

REV05042015

Return to:

Rocky Mountain Power  
Lisa Louder/James McKendrick  
1407 West North Temple Ste. 110  
Salt Lake City, UT 84116

14132732 B: 11434 P: 179 Total Pages: 4  
07/25/2023 03:06 PM By: SCalderon Fees: \$40.00  
Rashelle Hobbs, Recorder, Salt Lake County, Utah  
Return To: ROCKY MOUNTAIN POWER  
ATTN: LISA LOUDER 1407 W NORTH TEMPLE STE 110 SALT LAKE CITY, UT

Project Name: Emeril II Development  
WO#: 7034586  
RW#:

**UNDERGROUND RIGHT OF WAY EASEMENT**

For value received, **Emeril II Development JV LLC, A Delaware limited liability company** ("Grantor"), hereby grants 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 100 feet in length, and 5 feet in width and 130 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 Grantor in **Salt Lake County, State of Utah** more particularly described as follows and as more particularly described and/or shown on Exhibit(s) **A** attached hereto and by this reference made a part hereof:

**Legal Description:**

BEGINNING AT A POINT WHICH IS NORTH 99.00 FEET FROM THE SOUTHEAST CORNER OF LOT 3, BLOCK 58 PLAT "C" SALT LAKE CITY SURVEY TO, TO THE NORTH LINE OF EMERIL AVENUE SAID POINT BEING A FOUND "T" POST; THENCE SOUTH 89°58'36" WEST 90.50 FEET; THENCE NORTH 00° 00'00" WEST 165.00 FEET; THENCE NORTH 90°00'00" EAST 90.47 FEET; THENCE SOUTH 16.50 FEET; THENCE EAST 110.20 FEET; THENCE SOUTH 148.41 FEET TO THE NORTH LINE OF EMERIL AVENUE; THENCE SOUTH 89° 58'36" WEST 110.17 TO THE POINT OF BEGINNING.

CONTAINING 31,283 sq.ft. OR 0.718 Acres

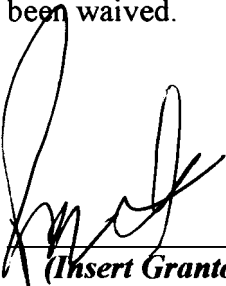
Assessor Parcel No. 0835457026

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 18 day of July, 2022.

PATRICK ELLIOTT - manager

*(Insert Grantor Name Here)* GRANTOR

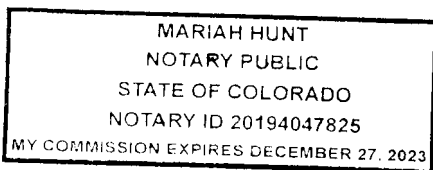
*(Insert Grantor Name Here)* GRANTOR

**Acknowledgment by a Corporation, LLC, or Partnership:**

STATE OF colorado )  
County of Jefferson ) ss. )

On this 18 day of July, 2023, before me, the undersigned Notary Public in and for said State, personally appeared Patrick Elliott (name), known or identified to me to be the Manager (president / vice-president / secretary / assistant secretary) of the corporation, or the (manager / member) of the limited liability company, or a partner of the partnership that executed the instrument or the person who executed the instrument on behalf of Emeril II Development Ju LLC (entity name), 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 signature)

NOTARY PUBLIC FOR colorado (state)  
Residing at: Edgewater, Colorado (city, state)  
My Commission Expires: 12-27-2023 (d/m/y)

900 WEST  
(PUBLIC RIGHT OF WAY)

N89° 58' 46"E 239.45'

34 N 900 WEST  
OWNER OF RECORD  
08-35-457-034  
EMERIL II  
DEVELOPMENT JV LLC

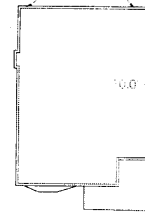
34 N 900 WEST

RMP EASEMENT (10')

N0° 01' 15"W 165.00'

N0° 00' 00"E 165.00'  
S0° 00' 00"E 165.00'

EXISTING BUILDING  
(TO BE REMOVED)



S89° 58' 43"W 239.39'

POB  
NORTH  
13.14'

INTERSECTION 900 W.  
AND EMERIL AVE.

BASIS OF BEARING  
N 89° 58' 36" E 792.00'

EMERIL AVENUE (30 NO)  
(PUBLIC RIGHT OF WAY)

**BOUNDARY DESCRIPTION**

BEGINNING AT A POINT WHICH IS NORTH 99.00 FEET, OR THEREABOUTS, TO EMERIL AVENUE AND  
SOUTH 99.00 FEET FROM THE POINT OF BEGINNING TO THE CORNER OF A PLAT OF LAND  
LAKE CITY SURVEY SAID CORNER BEING A POINT 12.14 FEET SOUTH OF A POINT 10.00 FEET  
TO THE EAST OF THE POINT OF BEGINNING; THENCE SOUTH 10.00 FEET TO THE CORNER OF A PLAT  
OF LAND LAKE CITY SURVEY SAID CORNER BEING A POINT 10.00 FEET EAST OF THE POINT OF  
BEGINNING.

CONTAINS 33.59 SQ FT OF DISTRICT

**DISCLAIMER**  
THIS DOCUMENT IS A PRELIMINARY SURVEY AND SHOULD NOT BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF THE SURVEYOR. THE SURVEYOR MAKES NO WARRANTY, EXPRESS OR IMPLIED, AS TO THE ACCURACY, COMPLETENESS, OR SUITABILITY OF THIS INFORMATION. THIS DOCUMENT IS NOT TO BE USED AS EVIDENCE IN ANY COURT OF LAW.



**EMERIL APARTMENTS**  
34 N 900 WEST, SALT LAKE CITY, UT

LOT CONTAINS APARTMENT

C-05B