

When recorded return to:
Rocky Mountain Power
Lisa Louder/ Brian Bridge
1407 West North Temple Ste. 110
Salt Lake City, UT 84116

WO#: 10036742
RW#: 20090003

10652664
03/20/2009 01:23 PM \$24.00
Book - 9699 Pg - 9097-9102
GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
ROCKY MOUNTAIN POWER
ATTN: LISA LOUDER
1407 W NORTH TEMPLE STE 110
SLC UT 84116-3171
BY: KCC, DEPUTY - WI 6 P.

MODIFICATION TO EASEMENT

For value received, **VALLEY GREEN HOLDING, LLC; SAN MORITZ APARTMENTS, LLC; ARBOR GARDNER BINGHAM JUNCTION HOLDINGS, LC; and MIDVALE CITY CORPORTATION**, as successors to **UNITED STATE SMELTING REFINING AND MINING COMPANY** (collectively the "Grantor") and **PACIFICORP**, an Oregon corporation, d/b/a **ROCKY MOUNTAIN POWER**, as successor to **UTAH POWER & LIGHT COMPANY** (Grantee) hereby agree to a relocation and modification of Grantee's power line easement which exists along the following survey line located in Section 26, Township 2 South, Range 1 West. Salt Lake Base & Meridian:

Beginning on the west right of way line of Holden Street in the City of Midvale at a point 1150 feet north and 790 feet west, more or less, from the southeast corner of said Section 26, and running thence North 81°31' West 1015 feet, more or less; thence North 77°04' West 1035.5 feet; thence South 86°54' West 50 feet, more or less, to the west boundary line of United States Company's land and being in Lot 5 and 8 and the southeast quarter of the southeast quarter of said Section 26;

The parties agree to replace a portion of the forgoing centerline with a corresponding new centerline approximately 955 feet in length, more or less, described as follows:

Beginning at a new two pole structure on the Grantor's land at a point 486 feet south and 15 feet west, more or less, from the northwest corner of Parcel B, Junction at Midvale West Residential Plat Subdivision, said point also being 1,202 feet north and 1,656 feet west, more or less, from the southeast corner of Section 26, T. 2S., R. 1W., S.L.M., thence N.78°16'W. 456 feet, more or less, thence N.77°00'W. 505.6 feet, more or less, to the west boundary line of said land and being in said Parcel B and Lots 1 & 2 of said Junction at Midvale West Residential Plat Subdivision in Lots 5 & 8 of said Section 26;

together with a right of way for one additional two-pole structure located in Grantee's above described power line at a point:

486 feet south and 15 feet west, more or less, from the northwest corner of Parcel B, Junction at Midvale West Residential Plat Subdivision, said point also being 1,202 feet north and 1655 feet west, more or less, from the southeast corner of Section 26, T. 2S., R. 1W., S.L.M., on said land and being in Parcel B of said Junction at Midvale West Residential Plat Subdivision in Lot 8 of said Section 26;

and one guy anchor located at a point:

491 feet south and 16 feet west, more or less, from the northwest corner of Lot Parcel B, Junction at Midvale West Residential Plat Subdivision, said point also being 1,197 feet north and 1,657 feet west, more or less, from the southeast corner of Section 26, T. 2S., R. 1W., S.L.M., thence S.9°08'32"W. 65 feet, more or less, on said land and being in Parcel B and Lot 2 of said Junction at Midvale West Residential Plat Subdivision and in Lot 8 of said Section 26.

and one guy anchor located at a point:

331 feet south and 5 feet west, more or less, from the northwest corner of Lot 2, Junction at Midvale West Residential Plat Subdivision, said point also being 1,298 feet north and 2,100 feet west, more or less, from the southeast corner of Section 26, T. 2S., R. 1W., S.L.M., thence N.12°24'30"E. 55 feet, more or less, on said land and being in Lot 2 of said Junction at Midvale West Residential Plat Subdivision and in Lot 5 of said Section 26.

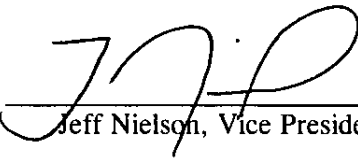
Affecting Assessor Parcel No's 2126451002, 2126451003 & 2126451004

The rights and obligations of the parties hereto shall be binding upon and shall benefit their respective heirs, successors and assigns.

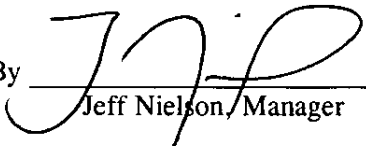
Dated this 11th day of March, 2009.

GRANTOR:

VALLEY GREEN HOLDING, LLC
A Utah Limited Liability Company

By 
Jeff Nielson, Vice President

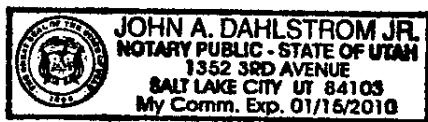
SAN MORITZ APARTMENTS, LLC
A Utah Limited Liability Company

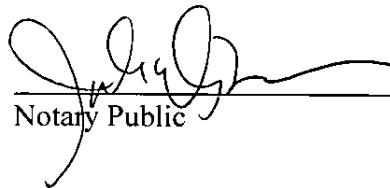
By 
Jeff Nielson, Manager

REPRESENTATIVE ACKNOWLEDGEMENT

State of Utah
County of Salt Lake } SS.

This instrument was acknowledged before me on this 11th day of March, 2009, by Jeff Nielson as Vice President of **Valley Green Holdings, LLC**; and as Manager of **SAN MORITZ APARTMENTS, LLC**.




Notary Public

[Seal]

My commission expires: 1/15/2010

Dated this 11th day of March, 2009.


GRANTOR:

ARBOR GARDNER BINGHAM JUNCTION HOLDINGS, L.C.
A Utah Limited Liability Company

BY: ARBOR COMMERCIAL REAL ESTATE, LLC
Its' Manager

By 
John Gust, Manager

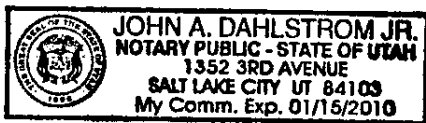
BY: KC GARDNER COMPANY, L.C.
A Utah Limited Liability Company
Its' Manager

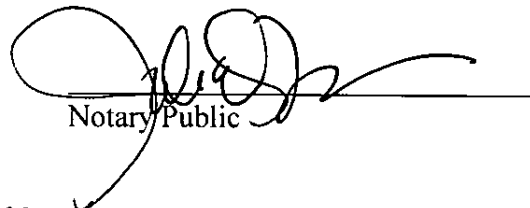
By 
Christian K. Gardner, Manager

REPRESENTATIVE ACKNOWLEDGEMENT

State of Utah
County of Salt Lake } SS.

This instrument was acknowledged before me on this 11 day of March, 2009, by John Gust as Manager of ARBOR COMMERCIAL REAL ESTATE, LLC; AND Christian K. Gardner as Manager of KC GARDNER COMPANY, L.C., each a Manager of ARBOR GARDNER BINGHAM JUNCTION HOLDINGS, L.C.




Notary Public

[Seal]

My commission expires: 1/15/2010

Dated this 11 day of March, 2009.

GRANTOR:

MIDVALE CITY CORPORATION
A Utah Municipal Corporation

By *JoAnn B. Seghini*
JoAnn B. Seghini, Mayor

ATTEST:

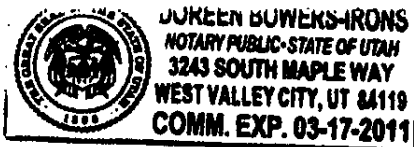
Rori L. Andreason
Rori Andreason, MMC
City Recorder



REPRESENTATIVE ACKNOWLEDGEMENT

State of Utah
County of Salt Lake } SS.

This instrument was acknowledged before me on this ___ day of March, 2009, by JoAnn B. Seghini as Mayor, and Rori Andreason as Recorder, of MIDVALE CITY CORPORATION.



[Seal]

Jukeen Bowers-Irons
Notary Public

My commission expires: 17 March 2011

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P.O.B. TWO POLE STRUCTURE = 486 FEET SOUTH AND 15 FEET WEST, MORE OR LESS, FROM THE NORTHWEST CORNER OF LOT 2, JUNCTION @ MIDVALE WEST RESIDENTIAL PLAT SUBDIVISION, P.O.B. ALSO BEING 1,202 FEET NORTH AND 1,655 FEET WEST, MORE OR LESS, FROM THE SOUTHEAST CORNER OF SECTION 26.

This drawing should be used only as a representation of the location of the easement being conveyed. The exact location of all structures, lines and appurtenances is subject to change within the boundaries of the described easement area.

NE1/4 OF THE SW1/4 SECTION 26

LOT 5 SECTION 26

PROPERTY SERIAL No.'s
2126451002, 2126451003 &
2126451004

STR. EQ. #31-101+40 AHD.
101+49 BK.



STR. EQ. #31-101+40 AHD.
101+49 BK.

S.86°54'W.

#32-104+22

DRIVE 107+27 REMOVE EXISTING STR.
#33-108+31 P.I.=121' RT.

LOT 2

505.6' ±

45° ANGLE GUY
456' ±

NEW POLE LOCATION
REPLACING EXISTING
STRUCTURE

SE1/4 OF THE SW1/4 SECTION 26

PARCEL A

N.77°00'W.

BACKRAE

N.78°16'W.

55° ANGLE GUY

266'
#35-115+53

JUNCTION AT MIDVALLEY WEST RESIDENTIAL PLAT

P.O.B. = 486 FEET SOUTH AND 15 FEET WEST, MORE OR LESS, FROM THE NORTHWEST CORNER OF PARCEL B, JUNCTION @ MIDVALE WEST RESIDENTIAL PLAT, SAID P.O.B. ALSO BEING 1,202 FEET SOUTH 1,656 FEET WEST, MORE OR LESS, FROM SOUTHEAST CORNER OF SECTION 26.

PARCEL B
#34-112+87 P.I.=316' RT.

404'
N.81°3'

LOT 1

LOT 8

P.O.B. 65' GUY ANCHOR = 491 FEET SOUTH AND 16 FEET WEST, MORE OR LESS, FROM THE NORTHWEST CORNER OF PARCEL B, JUNCTION @ MIDVALE WEST RESIDENTIAL PLAT SUBDIVISION, P.O.B. ALSO BEING 1,197 FEET NORTH AND 1,657 FEET WEST, MORE OR LESS, FROM THE SOUTHEAST CORNER OF SECTION 26.

BINGHAM JUNCTION BOULEVARD

NOTE: RIGHT OF WAY WILL BE FOR THREE TWO POLE STRUCTURES AND TWO GUY ANCHORS LOCATED ON THE GRANTOR'S LAND AS SHOWN ON THIS EXHIBIT AND AS DESCRIBED IN THE EASEMENT DESCRIPTION.

DATE: MARCH 10, 2009

SPONSOR: STEVE D. JENSEN

SURVEYED BY: U.P.& L.Co./K.E.L.

DRAFTED BY: DAN T. BOYD

CHECKED BY: D. T. Boyd

PLOT SCALE: 1" = 1'

CAD No: C:\DWG\10036742rc.DWG

EXHIBIT "A"
90TH SOUTH - MIDVALE 46kV TRANSMISSION LINE
RELOCATION TO ACCOMMODATE SAN MORITZ APARTMENTS
EASEMENT No. 1a
MIDVALE, SALT LAKE COUNTY, UTAH

APPROVAL

DAN J. WATANABE

MANAGER/ENGINEERING-ENV



METRO AREA

SCALE: 1" = 300'

SHEET 1 OF 1

PN 10036742

REF.

REV.