

EASEMENT AND AGREEMENT

This Easement and Agreement is made and entered into this 15th day of December, 1993, by and between Wood Hollow Home Owners Association (hereinafter "Wood Hollow"), The City of South Salt Lake (hereinafter "South Salt Lake"), and Peter and Sandra Nackowski (hereinafter "Nackowski").

5808004

RECITALS

1. Wood Hollow are the owners of the following described parcel of land, hereinafter referred to as the "Wood Hollow Parcel", situated in Salt Lake County, State of Utah, being more particularly described as follows:

WOOD HOLLOW PARCEL

Beginning at a point that is North 0°14'48" East 1628.586 feet from the Southeast corner of Block 45, Ten Acre Plat "A", B.F.S. (the basis of bearing being South 12°38' East along the Highland Drive monument line;) thence North 0°14'48" East 467.083 feet, thence South 89°45'12" East 489.672 feet to a point on the extension of the West line of the Elizabeth Street, thence South 6°02'15" West 468.638 feet along said extension and the West line of Elizabeth Street to a point on the extension of the South line of Warnock Avenue, thence North 89°51'42" West 442.388 feet to the point of beginning.

2. Nackowski are the owners of the following parcel of land, hereinafter referred to as the "Nackowski Parcel", situated in Salt Lake County, State of Utah, being more particularly described as follows:

NACKOWSKI PARCEL

PARCEL 1:

Commencing at a point South 20°20' East 83.42 feet from the Southwest corner of Lot 6, Block 46, Ten Acre Plat A, Big Field Survey; and running thence North 13°52' West 116 feet; thence South 89°48' East 410.0 feet more or

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less to a point North 5°56' East from a point South 89°48' East 372.2 feet from the point of beginning; thence South 5°56' West 113 feet more or less; thence North 89°48' West 372.2 feet to the point of beginning.

PARCEL 2:

Commencing North 0°12' East 2095.67 feet from Southeast corner of Block 45, 10 Acre Plat A, Big Field Survey; thence North 0°12' East 112.23 feet, South 89°48' East 469.9 feet, South 6°3' West 112.86 feet, North 89°48' West 458.4 feet to beginning.

PARCEL 3:

Part of Lots 5 and 6 of Block 46, Ten Acre Plat A, Big Field Survey:

Beginning at a point North 334 feet and West 383.42 feet, more or less, from the Southeast corner of said Lot 5, said point being located on the Westerly projection of the North line of Parkway Avenue; running thence North 6°02'15" East 100.00 feet along the Easterly Right-of-Way line of the D. & R.G.W.R.R. Brickyard Spur to an existing gate; thence North 83°04'29" West 32.99 feet to the Westerly Right-of-Way line of said Spur; thence South 6°02'15" West 104.00 feet along the Westerly Right-of-Way line of said D. & R.G.W.R.R. Brickyard Spur to a point on the Westerly projection of the North line of Parkway Avenue; thence East 33.17 feet to the point of beginning.

3. The following parcel of land, hereinafter referred to as the "Overlap Parcel", which is shown as a portion of the Wood Hollow Parcel and overlaps a portion of the Nackowski Parcel, and is actually owned by Nackowski, and is situated in Salt Lake County, State of Utah, being more particularly described as follows:

OVERLAP PARCEL

Beginning at a point which lies 33.75 feet North and 285.90 feet West from the Salt Lake City Monument at the intersection of Parkway Avenue and Highland Drive according to the official Atlas Map on file in the office of the Salt Lake City Surveyor, said point also being described as, beginning at a point North 334 feet and West 383.42 feet, more or less, from the Southeast corner of Lot 5, Block 46, Ten Acre Plat A, Big Field Survey, said point lying on the West line of Elizabeth Street and the North line of Parkway Avenue, and running thence S.89°50'58"W., 33.38 feet; thence N.6°02'15"E. 67.86 feet; thence

N.89°50'58"E., 33.38 feet; thence S.6°02'15"W., 67.86 feet to the point of beginning.

4. South Salt Lake is the owner of the following parcel of land, hereinafter referred to as the "South Salt Lake Parcel", situated in Salt Lake County, State of Utah, being more particularly described as follows:

SOUTH SALT LAKE PARCEL

Part of Lots 5 and 6 of Block 46, Ten Acre Plat "A", Big Field Survey:

Beginning at a point North 334 feet and West 383.42 feet, more or less, from the Southeast corner of said Lot 5; running thence North 6°02'15" East, 393 feet along the Easterly Right-of-Way line of the D. & R.G.W.R.R. Brickyard Spur; thence West 33.17 feet; thence South 6°02'15" West, 393 feet along the Westerly Right-of-Way line of D. & R.G.W.R.R. Brickyard Spur; thence East 33.17 feet to the beginning.

5. Nackowski and South Salt Lake require a perpetual right of way and easement from Wood Hollow for purposes of access, ingress, and egress and, in the case of South Salt Lake, maintenance of a water line, over and across the following described parcel of real property, hereinafter referred to as the "Easement Parcel", situated in Salt Lake County, State of Utah, being more particularly described as follows:

EASEMENT PARCEL

Beginning at a point which lies 33.75 feet North and 285.90 feet West from the Salt Lake City Monument at the intersection of Parkway Avenue and Highland Drive according to the official Atlas Map on file in the office of the Salt Lake City Surveyor, said point also being described as, beginning at a point North 334 feet and West 383.42 feet, more or less, from the Southeast corner of Lot 5, Block 46, Ten Acre Plat A, Big Field Survey said point lying

on the West line of Elizabeth Street and the North line of Parkway Avenue; and running thence along West line South 6°02'15" West, 54.53 feet; thence North 83°57'45" West, 33.17 feet; thence North 6°02'15" East, 50.93 feet; thence North 89°50'58" East, 33.36 feet to the point of beginning.

6. The Nackowski Parcel lies immediately adjacent to, and to the north of the Wood Hollow Parcel. The South Salt Lake Parcel lies immediately adjacent to, and to the north and east of the Nackowski Parcel.

7. There currently exists, and shall shortly be improved a driveway to provide access to the Nackowski Parcel.

NOW, THEREFORE, in consideration of the above premises, and to avoid protracted litigation, and in consideration of payment of \$5,000.00 by Nackowski to Wood Hollow, and for other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, the undersigned parties hereby agree as follows:

8. Wood Hollow hereby grants and conveys to Nackowski, their heirs, successors, and assigns as an appurtenance to the Nackowski Parcel, a perpetual non-exclusive right of way and easement for purposes of construction, maintenance and use of a driveway for access, ingress, and egress to and from the Nackowski Parcel, over and across the Easement Parcel and the Overlap Parcel.

9. Wood Hollow hereby grants and conveys to South Salt Lake an easement across the Easement Parcel and Overlap Parcel for the purpose of constructing and/or maintaining a high-pressure water-supply line owned by South Salt Lake and located on the South Salt Lake Parcel.

10. The cost and expense of constructing and maintaining the portion of the driveway located on the Overlap Parcel shall be borne by the owners of the Nackowski Parcel, their heirs, successors and assigns.

11. The cost and expense of repairing any damage to the Easement Parcel or Wood Hollow Parcel caused during construction of the improvements referred to in paragraph 8 herein shall be borne by the owners of the Nackowski Parcel, their heirs, successors and assigns.

12. The agreements and covenants contained herein shall constitute covenants to run with the land and equitable servitudes, and shall be binding upon the undersigned parties, all parties who may hereafter acquire any interest in the Wood Hollow Parcel or the Nackowski Parcel, the South Salt Lake Parcel, or any portion thereof, and their respective grantees, transferees, heirs, devisees, successors, and assigns.

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement on the day hereinabove first written.

WOOD HOLLOW HOME OWNERS ASSOC.

By: Randy Bradshaw

CITY OF SOUTH SALT LAKE

By: Ellen J. Farnsworth

Peter M. Nackowski
PETER NACKOWSKI

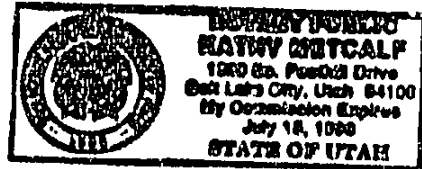
Sandra B. Nackowski by
SANDRA NACKOWSKI
Peter M. Nackowski her attorney in
fact

STATE OF UTAH)
: ss.
County of Salt Lake)

On the 16 day of September, 1993,
personally appeared before me Randy Bradshaw who,
being by me duly sworn, did say, that he is the officer
or agent (as the case may be), of WOOD HOLLOW HOME OWNERS
ASSOCIATION, and that said instrument was signed on
behalf of said association by authority of its by-laws or
by resolution of its board of directors, as the case may
be, and said we acknowledged to me that said
association executed the same.

On the 16 day of September 1993, personally
appeared before me Randy Bradshaw the signer of
the above instrument, who duly acknowledged to me that
he/she executed the same.

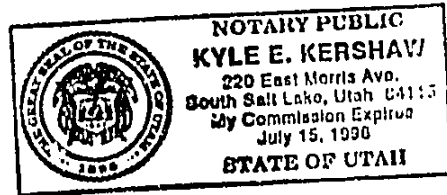
Vacay Meloy
NOTARY PUBLIC
Residing at: S-LC Utah
My Commission Expires:
July 15, 1994



STATE OF UTAH)
 : SS.
County of Salt Lake)

On the 15 day of December, 1993, personally appeared before me ELDON L. FARNSWORTH the signer of the above instrument, who duly acknowledged to me that he/she executed the same.

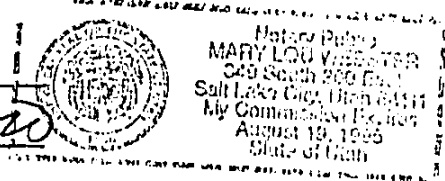
Kyle E. Kershaw
NOTARY PUBLIC
Residing at: SL County
My Commission Expires: 7/15/96



STATE OF UTAH)
 : SS.
County of Salt Lake)

On the 27th day of April, 1993, personally appeared before me Peter Thacker the signer of the above instrument, who duly acknowledged to me that he executed the same.

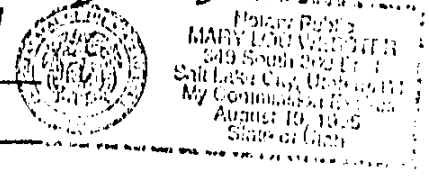
Mary Lou Webster
NOTARY PUBLIC
Residing at: SL County, UT
My Commission Expires: 8-19-95



STATE OF UTAH)
 : SS.
County of Salt Lake)


On the 27th day of April, 1993, personally appeared before me Peter Thacker as * the signers of the above instrument, who duly acknowledged to me that she executed the same. * att in part for Donal B. Thacker

Mary Lou Webster
NOTARY PUBLIC
Residing at: SL County, UT
My Commission Expires: 8-19-95



2/10
1/10

2000
MAY
17 PM
SLS



04/28/94 5808004 4:19 PM 29.00
KATIE L. DIXON
RECORDER, SALT LAKE COUNTY, UTAH
ASSOCIATED TITLE
REC BY:K BLANCHARD ,DEPUTY - WI

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