

Recorded at the request of  
Kern River Gas Transmission Company

When Recorded Mail to:  
Kern River Gas Transmission Company  
Attn: Land Department  
PO Box 71400  
Salt Lake City, UT 84171-0400



ENT 12658:2011 PG 1 of 5  
JEFFERY SMITH  
UTAH COUNTY RECORDER  
2011 Feb 10 1:15 pm FEE 28.00 BY CS  
RECORDED FOR KERN RIVER GAS TRANSMISSION

**AMENDMENT TO RIGHTS-OF-WAY AND EASEMENTS**

This Amendment to Right-of-Way and Easement (Amendment-2) is dated this 9<sup>th</sup> day of Feb, 2011, by and between **Kern River Gas Transmission Company**, a Texas general partnership, with its principal place of business at 2755 East Cottonwood Parkway, Suite 300, Salt Lake City, Utah 84121 ("Kern River"), as Grantee; and **UTFC Community Development Corporation, C/O Scott Stenberg, 699 E. South Temple, #220, Salt Lake City, UT 84102**, as Grantors.

**RECITALS**

- A. **KERN RIVER GAS TRANSMISSION COMPANY**, a Texas general partnership, with its principal place of business at 2755 East Cottonwood Parkway, Suite 300, Salt Lake City, UT 84121 ("Kern River"), as Grantee, was granted rights of way and easements for natural gas pipelines and related facilities pursuant to the following documents (together, the "Original Easement"): (i) a Right of Way and Easement dated March 17, 1990, by John D. Jacob and Diane Jacob, as Grantors, to Kern River, as Grantee, recorded March 28, 1990, at Book 2675, page 903 of the records of Utah County; (ii) that certain Right of Way and Easement dated April 2, 1990, recorded on April 25, 1990 in Book 2684, Page 439, by John Horton Jacob, as Grantor, to Kern River Gas Transmission Company, as Grantee, and; (iii) that AMENDMENT TO RIGHT OF WAY AND EASEMENT CONTRACT, recorded, March 29, 2002, Entry No. 35494:2002, of the records of Utah County, by and between John D. Jacob, Steven Laney, Douglas A. Hinckley, and Claire Hinckley, as Grantor(s), to Kern River, as Grantee.
- B. Kern River constructed a natural gas pipeline and related facilities pursuant to the documents identified as (i) and (ii) above (the "1991 Pipeline") and a second natural gas pipeline and related facilities pursuant to the documents identified as (iii) above (the "2002 Pipeline").
- C. Kern River now intends to replace a portion of the 1991 Pipeline with the same size pipe (36 inches) at a location approximately 12 feet to the east of the 1991 Pipeline and expects to operate the 1991 Pipeline in its current location until the newly located pipeline is tested, placed in service and fully functional.
- D. In addition, Kern River desires and intends to obtain an additional right of way and easement covering a strip of land 15 feet in width adjoining the Original Easement on the east (the "Additional Land"). As a consequence, the Original Easement, which is 75 feet in width, will be expanded to a width of 90 feet. The Original Easement and the Additional Land are shown on Exhibit "A" hereto and the Additional Land is more particularly described on Exhibit "B" hereto.
- E. Grantor is now the owner of portions of the land subject to the Original Easement and portions of the Additional Land.

	1	
County Assessor Parcel Number		Kern River Tract Number
59-006-0051		KUT 321.01W

**AGREEMENT**

NOW, THEREFORE, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, in hand paid by Kern River, the receipt and sufficiency of which are hereby acknowledged:

1. Amendment of Original Easement. Grantor and Grantee acknowledge and agree that the Original Easement is hereby amended to allow removal and replacement of a portion of the 1991 Pipeline as described in Recital D, and include the Additional Land.

2. Easement and Right of Way as to Additional Land. Grantor hereby grants and conveys to Grantee a right of way and easement to locate, survey a route, construct, entrench, maintain, protect, inspect and operate a pipeline and/or communications cable with appurtenances including but not limited to valves, metering equipment, electrical cable, cathodic equipment, underground conduits, cables, splicing boxes, markers and roads (said pipeline, communications cable, appurtenances, valves, valve station and building, metering equipment, electrical cable, cathodic equipment, underground conduits, cables splicing boxes, markers and roads being hereinafter sometimes collectively called the "facilities") over, under and through the Additional Land which is more specifically described on Exhibit "A" and Exhibit "B" attached hereto and made a part hereof.

This right-of-way and easement shall carry with it the right of ingress and egress to and from, and access on and along said right-of-way, with the right to use existing and future roads, for the purpose of constructing, inspecting, repairing, protecting and maintaining the facilities and the removal or replacement of same at will, either in whole or in part, and the replacement of said pipeline with either like or different size pipe. During temporary periods Grantee may use such portions of the property along and adjacent to said right-of-way as may be reasonably necessary in connection with construction, maintenance, repair, removal or replacement of the facilities.

TO HAVE AND TO HOLD the above described rights and easements, together with all rights necessary to operate, protect and maintain the facilities over the right-of-way hereby granted, and Grantee may assign the rights and easement herein excepted and reserved, either in whole or in part, subject to the terms of this reservation, and such rights and easements shall be covenants running with the land and be binding upon Grantor, their heirs, legal representatives and successors in title.

Grantee may at any time permanently abandon said right-of-way and at its discretion may remove or abandon in place facilities constructed thereon and upon such abandonment action Grantee may at its discretion execute and record a reconveyance and release hereof, whereupon this right-of-way and easement and all rights and privileges herein excepted and reserved shall be fully cancelled and terminated.

Grantee further agrees that within a reasonable time following the completion of construction, Grantee shall restore said right-of-way. Restoration shall include, where necessary, final grading, reseeding and installation of erosion control measures. Grantee shall have the right to cut and keep clear without payment of damages all trees, brush and other obstructions that may in Grantee's opinion endanger, hinder or conflict with the construction, operation, inspection, protection, maintenance and use of the facilities.

Grantor shall have the right to use and enjoy the Additional Land except for the purposes herein granted, but such use shall not hinder, conflict or interfere with Grantee's surface or subsurface rights hereunder or disturb its facilities and no road, excavation, change in surface grade, obstruction or structure shall be constructed, created or

2

County Assessor Parcel Number	Kern River Tract Number
59-006-0051	KUT 321.01W

maintained on, over, along or within said right-of-way without Grantee's prior written consent.

3. Continuing Effect. Except as expressly amended hereby, the Original Easement remains in full force and effect

EXECUTED this 9th day of February, 2011.

**GRANTOR**

By:

*Andy Bilskie*

UTFC Community Development Corporation

Cynthia Bilskie, Trustee

Printed Name and Title

**ACKNOWLEDGEMENTS**

STATE OF UTAH )  
COUNTY OF SALT LAKE ) SS:

The foregoing instrument was acknowledged before me this 9 day of February, 2011, by Cynthia Bilskie, as Trustee and they did swear and affirm that they are duly authorized to execute same for the UTFC Community Development Corporation.

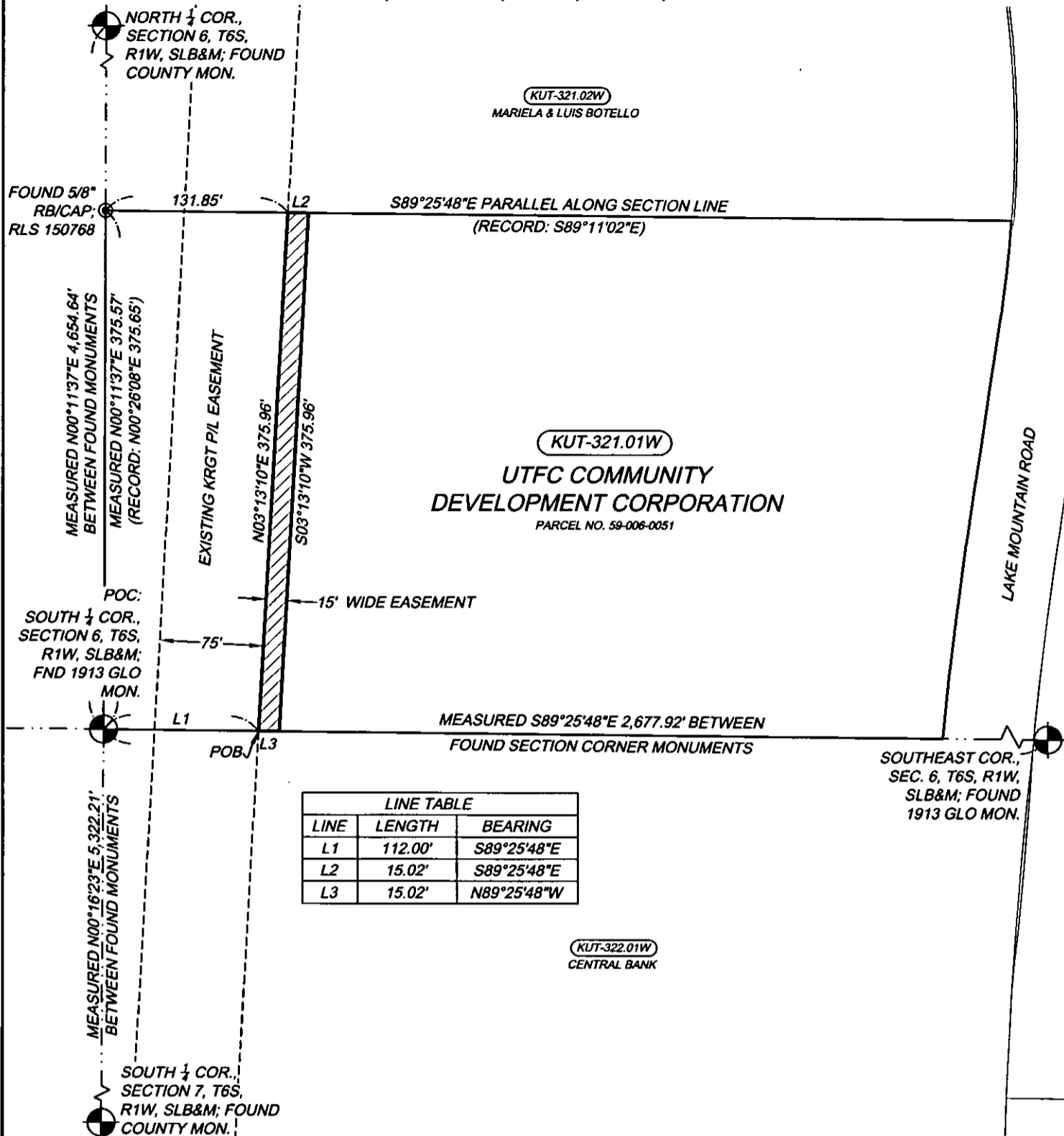
*Melissa I. Packer*  
Notary Public



3

County Assessor Parcel Number	Kern River Tract Number
59-006-0051	KUT 321.01W

UTAH COUNTY, UTAH  
SE 1/4, SEC. 6, T6S, R1W, SLB&M



LINE TABLE		
LINE	LENGTH	BEARING
L1	112.00'	S89°25'48"E
L2	15.02'	S89°25'48"E
L3	15.02'	N89°25'48"W

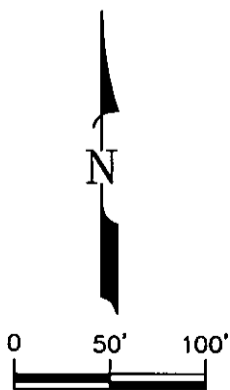
**LEGEND**

- SLB&M SALT LAKE BASE & MERIDIAN
- GLO GOVERNMENT LAND OFFICE
- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- MON. MONUMENT
- RB/CAP REBAR AND CAP
- KRGT KERN RIVER GAS TRANSMISSION
- P/L PIPELINE

I, BRENT E. CHRISTENSEN DO HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY DIRECTION AND THAT THIS PLAT CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF THE SURVEY.



BRENT E. CHRISTENSEN  
REGISTERED PROFESSIONAL LAND SURVEYOR  
UTAH REGISTRATION NO. 4854808



**DISTANCE ACROSS PROPERTY: ±376 FEET**

**AREA OF 15' WIDE EASEMENT AND RIGHT-OF-WAY: 0.13 ACRE**

**NOTES:**

1. THIS EASEMENT PLAT AND ACCOMPANYING DESCRIPTION WERE PREPARED ACCORDING TO INFORMATION REPORTED ON A LIMITED TITLE CERTIFICATE AND VESTING DEED DOCUMENT PROVIDED TO THE UNDERSIGNED SURVEYOR BY OTHERS.
2. ALL BEARINGS SHOWN ARE BASED ON THE UTAH COORDINATE SYSTEM OF 1983, UTAH CENTRAL ZONE, AS DERIVED FROM A GLOBAL POSITIONING SURVEY PERFORMED BY UNIVERSAL PEGASUS INTERNATIONAL IN DECEMBER, 2010. ALL DISTANCES SHOWN ARE GROUND DISTANCES IN US SURVEY FEET (COMBINED SCALE FACTOR: 0.999702).
3. SEE EXHIBIT "B" FOR DESCRIPTION.

**UniversalPegasus**  
INTERNATIONAL



DWG NO. 17489-KUT-321.01W  
REV.

NO.	REVISIONS	BY	CHKD	DATE	SCALE: 1"=100'	DATE	TITLE:
					DRAWN: BEC	01/12/11	EASEMENT PLAT
					DESIGNED:		15' WIDE PIPELINE EASEMENT & RIGHT-OF-WAY UPON THE PROPERTY OF UTFC COMMUNITY DEVELOPMENT CORPORATION
					PROJ. ENG.:		UTAH COUNTY, UTAH
					CHECKED:		
					APP'D:		
					JOB NO: 17489		

FILE INFO:

# EXHIBIT "B"

ENT 12658:2011 PG 5 of 5

EAGLE MT. CLASS 3 PROJECT  
KERN RIVER TRACT NO. KUT-321.01W  
UTFC COMMUNITY DEVELOPMENT CORPORATION  
UTAH COUNTY, UTAH

DESCRIPTION OF A 15' WIDE PIPELINE EASEMENT  
AND RIGHT-OF-WAY UPON THE PROPERTY OF  
UTFC COMMUNITY DEVELOPMENT CORPORATION

**Description of a 15 (fifteen) foot wide pipeline easement and right-of-way** situated in the southeast one-quarter of Section 6, Township 6 South, Range 1 West, Salt Lake Base and Meridian, Utah County, Utah, said 15 (fifteen) foot wide pipeline easement and right-of-way abutting the easterly side of and running parallel along an existing 75 (seventy-five) foot wide Kern River Gas Transmission Company pipeline easement and right-of-way resulting in a combined total pipeline easement and right-of-way width of 90 (ninety) feet;

**Being more particularly described as follows** with all bearings shown being based on the Utah Coordinate System of 1983, Central Zone, as derived from a Global Positioning System survey performed by UniversalPegasus International in December, 2010, and all distances shown being ground distances in U.S. Survey Feet (combined scale factor: 0.999702):


**COMMENCING** at the 1913 Government Land Office (GLO) monument for the south one-quarter corner of Section 6, Township 6 South, Range 1 West, Salt Lake Base and Meridian, from said monument the 1913 GLO monument for the southeast corner of said Section 6 bears South 89°25'48" East 2,677.92 feet, in conformance with the Utah Coordinate System of 1983, Central Zone;

**THENCE** South 89°25'48" East 112.00 feet along the section line to a point on the easterly line of said existing 75 foot wide pipeline easement, said point being the **TRUE POINT OF BEGINNING**;

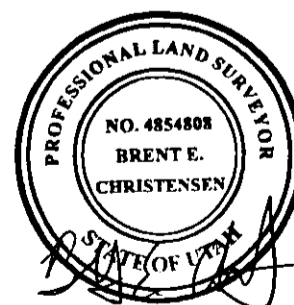
**AND RUNNING THENCE** the following bearings and distances:

THENCE along the easterly line of said 75 foot wide pipeline easement North 03°13'10" East 375.96 feet to a point from which a found and accepted rebar and cap survey marker stamped #150768 bears North 89°25'48" West 131.85 feet; THENCE along a line parallel along said section line South 89°25'48" East 15.02 feet; THENCE along a line parallel along and offset 15 feet easterly from the easterly line of said 75 foot wide pipeline easement South 03°13'10" West 375.96 feet to the section line; THENCE along said section line North 89°25'48" West 15.02 feet to the **TRUE POINT OF BEGINNING**.

**CONTAINING** 0.13 acre.

  
Brent E. Christensen  
Professional Land Surveyor  
Utah Registration No. 4854808

1-25-2011  
Date:



SEAL

If this description and accompanying plat are not sealed with the stamped seal of the registered professional land surveyor, whose signature appears above, it should be considered as a copy and not the original.

UPI JOB NO. 17489