



\*W2119962\*

WHEN RECORDED, RETURN TO:

James J. Whetton  
887 N. Harrisville Rd.  
Harrisville, UT 84404

CONVEYANCE OF EASEMENT AND RIGHT OF WAY

THIS CONVEYANCE OF EASEMENT AND RIGHT OF WAY (this "Easement Agreement") is executed on the date set forth below but is intended to be effective as of the 12<sup>th</sup> day of March 2002 by and between WAYNE TAYLOR, an individual ("Grantor"), and JAMES J. WHETTON, an individual ("JJW"), and MARIAN B. WHETTON, an individual ("MBW"), JACK E. GARNER, an individual ("JEG"), and SHANNA S. GARNER, an individual ("SSG"), as joint tenants with right of survivorship. JJW, MBW, JEG, and SSG are collectively referred to herein as "Grantees."

RECITALS:

- A. Grantor is the owner of certain real property located in Weber County, Utah
- B. Grantees are the owners of that certain parcel of real property located in Weber County, State of Utah, more particularly described on Exhibit "A" and Exhibit "C" attached hereto and incorporated herein by this reference (referred to herein as the "JJW/MBW property", and the "JEG/SSG property").
- C. Grantees desire to obtain an easement from Grantor over that certain property of Grantor, as more specifically described herein and for the purposes described herein.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing Recitals, the covenants, obligations, and promises contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor and Grantees hereby covenant and agree as follows:

1. Grant of Easement. Grantor hereby grants and conveys to Grantees a perpetual non-exclusive easement (the "Easement") over and across the entirety of a parcel of real property located in Weber County, Utah, which is described on Exhibit "B" attached hereto and incorporated herein by this reference (the "Easement Area").
2. Purpose of the Easement. The Easement shall be fore the benefit of the JJW/MBW, and the JEG/SSG Properties and shall be appurtenant to the

E# 2119962 PG 1 OF 11  
DOUG CROFTS, WEBER COUNTY RECORDER  
03-AUG-05 12:19 PM FEE \$33.00 DEP LF  
REC FOR: WAYNE, TAYLOR

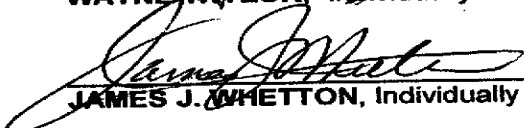
12

JJW/MBW and the JEG/SSG Properties. The Easement shall run with and be binding upon the Easement Area. The Easement, unless abandoned by Grantees, in which event it shall revert to Grantor, shall be used for a perpetual non-exclusive easement and right-of-way and shall be for the purpose of vehicular, pedestrian, construction workers and livestock ingress and egress within the Easement Area and for the laying, construction, installation, operation, inspection, servicing, maintenance and repair of roadway and underground utility pipes, lines, wires, conduits, and related facilities for natural gas, water, electricity phone lines within the Easement Area.

4. Utility Lines. If Grantor installs a natural gas line, an electric power line or a telephone line within the Easement area, then Grantees shall be entitled to connect, at their sole cost and expense, but without the imposition by Grantor of any utility connection fee, to the natural gas line, the electrical power line, if any, which is installed by Grantor within the Easement Area and which shall be stubbed for connection by Grantees.
  
5. Running of Benefits and Burdens. All provisions of this Easement Agreement, including the benefits and burdens, run with the land and are binding upon and inure to the benefit of the parties hereto, and their heirs, personal representatives, and assigns.

IN WITNESS WHEREOF, Grantor and Grantees have executed this Easement Agreement to be effective of the date first above written by persons duly authorized to execute the same.

  
\_\_\_\_\_  
WAYNE TAYLOR, Individually

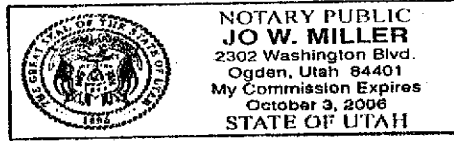
  
\_\_\_\_\_  
JAMES J. WHETTON, Individually

  
\_\_\_\_\_  
MARIAN B. WHETTON, Individually

  
\_\_\_\_\_  
JACK E. GARNER, Individually

  
\_\_\_\_\_  
SHANNA S. GARNER, Individually

STATE OF UTAH )  
County of Weber ) ss.



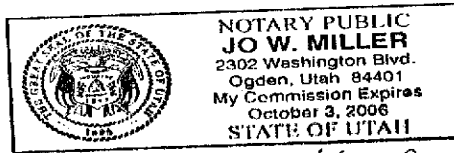
The foregoing instrument was acknowledged before me this 15<sup>th</sup> day of July 2005, by Wayne A. Taylor, an individual.

Jo W. Miller  
NOTARY PUBLIC  
Residing at Clinton, UT.

My Commission Expires:

10/3/2006

STATE OF UTAH )  
County of Weber ) ss.

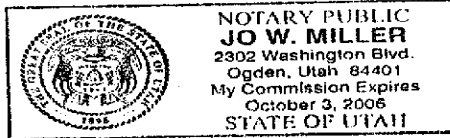


The foregoing instrument was acknowledged before me this 15<sup>th</sup> day of July 2005, by James J. Whetton, an individual.

Jo W. Miller  
NOTARY PUBLIC  
Residing at Clinton, UT.

My Commission Expires:

10/3/2006



STATE OF UTAH )  
 )  
 County of Weber ) : ss.

The foregoing instrument was acknowledged before me this 15<sup>th</sup> day of July, 2005, by Marian B. Whetton, an individual.

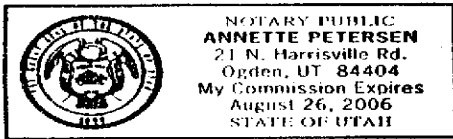
Jo W. Miller  
 NOTARY PUBLIC  
 Residing at Clinton, UT

My Commission Expires:

10/3/2006

STATE OF UTAH )  
County of Weber : ss.

The foregoing instrument was acknowledged before me this 2<sup>nd</sup> day of Aug 2005, by Jack E Garner, an individual.

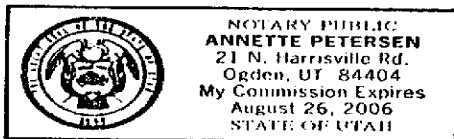


Annette Petersen  
NOTARY PUBLIC  
Residing at Ogden, UT

My commission Expires:  
8.26.06

STATE OF UTAH )  
County of Weber : ss.

The foregoing instrument was acknowledged before me this 2<sup>nd</sup> day of Aug 2005, by Shanna S. Garner, an individual.



Annette Petersen  
NOTARY PUBLIC  
Residing at Ogden, UT

My commission Expires:  
8.26.06

## EXHIBIT "A"

JJW/MBW Property Legal Description**Legal Description:**

Description Date/Year: 8/14/1980  
PART OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 6 NORTH, RANGE 1 WEST, SALT LAKE BASIN AND MERIDIAN, U.S. SURVEY; BEGINNING AT A POINT 28.55 CHAINS WEST AND 17.41 CHAINS NORTH AND 106 FEET NORTH 51D WEST OF THE SOUTHEAST CORNER OF SAID QUARTER SECTION; THENCE NORTH 51D WEST 140 FEET; THENCE SOUTH 39D WEST 601.91 FEET, MORE OR LESS, TO AN OLD FENCE; THENCE FOLLOWING ALONG SAID FENCE SOUTH 76D15' EAST 194.62 FEET AND SOUTH 60D15' EAST 320.10 FEET, MORE OR LESS, TO OLD FENCE LINE; THENCE NORTH 11D15' EAST ALONG FENCE 313.5 FEET; THENCE NORTH 51D WEST 206 FEET; THENCE NORTH 39D EAST 190 FEET TO THE PLACE OF BEGINNING.

ABS

11-033-0035

11-357-0001, 0002

## EXHIBIT "B"

Easement Area Legal Description

PT. 11-216-0003 ABS

A PART OF THE NW QUARTER OF SECTION 8, TOWNSHIP 6 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY, DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT IN THE NORTHERLY BOUNDARY OF GRANTOR'S PROPERTY. SAID POINT LIES N00°20'38"W, 827.70 FEET AND N89°39'22"E, 192.12 FROM THE W 1/4 CORNER OF SAID SECTION 8, THENCE S72°52'05"E, 245.73 FEET; THENCE S58°17'31"E, 272.60 FEET; THENCE S49°33'44"E, 157.06 FEET; THENCE S76°30'41"E, 60.00 FEET; THENCE S13°29'35"W, 25.43 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 55.00 FEET AND A CENTRAL ANGLE OF 151°59'22" AND BEING SUBTENDED BY A CHORD WHICH BEARS S89°29'00"W 106.73 FEET; THENCE SOUTHERNLY ALONG SAID CURVE, 145.90 FEET TO A POINT OF REVERSE CURVATURE; THENCE NORTHERLY 18.35 FEET ALONG THE ARC OF SAID CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 30.00 FEET AND A CENTRAL ANGLE OF 35°02'17"; THENCE N49°33'36"W TANGENT TO SAID CURVE, 114.32 FEET TO THE BEGINNING OF A CURVE TANGENT TO SAID LINE; THENCE WESTERLY 10.67 FEET ALONG THE CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 70.00 FEET AND A CENTRAL ANGLE OF 8°43'55"; THENCE N58°17'31"W TANGENT TO SAID CURVE, 246.05 FEET TO THE BEGINNING OF A CURVE TANGENT TO SAID LINE; THENCE WESTERLY 17.81 FEET ALONG THE CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 70.00 FEET AND A CENTRAL ANGLE OF 14°34'40"; THENCE N72°52'11"W TANGENT TO SAID CURVE, 229.10 FEET; THENCE N17°07'49"E, 60.00 FEET TO THE POINT OF BEGINNING. CONTAINING 1.0457 ACRES..

BASIS OF BEARING - STATE PLANE COORDINATES AS SHOWN ON THE BEARING SHEETS OF WEBER COUNTY, WHERE THE BEARING BETWEEN THE NW CORNER OF SECTION 8 AND THE W 1/4 CORNER OF SECTION 5 IS RECORDED AS N00°23'21"E. THE WEST 1/4 CORNER OF SECTION 8 WAS NOT FOUND. IT WAS CALCULATED FROM RECORDS TO BE S00°20'38"W, 2638.08 FEET FROM THE NW CORNER OF SAID SECTION 8.

RIGHT OF WAY TO EST EDGE OF GARNER PROPERTY

PT. 11-216-0003 ABS

A PART OF THE NW QUARTER OF SECTION 8, TOWNSHIP 6 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY, DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT IN THE NORTHERLY BOUNDARY OF GRANTOR'S PROPERTY, SAID POINT LIES N00°20'38"W, 827.70 FEET AND N89°39'22"E, 192.12 FROM THE W 1/4 CORNER OF SAID SECTION 8, THENCE S72°52'05"E, 245.73 FEET; THENCE S58°17'31"E, 272.60 FEET; THENCE S49°33'44"E, 157.06 FEET; THENCE S76°30'41"E, 60.00 FEET; THENCE S13°29'35"W, 25.43 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 55.00 FEET AND A CENTRAL ANGLE OF 151°59'22" AND BEING SUBTENDED BY A CHORD WHICH BEARS S89°29'00"W 106.73 FEET; THENCE SOUTHERNLY ALONG SAID CURVE, 145.90 FEET TO A POINT OF REVERSE CURVATURE; THENCE NORTHERLY 18.35 FEET ALONG THE ARC OF SAID CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 30.00 FEET AND A CENTRAL ANGLE OF 35°02'17"; THENCE N49°33'36"W TANGENT TO SAID CURVE, 114.32 FEET TO THE BEGINNING OF A CURVE TANGENT TO SAID LINE; THENCE WESTERLY 10.67 FEET ALONG THE CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 70.00 FEET AND A CENTRAL ANGLE OF 8°43'55"; THENCE N58°17'31"W TANGENT TO SAID CURVE, 246.05 FEET TO THE BEGINNING OF A CURVE TANGENT TO SAID LINE; THENCE WESTERLY 17.81 FEET ALONG THE CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 70.00 FEET AND A CENTRAL ANGLE OF 14°34'40"; THENCE N72°52'11"W TANGENT TO SAID CURVE, 229.10 FEET; THENCE N17°07'49"E, 60.00 FEET TO THE POINT OF BEGINNING. CONTAINING 1.0457 ACRES..

BASIS OF BEARING - STATE PLANE COORDINATES AS SHOWN ON THE BEARING SHEETS OF WEBER COUNTY, WHERE THE BEARING BETWEEN THE NW CORNER OF SECTION 8 AND THE W 1/4 CORNER OF SECTION 5 IS RECORDED AS N00°23'21"E. THE WEST 1/4 CORNER OF SECTION 8 WAS NOT FOUND. IT WAS CALCULATED FROM RECORDS TO BE S00°20'38"W, 2638.08 FEET FROM THE NW CORNER OF SAID SECTION 8.



RIGHT OF WAY TO INCLUDE GARNER PROPERTY

PT. 11-216-0003 ABS

A PART OF THE NW QUARTER OF SECTION 8, TOWNSHIP 6 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT WHICH LIES N00°40'11"E, 3519.66 FEET AND N89°38'55"E, 46.71 FEET FROM THE W 1/4 CORNER OF SAID SECTION 8, THENCE S72°52'08"E, 398.17 FEET; THENCE S58°17'38"E, 272.60 FEET; THENCE S49°33'33"E, 157.06 FEET; THENCE S76°30'41"E, 60.00 FEET; THENCE S13°29'35"W, 25.43 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 55.00 FEET AND A CENTRAL ANGLE OF 151°59'22" AND BEING SUBTENDED BY A CHORD WHICH BEARS S89°29'00"W 106.73 FEET; THENCE WESTERLY ALONG SAID CURVE, 145.90 FEET TO A POINT OF REVERSE CURVATURE; THENCE NORTHWESTERLY A DISTANCE OF 18.35 FEET ALONG THE ARC OF SAID CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 30.00 FEET AND A CENTRAL ANGLE OF 35°02'17"; THENCE N49°33'36"W TANGENT TO SAID CURVE, 114.32 FEET TO THE BEGINNING OF A CURVE TANGENT TO SAID LINE; THENCE NORTHWESTERLY 10.67 FEET ALONG THE CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 70.00 FEET AND A CENTRAL ANGLE OF 8°43'55"; THENCE N58°17'31"W TANGENT TO SAID CURVE, 246.05 FEET TO THE BEGINNING OF A CURVE TANGENT TO SAID LINE; THENCE NORTHWESTERLY AND WESTERLY 17.81 FEET ALONG THE CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 70.00 FEET AND A CENTRAL ANGLE OF 14°34'40"; THENCE N72°52'11"W TANGENT TO SAID CURVE, 381.54 FEET; THENCE N17°07'49"E, 60.00 FEET TO THE POINT OF BEGINNING. CONTAINING 1.2557 ACRES, .

BASIS OF BEARING - STATE PLANE COORDINATES AS SHOWN ON THE BEARING SHEETS OF WEBER COUNTY, WHERE THE BEARING BETWEEN THE NW CORNER OF SECTION 8 AND THE W 1/4 CORNER OF SECTION 5 IS RECORDED AS N00°23'21"E. THE WEST 1/4 CORNER OF SECTION 8 WAS NOT FOUND. IT WAS CALCULATED FROM RECORDS TO BE S00°20'38"W, 2638.08 FEET FROM THE NW CORNER OF SAID SECTION 8.

NORTHWEST CORNER OF  
SECTION 8, T. 34 N., R. 34 W.,  
S.L.B. 24, U.S. SURVEY.  
FOUND 3" BRASS CAP (1963)

WEST QUARTER  
SECTION 5, T. 34 N.,  
R. 34 W., U.S. SURVEY.  
FOUND 3" BRASS CAP

800' 20" 30" E  
800' 20" 30" E  
BRASS CAP  
800' 20" 30" E  
800' 20" 30" E  
P. RHODES  
& W.F. APRIL

LUANNE G. SLATER  
ETAL TRUSTEE

DAVID B. ANDERSON  
& VICKY L. ANDERSON

JACK E. GARNER  
& W.F. SHANNA S.

G. RAY CLARK

ROBERT W. BELL  
& W.F. JUDITH K.

G. RAY CLARK

EXHIBIT "C"

*INCOMPLETE DESC.*

West, Salt Lake Base and Meridian: Beginning at a point which is North 0°26' East 3131.6 feet and South 60°50' East 739.4 feet and North 60°40' West 6.10 feet and South 0°26' West 287.99 feet and North 89°30' West 294.7 feet and north 0° 26' East 20.0 feet from the Southwest corner of said Section 16; running thence North 89° 30' West 2.8 feet to the East line of the State of Utah property; thence North 0°26' East 363 feet, more or less, along said East line to the Southerly right of way line of United States Highway 89-30; thence South 60°50' East 3 feet, more or less, along said Southerly line to a point North 0°26' East from the point of beginning; thence south 0°26' West 361.73 feet to the point of beginning.

Note \* symbol used as degrees in above description.