

WHEN RECORDED, MAIL To:
Mellon Valley, LLC/ 290-470 LLC
1131 W. Sunset Blvd.
St. George, UT 84770

DOC # 20210039044

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Easements
Gary Christensen Washington County Recorder
06/03/2021 12:45:50 PM Fee \$ 62.00
By RICHARDS BRANDT MILLER NELSON



AMENDED MASTER COMMUNICATIONS EASEMENT

FOR

ELIM VALLEY

THIS AMENDED MASTER COMMUNICATIONS EASEMENT (“**Corrective Easement**”) is made and entered into as of the [13th] day of May, 2021 (the “**Effective Date**”), by Mellon Valley, LLC, a Utah limited liability company (“**Original Grantor**”), Elim Valley Planning and Development, LLC, a Utah limited liability company (as “**Mellon Valley’s Grantee and Grantor 2**”), Roland Neil Family Limited Partnership, a Utah limited partnership (as “**Elim Valley’s Grantee and Grantor 3**”), EVD Communications Infrastructure, LLC, a Utah limited liability company (as “**Elim Valley’s Grantee and Grantor 4**”), Roland L. Walker Irrevocable Trust /u/a/d December 23, 1985 (as “**Elim Valley’s Grantee and Grantor 5**”), and 290-470, LLC, an Idaho limited liability company (“**Grantee**,” which term shall include any successor and assign of 290-470, LLC), the successor in interest to EVD Communications Infrastructure, LLC, a Utah limited liability company (the “**Original Grantee**”), with respect to those certain Master Communications Easements dated as of February 14, 2007, executed by the Original Grantor, Grantor 2, and Grantor 3 for the benefit of the Original Grantee and recorded as Entry Nos. 20070008384, 20070008385, and 20070008386 with the Washington County Recorder (the “**Easements**”). The Easements were amended by Entry No. 20080020596 recorded with the Washington County Recorder. References herein to the “**Parties**” shall be references to the Grantors and Grantee, collectively, and all references to a “**Party**” shall be references to a Grantor or Grantee, individually. References herein to “**Grantors**” shall mean Original Grantor, Grantor 2, and Grantor 3, collectively. Capitalized terms used herein that are defined in the Easement shall have the respective meanings given to them in the Easement.

WITNESSETH:

WHEREAS, Grantors are the owners and/or developers of certain real property located in Washington County, Utah, which is being developed as part of a master planned residential community commonly known as Elim Valley, which real property is further described in the legal descriptions set forth on Exhibit A attached hereto and hereby made a part hereof (the “**Property**”);

WHEREAS, Grantors intended for the Original Grantee to “**Operate**” “**Infrastructure**” (as such terms are defined in the Easement) within the Property and to arrange for qualified third party communications services providers (hereinafter “**Qualified Providers**”) to “**Provide**” “**Services**” (as such terms are defined in the Easement) within the Property for the benefit of the residents of the Property;

WHEREAS, in order to facilitate such Operation of the Infrastructure and such provision of the Services, Grantors granted to the Original Grantee the rights and easements set forth in the Easement and intended for the Original Grantee to use such rights and easements, among other

things, to grant sub-easements and licenses to one or more Qualified Providers to enable them to Provide Services;

WHEREAS, Grantors now wish to better carry out the intent of the Original Grantor by correcting the Easement to clarify the obligations of Grantee with respect to its right and obligation to grant sub-easements and licenses to Qualified Providers to Provide Services.

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

1. **Easements Granted for the Provision of Services are Non-Exclusive.**

Notwithstanding anything to the contrary set forth in the Easements, the rights and easements granted under the Easements insofar as they relate to the provision of and the right to Provide Services to the Property as set forth in Section 2.1 through and including Section 2.5 of the Easements are hereby clarified to be non-exclusive easements in order to recognize the right and obligation of Grantee to grant sub-easements on, over, under and through the Property to one or more Qualified Providers in order for them to Provide Services.

2. **Right and Obligation of Grantee to Grant Sub-Easements.** Insofar as (A) the sixth recital of the Easement recorded as Entry No, 20070008386 states that Grantor 3 understood that the Original Grantee, or assigns, "may grant sub-easements and licenses concerning such rights and easements to other owners of such communication infrastructure and providers of communications services to the Property," and (B) Section 5.5 of the Easement provides that Grantee "has the right (a) to transfer and/or assign, without limitation, all or any part of the rights, privileges, easements and obligations granted by this Easement to any third party and (b) to grant, transfer and/or assign to one or more third parties, including its affiliates, sub-easements or licenses necessary to use such easements in a manner consistent with Grantee's rights hereunder," and in order to better express the Grantor 3's intent and expectation that Grantee would not itself Provide Services to the Property but instead would grant sub-easements and licenses to one or more Qualified Providers to Provide Services, the Easement is hereby clarified to require Grantee to grant sub-easements to Qualified Providers in accordance with Section 3 below. Accordingly, the phrase in the Easement that the Grantee, or assigns, "may grant sub-easements and licenses," is hereby clarified to read, "shall", as and when required by this Easement, grant sub-easements and licenses to Qualified Providers to Provide Services."

3. **Sub-Easements and Licenses to Qualified Providers.**

3.1 **Generally.** If a Qualified Provider requests access to the Property or use of the Infrastructure for the purpose of providing a Service or Services to residents of the Property, Grantee shall grant such Qualified Provider a sub-easement and/or license to use the easements granted herein and/or the Infrastructure, at just and reasonable rates, terms and conditions to be negotiated in good faith by Grantee and such Qualified Provider as required by applicable laws, ordinances, and regulations, including without limitation Grantee's just and reasonable costs, overhead and/or profit to build additional conduit and other Infrastructure (if and to the extent necessary). The compensation received by Grantee from any Qualified Provider for use of the easements granted herein and/or the Infrastructure shall be revenue of Grantee.

3.2 **Interconnection.** If a Qualified Provider requests that Grantee interconnect the Infrastructure with other communications systems in order to permit such Qualified Provider to Provide Services to residents of the Property, Grantee shall coordinate with such Qualified Provider and the operators of such other systems to designate a reasonable and mutually acceptable place and manner for such interconnection, provided such interconnection does not demonstrably and unreasonably downgrade the level of technology or performance of the Infrastructure. Such interconnection shall be on reasonable rates, terms and conditions, as negotiated in good faith between Grantee and such Qualified Provider and the operator of such other system to the extent required by applicable laws, ordinances, and regulations. No interconnection shall take place without prior notice and full disclosure of all relevant rates, terms, and conditions to the Successor Grantor and the "HOA" (as defined in the Easement), and a demonstration that all signals to be interconnected will comply with applicable technical and performance standards, including FCC standards and applicable performance criteria and measures, for all classes of signals. Grantee shall cooperate with any interconnection corporation, regional interconnection authority, state, county or federal regulatory agency which may be established for the purpose of regulating, facilitating, financing or otherwise providing for the interconnection of communications systems beyond the boundaries of the Property. Notwithstanding the foregoing, the Easement is not intended to create or expand interconnection rights on behalf of third parties that do not otherwise exist under applicable laws and regulations.

IN WITNESS WHEREOF, the Grantors have caused this Corrective Easement to be executed, under seal, by its duly authorized representative.

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

Mellon Valley, LLC, a Utah limited liability company

[Signature]
Witness

By: [Signature]
Name:
Title:

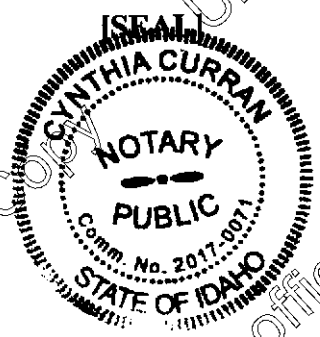
(Corporate Seal)

STATE OF Idaho
COUNTY OF Bonneville

The foregoing instrument was acknowledged before me this 13 day of May, 2021, by Roland Walker Mungler of Mellon Valley, LLC, a Utah limited liability company, on behalf of such company.

My commission expires: 7/12/2023
Cynthia Curran
Notary Public

Cynthia Curran
Typed or Printed Name of Notary Public



Signed, Sealed and Delivered
In the Presence of:

Elim Valley Planning & Development, LLC, a
Utah limited liability company

[Signature]
Witness

By: [Signature]
Name:
Title:

(Corporate Seal)

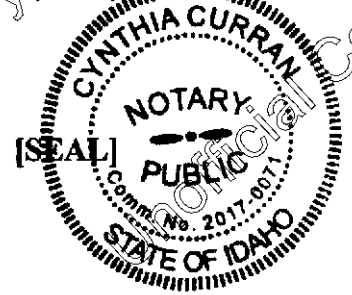
STATE OF Idaho
COUNTY OF Bonneville

The foregoing instrument was acknowledged before me this 13 day of May, 2021,
by Roland Walker Manger of Elim Valley Planning and Development, LLC, a Utah limited
liability company, on behalf of such company.

My commission expires: 7/12/23

Cynthia Curran
Notary Public

Cynthia Curran
Typed or Printed Name of Notary Public



Signed, Sealed and Delivered
In the Presence of:

Roland Neil Family Limited Partnership, a Utah
limited partnership

[Signature]
Witness

By: [Signature]
Name:
Title:

(Corporate Seal)

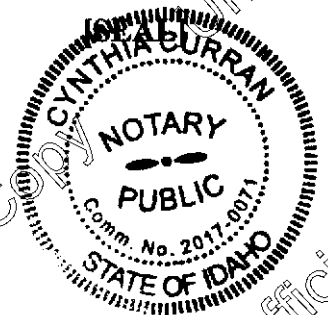
STATE OF Idaho
COUNTY OF Bonneville

The foregoing instrument was acknowledged before me this 13 day of May, 2021,
by Roland Walker Manger of Roland Neil Family Limited Partnership, a Utah limited
partnership, on behalf of such company.

My commission expires: 7/12/23

Cynthia Curran
Notary Public

Cynthia Curran
Typed or Printed Name of Notary Public



ACKNOWLEDGED and ACCEPTED:

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

**EVD Communications Infrastructure, LLC a
Utah limited liability company**

[Signature]
Witness

By: [Signature]
Name:
Title:

(Corporate Seal)

STATE OF Idaho

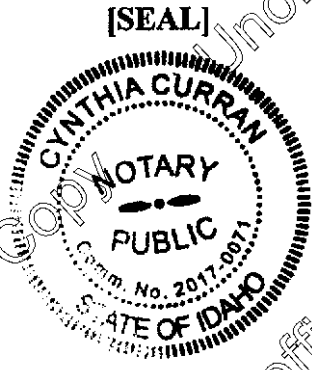
COUNTY OF Bonneville

The foregoing instrument was acknowledged before me this 13 day of May, 2021,
by Robert Walker Manger of EVD Communications Infrastructure, LLC, a Utah limited
liability company, on behalf of such company.

My commission expires: 7/12/23

Cynthia Curran
Notary Public

Cynthia Curran
Typed or Printed Name of Notary Public



ACKNOWLEDGED and ACCEPTED:

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

**Roland L. Walker Irrevocable Trust /u/a/d
December 23, 1988**

[Signature]
Witness

By: [Signature]
Name:
Title:

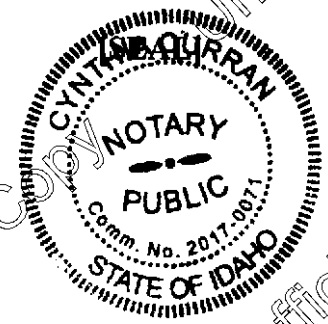
(Corporate Seal)

STATE OF Idaho
COUNTY OF Bonneville

The foregoing instrument was acknowledged before me this 13 day of May, 2021,
by Roland Walker, manager of Roland L. Walker Irrevocable Trust /u/a/d December 23,
1988, on behalf of such trust.

My commission expires: 7/12/23
Cynthia Curran
Notary Public

Cynthia Curran
Typed or Printed Name of Notary Public



ACKNOWLEDGED and ACCEPTED:

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

290-470, LLC, an Idaho limited liability company]

[Signature]
Witness

By: [Signature]
Name: Karin Walker
Title: member

(Corporate Seal)

STATE OF Idaho
COUNTY OF Bonneville

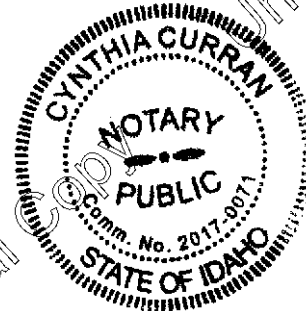
The foregoing instrument was acknowledged before me this 5 day of May, 2021, by Karin Walker as Member of 290-470, LLC, an Idaho limited liability company, on behalf of such company.

My commission expires: 7/12/23

Cynthia Curran
Notary Public

[SEAL]

Cynthia Curran
Typed or Printed Name of Notary Public



**Attachment A to Easement for Communications Infrastructure
and Services for []**

Legal Description of Property

**Attachment A to Amended Master Communications Easement
for Elim Valley**

Legal Description of Property

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°12'46" East along the Section line 2634.89 feet to the West Quarter (W¼) Corner of said Section 6; thence North 00°15'07" East 2043.21 feet to a point in the Southerly Right-of-Way line of Highway SR-9; thence North 73°41'15" East 341.37 feet to a Highway Right-of-Way Marker; thence North 73°40'11" East 3268.39 feet to a point on the Center Section Line of said Section 31; thence North 01°11'00" East 51.49 feet to a Right-of-Way marker; thence North 73°39'25" East 214.52 feet to a Right-of-Way marker; thence North 16°36'56" West 36.32 feet to a Right-of-Way marker; thence North 73°40'00" East 350.33 feet to a Right-of-Way marker; thence North 84°57'08" East 254.78 feet to a Right-of-Way marker; thence North 75°41'01" East 283.52 feet to a Right-of-Way marker; thence North 51°40'55" East 174.13 feet to a Right-of-Way marker; thence North 87°28'38" East 687.67 feet to a Right-of-Way marker; thence North 89°03'46" East 384.16 feet to a Right-of-Way marker; thence South 89°56'12" East 163.49 feet to a Right-of-Way marker; thence North 84°49'25" East 220.84 feet to a point on the East line of the Southeast Quarter (SE¼) of said Section 31; thence leaving said Highway Right-of-Way line and running South 00°17'34" West along the Section line 756.86 feet to the Southeast Corner of said Section 31; thence South 89°58'42" West 50.03 feet to the Northeast Corner of said Section 6; thence South 89°55'25" West 1298.32 feet to the Northeast Corner of Sectional Lot 2 of said Section 6; thence South 00°06'25" West 1688.51 feet; thence North 79°31'35" West 977.00 feet; thence South 31°22'25" West 1412.00 feet; thence South 07°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°57'21" West 662.22 feet to the Southwest Corner of Sectional Lot 14, said Section 6; thence South 89°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°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 (W/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 on the East line of said Section 1; thence South 00°15'07" West along the Section line 1843.21 feet to the East Quarter (E/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 (SW/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 (S/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" & "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 89°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-4-2-13-1609

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°01'33" 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; 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:

PARCELA: (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, 131.43 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 $89^{\circ}59'50''$ East along the Section Line 1328.56 feet to the Northwest Corner of the Northeast Quarter of the Northeast Quarter ($NE\frac{1}{4} NE\frac{1}{4}$) of said Section 11, and the point of beginning; thence South $89^{\circ}59'50''$ East along the North Line of said Northeast Quarter of the Northeast Quarter ($NE\frac{1}{4} NE\frac{1}{4}$), 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 $71^{\circ}59'34''$ East, thence Southwesterly to the left along the arc of said curve 87.72 feet through a central angle of $12^{\circ}33'52''$ to the point of tangency; thence South $05^{\circ}26'34''$ West, 25.00 feet; thence South $01^{\circ}51'30''$ West, 551.39 feet; (the previous three (3) courses along said roadway); thence leaving said Western edge of asphalt of Turf Sod Road and running South $89^{\circ}57'52''$ West, 21.95 feet to the Northeast Corner of that parcel shown by Book 169, Page 325, Washington County Records; thence South $89^{\circ}57'52''$ West, 338.35 feet to a point on the West Line of said Northeast Quarter of the Northeast Quarter ($NE\frac{1}{4} NE\frac{1}{4}$) of said Section 11, said point being the Northwest Corner of that parcel shown by Book 724, Page 825, Washington County Records; thence North $00^{\circ}02'08''$ 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 ($N\frac{1}{2}SE\frac{1}{4}$) 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 $88^{\circ}58'57''$ West from the Northwest corner of the Southeast Quarter ($SE\frac{1}{4}$) of said Section 2; thence North $88^{\circ}58'57''$ 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 $48^{\circ}23'07''$ East 239.66 feet) to the Southeasterly lot line of said Lot 12; thence North $34^{\circ}55'37''$ 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 $88^{\circ}58'57''$ West along the Quarter Section Line and 213.85 feet South $01^{\circ}01'03''$ West from the Northwest corner of the Southeast Quarter ($SE\frac{1}{4}$) of said Section 2; thence Easterly along said existing center line the following Five (5) courses: South $60^{\circ}12'40''$ 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 $47^{\circ}47'20''$ 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 $74^{\circ}48'49''$ East 323.81 feet to the Northerly lot line of said Lot 5; thence South $88^{\circ}41'06''$ East 188.38 feet along said Northerly lot line to the Northeast corner of said Lot 5; thence South $01^{\circ}28'01''$ 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 $74^{\circ}28'17''$ 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 $48^{\circ}28'38''$ 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 $30^{\circ}35'27''$ West 25.01 feet) to a point 100.00 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 $87^{\circ}13'27''$ West 1748.99 feet); thence North $52^{\circ}25'37''$ 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 $38^{\circ}33'58''$ 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 $00^{\circ}27'31''$ East, 2646.63 feet to the West Quarter of said Section 2; thence North $89^{\circ}50'58''$ 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 $48^{\circ}01'32''$ East long chord bears South $49^{\circ}33'14''$ East, 239.66 feet with a central angle of $15^{\circ}09'31''$); thence North $33^{\circ}45'31''$ East, 5.79 feet along said West right of way line; thence South $40^{\circ}30'07''$ 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 $41^{\circ}35'38''$ West, 378.90 feet; thence South $46^{\circ}59'53''$ West, 1033.27 feet; thence South $33^{\circ}53'49''$ West, 544.43 feet; thence South $22^{\circ}08'46''$ West, 270.60 feet; thence South $14^{\circ}26'44''$ West, 206.87 feet; thence South $13^{\circ}37'28''$ East, 205.48 feet; thence South $44^{\circ}19'27''$ West, 421.38 feet to the South Section line of said Section 2; thence South $89^{\circ}34'18''$ West, 558.07 feet along said South line to the point of beginning.