

7814761

WHEN RECORDED, PLEASE RETURN TO:  
TAYLORSVILLE-BENNION IMPROVEMENT DIST  
1800 WEST 4700 SOUTH  
TAYLORSVILLE, UTAH 84118

7814761  
02/06/2001 12:46 PM NO FEE  
Book - 8422 Pg - 388-392  
BRADLEY A SNOW  
CHIEF DEPUTY RECORDER, SL CO, UT  
TAYLORSVILLE-BENNION IMP DIST

BY: ZJM, DEPUTY - WI 5 P.

21-15-127-001  
21-15-127-002  
21-15-127-003  
[PARCEL I.D.# 21-15-127-004]

**SEWER LINE EASEMENT**

HERMES ASSOCIATES, a Utah general partnership, HERMES ASSOCIATES, LTD., a Utah limited partnership, and DDR FAMILY CENTERS LP, a Delaware limited partnership, as their interests may appear, having an office at 3300 Enterprise Parkway,

Beachwood, Ohio 44122, in the \_\_\_\_\_ collectively, the County of Cuyahoga ~~Salt Lake~~, State of ~~Utah~~ Ohio, Grantor, for ten dollars (\$10.00) and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants and conveys unto the TAYLORSVILLE-BENNION IMPROVEMENT DISTRICT, a body politic, an easement to construct, reconstruct, operate, repair, replace and maintain a sewer line and appurtenant structures on, over, across and through a strip of land 20 feet wide, lying 10 feet on each side and parallel and adjacent to the following described center line:

**FAMILY CENTER  
(MIDVALLEY NORTH PHASE)**

AN EASEMENT IN FAVOR OF TAYLORSVILLE-BENNION IMPROVEMENT DISTRICT over a strip of land 20.00 feet wide in the Northwest Quarter of Section 15, Township 2 South, Range 1 West, Salt Lake Base and Meridian, lying 10.00 feet on each side of the following described centerline:

Beginning at a point on the East Right of Way Line of 1900 West Street said point lying South 89°53'41" West 1118.58 feet along the Section line and due South 243.98 feet from the North Quarter Corner of Section 15, Township 2 South, Range 1 West, Salt Lake Base and Meridian and running thence South 89°56'25" East 241.45 feet; thence South 0°04'02" West 122.61 to an existing sewer manhole.

**SEWER LINE EASEMENT  
(1900 WEST PHASE)**

Beginning at a point on the West Right of Way Line of 1900 West Street said point lying South 89°53'41" West 1185.35 feet and due South 243.82 feet from the North Quarter Corner of Section 15, Township 2 South, Range 1 West, Salt Lake Base and Meridian and running thence North 89°56'25" West 27.13 feet; thence South 0°12'44" East 400.00 feet; thence South 5°12'24" West 438.72 feet to a point that is 10.00 feet in a Southwesterly direction from an existing sewer manhole.

The GRANTOR SHALL NOT build thereon any permanent structure or building, nor plant large trees whose root zones would contact or interfere with the pipeline. The easement may, however, be crossed or covered with sidewalks, curb and gutter, roadways, driveways, fences or similar improvements.

THE GRANTEE HEREBY AGREES to immediately repair any damages done to Grantor's land or crops caused by Grantee in the construction, maintenance, repair, operation or replacement of said line or appurtenant facilities.

THE GRANTEE HEREBY AGREES to indemnify, defend and hold the GRANTOR harmless from and against any claims resulting from the exercise of its easement rights.

THIS EASEMENT will terminate upon the permanent discontinuance of the facilities at which time the GRANTEE will remove its improvements at its cost and expense and repair any damages to the affected area, if so deemed necessary by the GRANTOR.

THE GRANTEE HEREBY AGREES that it will not unreasonably disturb the business operations on the GRANTOR'S adjoining property in exercising its easement rights.

DATED this 21st day of November, 2000.

SIGNATURES ARE CONTAINED ON THE FOLLOWING PAGE

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Signed in the presence of:

Elizabeth A. Berry  
(Print Name) ELIZABETH A. BERRY

Sheryl L. Martz  
(Print Name) SHERYL L. MARTZ

**HERMES ASSOCIATES**

a Utah general partnership  
By DDR Family Centers LP  
Its General Partner

By DDR DownREIT LLC  
Its General Partner

By Developers Diversified Realty  
Corporation, its Managing Member

By: Joan U. Allgood  
Joan U. Allgood, Senior Vice President

Signed in the presence of:

Elizabeth A. Berry  
(Print Name) ELIZABETH A. BERRY

Sheryl L. Martz  
(Print Name) SHERYL L. MARTZ

**HERMES ASSOCIATES, LTD.**

a Utah limited partnership  
By DDR Family Centers LP  
Its General Partner

By DDR DownREIT LLC  
Its General Partner

By Developers Diversified Realty  
Corporation, its Managing Member

By: Joan U. Allgood  
Joan U. Allgood, Senior Vice President

Signed in the presence of:

Elizabeth A. Berry  
(Print Name) ELIZABETH A. BERRY

Sheryl L. Martz  
(Print Name) SHERYL L. MARTZ

**DDR FAMILY CENTERS LP**

a Delaware limited partnership  
By DDR DownREIT LLC  
Its General Partner

By Developers Diversified Realty  
Corporation, its Managing Member

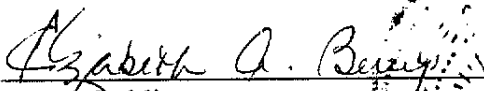
By: Joan U. Allgood  
Joan U. Allgood, Senior Vice President

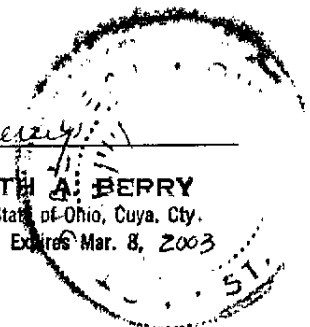
BK8422PG0390

STATE OF OHIO )  
 ) SS:  
COUNTY OF CUYAHOGA )

BEFORE ME, a Notary Public in and for said County and State, personally appeared Joan U. Allgood, Senior Vice President of Developers Diversified Realty Corporation, Managing Member of DDR DownREIT, LLC, General Partner of DDR Family Centers LP, General Partner of **HERMES ASSOCIATES**, the general partnership which executed the foregoing instrument, who acknowledged that she did execute the foregoing instrument on behalf of said general partnership and that the same is her free and voluntary act and deed and is the free act and deed of said general partnership for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal at Beachwood, Ohio, this 21st day of November, 2000.

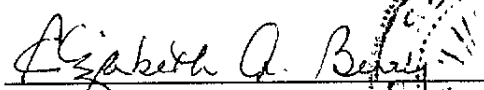
  
Notary Public  
**ELIZABETH A. BERRY**  
Notary Public, State of Ohio, Cuya. Cty.  
My Commission Expires Mar. 8, 2003

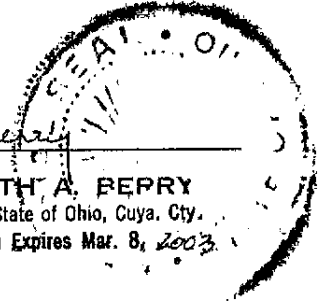


STATE OF OHIO )  
 ) SS:  
COUNTY OF CUYAHOGA )

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Notary Public  
**ELIZABETH A. BERRY**  
Notary Public, State of Ohio, Cuya. Cty.  
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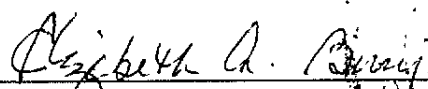


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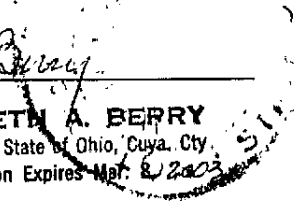
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\_\_\_\_\_  
Notary Public

**ELIZABETH A. BERRY**  
Notary Public, State of Ohio, Cuya. Cty.  
My Commission Expires Mar. 8, 2003



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