

AGREEMENT

SECURITY TITLE COMPANY
25-103-1

WHEREAS, Brian Head Environments, Inc., a Utah corporation, (hereinafter "BHE") is developing a condominium project named Brianwood (hereinafter the "Project") on the property described in Exhibit B attached (hereinafter the "Property"), and

WHEREAS, the Town of Brian Head, Utah (hereinafter the "Town") is the beneficiary of a right-of-way described in Exhibit A attached (hereinafter the "Right-of-Way"), and

WHEREAS, the Town desires that BHE proceed with the development of the Project and is aware that the Project cannot be built on the Property with the aforesaid Right-of-Way on the Property,

NOW THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS:

1. The Town hereby abandons and quitclaims to BHE all right and title which the Town owns in the aforesaid Right-of-Way.
2. BHE hereby agrees to construct, during the summer of 1979, an 8" water main connection between the Town's 6" water main (which lies within the Right-of-Way) and the fire hydrant in front of Minnie's Mansion, and in addition relocate the pressure reducing valve now in place at the westerly-most portion of the Right-of-Way, said relocation to be in a location designated by the Town.
3. BHE will grant all necessary new rights-of-way within BHE's property which are necessary for the new facilities described in 2. above.
4. If the construction described in 2. above has not been completed by October 1, 1979 BHE will pay the sum of \$ 15,000.00 00 to the Town and Town will perform the work described in 2. above. It is agreed by the Town to act expediently in BHE's work.

IN WITNESS WHEREOF, this Agreement has been duly executed by the parties hereto this 7th day of July, 1979.

Town of Brian Head

By: [Signature]
Rex Emenecker, Mayor
Attachment I

Brian Head Environments, Inc.

By: [Signature]
Douglass Perry, President

TO 1945 CA (8-74)
(Corporation)

STATE OF CALIFORNIA }
COUNTY OF Los Angeles } SS.

On July 7, 1979 before me, the undersigned, a Notary Public in and for said State, personally appeared Douglass H. Perry known to me to be the President, and

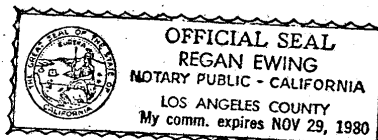
STAPLE HERE

known to me to be _____ Secretary of the corporation that executed the within Instrument, known to me to be the persons who executed the within Instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the within instrument pursuant to its by-laws or a resolution of its board of directors. #210557

WITNESS my hand and official seal.

877

Signature [Signature]
Regan Ewing



11340 W. Olympic Blvd., Los Angeles, CA 90064

(This area for official notarial seal)

ATTACHMENT TO AGREEMENT #1

All the conditions of the "Agreement" between Brian Head Environments and Brian Head Town are honored and accepted with the following two changes:

- 1.) Paragraph 2 - Relocation of the existing pressure reducing station will not be allowed. However, if deemed necessary by the Town Council, a new pressure reducing station will be constructed to duplicate the pressure reducing station recently installed on the new 8" line adjacent to the bottom terminals of Lifts 2 and 3.

Paragraph 3 - The sum to be rendered will be \$30,000 instead of \$15,000.

IN WITNESS WHEREOF, this Agreement has been duly executed by the parties hereto this 13 day of July, 1979.

Town of Brian Head:

Brian Head Environments, Inc.

By: Rex Emeragor
Rex Emeragor, Mayor

By: Douglas W Perry
Douglas Perry, President



EXHIBIT A

That portion of a right-of-way described as follows:

A right-of-way two (2) rods wide over, across, and through certain real property in Iron County, State of Utah, for the purposes of erecting, constructing, installing, laying, and using, operating, inspecting, repairing, maintaining, replacing and removing pipe and water lines; the centerline of which is described as follows:

Beginning at a point where the Brian Head Corporation water system connects to the Brian Head Water Association water system, said point also described as approximately North 160 feet and East 150 feet from the Southwest corner of Section 2, Township 36 South, Range 9 West, Salt Lake Base and Meridian and running thence along a line described approximately as follows: South 44' 10" East 90 feet to a pressure regulating station; thence South 71 East 216 feet; thence along the ski run course South 56 30' East 200 feet; thence South 57 40' East 420 feet; thence South 73 East 200 feet; thence South 76 10' East 90 feet; thence South 86 50' East 150 feet passing under ski lift No. 2; thence North 86 20' East 30 feet; thence North 74 40' East 60 feet; thence North 71 10' East 140 feet; thence North 67 East 140 feet; thence North 61 East 50 feet; thence North 75 30' East 100 feet; thence North 58 40' East 30 feet; thence North 67 10' East 90 feet; thence North 47 30' East 40 feet; thence North 27 20' East 30 feet; thence North 78 50' East 65 feet and connecting to the 40,000 gallon steel reservation located approximately 2065 + feet East and 90 + feet South of Northwest corner of Section 11, Township 36 South, Range 9 West, Salt Lake Base and Meridian.

which lies within the following described property:

Beginning at a point East 589.94 feet and South 129.96 feet from the Southwest corner of Section 2, Township 36 South, Range 9 West, Salt Lake Base and Meridian; and running thence North 44° 20' West 215.98 feet; thence North 30° 00' East 51.93 feet; thence North 45° 40' East 300.00 feet; thence South 35° 00' East 233.09 feet; thence South 45° 40' West 312.20 feet to the point of beginning. Contains 1.740 acres.

879 # 210557

EXHIBIT B

Beginning at a point East 589.94 feet and South 129.96 feet from the Southwest corner of Section 2, Township 36 South, Range 9 West, Salt Lake Base and Meridian; and running thence North 44° 20' West 215.98 feet; thence North 30° 00' East 51.93 feet; thence North 45° 40' East 300.00 feet; thence South 35° 00' East 233.09 feet; thence South 45° 40' West 312.20 feet to the point of beginning. Contains 1.740 acres.

210557

Recorded at Sec Title Co. of So. Utah
Request of _____
Date Aug 2 1979 4P M. Fee 8.00 Bl. 252 Page 877-880
Joan W. Wasden, Iron County Recorder
by Cora J. Shelt Deputy
Cop'd Ind'd Abs'd Proof