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12/19/2008 11:39 AM \$16.00  
Book - 9666 Pg - 5213-5216  
GARY W. OTT  
RECORDER, SALT LAKE COUNTY, UTAH  
INTEGRATED TITLE INS. SERVICES  
BY: EAP, DEPUTY - WI 4 P.

When Recorded Return to:  
Mr. Craig L. White  
South Valley Sewer District  
P.O. Box 908  
Draper, Utah 84020

PARCEL I.D.# 26-26-200-006  
GRANTOR: Herriman Apartment Associates, LLC  
(Farm Gate)  
Page 1 of 4

## EASEMENT

A twenty (20) foot wide sanitary sewer easement located in the Northeast Quarter of Section 26, Township 3 South, Range 2 West, Salt Lake Base and Meridian, U.S. Survey.

For the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the undersigned as GRANTORS hereby grant, convey, sell, and set over unto South Valley Sewer District, a body politic of the State of Utah, hereinafter referred to as GRANTEE, its successors and assigns, a perpetual right-of-way and easement to construct, maintain, operate, repair, inspect, protect, install, remove and replace sewer pipelines, valves, valve boxes and other sewer transmission and distribution structures and facilities, hereinafter called the FACILITIES, said right-of-way and easement, being situate in Salt Lake County, State of Utah, over and through a parcel(s) of the GRANTORS' land lying within a strip twenty (20) feet wide, more particularly described as follows:

See Exhibit "A" attached hereto and by this reference made a part hereof.

TO HAVE AND HOLD the same unto the GRANTEE, its successors and assigns, with the right of ingress and egress in the GRANTEE, its officers, employees, agents and assigns to enter upon the above-described property with such equipment and vehicles as is necessary to construct, install, maintain, operate, repair, inspect, protect, remove and replace the FACILITIES. During construction periods, GRANTEE and its contractors may use such portion of GRANTORS' property along and adjacent to the right-of-way and easement as may be reasonably necessary in connection with the construction or repair of the FACILITIES. The contractor performing the work shall restore all property, through which the work traverses, to as near its original condition as is reasonably possible. GRANTORS shall have the right to use the above-described property except for the purposes for which this right-of-way and easement is granted to the GRANTEE, provided such use shall not interfere with the FACILITIES or with the discharge and conveyance of sewage through the FACILITIES, or any other rights granted to the GRANTEE hereunder.

GRANTORS shall not build or construct, or permit to be built or constructed, any building or other improvement over or across this right-of-way and easement nor change the contour thereof without the written consent of GRANTEE. This right-of-way and easement grant shall be binding upon, and inure to the benefit of, the successors and assigns of the GRANTORS and the successors and assigns of the GRANTEE, and may be assigned in whole or in part by GRANTEE.

IN WITNESS WHEREOF, the GRANTORS have executed this right-of-way and Easement this 19th day of December, 20 08.

County Parcel No.  
26-26-200-006

GRANTOR(S)

Herriman Apartment  
Associates, LLC  
By its Manager, Miller Development  
Company, Inc. a Utah Corporation

By: [Signature]  
Its: CEO

Title

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

On the 19th day of December, 20 08, personally appeared before me Jay Minnick who being by me duly sworn did say that (s)he is the Manager of **Miller Development Company Inc, A Utah Corporation, Manager of Herriman Apartment Associates, LLC** and that the within and foregoing instrument was duly authorized by the limited liability company at a lawful meeting held by authority of its operating agreement; and duly acknowledged to me that said limited liability company executed the same.

My Commission Expires: 2/11/2011  
Residing in: Salt Lake County

[Signature]  
Notary Public

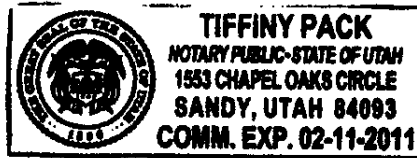
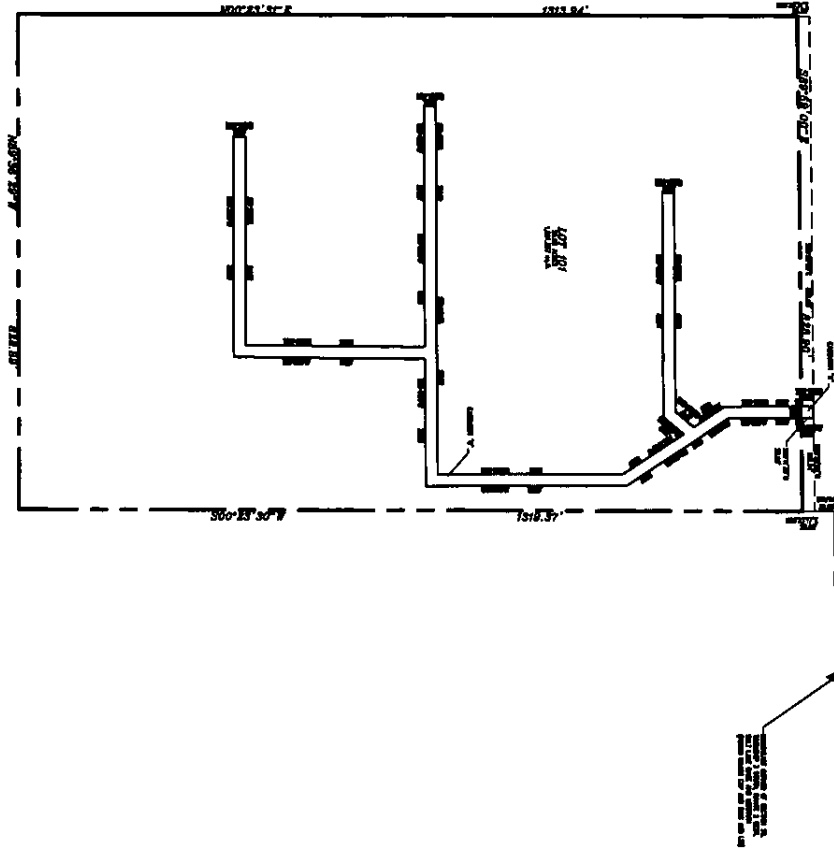


Exhibit 'A'

**SEWER EASEMENT FOR FARMGATE**

BEGINNING AT A POINT NORTH 89°59'00" WEST 274.82 FEET ALONG THE SECTION LINE; THENCE SOUTH 33.00 FEET; THENCE NORTH 89°59'00" WEST 156.94 FEET AND SOUTH 00°11'38" WEST 20.00 FEET FROM THE NORTHEAST CORNER OF SECTION 26, TOWNSHIP 3 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 00°11'38" WEST 122.84 FEET; THENCE SOUTH 33°21'13" EAST 64.51 FEET; THENCE SOUTH 32°55'02" EAST 142.81 FEET; THENCE SOUTH 00°14'03" WEST 337.59 FEET; THENCE NORTH 89°44'14" WEST 214.83 FEET; THENCE SOUTH 00°47'17" WEST 321.35 FEET; THENCE NORTH 89°36'29" WEST 366.45 FEET; THENCE NORTH 00°23'31" EAST 20.00 FEET; THENCE SOUTH 89°36'29" EAST 346.59 FEET; THENCE NORTH 00°47'17" EAST 301.30 FEET; THENCE NORTH 89°44'14" WEST 175.18 FEET; THENCE NORTH 89°43'01" WEST 224.69 FEET; THENCE NORTH 00°16'59" EAST 20.00 FEET; THENCE SOUTH 89°43'01" EAST 224.69 FEET; THENCE SOUTH 89°44'14" EAST 390.00 FEET; THENCE NORTH 00°14'03" EAST 311.63 FEET; THENCE NORTH 32°55'02" WEST 123.35 FEET; THENCE SOUTH 40°16'23" WEST 44.81 FEET; THENCE NORTH 89°44'23" WEST 375.96 FEET; THENCE NORTH 00°15'37" EAST 20.00 FEET; THENCE SOUTH 89°44'23" EAST 366.64 FEET; THENCE NORTH 40°16'23" EAST 41.46 FEET; THENCE NORTH 33°21'13" WEST 63.02 FEET; THENCE NORTH 00°11'38" EAST 128.81 FEET; THENCE SOUTH 89°59'00" EAST 20.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 47,288 SQUARE FEET OR 1.086 ACRES, MORE OR LESS.



SEE PLAN FOR  
 DIMENSIONS OF  
 ALL OTHER AREAS  
 NOT SHOWN ON  
 THIS PLAN

1. SEWER EXHIBIT LEGAL DESCRIPTION  
 THE SEWER EXHIBIT LEGAL DESCRIPTION IS AS SHOWN ON THE SEWER EXHIBIT LEGAL DESCRIPTION ATTACHED TO THIS PLAN. THE SEWER EXHIBIT LEGAL DESCRIPTION IS A PART OF THIS PLAN AND SHALL BE CONSIDERED A PART OF THE SEWER EXHIBIT LEGAL DESCRIPTION. THE SEWER EXHIBIT LEGAL DESCRIPTION IS A PART OF THIS PLAN AND SHALL BE CONSIDERED A PART OF THE SEWER EXHIBIT LEGAL DESCRIPTION. THE SEWER EXHIBIT LEGAL DESCRIPTION IS A PART OF THIS PLAN AND SHALL BE CONSIDERED A PART OF THE SEWER EXHIBIT LEGAL DESCRIPTION.

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SEWER EXHIBIT

DATE: AUGUST 14, 2008  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 1-1

**FARM GATE APARTMENTS AT MIDAS CREEK**  
 11800 SOUTH APPROX. 6000 WEST  
 HERRIMAN, UT

Surveying  
 Architecture  
 Land Planning  
 Engineering  
 Interior Design  
 5151 South 800 East, Suite 200  
 Salt Lake City, Utah 84117  
 Phone: (801) 288-0200 Fax: (801) 288-1425

