

REV05042015

Return to:  
Rocky Mountain Power  
Lisa Louder/Teria Walker  
1407 West North Temple Ste. 110  
Salt Lake City, UT 84116



ENT 138183:2020 PG 1 of 7  
JEFFERY SMITH  
UTAH COUNTY RECORDER  
2020 Sep 11 12:16 pm FEE 40.00 BY LT  
RECORDED FOR HILLPOND APARTMENTS DE

Project Name: SAR11 Millpond Apartments 214 Units  
WO#: 6713714  
RW#:

**UNDERGROUND RIGHT OF WAY EASEMENT**

For value received, Millpond Apartments DE LLC (“Grantor”), hereby grants Rocky Mountain Power, an unincorporated division of PacifiCorp its successors and assigns, (“Grantee”), an easement for a right of way 10 feet in width 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 Utah County, State of Utah more particularly described as follows and as more particularly described and/or shown on Exhibit(s) A, B, C, and D attached hereto and by this reference made a part hereof:

Legal Description: See Exhibits A and C

Assessor Parcel No.                      67:008:0006

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 11 day of September, 2020.



Millpond Apartments DE LLC GRANTOR

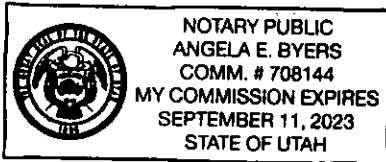
Millpond Apartments DE LLC GRANTOR

**Acknowledgment by a Corporation, LLC, or Partnership:**

STATE OF Utah )  
County of Salt Lake ) ss.

On this 11<sup>th</sup> day of September, 2020, before me, the undersigned Notary Public in and for said State, personally appeared Thomas R. Henriad (name), known or identified to me to be the manager (president / vice-president / secretary / assistant secretary) of the corporation, or the (manager / member) of the limited liability company, or a partner of the partnership that executed the instrument or the person who executed the instrument on behalf of millpond Apartments<sup>LLC</sup> (entity name), 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.



Angela E. Byers  
\_\_\_\_\_  
(notary signature)

NOTARY PUBLIC FOR Utah (state)  
Residing at: Salt Lake (city, state)  
My Commission Expires: Sept 11, 2023 (d/m/y)

**Exhibit "A"**

A perpetual right-of-way easement being a part of Lot 1, Millpond Apartments Plat "A" recorded February 01, 2018 as Entry No. 10418:2018, Map No. 15890 in the Office of the Utah County Recorder, located in the Southwest Quarter of Section 15, Township 5 South, Range 1 East, Salt Lake Base and Meridian and described as follows:

**Beginning** at a point on the westerly line of an existing 10.00 foot Public Utility Easement per said Millpond Apartments Plat "A", which is 1437.06 feet South 89°53'30" East along the southerly line of said Section 15 and 402.31 feet North from the Southwest Corner of said Section 15; thence North 89°48'49" West 64.21 feet; thence North 01°32'44" West 18.07 feet; thence South 89°57'36" West 206.27 feet; thence South 00°10'16" East 13.06 feet; thence South 89°45'08" West 41.50 feet; thence South 00°00'52" East 54.98 feet; thence South 89°59'08" West 10.00 feet; thence North 00°00'52" West 177.14 feet; thence South 89°26'16" West 15.14 feet; thence North 00°33'44" West 10.00 feet; thence North 89°26'16" East 22.32 feet; thence North 00°01'43" West 175.55 feet; thence North 89°58'17" East 10.00 feet; thence South 00°01'43" East 112.28 feet; thence South 89°59'56" East 65.16 feet; thence South 03°10'09" West 65.32 feet; thence South 89°13'12" East 259.30 feet to the westerly boundary line of that parcel of land described in that Warranty Deed recorded November 5, 2019 as Entry No. 114937:2019; thence South 02°55'30" West 9.24 feet along said westerly boundary line to a northwesterly line of an existing Public Utility Easement and a point of non-tangency with a 35.00 – foot radius to the left, concave southeasterly (Radius point bears South 42°38'07" East); thence southwesterly 27.63 feet along the arc of said curve and easement, through a central angle of 45°13'28" (Chord bears South 24°45'09" West 26.91 feet); thence North 01°06'02" East 23.84 feet; thence North 89°11'41" West 258.57 feet; thence North 03°10'09" East 65.06 feet; thence North 89°59'56" West 54.58 feet; thence South 00°01'43" East 63.18 feet; thence South 89°26'16" West 7.08 feet; thence South 00°00'52" East 112.25 feet; thence North 89°45'08" East 31.48 feet; thence North 00°10'16" West 13.10 feet; thence North 89°57'36" East 226.04 feet; thence South 01°32'44" East 18.11 feet; thence South 89°41'19" East 54.84 feet to said westerly line of existing Public Utility Easement; thence South 02°08'25" West 9.89 feet along said westerly line to the **Point of Beginning**.

The above described perpetual right-of-way easement is 1122.8 feet more or less in length and contains 11,234 square feet in area or 0.258 acres, more or less.

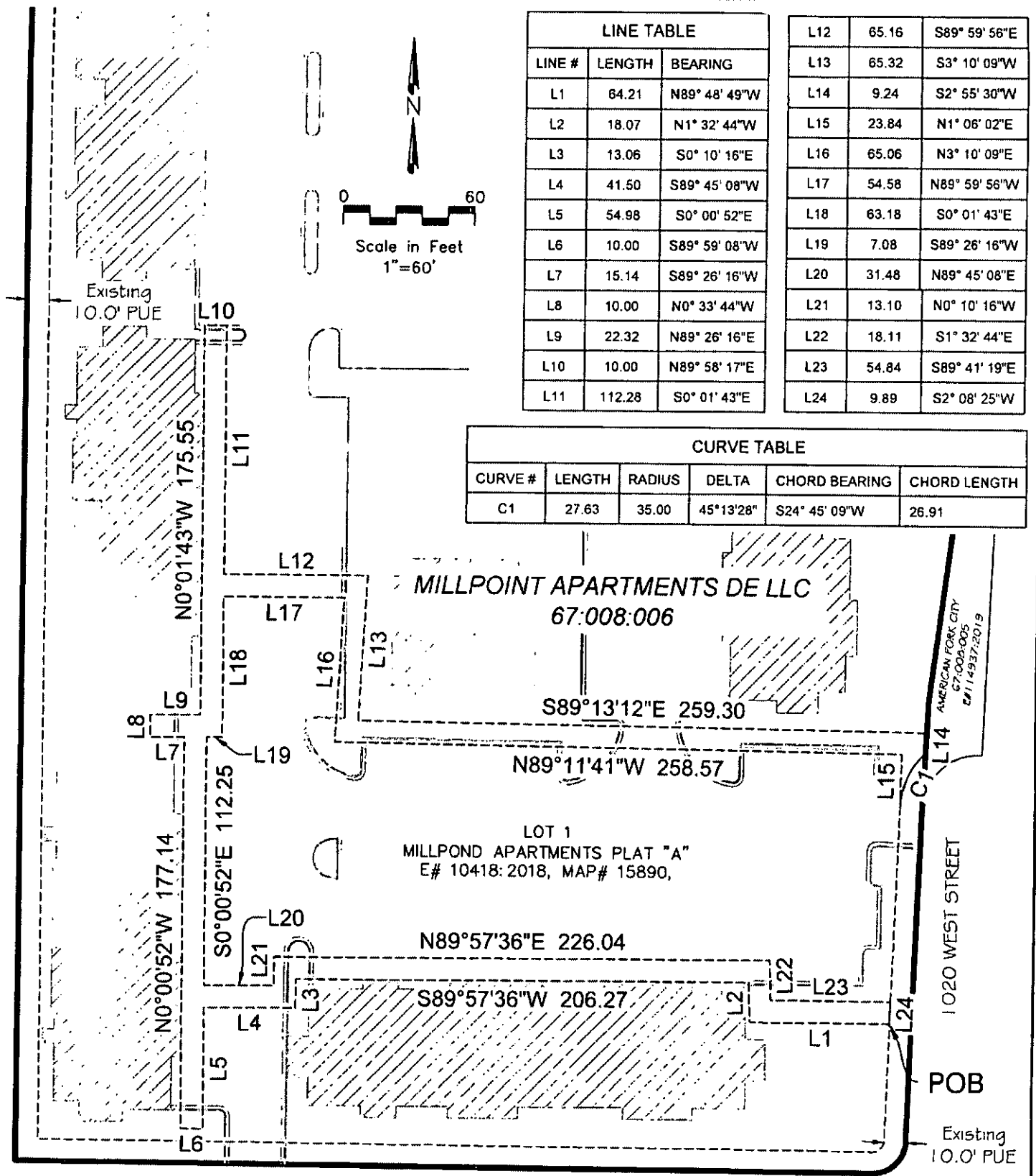
**EXHIBIT "B":** By this reference, made a part hereof.

**BASIS OF BEARING:** The Basis of Bearing is S. 89°53'30" E. per said Millpond Apartments Plat "A" Subdivision along the Section line between the Southwest Corner and the South Quarter Corner of said Section 15, Township 5 South, Range 1 East, Salt Lake Base and Meridian.

LINE TABLE		
LINE #	LENGTH	BEARING
L1	64.21	N89° 48' 49"W
L2	18.07	N1° 32' 44"W
L3	13.06	S0° 10' 16"E
L4	41.50	S89° 45' 08"W
L5	54.98	S0° 00' 52"E
L6	10.00	S89° 59' 08"W
L7	15.14	S89° 26' 16"W
L8	10.00	N0° 33' 44"W
L9	22.32	N89° 26' 16"E
L10	10.00	N89° 58' 17"E
L11	112.28	S0° 01' 43"E

L12	65.16	S89° 59' 56"E
L13	65.32	S3° 10' 09"W
L14	9.24	S2° 55' 30"W
L15	23.84	N1° 06' 02"E
L16	65.06	N3° 10' 09"E
L17	54.58	N89° 59' 56"W
L18	63.18	S0° 01' 43"E
L19	7.08	S89° 26' 16"W
L20	31.48	N89° 45' 08"E
L21	13.10	N0° 10' 16"W
L22	18.11	S1° 32' 44"E
L23	54.84	S89° 41' 19"E
L24	9.89	S2° 08' 25"W

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	27.63	35.00	45°13'28"	S24° 45' 09"W	26.91



HARTS DRIVE

**EXHIBIT "B"**

Millpoint Apartments DE LLC  
Perpetual Right-of-Way Easement

Assessor Parcel No:  
67: 008: 0006

Part of the Southwest Quarter  
Sec. 15, T.5S., R.1E., S.L.B.&M.

PREPARED BY:



**CIVIL ENGINEERING  
+SURVEYING**

3032 South 1030 West, Suite 202, Salt Lake City, Utah 84119

July 29, 2020

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**Exhibit "C"**

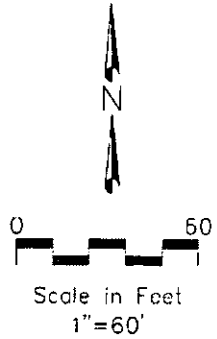
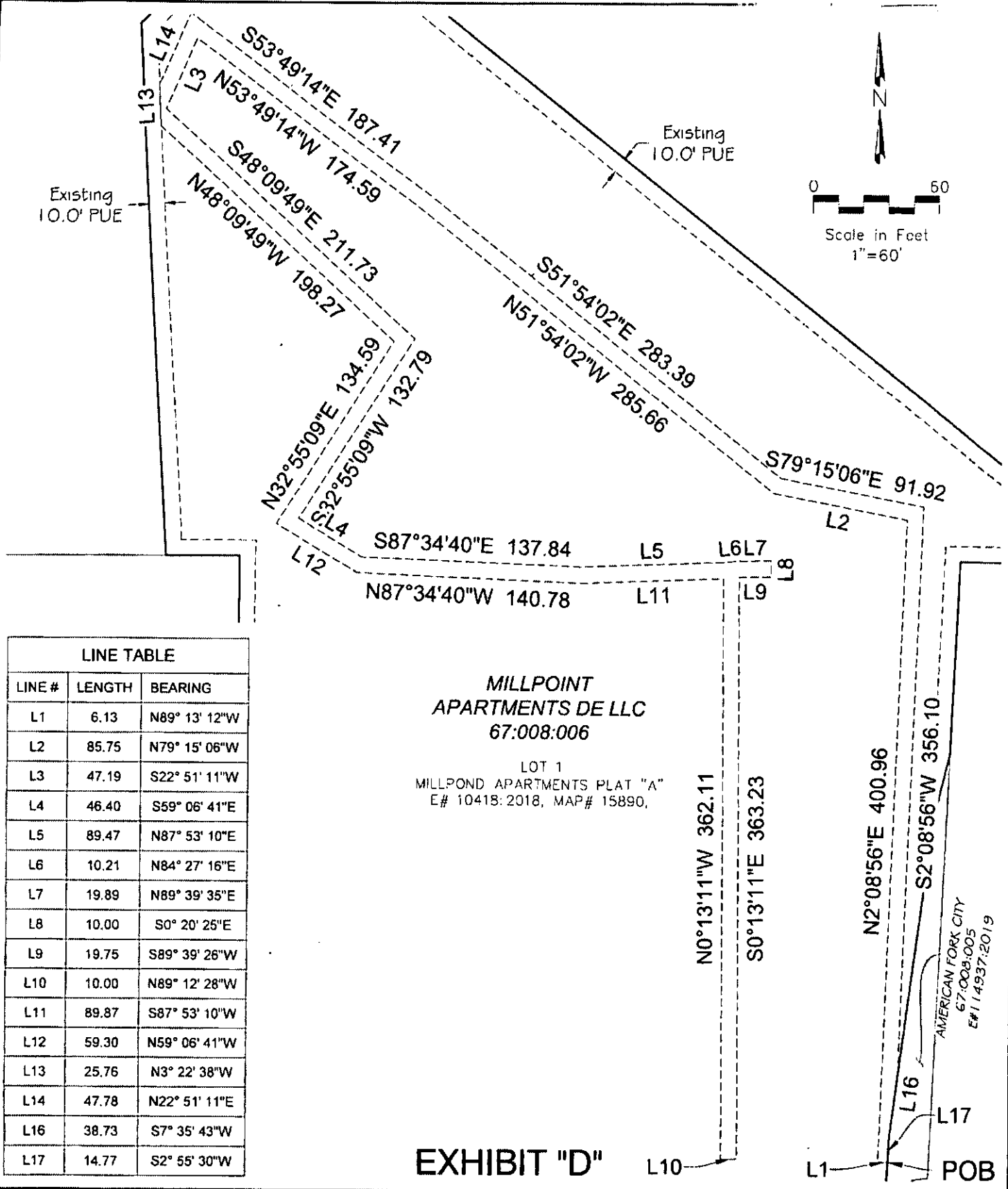
A perpetual right-of-way easement being a part of Lot 1, Millpond Apartments Plat "A" recorded February 01, 2018 as Entry No. 10418:2018, Map No. 15890 in the Office of the Utah County Recorder, located in the Southwest Quarter of Section 15, Township 5 South, Range 1 East, Salt Lake Base and Meridian and described as follows:

**Beginning** at a point on the westerly boundary line of that parcel of land described in that Warranty Deed recorded November 5, 2019 as Entry No. 114937:2019 in the Office of the Utah County Recorder, which is 1452.46 feet South 89°53'30" East along the southerly line of said Section 15 and 533.98 feet North from the Southwest Corner of said Section 15; thence North 89°13'12" West 6.13 feet; thence North 02°08'56" East 400.96 feet; thence North 79°15'06" West 85.75 feet; thence North 51°54'02" West 285.66 feet; thence North 53°49'14" West 174.59 feet; thence South 22°51'11" West 47.19 feet; thence South 48°09'49" East 211.73 feet; thence South 32°55'09" West 132.79 feet; thence South 59°06'41" East 46.40 feet; thence South 87°34'40" East 137.84 feet; thence North 87°53'10" East 89.47 feet; thence North 84°27'16" East 10.21 feet; thence North 89°39'35" East 19.89 feet; thence South 00°20'25" East 10.00 feet; thence South 89°39'35" West 19.89 feet; thence South 00°00'29" East 0.12 feet; thence South 00°14'35" East 363.11 feet; thence North 89°12'28" West 10.00 feet; thence North 00°13'11" West 362.11 feet; thence South 87°53'10" West 89.87 feet; thence North 87°34'40" West 140.78 feet; thence North 59°06'41" West 59.30 feet; thence North 32°55'09" East 134.59 feet; thence North 48°09'49" West 198.27 feet to the easterly line of an existing Public Utility Easement; thence North 03°22'38" West 25.76 feet along said easterly line; thence North 22°51'11" East 47.78 feet; thence South 53°49'14" East 187.41 feet; thence South 51°54'02" East 283.39 feet; thence South 79°15'06" East 91.92 feet; thence South 02°08'56" West 356.10 feet to said westerly boundary line of that parcel of land described in that Warranty Deed recorded as Entry No. 114937:2019 in the Office of the Utah County Recorder; thence along said westerly boundary line of said parcel of land the following two (2) courses: 1) South 07°35'43" West 38.73 feet; 2) South 02°55'30" West 14.77 feet to the **Point of Beginning**.

The above described perpetual right-of-way easement is 1995.8 feet more or less in length and contains 20,122 square feet in area or 0.462 acres, more or less.

**EXHIBIT "D":** By this reference, made a part hereof.

**BASIS OF BEARING:** The Basis of Bearing is S. 89°53'30" E. per said Millpond Apartments Plat "A" Subdivision along the Section line between the Southwest Corner and the South Quarter Corner of said Section 15, Township 5 South, Range 1 East, Salt Lake Base and Meridian.



LINE TABLE		
LINE #	LENGTH	BEARING
L1	6.13	N89° 13' 12"W
L2	85.75	N79° 15' 06"W
L3	47.19	S22° 51' 11"W
L4	46.40	S59° 06' 41"E
L5	89.47	N87° 53' 10"E
L6	10.21	N84° 27' 16"E
L7	19.89	N89° 39' 35"E
L8	10.00	S0° 20' 25"E
L9	19.75	S89° 39' 26"W
L10	10.00	N89° 12' 28"W
L11	89.87	S87° 53' 10"W
L12	59.30	N59° 06' 41"W
L13	25.76	N3° 22' 38"W
L14	47.78	N22° 51' 11"E
L16	38.73	S7° 35' 43"W
L17	14.77	S2° 55' 30"W

MILLPOINT  
 APARTMENTS DE LLC  
 67:008:006  
 LOT 1  
 MILLPOND APARTMENTS PLAT "A"  
 E# 10418:2018, MAP# 15890,

EXHIBIT "D"

Millpoint Apartments DE LLC  
 Perpetual Right-of-Way Easement  
 Assessor Parcel No:  
 67:008:0006  
 Part of the Southwest Quarter  
 Sec. 15, T.5S., R.1E., S.L.B.&M.

PREPARED BY:  
**CIR** | CIVIL ENGINEERING  
 + SURVEYING  
 3032 South 1030 West, Suite 202, Salt Lake City, Utah 84119

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