

**LINE CROSSING and ENCROACHMENT AGREEMENT**

Ent 294569 Bk 818 Pg 673-691  
Date: 30-DEC-2005 4:27PM  
Fee: \$62.00 Check Filed By: MWC  
ELIZABETH PALMIER, Recorder  
WASATCH COUNTY CORPORATION  
For: FOUNDERS TITLE COMPANY HEBER

**KNOWN BY ALL MEN BY THESE PRESENTS:**

WHEREAS, CHEVRON PIPE LINE COMPANY, a Delaware Corporation, ("CPL"), is the present owner of those certain recorded right-of-way grants described as follows:

A right-of-way and easement filed for record as Instrument Number 66665, in Book 5 of Misc. Records at page 487 on March 30, 1948 in the office of the Wasatch County Recorder.

A Consent from New Park Mining Company as an interest holder to the above described right-of-way filed for record as Instrument number 67156, in Book 5 of Misc. Records at page 582 on July 31, 1948 in the office of the Wasatch County Recorder.

A centerline survey description of the above described right-of-way filed for record as Instrument Number 67405, in Book 5 of Misc. Records at page 609 on November 15, 1948 in the office of the Wasatch County Recorder.

A right-of-way and easement filed for record as Instrument Number 75085, in Book 27 at Page 259 on November 19, 1955 in the office of the Wasatch County Recorder.

A centerline survey description of the above described right-of-way filed for record as Instrument Number 75909, in Book 29 at page 12 on September 5, 1956 in the office of the Wasatch County Recorder.

A right-of-way and easement filed for record as Instrument Number 75086, in Book 27 at page 260 on November 19, 1955 in the office of the Wasatch County Recorder and as Instrument Number 86010, in Book 2A of Misc. Records at page 538 on October 13, 1955 in the office of the Summit County Recorder.

A centerline survey description of the above described right-of-way filed for record as Instrument Number 87084, in Book 2A of Misc. Records at page 453 in the office of the Summit County Recorder.

A centerline survey description of the above described right-of-way filed for record as Instrument Number 75912, in Book 29 at page 15 on September 5, 1956 in the office of the Wasatch County Recorder

A right-of-way grant filed for record as Instrument Number 143738, in Book 194 at page 823 to 831 on October 2, 1987 in the office of Wasatch County Recorder and as Instrument Number 277666, in Book 446 at page 654 to 662 on October 2, 1987 in the office of Summit County Recorder.

A Right of Entry for Construction Purposes executed the 5<sup>th</sup> day of October, 1990 by and between the Utah Department of Transportation and Chevron Pipe Line Company, unrecorded.

The above instruments ("Right-of-Way"), covering certain rights and rights of way over, across and affecting the property more particularly described on the attached Exhibit A and by reference incorporated herein; and;

WHEREAS, said Right-of-Way provides that no structure or improvement may be erected upon or made on the surface of said Right-of-Way; and

WHEREAS, Deer Meadow Preserve LLC and DCP LLC ("Owner") are the successors in interest to the grantors of said Right-of-Way as owners of land burdened by said Right-of-Way; and

WHEREAS, Owner desires to develop said land by installing and constructing the following improvements over, under and through the Right-of-Way: landscaping, fencing, sidewalks, curb and gutter, underground utilities and paved asphalt roadways (all of which are collectively referred to as the "Improvements"); and

WHEREAS, said Improvements will encroach upon the Right-of-Way area.

NOW, THEREFORE, notwithstanding any of the provisions contained in said Right-of-Way which prohibits such construction, CPL hereby consents and agrees to the construction of the Improvements, insofar as CPL has the lawful right to so do, subject to the following terms and conditions:

1. It is understood and agreed that the Owner may erect the Improvements shown on the plan and profile drawings, dated October 11, 2005 for Deer Canyon phase 2 and 3 and Iroquis phase 1 through 3 dated September 6, 2005, which have been previously delivered by Owner to CPL and are incorporated herein as Exhibit B. Owner shall not erect, construct or create any building, house, improvement, structure, or obstruction of any kind within the right-of-way area except as shown in the referenced plans. Subject to the provisions of Paragraph 9 below, owner shall assume, indemnify, defend, and save harmless CPL, its successors and assigns, and its parent company, Chevron Corporation, from any and all cost, loss, damage, expense or claim of any kind or nature whatsoever arising from any act of Owner, its agents, employees, contractors or subcontractors in connection with the construction or maintenance or from the continued existence of such Improvements. CPL only consents to the herein described Improvements shown in Exhibit B.
2. If CPL deems it necessary to remove any portion of the Improvements to gain access to pipelines for repair, maintenance, or for any other purpose whatsoever, or in exercising any rights granted to it by the Right-of-Way, CPL may do so without any obligation to repair or replace the Improvements and CPL shall not be responsible or liable to Owner for any damage caused to Improvements within the right of way. If CPL damages improvements outside the right of way, CPL shall restore such improvements to their original condition.

3. Owner shall pay for any and all damages to CPL's pipeline or pipelines (including without limitation loss of product) and shall indemnify and defend and hold CPL harmless from and against any and all loss, cost, claims or damages or liability resulting from injury to or death of any person or persons, including Owner, its agents, employees, contractors or subcontractors, or damage to any property of any person, including Owner's property, where such damage, injury or death result from the Owner's construction, maintenance or existence of any Improvements in or upon the Right-of-Way.
4. Owner shall pay all expenses required to mitigate any cathodic protection interference caused by any of its development. Further, Owner agrees to give CPL reasonable notice of its proposed use of metal pipe or metal structures anywhere on, in or near the Right-of-Way before any development begins.
5. CPL is required to place and maintain line markers over each buried pipeline in accordance with Department of Transportation (DOT) Safety Regulations. Therefore, CPL shall have the right to mark the location of its pipeline at any time for any reason with markers presently or routinely used by CPL to meet or exceed DOT regulations under Title 49, Part 195.410.
6. Owner agrees to construct the Improvements according to the requirements set forth in **Exhibit C** attached hereto and incorporated by this reference.
7. Owner shall incorporate in the Covenants, Conditions and Restrictions of land burdened by the right-of-way, all of the provisions listed on **Exhibit D** attached hereto and incorporated by this reference. However, this provision is subject to any reasonable changes that may be necessary to reflect the fact that some of the land burdened by the Right-of-Way is a commercial development project and not a residential subdivision.
8. It is understood and agreed that the above-described Right-of-Way Agreements shall remain in full force and effect except as set forth herein.
9. This Line Crossing and Encroachment Agreement shall be binding upon and shall inure to the benefit of the parties hereto, their successors and assigns. This Line Crossing and Encroachment Agreement shall be binding upon and shall inure to the benefit of the parties.

Executed this 18<sup>th</sup> day of November, 2005.

**CHEVRON PIPE LINE COMPANY**

By: George G. Adams

Its: Right-of-Way Specialist

DEER MEADOW PRESERVE LLC

By:  \_\_\_\_\_

Its: manager \_\_\_\_\_

DCP LLC

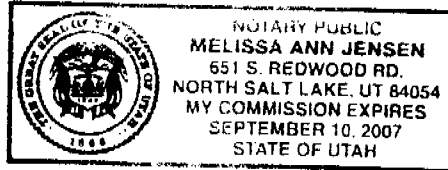
By:  \_\_\_\_\_

Its: manager \_\_\_\_\_

STATE OF UTAH )  
 ) ss:  
COUNTY OF SALT LAKE)

BEFORE ME, the undersigned authority on the 12th day of November, 2005, personally appeared G. A. Adams, to me known to be the Attorney-in-Fact for **CHEVRON PIPE LINE COMPANY**, the corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes herein mentioned, and on oath stated that he is authorized to execute the said instrument.

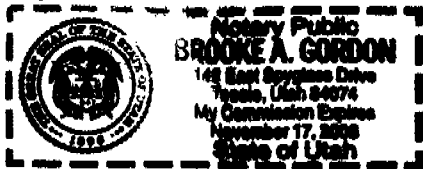
Melissa Ann Jensen  
Notary Public



STATE OF UTAH )  
 ) ss:  
COUNTY OF SALT LAKE)

On the 16th day of November, 2005, personally appeared before me Richard Wolper, who, being by me duly sworn, did say that he is the Manager of **DEER MEADOW PRESERVE LLC**, and that said instrument was signed in behalf of said corporation by authority of a resolution of its Board of Directors and said Richard Wolper acknowledged to me that said corporation executed the same.

Brooke A. Gordon  
Notary Public



STATE OF UTAH )  
 ) ss:  
COUNTY OF SALT LAKE)

On the 16<sup>th</sup> day of November, 2005, personally appeared before me Richard Wolper, who, being by me duly sworn, did say that he is the Manager of DCP LLC, and that said instrument was signed in behalf of said corporation by authority of a resolution of its Board of Directors and said Richard Wolper acknowledged to me that said corporation executed the same.

Brooke A. Gordon

Notary Public



## EXHIBIT A

ODP - 10PN

Deer Canyon Phase 1 Boundary Description  
A parcel of land located in Section 6, Township 2 South, Range 5 East, Salt Lake Base and Meridian, more particularly described as follows:

Commencing at the East quarter corner of Section 6, Township 2 South, Range 5 East, Salt Lake Base and Meridian, and running thence South 00°33'50" West, along the East line of said Section 6, a distance of 701.89 feet, to the point of beginning for this description; thence South 00°33'50" West, along East line of said Section 6, a distance of 1868.09 feet, to the Southeast corner of said Section 6; thence South 00°22'42" East, along the East line of Section 7, 121.18 feet; thence South 67°39'00" West, 1144.07 feet, to the Northeastly line of US Highway 189; thence along said Northeastly line on a non-tangent curve to the left, with a radius of 3990.94 feet, the center of which bears South 54°03'21" West, through a central angle of 1°42'11", an arc distance of 118.63 feet; thence North 45°23'02" West, along said Northeastly line, 187.54 feet, to the Westerly line of a 100.00 foot wide county road; thence North 02°27'57" West, along said Westerly line, 308.06 feet, to the South line of Section 6; thence South 89°01'23" West, along said Section line, 43.57 feet; thence South 00°22'11" East, 128.23 feet; thence along the arc of a non-tangent curve to the right, with a radius of 390.86 feet, the center of which bears North 63°41'48" West, through a central angle of 8°33'11", an arc distance of 58.35 feet, to the Northwestly line of US Highway 189; thence along said Northwestly line, on a non-tangent curve to the left, with a radius of 3990.94 feet, the center of which bears South 47°27'57" West, through a central angle of 13°40'38", an arc distance of 952.68 feet; thence North 56°12'40" West, along said Northeastly line, 262.47 feet; thence North 35°54'08" West, along said Northeastly line, 89.84 feet; thence North 45°46'04" East, 145.70 feet; thence along a 150.00 foot radius non-tangent curve to the right, the center of which bears North 75°27'12" East, through a central angle of 61°42'27", an arc distance of 161.55 feet; thence North 47°09'40" East, 557.55 feet; thence along a 150.00 foot radius curve to the right, through a central angle of 25°22'09", an arc distance of 66.42 feet; thence North 27°09'07" East, 401.27 feet; thence North 11°10'01" East, 68.63 feet; thence along a 970.00 foot radius non-tangent curve to the left, the center of which bears, North 41°11'01" East, through a central angle of 6°50'39", an arc distance of 115.87 feet; thence South 55°39'38" East, 83.52 feet; thence along a 210.00 foot radius curve to the right, through a central angle of 3°23'56", an arc distance of 12.46 feet; thence North 37°40'11" East, 165.11 feet; thence North 00°31'41" West, 592.39 feet; thence South 70°34'16" East, 1359.66 feet, to the point of beginning.

Contains 97.404 acres, more or less.

Together with a 60 foot wide road the sidelines of which are to be lengthened or shortened as necessary so as to commence at the Northwestly boundary of phase 1, as shown hereon, and to terminate at the Westerly boundary of the overall parcel, as shown hereon. Further, in the locale of point "a", the Southwestly sideline of said road is to transition from a curve with a radius of 150.00 feet, to a tangent line, through a curve with a radius of 10.50 feet that is concave to the West. The centerline of said road is described as follows:

Commencing at the Northerly extremity of the course indicated as "L212, 68.63, N 11°10'01" E" of the line table for phase 1, and running thence South 11°10'01" West, along the Northwestly line of said phase 1, a distance of 34.32 feet to the point of beginning for this description; thence along a 1000.00 foot radius curve to the right, the center of which bears North 40°11'43" East, through a central angle of 0°59'18", an arc distance of 17.25 feet; thence North 48°48'59" West, 217.02 feet; thence along a 120.00 foot radius curve to the left, through a central angle of 61°03'05", an arc distance of 127.87 feet; thence South 70°07'56" West, 190.07 feet; thence along a 270.00 foot radius curve to the right, through a central angle of 68°56'19", an arc distance of 324.87 feet; thence North 40°55'45" West, 457.63 feet; thence along a 280.00 foot radius curve to the left, through a central angle of 17°46'00", an arc distance of 86.82 feet; thence North 58°41'45" West, 50.72 feet; thence along a 120.00 foot radius curve to the right, through a central

angle of 85°48'17", an arc distance of 179.71 feet, to point "a"; thence North 62°53'28" West, 204.90 feet; thence along a 1000.00 foot radius curve to the right, through a central angle of 10°24'59", an arc distance of 181.80 feet; thence North 52°28'29" West, 271.21 feet; thence along a 500.00 foot radius curve to the right, through a central angle of 26°20'09", an arc distance of 229.82 feet; thence North 26°08'20" West, 122.64 feet; thence along a 200.00 foot radius curve to the left, through a central angle of 44°25'56", an arc distance of 155.10 feet; thence North 70°34'16" West, 357.43 feet to the terminus of this description.

#### Deer Canyon Phase 2 Boundary Description

A parcel of land located in Section 6, Township 2 South, Range 5 East, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at the Northwest corner of Deer Canyon Preserve Phase 1 subdivision, as recorded in the Office of the Wasatch County Recorder, which point is 1287.17 feet, North 89°33'11" West along the East-West Quarter Section line and 260.01 feet, South 00°26'49" West from the East Quarter corner of said Section 6, as shown on said subdivision, and running thence along the Northwesterly line of said subdivision the following eleven (11) courses: (1) South 00°31'41" East, 592.39 feet; (2) South 37°40'11" West, 165.11 feet to a 210.00-foot radius curve to the left (center bears South 37°44'20" West); (3) Northwesterly 12.46 feet along the arc of said curve through a central angle of 03°23'56" (chord bears North 53°57'39" West, 12.46 feet); (4) North 55°39'38" West, 83.52 feet to a 970.00-foot radius curve to the right (center bears North 34°20'22" East); (5) Northwesterly 115.87 feet along the arc of said curve through a central angle of 06°50'39" (chord bears North 52°14'19" West, 115.80 feet); (6) South 11°10'01" West, 68.63 feet; (7) South 27°09'07" West, 401.27 feet to a 150.00-foot radius curve to the left (center bears South 17°28'12" East); (8) Southwesterly 66.42 feet along the arc of said curve through a central angle of 25°22'09" (chord bears South 59°50'44" West, 65.87 feet); (9) South 47°09'40" West, 557.55 feet to a 150.00-foot radius curve to the left (center bears South 42°50'20" East); (10) Southwesterly 161.55 feet along the arc of said curve through a central angle of 61°42'27" (chord bears South 16°18'20" West, 153.86 feet); (11) South 45°46'04" West, 145.70 feet to the Northeastly right-of-way line of Highway 248; thence along said line the following five (5) courses: (1) North 35°54'08" West, 429.21 feet; (2) North 49°53'11" West, 514.43 feet; (3) North 45°05'06" West, 545.95 feet; (4) North 29°27'41" West, 747.09 feet to a 11,692.72-foot radius curve to the left (center bears South 60°32'26" West); (5) Northwesterly 452.31 feet along the arc of said curve through a central angle of 02°12'59" (chord bears North 30°34'03" West, 452.27 feet) to the Southeast corner of Iroquois Phase 2 subdivision, as recorded in the office of the Wasatch County Recorder; thence along the Easterly line of said subdivision North 00°09'57" West, 560.28 feet; thence South 70°34'16" East, 118.25 feet to a 300.00-foot radius curve to the left (center bears North 19°25'44" East); thence Southeasterly 150.45 feet along the arc of said curve through a central angle of 28°44'04" (chord bears South 84°56'18" East, 148.88 feet); thence North 80°41'40" East, 195.88 feet to a 125.00-foot radius curve to the right (center bears South 09°18'20" East); thence Southeasterly 189.14 feet along the arc of said curve through a central angle of 86°41'41" (chord bears South 55°57'29" East, 171.61 feet); thence South 12°36'39" East, 51.28 feet to a 300.00-foot radius curve to the left (center bears North 77°23'21" East); thence Southeasterly 197.80 feet along the arc of said curve through a central angle of 37°46'40" (chord bears South 31°29'59" East, 194.24 feet); thence South 50°23'19" East, 207.46 feet to a 375.00-foot radius curve to the left (center bears North 39°36'41" East); thence Southeasterly 84.04 feet along the arc of said curve through a central angle of 12°50'23" (chord bears South 56°48'31" East, 83.86 feet); thence South 63°13'42" East, 250.06 feet to a 150.00-foot radius curve to the left (center bears North 26°46'18" East); thence Northeastly 168.48 feet along the arc of said curve through a central angle of 64°21'11" (chord bears North 84°35'42" East, 159.76 feet); thence South 37°34'53" East, 86.66 feet; thence South 48°27'08" East, 50.00 feet; thence South 61°51'30" East, 288.54 feet; thence South 43°18'35" East, 366.56 feet; thence North 01°40'12" West, 414.90 feet to the Northeastly line of a pipeline easement; thence along said line South 70°34'16" East, 850.71 feet to the point of beginning.

Contains 17 lots, and 3,461,729 square feet, or 79.47 acres, more or less.

DDP - 200A, ODP - 200B.



## Deer Canyon Phase 3 Boundary Description

A parcel of land located in Section 6, Township 2 South, Range 5 East, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at the East Quarter corner of said Section 6, as shown on the plat of Deer Canyon Preserve Phase 1 subdivision, as recorded in the Office of the Wasatch County Recorder, and running thence along the East line of said Section 6 South 00°33'50" West, 702.27 feet to the Northeast corner of said subdivision and a point on the Northeasterly line of a 33-foot wide pipeline easement; thence along said line North 70°34'16" West, 2210.39; thence South 01°40'12" East, 414.90 feet; thence North 43°18'35" West, 366.56 feet; thence North 61°51'30" West, 288.54 feet; thence North 48°27'08" West, 50.00 feet; thence North 37°34'53" West, 86.66 feet to a 150.00-foot radius curve to the right (center bears North 37°34'53" West); thence Southwesterly 168.48 feet along the arc of said curve through a central angle of 64°21'11" (chord bears South 84°35'42" West, 159.76 feet); thence North 63°13'42" West, 250.06 feet to a 375.00-foot radius curve to the right (center bears North 26°46'18" East); thence Northwesterly 84.04 feet along the arc of said curve through a central angle of 12°50'23" (chord bears North 56°48'31" West, 83.86 feet); thence North 50°23'19" West, 207.46 feet to a 300.00-foot radius curve to the right (center bears North 39°36'41" East); thence Northwesterly 197.80 feet along the arc of said curve through a central angle of 37°46'40" (chord bears North 31°29'59" West, 194.24 feet); thence North 12°36'39" West, 51.28 feet to a 125.00-foot radius curve to the left (center bears South 77°23'21" West); thence Northwesterly 189.14 feet along the arc of said curve through a central angle of 86°41'41" (chord bears North 55°57'29" West, 171.61 feet); thence South 80°41'40" West, 195.88 to a 300.00-foot radius curve to the right (center bears North 09°18'20" West); thence Northwesterly 150.45 feet along the arc of said curve through a central angle of 28°44'04" (chord bears North 84°56'18" West, 148.88 feet); thence North 70°34'16" West, 118.25 feet; thence North 00°09'57" West, 1952.99 feet to the Northerly line of said Section 6; thence along said line South 89°58'18" East, 1003.34 feet; thence South 54°15'59" East, 895.13 feet; thence North 64°40'31" East, 323.80 feet; thence South 80°30'29" East, 824.30 feet; thence North 52°13'31" East, 418.80 feet; thence South 75°05'59" East, 838.00 feet to a point on the East line of said Section 6; thence along said line South 00°38'53" East, 2204.71 feet to the point of beginning.

Contains 70 lots, and 9,746,605 square feet, or 223.75 acres, more or less.

ODP - 3034, ODP - 3035,  
ODP - 3036, ODP - 3039  
ODP - 3000

## Iroquois Phase 1 Road Boundary Description

A parcel of land located in the West Half of Section 6, Township 2 South, Range 5 East and in the Northeast Quarter of Section 1, Township 2 South, Range 4 East, Salt Lake Base and Meridian, more particularly described as follows:

BEGINNING at a point that is S 89°58'18" E 585.59 feet along the Section Line and N 00°01'42" E 165.45 feet from the Northwest Corner of Section 6, Township 2 South, Range 5 East, Salt Lake Base and Meridian; and running thence N 06°13'06" W 114.99 feet to a point on a 936.00' radius curve to the right; thence along arc of said curve 232.93 feet through a delta of 14°15'31" (chord bears N 00°54'39" E 232.33 feet); thence N 08°02'25" E 204.36 feet more or less to the County Line, thence along said County Line N 82°44'12" E 74.65 feet; thence S 08°02'25" W 224.06 feet to a point on a 864.00' radius curve to the left; thence along said curve 215.01 feet through a delta of 14°15'31" (chord bears S 00°54'39" W 214.46 feet); thence S 06°13'06" E 114.99 feet to a point on a 511.00' radius curve to the right; thence along arc of said curve 278.72 feet through a delta of 31°15'06" (chord bears S 09°24'27" W 275.28 feet); thence S 25°02'00" W 100.64 feet to a point on a 439.00' radius curve to the left; thence along arc of said curve 164.96 feet through a delta of 21°31'46" (chord bears S 14°16'07" W 163.99 feet); thence S 03°30'14" W 202.39 feet to a point on a 514.00' radius curve to the left; thence along arc of said curve 167.74 feet through a delta of 18°41'54" (chord bears S 05°50'43" E 167.00 feet); thence S 15°11'40" E 289.35 feet to a point on a 964.00' radius curve to the left; thence along arc of said curve 300.24 feet through a delta of 17°50'41" (chord bears S 24°07'00" E 299.03 feet); thence S 33°02'21" E 287.52 feet to a point on a 256.00' radius curve to the right; thence along arc of said curve 289.59 feet through a delta of 64°48'46" (chord bears S 00°37'58" E 274.39 feet); to a point on a 257.08' radius curve to the right; thence along arc of said

curve 47.26 feet through a delta of 10°31'59" (chord bears S 30°55'32" W 47.19 feet); to a point on a 261.00' radius curve to the right; thence along arc of said curve 25.61 feet through a delta of 05°37'18" (chord bears S 45°00'04" W 25.60 feet); to an existing UDOT right of way line, thence along said right of way line N 30°14'22" W 84.70 feet to a point on a 179.54' radius non-tangent curve to the left; thence along arc or said curve 33.37 feet through a delta of 10°39'01" (chord bears N 45°34'30" E 33.33 feet); to a point on a 184.00' radius curve to the left; thence along arc of said curve 208.14 feet to a delta of 64°48'46" (chord bears N 00°37'58" W 197.22 feet); thence N 33°02'21" W 287.52 feet to a point on a 1036.00' radius curve to the right; thence along arc of said curve 322.66 feet through a delta of 17°50'41" (chord bears N 24°07'00" W 321.36 feet); thence N 15°11'40" W 289.35 feet to a point on a 586.00' radius curve to the right; thence along arc of said curve 191.24 feet through a delta of 18°41'54" (chord bears N 05°50'43" W 190.39 feet); thence N 03°30'14" E 202.39 feet to a point on a 511.00' radius curve to the right; thence along arc of said curve 192.01 feet through a delta of 21°31'46" (chord bears N 14°16'07" E 190.88 feet); thence N 25°02'00" E 100.64 feet to a point on a 439.00' radius curve to the left; thence along arc of said curve 239.45 feet through a delta of 31°15'06" (chord bears N 09°24'27" E 236.49 feet) to the point of BEGINNING. Parcel contains 4.41 acres.

**Iroquois Phase 2 Boundary Description**

A parcel of land located in the West Half of Section 6, Township 2 South, Range 5 East and in the Northeast Quarter of Section 1, Township 2 South, Range 4 East, Salt Lake Base and Meridian, more particularly described as follows:

BEGINNING at a point that is N 89°58'18" W 1319.52 feet along the Section Line from the North Quarter Corner of Section 6, Township 2 South, Range 5 East, Salt Lake Base and Meridian, and running thence S 00°09'57" E 2513.27 feet to a UDOT right-of-way line, thence along said right-of-way line the following 3 calls: 1) thence N 32°45'33" W 421.50 feet, 2) thence N 40°57'51" W 372.21 feet, 3) thence N 30°14'22" W 42.08 feet to a point on a 261.00' radius non-tangent curve to the left, thence along arc of said curve 25.61 feet through a delta of 05°37'18" (chord bears N 45°00'04" E 25.60 feet) to a point on a 257.08' radius non-tangent curve to the left, thence along arc of said curve 47.26 feet through a delta of 10°31'59" (chord bears N 30°55'32" E 47.19 feet) to a point on a 256.00' radius non-tangent curve to the left, thence along arc of said curve 289.59 feet through a delta of 64°48'46" (chord bears N 00°37'58" W 274.39 feet), thence N 33°02'21" W 287.52 feet to a point on a 964.00' radius curve to the right; thence along arc of said curve 300.24 feet through a delta of 17°50'41" (chord bears N 24°07'00" W 299.03 feet); thence N 15°11'40" W 289.35 feet to a point on a 514.00' radius curve to the right; thence along arc of said curve 167.74 feet through a delta of 18°41'54" (chord bears N 05°50'43" W 167.00 feet); thence N 03°30'14" E 202.39 feet to a point on a 439.00' radius curve to the right; thence along arc of said curve 164.96 feet through a delta of 21°31'46" (chord bears N 14°16'07" E 163.99 feet); thence N 25°02'00" E 100.64 feet to a point on a 511.00' radius curve to the left; thence along arc of said curve 104.26 feet through a delta of 11°41'25" (chord bears N 19°11'18" E 104.08 feet) to the Section Line; thence along the Section Line S 89°58'18" E 688.89 feet to the point of BEGINNING. Parcel contains 31.86 acres.

*OIQ 200C, OIQ-200D, OIQ-200B*

**Iroquois Phase 3 Boundary Description**

A parcel of land located in the West Half of Section 6, Township 2 South, Range 5 East and in the Northeast Quarter of Section 1, Township 2 South, Range 4 East, Salt Lake Base and Meridian, more particularly described as follows:

BEGINNING at the Northwest Corner of Section 6, Township 2 South, Range 5 East, Salt Lake Base and Meridian and running thence along the Section Line S 89°59'09" E 572.17 feet to the existing right-of-way of Browns Canyon Road, thence along said ROW boundary the following 10 calls: 1) thence along an arc of a non-tangent 439.00' radius curve to the right 72.59 feet through a delta of 9°28'28" (chord bears S 20°17'46" W 72.51 feet), 2) thence S 25°02'00" W 100.64 feet to a point on a 511.00' radius curve to the

*OIQ-300J, OIQ-300K, OIQ-300M*

left; 3) thence along arc of said curve 192.01 feet through a delta of  $21^{\circ}31'46''$  (chord bears  $S 14^{\circ}16'07'' W 190.88$  feet); 4) thence  $S 03^{\circ}30'14'' W 202.39$  feet to a point on a 586.00' radius curve to the left; 5) thence along arc of said curve 191.24 feet through a delta of  $18^{\circ}41'54''$  (chord bears  $S 05^{\circ}50'43'' E 190.39$  feet); 6) thence  $S 15^{\circ}11'40'' E 289.35$  feet to a point on a 1036.00' radius curve to the left; 7) thence along arc of said curve 322.66 feet through a delta of  $17^{\circ}50'41''$  (chord bears  $S 24^{\circ}07'00'' E 321.36$  feet); 8) thence  $S 33^{\circ}02'21'' E 287.52$  feet to a point on a 184.00' radius curve to the right; 9) thence along arc of said 208.14 feet through a delta of  $64^{\circ}48'46''$  (chord bears  $S 00^{\circ}37'58'' E 197.22$  feet) to a non tangent 179.54' radius curve to the right; 10) thence along arc of said curve 33.37 feet through a delta of  $10^{\circ}39'01''$  (chord bears  $S 45^{\circ}34'30'' W 33.33$  feet) to the UDOT right of way; thence along said row the following 5 calls; 1) thence  $N 29^{\circ}01'18'' W 75.40$  feet, 2) thence  $N 36^{\circ}32'18'' W 663.67$  feet to a point on a 2109.86' radius curve to the left; 3) thence along arc of said curve 437.59 feet through a delta of  $11^{\circ}53'00''$  (chord bears  $N 49^{\circ}51'33'' W 436.81$  feet); 4) thence  $N 48^{\circ}21'45'' W 173.86$  feet to a point on a 2139.86' radius curve to the left; 5) thence along arc of said curve 700.85 feet through a delta of  $18^{\circ}45'56''$  (chord bears  $N 69^{\circ}49'44'' W 697.72$  feet); thence  $N 03^{\circ}37'00'' W 534.05$  feet to the Section line, thence along said section line  $S 89^{\circ}59'51'' E 777.54$  feet to the point of BEGINNING. Parcel contains 25.45 acres.

EXHIBIT B

Plans and profile drawings, dated October 11, 2005 for Deer Canyon phase 2 and 3 and Iroquis phase 1 through 3 dated September 6, 2005.

**EXHIBIT C****I. General requirements for buried line crossings:**

- A. All buried lines crossing Chevron Pipe Line Company's ("CPL") right-of-way must cross at an angle of 45 degrees or more.
- B. All buried lines must cross under CPL's pipeline. If impractical because of underground structures, heavy rock or extreme depth of CPL pipeline(s), the Field Team Leader or designee must grant approval for lines to cross over CPL pipelines.
- C. It is recommended that all buried utility lines crossing CPL's pipeline maintain a minimum of 24 inches between the pipeline and the utility line. The utility shall maintain the same depth of cover across the entire right-of-way. At no time shall the clearance between CPL's pipeline and the utility be less than 12 inches except where approval is granted from the Field Team Leader or designee for allowable D. O. T. specifications.
- D. All buried lines must be nonmetallic material or have one corrosion test lead installed on both the metallic utility pipe and CPL's pipe. This test lead will provide a means to monitor interference with CPL's cathodic protection system.
- E. CPL's personnel must install the lead on CPL's pipeline and, if requested, CPL will also install the lead on the crossing utility pipe.
- F. Metallic pipe crossings shall be protected by a coating for at least ten feet each side of the CPL right-of-way.

**II. Specific requirements for communication line crossings (buried telephone, cable TV and other data lines):**

- A. All buried communication lines shall be installed in accordance with guidelines of the National Electrical Safety Code.
- B. All buried communication lines shall be encased in a rigid nonmetallic conduit across the entire width of the right-of-way.
- C. Proposed communication lines that cross the CPL right-of-way shall meet all the General Requirements.
- D. Specific requirements for fiber optic lines must be adhered to. Such installations are allowed provided that measures are taken to prevent accidental severing of fiber optic lines during pipeline repair and maintenance work. Such measures may include but are not limited to, a burial depth of not less than 24 inches below CPL's pipelines, encasing the fiber optic line in a rigid conduit, or placing a 4 inch slab of concrete above and below the fiber optic lines. The fiber optic protection must extend across the entire width of the right-of-way. Discretion is given to CPL field personnel for any additional requirements or variances.

**III. Specific requirements for buried power line crossings:**

- A. All proposed buried power lines shall meet the General Requirements.
- B. All buried power lines shall be installed in accordance with guidelines of the National Electrical Safety Code (public utility power and light companies) or the National Electric Code (private power and light companies).
- C. All buried power lines shall be encased in a rigid nonmetallic conduit. It is recommended, but not required, that a slab of concrete, red in color, and at least 2 inches thick by 1 foot wide shall be placed over the conduit. The conduit and concrete slab (if used) shall have a constant depth of cover and extend across the entire width of the right-of-way. The top of the red concrete slab (if used) shall be at least 24 inches below the CPL pipeline.
- D. All buried power lines shall have signs placed at each edge of the right-of-way to mark the underground cable angle and the path of the crossing. This provision shall not apply in urban areas or where the placement of signs is impractical.
- E. If the proposed underground power cable has a concentric neutral, a test point from the ground wire shall be installed by the power company, and in turn CPL personnel will install a test point from CPL's pipeline. These test points will be utilized for CPL cathodic protection interference tests.

**IV. Backfill requirements for all foreign line crossings:**

- A. Backfilling will be permitted only after all inspections of piping have been performed and test leads are connected if they are required. Backfilling must be with the appropriate specified material and compacted according to the following specifications. Inspections and connecting test leads will be promptly carried out to avoid unreasonable delays in construction.
- B. The pipe zone material shall extend 6 inches under the CPL pipe and 18 inches to the side and 18 inches over the top of the CPL pipe. The material placed in this pipe zone must be free of all rock larger than 1/4 inch, all frozen material, or any organic material. It is preferable that the pipe zone material be clean fine grain sand. If the native trench excavated material does not meet these specifications, imported bedding will be used.
- C. The material above the pipe zone may use native excavated material as long as it is free from brush, perishable material, trash, rocks, or boulders larger than 6 inches in the greatest dimension or frozen material. If the material has rock that exceeds the 6 inch size the material may be run through a grizzly or screen to remove the oversized rock or imported material that meets the specification.
- D. The material that is excavated and replaced in the right-of-way will be replaced and compacted. All compaction within the pipe zone shall be not less than 95 percent of the maximum dry unit weight, as determined by AASHTO T-99, Method D or ASTM D-698, Method D, or compacted to not less than 70 percent of the maximum relative density as determined by ASTM D-2049. If the material is of a sandy nature requiring the ASTM D-2049 test procedure, 10 days must be allowed for the establishment of the relative density. CPL will waive the 10-day requirement if: (1) the contractor provides standard proctors for the materials used at least two days before construction, or (2) the compaction meets County Highway District standards and testing is done by a third party and CPL can observe the procedure. If the contractor proceeds under item (2) above and later it is discovered the compaction is not adequate, the developer at his expense will recompact to

meet CPL requirements. During the progress of the work, the CPL Representative may make test of the compacted material to determine the in-place dry unit weight in accordance with one of the following procedures: ASTM D-1556, ASTM D-2167, ASTM D-2922, AASHTO T-191 or AASHTO T-205.

- E. Extreme care shall be exercised during the construction operation to not damage the pipeline coating. Any damage to this coating shall be brought to the attention of the CPL Representative. The damage shall be repaired to the satisfaction of CPL before the operation proceeds.

V. **Specific requirements with regard to pipeline cover:**

- A. Cover over the pipeline(s) must meet current Department of Transportation regulations specified in the Code of Federal Regulations, Title 49, Parts 195.200, 195.210, and 195.248.
- B. The finished roadway surfacing (asphalt surfacing 2 1/2 inches thick) shall be at least 48 inches above the top of the CPL pipeline. If new roadways are constructed, it will be the responsibility of the Developer/Contractor to design the aforementioned clearance into the roadway. This may be done by increasing the elevation of the roadway or having CPL lower the pipeline at Owners expense. Note: Paved parking areas are considered to be roadways.
- C. A CPL Representative must be on site while excavation is taking place. All excavation within 24 inches of the CPL pipeline must be accomplished by hand methods. No load will be permitted over the pipeline while this material is being or has been removed.
- D. Any proposed change in cover on the pipeline shall be reported to the CPL Area Office. No construction grading or excavation in the CPL right-of-way may be done without a CPL Representative present.

VI. **Landscaping:**

- A. Landscaping on the pipeline right-of-way shall be limited to grass, sod, and shrubbery having root lengths extending less than 12 inches beneath the surface at all times. No trees with root lengths that would interfere with the coating or integrity of the pipeline may be planted in the right-of-way.

VII. **Equipment Crossings:**

- A. Normal loads acceptable to the resident State Department of Transportation for highway purposes may cross the pipeline at locations where pipeline cover has been determined adequate to handle such loads.

VIII. **Fencing:**

- A. Fences may not be constructed in the right-of-way without identification and marking of CPL pipeline facilities. In general, fences may not run laterally within the right-of-way. Fences crossing the right-of-way may be allowed provided that provisions are made to resolve future access problems.

EXHIBIT D

CHEVRON PIPE LINE COMPANY EASEMENT

**Pipeline Right-of-Way.** Certain lots and areas within the subdivision are crossed by a 16.5 foot wide right-of-way and easement owned by the Chevron Pipe Line Company ("CPL") which has two high pressure pipelines containing crude oil products. The specific location of the pipeline right-of-way is shown on the recorded plat of the subdivision. In order to ensure the safety of residents of the subdivision, the continued safe and uninterrupted operation of the pipelines, and to allow CPL the right to exercise its rights under the right-of-way with minimum interference or problems, Owners of lots that are adjacent to or crossed by the outer boundary of the pipeline right-of-way shall comply with the following requirements:

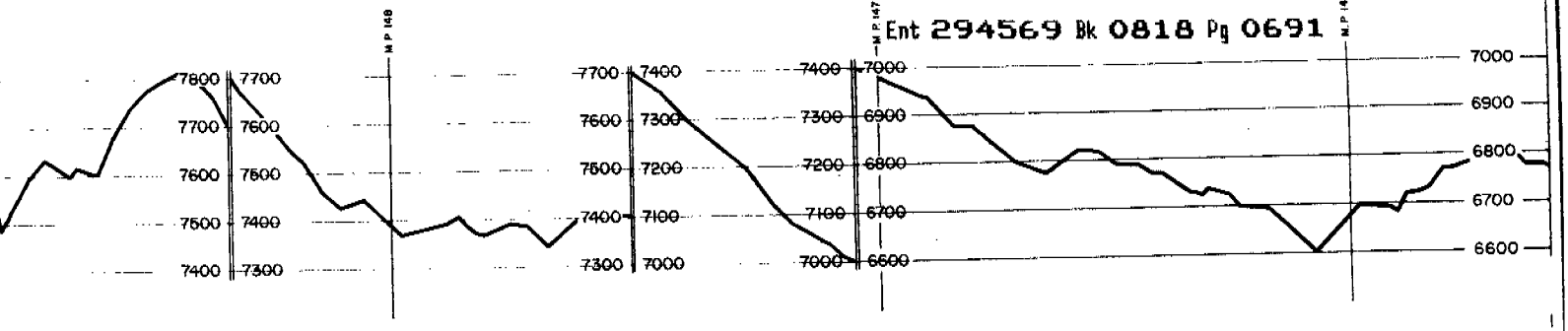
- (a) No building, building overhang, foundation, or other structure or physical improvement of any type which, in CPL's opinion, unreasonably impedes or hampers CPL's access to the pipeline may be located or constructed at any time within the pipeline right-of-way;
- (b) The construction of any structure or improvement on any lot or common area burdened by a right-of-way shall be diligently prosecuted by the Owner with due care and in accordance with sound design, engineering and construction practices, and in a manner which will not unreasonably interfere with CPL's rights in the right-of-way;
- (c) No buried utility lines shall be installed across the pipeline right-of-way and no asphalt, concrete, or other hard surface, driveway, or road, or any other major modification of the surface of the pipeline right-of-way shall be constructed without prior notice to and consultation with CPL;
- (d) Landscaping on the pipeline right-of-way shall be limited to grass, sod, and shrubbery having root lengths extending less than twelve (12) inches beneath the surface at all times;
- (e) CPL shall have the right to mark the location of its pipelines at any time for any reason with markers presently or routinely used by CPL in residential area;
- (f) No excavation, digging, grading, or use of heavy machinery may take place on CPL's right-of-way without adequate prior notice to CPL, and at a minimum without prior notice in accordance with provisions of State or local Underground Utility Damage Prevention Laws;
- (g) CPL shall have the right reasonably to access its right-of-way across lots subject to the right-of-way, and Owners shall not restrict CPL's access to the pipeline right-of-way, and any fences crossing the pipeline right-of-way shall contain gates sufficiently wide to allow CPL vehicles and equipment to move along the right-of-way. Fences installed parallel to the pipelines shall not be closer than 8.25 feet to the centerline of the Eastern pipeline. Owners shall take proper care when digging post holes near the pipelines by hand excavating within the easement boundaries;
- (h) Owners shall not remove or disturb signs or markers installed by CPL to mark the location of the pipeline right-of-way without the express written consent of CPL; and
- (i) The Owner will at all times give due regard to the need for the continued safe and uninterrupted operation of CPL's pipelines thereon, and will indemnify and hold CPL harmless from all loss, cost, and expense, including attorney fees, arising from the failure by Owner to abide by the terms of this covenant and restriction.

As an additional precaution to the foregoing and in furtherance of ensuring the safety of the residents of the subdivision and the continued safe and uninterrupted operation of the pipeline system, Owners of any lot within ten (10) feet of the outer boundary of the existing pipeline right-of-way, are

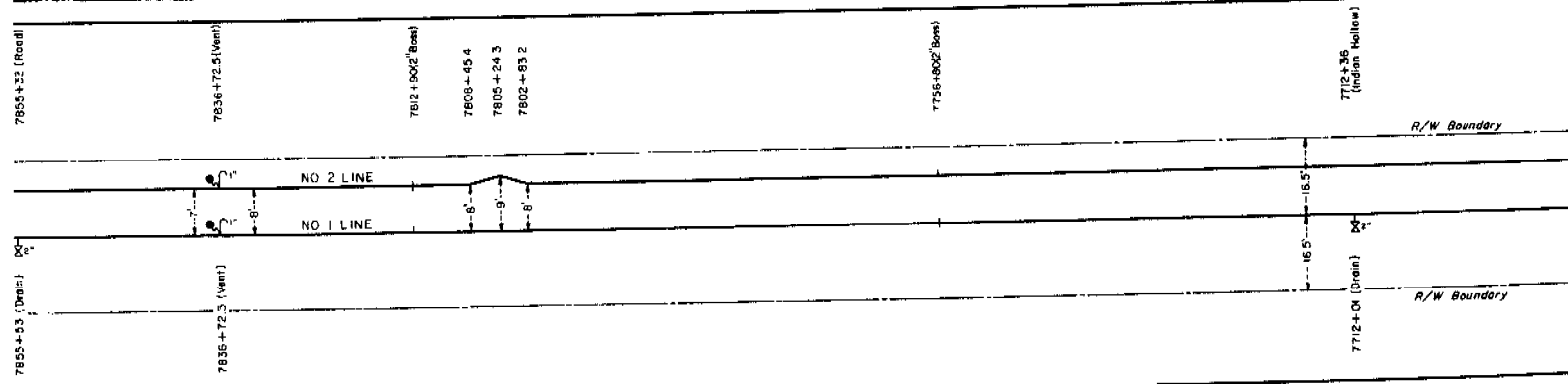


recommended to contact CPL and request comments and suggestions prior to the construction or erection of any building, foundation, structure, physical improvement or landscaping, within ten (10) feet of the boundary of the pipeline right-of-way, and to submit plans and specifications showing the property structure or improvement in advance for comment by CPL.





NOTE STATIONING SHOWN REFERS TO INVENTORY (SLOPE) DISTANCES LENGTHS OF TANGENTS AND SECTION CORNER TIES REFER TO SURVEY (HORIZONTAL) DISTANCES BEARINGS CORRECTED FOR CONVERGENCE



STATE OF UTAH (5.44)	TRACY LAND & LIVESTOCK CO. (5.43)	STATE OF UTAH (5.42)	DON C BERG (5.41)	STATE OF UTAH (5.39)	
<b>REVISIONS</b> DESCRIPTION Misc. Revisions		<b>SHEET LOCATION</b> MP 146 to MP 151 County SUMMIT & WASATCH State UTAH Township T-2-S Range R-4&5-E	<b>ENGINEERING RECORD</b> Drawn by: Aero-Graphics Checked by: [Signature] 6/14/85 Approved by: [Signature] 6/21/85 Date Photo Date 7-11-84 Photo Re-check		
		SCALE 1000 0 1000 2000 FEET	Chevron <b>Chevron Pipe Line Company</b> Salt Lake Division <b>CRUDE SYSTEM</b> DRWG. No. D-8697 Sht. no. (28) rev. (1)		