

Recorded at the request of  
Kern River Gas Transmission Company

When Recorded Mail to:  
Kern River Gas Transmission Company  
Attn: Land Department  
PO Box 71400  
Salt Lake City, UT 84171-0400

10976408  
06/23/2010 03:30 PM \$24.00  
Book - 9835 Pg - 1539-1542  
GARY W. OTT  
RECORDER, SALT LAKE COUNTY, UTAH  
KERN RIVER GAS TRANSMISSION CO  
PO BOX 71400  
SLC UT 84171  
BY: HNP, DEPUTY - NI 4 P.

**Kern River Gas Transmission Company  
EXCLUSIVE RIGHT-OF-WAY AND EASEMENT**

State of UTAH

County of Salt Lake

KNOW ALL MEN BY THESE PRESENTS, that the undersigned **Dan R. Scarbrough**, whose address is 113 West 100 North, Kaysville, UT 84037, hereinafter referred to as Grantor, for and in consideration of the sum of **TEN DOLLARS AND OTHER CONSIDERATIONS**, to the Grantor in hand paid by **KERN RIVER GAS TRANSMISSION COMPANY**, P.O. Box 71400, Salt Lake City, Utah 84171-0400, hereinafter referred to as Grantee, the receipt and sufficiency of which is hereby acknowledged, does hereby grant, sell and convey unto said Grantee, its successors and assigns, an exclusive right-of-way and easement to locate, survey a route, construct, entrench, maintain, protect, inspect and operate a pipeline and/or communications cable with appurtenances including but not limited to valves, metering equipment, electrical cable, cathodic equipment, underground conduit, cables, splicing boxes and roads (said pipeline, communications cable, appurtenances, valves, metering equipment, cathodic equipment, underground conduits, cables, splicing boxes, markers and roads being hereinafter sometimes collectively called the "facilities") over, under and through the hereinafter described land, approximately along the line designated by survey heretofore made or hereafter to be made by Grantee, through and over the said land on a right-of-way more specifically described as:

That certain parcel of land situated in the **NW ¼, Section 15, Township 1 North, Range 1 West, SLB&M, Salt Lake County, Utah**, more particularly described on attached Exhibits "A" and "B".

To the extent that any discrepancy exists between the legal description and survey heretofore made or hereinafter described and the actual location of the pipeline, the actual location of the pipeline shall govern, with the right-of-way and easement running parallel to and extending 25 feet on each side of the actual location of the centerline of the pipeline as it exists on Grantor's property.

This right-of-way and easement shall carry with it the right of ingress and egress to and from, and access on and along said right-of-way, with the right to use existing and future roads, for the purpose of constructing, inspecting, repairing, protecting and maintaining the facilities and the removal or replacement of same at will, either in whole or in part, and the replacement of said pipeline with either like or different size pipe. During temporary periods Grantee may use such portions of the property along and adjacent to said right-of-way as may be reasonably necessary in connection with construction, maintenance, repair, removal or replacement of the facilities.

TO HAVE AND TO HOLD the above described rights and easements, together with all rights necessary to operate, protect and maintain the facilities over the right-of-way hereby granted unto the said Grantee, his successors and assigns, and the Grantee may assign the rights and easement herein granted, either in whole or in part, subject to the terms of this grant, and such rights and easements shall be covenants running with the land and be binding upon Grantor, his heirs, legal representatives and successors in title.

Grantee may at any time permanently abandon said right-of-way and at its discretion may remove or abandon in place facilities constructed thereon and upon such abandonment action. Grantee may at its discretion execute and record a reconveyance and release hereof, whereupon this right-of-way and easement and all rights and privileges herein mutually granted shall be fully cancelled and terminated.

Grantee shall compensate the Grantor for damages to Grantor's growing crops, pasture, fences, livestock and other real or personal property improvements caused by the construction, maintenance, repair, replacement or removal of the facilities. Grantee shall compensate the Grantor for damages to Grantor's timber caused by the initial construction of the facilities; thereafter, Grantee shall have the right to cut and keep clear without payment of damages all trees, brush and other obstructions that may in the Grantee's opinion endanger, hinder or conflict with the construction, operation, inspection, protection, maintenance and use of said facilities.

Grantee further agrees that within a reasonable time following the completion of construction, Grantee shall restore said right-of-way. Restoration shall include, where necessary, final grading, reseeding and installation of erosion control measures.

Tract	Parcel
UT-SL-002.000	08-15-100-028

Grantor reserves the right to use and enjoy said property except for the purposes herein granted, but such use shall not hinder, conflict or interfere with Grantee's surface or subsurface rights hereunder or disturb its facilities and no road, reservoir, excavation, change in surface grade, obstruction or structure shall be constructed, created or maintained on, over, along of within said right-of-way without Grantee's prior written consent.


Grantor represents and warrants that he is the owner in fee simple of the said described land. Grantee shall have the right to discharge or redeem for Grantor, in whole or in part, any mortgage, tax or other lien on said land and thereupon be subrogated to such lien and rights incident thereto.

It is hereby understood that the parties securing this grant on behalf of the Grantee are without authority to make any covenant or agreement not herein expressed.

WITNESS THE EXECUTION HEREOF THE 23<sup>RD</sup> DAY OF JUNE, 2010.

GRANTOR:

**Dan R. Scarbrough**

  
\_\_\_\_\_  
Dan R. Scarbrough

ACKNOWLEDGMENT

State of Utah

County of Salt Lake

On June 23<sup>rd</sup>  
Date

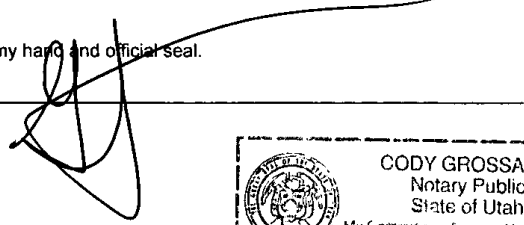
2010, before me, Cody Grossaint, Notary Public  
Name and Title of Officer

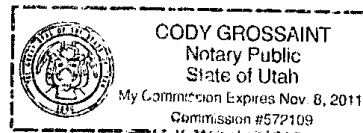
Personally appeared Dan R. Scarbrough  
Names of Signers

personally known to me --OR--

proved to me on the basis of satisfactory evidence to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

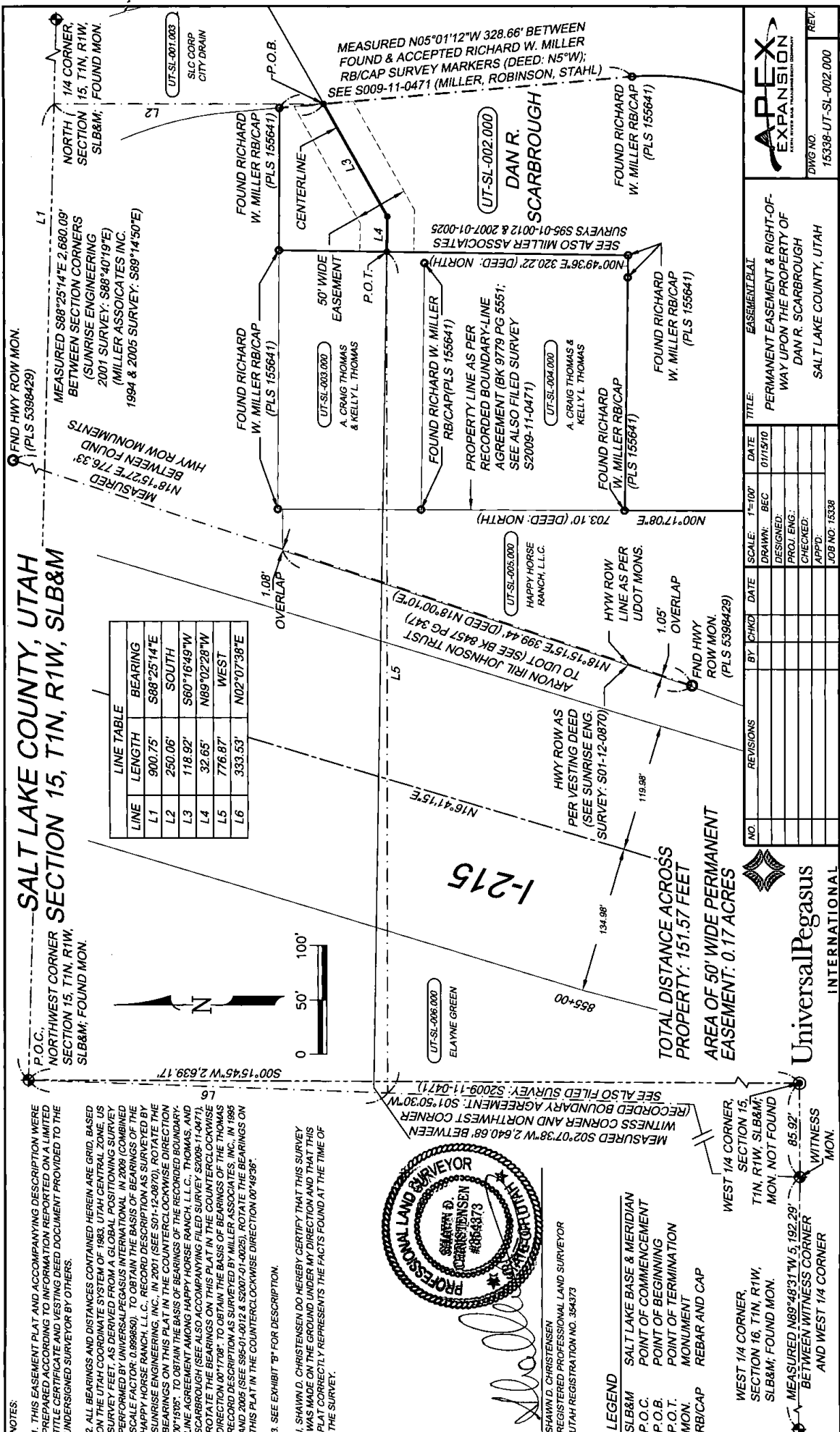
WITNESS my hand and official seal.





# EXHIBIT "A" - PLAT

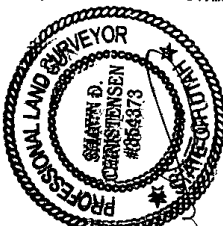
## SALT LAKE COUNTY, UTAH SECTION 15, T1N, R1W, SLB&M



LINE	LENGTH	BEARING
L1	900.75'	S88°25'14"E
L2	250.06'	SOUTH
L3	118.92'	S60°16'49"W
L4	32.65'	N89°02'28"W
L5	776.87'	WEST
L6	333.53'	N02°07'38"E

NOTES:

1. THIS EASEMENT PLAT AND ACCOMPANYING DESCRIPTION WERE PREPARED ACCORDING TO INFORMATION REPORTED ON A LIMITED TITLE CERTIFICATE AND VESTING DEED DOCUMENT PROVIDED TO THE UNDERSIGNED SURVEYOR BY OTHERS.
2. ALL BEARINGS AND DISTANCES CONTAINED HEREIN ARE GRID, BASED ON THE UTAH COORDINATE SYSTEM OF 1983, UTAH CENTRAL ZONE, US SURVEY FEET, AS DERIVED FROM A GLOBAL POSITIONING SURVEY PERFORMED BY UNIVERSALPEGASUS INTERNATIONAL IN 2009 (COMBINED SCALE FACTOR: 0.999850). TO OBTAIN THE BASIS OF BEARINGS OF THE HAPPY HORSE RANCH, L.L.C., RECORD DESCRIPTION AS SURVEYED BY SUNRISE ENGINEERING, INC. IN 2001 (SEE S01-12-0870), ROTATE THE BEARINGS ON THIS PLAT IN THE COUNTERCLOCKWISE DIRECTION 00°19'05". TO OBTAIN THE BASIS OF BEARINGS OF THE THOMAS SCARBROUGH (SEE ALSO ACCOMPANYING FILED SURVEY S2009-11-0471), ROTATE THE BEARINGS ON THIS PLAT IN THE COUNTERCLOCKWISE DIRECTION 00°17'08". TO OBTAIN THE BASIS OF BEARINGS OF THE THOMAS A. CRAIG THOMAS & KELLY L. THOMAS (SEE ALSO ACCOMPANYING FILED SURVEY S2009-11-0471), ROTATE THE BEARINGS ON THIS PLAT IN THE COUNTERCLOCKWISE DIRECTION 00°48'36".
3. SEE EXHIBIT "B" FOR DESCRIPTION.
4. SHAWN D. CHRISTENSEN DO HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY DIRECTION AND THAT THIS PLAT CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF THE SURVEY.



SHAWN D. CHRISTENSEN  
REGISTERED PROFESSIONAL LAND SURVEYOR  
UTAH REGISTRATION NO. 354373

LEGEND  
SLB&M SALT LAKE BASE & MERIDIAN  
P.O.C. POINT OF COMMENCEMENT  
P.O.B. POINT OF BEGINNING  
P.O.T. POINT OF TERMINATION  
MON. MONUMENT  
RB/CAP REBAR AND CAP

WEST 1/4 CORNER, SECTION 15, T1N, R1W, SLB&M MON. NOT FOUND  
MEASURED N89°48'31"W 5,192.29'  
BETWEEN WITNESS CORNER AND WEST 1/4 CORNER WITNESS MON.

TOTAL DISTANCE ACROSS PROPERTY: 151.57 FEET  
AREA OF 50' WIDE PERMANENT EASEMENT: 0.17 ACRES

UniversalPegasus INTERNATIONAL

NO.	REVISIONS	BY	CHKD	DATE	SCALE:	1"=100'	TITLE:	EASEMENT PLAT
					DRAWN:	BEC		PERMANENT EASEMENT & RIGHT-OF-WAY UPON THE PROPERTY OF DAN R. SCARBROUGH SALT LAKE COUNTY, UTAH
					DESIGNED:	01/15/10		
					PROJ. ENG.:			
					CHECKED:			
					APPD:			
					JOB NO.:	15338		
					REV:			15338-UT-SL-002.000



# EXHIBIT "B" - DESCRIPTION

APEX EXPANSION PROJECT  
KERN RIVER TRACT NO. UT-SL-002.000  
DAN R. SCARBROUGH  
SALT LAKE COUNTY, UTAH

## DESCRIPTION OF A PERMANENT EASEMENT AND RIGHT-OF-WAY UPON THE PROPERTY OF DAN R. SCARBROUGH

**Description of a fifty (50) foot wide permanent easement and right-of-way situated in Section 15, Township 1 North, Range 1 West, Salt Lake Base and Meridian, Salt Lake County, Utah,** said fifty (50) foot wide permanent easement and right-of-way is situated twenty five (25) feet on each side of the herein described centerline, said centerline being more particularly described as follows with all bearings and distances herein being grid based upon the Utah Coordinate System of 1983, Central Zone (U.S. Survey Feet), as derived from a Global Positioning System survey performed by UniversalPegasus International in 2009 (combined scale factor: 0.999850):

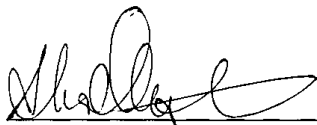
**COMMENCING** at a found Salt Lake County survey monument located at the northwest corner of Section 15, Township 1 North, Range 1 West, Salt Lake Base and Meridian, from said survey monument a found Davis County survey monument located at the north one-quarter corner of Section 15, Township 1 North, Range 1 West, Salt Lake Base and Meridian, bears South 88°25'14" East 2,680.09 feet, in conformance with the Utah Coordinate System of 1983, Central Zone;

**THENCE** South 88°25'14" East 900.75 feet along the section line and South 250.06 feet to a point on the northeasterly line of the Dan R. Scarbrough property as evidenced by two found and accepted rebar and cap survey markers set by Richard W. Miller of Miller Associates, Inc. (Utah Registered Land Surveyor #155641) in conjunction with that certain record of survey map filed in the office of the Salt Lake County Surveyor as filing number S2009-11-0471, said point being the **TRUE POINT OF BEGINNING** of the herein described centerline;

**AND RUNNING THENCE** across a portion of the above referenced tract of land the following bearings and distances:

THENCE South 60°16'49" West 118.92 feet; THENCE North 89°02'28" West 32.65 feet to a point on the easterly line of the A. Craig Thomas & Kelly L. Thomas property as surveyed by Miller Associates, Inc., in 2005 and filed in the office of the Salt Lake County Surveyor as filing number S2007-01-0025, **AND TERMINATING.**

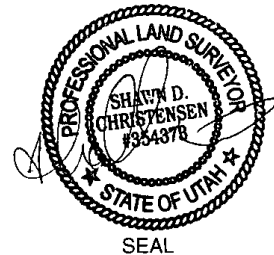
From said point of termination the northwest corner of said Section 15 bears West 776.87 feet and North 02°07'38" East 333.53 feet along a line running between the northwest corner of said Section 15 and a found Salt Lake County survey monument for the witness corner to the west one-quarter corner of said Section 15, said witness corner lying North 89°48'31" West 85.92 feet from the west one-quarter corner of said Section 15. The right-of-way boundary lines of said fifty (50) foot wide permanent easement and right-of-way shall be shortened and lengthened at their extremities so as to conform to the property lines of the above referenced tract of land thereby providing for a continuous fifty (50) foot wide permanent easement and right-of-way width.



Shawn D. Christensen  
Professional Land Surveyor  
Utah Registration No. 354373

2-12-10

Date:



If this description and accompanying plat are not sealed with the stamped seal of the registered professional land surveyor, whose signature appears above, it should be considered as a copy and not the original.

UPI JOB NO. 15338

BK 9835 PG 1542