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DOC # 20220046234

Easements Page 1 of 13
Gary Christensen Washington County Recorder
10/12/2022 11:03:24 AM Fee \$ 40.00
By BROTHERS KEEPER

When Recorded, Mail to:

CARDIFF WALES, LLC
c/o Bryce Gibby
4234 S WASHINGTON FIELDS RD
WASHINGTON, UT 84780



Tax ID W5-3-2-211

AMENDMENT TO STORM DRAINAGE EASEMENT

THIS AMENDMENT to the STORM DRAINAGE EASEMENT (this "Amendment") is made and entered into this 28 day of September, 2022 (the "Effective Date"), by and between WASHINGTON COUNTY FLOOD CONTROL AUTHORITY, and CARDIFF WALES, LLC, collectively the "Parties".

RECITALS

- A. WASHINGTON COUNTY FLOOD CONTROL AUTHORITY owns a certain easement (the "Storm Drainage Easement" or "NRCS Easement") located in Washington County, Utah, as more particularly described on Exhibit A attached hereto and incorporated herein by this reference.
- B. CARDIFF WALES, LLC owns a certain easement (the "Cardiff Wales, LLC Easement") located in Washington County, Utah, as more particularly described on Exhibit B attached hereto and incorporated herein by this reference.
- C. CARDIFF WALES, LLC desires an access easement on, over, under, and across a portion of the NRCS Easement and WASHINGTON COUNTY FLOOD CONTROL AUTHORITY desires an access easement on, over, under, and across a portion of the Cardiff Wales, LLC Easement (collectively "Easements," and each individually an "Easement").
- D. Pursuant to the terms and conditions contained herein, WASHINGTON COUNTY FLOOD CONTROL AUTHORITY will grant to CARDIFF WALES, LLC perpetual and non-exclusive access easements on, over, under, and across a portion of the NRCS Easement for the exceptions and authorized uses more fully set forth herein.

AGREEMENT

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and based upon the mutual promises and covenants set forth herein, the Parties agree to the following exceptions and authorized uses to the NRCS Easement as follows:

1. **Exceptions and Authorized Uses:**


- a. **The Well and Future Pump House:** This exception shall be granted to CARDIFF WALES, LLC for the purpose of preserving the existing well and well head. It will also allow for

the future construction and preservation of a pump house, so the well can be utilized and maintained by **CARDIFF WALES, LLC**, their successors and assigns. See Exhibit B.

- b. Temporary Ingress and Egress Easement: This exception shall be granted to **CARDIFF WALES, LLC**, their successors and assigns for the purpose of providing needed ingress and egress for the current location of Sandia Nursery and any future commercial development. See Exhibit C.
 - c. Utility Cross Access 1: This exception shall be granted to **CARDIFF WALES, LLC**, their successors and assigns for the purpose of allowing standard utility service to the three private residences located on the southern ridge overlooking the **NRCS Easement** to continue uninterrupted and to be maintained as needed. It will also allow for any future commercial development. See Exhibit D.
 - d. Utility Cross Access 2: This exception shall be granted to **CARDIFF WALES, LLC**, their successors and assigns for the purpose of allowing standard utility service to Sandia Nursery to continue uninterrupted and to be maintained as needed. It will also allow for any future commercial development. See Exhibit E.
2. Granted Access: The Parties shall have the right to enter upon the areas of exception and the Easement Areas for the exceptions and purposes permitted by this Amendment at their sole risk. This amends language in the **NRCS Easement** prohibiting such access.
 3. Maintenance: The Parties agree that the areas of exception and the Easement Areas will be maintained in good order and in a substantially similar condition as other similar improvements located in the surrounding area, and in accordance with all applicable laws, rules, and regulations. Each Party agrees to maintain and repair at its sole cost and expense its respective Easement areas. Each Party agrees to promptly repair any damage caused by such Party, its successors and assigns, not to include normal wear and tear, to any areas of exception and Easement Areas at its sole cost and expense.
 4. Indemnification: The Parties, their successors and assigns hereby indemnify, defend and hold each other harmless from and against any and all liens, encumbrances, costs, demands, claims, judgments, and damage, including personal injury caused by or arising out of the permitted and authorized use in the areas of exception and Easement Areas.
 5. Recording: This Amendment shall be recorded in the office of the Washington County Recorder, State of Utah and may be signed and acknowledged in one or more counterparts.


IN WITNESS WHEREOF, this Amendment was executed this 28 day of September, 2022.

WASHINGTON COUNTY FLOOD CONTROL AUTHORITY



Jimmie Hughes, Chairman

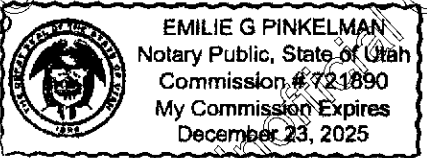
CARDIFF WALES, LLC



Bryce Gibby, Owner
MANAGING MEMBER

STATE OF UTAH

WASHINGTON)
Caché)
COUNTY OF WASHINGTON)
25th day)
20th day of September, 2022)



On this 20th day of September, 2022, personally appeared before me, known or satisfactorily proved to me to be Jay Sandberg representing **WASHINGTON COUNTY WASHINGTON COUNTY FLOOD CONTROL AUTHORITY** who acknowledged to me that signed the foregoing instrument as Department Head for said entity.

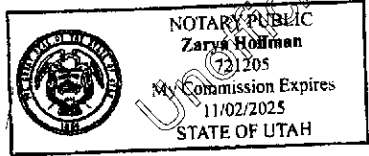
guy
Jimmie Hughes



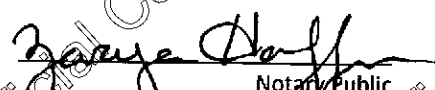
Notary Public

STATE OF UTAH)

Caché)
COUNTY OF WASHINGTON)



On this 20th day of September, 2022, personally appeared before me, known or satisfactorily proved to me to be Bryce Gibby representing **CARDIFF WALES, LLC**, who acknowledged to me that signed the foregoing instrument as Owner for said entity.



Notary Public

EXHIBIT A

WASHINGTON COUNTY FLOOD CONTROL AUTHORITY NRCS EASEMENT

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EASEMENT CURVE TABLE

CURVE #	LENGTH (FT)	RADIUS (FT)	DELTA (°)	DIRECTION	CHORD (FT)
C1	279.91	445.00	36°02'24.37"	S64°26'45"W	275.32
C2	132.43	480.00	15°19'44.22"	S44°05'26"W	132.04
C3	271.56	805.00	51°00'49.26"	S26°14'52"W	262.68
C4	290.65	995.00	36°21'29.02"	S18°55'12"W	246.47
C5	372.16	395.00	53°58'55.73"	S64°05'24"W	358.54
C6	225.05	345.00	53°58'55.73"	N64°05'24"E	313.15
C7	218.93	345.00	36°21'29.02"	N18°55'12"E	215.27
C8	316.06	355.00	51°00'49.26"	N26°14'52"E	305.74
C9	311.35	495.00	36°02'24.37"	N54°26'45"E	306.26

EAST QUARTER CORNER SECTION 2, TOWNSHIP 43S, RANGE 15W, SL B&M

POINT OF BEGINNING



50' WIDE PERMANENT NRCS DRAINAGE EASEMENT

- BASIS OF BEARINGS -
S 01°03'08" W 2684.42' (COR TO COR) 2530.09'

SOUTHEAST CORNER SECTION 2 TOWNSHIP 43S, RANGE 15W, SL B&M

EASEMENT LINE TABLE

NUMBER	LENGTH (FT)	DIRECTION
L1	24.30	N72° 27' 67"E
L2	50.00	S17° 32' 03"E
L3	307.02	S72° 27' 57"W
L4	27.50	S37° 16' 02"W
L5	100.00	S41° 35' 57"W
L6	110.46	S36° 26' 33"W
L7	694.07	S51° 45' 17"W
L8	231.19	S00° 44' 27"W
L9	782.06	S37° 05' 57"W
L10	298.18	N88° 55' 06"W
L11	529.32	S17° 58' 03"W

EASEMENT LINE TABLE

NUMBER	LENGTH (FT)	DIRECTION
L12	70.24	S63° 21' 03"W
L13	615.73	N17° 58' 03"E
L14	335.26	S64° 05' 24"E
L15	782.06	N37° 05' 57"E
L16	231.19	S00° 44' 27"E
L17	894.07	N51° 45' 17"E
L18	115.58	N36° 25' 33"E
L19	100.00	N42° 09' 54"E
L21	282.72	N72° 27' 57"E



CLIENT / OWNER INFORMATION:

BRIGHT IDEAS
TODD SMITH
1173 S 2050 W STE. 310
ST. GEORGE, UT 84770
435-680-7056

SHEET INFORMATION:

NRCS DRAINAGE EASEMENT
FINLEY FARMS
ST. GEORGE, WASHINGTON COUNTY, UTAH

ENGINEER / SURVEYOR INFORMATION:



JOHNSON ENGINEERING

4436 SOUTH 1025 EAST • SALT LAKE CITY, UTAH 84124

www.johnsonengineeringinc.com
Phone: 801-787-4569

DRAWN BY: DBJ	CHECKED BY: DBJ	APPROVED BY: DBJ	SHEET: E-100 01 OF 01
PROJECT NO: 22-013		DATE: 2022-07-22	
SCALE: 1"=500'		01	EASEMENT 07/22/22
		NO.	REVISION DATE

EXHIBIT B

CARDIFF WALES, LLC WELL HOUSE EASEMENT

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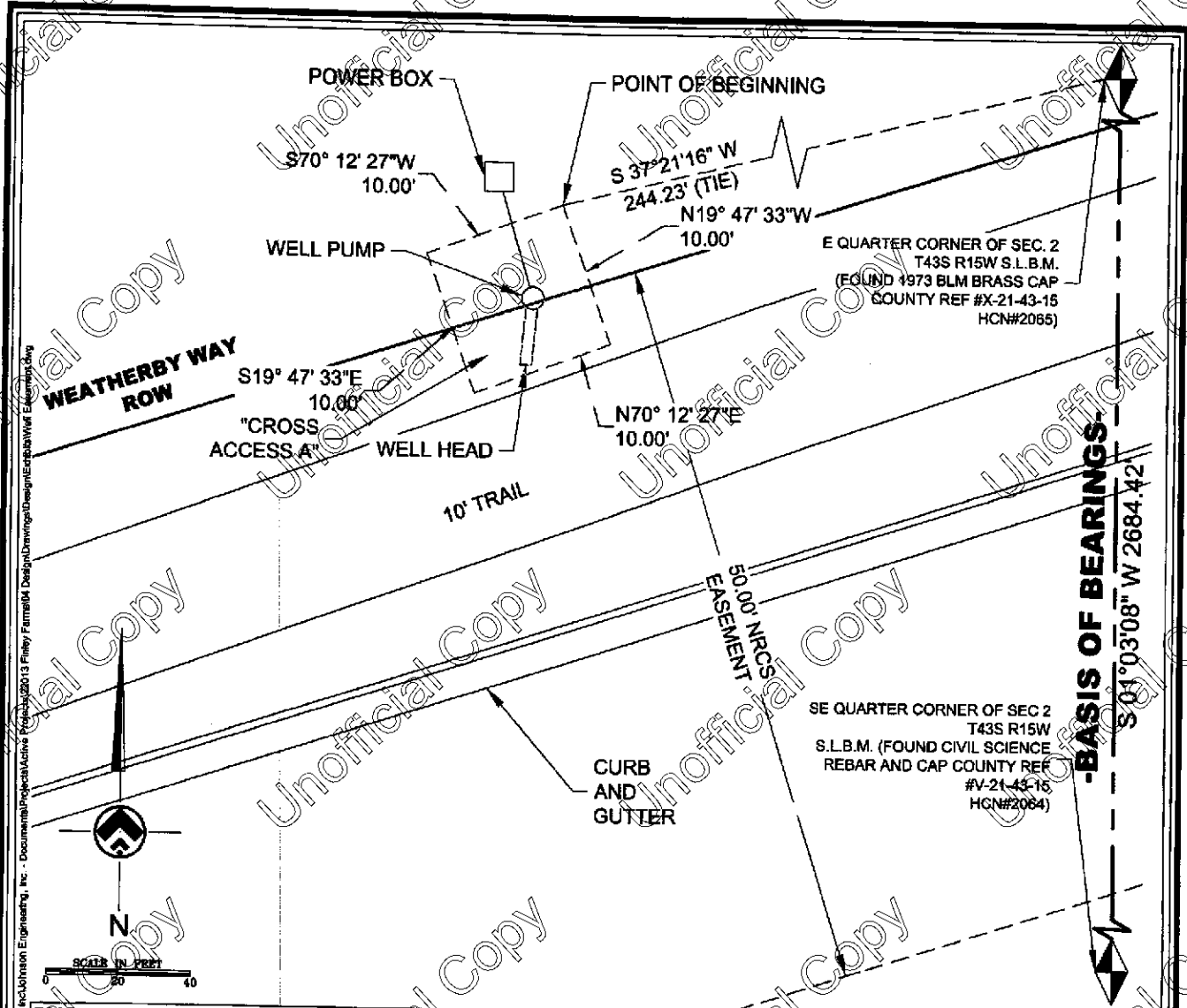
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EASEMENT DESCRIPTION:

A WELL HOUSE EASEMENT FOR THE LOCATION OF A WELL HOUSE TO PROTECT AN EXISTING WELL LOCATED IN THE CITY OF WASHINGTON, UTAH LOCATED IN THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 43 SOUTH, RANGE 15 WEST, SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH IS SOUTH 37°21'16" WEST A DISTANCE OF 244.23 FEET FROM THE EAST QUARTER CORNER OF SECTION 2, TOWNSHIP 43 SOUTH, RANGE 15 WEST, SALT LAKE BASE AND MERIDIAN; RUNNING THENCE SOUTH 70°12'27" WEST A DISTANCE OF 10.00 FEET; THENCE SOUTH 19°47'33" EAST A DISTANCE OF 10.00 FEET; THENCE NORTH 70°12'27" EAST A DISTANCE OF 10.00 FEET; THENCE NORTH 19°47'33" WEST A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

SAID EASEMENT CONTAINS 100.00 SF, MORE OR LESS.

CLIENT / OWNER INFORMATION:

BROTHERS KEEPER
 TODD SMITH
 1173 S 2050 W STE. 310
 ST. GEORGE, UT 84770
 435-680-7056

SHEET INFORMATION:

WELL HOUSE EASEMENT EXHIBIT
FINLEY FARMS
 WASHINGTON CITY, WASHINGTON COUNTY, UTAH

ENGINEER / SURVEYOR INFORMATION:

JOHNSON ENGINEERING
 4436 SOUTH 1025 EAST • SALT LAKE CITY, UTAH 84124
 www.johnsonengineeringinc.com
 Phone: [REDACTED]

DRAWN BY: OBJ	CHECKED BY: DBJ	APPROVED BY: DBJ	SHEET: E-100 01 OF 01
PROJECT NO: 22-013	DATE: 2022-09-15	SCALE: 1"=20'	NO. 01 EXHIBIT 09/14/22
NO.		REVISION	DATE

EXHIBIT C
TEMPORARY INGRESS AND EGRESS EASEMENT

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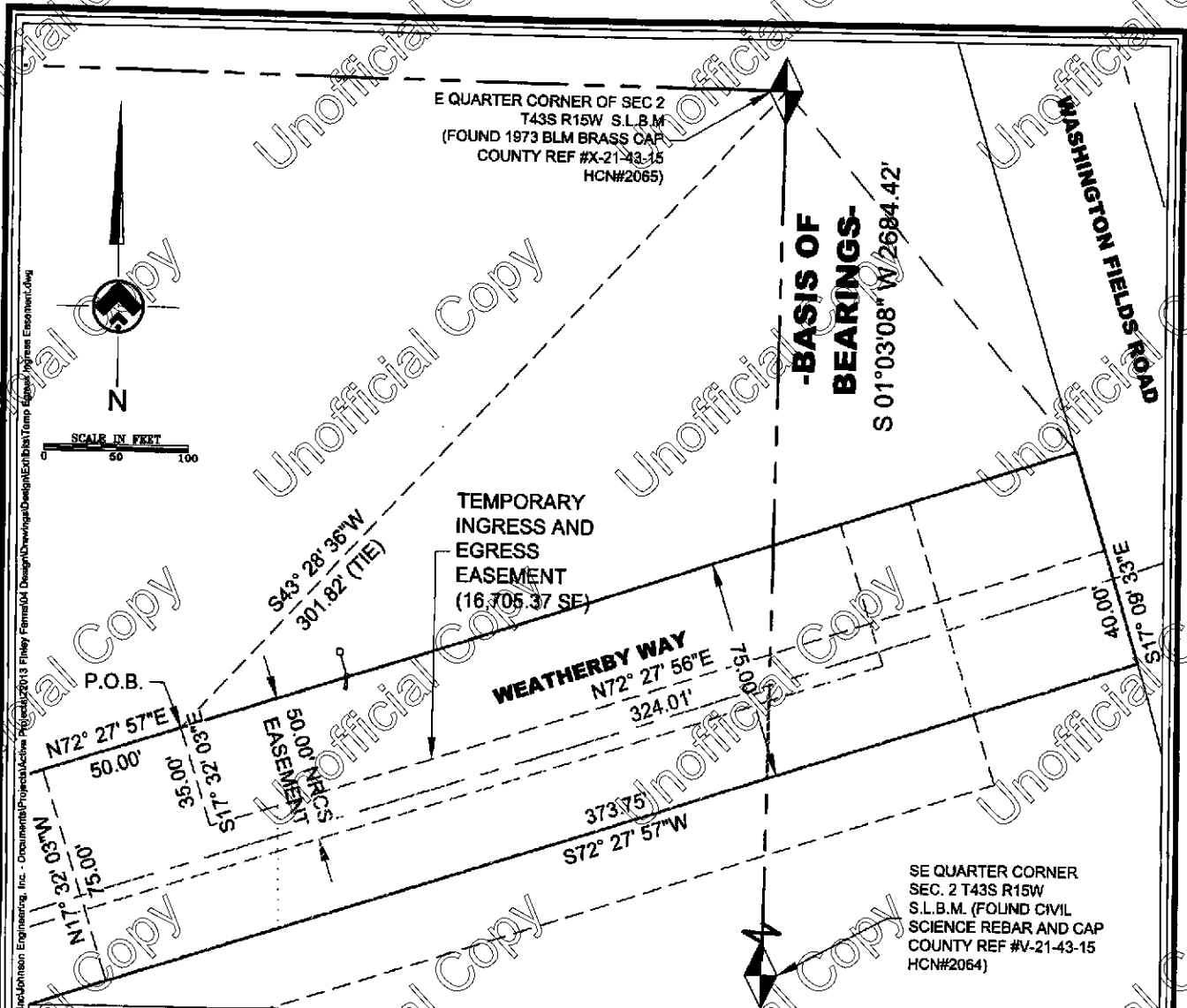
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EASEMENT DESCRIPTION:

A TEMPORARY INGRESS AND EGRESS EASEMENT DURING THE CONSTRUCTION OF WEATHERBY WAY LOCATED IN THE CITY OF WASHINGTON, UTAH LOCATED IN THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 43 SOUTH, RANGE 15 WEST, SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH IS SOUTH 43°28'46" WEST A DISTANCE OF 301.82 FEET FROM THE EAST QUARTER CORNER OF SECTION 2, TOWNSHIP 43 SOUTH, RANGE 15 WEST, SALT LAKE BASE AND MERIDIAN; RUNNING THENCE SOUTH 17°32'03" EAST A DISTANCE OF 35.00 FEET; THENCE NORTH 72°27'57" EAST A DISTANCE OF 324.01 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF WASHINGTON FIELDS ROAD; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE SOUTH 17°09'33" EAST A DISTANCE OF 40.00 FEET; THENCE LEAVING SAID RIGHT-OF-WAY LINE SOUTH 72°27'57" WEST A DISTANCE OF 373.75 FEET; THENCE NORTH 17°32'03" WEST A DISTANCE OF 75.00 FEET; THENCE NORTH 72°27'57" EAST A DISTANCE OF 50 FEET TO THE POINT OF BEGINNING.

SAID EASEMENT CONTAINS 16,705.37 SF. MORE OR LESS.

CLIENT / OWNER INFORMATION:

BROTHERS KEEPER
 TODD SMITH
 1173 S 2050 W STE. 310
 ST. GEORGE, UT 84770
 435-680-7056

SHEET INFORMATION:

TEMPORARY INGRESS AND EGRESS EASEMENT EXHIBIT
FINLEY FARMS
 WASHINGTON CITY, WASHINGTON COUNTY, UTAH

ENGINEER / SURVEYOR INFORMATION:



JOHNSON ENGINEERING

4436 SOUTH 1025 EAST • SALT LAKE CITY, UTAH 84124

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 Phone: 801-787-4569

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PROJECT NO: 22-013			
DATE: 2022-09-15			
SCALE: 1"=50'	01	EXHIBIT	09/14/22
	NO.	REVISION	DATE

EXHIBIT D
UTILITY CROSS ACCESS EASEMENT 1

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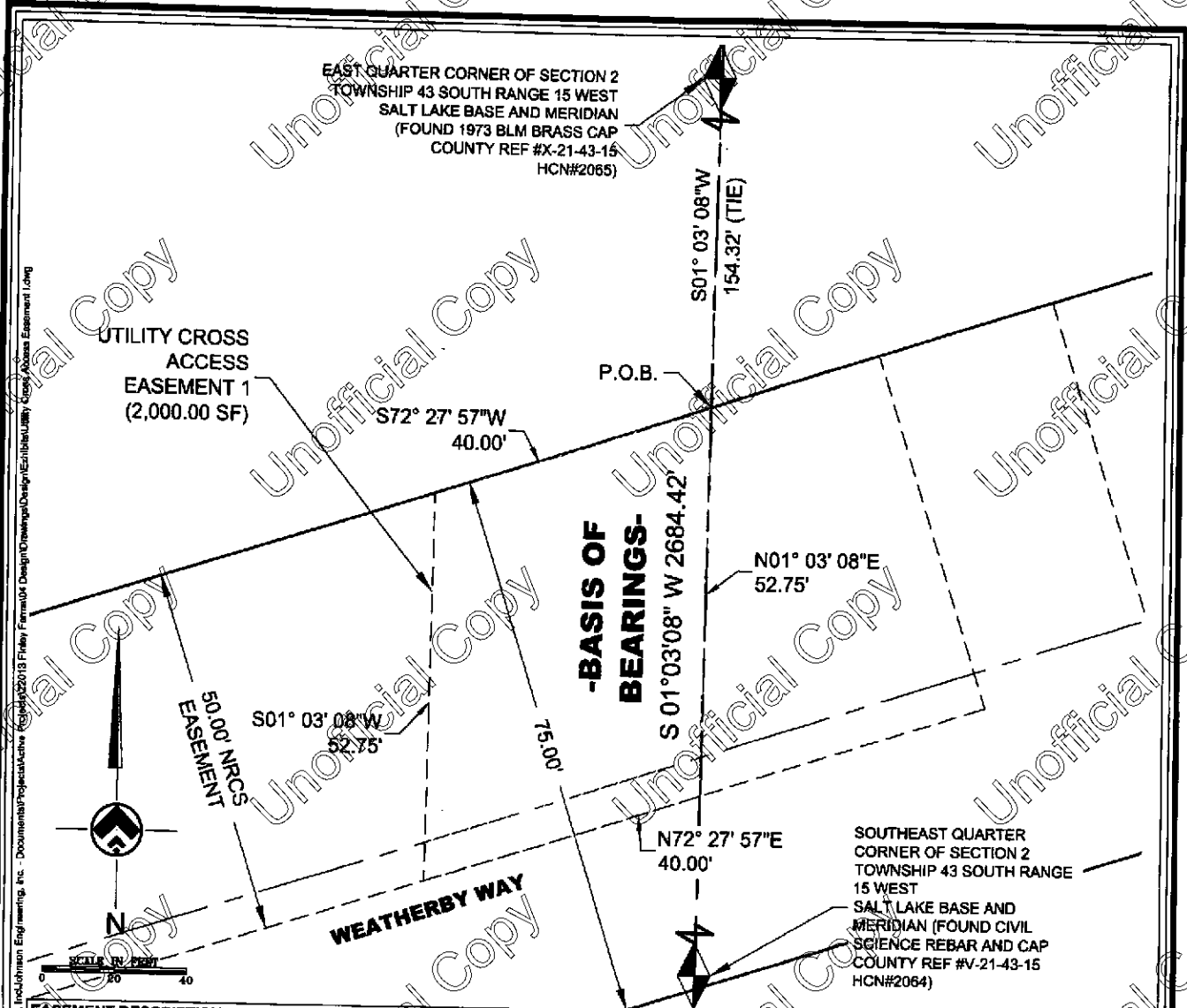
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EASEMENT DESCRIPTION:

A UTILITY CROSS ACCESS EASEMENT FOR THE INSTALLATION, MAINTENANCE, AND INSPECTION OF PUBLIC UTILITIES LOCATED IN THE CITY OF WASHINGTON, UTAH LOCATED IN THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 43 SOUTH, RANGE 15 WEST, SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:


BEGINNING AT A POINT WHICH IS SOUTH 01°03'08" WEST A DISTANCE OF 153.32 FEET ALONG THE SECTION LINE FROM THE EAST QUARTER CORNER OF SECTION 2, TOWNSHIP 43 SOUTH, RANGE 15 WEST, SALT LAKE BASE AND MERIDIAN; RUNNING THENCE SOUTH 72°27'57" WEST A DISTANCE OF 40.00 FEET; THENCE SOUTH 01°03'08" WEST A DISTANCE OF 52.75 FEET; THENCE NORTH 72°27'57" EAST A DISTANCE OF 40.00 FEET; THENCE NORTH 01°03'08" EAST A DISTANCE OF 52.75 FEET TO THE POINT OF BEGINNING.

SAID EASEMENT CONTAINS 2,000.00 SF, MORE OR LESS.

CLIENT / OWNER INFORMATION:
 BROTHERS KEEPER
 TODD SMITH
 1173 S 2050 W STE. 310
 ST. GEORGE, UT 84770
 435-680-7056

SHEET INFORMATION:
UTILITY CROSS ACCESS EASEMENT 1 EXHIBIT
FINLEY FARMS
 WASHINGTON CITY, WASHINGTON COUNTY, UTAH

ENGINEER / SURVEYOR INFORMATION:



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 4436 SOUTH 1025 EAST • SALT LAKE CITY, UTAH 84124
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 Phone: 801-787-4569

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PROJECT NO: 22-013	E-100 01 OF 01		
DATE: 2022-09-15			
SCALE: 1"=20'	01	EXHIBIT	09/14/22
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EXHIBIT E
UTILITY CROSS ACCESS EASEMENT 2

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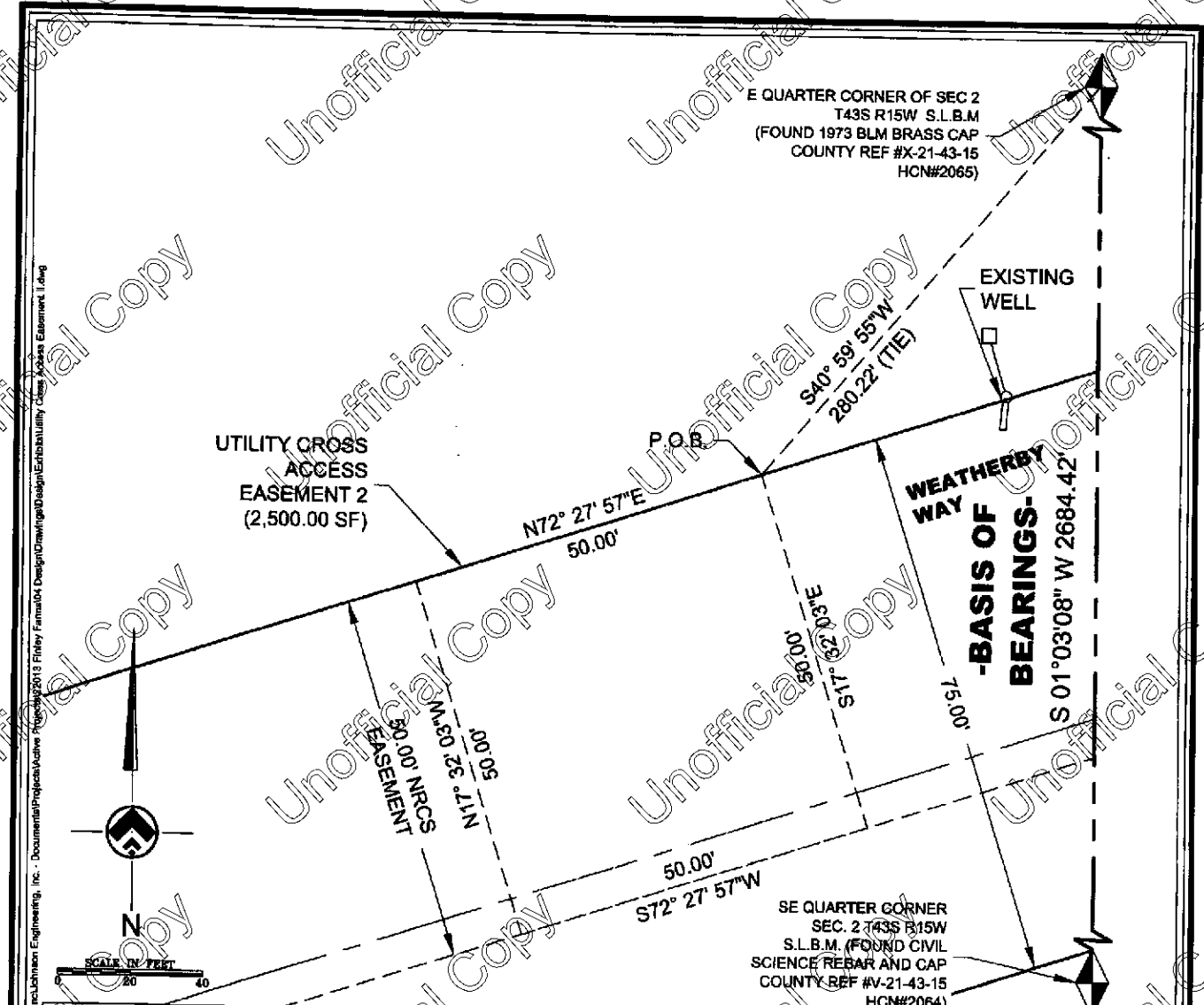
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EASEMENT DESCRIPTION:

A UTILITY CROSS ACCESS EASEMENT FOR THE INSTALLATION, MAINTENANCE, AND INSPECTION OF PUBLIC UTILITIES LOCATED IN THE CITY OF WASHINGTON, UTAH LOCATED IN THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 43 SOUTH, RANGE 15 WEST, SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH IS SOUTH 40° 59' 55" WEST A DISTANCE OF 280.22 FEET FROM THE EAST QUARTER CORNER OF SECTION 2, TOWNSHIP 45 SOUTH, RANGE 15 WEST, SALT LAKE BASE AND MERIDIAN; RUNNING THENCE SOUTH 17° 32' 03" EAST A DISTANCE OF 50.00 FEET; THENCE SOUTH 72° 27' 57" WEST A DISTANCE OF 50.00 FEET; THENCE NORTH 17° 32' 03" WEST A DISTANCE OF 50.00 FEET; THENCE NORTH 72° 32' 03" WEST A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING.

SAID EASEMENT CONTAINS 2,500.00 SF, MORE OR LESS.

CLIENT / OWNER INFORMATION:

BROTHERS KEEPER
 TODD SMITH
 1173 S 2050 W STE. 310
 ST. GEORGE, UT 84770
 435-680-7056

SHEET INFORMATION:

**UTILITY CROSS ACCESS
 EASEMENT 2 EXHIBIT**
FINLEY FARMS
 WASHINGTON CITY, WASHINGTON COUNTY, UTAH

ENGINEER / SURVEYOR INFORMATION:



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 4436 SOUTH 1025 EAST • SALT LAKE CITY, UTAH 84124

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