# WHEN RECORDED, MAIL TO:

CND-A.Z. Holdings, LLC
Attn: Alicia Duff
1111 N. Post Oak Road
Houston, Texas 77055

TAX ID # 77 - 75 - 180 - 007

12048101 5/11/2015 2:35:00 PM \$16.00 Book - 10323 Pg - 1146-1149 Gary W. Ott Recorder, Salt Lake County, UT BONNEVILLE SUPERIOR TITLE BY: eCASH, DEPUTY - EF 4 P.

### **GRANT OF WATERLINE EASEMENT**

This Grant of Waterline Easement (this "Grant") is made by CND-A.Z Holdings, LLC, a Texas limited liability company (the "Grantor") as of the ZZNA day of April , 2015.

#### **RECITALS**

- A. On or about March 17, 1988, Grantor's predecessor-in-interest granted, *inter alia*, a water line easement pursuant to that certain Easement Agreement recorded in the Salt Lake County Records as Document No. 4610956 on April 15, 1988 (the "Original Easement").
- B. Section 5 of the Original Easement allows Grantor to relocate the water line easement described in the Original Easement as needed to facilitate the development of Grantor's property, so long as such Grantor grants a substantially similar water line easement to the grantee identified in the Original Easement ("Grantee").
- C. In accordance with the foregoing, Grantor desires to grant to Grantee a new water line easement in the location identified on attached Exhibit A.

#### **DECLARATION**

NOW, THEREFORE, Grantor hereby declares as follows:

- 1. Grant; New Easement Location. Grantor hereby GRANTS, IMPOSES AND CONVEYS to Grantee an easement in, upon, under, over and across the real property described on attached Exhibit A for the limited purpose of constructing, operating, maintaining, repairing, replacing and removing an underground water line, together with all necessary or desirable underground facilities and appurtenances (collectively, the "Facilities"), inclusive of related ingress and egress in order to provide sufficient water utility service to the Grantee's property.
- 2. <u>Warranty</u>. Grantor binds Grantor and Grantor's heirs, administrators, executors, substitutes, successors and assigns to warrant and forever defend all and singular the property interests herein conveyed to the Grantee and Grantee's successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof by, through or under Grantor, but not otherwise.
- 3. <u>Assignability and Acceptance</u>. Grantor shall have the right to assign its rights under this Grant to any successor, assign or third-party without the approval of Grantee, including without limitation to any municipal entity or other agency that accepts and agrees to maintain the Facilities as a public utility. In that connection, Grantor shall own and have the right to convey the Facilities to any municipal entity, utility district or other agency following its completion of the Facilities.
- 4. Governing Law. This Grant shall be subject to and governed by the laws of the State of Utah.

GRANTOR:

CND-A.Z Holdings, LLC, a Texas limited liability company

By:
Name: Tonk Burchfield.
Title: Cepteral Course of CND-A.Z Holdings, LLC, a Texas limited liability company.

STATE OF TEXAS

S
COUNTY OF HARRIS

This instrument was acknowledged before me this 22nd day of April , 2015, by John Burchfield, General Course of CND-A.Z Holdings, LLC, a Texas limited liability company.

[SEAL]

ALICIA MARIE DUFF

NOTARY PUBLIC
STATE OF TEXAS
MY COMMISSION EXPIRES
JANUARY 4, 2017

Notary Public, State of Texas

## **EXHIBIT A**

# (DESCRIPTION OF NEW WATER LINE EASEMENT LOCATION)

Lot 5, CANYON CENTRE, according to the official plat thereof as recorded in the office of the Salt Lake County Recorder on April 8, 2015 as Entry No. 12026637 in Book 2015P at Page 83.

