

**AGREEMENT FOR
A FUTURE
CROSS-ACCESS EASEMENT**

This Agreement is entered into this 15 day of February, 2023 between the Utah Department of Transportation (UDOT) and MWIL MAGNA, LLC (Property Owner).

RECITALS

WHEREAS, Property Owner has received access approval to improve its property located at 3595 South 8400 West, in City of Magna, County of Salt Lake, State of Utah, and legally described as follows:

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 1 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, MAGNA TOWNSHIP, SALT LAKE COUNTY, UTAH, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST LINE OF SR-111 (8400 WEST / BACCHUS HIGHWAY), 734.61 FEET SOUTH 00°23'39" WEST ALONG THE QUARTER SECTION LINE AND 68.36 FEET EAST FROM THE NORTH QUARTER CORNER OF SAID SECTION 32, SAID POINT OF BEGINNING ALSO BEING THE SOUTHWEST CORNER OF LOT 4, ARBOR PARK COMMERCIAL PARK SUBDIVISION, ENTRY NUMBER 11706292, RECORDED IN THE SALT LAKE COUNTY RECORDER'S OFFICE, RUNNING THENCE ALONG THE SOUTH LINE OF SAID SUBDIVISION THE FOLLOWING SIX (6) COURSES: (1) NORTH 24°18'47" EAST 5.58 FEET, (2) SOUTH 89°25'04" EAST 511.99 FEET TO THE PROPERTY CORNER COMMON TO LOTS 1 AND 3 OF SAID SUBDIVISION, (3) SOUTH 00°31'05" WEST 115.71 FEET ALONG THE WEST LINE TO THE SOUTH WEST CORNER OF SAID LOT 1, (4) SOUTH 89°24'14" EAST 391.33 FEET ALONG THE SOUTH LINE OF SAID LOT 1, (5) SOUTH 63°07'13" EAST 13.48 FEET, (6) SOUTH 39°08'02" EAST 48.30 FEET TO A POINT ON THE WEST LINE OF COUNTY PARCEL NUMBER 14-32-201-059; THENCE SOUTH 00°26'03" WEST 356.21 ALONG THE WEST LINE OF SAID PARCEL TO A POINT ON THE NORTH LINE OF THE UTAH AND SALT LAKE CANAL, AND A POINT ON A 604.43 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE AND THE NORTH LINE OF THE CANAL 410.59 FEET HAVING A CENTRAL ANGLE OF 38°55'15" (CHORD BEARS SOUTH 89°33'39" WEST 402.74 FEET); THENCE SOUTH 70°06'03" WEST 127.78 TO A POINT ON THE EAST LINE OF COUNTY PARCEL 14-32-201-065; THENCE ALONG THE EAST AND NORTH LINE OF SAID COUNTY PARCEL THE FOLLOWING FOUR (4) COURSES: (1) NORTH 01°05'32" EAST 190.73 FEET, (2) NORTH 81°55'03" WEST 8.58 FEET, (3) NORTH 14°04'02" WEST 35.16 FEET, (4) SOUTH 87°33'49" WEST 411.49 FEET TO A POINT ON THE EAST LINE OF SAID SR-111; THENCE NORTH 00°29'28" EAST 357.73 FEET ALONG THE AFOREMENTIONED EAST LINE TO THE POINT OF BEGINNING.

CONTAINS 363,691 S.F. / 8.35 AC+/-.

WHEREAS, as a condition of this access approval, Property Owner is required to enter into an

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Rashelle Hobbs, Recorder, Salt Lake County, Utah
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2748 S GLENMORE SALT LAKE CITY, UT 84106

agreement to create a future cross-access easement on its property to allow for ingress and egress between its property and the adjacent property located at 3665 South 8400 West, Magna, UT 84044; and

WHEREAS, the purpose of the easement is to allow traffic flow between the properties in one access and onto U-111 Road/Street so as to relieve congestion and to create less traffic hazards; and

WHEREAS, at this time, the adjacent property located at 3665 South 8400 West, Magna, UT 84044 is not seeking access approval, and the owner of that property is unwilling to grant a mutual cross-access easement at this time. It is anticipated that when the adjacent property is improved so as to require access approval, UDOT shall require that a cross-access easement be created to connect the two (2) properties. As required by UDOT, Property Owner agrees to grant an easement as set forth in this Agreement; and

WHEREAS, Exhibit B shall include a site plan showing the approximate location of the future easement.

AGREEMENT

Now therefore it is hereby agreed as follows:


1. In fulfillment of the requirements imposed as a condition of access approval, Property Owner agrees, in the future and upon demand by UDOT, to grant a cross-access easement provided that the adjacent property owner located at 3665 South 8400 West, Magna, UT 84044 and as shown in attached Exhibit A, likewise grants a similar cross-access easement over its property.
2. At such time as the adjacent property owner desires access, Property Owner agrees to grant the cross-access agreement and to execute all necessary documents to create the cross-access easement.
3. The easements to be created shall burden and benefit the parcels. The easements shall run with the land and shall be binding on and shall insure to the benefit of the property owners, their respective heirs, successors or assigns.
4. The easements to be created shall continue until expressly terminated by written agreement between the parties, their successors, or their assigns. Any agreement to terminate or modify the easements to be created shall be approved in writing by UDOT.
5. Property Owner agrees to make the necessary improvements to its property to allow the ingress and egress as set forth herein within a reasonable time after the creation of the cross-access easements.
6. Property Owner agrees to maintain the easement area that will be located in its property in a reasonable manner and at its sole expense.
7. Any violation or breach of this Agreement shall be considered a breach of the access permit, and UDOT shall have the authority to enforce this Agreement in any manner permitted by law.
8. This Agreement to create a cross access agreement shall be recorded with the Salt Lake County Register of Deeds.

REQUIRED EXHIBITS: Exhibit A is the required legal description of the subject adjacent property. Exhibit B shall include a site plan showing the approximate location of the future easement. Both referenced exhibits are required to be attached to this agreement prior to recording.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed on their behalf by the following duly authorized representatives as of the date appearing opposite their signature below.

MWIC Magna, LLC,
a Utah limited liability company

By: LUPS Manager, LLC,
a Washington limited liability company,
Manager

By: 
Name: Tyson Feaster
Title: Manager

On this 15 day of FEBRUARY, 2022 before me, a Notary Public in and for the County of KING, personally appeared TYSON FERTER on behalf of WPS MANAGE LLC ^(AS MANAGER OF WPS MANAGE, LLC) to me known to be the same person who signed and is described in the above instrument and acknowledged the same to be his/her free act and deed.

Shelby Hjort
Notary Public State of WA
My Commission expires: 4/20/25

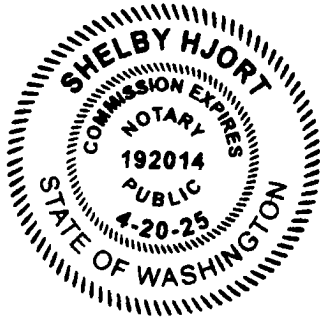


EXHIBIT A
Adjacent Property Owner Information

Magna Medical Office Building
3665 South 8400 West
Magna, UT 84044

Salt Lake County Parcel ID#: 14-32-201-065-0000

Legal Description:

COMMENCING AT A POINT 77 ½ RODS SOUTH AND 30 RODS EAST FROM THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 1 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE NORTH 10 ½ RODS; THENCE WEST 6.85 FEET; MORE OR LESS TO THE SOUTHEAST CORNER OF THE PARCEL CONVEYED BY HELEN GUST TO LYNN STEWART AND WIFE BY QUIT-CLAIM DEED RECORDED IN BOOK 2495, PAGE 204; THENCE NORTH 14°12'38" WEST 35.50 FEET; TO THE SOUTH LINE OF THE LAND CONVEYED TO JOHN A. ROKICH AND WIFE BY DEED RECORDED IN BOOK 1836, PAGE 478; THENCE ALONG THE SOUTH LINE OF SAID TRACT SOUTH 87°12'47" WEST 412.89 FEET; TO THE EAST LINE OF HIGHWAY RIGHT OF WAY; THENCE SOUTH 0°12' EAST 382.84 FEET TO THE SOUTHWEST CORNER OF TRACT; THENCE EASTERLY 213 FEET MORE OR LESS ALONG THE NORTH LINE OF THE UTAH SALT LAKE CANAL, THENCE NORTH 52°22'00" EAST 324 FEET MORE OR LESS AROUND SAID CANAL TO THE POINT OF BEGINNING.

LESS AND EXCEPTING A PARCEL CONVEYED TO SALT LAKE COUNTY BY THAT CERTAIN WARRANTY DEED RECORDED MARCH 25, 2009 AS ENTRY NO. 10655584 IN BOOK 9701 AT PAGE 2863 OF OFFICIAL RECORDS AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT BEING SOUTH 0°06'07" WEST 1095.47 FEET ALONG THE QUARTER SECTION LINE AND NORTH 87°10'29" EAST 70.77 FEET FROM THE NORTH QUARTER CORNER OF SECTION 32, TOWNSHIP 1 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE NORTH 87°10'29" EAST 12.12 FEET; THENCE SOUTH 00°11'52" WEST 336.26 FEET TO THE NORTH LINE OF THE UTAH AND SALT LAKE CANAL; THENCE SOUTH 77°30'00" WEST 11.21 FEET ALONG SAID NORTH LINE OF SAID UTAH AND SALT LAKE CANAL; THENCE NORTH 338.09 FEET TO THE POINT OF BEGINNING.

EXHIBIT B

