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26 thru 29
Old Shepard Creek
08-183-0008,0009
0022
0026 thru 0029

E 1276156 B 2047 P 171
CAROL DEAN PAGE, DAVIS CNTY RECORDER
1996 SEP 25 9:38 AM FEE 26.00 DEP DJW
REC'D FOR BONNEVILLE TITLE COMPANY, INC

96-270

ACCESS EASEMENT

THIS AGREEMENT is entered into this 16th day of September, 1996, by and between DAVIS COUNTY, a body politic of the State of Utah, of 28 East State Street, Farmington City, Davis County, State of Utah, hereinafter referred to as the "County", and LANDSTAR DEVELOPMENT, L.L.C., of 1544 North Woodland Park Drive, Suite 300, Layton City, Davis County, State of Utah, hereinafter referred to as "Landstar", as follows:

RECITALS

WHEREAS, on July 6, 1987 the District Court of Davis County, State of Utah, entered a Decree of Condemnation ("Decree") in Davis County v. Clara Hortense Beers, et al., Davis County Civil No. 41029; and,

WHEREAS, Defendants in the above-entitled case are the predecessors in interest of Landstar with respect to ownership of real property described in the Decree; and,

WHEREAS, said Decree granted to County an Easement and right-of-way to provide for the carrying away and the safe disposal of natural storm and flood waters and related maintenance, improvement and fencing of channels including covering or replacement with buried conduit, over, across and under the following described real property located in Farmington City, Davis County, State of Utah:

08-183-0022

Beginning at a point which is north 483.43 feet and west 938.83 feet from the south quarter corner of Section 12, Township 3 North, Range 1 West, Salt Lake Base and Meridian; (Basis of bearing being S 89° 45' 50" W between said south quarter corner and the southwest corner of said Section 12); and running thence S 89° 54' 32" W 99.15 feet, thence N 45° 00' E 99.15 feet; thence N 89° 54' 32" E 153.0 feet, thence N 45° 00' E 30.0 feet, thence N 11° 00' E 37.0 feet, thence N 89° 54' 32" E 40.0 feet, thence S 11° 00' W 63.0 feet, thence S 33° 00' W 46.29 feet, thence South 26.88 feet, thence S 89° 54' 32" W 155.0 feet to the point of beginning.

and,

WHEREAS, paragraph 7 of said Decree provides:

7. Plaintiff [County] has the right and responsibility for determining what fencing or other precautions are necessary to prevent injury or damage occurring from its use of the property condemned and such fencing and other precautions shall be at plaintiff's expense.

and,

WHEREAS, said Decree was recorded in the Office of the Davis County Recorder on July 9, 1987 as Entry No. 0793447 in Book 1179, Page 388; and,

WHEREAS, Landstar's predecessors in interest granted an easement ("Easement") to the County which Easement was recorded on June 1, 1994, in the office of the Davis County Recorder in Book 992, page 781 which said Easement granted to

the County a perpetual easement for runoff and storm water drainage with respect to the property located in Farmington City, Davis County, State of Utah, described as follows:

A strip of land 20 feet wide lying 10 feet on each side of, parallel and adjacent to the following described line:

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Beginning at a point on the easterly line of Grantors' property, and the westerly line of Highway 106, said point being 949.3 feet north and 1943 feet east of the southwest corner of Section 12, T3N, R1W, SLB&M and running thence S 24° 55' 03" W 6.9 feet; thence S 23° 15' 38" W 127.5 feet more or less to the centerline of an existing creek.

Also beginning at a point on the centerline of the easement hereinabove described, said point being 949.3 north, 1943 feet east, S 24° 55' 03" W 6.9 feet and S 23° 15' 38" W 57.56 feet from the southwest corner of Section 12, T3N, R1W, SLB&M and running thence N 20° 23' 52" W 110.0 feet more or less to the south end of an existing concrete flume.

and,

WHEREAS, Landstar has acquired the real property affected by the foregoing Decree and Easement and is in the process of developing such property as a residential subdivision known as "Old Shepard Creek Subdivision"; and,

WHEREAS, the property described in the Decree and the Easement create easements crossing property now known as Lots 22 and 26 of Old Shepard Creek Subdivision (the "Drainage Easements"); and,

WHEREAS, the County and Landstar are desirous of providing the County with access to the Drainage Easements from Creek Lane (1415 North Street) as hereinafter set forth.

NOW, THEREFORE, in consideration of the mutual promises contained herein, and for One Dollar (\$1.00) and other good and valuable consideration, the County and Landstar hereby agree as follows:

ACCESS EASEMENT

SECTION ONE: ACCESS TO DRAINAGE EASEMENTS

It is hereby agreed by and between the County and Landstar that the County shall have a perpetual right of access to the Drainage Easements located on Lot 22 and Lot 26 of Old Shepard Creek Subdivision located in Farmington City, Davis county, State of Utah, the easement on such Lots being described as follows:

Description of Easement on Lot No. 22:

Beginning at the Southwest Corner of Lot 22, Old Shepard Creek Subdivision a part of the Southwest quarter of Section 12, Township 3 North, Range 1 West, Salt Lake Base and Meridian, and running thence N 4° 32' 20" E 106.54 feet along the Westerly line of Lot 22, Thence N 29° 37' 41" E 82.54 feet along the Northwesterly line of Lot 22, Thence S 4° 32' 20" W 169.69 feet to the Northerly line of Creek Lane (1415 North Street) Thence along the Northerly line of 1415 North Street and along the

Arc of a 265.00 foot Radius Curve to the right with a central angle of $7^{\circ} 58' 43''$ an arc distance of 36.90 feet (Radius Point bears $N 17^{\circ} 47' 35'' W$) from beginning of Curve and Long chord bears $S 76^{\circ} 11' 47'' W$ 36.87 feet to the point of beginning.

Description of Easement on Lot No. 26:

Beginning at the Southwest Corner of Lot 26, Old Shepard Creek Subdivision a part of the Southwest quarter of Section 12, Township 3 North, Range 1 West, Salt Lake Base and Meridian, and running thence $N 4^{\circ} 32' 20'' E$ 155.59 feet to the Northwest Corner of Lot No. #26, thence along the Southerly line of 1415 North Street and along the Arc of a 325.00 foot Radius Curve to the left with a central angle of $7^{\circ} 18' 59''$ (Radius Point bears $N 7^{\circ} 07' 22'' W$ from the beginning of Curve) an arc distance of 41.50 feet, (Long Chord bears $N 79^{\circ} 13' 09'' E$ 41.47 feet,) Thence $S 4^{\circ} 32' 20'' W$ 163.31 feet to the South line of Lot No. 26, Thence $S 89^{\circ} 54' 32'' W$ 40.13 feet to the point of beginning.

Access to the said Drainage Easements shall be exercised from Creek Lane (1415 North Street) and on, over and across the described Drainage Easements as necessary.

The Owners of said Lots may plant grass on the area covered by the Easements described herein with respect to said Lots provided that such Owners shall be responsible for caring for, mowing and otherwise maintaining such grass and, provided, further, that the Owners of such Lots shall not construct any buildings or other permanent structures within the easement area. No trees or shrubs may be planted in said area without the prior written consent of the County.

SECTION TWO: ACCESS EASEMENT TO RUN WITH THE LAND

This Access Easement shall be binding upon the heirs, successors, administrators and assigns of the parties and shall run with the land and be deemed irrevocable.

IN WITNESS WHEREOF, the parties have executed this Access Easement the day and year first above written.

DAVIS COUNTY, a body politic,

LANDSTAR DEVELOPMENT, L.L.C.

By: *Gayle A. Stevenson*
GAYLE A. STEVENSON
Chairman
Board of County Commissioners

By: *Gary M. Wright*
GARY M. WRIGHT, Member

By: *Wayne Belleau*
WAYNE BELLEAU, Member

ATTEST:

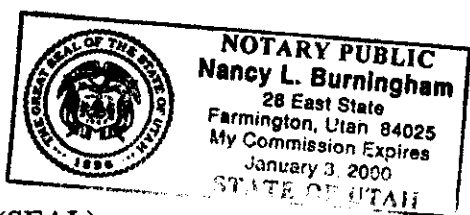
By: *Lamar Holt for Margene Isom*
MARGENE ISOM
Clerk

Attorney In Fact
Gay M. Wright

STATE OF UTAH)
(ss.
COUNTY OF DAVIS)

On the 16th day of September, 1996, personally appeared before me GAYLE A. STEVENSON and *Lamar Holt for* MARGENE ISOM, who being by me duly sworn did say, each for himself and herself, that he, the said GAYLE A. STEVENSON, is the Chairman of the Board of County Commissioners of Davis County, and she, the said MARGENE

ISOM, is the Clerk of the Board of County Commissioners, and that the within and foregoing instrument was signed on behalf of the said Board of County Commissioners of Davis County by authority of the said Board of County Commissioners and said Gayle A. Stevenson and Margene Isom, each duly acknowledged to me that the said Board of County Commissioners of Davis County executed the same and that the seal affixed is the seal of the said Board of County Commissioners of Davis County.

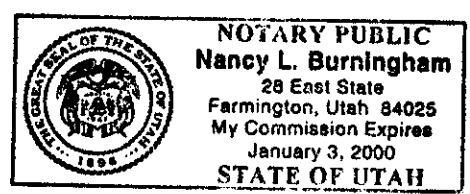


Nancy L. Burningham
NOTARY PUBLIC
Residing at:
My Commission Expires:

(SEAL)

STATE OF UTAH)
(ss.
COUNTY OF DAVIS)

On the 16th day of September, 1996, personally appeared before me GARY WRIGHT and WAYNE BELLEAU, the signers of the foregoing instrument, who duly acknowledged to me that they executed the same as Members of Landstar Development, L.L.C.



Nancy L. Burningham
NOTARY PUBLIC
Residing at: *Farmington, Utah*
My Commission Expires: *1-3-2000*

(SEAL)

P:LandAcce.Eas