

00578601




AGREEMENT

Nakken Family Partnership agrees to allow the overflow from the stormwater drainage system installed on and for the Jack-in-the-Box property (Legal Description Exhibit "A") to enter the Nakken Family Partnership property (Legal Description Exhibit "B") in an area 10 feet wide and 210 feet long adjacent to the northwest corner of the Jack-in-the-Box property and adjacent to the west property line of the Nakken Family Partnership property (Legal Description Exhibit "C") in a drainage swale and allow this water to spread and percolate into the ground within this 10 foot wide area (Legal Description Exhibit "C").

However, at such time that the property adjacent to the Jack-in-the-Box property is developed this agreement will be terminated and the handling of this excess runoff water will need to be incorporated into the drainage system designed and installed for the subject adjacent property. Any costs involved to change the overflow drainage from the Jack-in-the-Box property to adapt to the drainage plan of the Master Plan of the adjacent 21 acres will be the sole responsibility of the owner of the Jack-in-the-Box property at that time.

Signed: 
David Nakken, Member, Nakken Family Partnership


Bruce Nakken, Member, Nakken Family Partnership

ACKNOWLEDGEMENT

STATE OF UTAH)
COUNTY OF IRON)

On this 22nd day of September, 2008, personally appeared before me David Nakken and Bruce Nakken, members of the Nakken Family Partnership, who duly acknowledged to me that they executed this agreement freely and voluntarily for the purposes stated therein.


Notary Public

MY COMMISSION EXPIRES:

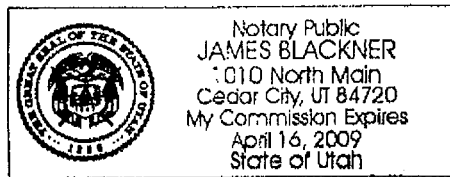


EXHIBIT "A"

BEGINNING AT THE NORTHEAST CORNER OF SECTION 26, TOWNSHIP 35 SOUTH, RANGE 11 WEST, SLB&M, THENCE N. 89°44'57" W. ALONG THE SECTION LINE 944.69 FEET, THENCE SOUTH 984.55 FEET, THENCE S. 0°08'15" E. 467.57 FEET TO THE TRUE POINT OF BEGINNING, SAID TRUE POINT OF BEGINNING BEING LOCATED ON THE NORTH RIGHT-OF-WAY LINE OF 3000 NORTH STREET, THENCE N. 0°08'15" W. 250.00 FEET, THENCE S. 89°30'11" E. 150.00 FEET, THENCE S. 0°08'15" E. 250.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF 3000 NORTH STREET, THENCE N. 89°30'11" W. ALONG SAID RIGHT-OF-WAY LINE 150.00 FEET TO THE TRUE POINT OF BEGINNING AND CONTAINING 37,498 SQUARE FEET.

SUBJECT TO A 20 FOOT WIDE PUBLIC UTILITY EASEMENT ALONG THE SOUTH SIDE OF THE ABOVE DESCRIBED PROPERTY ADJACENT TO THE NORTHERLY RIGHT-OF-WAY LINE OF 3000 NORTH STREET.

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EXHIBIT "B"

BEGINNING AT A POINT WHICH IS SITUATED N. 89°44'57" W.
 ALONG THE SECTION LINE 944.69 FEET AND SOUTH 984.55 FEET FROM
 THE NORTHEAST CORNER OF SECTION 26, TOWNSHIP 35 SOUTH, RANGE
 11 WEST, SLB&M, THENCE N. 46°16'24" E. 336.63 FEET, THENCE
 S. 46°39'23" E. 73.73 FEET, THENCE N. 57°14'19" E. 150.05
 FEET, THENCE N. 88°37'00" E. 263.24 FEET, THENCE
 N. 59°36'45" E. 231.17 FEET, THENCE N. 45°35'39" E. 185.50
 FEET, THENCE N. 13°21'32" E. 183.76 FEET, THENCE
 N. 0°20'54" E. 127.05 FEET, THENCE S. 18°17'55" E. 972.65
 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF 3000 NORTH STREET,
 THENCE SOUTHWESTERLY AROUND THE ARC OF A CURVE TO THE RIGHT
 WITH A RADIUS OF 991.74 FEET A DISTANCE OF 896.23 FEET (THE
 CHORD OF SAID CURVE BEARS S. 64°36'29" W. 866.04 FEET),
 THENCE N. 89°30'11" W. 433.30 FEET, THENCE N. 0°08'15" W.
 250.00 FEET, THENCE N. 89°30'11" W. 150.00 FEET, THENCE
 N. 0°08'15" W. 217.57 FEET TO THE POINT OF BEGINNING AND
 CONTAINING 21.09 ACRES OF LAND.

SUBJECT TO A 20 FOOT WIDE PUBLIC UTILITY EASEMENT
 ALONG THE SOUTHERLY SIDE OF THE ABOVE DESCRIBED PROPERTY
 ADJACENT TO THE NORTHERLY RIGHT-OF-WAY LINE OF 3000 NORTH
 STREET.

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EXHIBIT "C"

Beginning at the Northeast Corner of Section 26, Township 35 South, Range 11 West, SLB&M, thence N. 89°44'57" W. along the Section Line 944.69 feet, thence SOUTH 984.55 feet, thence S. 0°08'15" E. 217.57 feet to the True Point of Beginning, thence N. 0°08'15" W. 210.00 feet, thence S. 89°30'11" E. 10.00 feet, thence S. 0°08'15" E. 210.00 feet, thence N. 89°30'11" W. 10.00 feet to the True Point of Beginning, containing 2100 square feet.

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