

5127370

EASEMENT DEED

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17 SEPTEMBER 91 04:28 PM  
KATIE L. DIXON  
RECORDER, SALT LAKE COUNTY, UTAH  
ASSOCIATED TITLE  
REC BY: SHARON WEST , DEPUTY

This memorandum witnesseth:

- 1. The parties hereto are as follows:

Draper Irrigation Co., a Utah corporation ("Grantor")  
874 East 12400 South  
Draper, UT 84020

Raddon Brothers Construction, Inc. ("Grantee")  
1380 East 4500 South  
Holladay, UT 84117

2. **Background.** Grantor owns a parcel described on the annexed Exhibit "A" (the "Easement Parcel") through which it operates a canal. Grantee desires to place the canal running through the Easement Parcel into an underground structure and to use the surface of the property for parking.

3. **Consideration.** The parties agree to the terms hereof for the consideration of the mutual promises stated herein and for other good and valuable consideration, receipt of which is hereby acknowledged.

3. **Grant.** The DRAPER IRRIGATION CO., a Utah corporation, Grantor, in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, receipt of which is acknowledged, does hereby convey, transfer, and release to RADDON BROTHERS CONSTRUCTION, INC., Grantee, an easement and right-of-way over, through, and across real property owned by Grantor and situate in the County of Salt Lake, State of Utah, described with particularity on the annexed Exhibit "A" and referred to herein as the "Easement Parcel." Notwithstanding Grantor's rights to maintain, install, reinstall, and operate a canal across and through the easement parcel, Grantee shall have the right to construct an underground water transmission facility along the route of the canal, to replace the canal with the underground water transmission facility so constructed, to bury the water transmission structure, to cover the said water transmission structure with pavement, landscaping or other improvements necessary or appropriate to Grantee's operation of a shopping mall and parking facility across the surface of the Easement Parcel (except that Grantee shall not construct buildings over the said Easement Parcel.)

4. **Plans.** It is agreed that the underground water transmission structure shall be designed by professional engineers and shall be approved prior to construction by Grantor.

5. **Maintenance.** Grantor retains the right to maintain and operate its canal system through the Easement Parcel and the underground water transmission structure, and shall have the right, upon reasonable notice to Grantee, to excavate portions of the water transmission structure or maintenance purposes, subject to a duty to return the surface and the surface improvements to the condition they were in prior to the maintenance work. Grantor shall have the right to construct, maintain, and use manholes for access to the underground water

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transmission facility and for access to pressurized water pipelines within the Grantor's right of way and to clean out the canal or pressurized pipelines through the said manholes

6. Assignment. This instrument and the rights and obligations created herein shall run with the land and bind and inure in favor of the successors and assigns of the parties hereto.

The officers who sign this deed hereby certify that this deed and the transfer represented hereby were duly authorized under a resolution duly adopted by the board of directors of the Grantor at a lawful meeting held and attended by a quorum.

IN WITNESS WHEREOF, the said Grantor has hereunto caused its corporate name and seal to be hereunto affixed by its duly authorized officers this \_\_\_\_ day of September, 1991.

DRAPER IRRIGATION CO., a Utah corporation

By: *Noel H. Hansen*  
President

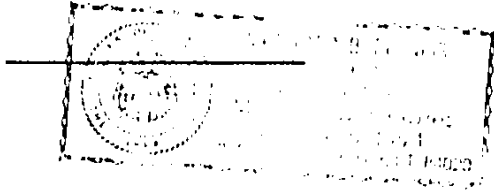
Attest:  
*W.S. Beckhagen*  
Secretary

COUNTY OF UTAH            )  
                                          :SS  
COUNTY OF SALT LAKE    )

On this 11-day of September, 1991, personally appeared before me *Noel H. Hansen* and *W.S. Beckhagen*, personally known to me to be the president and secretary of DRAPER IRRIGATION CO., a Utah corporation, who being by me duly sworn, did say, each for himself, that the said *Noel H. Hansen* is the President and the said *W.S. Beckhagen* is the Secretary of the Draper Irrigation Co., a Utah corporation, and that the within and foregoing instrument was signed in behalf of said corporation by authority of a resolution of its board of directors, and said *Noel H. Hansen* and *W.S. Beckhagen* each duly acknowledged to me that they executed the same and that the seal affixed is the seal of the said corporation.

*W. S. Beckhagen*  
Notary Public

My commission expires: \_\_\_\_\_ Residing at \_\_\_\_\_



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DRAPER IRRIGATION COMPANY CANAL cont.

Revised 3-25-91

Revised 4-4-91

Revised 5-13-91

Revised 5-23-91

The following 2 descriptions are to be quit claimed from Raddon to the canal company:

Eastern relocation:

Beginning at a point 1348.99 ft. S.0°29'56"W. along the section line from the east quarter corner of Section 29, Township 3 South, Range 1 East, Salt Lake Base and Meridian; thence continuing S.0°29'56"W. 59.22 ft.; thence N.24°12'19"W. 17.93 ft. thence S.65°47'41"W. 24.75 ft.; thence N.24°12'19"W. 80.62 ft. to a point of tangency with a 97.00 foot-radius curve to the left; thence Northwesterly 111.39 ft. along the arc of said curve through a central angle of 65°47'41"; thence West 113.88 ft. to a point of tangency with a 193.34 foot-radius curve to the right; thence Southwesterly 148.47 ft. along the arc of said curve through a central angle of 44°00'00"; thence N.44°00'00"E. 49.50 ft. to a point on a 143.84 foot-radius curve to the left the center of which bears N.44°00'00"E.; thence Easterly 110.46 ft. along the arc of said curve through a central angle of 44°00'00"; thence East 113.88 ft. to a point of tangency with a 146.50 foot-radius curve to the right; thence Southeasterly 168.23 ft. along the arc of said curve through a central angle of 65°47'41"; thence S.24°12'19"E. 44.76 ft. to the point of beginning.

Western relocation:

A strip of land 3 rods wide, 1 rod right and 2 rods left of the following described centerline:

Beginning at a point on the centerline of the existing canal right of way 972.35 ft. S.0°08'46"W. and 414.15 ft. East from the center of Section 29, Township 3 South, Range 1 East, Salt Lake Base and Meridian, said point being on the arc of a 98.62 foot-radius curve to the right the center of which bears N.32°43'20"E.; thence Northwesterly 98.585 ft. along the arc of said curve through a central angle of 57°16'40" to a point of reverse curvature with a 208.50 foot-radius curve; thence continuing 2 rods wide, 1 rod right and 1 rod left of the following 4 courses: 72.46 ft. along the arc of said curve through a central angle of 19°54'41", N.19°54'41"W. 400.48 ft. to a point of tangency with a 130.00 foot-radius curve to the left, and running 159.035 ft. along the arc of said curve through a central angle of 70°05'19", and West 228.11 ft. to a point of tangency with a 100.00 foot-radius curve to the right; thence being a strip of land 3 rods wide, 1 rod right and 2 rods left 136.57 ft. along the arc of said curve through a central angle of 73°14'58" to a point on the centerline of the existing canal right of way.

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