

8651320

When Recorded Return to:
Mr. Craig L. White
South Valley Sewer District
P.O. Box 908
Draper, Utah 84020

8651320
05/15/2003 11:02 AM NO FEE
Book - 8797 Pg - 9004-9007
GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
SOUTH VALLEY SEWER DISTRICT
PO BOX 908
874 E 12400 S
DRAPER UT 84020
BY: ZJM, DEPUTY - WI 4 P.

PARCEL I.D.# 26-36-300-011
GRANTOR: Smiths Food and Drug
Centers, Inc. (a Delaware Corporation)
HV Commercial, LLC
(UTAH Limited Liability)
as part of Herriman Town Village
Page 1 of 4

EASEMENT

A twenty (20) foot wide sanitary sewer easement located in the Southwest Quarter of Section 36, Township 3 South, Range 2 West, Salt Lake Base and Meridian, U.S. Survey.

For the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the undersigned as GRANTORS hereby grant, convey, sell, and set over unto South Valley Sewer District, a body politic of the State of Utah, hereinafter referred to as GRANTEE, its successors and assigns, a perpetual right-of-way and easement to construct, maintain, operate, repair, inspect, protect, install, remove and replace sewer pipelines, valves, valve boxes and other sewer transmission and distribution structures and facilities, hereinafter called the FACILITIES, said right-of-way and easement, being situate in Salt Lake County, State of Utah, over and through a parcel of the GRANTORS' land lying within a strip twenty (20) feet wide, said strip extending ten (10) feet on each side of and lying parallel and adjacent to a line of reference and projection thereof, more particularly described as follows:

Beginning at an existing sanitary sewerline on the North Line of Grantor's Property being 603.86 feet North 00°08'39" West along the Section Line and 663.62 feet East from the Southwest Corner of said Section 36; and running thence South 50.67 feet to a point hereafter referred to as point "A"; thence continuing South 78°45'00" East 64.56 feet; thence South 00°05'22" West 272.84 feet; thence North 89°54'38" West 303.46 feet to the end point of this easement centerline.

Also beginning at the previously described reference point "A" and running thence North 89°54'38" West 254.57 feet to the end point of this easement centerline.

Contains: 0.430 acres (approx. 18,729.81 s.f.)

TO HAVE AND HOLD the same unto the GRANTEE, its successors and assigns, with the right of ingress and egress in the GRANTEE, its officers, employees, agents and assigns to enter upon the above-described property with such equipment as is necessary to construct, install, maintain, operate, repair, inspect, protect, remove and replace the FACILITIES. During construction periods, GRANTEE

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and its contractors may use such portion of GRANTORS' property along and adjacent to the right-of-way and easement as may be reasonably necessary in connection with the construction or repair of the FACILITIES. The contractor performing the work shall restore all property, through which the work traverses, to as near its original condition as is reasonably possible. GRANTORS shall have the right to use the above-described property except for the purposes for which this right-of-way and easement is granted to the GRANTEE, provided such use shall not interfere with the FACILITIES or with the discharge and conveyance of sewage through the FACILITIES, or any other rights granted to the GRANTEE hereunder.

GRANTORS shall not build or construct, or permit to be built or constructed, any building or other improvement over or across this right-of-way and easement nor change the contour thereof without the written consent of GRANTEE. This right-of-way and easement grant shall be binding upon, and inure to the benefit of, the successors and assigns of the GRANTORS and the successors and assigns of the GRANTEE, and may be assigned in whole or in part by GRANTEE.

IN WITNESS WHEREOF, the GRANTORS have executed this right-of-way and Easement this 3rd day of April, 2003.

| <u>County Parcel No.</u> | <u>Acreage</u> | <u>GRANTOR(S)</u> |
|--------------------------|---|-------------------|
| 26-36-300-011 | 0.430 acres (approx. 18,729.81 s.f.) | |

Smiths Food and Drug Center, Inc.

By:

Jerry Walker

Its:

VP Design & Const.
Title

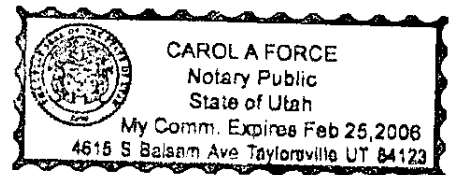
STATE OF UTAH)
 :SS
COUNTY OF SALT LAKE)

On the 3rd day of April, 2003, personally appeared before me *Jerry Walker* who being by me duly sworn did say that ~~he~~ she is the *VP Design & Construction* of **Smiths' Food and Drug Centers, Inc.**, a Delaware Corporation, and that the foregoing instrument was signed in behalf of said corporation by authority of its bylaws or by a resolution of its Board of Directors; and acknowledged to me that said corporation executed the same.

Carol A. Force
Notary Public

My Commission Expires: *2-25-06*

Residing in: *Salt Lake County Utah*



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HV Commercial, LLC (UTAH Limited Liability)

By: [Signature]
Owner

Its: Manager
Title

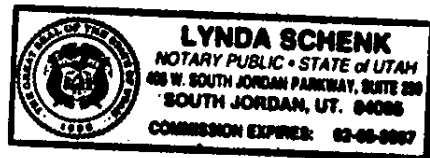
STATE OF UTAH)
 :SS
COUNTY OF SALT LAKE)

On the 3 day of April, 2003, personally appeared before me Lynda Schenk who being by me duly sworn did say that (s)he is the Manager of **HV Commercial LLC**, a Utah limited liability company, and that the within and foregoing instrument was duly authorized by the limited liability company at a lawful meeting held by authority of its operating agreement; and duly acknowledged to me that said limited liability company executed the same.

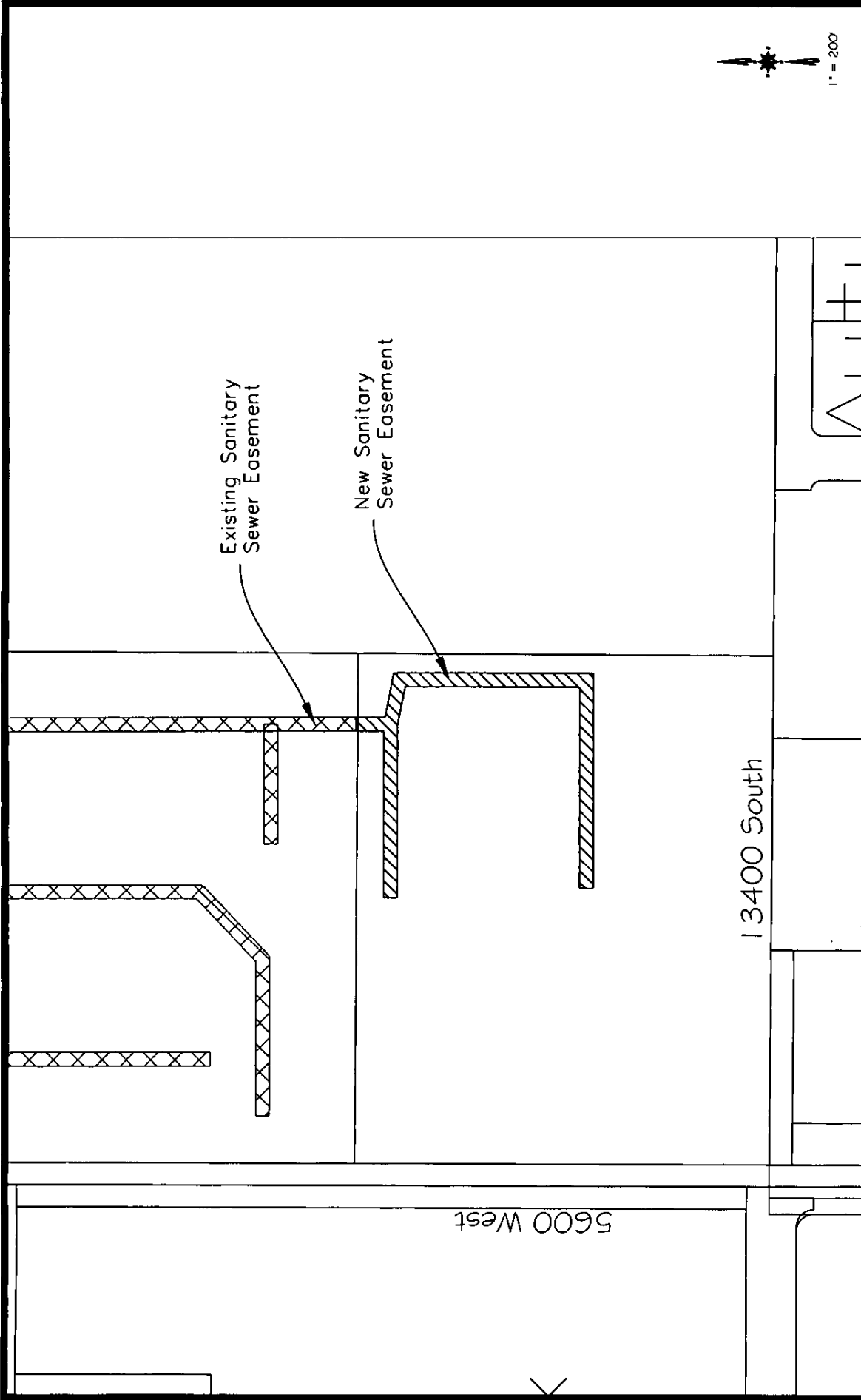
[Signature]
Notary Public

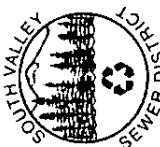
My Commission Expires: 0205 2007

Residing in: South Jordan



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| | | | | |
|---|---|--|-------------------------|-------------------------|
|  | Herriman Town Center Sanitary Sewer Easement | | DESIGNED M. Foerster | DRAWN M. Hicken |
| | 2-4-03 | | CHECKED M. Foerster | APPROVED M. Foerster |

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