



ENT 210424:2021 PG 1 of 7
ANDREA ALLEN
UTAH COUNTY RECORDER
2021 Dec 21 10:15 am FEE 40.00 BY TH
RECORDED FOR TOTAL HOA SOLUTIONS

WHEN RECORDED, MAIL TO:

Mattie Harrison
Total HOA Solutions
3679 E. Oakview Drive
Salt Lake City, UT 84124

AMENDMENT TO GRANT OF EASEMENT

(Grove Creek Center)

THIS AMENDMENT TO GRANT OF EASEMENT (the "Amendment") is made this ^{20th} day of December, 2021, by the GROVE CREEK PROPERTY OWNERS ASSOCIATION, INC., a Utah nonprofit corporation (the "Association" or "Current Grantor"), in favor of DMB INVESTMENTS, LLC, GROVE CREEK II, LLC, PEOPLE'S INTERMOUNTAIN BANK, VALLEY GROVE III, LLC, PLEASANT GROVE CITY, and VALLEY GROVE V, LLC (collectively, "Grantees").

RECITALS:

- A. WHEREAS, Grove Creek Center, located within Pleasant Grove City, Utah, is governed by that certain "Declaration of Covenants, Conditions and Restrictions of the Grove Creek Center" dated May 31, 2017 and recorded June 30, 2017 as Entry No. 63280:2017 among the Official Records of Utah County, State of Utah (the "Declaration"). The legal description for Grove Creek Center, as included in the Declaration, is attached hereto as Exhibit A.
- B. WHEREAS, DMB Investments, LLC, Grove Creek II, LLC, People's Intermountain Bank, and Valley Grove III, LLC, are the current owners of parcels within Grove Creek Center (sometimes referred to herein as the "Owners"), and Valley Grove V, LLC owns a parcel adjacent to Grove Creek Center, which parcel is more particularly described on Exhibit B, attached hereto (the "Valley Grove V Parcel").
- C. WHEREAS, the Owners comprise the Association members.
- D. WHEREAS, Valley Grove III, LLC ("VGIII") received an assignment of all Declarant rights under the Declaration from DMB Investments, LLC and Don Brandt, the original Declarants under the Declaration, by that certain "Assignment of Declarant Rights (Grove Creek Center)" dated July 29, 2019, and recorded on July 30, 2019, as Entry No. 71391:2019 among the Official Records of Utah County, State of Utah (the "Declarant Rights").
- E. WHEREAS, Under the Declarant Rights, VGIII, as Declarant and original Grantor, conferred upon Grantees that certain "Grant of Easement (Grove Creek Center)," dated September 11, 2020 and recorded September 11, 2020 as Entry No. 138262:2020 among the Official Records of Utah County, State of Utah (the "Easement"), which Easement provides for specified pedestrian and vehicular access for Grantees over and across the easement parcel (the "Easement Parcel"), which Easement Parcel is more particularly described on Exhibit C, attached hereto, and depicted on Exhibit D, attached hereto.
- F. WHEREAS, the Declarant Control Period, as defined in the Declaration, has ended, and the authority to amend the Easement is now vested in the Association.

- G. WHEREAS, certain water and sewer pipes already exist within the Easement Parcel, but no written easement has been executed to confirm the rights of the Grantees to use such pipes.
- H. WHEREAS, Pleasant Grove City has requested that a written easement be executed to confirm the rights of Grantees to benefit from the placement, connection to, maintenance, operation, and use of water and sewer pipes within and across the Easement Parcel.
- I. WHEREAS, the Association, as Current Grantor herein, has determined that it is in the best interest of the Association and the Grantees to amend the Easement to include an easement, benefitting the Grantees, for placement, maintenance, operation, and use of water and sewer pipes within and across the Easement Parcel.
- J. WHEREAS, The Association has authority to grant such an easement under Sections 2.4.3 and 10.2 of the Declaration.

AMENDMENT TO GRANT OF EASEMENT:

NOW THEREFORE, pursuant to its powers under the Declaration, and for valuable consideration, Current Grantor makes the following Amendment to the Easement:

1. **Amendment.** Section 1 of the Easement shall be amended and restated to read as follows:

Grant of Easement. Grantor hereby grants to Grantees an irrevocable nonexclusive easement over the Easement Parcel for the purpose of pedestrian and vehicular access within Grove Creek Center and between Grove Creek Center and the Valley Grove V Parcel, and for the purpose of placement, connection to, maintenance, operation, and use of water and sewer pipes within and across the Easement Parcel.
2. **Use of Easement by Current Landowner.** People's Investment Bank, as current owner of the Easement Parcel, may continue to make any use of the Easement Parcel, which will not defeat, damage, or unreasonably interfere with the uses and purposes of the Easement, as amended, to Grantees.
3. **Benefit and Burden.** The Easement, as amended by this Amendment, shall be for the benefit and burden of the Grantees' properties, as described on Exhibits A and B hereto ("**Grantees' Properties**"), and shall run with the land. The Easement, as amended by this Amendment, and the benefits and obligations created hereby shall inure to the benefit of and be binding upon Grantees, and the successors, transferees, assigns, and occupants of the Grantees' Properties. Notwithstanding the preceding sentences in this Section 3, the rights and benefits of Pleasant Grove City shall be personal to Pleasant Grove City.
4. **Duration: Full Force and Effect.** The Easement, as amended by this Amendment, shall remain in force and effect perpetually. All other provisions of the Easement, not amended by this Amendment, shall remain as originally set forth.

[Signature and notarization to follow.]

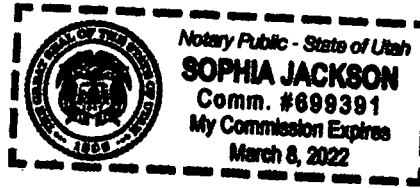
IN WITNESS WHEREOF, this Amendment to Grant of Easement has been executed as of the date first above written.

**GROVE CREEK PROPERTY OWNERS
ASSOCIATION, INC.,**
a Utah nonprofit corporation



By: Daniel Thomas
Its: President

STATE OF UTAH)
COUNTY OF Utah) :ss



On this 20 day of December, 2021, before me, Sophia Jackson, personally appeared Daniel Thomas, proven to me through satisfactory evidence of identification to be the person whose name was signed in my presence on the preceding or attached document.


Notary Public

My Commission Expires: March 8th, 2022

EXHIBIT A

Grove Creek Center Property

That certain real property and the improvement thereon situated in Utah County, State of Utah, more particularly described as follows:

Plat A, Lots 4 and 5, and Plat B, Lots 6 and 7, of the Grove Creek Center Commercial Subdivision, according to the official plat thereof recorded in the office of the County Recorder of Utah County, State of Utah.

EXHIBIT B

Valley Grove V Parcel

The following property located in Utah County, Utah:

BEGINNING AT A POINT WHICH IS LOCATED NORTH 89°37'36" EAST 59.06 FEET ALONG THE EAST-WEST CENTERLINE AND SOUTH 33.37 FEET FROM THE WEST QUARTER CORNER OF SECTION 30, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN; THENCE EAST 392.66 FEET; THENCE SOUTH 00°19'53" WEST 1133.43 FEET TO THE RIGHT OF WAY FOR INTERSTATE 15; THENCE ALONG RIGHT OF WAY 350.22 FEET ALONG THE ARC OF A 3445.69 FOOT RADIUS CURVE TO THE RIGHT (CHORD BEARS NORTH 53°01'31" WEST 350.07 FEET); THENCE NORTH 49°51'00" WEST 340.46 FEET; THENCE NORTH 443.50 FEET; THENCE EAST 131.76 FEET; THENCE NORTH 04°51'00" EAST 260.77 FEET TO THE POINT OF BEGINNING.

EXHIBIT C

Easement Parcel

The following property located in Utah County, Utah:

Beginning at a point on the west line of said Lot 5 which is 451.60 feet North 89°37'36" East along the quarter section line and 35.94 feet SOUTH and 827.90 feet South 0°19'53" West from the West Quarter Corner of Section 30, Township 5 South, Range 2 East, Salt Lake Base and Meridian, said point also being 249.01 feet South 0°19'53" West from the northwest corner of said Lot 5; running thence EAST 416.16 feet to the east line of said Lot 5; thence South 0°22'24" East 66.00 feet along said east line; thence North 72°57'28" West 39.61 feet; thence WEST 378.68 feet to said west line of Lot 5; thence North 0°19'53" East 26.00 feet along said west line to the point of beginning.

EXHIBIT D

Depiction of Access, Water, and Sewer Easement

