

RETURNED
JUN 30 2008

UT033937

EASEMENT

Carl N. Smith and Dawna F. Smith, Trustees for the Carl N. Smith Family Protection Trust, Dated the 7th of June, 1996, Grantor(s), hereby convey(s) and warrant(s) to North Davis Sewer District, its successors in interest and assigns, Grantee for the sum of One Dollar and other good and valuable consideration, a permanent easement and right-of-way for the construction, operation, maintenance, repair, alteration, enlargement, inspection, relocation and replacement of an underground sewer and associated facilities related thereto, on, over, under and across real property located in Davis County, Utah and described as follows:

A Permanent Sewer Line Easement described as follows:

See description attached Exhibit A and,

A Temporary Construction Easement described as follows:

See description attached Exhibit A

2376214 4564 1048-1051
E 2376214 B 4564 P 1048-1051
RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
06/30/2008 02:37 PM
FEE \$0.00 Pgs: 4
DEP RTT REC'D FOR EXECUTIVE TITLE
INS AGENCY

<u>County Serial No.</u>	<u>Square Footage</u>	<u>Easement</u>
14-031-0077	29,907 square feet	Permanent
	1,834 square feet (West Side)	Temporary
	60,109 square feet (East Side)	Temporary

Together with all necessary and reasonable rights of ingress and egress and the right to excavate and refill ditches and trenches for the location, installation and repair of the above-mentioned facilities and to remove trees, shrubbery, undergrowth or other obstructions interfering with the repair and maintenance of said underground facilities.

The Grantor(s) reserve(s) the right to occupy, use and cultivate said property for all purposes not inconsistent with the rights herein granted. Grantor(s) shall not build or construct over or across said permanent right-of-way, any building or other improvement, nor change the contour thereof without the written consent of the Grantee.

The temporary easement shall remain in force a maximum of one year beyond the Contract Time as specified within the Contract Documents as agreed to by the Contractor selected to construct said pipeline. Upon termination of said one-year guarantee period, the temporary easement shall be dissolved and all previous rights of the Grantor(s) shall be restored with respect to the temporary easement.

The Grantor(s) hereby covenant(s) with the North Davis Sewer District that Grantor(s) is/are lawfully seized and possessed of the real estate above described; that Grantor(s) has/have a good and lawful right to convey it, or any part thereof; that it is free from all encumbrances and that Grantor(s) will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.

As part of the consideration for this grant, the Grantor(s) hereby release(s) any and all claims for damages from whatsoever cause incidental to the exercise of the rights herein granted.

The property over which said easement passes and the location thereof are depicted in Exhibit "A", attached hereto and by reference made a part hereof as though set forth fully herein.

In Witness Whereof, the Grantor(s) have executed this right-of-way and easement this 31 day of March, 2008.

GRANTOR(S)

By: Carl M. Smith

By: Dawn J. Smith

STATE OF UTAH)

:SS

COUNTY OF DAVIS)

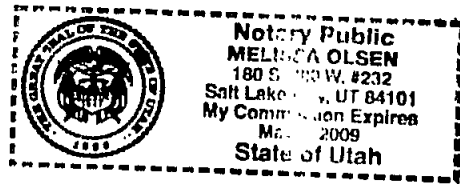
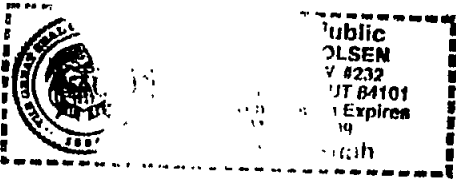
On the 31st day of March, 2008, personally appeared before me,

Carl and Dawn Smith

the signer(s) of the above instrument who duly acknowledged to me he/she/they executed the same.

Melba Olsen

Notary Public



<u>Exhibit A</u>

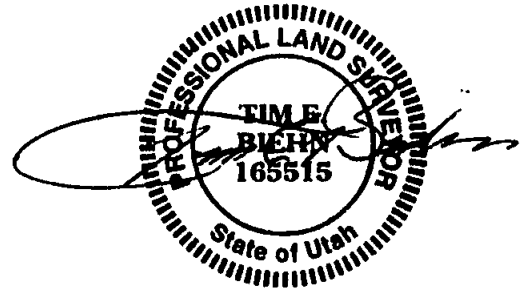
RBB**ROBINSON, BIEHN & BIEHN, INC.**

Professional Land Surveyors
 5330 South 900 East, Suite 120
 Salt Lake City, Utah 84117-7261
 (801) 266-1118 • (801) 262-5814 Fax

Lee E. Robinson, PLS
 Ted M. Biehn, PLS
 Tim E. Biehn, PLS

March 23, 2008

Project: North Davis Sewer District, West Outfall Sewer Line
 Smith Property 0077
 Davis County Parcel # 14-031-0077

**Permanent Easement**

A 20 foot wide strip of land for a sewer line easement with the side lines being 10 feet on each side of the following described centerline with the side lines extending to or terminating at Grantor's property lines, said strip of land is located in the Southwest Quarter of Section 29, Township 5 North Range 2 West, Salt Lake Base and Meridian, Davis County, Utah, and being more particularly described as follows.

Beginning on Grantor's North property and the center of a North Davis Sewer District pipeline at a point S89°58'56"E 89.54 feet along the East/West quarter Section line and South 150.00 feet from a Davis County monument at the West Quarter Corner of said Section 29; thence S26°03'30"W 119.63 feet; thence S0°13'27"W 1337.79 feet; thence N89°58'00"W 38.00 feet to Grantor's West Property Line. Contains 29,907 ft², more or less.

Temporary Construction Easement: (West Side)

A parcel of land for a temporary construction easement located in the Southwest Quarter of Section 29, Township 5 North Range 2 West, Salt Lake Base and Meridian, Davis County, Utah, and being more particularly described as follows.

Beginning on Grantor's North property line and the Northwesterly corner of the above described Permanent Easement at a point S89°58'56"E 78.41 feet along the East/West quarter Section line and South 150.00 feet from a Davis County monument at the West Quarter Corner of said Section 29; thence S26°03'30"W 117.04; thence N0°00'41"W 45.51 feet; thence N26°03'17"E 66.39 feet to Grantor's North property line; thence S89°59'00"E 22.27 feet to the point of beginning. Contains 1,834 ft², more or less.

Temporary Construction Easement: (East Side)

A parcel of land for a temporary construction easement located in the Southwest Quarter of Section 29, Township 5 North Range 2 West, Salt Lake Base and Meridian, Davis County, Utah, and being more particularly described as follows.

Beginning at Grantor's North property line and the Northeasterly corner of the above described Permanent Easement at a point S89°58'56"E 100.67 feet along the East/West quarter Section line and South 150.00 feet from a Davis County monument at the West Quarter Corner of said

Section 29; thence S89°59'00"E 22.26 feet along Grantor's North property line; thence S26°03'30"W 81.52 feet; thence S0°13'27"W 1422.06 feet; thence N89°58'00"W 88.00 feet to Grantor's West property line; thence N0°13'28"E 40.00 feet along Grantor's West property line to the South line of said Permanent Easement; thence along the South and Easterly lines of said Permanent Easement the following 3 courses, (1) S89°58'00"E 47.99 feet. (2) N0°13'27"E 1345.46 feet, (3) N26°03'31"E 122.23 feet to the point of beginning. Contains 60,109 ft², more or less.

