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06/09/2010 08:34 AM \$0.00  
Book - 9831 Pg - 8933-8938  
GARY W. OTT  
RECORDER, SALT LAKE COUNTY, UTAH  
MURRAY CITY  
5025 S STATE ST  
MURRAY UT 84107  
BY: SAM, DEPUTY - MA 6 P.

**When Recorded, Return to:**

Midvale City  
655 W Center St  
Midvale, UT 84047

Space above for Recorder's use

**STORM DRAINAGE EASEMENT**

Arbor Gardner Bingham Junction Holdings, L.C., a Utah limited liability company ("Grantor"), for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, hereby grants and conveys to Midvale City, a Utah municipal corporation ("Grantee"), a perpetual easement ("Easement") for the construction, installation, operation, inspection, servicing, maintenance, repair, removal, alteration, enlargement, relocation, and replacement of storm drainage facilities and for the maintenance of landscaping, including the right of ingress and egress for such purposes, on, over, across, through, and under those parcels of real property located in Salt Lake County, Utah and legally described on Exhibit A (collectively, the "Easement Area"). A map of the Easement Area is attached as Exhibit B.

Grantee, at its sole cost and expense, agrees to maintain in good condition, order, and repair all landscaping, storm drainage facilities, and other improvements from time to time located or installed within the Easement Area. The Easement will run with the land and will be binding upon and will inure to the benefit of the respective successors and assigns of Grantor and Grantee.

DATED May 26, 2010.

**Arbor Gardner Bingham Junction Holdings, L.C.,**  
a Utah limited liability company,  
by its managers:

KC Gardner Company, L.C.,  
a Utah limited liability company

By: [Signature]  
Name: Christian K. Gardner  
Its: Manager

Arbor Commercial Real Estate, LLC,  
a Utah limited liability company

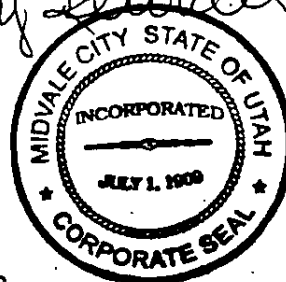
By: [Signature]  
Name: John Gust

**Midvale City,**  
a Utah municipal corporation

By: [Signature]  
Name: JoAnn B. Seghini

Its: Mayor

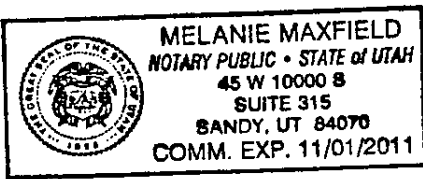
Attest: [Signature]  
Ken L Anderson  
City Recorder



Its: Manager

State of Utah )  
 ) ss.  
County of Salt Lake )

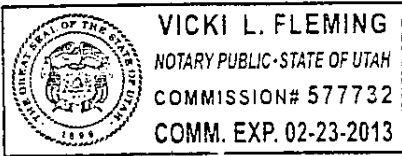
The foregoing instrument was acknowledged before me on May 26, 2010, by John Gust, a manager of Arbor Commercial Real Estate, LLC, a manager of Arbor Gardner Bingham Junction Holdings, L.C.



Melanie Maxfield  
Notary Public  
Residing in: Salt Lake

State of Utah )  
 ) ss.  
County of Salt Lake )

The foregoing instrument was acknowledged before me on May 26, 2010, by Christian K. Gardner, a manager of KC Gardner Company, L.C., a manager of Arbor Gardner Bingham Junction Holdings, L.C.



Vicki L. Fleming  
Notary Public  
Residing in: Draper, UT

State of Utah )  
 ) ss.  
County of Salt Lake )

The foregoing instrument was acknowledged before me on May \_\_\_, 2010, by \_\_\_\_\_, \_\_\_\_\_ of Midvale City.

\_\_\_\_\_  
Notary Public  
Residing in: \_\_\_\_\_

## Exhibit A

### Legal Description of the Easement Area

#### Parcel 1

Beginning at a point which is North  $00^{\circ}17'30''$  East 2280.25 feet along the Section Line and West 2724.28 feet from the East Quarter Corner of Section 26, Township 2 South, Range 1 West, Salt Lake Base and Meridian; and running thence South  $60^{\circ}54'59''$  West 78.44 feet; thence South  $89^{\circ}41'40''$  West 81.83 feet; thence North  $60^{\circ}38'36''$  West 20.68 feet; thence North  $04^{\circ}03'48''$  West 53.91 feet; thence South  $60^{\circ}38'36''$  East 38.46 feet; thence North  $89^{\circ}41'40''$  East 47.98 feet; thence North  $60^{\circ}54'59''$  East 94.74 feet; thence South  $08^{\circ}32'11''$  East 53.40 feet to the point of beginning.

Contains 8,580 Square Feet or 0.197 Acres

[For Reference Only: A Portion of Tax Parcel No. 21-26-201-003]

#### Parcel 2

Beginning at a point which is North  $00^{\circ}17'30''$  East 2191.80 feet along the Section Line and West 1997.56 feet from the East Quarter Corner of Section 26, Township 2 South, Range 1 West, Salt Lake Base and Meridian; and running thence Northwesterly 634.93 feet along the arc of a 1307.90 foot radius curve to the left (center bears South  $28^{\circ}00'59''$  West and the chord bears North  $75^{\circ}53'27''$  West 628.72 feet with a central angle of  $27^{\circ}48'53''$ ); thence South  $60^{\circ}54'59''$  West 133.33 feet; thence North  $08^{\circ}32'11''$  West 126.82 feet to the Southerly Right-of-Way Line of 7200 South Street; thence North  $89^{\circ}20'39''$  East 115.07 feet along said Southerly Right-of-Way Line; thence Southeasterly 662.78 feet along the arc of a 1369.90 foot radius curve to the right (center bears South  $00^{\circ}39'21''$  East and the chord bears South  $76^{\circ}47'44''$  East 656.33 feet with a central angle of  $27^{\circ}43'14''$ ) along said Southerly Right-of-Way Line; thence South  $16^{\circ}21'22''$  East 32.32 feet along said Southerly Right-of-Way Line to the Westerly Right-of-Way Line of FL Smidth Drive; thence South  $27^{\circ}47'27''$  West 38.71 feet along said Westerly Right-of-Way Line to the point of beginning.

Contains 52,157 Square Feet or 1.197 Acres

[For Reference Only: A Portion of Tax Parcel No. 21-26-201-005]

#### Parcel 3

Beginning at the intersection of 7200 South Street and Bingham Junction Boulevard, said point being North  $00^{\circ}17'30''$  East 1619.55 feet along the Section Line and West 1252.37 feet from the East Quarter Corner of Section 26, Township 2 South, Range 1 West, Salt Lake Base and Meridian; and running thence South  $10^{\circ}51'59''$  East 37.13 feet along the Westerly Right-of-Way Line of Bingham Junction Boulevard; thence South  $33^{\circ}11'04''$  West 44.56 feet along the Westerly Right-of-Way Line of Bingham Junction Boulevard; thence Northwesterly 309.56 feet along the arc of a 1,405.74 foot radius curve to the right (center bears North  $35^{\circ}11'27''$  East and the chord bears North  $48^{\circ}30'02''$  West 308.94 feet with a central angle of  $12^{\circ}37'02''$ ); thence

North 42°11'31" West 215.55 feet; thence Northwesterly 372.39 feet along the arc of a 1,299.90 foot radius curve to the left (center bears South 47°48'29" West and the chord bears North 50°23'56" West 371.12 feet with a central angle of 16°24'50") to the Easterly Right-of-Way Line of FL Smidth Drive; thence North 31°36'33" East 47.02 feet along the Easterly Right-of-Way Line of said FL Smidth Drive; thence North 75°45'23" East 31.88 feet along the Easterly Right-of-Way Line of said FL Smidth Drive to the Southerly Right-of-Way Line of 7200 South Street; thence Southeasterly 369.98 feet along the arc of a 1,369.90 foot radius curve to the right (center bears South 32°20'02" West and the chord bears South 49°55'45" East 368.85 feet with a central angle of 15°28'27") along the Southerly Right-of-Way Line of said 7200 South Street; thence South 42°11'31" East 215.55 feet along the Southerly Right-of-Way Line of said 7200 South Street; thence Southeasterly 265.85 feet along the arc of a 1,335.74 foot radius curve to the left (center bears North 47°48'29" East and the chord bears South 47°53'37" East 265.41 feet with a central angle of 11°24'12") along the Southerly Right-of-Way Line of said 7200 South Street to the point of beginning.

Contains 62,306 Square Feet or 1.430 Acres

[For Reference Only: A Portion of Tax Parcel No. 21-26-201-003]

Parcel 4

Beginning at a point on the Westerly Right-of-Way Line of 700 West Street, said point being North 00°17'30" East 563.32 feet along the Section Line and West 53.00 feet from the East Quarter Corner of Section 26, Township 2 South, Range 1 West, Salt Lake Base and Meridian; and running thence North 89°37'27" West 20.00 feet; thence North 00°17'30" East 761.15 feet; thence North 44°46'48" West 18.71 feet; thence North 89°51'08" West 375.41 feet; thence Northwesterly 222.36 feet along the arc of a 1,355.74 foot radius curve to the right (center bears North 00°08'52" East and the chord bears North 85°09'13" West 222.11 feet with a central angle of 09°23'50"); thence South 35°53'18" East 12.74 feet; thence South 07°48'12" West 51.05 feet; thence Northwesterly 537.98 feet along the arc of a 1,415.74 foot radius curve to the right (center bears North 09°06'46" East and the chord bears North 70°00'03" West 534.75 feet with a central angle of 21°46'21") to the Easterly Right-of-Way Line of Bingham Junction Boulevard; thence North 33°11'04" East 54.54 feet along the Easterly Right-of-Way Line of said Bingham Junction Boulevard to the Southerly Right-of-Way Line of 7200 South Street; thence North 76°58'02" East 37.26 feet along the Southerly Right-of-Way Line of 7200 South Street; thence Southeasterly 687.60 feet along the arc of a 1,335.74 foot radius curve to the left (center bears North 29°38'31" East and the chord bears South 75°06'18" East 680.03 feet with a central angle of 29°29'39") along the Southerly Right-of-Way Line of 7200 South Street; thence South 89°51'08" East 383.71 feet along the Southerly Right-of-Way Line of 7200 South Street; thence South 44°46'48" East 35.31 feet along the Southerly Right-of-Way Line of 7200 South Street to the Westerly Right-of-Way Line of 700 West Street; thence South 00°17'30" West 769.48 feet along the Westerly Right-of-Way Line of 700 West Street to the point of beginning.

Contains 68,949 Square Feet or 1.583 Acres

[For Reference Only: A Portion of Tax Parcel No. 21-26-200-017]

**Exhibit B**

Map of the Easement Area

