

## AGREEMENT AND GRANT OF SEWER AND WATER EASEMENT

This AGREEMENT is made and entered into effective the 5<sup>th</sup> day of May, 2011 by and between CK Farms, Inc. ("CK") and Courtyard AF, LLC ("Courtyard")

ENT 37043;2011 PG 1 of 6  
JEFFERY SMITH  
UTAH COUNTY RECORDER  
2011 May 17 4:26 pm FEE 22.00 BY EO  
RECORDED FOR STRATTON, KIM

WHEREAS:

A. CK is the owner of that certain property described on Exhibit "A" attached hereto (the "CK Property").

B. Courtyard is the owner of that certain property described on Exhibit "B" attached hereto (the "Courtyard Property") and shown as Exhibit "C".

C. CK wishes to develop the CK Property and obtain certain municipal approvals for development of the CK Property in accordance with the approved site plan.

D. Located within the Courtyard Property is a sewer line and water line to which CK wishes to connect to facilitate the development of the CK Property (the "Sewer Line and Water Line").

E. CK has offered certain consideration to Courtyard in return for which the sewer line and water line servicing the CK Property would be connected to the Sewer Line and Water Line located on the Courtyard Property.

F. This Agreement is being entered into and executed to facilitate the development of the CK Property and in contemplation of which it is expected that American Fork City ("City") will grant to CK such approvals as shall be necessary to pursue development of the CK Property.

The following are the terms of this definitive Agreement which is entered into and becomes binding upon the parties listed above:

- (i) The CK Property sewer line and water line shall be connected to the Sewer Line and Water Line located on the Courtyard Property pursuant to a sewer pipeline and water pipeline easement which shall be recorded and shall be in a form mutually agreed to by the parties and by American Fork City, and attached to this document as Exhibit "D".
- (ii) Pursuant to this agreement, CK agrees to assume perpetual maintenance obligations to the Courtyard sewer pipeline and water pipeline until such time as it disconnects from said sewer and water pipelines .
- (iii) Courtyard hereby grants permission to CK and their assigned contractors to enter into the Courtyard property for construction of the subject sewer line connection and waterline connection. Pursuant to this Agreement the parties shall agree to coordinate construction to minimize disruption to the Courtyard Property, and the tenants and invitees at the Courtyard Property, and with minimal disruption to the Courtyard roadways and parking areas.
- (iv) In performing any work or making any improvements on the Courtyard Property, all such work shall be accomplished in accordance with applicable law including the receipt of all necessary governmental permits and approvals. In performing any work or making any improvements on



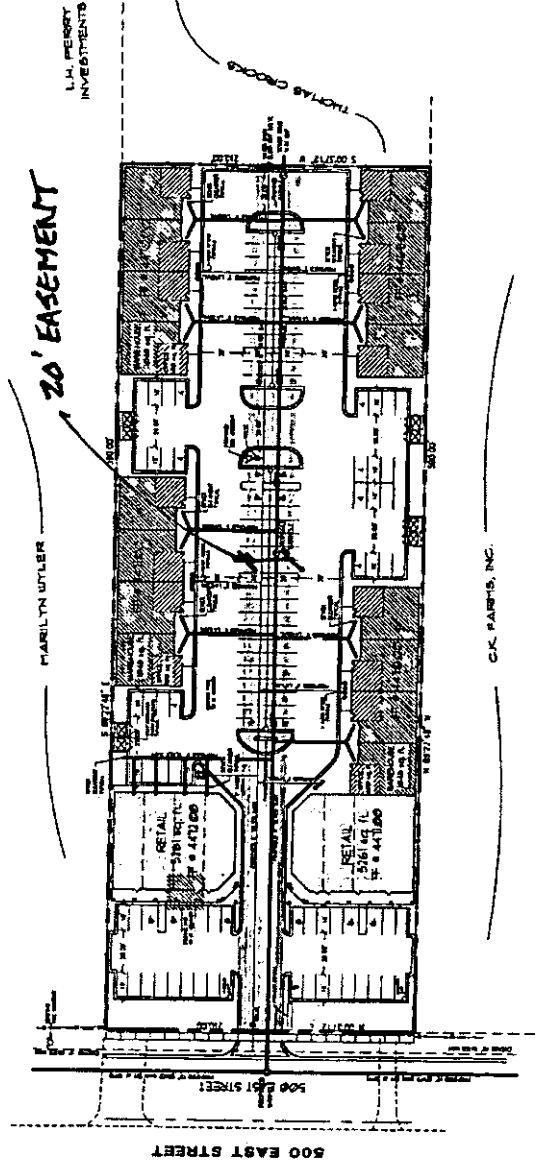
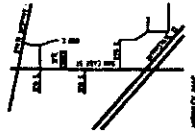


**EXHIBIT "A"**

Commencing North 2.85 feet and East 2531.85 feet from the West quarter corner of Section 24, Township 5 South, Range 2 East, Salt Lake Base and Meridian; thence North 196.83 feet; thence East 110.31 feet; thence South 45°00' East 21.33 feet; thence South 814.29 feet; thence North 88°50'18" West 125.42 feet to the point of beginning.

Commencing at a point located on the East right-of-way of 500 East Street which is North 00°01'08" West 218.68 feet along the Section line and East 1937.86 feet from the West quarter corner of Section 24, Township 5 South, Range 1 East, Salt Lake Base and Meridian; thence South 89°22'48" East 590.00 feet along the fence; thence South 00°37'12" West 210.00 feet along a fence; thence North 89°22'48" West 590.00 feet along a fence to a point on the East right-of-way of 500 East Street; thence North 00°37'12" East 210.00 feet along the East right-of-way of 500 East Street to the point of beginning.

# McCabe Commercial Complex



L.H. PERRY INVESTMENTS

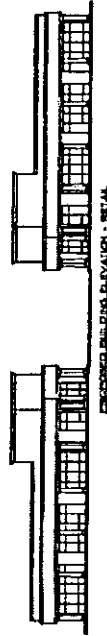
MARILYN UTYLER

20' EASEMENT

C.K. PARRIS, INC.

EXHIBIT "C"

**NOTICE:** THIS PLAN IS A PRELIMINARY DESIGN AND IS SUBJECT TO CHANGE WITHOUT NOTICE. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE SURVEYOR'S OFFICE SHALL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS PLAN.



<p><b>DUDLEY &amp; ASSOCIATES</b> ENGINEERS PLANNERS SURVEYORS</p>		<p><b>McCabe Commercial Complex</b></p>	
<p>1000 WEST 10TH STREET, SUITE 100, DENVER, CO 80202 TEL: 303.733.1111 FAX: 303.733.1112 WWW.DUDLEY-AND-ASSOCIATES.COM</p>		<p>DATE: 11/15/11 SCALE: AS SHOWN PROJECT NO: 11-001 SHEET NO: 1 OF 1</p>	

**SEWER PIPELINE AND WATER PIPELINE EASEMENT**

**COURTYARD AF, LLC. GRANTOR**, hereby dedicate and grant to **CK FAMRS INC., GRANTEE**, for the sum of Ten Dollars (\$10.00) and other good and valuable consideration, an existing sewer pipeline and water pipeline and a perpetual easement and right of way for the operation, access, upgrade, and continued maintenance, repair and inspection of a **Sewer Pipeline and Water pipeline** and related appurtenances, on, over, under, and across a strip of land being Ten (10) feet on each side of the following described centerline located in the City of American Fork in the County of Utah, State of Utah, Section 24, Township 5 South, Range 1 East, Salt Lake Base and Meridian, and more particularly described as follows:

**A 20.00 foot wide sewer and water main easement, 10.00 feet on each side of the following described centerline:**

Commencing at a point on the Easterly boundary of 500 East Street, American Fork, Utah, said point being located North 89°23'29" West along the Section line 717.09 feet and South 2539.18 feet from the found North quarter corner of Section 24, Township 5 South, Range 1 East, Salt Lake Base and Meridian: thence South 89°15'55" East 590.01 feet to a point located North 89°23'29" West along the Section line 127.10 feet and South 2540.48 feet from the found North quarter corner of said Section 24.