



ENT 1458:2011 PG 1 of 8
JEFFERY SMITH
UTAH COUNTY RECORDER
2011 Jan 05 3:29 pm FEE 0.00 BY SS
RECORDED FOR EAGLE MOUNTAIN CITY

After Recording Mail To:
Gerald H. Kinghorn
PARSONS KINGHORN HARRIS
111 E. Broadway, 11th Floor
Salt Lake City, Utah 84111

NON-EXCLUSIVE RIGHT-OF-WAY AND EASEMENT

MONTE VISTA RANCH, LC, a Utah limited liability company, LEGENDS LAND AND RANCH, LLC, a Utah limited liability company, EAGLE MOUNTAIN PROPERTIES, LC, a Utah limited liability company, and JOHN W. WALDEN and ROBYN G. WALDEN, individually (collectively "**Grantors**"), with respect to the properties of each of the Grantors, hereby convey and warrant to EAGLE MOUNTAIN CITY, a municipal corporation of the State of Utah ("**Grantee**") for good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, a right-of-way and easement 15.0 feet in width to lay, maintain, operate, repair, inspect, protect, remove and replace pipelines, valves, valve boxes and other gas transmission and distribution facilities (collectively "**facilities**") through and across the land and premises situated in the County of Utah, State of Utah as more particularly described on attached **Exhibit A** (the "**Easement Area**"). It is the intent of the parties that the facilities qualify as underground facilities for purposes of Utah Code Ann. § 54-13-7(1)(b)(iii) (2010).

To the extent that any discrepancy exists between the legal description and survey heretofore made or hereinafter described and the actual location of the pipeline, the actual location of the pipeline shall govern, with the right-of-way and easement running parallel to and extending 7.5 feet on each side of the actual location of the centerline of the pipeline as it exists on Grantors' property.

This right-of-way and easement shall include access for the Grantee on and along said right-of-way, and the right to use existing and future roads on Grantors' property for the purpose of constructing, inspecting, repairing, protecting and maintaining the facilities and the removal or replacement of the same, either in whole or in part, and the replacement of said pipeline with either like or different size pipe, so long as the installation of larger size pipe does not result in the imposition of additional restrictions on the use of private property lying outside of the easement by local, state, or federal codes, laws rules, or regulations. Grantee shall repair or replace any improvements within the Easement Area that Grantee must remove or destroy to access, inspect, repair, or maintain the facilities.

Grantee shall have all rights necessary to operate, protect and maintain the facilities over the right-of-way hereby granted unto the said Grantee, its successors and assigns, and the Grantee may assign the rights and easement herein granted, either in whole or in part, subject to the terms of this grant, and such rights and easements shall be covenants running with the land and be binding upon Grantors, their heirs, legal representatives and successors in title.

Grantors, their successors and assigns, reserve the right to construct and to maintain roads, parking lots, sidewalks, fences, landscaping, water lines, sanitary or storm sewers, telephone lines, fiber optic lines and other improvements over under and across said easement. Notwithstanding the foregoing, Grantors, their successors or assigns, shall not dig, bore, drill, excavate or change the surface grade within the easement, operate any construction equipment or machinery (such as backhoes, excavators, drill rigs, or compactors) within the easement, plant any trees within the easement, or build or permit to be built any permanent building or structure, or any structure requiring a foundation or footing, on or within the easement without the express written consent of Grantee, which consent shall not be unreasonably withheld. Upon any request by Grantors herein, Grantee shall diligently investigate and timely respond to the request. Grantee's consent maybe withheld or conditioned to the extent reasonably necessary to protect the facilities, to protect Grantee's reasonable access to the facilities, or to comply with any state or federal law, rule or regulation, including, but not limited to state or federal law regarding minimum safe distances that facilities may be located from the gas line.

Grantors and Grantee expressly agree that for purposes of this easement, Utah Code Ann. § 54-13-7(1)(b) or its successor statute shall be interpreted to allow the construction of a building or structure requiring slab support or footings that is located outside the easement area and is also not within 7.5 feet of any natural gas pipeline within the easement area.

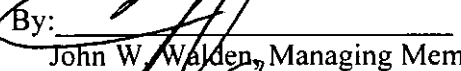
WITNESS the hand of said Grantors this 27th day of Dec., 2010.

GRANTORS:

MONTE VISTA RANCH, LC

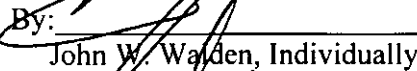
By: 
John W. Walden, Managing Member

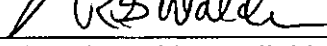
LEGENDS LAND AND RANCH, LLC

By: 
John W. Walden, Managing Member

EAGLE MOUNTAIN PROPERTIES, LC

By: 
John W. Walden, Managing Member

By: 
John W. Walden, Individually

By: 
Robyn G. Walden, Individually

STATE OF UT)
)
COUNTY OF UT)

On the 27 day of Dec., 2010, personally appeared before me John W. Walden, the signor of the foregoing instrument, who did personally acknowledged to me that he had authority to and did execute the foregoing by, for, and on behalf of Monte Vista Ranch, LC, Legends Land and Ranch, LLC, Eagle Mountain Properties, LC, and himself, individually.

Lee Francis
NOTARY PUBLIC



STATE OF UT)
)
COUNTY OF UT)

On the 27 day of Dec., 2010, personally appeared before me Robyn G. Walden, the signor of the foregoing instrument, who did personally acknowledged to me that she did execute the foregoing.

Lee Francis
NOTARY PUBLIC

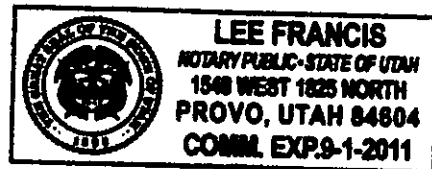


Exhibit A

[Non-Exclusive Right Of Way and Easement]

Parcel Nos. 590560019 and 580450031

A strip of land 15 feet in width lying west of the west line of the property owned by Cedar View land Holding Trust, recorded in Book 3642 at Page 467, on file with the Utah County Recorder's office, situate in Sections 13 and 24 of Township 6 South, Range 2 West, Salt Lake Base and Meridian, located in the City of Eagle Mountain, County of Utah, State of Utah and being more particularly described as follows:

Beginning at the Southwest corner of the said Cedar View Land Holding parcel, said point being North 0°26'02" East, along the Section line 2034.88 feet, and South 89°33'58" East, 2686.68 feet from the Southwest Corner of said section 24, and running thence North 89°22'21" West, 15.00 feet, thence North 0°27'05" East, 5966.25 feet; thence South 89°13'44" East, 15.00 feet, to the West line of aforesaid Cedar View Land Holding Parcel; thence South 0°27'05" West, along said West line and along an existing fence line, 5966.21 feet, to the point of beginning.

Contains: 89,486 Square Feet, or 2.054 Acres

Parcel Nos. 590560019 and 580450031

A strip of land 15 feet in width situated in North Half of Section 13 Township 6 South, Range 2 West, Salt Lake Base and Meridian, located in the City of Eagle Mountain, County of Utah, State of Utah and being more particularly described as follows:

Beginning at a point 17.00 feet East of the Easterly Right-of-Way line of Sweetwater Road, according the official plat thereof, on file with the Utah County Recorder's Office said point being South 0°28'57" West, along the Section line 2617.82 feet and North 89°31'03" West, 2680.32 feet, South 89°13'44" East, 17.00 feet from the Northeast corner of said Section 13, and running thence North 0°27'08" East, 6.60 feet; thence South 89°13'41" East, 15.00 feet; thence South 0°27'8" West, 6.60 feet; thence North 89°13'44" West, 15.00 feet, to the point of beginning.

Contains: 99 Square Feet, or 0.002 Acre

Parcel No.: 59:044:0092

A strip of land being 15 feet in width and lying 15 feet easterly and parallel with the East Right-of-Way line of Sweetwater Road, said strip being situate in the East Half of Section 12, Township 6 South, Range 2 West, Salt Lake Base and Meridian, located in Eagle

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RBW

Mountain City, County of Utah, State of Utah and being more particularly described as follows:

Beginning at a point on the Easterly line of said Sweetwater Road, and the South line of the John Walden parcel recorded as Entry No.: 115084, on file with the Utah County Recorder's office, said point being South 0°27'57" West, along the Section line 2386.91 feet and North 89°32'03" West, 2160.35 feet, from the Northeast Corner of said Section 12, and running thence North, along said Easterly line 926.91 feet; thence North 88°44'07" East, along the North line of said Walden parcel 15.00 feet; thence South, 927.24 feet; thence West, 15.00 feet, to the point of beginning.

Contains: 13,906 Square Feet, or 0.319 Acres.

Parcel No.: 59:044:0084

A strip of land being 15 feet in width and lying 15 feet easterly and parallel with the East Right-of-Way line of Sweetwater Road, recorded in Book 7293, at Page 85 of plats, on file with the Utah County Recorder's office, said strip being situate in the Southeast Quarter of Section 12, Township 6 South, Range 2 West, Salt Lake Base and Meridian, located in Eagle Mountain City, County of Utah, State of Utah and being more particularly described as follows:

Beginning at a point on the Easterly line of said Sweetwater Road, said point being North 0°25'52" East, 1265.97 feet along the section line and North 89°34'08" West 2243.90 feet from the Southeast corner of said Section 12, and running thence along the arc of a 1850.00 foot radius non-tangent curve to the left and the Easterly line of said Sweetwater road, through a central angle of 16°25'40", a distance of 530.43 feet, the long chord of which bears North 9°58'21" East, 528.62 feet, to the Southerly line of the Trailhead Road, recorded in Book 8990 at page 102 of plat, on file with the Utah County Recorder's office; thence Northeasterly along the arc of a 25.00 foot radius curve to the right, through a central angle of 66°38'48", a distance of 29.08 feet, the long chord of which bears North 34°30'07" East, 27.47 feet; thence Southeasterly along the arc of a 1860.00 foot radius non-tangent curve to the right, through a central angle of 16°58'29", a distance of 552.53 feet, the long chord of which bears South 9°32'10" West, 550.52 feet; thence South 88°42'42" West, 15.90 feet, to the point of beginning.

Contains: 8,199 Square Feet, or 0.188 Acres.

Parcel No.: 59:045:0065

A strip of land being 15 feet in width and lying Easterly of Sweetwater Road, recorded in Book 7293, at Page 85 of plats, on file with the Utah County Recorder's office, said strip being situate in the North half of Section 13, Township 6 South, Range 2 West, Salt Lake Base and Meridian, located in Eagle Mountain City, County of Utah, State of Utah and being more particularly described as follows:

QW

Beginning at a point 17.00 feet East of the intersection of the Northerly line of Sweetwater Phase 1 Subdivision, recorded as Entry No.: 12525 of plat, on file with the Utah County Recorder's office, and the Easterly line of said Sweetwater Road, said point being South 0°28'57" West, along the Section line, 1595.61 feet and North 89°31'03" West, 2680.86 feet, and South 89°32'52" East 17.00 feet, from the Northeast Corner of said Section 13, and running thence North 0°27'08" East, 116.75 feet; thence South 89°32'52" East, 15.00 feet; thence South 0°27'08" West 116.75 feet, to the aforesaid Northerly line of Sweetwater Phase 1 Subdivision; thence North 89°32'52" West, along said north line, 15.00 feet, to the point of beginning.

Contains: 1,751 Square Feet, or 0.040 Acres

Parcel No.: 59:045:0064

A strip of land being 15 feet in width and lying Easterly and parallel with the East Right-of-Way line of Sweetwater Road, recorded in Book 7293, at Page 85 of plats, on file with the Utah County Recorder's office, said strip being situate in the North half of Section 13, Township 6 South, Range 2 West, Salt Lake Base and Meridian, located in Eagle Mountain City, County of Utah, State of Utah and being more particularly described as follows:

Beginning at a point 17.00 feet East of the Easterly Right-of-Way line of said Sweetwater Road, said point being South 0°28'57" West, along the Section line 1478.87 feet; North 89°31'03" West, 2680.92 feet; and South 89°32'52" East 17.00 feet from the Northeast corner of said Section 13, and running thence North 0°27'08" East, along said Easterly line, 1115.62 feet, to a point of curvature; thence along the arc of a 1933.00 foot radius curve to the right, through a central angle of 10°49'42", a distance of 365.32 feet, the long chord of which bears North 5°51'58" East, 364.77 feet, to the North line of said section 13; thence South 89°31'09" East, along the North line of said Section 13, 15.27 feet, to a point of curvature; thence southwesterly along the arc of a 1918.00 foot radius non-tangent curve to the left, through a central angle of 10°54'50", a distance of 365.34 feet, the long chord of which bears South 5°54'32" West 364.79 feet; thence South 0°27'08" West 1,115.62 feet; thence North 89°32'52" West 15.00 feet, to the point of beginning.

Contains: 22,214 Square Feet, or 0.510 Acres

Parcel No.: 59:044:0048

A strip of land being 15 feet in width and lying easterly and parallel with the East Right-of-Way line of Sweetwater Road, recorded in Book 7293, at Page 85 of plats, on file with the Utah County Recorder's office, said strip being situate in the Southeast Quarter of Section 12, Township 6 South, Range 2 West, Salt Lake Base and Meridian, located in Eagle Mountain City, County of Utah, State of Utah and being more particularly described as follows:

RBW

Beginning 17.30 feet Easterly of the intersection of the South line of said Section 12 and the Easterly Right-of-Way line of said Sweetwater Road said intersecting point being North 89°31'09" West, along the Section line 2630.29 feet, from the Southeast Corner of said Section 12, and running thence northeasterly along the arc of a 1933.00 foot non-tangent curve to the right, through a central angle of 7°38'35", a distance of 257.85 feet, the long chord of which bears North 15°06'07" East 257.66 feet; thence North 18°55'24" East 205.76 feet, to the southerly line of Eagle Mountain Boulevard, recorded in Book 7292 at Page 85 of plat, on file with the Utah County Recorder's Office; thence easterly along the arc of a 10046.50 foot radius non-tangent curve to the left along the Southerly line of said Eagle Mountain Boulevard, through a central angle of 0°05'08", a distance of 15.00 feet, the long chord of which bears South 71°46'01" East, 15.00 feet; thence South 18°55'24" West 205.94 feet, to a point of curvature; thence southwesterly along the arc of a 1918.00 foot radius curve to the left, through a central angle of 7°33'27", a distance of 252.99 feet, the long chord of which bears South 15°08'40" West 252.81 feet, to the South line of aforesaid section 12, thence North 89°31'09" West, along said South line 15.27 feet, to the point of beginning.

Contains: 6,919 Square feet, or 0.159 Acres

Parcel No.: 59:044:0076

A strip of land being 15 feet in width and lying 15 feet easterly and parallel with the East Right-of-Way line of Sweetwater Road, recorded in Book 7293, at Page 85 of plats, on file with the Utah County Recorder's office, said strip being situate in the Southeast Quarter of Section 12, Township 6 South, Range 2 West, Salt Lake Base and Meridian, located in Eagle Mountain City, County of Utah, State of Utah and being more particularly described as follows:

Beginning at the intersection of the North line of Eagle Mountain Boulevard, recorded in Book 7992 at Page 85 of plat, on file with the Utah County Recorder's office and the Easterly line of said Sweetwater Road, said intersecting point being North 0°25'52" East, along the Section line 540.11 feet and North 89°34'08" West 2486.44 feet, from the Southeast Corner of said Section 12, and running thence North 18°55'24" East, along said Easterly line, 741.51 feet, to a point of curvature; thence along the arc of a 1850.00 foot radius curve to the left, through a central angle of 0°44'13", a distance of 23.80 feet, the long chord of which bears North 18°33'18" East, 23.80 feet; thence North 88°42'42" East, 15.90 feet; thence along the arc of a 1865.00 foot radius curve to the right, through a central angle of 0°54'00", a distance of 29.29 feet, the long chord of which bears South 18°28'25" West 29.29 feet; thence South 18°55'24" West, 691.22 feet, thence South 00°04'14" West, 52.76 feet to the Northerly line of aforesaid Eagle Mountain Boulevard; thence along the arc of a 9953.50 foot radius non-tangent curve to the right, through a central angle of 0°11'03" a distance of 32.00 feet, the long chord of which bears North 71°43'28" West 32.00 feet, to the point of beginning.

Contains: 11,945 Square Feet, or 0.274 Acres.

REW

Parcel Nos. 590560019 and 580450031

A STRIP OF LAND 15 FEET IN WIDTH FOR THE PURPOSE OF AN EXCLUSIVE GAS LINE EASEMENT LYING WEST OF THE WEST LINE OF THE PROPERTY OWNED BY CEDAR VIEW LAND HOLDING TRUST, RECORDED IN BOOK 3642 AT PAGE 467, ON FILE WITH THE UTAH COUNTY RECORDER'S OFFICE, SITUATED IN SECTIONS 13 AND 24 OF TOWNSHIP 6 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, LOCATED IN THE CITY OF EAGLE MOUNTAIN, COUNTY OF UTAH, STATE OF UTAH AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE SAID CEDAR VIEW LAND HOLDING PARCEL, SAID POINT BEING NORTH 0°26'02" EAST, ALONG THE SECTION LINE 2034.88 FEET, AND SOUTH 89°33'58" EAST, 2686.68 FEET FROM THE SOUTHWEST CORNER OF SAID SECTION 24, AND RUNNING THENCE SOUTH 0°27'05" WEST, ALONG THE PROLONGATION OF SAID CEDARVIEW HOLDINGS WESTERLY LINE, 15.00 FEET, THENCE NORTH 89°22'21" WEST, 32.08 FEET, TO THE EAST LINE OF SWEETWATER ROAD; THENCE NORTH THENCE NORTH 0°27'08" EAST, 15.00 FEET; THENCE SOUTH 89°22'21" EAST, 17.08 FEET; THENCE NORTH 0°27'05" EAST, 473.03 FEET THENCE NORTH 89°32'52" WEST, 17.00 FEET, TO THE RIGHT OF WAY LINE; THENCE NORTH 0°27'08" EAST, ALONG THE RIGHT OF WAY, 15.00 FEET; THENCE SOUTH 89°32'52" EAST, 17.00 FEET; THENCE NORTH 0°27'08" EAST, 193.86 FEET; THENCE NORTH 89°32'52" WEST, 17.00 FEET, TO THE RIGHT OF WAY; THENCE NORTH 0°27'08" EAST, ALONG THE RIGHT OF WAY 15.00 FEET; THENCE SOUTH 89°32'52" EAST, 17.00 FEET; THENCE NORTH 0°27'08" EAST 770.69 FEET; THENCE NORTH 89°32'52" WEST, 17.00 FEET, TO THE RIGHT OF WAY LINE, THENCE NORTH 0°27'08" EAST, ALONG THE RIGHT OF WAY, 15.00 FEET; THENCE SOUTH 89°32'52" EAST, 17.00 FEET; THENCE NORTH 0°27'08" EAST, 981.65 FEET; THENCE NORTH 89°32'52" WEST, 17.00 FEET, TO THE RIGHT OF WAY LINE; THENCE NORTH 0°27'08" EAST, ALONG THE RIGHT OF WAY LINE, 15.00 FEET; THENCE SOUTH 89°32'52" EAST 17.00 FEET; THENCE NORTH 0°27'08" EAST 856.48 FEET; THENCE NORTH 89°32'52" WEST, 17.00 FEET, TO THE RIGHT OF WAY LINE; THENCE NORTH 0°27'08" EAST, ALONG THE RIGHT OF WAY LINE, 15.00 FEET; THENCE SOUTH 89°32'52" EAST, 17.00 FEET; THENCE NORTH 0°27'08" EAST 118.11 FEET; THENCE NORTH 89°32'52" WEST, 17.00 FEET, TO THE RIGHT OF WAY LINE, THENCE NORTH 0°27'08" EAST, ALONG THE RIGHT OF WAY LINE, 15.00 FEET; THENCE SOUTH 89°32'52" EAST, 17.00 FEET; THENCE NORTH 0°27'08" EAST, 1085.56 FEET; THENCE NORTH 89°32'52" WEST, 17.00 FEET, TO THE RIGHT OF WAY LINE; THENCE NORTH 0°27'08" EAST, ALONG THE RIGHT OF WAY LINE, 15.00 FEET; THENCE SOUTH 89°32'52" EAST, 17.00 FEET; THENCE NORTH 0°27'08" EAST, 1036.55 FEET; THENCE NORTH 89°32'52" WEST, 17.00 FEET, TO THE RIGHT OF WAY LINE; THENCE NORTH 0°27'08" EAST, ALONG THE RIGHT OF WAY LINE, 15.00 FEET; THENCE SOUTH 89°32'52" EAST, 17.00 FEET; THENCE NORTH 0°27'08" EAST, 330.31 FEET; THENCE SOUTH 89°13'44" EAST 15.00 FEET; THENCE SOUTH 0°27'05" WEST, ALONG A FENCE LINE AND THE WEST LINE OF AFORESAID CEDAR VIEW LAND HOLDINGS PARCEL 5966.21 FEET, TO THE POINT OF BEGINNING.

CONTAINS: 92,239 SQUARE FEET, OR 2.117 ACRES.