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Gary W. Ott
Recorder, Salt Lake County, UT
METRO NATIONAL TITLE
BY: eCASH, DEPUTY - EF 6 P.

MNT: 49450
WHEN RECORDED MAIL TO:
HTC Communities, LLC
Attn: Corey Leiseth
10421 South Jordan Gateway Blvd., Suite 200
South Jordan, Utah 84095
MNT 49450
APN: Part of 26-36-400-073

**DECLARATION OF EASEMENTS
AND RIGHTS OF WAY**

DECLARATION made on this 4th day of March 2016 by HTC COMMUNITIES, LLC, a Delaware limited liability company of 10421 South Jordan Gateway Blvd, Suite 200, South Jordan, Utah 84095 as Declarant.

WHEREAS, Declarant is the owner of certain real property located in Salt Lake County, State of Utah that is more particularly described on the Exhibit "A" that is attached hereto and by this reference made a part hereof (hereinafter the "Benefitted Property").

WHEREAS, Declarant is also the owner of a certain real property which abuts the Benefitted Property on the West and on the South and which is also located in Salt Lake County, State of Utah and that is more particularly described on the Exhibit "B" that is attached hereto and by this reference made a part hereof (hereinafter the "Burdened Property"). The Burdened Property is comprised of two (2) parcels that are portions of the to be dedicated roadways known as Fort Herriman Parkway and Herriman Rose Boulevard.

WHEREAS, Declarant is desirous of creating easements and rights of way over and across the Burdened Property in order to provide for ingress and egress and utility access to and from the Mountain View Corridor frontage road and to the already dedicated portion of Fort Herriman Parkway for the benefit of the Benefitted Property.


THEREFORE, Declarant does hereby :

1. GRANT OF EASEMENTS AND RIGHTS OF WAY. The Declarant hereby grants and creates over and across the Burdened Property: (a) perpetual, non-exclusive easements and rights of way with full and free right of access to and from the Benefitted Property, at all times hereafter with or without vehicles for the purpose of providing for ingress and egress to and from the Mountain View Corridor frontage road and to the dedicated portion of Fort Herriman Parkway; and (b) perpetual, non-exclusive easements for the purpose of installing and maintaining utility lines of any type or nature for the purpose of providing utility services to the Benefitted Property.

2. APPURTENANT. It is understood and agreed that the easements and rights of way granted herein shall be appurtenant to and shall run with the title to the Benefitted Property.
3. TERMINATION OF EASEMENT AND RIGHT OF WAY UPON DEDICATION. Following the dedication of public streets and related utility easements upon the Burdened Property, the easements and rights of way created hereby shall terminate.
4. IMPROVEMENTS TO RIGHT OF WAY. The responsibility to construct, install and pay for any and all street and utility improvements upon the Burdened Property shall be the responsibility of the Declarant.
5. INDEMNIFICATION. The Declarant and any subsequent owners of the Benefitted property agree to protect, indemnify and save harmless the other, their successors and assigns from and against any and all liability, loss, cost, damage, expense and claims of every kind and nature due to injury or death of any person or loss of or damage to any property whatsoever, arising directly or indirectly out of or incident to the use of the Burdened Property by the respective parties. The duties and obligations of the Declarant and any subsequent owners of the Benefitted Property shall terminate as of the date that the roadways that comprise the Burdened Property are dedicated.
6. NO INTERFERENCE. At all times, the Burdened Property shall be kept free and open and neither the Declarant nor any subsequent owners of the Benefitted Property shall prohibit or attempt to prohibit the use of the Burdened Property by the Declarant or any other subsequent owners of the Benefitted Property for the purposes herein described.
7. SUCCESSORS AND ASSIGNS. The easements and rights of way created hereby and the terms hereof shall inure to the benefit of and shall be binding upon the Declarant and its successors and/or assigns.

IN WITNESS WHEREOF, the Declarant executed this Agreement in Salt Lake City, Utah on the day and year first written above.


Declarant: HTC Communities, LLC, a
Delaware limited liability company
By: Momentum - HTC, LLC, a
Utah limited liability company
Its: Manager

By: 
Name: Corey Leiseth

Its: Manager

STATE OF UTAH)
) ss.
COUNTY OF SALT LAKE)

On the 4 day of March 2016, personally appeared before me COREY LEISETH, a signer of the foregoing instrument, who duly acknowledged to me that he executed the same in his capacity as the Manager of , Momentum - HTC, LLC, a Utah limited liability company and who further acknowledged that said limited liability company executed the same in its capacity as the Manager of HTC Communities, LLC, a Delaware limited liability company..



NOTARY PUBLIC

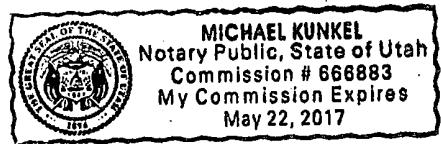


EXHIBIT "A"
(the "Benefitted Property")

A parcel of land located in the Southeast Quarter of Section 36, Township 3 South, Range 2 West, Salt Lake Base and Meridian described as follows:

Beginning at a point of curvature, said point being North $0^{\circ}32'22''$ East 1360.86 feet along the Section Line and North $89^{\circ}27'38''$ West 1193.76 feet from the Southeast Corner of Section 36, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running Thence 283.88 feet along the arc of a 712.50 foot radius curve to the left through a central angle $22^{\circ}49'42''$ (Long Chord Bears South $64^{\circ}14'10''$ West 282.01 feet); Thence South $52^{\circ}49'19''$ West 150.39 feet; Thence North $82^{\circ}11'30''$ West 21.21 feet; Thence North $37^{\circ}12'19''$ West 644.90 feet; Thence North $52^{\circ}47'41''$ East 305.96 feet; Thence North $66^{\circ}18'03''$ East 89.65 feet; Thence North $88^{\circ}19'58''$ East 50.00 feet; Thence North $82^{\circ}10'42''$ East 91.45 feet; Thence South $04^{\circ}18'05''$ East 61.02 feet to a point of curvature; Thence 203.75 feet along the arc of a 329.11 foot radius curve to the left through a central angle of $35^{\circ}28'15''$ (Long Chord Bears South $17^{\circ}27'25''$ East 200.51 feet); Thence South $35^{\circ}11'33''$ East 197.69 feet to a point of curvature; Thence 188.86 feet along the arc of a 392.52 foot radius curve to the left through a central angle of $27^{\circ}34'07''$ (Long Chord Bears South $48^{\circ}20'20''$ East 187.05 feet to the point of beginning.

EXHIBIT "B"
(the "Burdened Property")

Page 1

Parcel 1. A "to be dedicated" portion of ~~Fort Herriman Parkway.~~ Herriman Rose Boulevard

A parcel of land located in the Southeast Quarter of Section 36, Township 3 South, Range 2 West, Salt Lake Base and Meridian described as follows:

Beginning North $0^{\circ}32'22''$ East 1274.00 feet along the Section Line from the Southeast Quarter Corner of Section 36, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running;

Thence North $89^{\circ}38'33''$ West 343.84 feet;

Thence North $84^{\circ}52'44''$ West 216.75 feet;

Thence North $89^{\circ}38'33''$ West 546.48 feet to a point of curvature;

Thence 319.43 feet along the arc of a 492.25 foot radius curve to the left through a central angle of $37^{\circ}10'49''$ (Long Chord Bears South $71^{\circ}30'12''$ West 313.85 feet);

Thence South $52^{\circ}49'19''$ West 155.79 feet;

Thence North $37^{\circ}14'55''$ West 66.00 feet;

Thence North $52^{\circ}49'19''$ East 151.91 feet to a point of curvature;

Thence 430.52 feet along the arc of a 712.50 foot radius curve to the right through a central angle of $34^{\circ}37'13''$ (Long Chord Bears North $70^{\circ}07'55''$ East 424.00 feet) to a point of reverse curvature;

Thence 22.75 feet along the arc of a 15.00 foot radius curve to the left through a central angle of $86^{\circ}54'14''$ (Long Chord Bears North $43^{\circ}59'24''$ East 20.63 feet) to the West Line of The Towers Phase 1;

Thence South $0^{\circ}32'17''$ West 14.01 feet along the said West line to the South line of The Towers Phase 1;

Thence South $89^{\circ}38'33''$ East 1035.00 feet along the said South line;

Thence South $0^{\circ}32'22''$ West 114.00 feet to the point of beginning.

Parcel contains 149,836 Sq. Ft. 3.439 Acres.

EXHIBIT "B"
(the "Burdened Property")

Page 2

Parcel 2. A "to be dedicated" portion of ~~Herriman Rose Boulevard~~ *Fort Herriman Parkway*.

A 114.00 foot wide access easement located in the Southeast Quarter of Section 36, Township 3 South, Range 2 West, Salt Lake Base and Meridian, Salt Lake County, Utah, lying 57.00 feet on each side of the following described line:

BEGINNING at a point on the center line of Fort Herriman Parkway, said point being South 89°38'29" East 1,023.109 feet along the south line of Section 36, Township 3 South, Range 2 West, Salt Lake Base and Meridian and North 0°21'31" East 1,116.839 feet from the South Quarter Corner of said Section, and thence North 37°12'19" West 849.81 feet to the POINT OF TERMINUS of the herein described centerline. Said easement encompasses 96,879 square feet or 2.22 acres, more or less.