50°01'56" East, 151.43 feet; thence North 44°15'15" East, 324.51 feet; thence North 42°42'45" East, 400.05 feet to a point on the South right-of-way line of Highway SR-9; thence leaving said fence line and running along said right-of-way line the following courses; South 52°17'20" East, 176.54 feet to a point on a 1532.39 foot radius curve to the left, the radius point of which bears North 36°22'39" East; thence along the arc of said curve 1500.40 feet, through a central angle of 56°05'59"; thence leaving said highway right-of-way and running along an existing fence line North 89°48'55" East, 321.25 feet to a point on the West edge of the existing asphalt of Turf Sod Road, said point being on a 351.35 foot radius curve concave Southwesterly, the radius point of which bears South 88°55'05" West; thence Southerly to the right along the arc of said curve 57.01 feet, through a central angle of 09°17'50"; thence South 00°57'21" West, 374.68 feet to the point of curvature of a 420.00 foot radius curve to the left, thence along the arc of said curve 265.46 feet, through a central angle of 36°12'50" to the point of tangency; thence South 35°15'29" East, 316.56 feet; thence South 38°43'21" East, 256.21 feet to the point of curvature of a 250.00 foot radius curve to the right, thence along the arc of said curve 324.23 feet, through a central angle of 74°18'26" to the point of tangency; thence South 35°35'05" West, 152.80 feet; thence South 42°40'36" West, 146.42 feet; thence South 48°25'55" West, 250.77 feet to the point of curvature of a 400.00 foot radius curve to the left, thence along the arc of said curve 212.41 feet, through a central angle of 30°25'30", to a point on the South Line of said Section 2, the previous Ten (10) courses along said Westerly edge of Turf Sod Road; thence North 89°59'50" West along said South Line, 1727.32 feet to the point of beginning.

PARCEL 2:

Commencing at the South Quarter Corner of Section 2, Township 42 South, Range 14 West, Salt Lake Base and Meridian; thence South 89°37'54" West along the Section Line 1744.05 feet, to the point of beginning; thence South 89°37'54" West, 107.67 feet; thence North 40°05'51" East, 54.96 feet; thence North 30°46'44" East, 346.19 feet; thence North 34°24'22" East, 401.56 feet; thence North 28°49'20" East, 295.97 feet; thence North 04°51'16" West, 194.52 feet; thence North 42°29'52" East, 388.04 feet; thence North 64°00'47" East, 46.45 feet to a point on an existing fence line; thence following along said fence line as follows: South 22°58'59" West, 432.47 feet; thence North 61°25'06" East, 51.96 feet; thence south 16°24'44" West, 521.10 feet; thence south 44°43'26" West, 417.53 feet; thence South 37°15'14" West, 326.48 feet to the point of beginning.

PARCEL 3:

Commencing at the North Quarter Corner of Section 11, Township 42 South, Range 14 West, Salt Lake Base and Meridian; thence South 89°59'50" East along the Section Line 1328.66 feet to the Northwest Corner of the Northeast Quarter of the Northeast Quarter (NE¼ NE¼) of said Section 11, and the point of beginning; thence South 89°59'50" East along the North Line of said Northeast Quarter of the Northeast Quarter (NE¼ NE¼), 398.76 feet to a point on the West edge of the existing asphalt of Turf Sod Road, said point being on a 400.00 foot radius curve concave Southeasterly, the radius point of which bears South 71°59'34" East, thence Southwesterly to the left along the arc of said curve 87.72 feet through a central angle of 12°33'52" to the point of tangency; thence South 05°26'34" West, 25.00 feet; thence South 01°51'30" West, 551.39 feet; (the previous three (3) courses along said roadway); thence leaving said Westerly edge of asphalt of Turf Sod Road and running South 89°57'52" West, 21.95 feet to the Northeast Corner of that parcel shown by Book 169, Page 325, Washington County Records; thence South 89°57'52" West, 338.35 feet to a point on the West Line of said

Northeast Quarter of the Northeast Quarter (NE¼ NE¼) of said Section 11, said point being the Northwest Corner of that parcel shown by Book 724, Page 825, Washington County Records; thence North 00°02'08" West, 661.95 feet to the point of beginning.

PARCEL B:

Two parcels of land in fee for the reconstruction of a bridge and widening of SR-9 known as Project No. NF-16(2), being parts of entire tracts of property situated in Lot 5 of Section 1, Lots 9, 11, 12 and the North One-Half of the Southeast Quarter (N½SE¼) of Section 2, Township 42 South, Range 14 West, Salt Lake Base and Meridian, the boundaries of said parcels of land are described as follows:

Beginning at the Northeast Corner of said Lot 12, which point is 380.39 feet North 88°58'57" West from the Northwest corner of the Southeast Quarter (SE¼) of said Section 2; thence North 88°58'57" West 286.82 feet along the Northerly line of said Lot 12, to the existing Southwesterly right-of-way and limited access line of said SR-9, at a point 155.92 feet radially distant Southwesterly from the center line of said project at Engineer Station 182+97.78; thence Southeasterly 240.36 feet along the arc of a 908.51-foot radius curve to the left and said existing Southwesterly right-of-way and limited access line (Chord bears South 48°23'07" East 239.66 feet) to the Southeasterly lot line of said Lot 12; thence North 34°55'37" East 187.92 feet along said Southeasterly lot line to the point of beginning as shown on the Official map of said project on file in the Office of the Utah Department of Transportation. The above described parcel of land contains 0.543 acre, of which 0.518 acre is now occupied by the existing highway.

Also: Beginning at the intersection of the existing SR-9 center line and a Westerly lot line of said Lot 11, which point is 198.00 feet North 88°58'57" West along the Quarter Section Line and 213.85 feet South 01°01'03" West from the Northwest corner of the Southeast Quarter (SE¼) of said Section 2; thence Easterly along said existing center line the following Five (5) courses: South 60°12'40" East 425.72 feet to the point of tangency with a 1432.41-foot radius curve to the left; Easterly 1800.02 feet along the arc of said curve; North 47°47'20" East 648.74 feet to a point of tangency with a 2864.90-foot radius curve to the right; Northeasterly 1350.78 feet along the arc of said curve; North 74°48'49" East 323.81 feet to the Northerly lot line of said Lot 5; thence South 88°41'06" East 188.38 feet along said Northerly lot line to the Northeast corner of said Lot 5; thence South 01°28'01" West 103.70 feet along the Easterly lot line of said Lot 5 to a point

125.00 feet perpendicularly distant Southeasterly from the center line of said project at Engineer Station 234+89.39; thence South 74°28'17" West 493.21 feet along a line parallel to said center line, to a point of tangency with a 2775.00-foot radius curve to the left; thence Southwesterly 1258.98 feet along the arc of said curve, concentric with the center line of said project; thence South 48°28'38" West 689.70 feet along a line parallel to said center line of said project, to a point of tangency with a 1557.39-foot radius curve to the right; thence Southwesterly 258.89 feet along the arc of said curve, concentric with the center line of said project; thence Northwesterly 25.02 feet along the arc of a 222.84-foot radius curve to the left (chord bears North 30°35'27" West 25.01 feet) to a point 160.00 feet radially distant Southeasterly from the center line of said project at Engineer Station 207+53.25; thence Westerly 1861.32 feet along the arc of a 1532.39-foot radius curve to the right, concentric with the center line of said project (chord bears North 87°13'27" West 1748.99 feet); thence North 52°25'37" West 239.82 feet along a line parallel to the center line of said project, to a Westerly lot line of said Lot 11; thence North 38°33'58" East 78.77 feet along said Westerly boundary line to the point of beginning as shown on the Official map of said project on file in the Office of the Utah Department of Transportation. The above described parcel of land contains 14.900 acres, of which 5.345 acres are now occupied by the existing highway.

Total acreage = 2253.12

LESS AND EXCEPTION from all parcels listed above, the following property: H-4-2-2-3401

Beginning at the Southwest Corner of Section 2, Township 42 South, Range 14 West, Salt Lake Base and Meridian, and running thence North 00°27'31" East, 2646.63 feet to the West Quarter of said Section 2; thence North 89°50'58" East, 1972.22 feet along the Center Section line to the Westerly right of way line of State Route 9; thence Southeasterly 240.36 feet along said West right of way line, along an arc of a 908.51 foot radius curve to the left (center bears North 48°01'32" East long chord bears South 49°33'14" East, 239.66 feet with a central angle of 15°09'31"); thence North 33°45'31" East, 5.79 feet along said West right of way line; thence South 40°30'07" East, 137.82 feet to the Westerly meander line of the Virgin River and running the following Seven (7) courses along said West line: thence South 41°35'38" West, 378.90 feet; thence South 46°59'53" West, 1033.27 feet; thence South 39°53'49" West, 544.43 feet; thence South 22°08'46" West, 270.60 feet; thence South 14°26'44" West, 206.87 feet; thence South 13°37'28" East, 205.48 feet; thence South 44°19'27" West, 421.38 feet to the South Section line of said Section 2; thence South 89°34'18" West, 558.07 feet along said South line to the point of beginning.