

WHEN RECORDED, MAIL TO:

Paxton Guymon  
YORK HOWELL & GUYMON  
10610 South Jordan Gateway  
Suite 200  
South Jordan, Utah 84095

**Cross Access Easement**

(Utah County Tax Serial Nos. 46:927:0005 and 92:129:0001)

This Cross Access Easement (this "Easement") is hereby made and granted by Carvana, LLC, an Arizona limited liability company ("Carvana"), as owner of the "Carvana Parcel" described below, in favor of the property known as the "MPT Parcel" described below and identified as Utah County Tax Parcel 46:927:0005.

**RECITALS:**

- a. Carvana is in the process of developing and improving that certain property identified as Lot 1, Carvana Lehi Subdivision, Utah County (the "Carvana Parcel"), located at 2950 North Triumph Boulevard, Lehi, Utah.
- b. MPT of Lehi-Steward, LLC, a Utah limited liability company ("MPT") is the owner of land adjacent to the eastern boundary of the Carvana Parcel. The MPT parcel is identified as Utah County Tax Parcel 46:927:0005 (the "MPT Parcel").
- c. As one of its conditions of approval for development of the Carvana Parcel, Lehi City (the "City") is requiring cross-access easements between adjacent properties to provide for vehicular and pedestrian connectivity in accordance with the Connectivity Standards set forth in Section 37.030 of the Lehi City Development Code (the "City Requirement"), which states: "*Nonresidential and multi-family residential site plans shall provide pedestrian and vehicular cross-access to adjacent developments to allow auto and pedestrian trips to occur between developments.*"
- d. This Easement is intended to satisfy the City Requirement regarding cross-access between the Carvana Parcel and the MPT Parcel.

**EASEMENT**

1. Cross-Access Connection. Subject to the other provisions of this Easement, and the limitations set forth in Section 2 below, Carvana grants and conveys in favor of the MPT Parcel a non-exclusive cross-access easement for purposes of satisfying and complying with the City Requirement. The cross-access connection between the Carvana Parcel and the MPT Parcel is 24.00 feet wide and is described in Exhibit "A" hereto (the

“Connection Point”) and depicted in the attached Site Plan. The cross access easement herein granted is strictly limited to allow auto and pedestrian trips to occur between the Carvana Parcel and the MPT Parcel, but only to the extent necessary to comply with the City Requirement.

2. Limitations. The cross-access easement herein granted shall not be construed to allow either property owner to: (i) construct or install any improvements on the other property owner’s property; (ii) use the other property owner’s property for parking or to satisfy any parking requirements of the City, including, without limitation, parking for guests, owners, invitees, tenants, or others; (iii) satisfy the City’s street access requirements for development such as primary or secondary access points to public streets, or (iv) use the Connection Point or cross-access easement for construction traffic or staging purposes. Without limiting the foregoing restrictions, the Lehi Point Parcel shall not make use of the cross-access easement granted herein unless and until the Lehi Point Parcel has been fully developed in accordance with the City’s design and construction standards, and a certificate of occupancy has been issued by the City for the new structure(s) built on the Lehi Point Parcel. Furthermore, when the Lehi Point Parcel is developed, it shall be designed and improved in a manner that minimizes the use of the cross-access easement herein granted (and minimizes the burden and impact caused to the Carvana Parcel). The cross-access easement herein granted shall be used in a manner that provides the least amount of interference with, impact on, and burden to the Carvana Parcel. By making use of the cross-access easement herein granted, the owner of the MPT Parcel accepts and agrees to be bound by the terms and conditions of this instrument, to take all reasonable measures to comply with these limitations and restrictions, and to ensure compliance with the same by its tenants, occupants, guests, invitees, contractors, and other users of its property.
3. Maintenance. Each property owner, at its sole cost and expense, shall maintain and keep its respective side of the Connection Point in a commercially reasonable condition and state of repair.
4. Run with the Land. The covenants, conditions, restrictions, easements, and the other provisions of this Easement shall run with the land and be appurtenant both the Carvana Parcel and the MPT Parcel, and shall be binding on and inure to the benefit of all future owners, successors, and assigns of said parcels. By making use of the cross-access easement herein granted, the owner of the MPT Parcel accepts and agrees to be bound by the terms and conditions of this instrument.
5. Amendments. This Easement may not be amended or modified except by a written instrument signed by the owners of both parcels and recorded with the Utah County Recorder’s Office.
6. Effective Date. This Easement shall be effective when it has been duly recorded against both of the subject parcels of real property located in Utah County, Utah. Both parcels are described in Exhibit “B” hereto.

IN WITNESS WHEREOF, this instrument has been signed and granted as of the effective date.

CARVANA, LLC, an Arizona  
limited liability company

By: *Christian Orr*

Name/Printed: Christian Orr

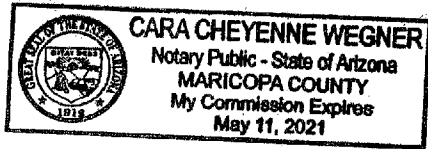
Title: Development Project Manager, Carvana LLC

NOTARY VERIFICATION

ARIZONA  
STATE OF ~~UTAH~~ )  
MARICOPA :ss  
COUNTY OF ~~UTAH~~ )

On this 13 day of JUNE, 2019, before me the undersigned notary public, personally appeared CHRISTIAN ORR in his/her capacity as PROJECT MANAGER of Carvana, LLC, proved on the basis of satisfactory evidence to be the person whose name is subscribed to in this document, and acknowledged that he/she executed the same in said capacity.

SEAL:



*[Signature]*  
NOTARY PUBLIC

## EXHIBIT A

### Legal Description of Connection Point

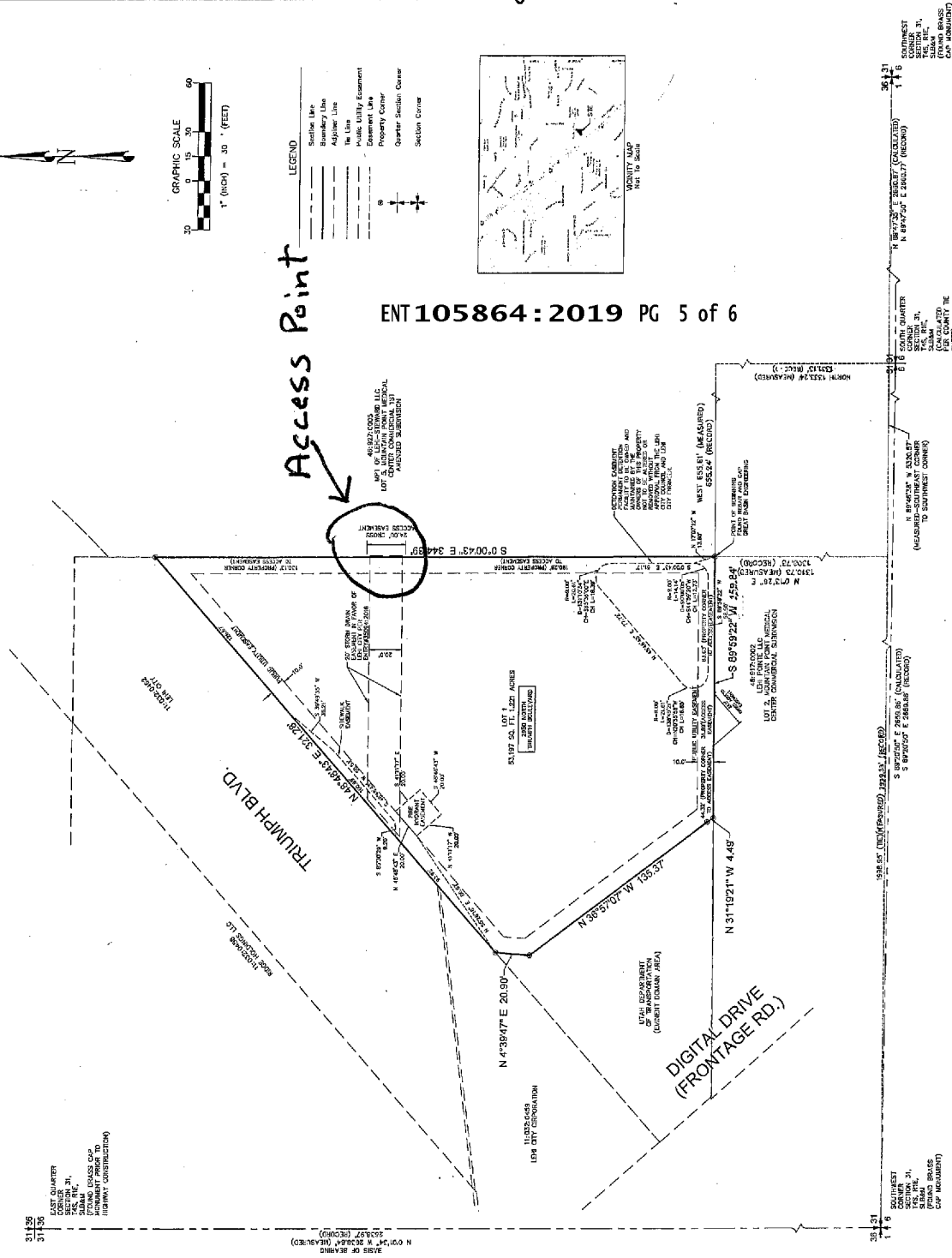
The cross-access connection point between the Carvana Parcel and the MPT Parcel is described as follows:

Beginning at a point on the east line of Lot 1, Carvana Lehi Subdivision, as proposed, said point being North 0°00'43" West 190.26 feet from the southeast corner of said Lot 1, said corner being South 89°46'38" East 1998.95 feet (said line being measured from the found brass cap monuments at the Southwest Corner and the Southeast Corner of said Section 31) and North 0°13'28" East 1310.73 feet from the Southwest Corner of Section 31 and running:  
Thence North 0°00'43" West 24.00 feet to the point of terminus.

See attached map

**CARVANA LEHI SUBDIVISION**

LOCATED IN THE SOUTHWEST QUARTER  
TOWNSHIP 4S, RANGE 1E, EAST  
SALT LAKE AND HERRON



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**SURVEYOR'S CERTIFICATE**  
I, NATHAN B. WEBER, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR AND THAT I AM LICENSED UNDER THE PROFESSIONAL LAND SURVEYING ACT OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY AUTHORITY OF THE COMMISSION ON PROFESSIONAL LAND SURVEYING, I HAVE REVIEWED THIS PLAN AND HAVE SUBMITTED SAID TRACT OF LAND INTO RECORDS TO BE KNOWN AS CARVANA LEHI SUBDIVISION AS SHOWN ON THIS PLAN.

**BOUNDARY DESCRIPTION**  
A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 4 SOUTH, RANGE 1E, SALT LAKE AND HERRON MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMERCIAL SUBDIVISION AS RECORDED IN THE OFFICE OF THE COUNTY CLERK UNDER ENTRY #21889-2019, SAID POINT BEING SOUTH 89°45'30" EAST 188.95 FEET (SAID LINE BEING 1/4" OF AN INCH) FROM THE POINT OF BEGINNING AT THE SOUTHWEST CORNER AND THE SOUTHWEST CORNER OF SECTION 31, SAID POINT BEING ALSO NORTH 132.13 FEET AND WEST 855.74 FEET FROM THE SOUTH QUARTER CORNER (PER THE UTAH COUNTY SURVEYOR'S SECTION SHEET, THE NO. 37-12) AND BEING:  
THENCE SOUTH 89°45'30" WEST 188.94 FEET ALONG THE NORTH LINE OF LOT 2 OF SAID MOUNTAIN POINT COMMERCIAL SUBDIVISION;  
THENCE NORTH 31°19'27" WEST 134.97 FEET;  
THENCE NORTH 30°37'07" WEST 20.00 FEET TO THE SOUTHWESTERLY RIGHT-OF-WAY AND NO-ACCESS LINE OF TRUMPH BLVD. BEING 20 FEET WIDE;  
THENCE NORTH 86°45'37" EAST 234.26 FEET ALONG THE SOUTHWESTERLY RIGHT-OF-WAY AND NO-ACCESS LINE OF TRUMPH BLVD. TO THE SOUTHWEST LINE OF SAID LOT 1, MOUNTAIN POINT CENTER COMMERCIAL SUBDIVISION;  
THENCE SOUTH 07°04'37" EAST 344.38 FEET ALONG SAID SOUTHWEST LINE TO THE POINT OF BEGINNING.  
PARCEL CONTAINS 53,197 SQ. FT. 1.221 ACRES.

**OWNER'S DEDICATION**  
KNOW ALL MEN BY THESE PRESENTS THAT WE, ALL OF THE UNDERSIGNED OWNERS OF ALL THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE HEREON AND SHOWN ON THIS MAP, HAVE HEREBY DEDICATED TO THE PUBLIC THE STREETS AND OTHER PUBLIC PURPOSES INDICATED HEREON FOR THE FOREVER USE OF THE PUBLIC.  
IN WITNESS WHEREOF WE HAVE HERETO SET OUR HANDS THIS 16th DAY OF July 2019.  
OWNER: Carvana, LLC  
Clerk: Clayton Orr, Development Permit Answerer

**ACKNOWLEDGMENT**  
STATE OF UTAH  
COUNTY OF MOUNTAIN  
ON THE DAY OF JULY 2019 PERSONALLY APPEARED TO ME 524333 NUMBERED BY ME IN MY PRIVATE RESIDENCE IN FEBRUARY STATE OF UTAH  
Smallwood, Samantha Kowdin  
BY COMMISSIONER'S OFFICE

**PLANNING COMMISSION APPROVAL**  
APPROVED THIS 20th DAY OF FEBRUARY 2019 BY THE PLANNING COMMISSION.  
DIRECTOR-SECRETARY: [Signature]

**APPROVAL BY LEGISLATIVE BODY**  
THE CITY OF LEHI, COUNTY OF UTAH, APPROVES THIS SUBMISSION SUBJECT TO THE CONDITIONS AND RESTRICTIONS STATED HEREON, AND HEREBY ACCEPTS THE DEDICATION OF ALL STREETS, EASEMENTS, AND RIGHTS OF PUBLIC USE OF THE PUBLIC.  
APPROVED THIS 20th DAY OF FEBRUARY 2019.

APPROVED: [Signature]  
CITY ENGINEER (SEE SEAL BELOW)  
ATTEST: [Signature]  
CLERK/RECORDER (SEE SEAL BELOW)  
U.S. DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
SALT LAKE COUNTY RECORDER  
SALT LAKE COUNTY

**CARVANA LEHI SUBDIVISION**  
A COMMERCIAL SUBDIVISION  
LEHI CITY, UTAH COUNTY, UTAH

SCALE: 1" = 30'  
SHEET 1 OF 1

CITY ENGINEER SEAL  
SURVEYOR'S SEAL  
COUNTY CLERK SEAL

**DIAMOND LAND SURVEYING, LLC**  
240 South Blvd. Park Drive  
Murray, Utah 84133  
FRANK BRASS  
CIP (MANAGEMENT)  
Phone (801) 265-0058 Fax: 785-5023

526 + 14 71010  
Sec 31 T4S R1E

**EXHIBIT B**

Legal Descriptions of Carvana Parcel and MPT Parcel

This Easement shall be recorded against both of the following described parcels located in Utah County, State of Utah:

**Carvana Parcel:** Lot 1, Carvana Lehi Subdivision, according to the official plat thereof on file with the Utah County Recorder's Office, State of Utah, with a street address of 2950 North Triumph Blvd., Lehi, Utah (Tax Serial No. 92:129:0001)

AND

**MPT Parcel:** Lot 5, Mountain Point Medical Center Commercial 1<sup>st</sup> Amended Subdivision, according to the official plat thereof on file with the Utah County Recorder's Office, State of Utah (Tax Serial No. 46:927:0005)