

59
9870778

When recorded, return to:
Ellessa Mae, L.L.C.
95 East Tabernacle
St. George, UT 84770

9870778
10/10/2006 11:49 AM \$25.00
Book - 9363 Pg - 105-109
GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
ELLESSA MAE LLC
95 E TABERNALE
ST GEORGE UT 84770
BY: ZJM, DEPUTY - WI 5 P.

EASEMENT AND RIGHT-OF-WAY

For and in consideration of the sum of Ten Dollars (\$10.00) cash in hand paid, and other good and valuable considerations, the undersigned, Ellessa Mae, L.L.C., a Utah limited liability company and Simmons Capital, LLC, a Utah limited liability company (collectively "Grantors"), do hereby sell, convey, and warrant to Questar Gas Company, Comcast, Rocky Mountain Power a division of Pacificorp, Qwest Corporation, Salt Lake City Corporation, other public and private utility companies or entities, and the Federal Pointe Homeowners Association (collectively "Grantees"), for perpetual use, a permanent, non-exclusive underground utility easement and right-of-way with the right to erect, construct, install, lay and thereafter use, operate, inspect, repair, maintain, replace and remove facilities to provide water, sewer, gas, power, communications and other utilities (collectively "Utility Systems") over, across and/or under a certain parcel of real property lying and being situated in Salt Lake City, Salt Lake County, Utah, a more accurate description of said property being attached hereto and made a part hereof and marked as Exhibit "A", a drawing of which is attached hereto and made a part hereof and marked as Exhibit "B", to provide Utility System service solely to the lots in the Federal Pointe P.U.D. Phase 2 (such Plat being recorded March 27, 2006 as Entry No. 9674227, in Book 2006P, at Page 77 in the Salt Lake County Recorder's Office) and lots in Federal Pointe P.U.D. (such Plat being recorded April 22, 1993 as Entry No. 5482962, in Book 93-4, at Page 69 in the Salt Lake County Recorder's Office). By accepting this grant, each Grantee agrees to replace and repair, at its own expense, any damage caused by such grantee to the street surface, curb, gutter and landscaping, or any other improvements lying in, on or around the easment granted hereby.

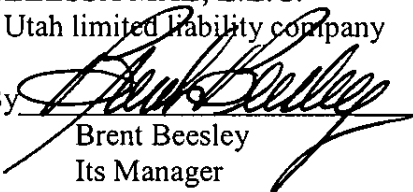
This permanent Utility Easement and Right-of-Way is subject to all easements and right-of-ways of record in the Salt Lake County Recorder's Office.

It is understood and agreed that this Easement and Right-of-Way shall give and convey to the Grantees herein the right of ingress and egress upon the lands above described for the purpose of constructing, maintaining and repairing the above-described Utility Systems.

The Easement and Right-of-Way herein described shall constitute a covenant running with the land for the benefit of the Grantees, their successors and assigns.

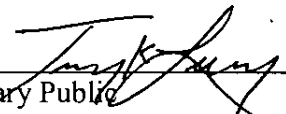
WITNESS THE SIGNATURE of the Grantors on this the 6th day of October, 2006.

ELLESSA MAE, L.L.C.
a Utah limited liability company

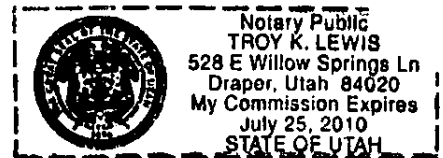
By 
Brent Beesley
Its Manager

STATE OF UTAH)
:SS.
COUNTY OF SALT LAKE)

On the 6th day of October, 2006, personally appeared before me Brent Beesley, who being by me duly sworn, did state that he is the Manager of Ellessa Mae, L.L.C. and that he signed the Easement and Right-of-Way on behalf of Ellessa Mae, L.L.C.


Notary Public

My Commission Expires: July 25, 2010

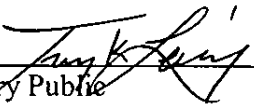


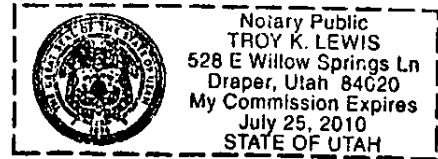
SIMMONS CAPITAL, LLC
a Utah limited liability company

By : 
David E. Simmons
Its Manager

STATE OF UTAH)
 : ss.
COUNTY OF SALT LAKE)

On the 10th day of October, 2006, personally appeared before me David E. Simmons, who being by me duly sworn, did state that he is the Manager of Simmons Capital, LLC and that he signed the Easement and Right-of-Way on behalf of Simmons Capital, LLC.


Notary Public



My Commission Expires: July 25, 2010

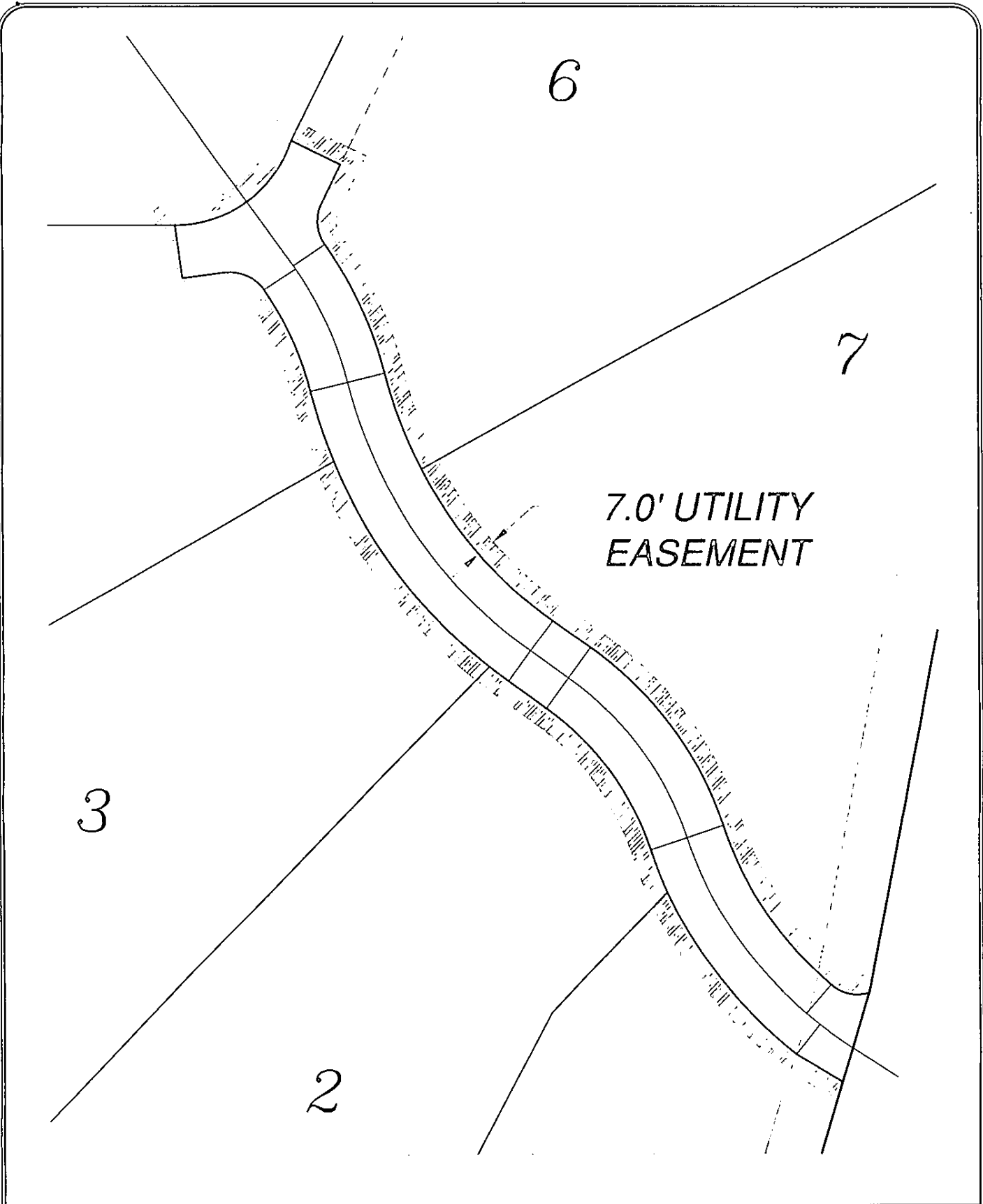
Exhibit A

A strip of land 7 feet wide (three and one half (3.5) feet either side of centerline), lying and situate in the North Half of Section 33, Township 1 North, Range 1 East, Salt Lake Base and Meridian, Salt Lake City, Salt Lake County, Utah. The centerline of which is more particularly described as follows:

COMMENCING at the Northeast corner of Lot 1, FEDERAL POINTE P.U.D PHASE 2, according to the official plat thereof recorded March 27, 2006 as Entry No. 9674227 of the official records in the office of the Salt Lake County Recorder; Thence South $16^{\circ}46'25''$ West 3.61 feet coincident with the East line of the said Lot 1 to the **POINT OF BEGINNING**; Thence North $59^{\circ}10'48''$ West 21.12 feet to a non-tangent curve; Thence Northwesterly 96.26 feet along the arc of a 167.50 foot radius curve to the right (chord bears North $35^{\circ}04'10''$ West 94.94 feet) through a central angle of $32^{\circ}55'33''$ to a point of reverse curvature; Thence Northwesterly 63.49 feet along the arc of a 102.50 foot radius curve to the left (chord bears North $36^{\circ}21'10''$ West 62.48 feet) through a central angle of $35^{\circ}29'33''$; Thence North $54^{\circ}05'56''$ West 17.35 feet; Thence Northwesterly 134.81 feet along the arc of a 192.50 foot radius curve to the right (chord bears North $34^{\circ}02'11''$ West 132.07 feet) through a central angle of $40^{\circ}07'30''$ to a point of reverse curvature; Thence Northwesterly 40.77 feet along the arc of a 117.50 foot radius curve to the left (chord bears North $23^{\circ}54'49''$ West 40.56 feet) through a central angle of $19^{\circ}52'46''$ to a point of compound curvature; Thence Westerly 12.82 feet along the arc of a 11.50 foot radius curve to the left (chord bears North $65^{\circ}47'54''$ West 12.17 feet) through a central angle of $63^{\circ}53'23''$; Thence South $82^{\circ}15'24''$ West 19.26 feet; Thence North $07^{\circ}44'36''$ West 27.72 feet to a non-tangent curve; Thence Northeasterly 60.30 feet along the arc of a 41.50 foot radius curve to the left (chord bears North $54^{\circ}09'54''$ East 55.13 feet) through a central angle of $83^{\circ}14'50''$; Thence South $63^{\circ}55'36''$ East 27.72 feet; Thence South $26^{\circ}04'24''$ West 19.34 feet; Thence Southerly 12.17 feet along the arc of a 11.50 foot radius curve to the left (chord bears South $04^{\circ}14'02''$ East 11.61 feet) through a central angle of $60^{\circ}36'53''$ to a point of reverse curvature; Thence Southeasterly 54.74 feet along the arc of a 152.50 foot radius curve to the right (chord bears South $24^{\circ}15'27''$ East 54.45 feet) through a central angle of $20^{\circ}34'02''$ to a point of reverse curvature; Thence Southeasterly 110.30 feet along the arc of a 157.50 foot radius curve to the left (chord bears South $34^{\circ}02'11''$ East 108.06 feet) through a central angle of $40^{\circ}07'30''$; Thence South $54^{\circ}05'56''$ East 17.35 feet; Thence Southeasterly 85.18 feet along the arc of a 137.50 foot radius curve to the right (chord bears South $36^{\circ}21'10''$ East 83.82 feet) through a central angle of $35^{\circ}29'33''$ to a point of reverse curvature; Thence Southeasterly 70.23 feet along the arc of a 132.50 foot radius curve to the left (chord bears South $33^{\circ}47'31''$ East 69.42 feet) through a central angle of $30^{\circ}22'16''$ to a point of compound curvature; Thence Easterly 13.67 feet along the arc of a 11.50 foot radius curve to the left (chord bears South $83^{\circ}01'56''$ East 12.88 feet) through a central angle of $68^{\circ}06'34''$ and the **TERMINUS** of the above-described centerline.

Contains 6,334 sq. ft. / 0.12 acres.

(For reference purposes only: Tax Parcel Numbers 09-33-176-019, 09-33-176-018, 09-33-176-017, 09-33-176-016, 09-33-176-015, 09-33-176-020, 09-33-176-021, 09-33-176-022)



PSOMAS

4179 Riverboat Road, Suite 200
 Salt Lake City, Utah 84123
 (801) 270-5777 (801) 270-5782 (FAX)

"EXHIBIT B"
7.0' UTILITY EASEMENT
 FEDERAL POINTE P.U.D. PHASE 2

Scale: BDA
 Drawn by: BDA
 Checked by: BDA

PROJECT NO.
 8BEE010100
 FIGURE #
 A-1