

NT-35510

PUBLIC UTILITY EASEMENT

WHEREAS, Janice Sackett (an undivided one-half interest owner) and Jane Johnson, as Trustee of the GST Non-Exempt QTIP Trust Created Under the Will of Max L. Johnson (an undivided one-half interest owner) (collectively referred to herein as "Owners") are the owners of a parcel of property situated in Hyrum, Cache County, Utah described on Exhibit "A" attached hereto and made a part hereof (herein the "Property"); and,

WHEREAS, the Owners wish to dedicate a portion of the Property, which is described on Exhibit "B" (herein referred to as the "Easement Property") for the use by public utility companies for the purpose of construction, installation, inspection, repair, removal, replacement and maintenance of public utilities.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Owners hereby dedicate the Easement Property for public utilities, together with the right of ingress and egress, for the purpose of construction, inspection, repair, removal, replacement, and maintenance of public utilities at will. No non-utility improvements shall be placed upon, over or under the Easement Property except for improvements for driveway or roadway and landscaping purposes, which will not interfere with the use by public utilities.

1. Grant. The easement granted hereby shall be for ingress and egress to, from, upon and over the Easement Property in order to provide public utilities to and over the Property.
2. Amendment. This easement shall be amended only by a written and recorded instrument signed by the then current owners of the Property and the Easement Property.
3. Successors. This easement shall be binding upon and inure to the benefit of Owners their successors and assigns, heirs, beneficiaries and personal representatives.
4. Governing. This easement shall be governed by and construed and enforced in accordance with the laws of the State of Utah.

SIGNED on this the 10th day of June 2003.

GRANTORS:



Janice Sackett



Jane Johnson, Trustee

Ent 830845, Bk 1241 Pg 297
 Date 2-Jul-2003 11:27AM Fee \$17.00
 Michael Gleed, Rec. - Filed By DP
 Cache County, UT
 For NORTHERN TITLE COMPANY

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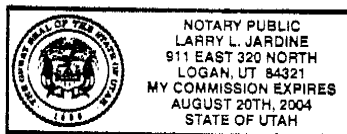
STATE OF UTAH

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COUNTY OF Cache

Before me, the undersigned authority in and for the said County and State, on this 10th day of June, 2003, within my jurisdiction, personally appeared Janice Sackett, who acknowledged that she, as her own act and deed, executed the above and foregoing instrument.

Larry L. Jardine
NOTARY PUBLIC



My Commission Expires: 8/20/2004

STATE OF UTAH

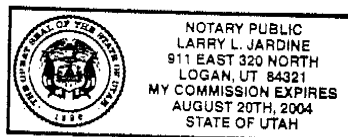
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Ent **830845** Bk **1241** Pg **298**

COUNTY OF CACHE

Before me, the undersigned authority in and for the said County and State, on this 10th day of June, 2003, within my jurisdiction, personally appeared Jane Johnson, as Trustee of the GST Non-Exempt QTIP Trust Created Under the Will of Max L. Johnson (an undivided one-half interest owner), who acknowledged that she, on behalf of said Trust, executed the above and foregoing instrument, after first having been duly authorized to do so.

Larry L. Jardine
NOTARY PUBLIC



My Commission Expires: 8/20/2004

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EXHIBIT "A"**HYRUM OVERALL SITE**

PART OF THE SOUTHWEST QUARTER OF SECTION 3, T.10N., R.1E., S.L.B.&M., U.S. SURVEY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 165 AND A 40.00 FOOT RADIUS CURVE THE CENTER OF WHICH BEARS $S77^{\circ}32'37''E$, SAID POINT BEING $S00^{\circ}00'06''W$ ALONG THE LINE BETWEEN THE TWO FOUND CITY STREET MONUMENTS IN THE INTERSECTION OF 5400 SOUTH STREET AND SAID STATE HIGHWAY BEING $S00^{\circ}00'06''W$ 764.50 FEET APART 77.56 FEET AND $S89^{\circ}59'54''E$ 50.26 FEET FROM THE MONUMENT IN SAID INTERSECTION OF SAID 5400 SOUTH STREET AND STATE HIGHWAY NO. 165; THENCE NORTHWESTERLY ALONG SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF $64^{\circ}39'26''$ A DISTANCE OF 45.14 FEET TO THE SOUTH RIGHT-OF-WAY OF 5400 SOUTH STREET AND A 1136.35 FOOT RADIUS CURVE THE CENTER OF WHICH BEARS $N00^{\circ}07'59''W$; THENCE NORTHWESTERLY ALONG SAID SOUTH LINE AND CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF $24^{\circ}29'11''$ DISTANCE OF 485.64 FEET, $N63^{\circ}12'08''E$ 197.35 FEET; TO A 1053.85 FOOT RADIUS CURVE THE CENTER OF WHICH BEARS $S24^{\circ}37'10''E$, AND NORTHEASTERLY ALONG SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF $23^{\circ}27'06''$ A DISTANCE OF 431.35 FEET TO THE HYRUM ASSOCIATES PROPERTY; THENCE $S00^{\circ}12'24''E$ 394.44 FEET AND $N89^{\circ}43'16''E$ 175.00 FEET TO THE BAXTER PROPERTY; THENCE $S00^{\circ}12'24''E$ ALONG SAID BAXTER PROPERTY 899.75 FEET TO THE MOUNTAIN CREST HIGH SCHOOL PROPERTY; THENCE $N89^{\circ}57'37''W$ ALONG SAID SCHOOL PROPERTY 1274.28 FEET TO THE EAST RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 195; THENCE $N00^{\circ}00'06''E$ ALONG SAID EAST LINE 974.23 FEET TO THE POINT OF BEGINNING.

CONTAINING 32.34 ACRES

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EXHIBIT "B"

FAMILY DOLLAR UTILITY EASEMENT DESCRIPTION

A 15.00 FOOT WIDE UTILITY EASEMENT LYING 7.50 FEET PARALLEL AND PERPENDICULAR TO THE FOLLOWING DESCRIBED LINE:

PART OF THE SOUTHWEST QUARTER OF SECTION 3, T.10N., R.1E., S.L.B.A7M., U.S. SURVEY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 7.50 FEET EAST OF THE EAST RIGHT-OF-WAY LINE OF STATE HIGHWAY No. 165, SAID POINT BEING S00°00'06"W 215.44 FEET FROM A MONUMENT IN THE INTERSECTION OF SAID HIGHWAY No. 165 AND 5400 SOUTH STREET ALONG A LINE BETWEEN TWO FOUND CITY STREET MONUMENTS IN SAID HIGHWAY No. 165 BEING S00°00'06"W 764.50 FEET APART AND S89°59' 54"E 57.75 FEET FROM SAID INTERSECTION MONUMENT; THENCE S00°00'06"W PARALLEL TO SAID EAST RIGHT-OF-WAY LINE 549.06 FEET

Exp 830845 Bk 1241 Pg 300