

WHEN RECORDED, RETURN TO:

TOLL SOUTHWEST LLC
Attn: Dylan Young
38 E. Scenic Pointe Dr. Suite 100
Draper, UT 84020

14065056 B: 11397 P: 1649 Total Pages: 5
01/23/2023 01:48 PM By: salvarado Fees: \$40.00
Rashelle Hobbs, Recorder, Salt Lake County, Utah
Return To TOLL SOUTHWEST LLC
ATTN DYLAN YOUNG 38 E SCENIC POINTE DR SUITE 100 DRAPER , UTAH 841



Affects Parcel Nos. 27272010380000 and 27272010370000

DECLARATION OF UTILITY EASEMENT

THIS DECLARATION OF UTILITY EASEMENT (“Declaration”) is executed as of the 23rd day of January, 2023 (the “Effective Date”), by TOLL SOUTHWEST LLC, a Delaware limited liability company (“Declarant”).

A. Declarant is the owner of that certain real property which is more particularly described on the attached Exhibit A (the “Easement Area”); and

B. In advance of transferring all or a portion of the Easement Area to third parties, Declarant executes this Declaration in order to provide for certain easements for the benefit of certain other properties currently owned by Declarant and more particularly described in the attached Exhibit A (the “Benefitted Property”), in accordance with the terms herein.

NOW, THEREFORE, Declarant executes, and shall cause to be recorded, this Declaration, with the intent of imposing upon the Easement Area the following burdens and benefits, subject to the following terms, conditions, and provisions:

1. **Utility Easement.** Declarant conveys, declares, and grants a perpetual, non-exclusive, and continuous easement (the “Utility Easement”), for the benefit of and appurtenant to the Benefitted Property, over and under the Easement Area more particularly described on the attached Exhibit A and depicted as the “10’ Wide PUE” on the attached Exhibit B, for the purposes of installation, construction, maintenance, use, repair, replacement, and removal of underground natural gas, sanitary sewer, storm water, water, electrical power, and telecommunications services utility lines and facilities, and for the use and installation of public utility facilities according to the provisions of Utah Code Ann. § 54-3-27 which defines public utility easements and the rights to which public utility companies may place their public utility facilities, as may be necessary or appropriate to permit development of the Benefitted Property, together with the right to enter upon the surface or any portion of the Easement Area to implement the foregoing rights. No overhead lines or above-ground pipelines are authorized by this Declaration.

2. **No Interference; Use.** Except to the extent reasonably necessary (on a temporary basis) for reasonable construction, for repair and maintenance, no obstruction, whether temporary or permanent in nature, which limits or impairs the free and unimpeded use of the Utility Easement shall be constructed or erected, nor shall any party in any other manner obstruct or interfere with the use of Utilities Easement located within the Easement Area.

3. **Rights Run With The Land.** All provisions of this Declaration, including the benefits and burdens, shall run with the land and are binding upon and shall inure to the benefit of the successors-in-title of the owner(s) of the Benefitted Property and Easement Area.

4. **No Public Dedication.** The provisions of this Declaration are not intended to and do not constitute a dedication for public use of the Utility Easement, and the rights herein created are for the use and benefit of the owners of the real property described herein, and their successors and assigns, and for the use and benefit of public utility companies. This Declaration is not intended to confer benefits other than as set forth herein.

5. **Miscellaneous.** If any term, provision or condition contained in this Declaration shall to any extent be deemed invalid or unenforceable, the remainder of the Declaration shall not be affected thereby, and each remaining term, provision and condition of this Declaration shall be valid and enforceable to the fullest extent permitted by law. This Declaration shall be governed by the laws of the State of Utah, without giving effect to its conflict of laws principles. All references in this Declaration to exhibits shall, unless otherwise expressly provided, be deemed to be references to the exhibits attached to this Declaration. All such exhibits attached hereto are incorporated into this Declaration as though fully set forth herein. This Declaration may be modified as to the Easement Area by a written agreement signed by the owners of the Benefitted Property and Easement Area, or their successors-in-title, and recorded in the recorder offices for Salt Lake County.

[Signature and Acknowledgement Follow]

IN WITNESS WHEREOF, Declarant has executed this Declaration as of the day and year first above written.

DECLARANT:

TOLL SOUTHWEST LLC,
a Delaware limited liability company

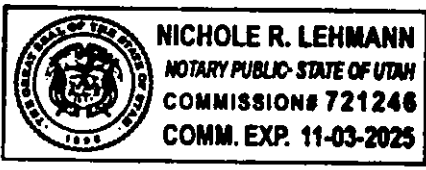
By: [Signature]
Name: Benjamin Gillen
Title: VP TOLL BROTHERS

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

The foregoing instrument was acknowledged before me this 23 day of January, 2023, by Benjamin Gillen, as VICE PRESIDENT of TOLL SOUTHWEST LLC, a Delaware limited liability company.

WITNESS my hand and official seal.

[Signature]
Notary Public



**Exhibit A to Declaration of Utility Easement
(Legal Description the Benefitted Property and Easement Area)**

Easement Area:

A parcel of land situate in the Northeast Quarter of Section 27, Township 3 South, Range 1 West, Salt Lake Base and Meridian, being more particularly described as follows:

Beginning at a point on the westerly boundary line of Lot 21 of Sycamore Glen Phase 1B, recorded October 21, 2022 in Book 2022P at Page 258 in the Office of the Salt Lake County Recorder, said point being South 00°22'14" West 445.76 feet along the quarter section line and East 514.83 feet from the North Quarter Corner of Section 27, Township 3 South, Range 1 West, Salt Lake Base and Meridian; and running

thence South 89°37'46" East 114.02 feet;
thence Southeasterly 22.37 feet along the arc of a 79.00 foot radius curve to the left (center bears North 35°08'02" East and the chord bears South 62°58'38" East 22.29 feet with a central angle of 16°13'20");
thence North 89°37'46" West 133.94 feet to said westerly boundary line;
thence North 00°22'14" East 10.00 feet along said westerly boundary line to the point of beginning.

Contains 1,228 Square Feet or 0.028 Acres

Benefitted Property:

Lots 21 and 22 Sycamore Glen Phase 1B Subdivision as shown by the official plat thereof filed in the office of the Recorder of Salt Lake County, Utah.

**Exhibit B to Declaration of Utility Easement
(Depiction of Easement Area)**

