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 06/19/2009 10:07 AM \$19.00  
 Book - 9737 Pg - 3705-3709  
 GARY W. OTT  
 RECORDER, SALT LAKE COUNTY, UTAH  
 DIAMOND PARKING INC  
 605 FIRST AVE STE 600  
 SEATTLE WA 98104  
 BY: CDC, DEPUTY - WI 5 P.

**WHEN RECORDED, MAIL TO:**

Robert Turley  
 Diamond Parking Inc.  
 605 First Avenue, Suite 600  
 Seattle, Washington 98104

**DECLARATION  
 OF  
 EASEMENT**

THIS DECLARATION OF EASEMENT ("Declaration") is made and entered into as of June 9, 2009, by DIAMOND PARKING INC., a Washington corporation ("Declarant").

**RECITALS**

WHEREAS, Declarant owns that certain real property located at approximately 1925 West North Temple, Salt Lake County, Utah, as more particularly described in attached Exhibit "A" ("Parcel A");

WHEREAS, Declarant owns that certain real property located at approximately 1969 West North Temple, Salt Lake County, Utah ("Parcel B") adjacent to Parcel A, as more particularly described in attached Exhibit "B"; and

WHEREAS, for the benefit of Parcel A, Declarant desires to provide for a nonexclusive and perpetual right-of-way and easement over and across Parcel B for the purposes set forth herein, together with all necessary accessories and appurtenances thereto (the "Easement").

**DECLARATION**

DECLARANT HEREBY GRANTS AND DECLARES that Parcels A and B (together, the "Subject Properties") shall henceforth be held, sold, conveyed, encumbered, leased, used, occupied and improved subject to the Easement, as set forth in this Declaration, which is created for the benefit of Parcel A. This Declaration (i) is intended to, and shall in all cases, run with the title of the land, and be a benefit and a burden and binding upon the successors, assigns, heirs, lien holders, and any other person(s) holding any interest in the Subject Properties, and (ii) shall be binding upon the Declarant as well as its successors in interest, and may be enforced by the Declarant and/or by its successor(s) in interest.

**TERMS**

1. **Purpose and Scope of Easement.** The Easement shall be for the purposes of ingress and egress and shall be a nonexclusive, perpetual easement and right-of-way, together with all necessary accessories and appurtenances thereto, shall run under, through and across the Easement Property, and, further, from and after the execution hereof, Parcel A shall be benefited by, and Parcel B shall be burdened by, the Easement. Exclusive use of the Easement is not hereby declared, and the use of the Easement in common with successive owners of Parcel B is expressly reserved by Declarant.

2. **Maintenance.** The owner of Parcel B shall be solely responsible for any and all maintenance of Parcel B and the Easement; provided that the owner of Parcel A, at its option, shall be entitled to improve the Easement as may be reasonably necessary or appropriate, in such owner's reasonable discretion, to maintain the use of the Easement as herein declared.

3. **Non-waiver.** The failure of a person to insist upon strict performance of any of the terms, covenants, conditions or agreements contained herein shall not be deemed a waiver of any rights or remedies that said person may have, and shall not be deemed a waiver of any subsequent breach or default in any of the terms, covenants, conditions or agreements contained herein by the same or any other person.

4. **Choice of Law.** This Declaration shall be governed by and construed in accordance with the laws of the State of Utah. This Declaration shall be recorded in the official real estate records of Salt Lake County, Utah.

5. **Recitals.** The recitals set forth above, together with the exhibits attached hereto, are incorporated in and made an integral part of this Declaration by this reference.

6. **Modification.** This Declaration may not be modified except with the consent of the record owner(s) of the Subject Properties, and then only by written instrument duly executed and acknowledged and recorded in the official real estate records of Salt Lake County, Utah.

7. **Severability.** In the event that any provision of this Declaration shall be held invalid and unenforceable, such provision shall be severable from, and such invalidity and unenforceability shall not be construed to have any effect on, the remaining provisions of this Declaration.

*[signature page to follow]*

DATED as of the date first-above written.

DIAMOND PARKING INC.,  
a Washington corporation,

By *Jon Diamond*  
Its President

STATE OF WASHINGTON        )  
  ) ss.  
COUNTY OF KING            )

The foregoing instrument was acknowledged before me on the 9<sup>th</sup> day of June, 2009, by Jonathon Diamond, the President of DIAMOND PARKING INC., a Washington corporation.

*T. Wesley Green*  
Notary Public  
Residing in Seattle, WA



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EXHIBIT A

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(Description of Parcel A)

COMMENCING AT THE NORTHWEST CORNER OF SECTION 3, TOWNSHIP 1 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 00°00'44" EAST 33.27 FEET; THENCE NORTH 89°56'42" EAST 78.42 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89°56'42" EAST 280.18 FEET; THENCE NORTH 00°03'18" WEST 33.27 FEET; THENCE SOUTH 89°56'42" WEST 26.17 FEET; THENCE NORTH 00°11'08" WEST 298.49 FEET; THENCE NORTH 19°39'22" WEST 15.00 FEET; THENCE NORTH 00°11'08" WEST 360.05 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF NORTH TEMPLE STREET; THENCE ALONG SAID RIGHT-OF-WAY NORTH 89°58'38" EAST 15.50 FEET; THENCE LEAVING SAID RIGHT-OF-WAY SOUTH 00°11'08" EAST 360.00 FEET; THENCE SOUTH 19°39'22" EAST 15.00 FEET; THENCE SOUTH 00°11'08" EAST 115.96 FEET; THENCE NORTH 89°58'38" EAST 156.17 FEET; THENCE NORTH 00°03'01" EAST 280.09 FEET; THENCE NORTH 89°58'38" EAST 175.20 FEET; THENCE NORTH 00°11'08" WEST 210.00 FEET TO THE SOUTHERLY RIGHT-OF-WAY NORTH TEMPLE STREET; THENCE ALONG SAID RIGHT-OF-WAY NORTH 89°58'38" EAST 301.21 FEET; THENCE LEAVING SAID RIGHT-OF-WAY SOUTH 00°00'43" EAST 672.30 FEET; THENCE NORTH 89°56'42" EAST 307.01 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF ORANGE STREET; THENCE ALONG SAID RIGHT-OF-WAY SOUTH 00°03'08" EAST 333.60 FEET; THENCE LEAVING SAID RIGHT-OF-WAY SOUTH 89°57'38" WEST 672.39 FEET; THENCE SOUTH 14°26'08" EAST 330.19 FEET; THENCE SOUTH 89°59'16" WEST 247.56 FEET; THENCE NORTHWESTERLY 241.64 FEET ALONG THE ARC OF A 1015.92 FOOT RADIUS CURVE TO THE RIGHT (CHORD BEARS NORTH 46°56'43" WEST 241.07 FEET); THENCE NORTHWESTERLY 499.01 FEET ALONG THE ARC OF A 1105.92 FOOT RADIUS CURVE TO THE RIGHT (CHORD BEARS NORTH 23°10'21" WEST 494.79 FEET) MORE OR LESS TO THE POINT OF BEGINNING.

Said property is also known by the street address of:  
1925 West North Temple Street  
Salt Lake City, UT 84116

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EXHIBIT B

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(Description of Parcel B)

That certain property located in Salt Lake County, State of Utah, particularly described as follows:

BEG E 504 FT & N 704 FT M OR L FR SW COR SEC 34, T 1N, R 1W, SLM; S 210 FT; S 89°58'38" W 0.20 FT TO A FENCE LINE; S 0°14'09" W ALG SD FENCE LINE 121.51 FT; S 89°58' 38" W 161.82 FT; N 331.51 FT TO SOUTH RIGHT OF WAY LINE OF NORTH TEMPLE ST; N 89°58'38" E ALG SD SOUTH LINE 162.52 FT TO BEG. 1.235 AC M OR L. 7835-2538 8392-4468 8573-8533 8575-0299.

(For reference purposes only: Tax Parcel I.D. No. 0834353029)