

**RETURNED**

**SEP 06 2013**

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BK 5847 PG 269

E 2764826 B 5847 P 269-272  
RICHARD T. MAUGHAN  
DAVIS COUNTY, UTAH RECORDER  
09/06/2013 12:12 PM  
FEE \$16.00 Pgs: 4  
DEP RTT REC'D FOR ROCKY MOUNTAIN P  
OWER

REV101512

Return to:

Rocky Mountain Power  
Lisa Louder/Dave Denison  
1407 West North Temple Ste. 110  
Salt Lake City, UT 84116

Project Name: Legacy Crossing at Parrish Lane Lot 4 Amended

Tract No.: N/A

WO#:

RW#:

### UNDERGROUND RIGHT OF WAY EASEMENT

For value received, **Legacy Crossing Theatre, LLC** ("Grantor"), hereby grants to PacifiCorp, an Oregon Corporation, d/b/a Rocky Mountain Power its successors and assigns, ("Grantee"), an easement for a right of way 10 feet in width more or less, for the construction, reconstruction, operation, maintenance, repair, replacement, enlargement, and removal of underground electric power transmission, distribution and communication lines and all necessary or desirable accessories and appurtenances thereto, including without limitation: wires, fibers, cables and other conductors and conduits therefor; and pads, transformers, switches, cabinets, and vaults on, across, or under the surface of the real property of Grantor in **Davis** County, State of **Utah** more particularly described as follows and as more particularly described and/or shown on Exhibit(s) A attached hereto and by this reference made a part hereof:

#### **Legal Description of 10 Foot Easement**

Beginning at a point which is North 0°05'33" West 1944.37 feet along the section line and West 534.93 feet from the Southeast Corner of Section 12, Township 2 North, Range 1 West, Salt Lake Base and Meridian, and running;

Thence South 24.35 feet;

Thence northwesterly 33.94 feet along the arc of a 567.00 foot radius curve to the left, (center bears South 23°00'40" West and long chord bears North 68°42'12" West 33.93 feet, through a central angle of 3°25'45");

Thence North 19°34'55" East 12.49 feet;

Thence northwesterly 161.11 feet along the arc of a 579.49 foot radius curve to the left, (center bears South 19°40'42" West and long chord bears North 78°22'51" West 160.60 feet, through a central angle of 15°55'47");

Thence North 131.06 feet;

Thence East 10.00 feet;

Thence South 121.75 feet;

Thence southeasterly 180.27 feet along the arc of a 589.49 foot radius curve to the right, (center bears South 4°33'53" West and long chord bears South 76°40'29" East 179.57 feet, through a central angle of 17°31'17") to the point of beginning.

Assessor Parcel No. 06-336-0004, 0001

Together with the right of access to the right of way from adjacent lands of Grantor for all activities in connection with the purposes for which this easement has been granted; and together with the present and (without payment therefor) the future right to keep the right of way clear of all brush, trees, timber, structures, buildings and other hazards which might endanger Grantee's facilities or impede Grantee's activities.

At no time shall Grantor place or store any flammable materials (other than agricultural crops), or light any fires, on or within the boundaries of the right of way. Subject to the foregoing limitations, the surface of the right of way may be used for agricultural crops and other purposes not inconsistent, as determined by Grantee, with the purposes for which this easement has been granted.

The rights and obligations of the parties hereto shall be binding upon and shall benefit their respective heirs, successors and assigns.

To the fullest extent permitted by law, each of the parties hereto waives any right it may have to a trial by jury in respect of litigation directly or indirectly arising out of, under or in connection with this agreement. Each party further waives any right to consolidate any action in which a jury trial has been waived with any other action in which a jury trial cannot be or has not been waived.

Dated this 5 day of September 2013

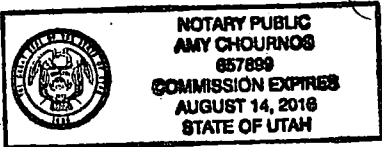
  
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*Kevin S. Garn, Manager*

STATE OF Utah )  
County of Davis ) ss. )

On this 5 day of September, 2013, before me, the undersigned Notary Public in and for said State, personally appeared Kevin S. Garn, known or identified to me to be the manager of the limited liability company that executed the instrument or the person who executed the instrument on behalf of said entity, and acknowledged to me that said entity executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Amy Chourros  
(notary signature)



NOTARY PUBLIC FOR Utah (state)  
Residing at: Davis Co. (city, state)  
My Commission Expires: 8.14.2016 (d/m/y)

