

RECORDING REQUESTED BY  
AND WHEN RECORDED MAIL  
THIS INSTRUMENT AND ALL  
TAX STATEMENTS TO:

Onsen Development, Inc.  
5513 West 11000 North, #301  
Highland, Utah 84003

APN: 11:045:0190  
11:045:0225  
11:045:0128

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(Space above for Recorder's Use Only)

### BOUNDARY LINE AGREEMENT

This Boundary Line Agreement (this "**Agreement**") is made and entered into this 10 day of April, 2023, by and between ONSEN DEVELOPMENT, INC., a Utah corporation, whose address is 5513 W. 11000 N. #301, Highland, Utah 84003 ("**Onsen**") and SHELLY R. BUTTERFIELD, TRUSTEE, OR HER SUCCESSORS IN TRUST, UNDER THE SHELLY BUTTERFIELD FAMILY LIVING TRUST, DATED APRIL 5, 2004, AND ANY AMENDMENTS THERETO ("**Butterfield**"), whose address is 1380 N. Grove Drive, Alpine, Utah 84004. The Parcel 1 Owner and the Parcel 2 Owner are collectively referred to herein as the "**Owners**".

#### RECITALS:

- A. Onsen owns a parcel of real property located in Alpine, Utah County, State of Utah, containing approximately 3.225162 acres of real property, as more particularly described on Exhibit A and depicted on Exhibit A-1, attached hereto and incorporated herein (the "**Onsen Parcel**").
- B. Butterfield owns two contiguous parcels of real property located in Alpine, Utah County, State of Utah. One parcel contains approximately .442441 acres. The other parcel contains approximately 1.536927 acres of real property. Both parcels are more particularly described on Exhibit B and depicted on Exhibit B-1, attached hereto and incorporated herein (collectively, the "**Butterfield Parcel**"). The Onsen Parcel and the Butterfield Parcel are collectively referred to herein as the "**Parcels**".
- C. The Onsen Parcel and the Butterfield Parcel are subject to an Agreement Between Adjoining Owners For The Maintenance of a Common Roadway dated April 25, 1986 between Larry G. Barney and Lynda G. Barney and James F. and Shirley N. McAlister, and recorded October 9, 1986 in the official records of the Utah County Recorder as Entry No. 34454 in Book 2347 at Page 421 (the "**Access Easement Agreement**") whereby an access easement is granted

over the northern portion of Parcel 1 and the southern portion of Parcel 2 (the “**Access Easement Area**”), which area is described as follows:

Said roadway runs across the north twelve feet of the McAlister Ground [the Butterfield Parcel] and the south twelve feet of the Barney Ground [the Onsen Parcel], beginning at the East side of Grove Drive and running East a distance of three hundred feet.

The Access Easement Area concerns and encumbers the real property described below:

Commencing at a point in the northwesterly boundary of Alpine Estates Subdivision Plat A, said point being North 89 degrees 42 minute 21 seconds East 733.10 feet and South 49 degrees 19 minutes 25 seconds West 412 .63 feet from the Center of Section 18, Township 4 South, Range 2 East, Salt Lake Base & Meridian, thence South 49 degrees 19 minutes 25 seconds West along said subdivision as recorded in the office of the Utah County Recorder 303.85 feet; thence North 60 degrees 18 minutes 45 seconds West 191.82 feet; thence North 76 degrees 44 minutes 01 seconds West 188.70 feet; thence North 28 degrees 20 minutes 27 seconds East 169.12 feet; thence South 61 degrees 39 minutes 34 seconds East 92.54 feet; thence North 89 degrees 42 minutes 21 seconds East 344.44 feet; thence South 57 degrees 48 minutes 26 seconds East 88.13 feet to the point of beginning.

D. The Owners desire to terminate the Access Easement Agreement and the easement granted therein, adjust the boundary lines between the Parcels whereby a section of the Access Easement Area will become part of the Butterfield Parcel.

E. As consideration for the boundary line adjustment, the Butterfield will grant Onsen for the benefit of the Onsen Parcel a temporary access easement over the Access Easement Area.

NOW THEREFORE, for the considerations of mutual agreement, and other good and valuable considerations of both parties, the receipt of which is hereby acknowledged, and for the purpose of permanently establishing the common legal and physical boundary line between the Parcels described herein, it is hereby agreed as follows:

This instrument is a Boundary Line Agreement and is entered into pursuant to Utah Code Annotated Sections 10-9a-523, 10-9a-524 and 57-1-45.

The Owners hereby adjust the boundary lines for the Onsen Parcel and the Butterfield Parcel. Onsen hereby quitclaims to Butterfield any portion of the Onsen Parcel located to the south of the following new common property line between the new Onsen Parcel and the new Butterfield Parcel, as described below. Butterfield hereby quitclaims to Onsen any portion of the Butterfield Parcel located to the north of the following new common property line between the new Butterfield Parcel and the new Onsen Parcel:

A common boundary between Southerly and Easterly Boundary Line of Assessor Parcel No. 11:045:0190 and the Northerly and Westerly Boundary Line of Assessor Parcel Nos. 11:045:0225 and 11:045:0128. Said common Boundary Line is described as follows:

Beginning at a point located South 0°47'28" West along quarter section line 2834.40 feet and West 58.01 feet from the North Quarter Corner of Section 18, Township 4 South, Range 2 East, Salt Lake Base and Meridian; thence South 61°30'34" East 37.31 feet; thence North 89°37'21" East 309.17 feet; thence South 0°17'39" East 32.10 feet; thence North 89°42'21" East 63.80 feet; thence South 57°48'26" East 88.56 feet to the point of terminus.

As a result of the adjustment of the boundary between the Onsen Parcel and the Butterfield Parcel, (a) the new Onsen Parcel is described on Exhibit C, attached hereto and incorporated herein, which description will replace and supersede the legal description for the Onsen Parcel contained in Exhibit A, and (b) the Butterfield Parcel is described on Exhibit D, attached hereto and incorporated herein, which description will replace and supersede the legal description for the Butterfield Parcel contained in Exhibit B.

The newly configured Onsen Parcel and Butterfield Parcel are depicted on the record of survey map on file with Utah County, Utah as Survey No. 23-113.

The property conveyed herein is conveyed subject to: (a) any lien to secure payment of general and special real property taxes and assessments for the year of 2023 and not delinquent; (b) any and all conditions, easements, encroachments, rights-of-way, restrictions, or any other matter that a physical inspection or accurate ALTA/ACSM survey (with all Table A items) of the property would reveal; (c) patent reservations, covenants, conditions, restrictions, reservations, easements and declarations, encumbrances, liens, obligations, liabilities or other matters of record; (d) all matters of record; and (e) all applicable laws, ordinances, rules and governmental regulations (including, but not limited to, those relative to building, zoning and land use) affecting the development, use, occupancy or enjoyment of the property. The Butterfield accepts the property conveyed herein, which represents the Access Easement Area, in its as-is condition.

In light of the boundary line adjustment, the Owners hereby terminate the Access Easement Agreement. Neither Owner will have any obligations under the Access Easement Agreement from and after the date of this instrument.

Butterfield hereby grants to Onsen for the benefit of the Onsen Parcel a temporary access easement on, over, and across the following described real property:

Beginning at a point located South 0°47'28" West along quarter section line 2834.40 feet and West 58.01 feet from the North Quarter Corner of Section 18, Township 4 South, Range 2 East, Salt Lake Base and Meridian; thence South 61°30'34" East 73.97 feet; thence North 89°42'21" East 277.05 feet; thence South 0°17'39" East 24.00 feet; thence South 89°42'21" West 283.21 feet; thence North 61°30'34" West 79.83 feet; thence North 28°20'27" East 10.00 feet; thence North 61°30'34" West 0.23 feet; thence North 28°19'58" East 14.00 feet to the point of beginning.

The temporary access easement described above will automatically expire on whichever of the following events occurs first a) twenty-four (24) hours after the publicly dedicated road that provides access to the Onsen Parcel is fully improved and accepted by the City of Alpine, Utah, and b) on the last day of July 2024.

**[THIS SPACE INTENTIONALLY LEFT BLANK]**

IN WITNESS WHEREOF, the Owners have caused this instrument to be executed as of the date first above written.

**Onsen:**

Onsen Development, Inc.,  
a Utah corporation

By: \_\_\_\_\_

  
Nathan S. Heaps, President

**Butterfield:**

Shelly R. Butterfield, Trustee, or her Successors In Trust, under The Shelly Butterfield Family Living Trust, dated April 5, 2004, and any amendments thereto

By: \_\_\_\_\_

  
Shelly R. Butterfield, Trustee

STATE OF UTAH )  
 ) ss.  
COUNTY OF Utah )

On 4/10, 2023, before me, Michele Hillman Rowell, a Notary Public in and for said state, personally appeared Nathan S. Heaps personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, as the President of Onsen Development, Inc.

WITNESS my hand and official seal.



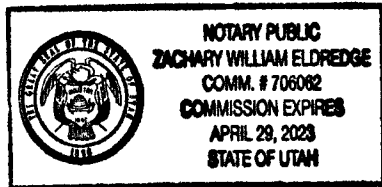
Michele Hillman Rowell  
Notary Public in and for said State

(SEAL)

STATE OF UTAH )  
 ) ss.  
COUNTY OF Utah )  
~~SALT LAKE~~

On 04/10/, 2023, before me, Zachary William Eldredge, a Notary Public in and for said state, personally appeared Shelly R. Butterfield personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity as Trustee under The Shelly Butterfield Family Living Trust dated April 5, 2004 and any amendments thereto.

WITNESS my hand and official seal.



Zachary William Eldredge  
Notary Public in and for said State

(SEAL)

**Exhibit "A"**

(Legal Description of Existing Onsen Parcel)

That certain real property located in Utah County, Utah, specifically described as follows:

**Parcel 11:045:0190**

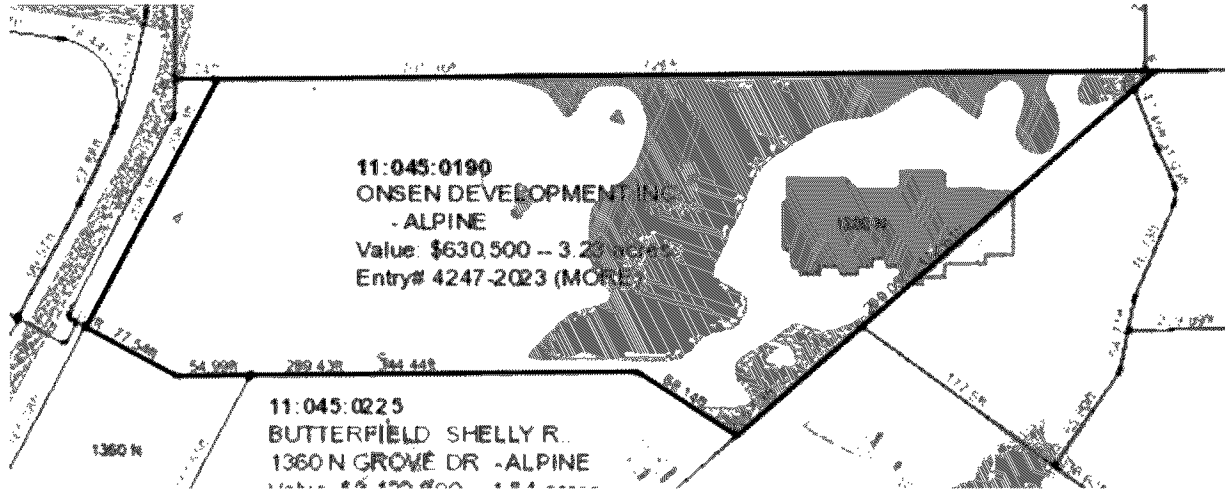
RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN; THENCE NORTH 89 DEGREES 42'21" EAST ALONG ONE QUARTER SECTION LINE 733.10 FEET TO THE NORTHWESTERLY POINT OF ALPINE ESTATES SUBDIVISION PLAT "A"; THENCE SOUTH 49 DEGREES 19'25" WEST ALONG SAID SUBDIVISION 412.63 FEET; THENCE NORTH 57 DEGREES 48'26" WEST 88.14 FEET; THENCE SOUTH 89 DEGREES 42'21" WEST 344.44 FEET; THENCE NORTH 61 DEGREES 39'34" WEST 92.54 FEET; THENCE NORTH 28 DEGREES 20'27" EAST 169.48 FEET; THENCE NORTH 0 DEGREES 17'39" WEST 26.90 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPTING THEREFROM A PORTION DEEDED TO ALPINE CITY IN QUIT CLAIM DEED RECORDED AS ENTRY NO. 127582:2005 DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTER OF SECTION 18, TOWNSHIP 4 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN; THENCE NORTH 89 DEGREES 41 '52" EAST 31.76 FEET; THENCE SOUTH 28 DEGREES 19'58" WEST 208.33 FEET; THENCE NORTH 61 DEGREES 40'03" WEST 15.0 FEET; THENCE NORTH 28 DEGREES 19'58" EAST 169.5 FEET; THENCE NORTH 0 DEGREES 18'06" WEST 26.89 FEET TO THE POINT OF BEGINNING.

**Exhibit "A-1"**

(Depiction of Existing Onsen Parcel)





**Exhibit "B"**

(Legal Description of Existing Butterfield Parcel)

**Parcel No. 1 - APN: 11:045:0127**

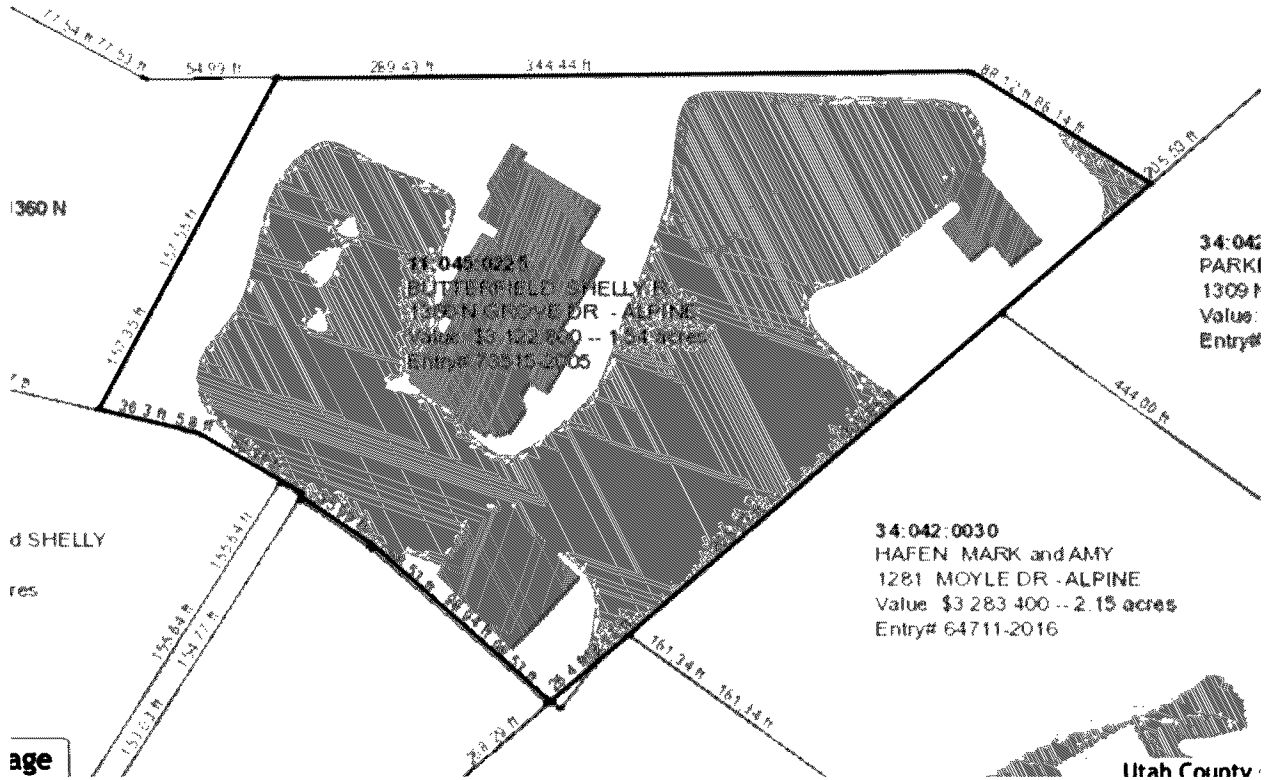
Commencing at a point North 89°42'21" East 56.31 feet and South 220.01 feet from the Center of Section 18, Township 4 South, Range 2 East, Salt Lake Base and Meridian; thence North 89°42'21" East 289.44 feet; thence South 57°48'26" East 88.12 feet; thence South 49°19'25" West 303.85 feet; thence North 60°18'45" West 191.82 feet; thence North 76°44'01" West 42.87 feet; thence North 28°20'27" East 157.55 feet to the point of beginning.

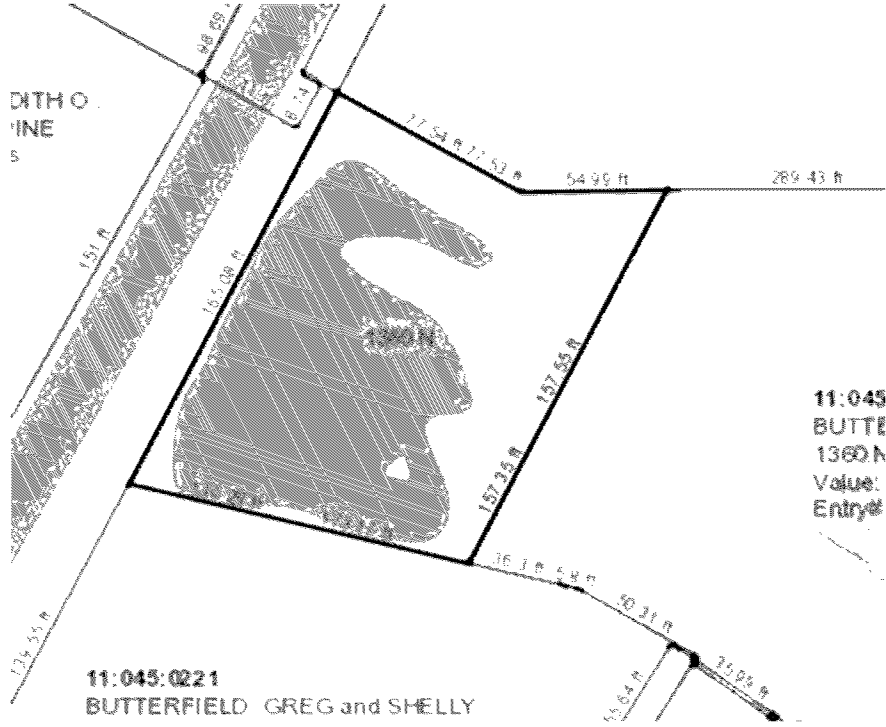
**Parcel No. 2 - APN: 11:045:0128**

Commencing South 2883.36 feet and East 19.15 feet from the North quarter corner of Section 18, Township 4 South, Range 2 East, Salt Lake Base and Meridian; thence South 89°2'21" West 54.99 feet; thence North 61°39'34" West 77.54 feet; thence South 28°20'27" West 165.08 feet; thence South 76°44'1" East 130.29 feet; thence North 28°20'27" East 157.55 feet to beginning.

**Exhibit "B-1"**

(Depiction of Existing Parcel 2)





**Exhibit "C"**

(Legal Description of New Onsen Parcel)

**Parcel 11:045:0190**

Beginning at a point located South  $0^{\circ}47'28''$  West along quarter section line 2834.40 feet and West 58.01 feet from the North Quarter Corner of Section 18, Township 4 South, Range 2 East, Salt Lake Base and Meridian; thence North  $28^{\circ}19'58''$  East 194.11 feet; thence North  $89^{\circ}42'21''$  East 694.08 feet; thence along the boundary of Alpine Cove Amended Plat "E" the following two courses and distances: 1) South  $0^{\circ}47'41''$  West 0.24 feet, and 2) North  $89^{\circ}40'32''$  East 7.63 feet; thence South  $49^{\circ}19'30''$  West 412.63 feet; thence North  $57^{\circ}48'26''$  West 88.56 feet; thence South  $89^{\circ}42'21''$  West 63.80 feet; thence North  $0^{\circ}17'39''$  West 32.10 feet; thence South  $89^{\circ}37'21''$  West 309.17 feet; thence North  $61^{\circ}30'34''$  West 37.31 feet to the point of beginning.

Area = 2.99 Acres

**Exhibit "D"**

(Legal Description of New Butterfield Parcel)

**Parcel 11:045:0225**

Beginning at a point located South  $0^{\circ}47'28''$  West along quarter section line 2851.53 feet and East 76.10 feet from the North Quarter Corner of Section 18, Township 4 South, Range 2 East, Salt Lake Base and Meridian; thence North  $89^{\circ}37'21''$  East 208.10 feet; thence South  $0^{\circ}17'39''$  East 32.10 feet; thence North  $89^{\circ}42'21''$  East 63.80 feet; thence South  $57^{\circ}48'26''$  East 88.56 feet; thence South  $49^{\circ}19'30''$  West along the westerly boundary of Alpine Estates Plat "A" a distance of 330.68 feet; thence North  $48^{\circ}28'55''$  West 99.31 feet; thence North  $55^{\circ}17'52''$  West 35.98 feet; thence North  $32^{\circ}36'14''$  East 1.86 feet; thence North  $60^{\circ}18'45''$  West 50.12 feet; thence North  $76^{\circ}44'01''$  West 42.87 feet; thence North  $28^{\circ}20'27''$  East 193.79 feet to the point of beginning.

**Parcel 11:045:0128**

Beginning at a point located South  $0^{\circ}47'28''$  West along quarter section line 2834.40 feet and West 58.01 feet from the North Quarter Corner of Section 18, Township 4 South, Range 2 East, Salt Lake Base and Meridian; thence South  $61^{\circ}30'34''$  East 37.31 feet; thence North  $89^{\circ}37'21''$  East 101.08 feet; thence South  $28^{\circ}20'27''$  West 193.79 feet; thence North  $76^{\circ}44'01''$  West 130.20 feet; thence North  $28^{\circ}20'27''$  East 165.18 feet; thence North  $61^{\circ}30'34''$  West 0.23 feet; thence North  $28^{\circ}19'58''$  East 14.00 feet to the point of beginning.