

47- 2123

SUPPLEMENTAL EASEMENT AGREEMENT

THIS SUPPLEMENTAL EASEMENT AGREEMENT made and entered into this 6<sup>th</sup> day of February, 1959 by and between JESSE L. SMITH and SYLVIA SMITH, husband and wife, hereinafter referred to as Parties of the First Part, and LOYD R. STUBBS, D. SPENCER GROW, ARTA L. GROW, VOICE OF WESTERN COLORADO, Inc., A Colorado Corporation, and EAST LAWN MEMORIAL HILLS, A Utah Corporation, hereinafter referred to as Parties of the Second Part,

WITNESSETH:

WHEREAS, the parties hereto have heretofore entered into an Easement Agreement under date of May 2, 1955 wherein Parties of the First Part agreed to grant a permanent easement one rod wide to Parties of the Second Part over lands owned by Parties of the First Part for a ditch and roadway along the side of said ditch to be used for the purpose of maintaining said ditch, and

WHEREAS, in said easement agreement the actual description of said easement was not set forth because the same had not then been surveyed, and

WHEREAS, in said easement agreement a survey was contemplated and it was agreed therein that Loyd R. Stubbs and East Lawn Memorial Hills, Inc., would pay the cost of said survey, and

WHEREAS, said survey has been completed and the cost thereof has been paid,

NOW, THEREFORE, in furtherance of said Easement Agreement heretofore made, and in consideration of the sum of One Dollar (\$1.00) paid to the Parties of the First Part by the Parties of the Second Part, the receipt whereof is hereby acknowledged, the Parties of the First Part do hereby

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grant, assign and set over to the Parties of the Second Part, their heirs, successors and assigns, a permanent ditch or water system and road easement, including the right to maintain, repair and construct said ditch and water system and road way, one rod wide, where presently located, and generally described as set forth in Exhibit "A", attached hereto and by this reference made a part hereof.

It is understood that the description herein referred to and attached as Exhibit "A", traverses some lands other than that owned by the Parties of the First Part, and that where such description does traverse other land, Parties of the First Part do not intend, by this instrument, to convey any rights to the Parties of the Second Part.

Except as modified herein and to the extent unperformed, the easement agreement entered into on the 25th day of May, 1955, hereinabove referred to, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have hereunto set their hands this 6<sup>th</sup> day of February, 1959:

Parties of the First Part:

Jesse L. Smith  
 JESSE L. SMITH  
Sylvia Smith  
 SYLVIA SMITH

Parties of the Second Part:

D. Spencer Grow  
 D. Spencer Grow  
Arta L. Grow  
 Arta L. Grow  
Loyd R. Stubbs  
 Loyd R. Stubbs

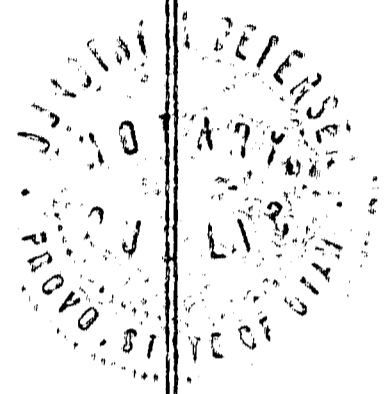
VOICE OF WESTERN COLORADO

By [Signature]  
 EAST LAWN MEMORIAL HILLS, INC.

By [Signature]

49- STATE OF UTAH )  
: ss  
COUNTY OF UTAH)

On the 16<sup>th</sup> day of February, 1959 personally appeared before me Jesse L. Smith and Sylvia Smith, two of the signees of the above instrument who duly acknowledged to me that they executed the same.



Dorothea M. Petersen  
NOTARY PUBLIC  
Residing at Provo  
Utah  
My commission expires: \_\_\_\_\_

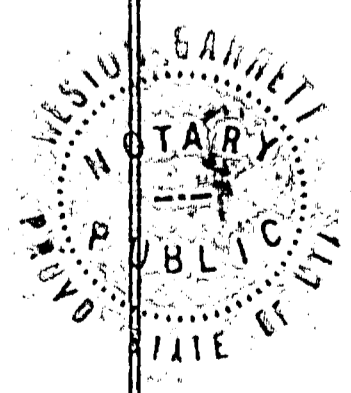
For and in consideration of the sum of \$1.00 and other valuable consideration, the receipt whereof is hereby acknowledged, we, LAWRENCE SMITH and VIOLA K. SMITH, husband and wife, and JESSE NORMAN SMITH and MYRLE J. SMITH, husband and wife, do hereby grant, assign and set over unto the Parties of the Second Part as set forth in the foregoing supplemental easement agreement dated February 6, 1959, the same easement and rights over the land described in said supplemental easement agreement, and subject to the same terms and conditions as contained in said supplemental easement agreement.

Dated at Provo, Utah, this 10<sup>th</sup> day of February, 1959.

Lawrence Smith  
Viola K. Smith  
Myrle J. Smith  
Jesse Norman Smith

STATE OF UTAH )  
: ss.  
COUNTY OF UTAH )

On the 10<sup>th</sup> day of February, 1959, personally appeared before me LAWRENCE SMITH and VIOLA K. SMITH, husband and wife, and JESSE NORMAN SMITH and MYRLE J. SMITH, husband and wife, the signers of the above instrument who duly acknowledged to me that they executed the same.



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Weston Garrett  
Notary Public  
Residing in Provo, Utah  
My Commission expires;  
7-20-1960

# SURVEYING ASSOCIATES

CIVIL ENGINEERS  LAND SURVEYORS

PARLEY M. NEELEY  
MANAGER

SPANISH FORK, UTAH  
PHONE 1075-W OR 1075-J

OREM, UTAH  
PHONE AC 5-4653

## SURVEY DESCRIPTION - Mountain side of Access Road and Valley side of irrigation ditch.

Beginning at a point on the mountain side of a road and the valley side of an irrigation ditch which point is North along the Section Line 2878.4 feet and West 126.6 feet from the SE corner of Section 7, T 6S, R 3E, SLBEM, thence along the survey line

N 87°-28'W 19.7 feet, thence N 70°-54'W 31.8 feet, thence N 56°-40'W 65.9 feet, thence  
 N 76°-45'W 27.9 feet, thence S 77°-23'W 78.6 feet, thence N 87°-31'W 26.8 feet, thence  
 N 58°-11'W 31.1 feet, thence N 47°-50'W 86.0 feet, thence N 53°-58'W 105.3 feet, thence  
 N 67°-47'W 86.1 feet, thence N 62°-53'W 91.5 feet, thence N 77°-45'W 37.0 feet, thence  
 N 85°-17'W 73.6 feet, thence N 63°-56'W 25.0 feet, thence N 48°-06'W 65.8 feet, thence  
 N 55°-22'W 51.8 feet, thence N 32°-11'W 27.2 feet, thence N 20°-07'W 74.0 feet, thence  
 N 33°-25'W 47.7 feet, thence N 53°-01'W 32.0 feet, thence N 77°-03'W 367.8 feet, thence  
 S 79°-35'W 33.5 feet, thence S 49°-17'W 31.8 feet, thence S 29°-24'W 180.3 feet, thence  
 S 48°-42'W 36.9 feet, thence S 54°-18'W 104.7 feet, thence S 59°-20'W 107.9 feet, thence  
 S 46°-53'W 188.9 feet, thence S 48°-18'W 208.3 feet, thence S 63°-04'W 110.9 feet, thence  
 S 44°-49'W 60.8 feet, thence S 67°-07'W 19.6 feet, thence N 83°-02'W 78.6 feet, thence  
 S 80°-52'W 69.8 feet, thence S 65°-36'W 51.3 feet, thence S 55°-44'W 139.5 feet, thence  
 S 5°-20'W 17.7 feet, thence S 35°-31'E 24.6 feet, thence S 57°-19'E 46.6 feet, thence  
 S 66°-17'E 156.6 feet, thence S 50°-13'E 62.3 feet, thence S 64°-52'E 140.7 feet, thence  
 S 41°-45'E 37.1 feet, thence S 27°-13'E 62.3 feet, thence S 37°-31'E 46.5 feet, thence  
 S 58°-51'E 36.9 feet, thence S 82°-07'E 28.4 feet, thence N 72°-22'E 26.2 feet, thence  
 N 51°-38'E 90.8 feet, thence N 67°-56'E 103.6 feet, thence S 86°-46'E 22.4 feet, thence  
 S 47°-12'E 18.0 feet, thence S 6°-14'E 27.2 feet, thence S 18°-48'W 86.1 feet, thence  
 S 5°-42'W 46.1 feet, thence S 14°-13'E 31.6 feet, thence S 40°-24'E 35.2 feet, thence  
 S 63°-15'E 55.9 feet, thence S 45°-38'E 21.8 feet, thence S 23°-29'E 50.2 feet, thence  
 S 56°-44'E 24.3 feet, thence S 85°-41'E 86.3 feet, thence S 75°-34'E 31.8 feet, thence  
 S 65°-34'E 51.4 feet, thence S 58°-51'E 150.9 feet, thence S 43°-35'E 44.4 feet, thence  
 S 26°-31'E 371.6 feet, thence S 39°-44'E 78.8 feet, thence S 9°-16'E 36.0 feet, thence  
 S 15°-39'W 50.1 feet, thence S 25°-21'W 117.9 feet, thence S 47°-33'W 118.0 feet, thence  
 S 32°-43'W 40.8 feet, thence S 25°-11'W 59.8 feet, thence S 9°-51'W 113.6 feet, thence  
 S 30°-09'W 27.3 feet, thence S 46°-41'W 26.5 feet, thence S 58°-27'W 85.6 feet, thence  
 S 17°-52'W 28.2 feet, thence S 4°-02'E 43.3 feet, thence S 15°-59'E 39.4 feet, thence  
 S 22°-10'E 58.1 feet, thence S 28°-11'E 55.5 feet, thence S 40°-57'E 54.7 feet, thence  
 S 51°-57'E 146.9 feet, thence S 39°-06'E 109.6 feet, thence S 58°-08'E 30.1 feet, thence  
 S 76°-16'E 76.1 feet, thence S 54°-26'E 21.6 feet, thence S 20°-44'E 16.2 feet, thence  
 S 18°-24'W 16.8 feet, thence S 45°-42'W 57.4 feet, thence S 57°-06'W 130.4 feet, thence  
 S 38°-32'W 17.4 feet, thence S 5°-02'W 16.3 feet, thence S 19°-01'E 56.4 feet, thence  
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 S 57°-19'W 51.2 feet, thence S 51°-32'W 94.6 feet, thence S 60°-23'W 151.8 feet, thence  
 S 37°-38'W 16.3 feet, thence S 5°-56'W 13.9 feet, thence S 24°-27'E 16.2 feet, thence  
 S 39°-57'E 45.4 feet, thence S 30°-33'E 24.8 feet, thence S 18°-48'E 61.8 feet, thence  
 S 30°-50'E 39.8 feet, thence S 47°-09'E 106.7 feet, thence S 35°-16'E 60.5 feet, thence  
 S 53°-57'E 52.4 feet, thence S 65°-53'E 57.3 feet, thence S 53°-32'E 15.9 feet, thence  
 S 8°-58'E 27.9 feet, thence S 10°-47'W 106.5 feet, thence S 3°-55'E 27.3 feet, thence  
 S 14°-17'E 23.1 feet, thence S 24°-23'E 50.8 feet, thence S 9°-17'E 24.1 feet, thence  
 S 7°-18'W 72.4 feet, thence S 0°-28'E 41.0 feet, thence S 12°-29'E 78.6 feet to a point  
 in a fence line which crosses said road and ditch, said point being South along the Section  
 Line 788.5 feet, and West 1324.5 feet from the NE corner of Section 18, T 6S, R 3E, SLBEM.

*Parley M. Neeley*  
*Book 543*  
*Sheet 2*

BOOK PAGE  
 ABS . . . SEC  
 P.R. . . . TP  
 IND . . . R  
 FEB 10 1 58 PM '59

*Thelma West Saurhwaite*  
 UTAH COUNTY RECORDER  
 DEPUTY

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