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Book - 9659 Pg - 9209-9215
GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
SOUTH VALLEY SEWER DISTRICT
PO BOX 908
DRAPER UT 84020
BY: ZJM, DEPUTY - WI 7 P.

When Recorded Return to:

Kennecott Land Residential Development Company
Rio Tinto Regional Center Floor 3S
4700 West Daybreak Parkway
South Jordan, Utah 84095
Attn: Manager, Assets

AMENDMENT NO. 1 TO WATER PIPE LINE EASEMENT AGREEMENT

THIS AMENDMENT NO. 1 TO WATER PIPE LINE EASEMENT AGREEMENT ("Amendment") is entered into this 19 day of NOVEMBER, 2008 by and between KENNECOTT LAND RESIDENTIAL DEVELOPMENT COMPANY, a Delaware corporation, ("Grantor") and DAYBREAK SECONDARY WATER DISTRIBUTION COMPANY, a Delaware corporation ("Grantee").

RECITALS

A. Grantor and Grantee entered into that certain Water Pipeline Easement Agreement, recorded on February 28, 2008 as Entry No. 10359484 in Book 9575 at Page 6507, Records of Salt Lake County, Utah ("Easement Agreement"). Capitalized terms used in this Amendment shall have the meanings set forth in the Easement Agreement unless otherwise defined herein.

B. The parties desire to amend the Easement Agreement to accommodate the relocation of a portion of the Line.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which the parties acknowledge, Grantor and Grantee agree as follows:

AGREEMENT

1 Easement Area Abandoned. Grantee hereby abandons and quitclaims to Grantor the portion of the Easement Area legally described on Exhibit "A" and depicted on Exhibit "C" attached hereto ("Abandoned Easement Area"). Grantee represents and warrants to Grantor that Grantee has not assigned or otherwise encumbered its interest in the Abandoned Easement Area and has full authority to enter into this Amendment.

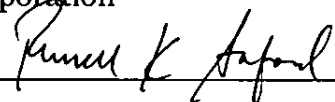
2 Easement Area Added. Grantor hereby adds to the Easement Area the land legally described on Exhibit "B" and depicted on Exhibit "C" attached hereto ("Added Easement Area"). Grantor agrees, at its sole expense to relocate the Line from the Abandoned Easement Area to the Added Easement Area.

3 Affect of Amendment. Except as set forth herein, the Easement Agreement shall remain unmodified and in full force and effect. All Exhibits to this Amendment are incorporated and made a part hereof.

IN WITNESS WHEREOF, Grantor and Grantee have caused this Amendment to be executed as of the date first above written.

Grantor:

KENNECOTT LAND RESIDENTIAL DEVELOPMENT COMPANY
a Delaware corporation

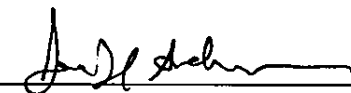
By 

Print Name Russen K. Sanford

Its VICE PRESIDENT

Grantee:

DAYBREAK SECONDARY WATER DISTRIBUTION COMPANY, a Delaware corporation

By 

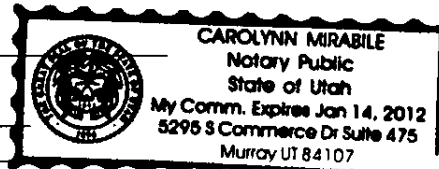
Print Name Dean Anderson

Its VP Finance

STATE OF UTAH)
 :SS
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this 20 day of November, 2008, by Russell K. Sanford as Vice President of Kennecott Land Residential Development Company, a Delaware corporation.

Carolynn Mirabile
NOTARY PUBLIC
Residing at: South Jordan
My Commission Expires: 1-14-12



STATE OF UTAH)
 :SS
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this 20 Day of November, 2008, by Ilean Anderson as Vice President - Finance of Daybreak Secondary Water Distribution Company, a Delaware corporation.

Carolynn Mirabile
NOTARY PUBLIC
Residing at: South Jordan
My Commission Expires: 1-14-12

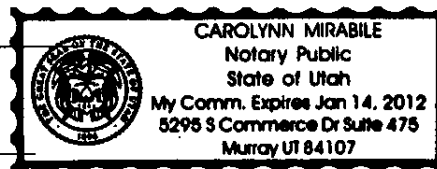


Exhibit "A"

LEGAL DESCRIPTION
ABANDONED EASEMENT AREA

A portion of the water pipe line easement recorded on February 28, 2008 as Entry #10359484 in Book 9575 at Page 6507 in the office of the Salt Lake County Recorder to be abandoned, said abandoned portion located in the Southeast Quarter of Section 24, Township 3 South, Range 2 West, Salt Lake Base and Meridian and being more particularly described as follows:

Commencing at the West Quarter Corner of said Section 24 and running North 00°00'12" East along the west line of said Section 24 for a distance of 451.60 feet; thence East for 917.05 feet; thence North 53°27'06" East for 20.00 feet; thence South 37°22'25" East for 66.91 feet; thence South 37°22'25" East for 4.00 feet; thence South 37°22'25" East for 143.70 feet; thence South 37°24'54" East for 600.01 feet; thence South 37°23'15" East for 600.55 feet; thence South 37°24'31" East for 595.95 feet; thence South 37°22'28" East for 585.94 feet; thence South 37°22'28" East for 17.38 feet; thence South 37°23'34" East for 206.24 feet; thence with a curve to the left having a radius of 40.00 feet (chord bearing and distance of South 64°06'33" East – 35.97 feet) for a arc length of 37.30 feet; thence North 89°10'28" East for 10.20 feet; thence with a curve to the right having a radius of 60.00 feet (chord bearing and distance of South 64°18'43" East – 53.57 feet) for a arc length of 55.53 feet; thence South 37°47'54" East for 26.82 feet; thence with a curve to the right having a radius of 60.00 feet (chord bearing and distance of South 10°54'23" East – 54.28 feet) for a arc length of 56.32 feet; thence South 15°59'09" West for 10.53 feet; thence with a curve to the left having a radius of 40.00 feet (chord bearing and distance of South 10°42'12" East – 35.93 feet) for a arc length of 37.27 feet; South 37°23'34" East for 196.88 feet; thence South 37°21'40" East for 139.56 feet; thence South 82°21'40" East for 3.77 feet; thence South 37°21'40" East for 189.26 feet to the POINT OF BEGINNING; thence North 53°27'06" East for 340.36 feet; thence South 00°00'00" West for 24.90 feet; thence South 53°27'06" West for 325.53 feet; thence North 36°32'54" West for 20.00 feet to the POINT OF BEGINNING.

Containing 6,660 sq. ft. or 0.1529 acres

Exhibit "B"

LEGAL DESCRIPTION
ADDED EASEMENT AREA

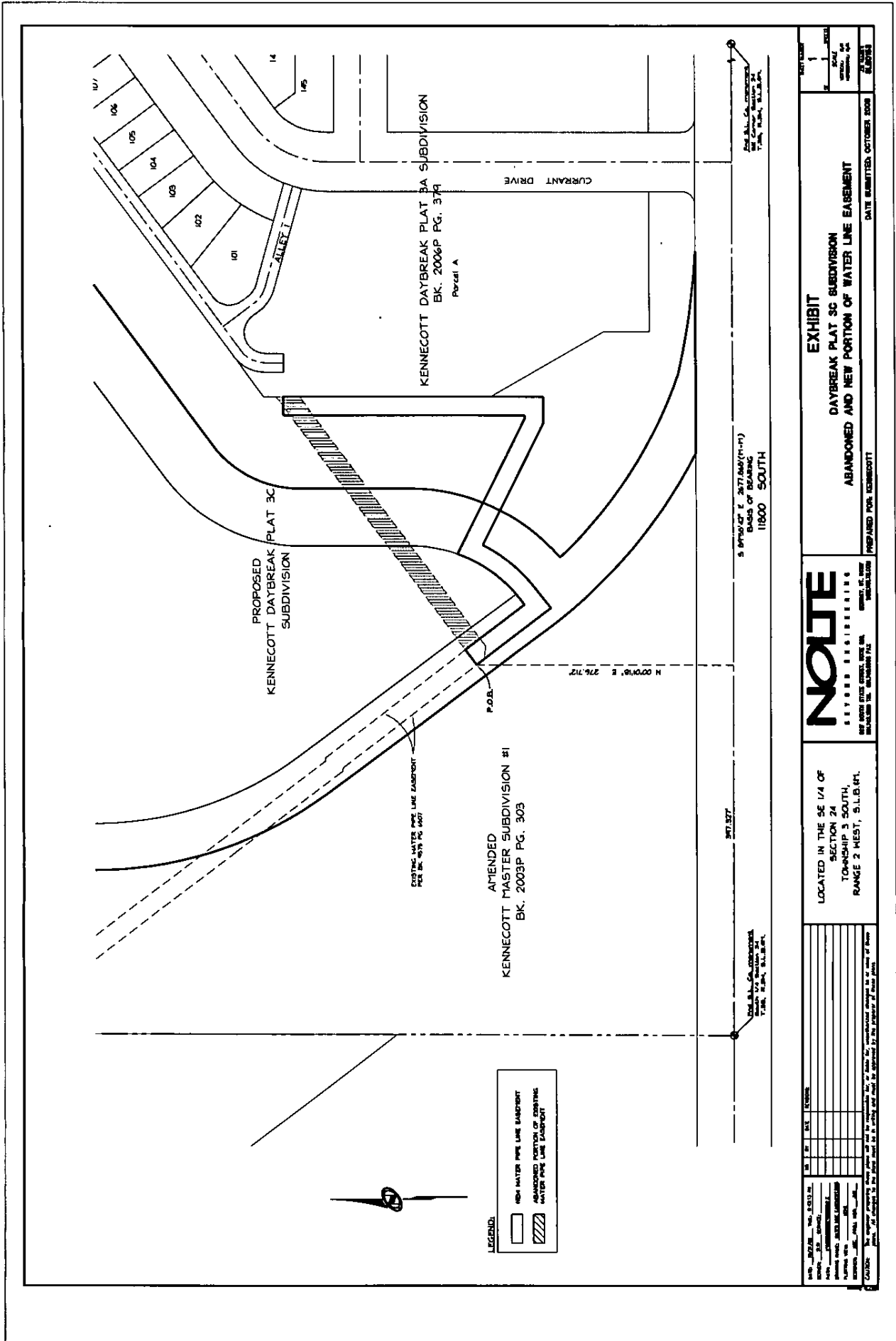
A strip of land for the purpose of a water line easement, located in the Southeast Quarter of Section 24, Township 3 South, Range 2 West, Salt Lake Base and Meridian, said strip being twenty (20) feet wide and more particularly described as follows:

Commencing at the South Quarter corner of said Section 24 (basis of bearing South 89°58'42" East – 2677.868 feet between the South Quarter and the Southeast Corner of said Section 24) and running South 89°58'42" East along the south line of said Section 24 for 397.327 feet; thence North 00°01'18" East perpendicular to said section line for 276.712 feet to the POINT OF BEGINNING; thence North 52°38'20" East for 20.000 feet; thence South 37°21'40" East for 80.303 feet; thence North 51°18'05" East for 9.105 feet; thence with a curve to the left having a radius of 151.000 feet, with a central angle of 31°22'21" (chord bearing and distance of North 35°36'55" East – 81.652 feet) for a arc length of 82.681 feet; thence South 63°36'24" East for 163.491 feet; thence North 90°00'00" East for 3.593 feet; thence North 00°00'00" West for 259.477 feet; thence North 90°00'00" East for 20.000 feet to a point on the westerly boundary of Kennecott Daybreak Plat 3A Subdivision recorded in Book 2006P at Page 379 in the office of the Salt Lake County Recorder; thence South 00°00'00" East along the westerly boundary of said Kennecott Daybreak Plat 3A Subdivision for a distance of 223.085 feet; thence leaving said westerly boundary South 00°00'00" East for 56.392 feet; thence North 90°00'00" West for 28.283 feet; thence North 63°36'24" West for 147.247 feet; thence with a non-tangent curve to the right having a radius of 171.000 feet, whose center bears North 62°36'06" West with a central angle of 23°54'11" (chord bearing and distance of South 39°21'00" West – 70.823 feet) for a arc length of 71.339 feet; thence South 51°18'05" West for 29.577 feet; thence North 37°21'40" West for 100.775 feet to the POINT OF BEGINNING.

Containing 12,549 sq. ft. or 0.2881 acres

Exhibit "C"

Drawing of Abandoned and Added Easement Areas



SHEET NO. 1
 SCALE
 DATE

EXHIBIT
 DAYBREAK PLAT 3C SUBDIVISION
 ABANDONED AND NEW PORTION OF WATER LINE EASEMENT
 PREPARED FOR KENNECOTT

NOTICE
 BEYOND ENGINEERING
 107 WEST STATE STREET, SUITE 101
 MADISON, WI 53703-1001
 LICENSE NO. 101000000000

LOCATED IN THE SE 1/4 OF
 SECTION 24
 TOWNSHIP 3 SOUTH,
 RANGE 2 WEST, S.L.B. #1.

NO.	DATE	REVISION

DATE SUBMITTED: OCTOBER 2008