



W2677487

REV101512

Return to:
Rocky Mountain Power
Ryan Cook
1438 W 2550 S
Ogden UT 84401

EH 2677487 PG 1 OF 3
ERNEST D ROWLEY, WEBER COUNTY RECORDER
06-MAR-14 1246 PM FEE \$14.00 DEF JKC
REC FOR: ROCKY MOUNTAIN POWER

Project Name: Zaxby's Restaurant
Tract Number: 122410001
WO#: 5818089
RW#:

UNDERGROUND RIGHT OF WAY EASEMENT

For value received, Ogden Commons, LLC ("Grantor"), hereby grants to PacifiCorp, an Oregon Corporation, d/b/a Rocky Mountain Power its successors and assigns, ("Grantee"), an easement for a right of way 10 feet in width and 200 feet in length, more or less, for the construction, reconstruction, operation, maintenance, repair, replacement, enlargement, and removal of underground electric power transmission, distribution and communication lines and all necessary or desirable accessories and appurtenances thereto, including without limitation: wires, fibers, cables and other conductors and conduits therefor; and pads, transformers, switches, cabinets, and vaults on, across, or under the surface of the real property of Grantor in Weber County, State of Utah more particularly described as follows and as more particularly described and/or shown on Exhibit A attached hereto and by this reference made a part hereof:

Legal Description: BEGINNING AT A POINT ON THE SOUTH RIGHT OF WAY LINE OF 12TH STREET, SAID POINT BEING LOCATED SOUTH 87°03'35" EAST 210.62 FEET AND SOUTH 84°50'29" EAST 86.23 FEET FROM THE NORTHWEST CORNER OF LOT 2 OF THE COMMONS AT OGDEN FIRST AMENDMENT, SAID POINT ALSO BEING LOCATED SOUTH 88°8'35" EAST ALONG THE MONUMENTED CENTERLINE OF 12TH STREET 1212.11' AND SOUTH 38.20 FEET FROM THE CENTERLINE MONUMENT LOCATED AT THE INTERSECTION OF THE MONUMENTED LINE OF 12TH STREET AND THE CENTERLINE OF GIBSON AVENUE AND RUNNING THENCE SOUTH 84°50'29" EAST ALONG SAID SOUTH LINE 80.24 FEET TO THE BEGINNING OF A NON-TANGENT CURVE; THENCE SOUTHEASTERLY ALONG SAID SOUTH LINE 150.19 FEET ALONG THE ARC OF A 10066.92 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 0°51'17" (CHORD BEARS SOUTH 89°51'08" EAST 150.19 FEET, RADIAL BEARING IS N 0°34'31" E); THENCE SOUTH 01°35'30" WEST 190.95 FEET; THENCE NORTH 88°24'30" WEST 230.23 FEET; THENCE NORTH 01°35'30" EAST 192.15 FEET TO THE POINT OF BEGINNING.

Assessor Parcel No.

122410001

Together with the right of access to the right of way from adjacent lands of Grantor for all activities in connection with the purposes for which this easement has been granted; and together with the present and (without payment therefor) the future right to keep the right of way clear of all brush, trees, timber, structures, buildings and other hazards which might endanger Grantee's facilities or impede Grantee's activities.

ORIGINAL

At no time shall Grantor place or store any flammable materials (other than agricultural crops), or light any fires, on or within the boundaries of the right of way. Subject to the foregoing limitations, the surface of the right of way may be used for agricultural crops and other purposes not inconsistent, as determined by Grantee, with the purposes for which this easement has been granted.

The rights and obligations of the parties hereto shall be binding upon and shall benefit their respective heirs, successors and assigns.

To the fullest extent permitted by law, each of the parties hereto waives any right it may have to a trial by jury in respect of litigation directly or indirectly arising out of, under or in connection with this agreement. Each party further waives any right to consolidate any action in which a jury trial has been waived with any other action in which a jury trial cannot be or has not been waived.

Dated this 11 day of November, 2013.

GRANTOR: Ogden Commons, LLC

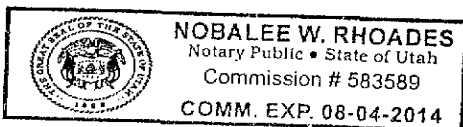
Spencer H. Wright
Spencer H. Wright, Manager of Millcreek Partners, LLC,
the member of Ogden Commons, LLC

Acknowledgment by a Corporation, LLC, or Partnership:

STATE OF Utah)
) ss.
County of Davis)

On this 12 day of November, 2013, before me, the undersigned Notary Public in and for said State, personally appeared Spencer H. Wright (name), known or identified to me to be the member of the limited liability company, or a partner of the partnership that executed the instrument or the person who executed the instrument on behalf of said entity, and acknowledged to me that said entity executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

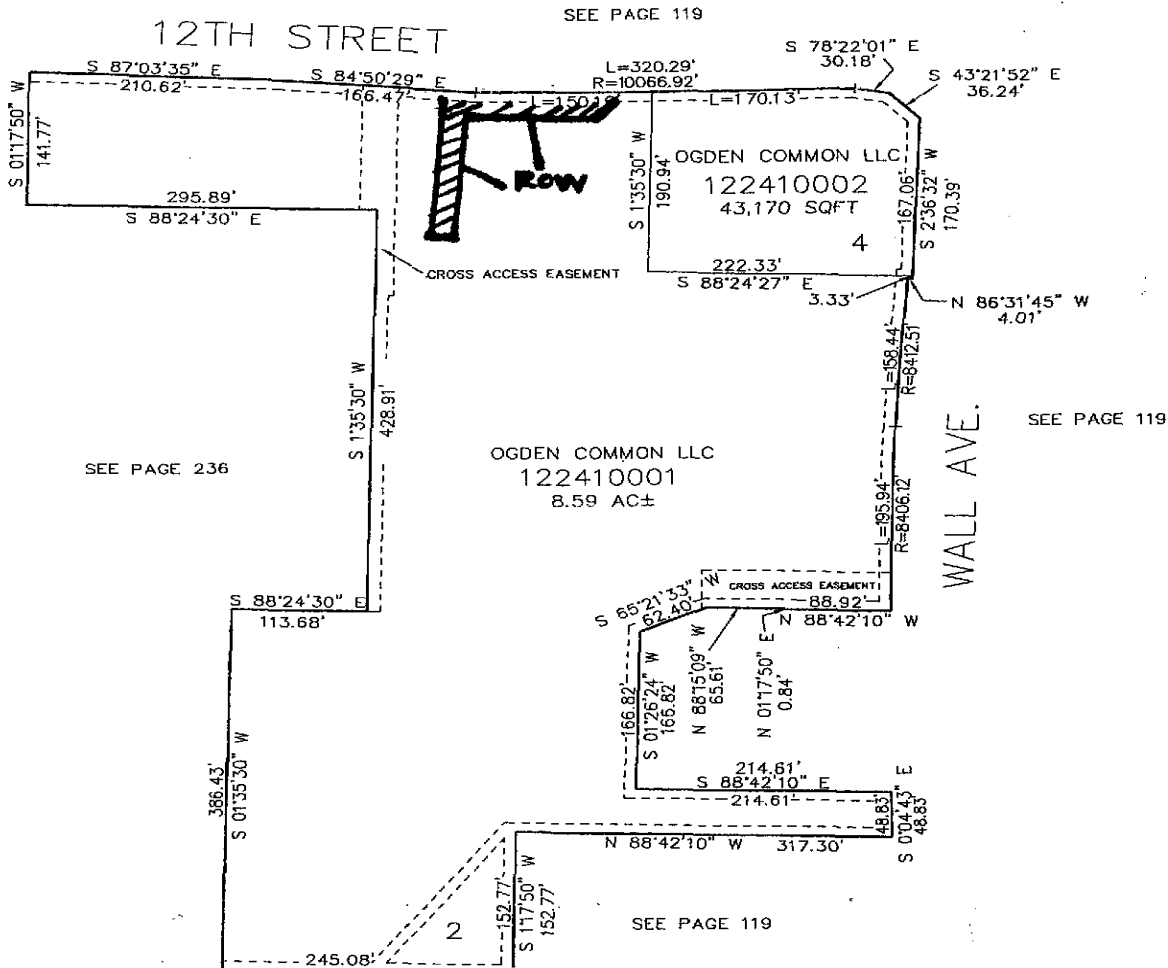


Nobalee W. Rhoades
(notary signature)

NOTARY PUBLIC FOR Utah (state)
Residing at: Layton UT (city, state)
My Commission Expires: 8-4-14 (d/m/y)

Property Description

Quarter: NW Quarter: _____ Section: 20 Township T. 6 (N or S),
 Range 1 (E or W), S.L.B. Meridian
 County: WEBER State: UTAH
 Parcel Number: 122410001



CC#: WO#: 5818089
 Landowner Name: OGDEN COMMONS, LLC
 Drawn by: [Signature]

This drawing should be used only as a representation of the location of the easement being conveyed. The exact location of all structures, lines and appurtenances is subject to change within the boundaries of the described easement area.

EXHIBIT A



SCALE: 1" = 80'