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GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
SNELL & WILMER LLP
15 W SOUTH TEMPLE #1200
SLC UT 84101
BY: TCA; DEPUTY - WI 5 P.

WHEN RECORDED RETURN TO:

Wade R. Budge
SNELL & WILMER L.L.P.
15 West South Temple, Suite 1200
Salt Lake City, Utah 84101

Affecting Parcel Nos. 16-06-403-028

DECLARATION OF UTILITIES EASEMENT

THIS DECLARATION OF UTILITIES EASEMENT (“**Declaration**”) is made as of the 25th day of July, 2014 by WASATCH 5th EAST HOLDINGS, LLC, a Utah limited liability company (“**Declarant**”).

WITNESSETH:

WHEREAS, Declarant owns parcels of land in Salt Lake County, Utah, as more particularly described on **Exhibit A** attached hereto and incorporated herein by reference (the “**Development Parcel**”);

WHEREAS, the Development Parcel adjoins Denver Street, a street which Salt Lake City has claimed it does not own or manage, at least as to a portion adjoining the Development Parcel;

WHEREAS, Declarant is installing certain sewer and storm water improvements within the half of Denver Street adjoining the Development Parcel, which half street segment is defined as the “**Denver Street Area**” and is more particularly described on the Exhibit B;

WHEREAS, Salt Lake City has requested as condition of development approval that Declarant create, declare and record with Salt Lake County a utilities easement in the Denver Street Area for the benefit of the Development Parcel; and

WHEREAS, Declarant intends to comply with Salt Lake City’s requirement through executing and recording this Declaration.

NOW, THEREFORE, Declarant does hereby declare that the Development Parcel is benefitted by the easement created hereby for the location, maintenance and use of certain utilities in the Denver Street Area, on the terms and conditions set forth herein.

1. Utility Easement. Declarant hereby grants, creates and establishes a nonexclusive utilities easement in, through and under the Denver Street Area for the benefit of and to provide sewer and storm water drainage service to and for the Development Parcel. The easement granted hereby includes the right to occupy so much of the Denver Street Area as might be reasonably necessary to construct, repair, and maintain the utility improvements installed therein for the benefit of the Development Parcel.

2. Ownership and Maintenance of Utility Improvements.

(a) *Ownership.* The owner of the Development Parcel and its successors in title shall be the owners of the storm drain gravity and force main laterals to be installed within the Denver Street Area in accordance with this Declaration. The owners of the Development Parcel shall be responsible to maintain, repair, replace, improve and keep in good condition and repair said storm drain and sewer lateral improvements installed within the Denver Street Area.

(b) *Operation Requirements.* Declarant hereby acknowledges that the storm drain pump system must be maintained and monitored at all times and the party charged to manage said systems by Declarant or its successors shall respond immediately if the pumps installed therein fail, if alarm systems provide notice of an issue with said systems, or if electrical power to the pumps installed therein is interrupted.

(c) *Limitation.* Nothing in this Declaration shall impose upon the owner of the Development Parcel, or its successors in title, the obligation to maintain any sewer main line or other utility improvements that are owned by Salt Lake City or a third party, including utilities that may already exist or may in the future exist in the Denver Street Area. Further, nothing in this Declaration shall obligate the owner of the Development Parcel, or its successors in title, to maintain any utility improvements that provide sewer or storm water service to areas other than the Development Parcel.

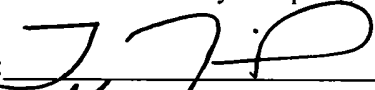
3. Duration and Amendment. The easements, covenants and restrictions of this Declaration shall run with and bind the land, and shall inure to the benefit of and be enforceable by the owner of the Development Parcel unless an instrument agreeing to change this Declaration has been executed and recorded by the owner of the Development Parcel.

4. No Third Party Beneficiaries. This Declaration is intended to create an easement for the purposes of providing utilities to the Development Parcel and is not intended to create rights for the benefit of third parties.

5. No Public Right or Dedication. Nothing contained in this Declaration shall be deemed to be a gift or dedication of all or any part of the improvements installed by Declarant in the Denver Street Area to the public, or for any public use.

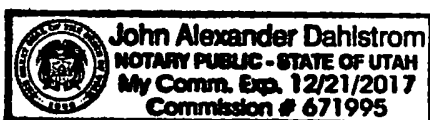
IN WITNESS WHEREOF, the Declarant has executed this Declaration as of the day and year first above written.

WASATCH 5th EAST HOLDINGS, LLC
a Utah limited liability company.

By: 
Its: Manager

STATE OF UTAH)
) : ss.
COUNTY OF Salt Lake)

The foregoing instrument was acknowledged before me this 23rd day of July, 2014, by Jeff Nielsen, the Manager of Wasatch 5th East Holdings, LLC, a Utah limited liability company, who acknowledged that he/she was authorized to execute the foregoing instrument on behalf of the company.




Notary Public

EXHIBIT A
Development Parcel Legal Description

That certain real property situated in Salt Lake County, Utah, described as follows:

Beginning at the Southeast corner of Lot 1, Block 37, Plat "B", Salt Lake City Survey, said Southeast corner being also South 89°57'54" West along the Centerline 64.00 feet and North 00°01'50" West 66.54 feet from the Brass Cap Monument at the intersection of 400 South and 500 East Streets; and running thence along the South Line of said Block 37, South 89°58'10" West 305.00 feet to the East Right-of-Way Line of Denver Street; thence along said East Right-of-Way Line North 00°01'50" West 275.00 feet; thence North 89°58'10" East 140.00 feet to the West Line of said Lot 1, Block 37; thence along said West Line South 00°01'50" East 110.00 feet; thence North 89°58'10" East 165.00 feet to the East Line of said Block 37; thence along said East Line South 00°01'50" East 165.00 feet to the point of beginning.

Tax Parcel No. 16-06-403-028

EXHIBIT B

**DENVER STREET AREA
LEGAL DESCRIPTION
JULY 21, 2014**

A parcel of land located in the Southeast Quarter of Section 6, Township 1 South, Range 1 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point on the East Right-of-Way Line of Denver Street, said point being also on the North Right-of-Way Line 400 South Street, said point being also on the South Line of Block 37, Plat B, Salt Lake City Survey, said point being also S89°58'10"W 305.00 feet, along said South Line from the Southeast Corner of said Block 37 (said Southeast Corner of Block 37 being S89°57'54"W 64.00 feet, along the Centerline of 400 South Street, and N00°01'50"W 66.54 feet from the Centerline Monument at 400 South and 500 East Streets); and running thence, along said South Line of said Block 37, S89°58'10"W 25.00 feet to the Centerline of said Denver Street; thence, along said Centerline, N00°01'50"W 275.00 feet; thence N89°58'10"E 25.00 feet to said East Right-of-Way Line of Denver Street; thence, along said East Right-of-Way Line, S00°01'50"E 275.00 feet to the Point of Beginning.

Contains: 6,875 SF or 0.158 AC.

Note: the Basis of Bearings for this description is between 2 existing Salt Lake City Brass Cap Monuments. The Bearing between the Monument at 400 South and 500 East Streets and the Monument at 400 South and 400 East Streets, is S89°57'54"W per Salt Lake City Atlas Plat.