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5/6/2014 2:25:00 PM \$20.00
Book - 10228 Pg - 8950-8955
Gary W. Ott
Recorder, Salt Lake County, UT
FOUNDERS TITLE
BY: eCASH, DEPUTY - EF 6 P.

When recorded, return to:
Herriman City Recorder
13011 South Pioneer Street,
Herriman, Utah 84096

Affects Parcel ID No. 26-34-200-003

EASEMENT AGREEMENT (Water Line)

This Easement Agreement (the "**Agreement**") is made and entered into as of the 5 day of May, 2014, by and between THE LAST HOLDOUT, L.L.C., a Utah limited liability company, whose address is 7677 Lincoln Street in Midvale, Utah 84047 (as "**Grantor**"), and HERRIMAN CITY, a municipal corporation, having an address of 13011 South Pioneer Street in Herriman, Utah 84096 (as "**Grantee**").

RECITALS:

A. Grantor is the fee title owner of certain real property situated in Salt Lake County, Utah, (hereinafter referred to as the "**Grantor Property**"), and more fully described on Exhibit "A," attached hereto and incorporated herein by reference.

B. Grantee, in connection with the granting of approval for certain improvements on the Grantor Property, requires that the Grantor grant to Grantee an underground water line easement over a portion of the Grantor Property more fully described on Exhibit "B" and depicted in Exhibit "C", attached hereto and incorporated herein by this reference (hereinafter referred to as the "**Easement Parcel**").

NOW, THEREFORE, in consideration of the covenants contained in this Agreement and other good and valuable consideration, receipt of which is acknowledged, the following grants, agreements, covenants and restrictions are made:

1. Recitals. The recitals are a material part of this Agreement and are incorporated by reference as a part of this Agreement.

2. Grant of Easement. Grantor hereby grants to Grantee, and to Grantee's successors and assigns, a thirty (30) foot perpetual nonexclusive easement through and under the Grantor Property for the sole purpose of the installation, maintenance and repair, replacement, operation, modification and augmentation of a culinary water line and secondary water line for the delivery of water through the water lines under and across the Easement Parcel.

3. Easement Location. On October 14, 2009, Grantor granted a nonexclusive Right of Way Easement to Pacificorp, recorded October 29, 2009 as Entry No. 10826843, in Book 9774, at Page 8567-8569 across the Grantor Property (the "**Pacificorp Easement**"). The Easement Parcel shall be contained entirely within the west 30 feet of the Pacificorp Easement.

ACCOMMODATION RECORDING ONLY
FOUNDERS TITLE COMPANY MAKES NO
REPRESENTATION AS TO CONDITION
OF TITLE NOR DOES IT ASSUME
ANY RESPONSIBILITY FOR VALIDITY
SUFFICIENCY OR AFFECT OF THIS
DOCUMENT OR THE RECORDING THEREOF

4. Binding on Successors and Running With the Land. This Agreement shall be recorded in the official records of Salt Lake County Recorder, and shall be binding on the heirs, successors, administrators, executors and assigns of all owners of Grantor's Property and shall run with the land.

5. Costs of Installation, Repair and Maintenance. Grantee shall pay the costs for installation of the water lines and shall be solely responsible to pay all costs for repairs and maintenance to the water lines.

6. Easement Obstructions. Except for concrete or asphalt construction of a driveway or drive-through over the Easement Parcel, no building or other barrier shall be erected or permitted on, above or across the Easement Parcel which would prevent or obstruct the access for repair and maintenance of the water lines therein.

7. Indemnity. The parties agree that Grantee will indemnify Grantor against any claims pertaining to the granting of the Easement Parcel and any disputed use thereof.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first above written.

GRANTOR:

THE LAST HOLDOUT, L.L.C.,
a Utah limited liability company

By: David S. Bastian
Name: David S. Bastian
Its: Manager

GRANTEE:

HERRIMAN CITY, a municipal corporation

By: Carmen R. Freeman
Name: Carmen R. Freeman
Its: Mayor

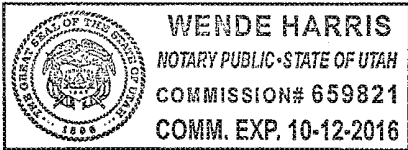
Attest:

By: Cindy M. Quick
~~Kristie Peterson~~ Cindy M. Quick
Deputy City Recorder



STATE OF UTAH)
 :SS.
COUNTY OF SALT LAKE)

On this 5 day of May, 2014, personally appeared before me, David S. Bastian, who by me being first duly sworn did say that he is the Manager of The Last Holdout, L.L.C., a Utah limited liability company, and acknowledged to me that he executed this instrument on behalf of said limited liability company and that said limited liability company executed the same.



Wende Harris

NOTARY PUBLIC

STATE OF UTAH)
 :SS.
COUNTY OF SALT LAKE)

On this 6 day of May 2014, personally appeared before me Carmen R. Freeman, personally known to me or proved to me on the basis of satisfactory evidence, and who, being by me duly sworn, did say that he is the Mayor of Herriman City, and that said document was signed by him in behalf of said municipal corporation, and acknowledged to me that said City executed the same.

Cindy M. Quick

NOTARY PUBLIC



Exhibit "A"

(legal description of Grantor Property)

BEG AT NE COR SEC 34, T3S, R2W, SLM; W 160 RDS; S 80 RDS; E 80 RDS; S 80 RDS TO CTR OF CREEK; NE'LY ALG SD CREEK TO A PTE 40 RDS & S 101 RDS FR BEG; N 101 RDS; W 40 RDS TO BEG.

Exhibit "B"

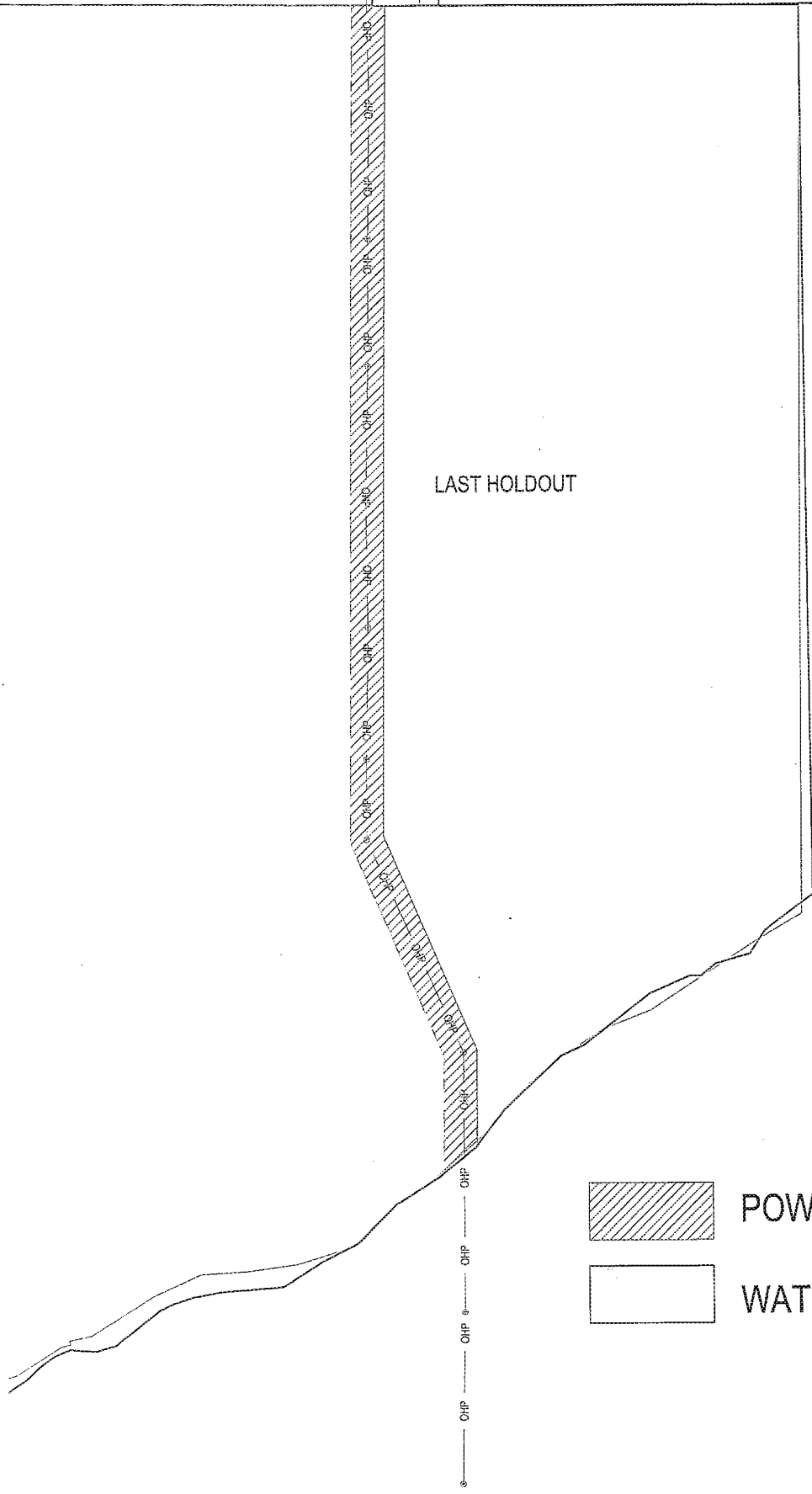
(legal description of Easement Property)

A strip of land 30 feet in width situate in the East Half of Section 34, Township 3 South, Range 2 West, Salt Lake Base and Meridian, Salt Lake County, Utah. Said easement being the west 30 feet of the Right of Way Easement granted to Pacificorp, recorded October 29, 009 as Entry No. 10826843, in Book 9774, at Page 8567-8569. Said Easement being more particularly described as follows:

Beginning at a point on the north line of the Grantor's land which is North 89°45'50" West 125.06 feet along the section line from the Northeast Corner of said Section 34; and running thence South 00°00'11" East 1,529.44 feet; thence South 23°26'47" East 426.39 feet; thence South 00°02'58" East 195.03 feet to the southerly line of the Grantor's land; thence South 50°34'09" West 38.81 feet along the southerly line of the Grantor's land; thence North 00°02'58" West 213.45 feet; thence North 23°26'47" West 426.40 feet; thence North 00°00'11" West 1,535.66 feet to the northerly line of the Grantor's land; thence North 89°59'00" East 30.00 feet along the northerly line of the Grantor's land to the point of beginning.

SUBURBAN LAND RESERVE

Exhibit "C" (depiction of Easement Property)



6400 West Water Line Easement

For the construction, reconstruction, operation, maintenance, repair, replacement, enlargement, and remove of water facilities and appurtenances thereto.

A strip of land 30 feet in width situate in the East Half of Section 34, Township 3 South, Range 2 West, Salt Lake Base and Meridian, Salt Lake County, Utah. Said easement being the west 30 feet of the Right of Way Easement granted to PacifiCorp, recorded October 29, 09 as Entry No. 10626843, in Book 9774, at Page 8667-8569. Said Easement being more particularly described as follows:

Beginning at a point on the north line of the Grantor's land which is North 89°45'50" West 125.06 feet along the section line from the Northeast Corner of said Section 34; and running thence South 00°00'11" East 1,529.44 feet; thence South 23°26'47" East 426.39 feet; thence South 00°02'56" East 195.03 feet to the southerly line of the Grantor's land; thence South 50°34'09" West 38.81 feet along the southerly line of the Grantor's land; thence North 00°02'58" West 213.45 feet; thence North 23°26'47" West 426.40 feet; thence North 00°00'11" West 1,535.66 feet to the northerly line of the Grantor's land; thence North 89°59'00" East 30.00 feet along the northerly line of the Grantor's land to the point of beginning.



POWER EASEMENT



WATER LINE EASEMENT