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REV05042015  
Return to:  
Rocky Mountain Power  
Lisa Louder/Landon Lucero  
1407 West North Temple Ste. 110  
Salt Lake City, UT 84116

Project Name: FTH1806 OZ5 NORTH TEMPLE APARTMENTS  
WO#: 6863176  
RW#: \_\_\_\_\_

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05/17/2021 01:34 PM \$40.00  
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RASHELLE HOBBS  
RECORDER, SALT LAKE COUNTY, UTAH  
ROCKY MOUNTAIN POWER  
ATTN: LISA LOUDER  
1407 W NORTH TEMPLE STE 110  
SLC UT 84116-3171  
BY: ZHA. DEPUTY - WI 5 P.

### **UNDERGROUND RIGHT OF WAY EASEMENT**

For value received, OZ5 Opportunity Fund, LLC and OZ8 Opportunity Fund, LLC (“Grantors”), hereby grant Rocky Mountain Power, an unincorporated division of PacifiCorp its successors and assigns, (“Grantee”), an easement for a right of way 10 feet in width and 222.33 feet in length, more or less, for the construction, reconstruction, operation, maintenance, repair, replacement, enlargement, and removal of underground electric power transmission, distribution and communication lines and all necessary or desirable accessories and appurtenances thereto, including without limitation: wires, fibers, cables and other conductors and conduits therefor; and pads, transformers, switches, cabinets, and vaults on, across, or under the surface of the real property of Grantors in Salt Lake County, State of Utah more particularly described as follows and as more particularly described and/or shown on Exhibit A attached hereto and by this reference made a part hereof:

#### **Legal Description:**

A part of Lot 6, Block 58, Plat “C”, Salt Lake City Survey, which is part of the Southeast Quarter of Section 35, Township 1 North, Range 1 East, Salt Lake Base and Meridian, U.S. Survey, Salt Lake City, Salt Lake County, Utah

Beginning at a point on the South right-of-way line of North Temple Street, being on the North line of said Lot 6, Block 58, Plat “C”, said point also being 403.46 North 89°58’38” East along the North Temple Monument line and 80.25 feet South 0°01’22” East from the Monument at the intersection of said North Temple Street and 900 West Street; running thence south 85°49’06” East 10.03 feet along said South line of North Temple Street; thence due South 157.27 feet; thence due East 65.06 feet; thence due South 10.00 feet; thence due West 75.06 feet; thence due North 168.00 feet to the point of beginning.

Assessor Parcel Nos.: 08-35-457-031-0000 and 08-035-457-002-0000

Together with the right of access to the right of way from adjacent lands of Grantor for all activities in connection with the purposes for which this easement has been granted; and together with the present and (without payment therefor) the future right to keep the right of way clear of all brush, trees, timber, structures, buildings and other hazards which might endanger Grantee's facilities or impede Grantee's activities.

At no time shall Grantor place or store any flammable materials (other than agricultural crops), or light any fires, on or within the boundaries of the right of way. Subject to the foregoing limitations, the surface of the right of way may be used for agricultural crops and other purposes not inconsistent, as determined by Grantee, with the purposes for which this easement has been granted.

The rights and obligations of the parties hereto shall be binding upon and shall benefit their respective heirs, successors and assigns.

To the fullest extent permitted by law, each of the parties hereto waives any right it may have to a trial by jury in respect of litigation directly or indirectly arising out of, under or in connection with this agreement. Each party further waives any right to consolidate any action in which a jury trial has been waived with any other action in which a jury trial cannot be or has not been waived.

Dated this 17<sup>th</sup> day of March, 2021.

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\_\_\_\_\_  
OZ5 OPPORTUNITY FUND, LLC  
GRANTOR

  
\_\_\_\_\_  
OZ8 OPPORTUNITY FUND, LLC  
GRANTOR

**Acknowledgment by a LLC:**

STATE OF UTAH     )  
                                  ) ss.  
County of Utah     )

On this 17<sup>th</sup> day of March, 2021, before me, the undersigned Notary Public in and for said State, personally appeared Scott S. Chappell, known or identified to me to be the Manager of the limited liability company that executed the instrument or the person who executed the instrument on behalf of OZ5 OPPORTUNITY FUND, LLC, and acknowledged to me that said entity executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Teri Pemberton  
NOTARY PUBLIC, STATE OF UTAH  
Residing at: London, Utah (city, state)  
My Commission Expires: 21 / 12 / 2022 (d/m/y)



**Acknowledgment by a LLC:**

STATE OF UTAH     )  
                                  ) ss.  
County of Utah     )

On this 17<sup>th</sup> day of March, 2021, before me, the undersigned Notary Public in and for said State, personally appeared Scott S. Chappell, known or identified to me to be the Manager of the limited liability company that executed the instrument or the person who executed the instrument on behalf of OZ8 OPPORTUNITY FUND, LLC, and acknowledged to me that said entity executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

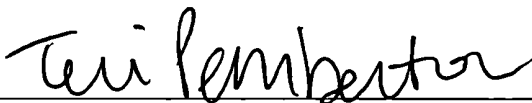
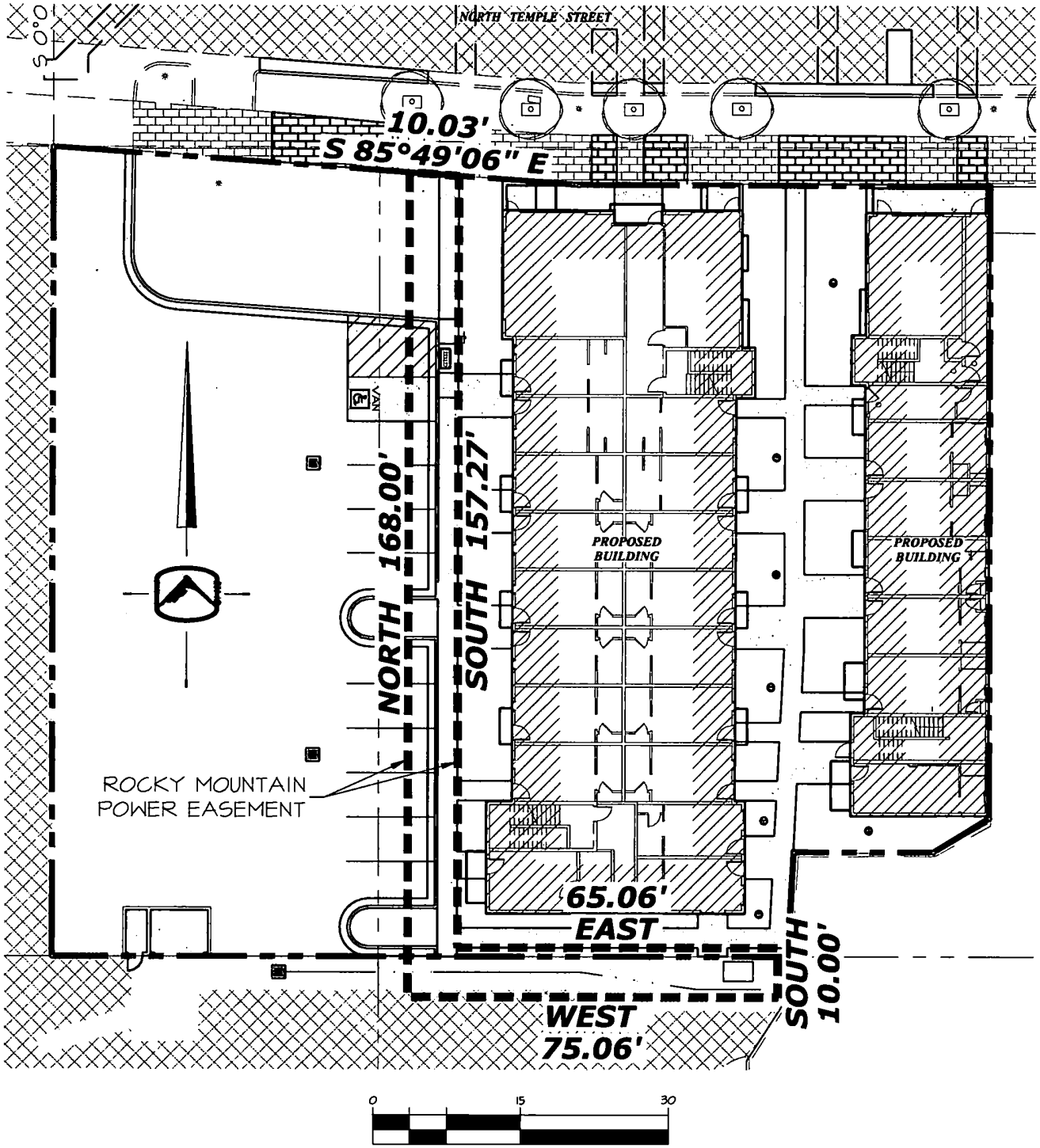
  
\_\_\_\_\_  
NOTARY PUBLIC, STATE OF UTAH  
Residing at:   Lindon, Utah   (city, state)  
My Commission Expires:   21/12/2022   (d/m/y)



EXHIBIT A



CC# 11441  
WO# 6863176