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WHEN RECORDED, MAIL TO:  
South Jordan City,  
1600 West Towne Center Drive  
South Jordan, Utah 84095

12752143  
04/12/2018 03:04 PM \$0.00  
Book - 10664 Pg - 4485-4489  
ADAM GARDINER  
RECORDER, SALT LAKE COUNTY, UTAH  
SOUTH JORDAN  
1600 W TOWNE CENTER DR  
SOUTH JORDAN UT 84095-8265  
BY: DCP, DEPUTY - MI 5 P.

## Waterline Easement

Salt Lake County

Parcel No. 2615300012

**VP DAYBREAK INVESTMENTS, LLC, Grantor, hereby GRANT AND CONVEY to the CITY OF SOUTH JORDAN, at 1600 WEST TOWNE CENTER DRIVE, SOUTH JORDAN CITY, UTAH 84095, herein referred to as GRANTEE, for the sum of 10 Dollars, and other good and valuable consideration, the receipt and sufficiency is hereby acknowledged a Waterline Easement which is more particularly described as follows;**

BEGINNING NORTH 521.61 FEET AND EAST 209.38 FEET FROM SOUTHWEST SECTION CORNER OF SECTION 15, TOWNSHIP 3 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN TO A POINT ON THE SOUTHERN PROPERTY LINE OF LOT T7, KENNECOTT MASTER 1 AMENDED; THENCE NORTH 24°10'27" EAST 329.32 FEET; THENCE NORTH 22°21'22" EAST 749.88 FEET TO A POINT ON THE NORTHERN PROPERTY LINE OF LOT T7, KENNECOTT MASTER 1 AMENDED; THENCE SOUTH 89°45'42" EAST 21.64 FEET ALONG SAID PROPERTY LINE; THENCE SOUTH 22°21'22" WEST 179.75 FEET; THENCE SOUTH 70°51'13" EAST 19.70 FEET; THENCE SOUTH 83°57'45" EAST 180.71 FEET; THENCE SOUTH 00°10'32" WEST 18.03 FEET; THENCE SOUTH 80°25'36" EAST 13.87 FEET; THENCE SOUTH 10°11'33" WEST 20.00 FEET; THENCE NORTH 79°48'27" WEST 10.42 FEET; THENCE SOUTH 00°29'10" WEST 298.91 FEET; THENCE SOUTH 85°21'59" EAST 14.73 FEET; THENCE SOUTH 00°40'28" WEST 15.93 FEET; THENCE SOUTH 88°31'08" EAST 215.40 FEET; THENCE NORTH 03°17'02" EAST 12.23 FEET; THENCE SOUTH 86°42'25" EAST 20.00 FEET; THENCE SOUTH 02°04'25" WEST 31.88 FEET; THENCE NORTH 88°29'11" WEST 270.89 FEET; THENCE NORTH 00°39'49" EAST 355.43 FEET; THENCE NORTH 83°57'45" WEST 164.96 FEET; THENCE NORTH 70°51'13" WEST 23.30 FEET; THENCE SOUTH 22°21'07" WEST 558.57 FEET; THENCE SOUTH 24°15'21" WEST 321.00 FEET TO A POINT ON THE SOUTHERN PROPERTY LINE OF LOT T7, KENNECOTT MASTER 1 AMENDED; THENCE NORTH 89°41'56" WEST 21.37 FEET TO THE POINT OF BEGINNING.

**GRANTEE reserves said Waterline Easement, so long as such facilities shall be required, with the right of ingress and egress to said GRANTEE, it's officers, employees, representatives, agents, and assigns to enter upon the above described easement with such equipment as is necessary to construct, install, operate, maintain, repair, inspect, protect, remove, replace and access said water system appurtenant facilities.**

**GRANTOR shall have the right to use premises except for the purpose for which this waterline easement is granted to the said GRANTEE, provided such use shall not interfere with the waterline or any other rights granted to GRANTEE hereunder. This waterline easement shall be binding upon, and inure to the benefit of the successors and assigns of GRANTOR and may be assigned in whole or part by the GRANTEE.**

Parcel No. 2615300012

IN WITNESS WHEREOF, Grantor has executed this Access and Utility Easement this 29  
day of MARCH, 2018.

**GRANTOR:**

VP DAYBREAK INVESTMENTS LLC,  
a Delaware limited liability company

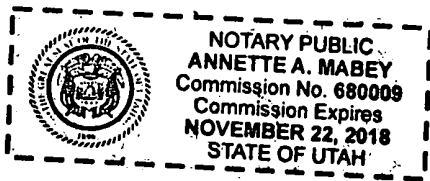
By: DAYBREAK COMMUNITIES LLC,  
a Delaware limited liability company  
Its: Project Manager

By: [Signature]  
Name: Ty McCutcheon  
Title: President & CEO

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

On this 29<sup>th</sup> day of March, 2018, personally appeared before me, a Notary Public, Ty McCutcheon, the President & CEO of DAYBREAK COMMUNITIES LLC, a Delaware limited liability company, the Project Manager of VP DAYBREAK INVESTMENTS LLC, a Delaware limited liability company, personally known or proved to me to be the person whose name is subscribed to the above instrument who acknowledged to me that he executed the above instrument on behalf of VP DAYBREAK INVESTMENTS LLC, a Delaware limited liability company.

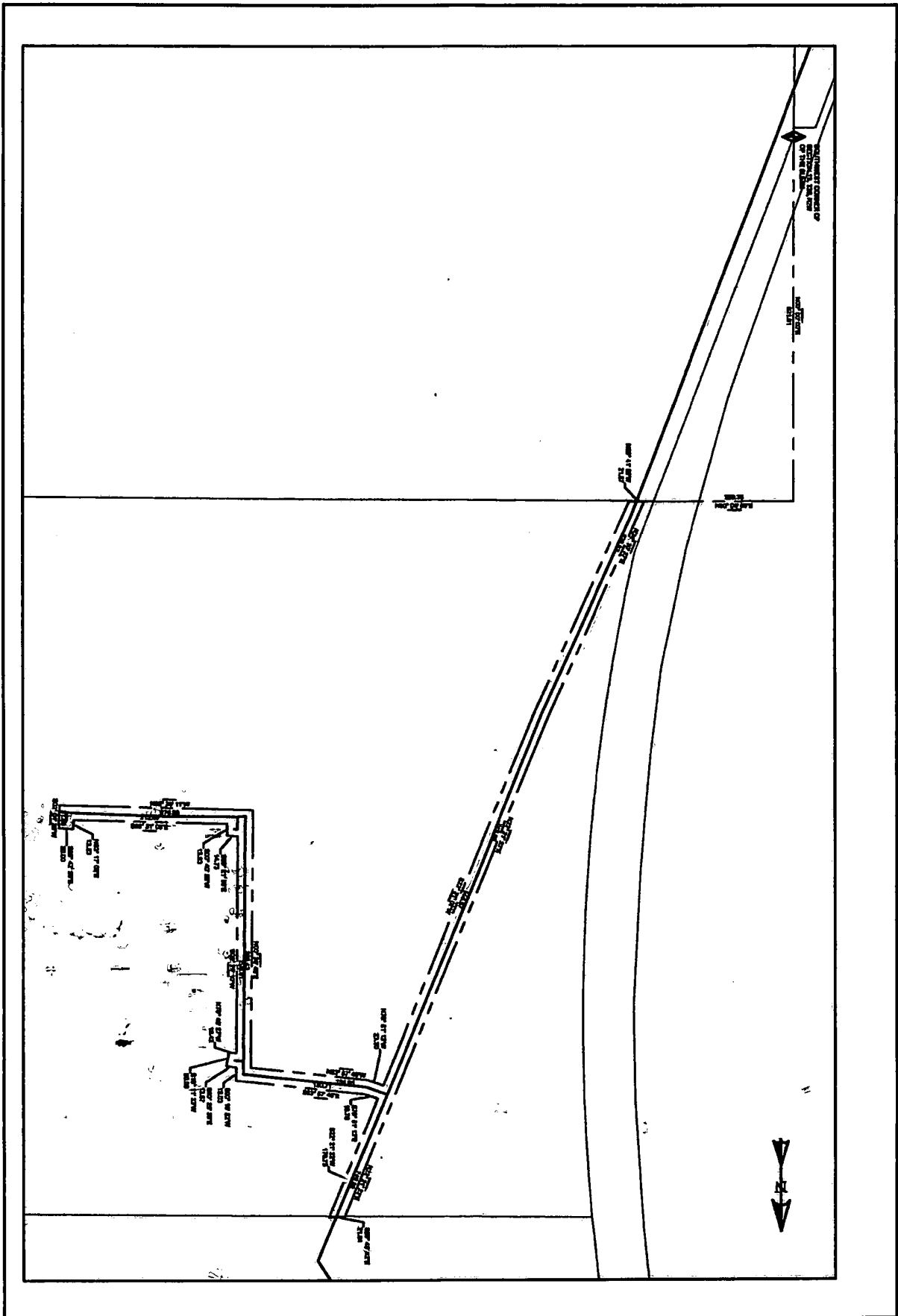
WITNESS my hand and official Seal.



[Signature]  
Notary Public in and for said State

My commission expires: 11/22/2018

[SEAL]



26-15-300-012	Project No: _____	<b>WATERLINE EASEMENT EXHIBIT FOR PARCEL # 26-15-300-012</b>	 <b>SOUTH JORDAN</b> <small>1600 Utah Towne Center Dr. • South Jordan, UT 84095          Telephone: (801) 261-2347 • Fax: (801) 261-2348</small>	NO.	DATE	REVISION COMMENTS	
	Drawn By: _____			_____	_____	_____	_____
	File Name: _____			_____	_____	_____	_____
	Checked By: _____			Date: _____	_____	_____	_____

**LENDER'S CONSENT AND SUBORDINATION**

WATERLINE EASEMENT – PARCEL I.D. # 26-15-300-012  
(TO CITY OF SOUTH JORDAN)

THE UNDERSIGNED, THE BENEFICIARY UNDER THAT CERTAIN DEED OF TRUST, DATED DECEMBER 19, 2016, ENCUMBERING THE HEREIN DESCRIBED REAL PROPERTY (THE "DEED OF TRUST"), HEREBY EXPRESSLY CONSENTS TO AND JOINS IN THE EXECUTION AND RECORDING OF THAT CERTAIN WATERLINE EASEMENT, DATED AS OF MARCH 29, 2018, FROM VP DAYBREAK INVESTMENTS LLC, TO CITY OF SOUTH JORDAN (THE "EASEMENT"), TO WHICH THIS LENDER'S CONSENT AND SUBORDINATION IS ATTACHED.

THE UNDERSIGNED LENDER HEREBY CONSENTS TO THE EASEMENT AND MAKES THE LIEN OF THE DEED OF TRUST SUBORDINATE THERETO. THIS LENDER'S CONSENT AND SUBORDINATION SHALL NOT OTHERWISE AFFECT THE PRIORITY OF MORTGAGES AND/OR LIENS AGAINST THE REAL PROPERTY DESCRIBED HEREIN, BUT SHALL SOLELY EVIDENCE THE LENDER'S INTENT TO SUBORDINATE ITS LIEN OF THE DEED OF TRUST TO THE EASEMENT. THE UNDERSIGNED REPRESENTS THAT HE OR SHE HAS FULL POWER AND AUTHORITY TO EXECUTE THIS LENDER'S CONSENT AND SUBORDINATION ON BEHALF OF THE LENDER.

**U.S. BANK NATIONAL ASSOCIATION**  
d/b/a Housing Capital Company

By: 

Name: CARL F. SWANSON

Title: SVP

[SIGNATURE MUST BE NOTARIZED]

[Notary acknowledgement on following page]

**ACKNOWLEDGMENT**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF Fresno

On April 10, 2018 before me, Lori Beckman, Notary Public,  
(here insert name of the officer)

personally appeared Carl F. Swanson who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Lori Beckman (Seal)

