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10/30/2015 10:36 AM \$0.00
Book - 10375 Pa - 2522-2529
GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
FIRST AMERICAN TITLE
BY: SMA, DEPUTY - WI 8 P.

After Recording Return To:

South Jordan City Recorder
1600 W. Towne Center Drive
South Jordan, Utah 84095

Affects APNs: 26-24-300-002-0000,
26-24-300-027, 26-14-202-003,
26-14-176-007, 26-14-176-006,
26-14-202-101, 26-14-202-002

AMENDMENT TO ACCESS EASEMENT AGREEMENT

This Amendment to Access Easement Agreement (this "Amendment") is made as of this 29 day of October, 2015, by and between KENNECOTT LAND COMPANY, a Delaware corporation ("Grantor"), and SOUTH JORDAN CITY, a Utah municipal corporation (the "City"). The following recitals of fact are a material part of this Amendment:

- A. Grantor and the City are parties to that certain Access Easement Agreement dated July 22, 2013, which was recorded on July 29, 2013 as Entry No. 11693064, in Book 10163, at Page 4628-4662, in the Office of the Salt Lake County Recorder, State of Utah (the "Trail Easement").
- B. Grantor desires to develop a portion of Grantor's property burdened by the Trail Easement.
- C. Section 4 of the Trail Easement permits Grantor to relocate a portion (or portions) of the Trail Easement, upon approval of the City, to another suitable location (at no cost to the City) and said relocated easement area shall tie into the sidewalk/trail to maintain a continuous sidewalk/trail as currently exists.
- D. Grantor and the City desire to amend the Trail Easement as more particularly hereinafter set forth below.

NOW, THEREFORE, in consideration of the foregoing and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto hereby agree as follows:

1. Grant of Relocated Access Easement. The City hereby agrees to Grantor's relocation of a portion of the Trail Easement as follows: Grantor hereby GRANTS AND CONVEYS to the City a non-appurtenant, non-exclusive, irrevocable and perpetual easement for pedestrian and other non-motorized recreational access over, upon and across those portions of Grantor's property legally described in Exhibit A attached hereto and made a part hereof (the "New Trail Easement Area"). A depiction of the New Trail Easement Area is attached hereto as Exhibit A-2. The New Trail Easement Area shall be subject to all of the terms and conditions set

forth in the original Trail Easement as if said New Trail Easement Area was originally included in the Trail Easement.

2. Termination of a Portion of Original Easement Area. The City hereby ABANDONS, RELINQUISHES, RELEASES, QUITCLAIMS, AND VACATES that certain portion of the Trail Easement legally described in Exhibit B attached hereto and made a part hereof (the "Vacated Easement Area"). Upon the recording of this Amendment, the Vacated Easement Area shall no longer be burdened by the terms and conditions of the Trail Easement which terms and conditions shall be deemed terminated and of no further force or effect with respect to the Vacated Easement Area.

3. Miscellaneous.

(a) All provisions of this Amendment shall run with the land and are binding upon and shall inure to the benefit of the successors and assigns of the parties hereto.

(b) Nothing contained in this Amendment shall be deemed to be a gift or dedication to or for the general public or for any public purposes whatsoever, it being the intention of the parties that this Amendment be strictly limited to and for the purposes expressed herein.

(c) This Amendment sets forth the entire understanding of the parties as to the matters set forth herein and cannot be altered or otherwise amended, except pursuant to an instrument in writing signed by each of the parties hereto.

(d) This Amendment shall be governed by and construed in accordance with and interpreted under the laws of the State of Utah.

(e) Each undersigned represents and warrants that each has been duly authorized by all necessary corporate, company or municipal action, as appropriate, to execute this Amendment for and on behalf of the respective parties.

(f) This Amendment may be executed in any number of counterparts, provided each counterpart is identical in its terms. Each such counterpart, when executed and delivered will be deemed to be an original, and all such counterparts shall be deemed to constitute one and the same instrument. For convenience in recording, signature pages from multiple counterparts may be detached from their counterparts and attached to a single counterpart to be recorded.

[Signatures on following page]

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the day and year first above written.

GRANTOR:

KENNECOTT LAND COMPANY,
a Delaware corporation

By: *Ty McCutcheon*
Name: TY MCCUTCHEON
Its: VICE PRESIDENT DAYBREAK

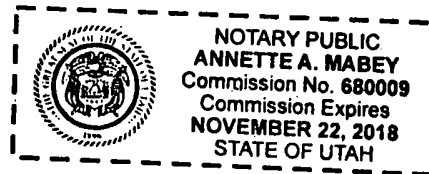
STATE OF UTAH)
 : ss.
COUNTY OF SALT LAKE)

On October 28, 2015 personally appeared before me, a Notary Public, Ty McCutcheon, the vice president Daybreak of KENNECOTT LAND COMPANY, a Delaware corporation, personally known or proved to me to be the person whose name is subscribed to the above instrument who acknowledged to me that he executed the above instrument on behalf of KENNECOTT LAND COMPANY, a Delaware corporation.

WITNESS my hand and official Seal.

Annette A. Mabey
Notary Public in and for said State

My commission expires: 11/22/2018



CITY:

SOUTH JORDAN CITY
a Utah municipal corporation

Approved as to Form:

By: Gary L Whatcott
Name: Gary L Whatcott
Its: City Manager

[Signature]
Attorney for South Jordan City

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

The foregoing instrument was acknowledged before me this 29 day of October, 2015,
by Gary L Whatcott as city Manager of South Jordan City, a
municipal corporation

Corinne Cowdell
NOTARY PUBLIC
Residing at: salt lake county
My commission expires: 3/27/17

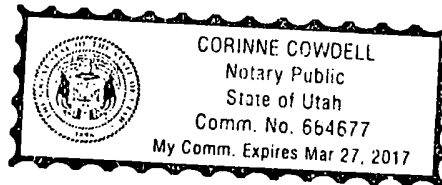


EXHIBIT A

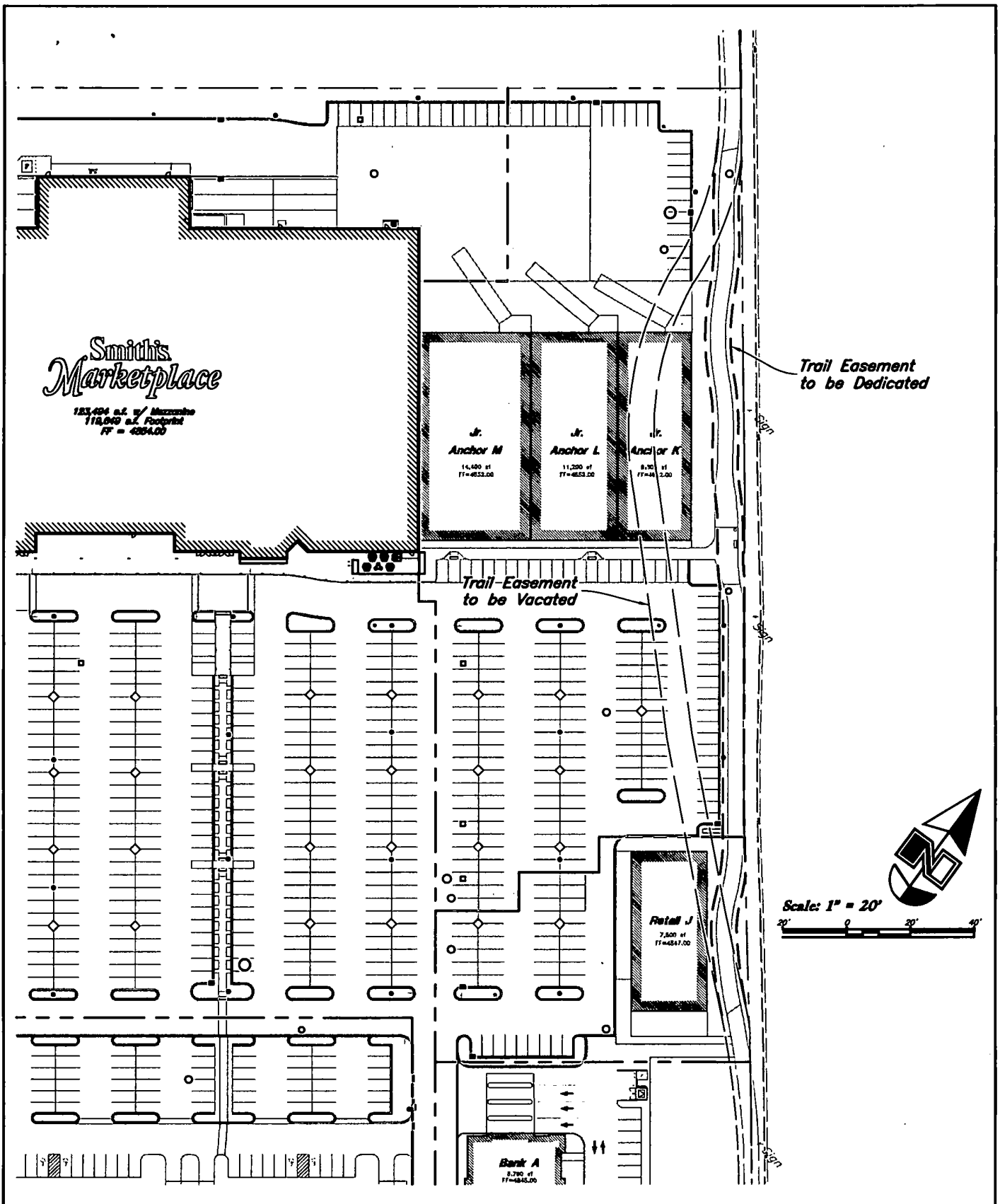
Legal Description of New Trail Easement Area

A part of the Southwest Quarter of Section 24, Township 3 South, Range 2 West, Salt Lake Base and Meridian, U.S. Survey in Salt Lake County, Utah:

Beginning at a point located 1599.26 feet South 89°58'44" East along the Section Line, and 832.49 feet North 0°01'16" East from the Southwest Corner of said Section 24; and running thence Northwesterly along the arc of a 404.00 foot radius curve to the right a distance of 61.47 feet (Center bears North 41°24'32" East, Central Angle equals 8°43'05" and Long Chord bears North 44°13'55" West 61.41 feet) to a point of compound curvature; thence Northwesterly along the arc of a 104.00 foot radius curve to the right a distance of 32.89 feet (Central Angle equals 18°07'09" and Long Chord bears North 30°48'48" West 32.75 feet) to a point of reverse curvature; thence Northwesterly along the arc of a 171.00 foot radius curve to the left a distance of 44.22 feet (Central Angle equals 14°48'57" and Long Chord bears North 29°09'42" West 44.10 feet) to a point of tangency; thence North 36°34'11" West 182.95 feet to a point of curvature; thence Northwesterly along the arc of a 46.00 foot radius curve to the left a distance of 11.23 feet (Central Angle equals 13°59'34" and Long Chord bears North 43°33'58" West 11.21 feet) to a point of reverse curvature; thence Northwesterly along the arc of a 210.00 foot radius curve to the right a distance of 49.57 feet (Central Angle equals 13°31'27" and Long Chord bears North 43°48'01" West 49.45 feet) to a point of tangency; thence North 37°02'18" West 85.43 feet to a point of curvature; thence Northwesterly along the arc of a 196.00 foot radius curve to the left a distance of 33.01 feet (Central Angle equals 9°38'55" and Long Chord bears North 41°51'46" West 32.97 feet) to a point of reverse curvature; thence Northwesterly along the arc of a 204.00 foot radius curve to the right a distance of 73.80 feet (Central Angle equals 20°43'37" and Long Chord bears North 36°19'25" West 73.40 feet) to a point of reverse curvature; thence Northwesterly along the arc of a 196.00 foot radius curve to the left a distance of 45.80 feet (Central Angle equals 13°23'15" and Long Chord bears North 32°39'14" West 45.69 feet) to a point of reverse curvature; thence Northwesterly along the arc of a 354.00 foot radius curve to the right a distance of 58.67 feet (Central Angle equals 9°29'45" and Long Chord bears North 34°35'59" West 58.60 feet); thence North 62°04'49" East 20.01 feet; thence Southeasterly along the arc of a 334.00 foot radius curve to the left a distance of 54.68 feet (Center bears North 60°01'57" East, Central Angle equals 9°22'48" and Long Chord bears South 34°39'27" East 54.62 feet) to a point of reverse curvature; thence Southeasterly along the arc of a 216.00 foot radius curve to the right a distance of 50.47 feet; (Central Angle equals 13°23'15" and Long Chord bears South 32°39'14" East 50.36 feet) to a point of reverse curvature; thence Southeasterly along the arc of a 184.00 foot radius curve to the left a distance of 66.56 feet (Central Angle equals 20°43'37" and Long Chord bears South 36°19'25" East 66.20 feet) to a point of reverse curvature; thence Southeasterly along the arc of a 216.00 foot radius curve to the right a distance of 36.38 feet (Central Angle equals 9°38'55" and Long Chord bears South 41°51'46" East 36.33 feet) to a point of tangency; thence South 37°02'18" East 85.43 feet to a point of curvature; thence Southeasterly along the arc of a 190.00 foot radius curve to the left a distance of 38.54 feet (Central Angle equals 11°37'22" and Long Chord bears South 42°50'59" East 38.48 feet to the Westerly Line of the Mountain View Corridor; thence along said Westerly Line the following two courses: South 36°30'52" East 177.11 feet; and South 37°58'27" East 56.63 feet; thence Southeasterly along the arc of a 191.00 foot radius curve to the right a distance of 20.61 feet (Center bears South 62°03'48" West, Central Angle equals 6°10'59" and Long Chord bears South 24°50'43" East 20.60 feet) to a point of reverse curvature; thence Southeasterly along the arc of an 84.00 foot radius curve to the left a distance of 26.56 feet (Central Angle equals 18°07'09" and Long Chord bears South 30°48'48" East 26.45 feet) to a point of compound curvature; thence Southeasterly along the arc of a 384.00 foot radius curve to the left a distance of 58.56 feet (Central Angle equals 8°44'14" and Long Chord bears South 44°14'30" East 58.50 feet); thence South 41°46'41" West 20.00 feet to the point of beginning.

Contains 12,782 sq. ft.

EXHIBIT A-2
[ATTACH SITE PLAN]



AWA
ANDERSON WAHLEN & ASSOCIATES
 2010 North Redwood Road, Salt Lake City, Utah 84118
 801 521-8528 - AW@engineering.net

Trail Easement Exhibit

Trail Crossing
 Daybreak Parkway & Trail Crossing Drive
 South Jordan, Utah

Sheet No. **EX**

Designed By: KR
 Drafted By: JC
 Client Name: Smith's
SMC276 Trail Ex
12 Oct, 2015

EXHIBIT B

Legal Description of Vacated Easement Area

A part of the Southwest Quarter of Section 24, Township 3 South, Range 2 West, Salt Lake Base and Meridian, U.S. Survey in Salt Lake County, Utah:

Beginning at a point on the Westerly Line of an existing 20 foot wide trail easement located 1599.10 feet South 89°58'44" East along the Section Line, and 832.30 feet North 0°01'16" East from the Southwest Corner of said Section 24; and running thence along said Westerly Line the following five courses: North 48°44'53" West 77.92 feet; North 47°17'15" West 142.94 feet; North 44°17'32" West 193.93 feet; Northerly along the arc of a 262.99 foot radius curve to the right a distance of 182.52 feet (Center bears North 42°31'34" East, Central Angle equals 39°45'53" and Long Chord bears North 27°35'30" West 178.88 feet;) and Northerly along the arc of a 215.96 foot radius curve to the left a distance of 98.51 feet (Center bears South 88°13'03" West, Central Angle equals 26°08'05" and Long Chord bears North 14°51'00" West 97.66 feet; thence North 62°04'49" East 20.00 feet to the Easterly Line of said trail easement; thence along said Easterly Line the following five courses: Southerly along the arc of a 235.96 foot radius curve to the right a distance of 106.56 feet (Center bears South 62°04'49" West, Central Angle equals 25°52'32" and Long Chord bears South 14°58'55" East 105.66 feet); Southerly along the arc of a 242.99 foot radius curve to the left a distance of 168.19 feet (Center bears North 82°03'22" East, Central Angle equals 39°39'28" and Long Chord bears South 27°46'22" East 164.85 feet); South 44°17'32" East 193.97 feet; South 47°17'15" East 142.17 feet; and South 48°44'53" East 77.84 feet; thence South 41°46'41" West 20.00 feet to the point of beginning.

Contains 13,845 sq. ft.