

11107531
12/30/2010 1:14:00 PM \$31.00
Book - 9893 Pg - 7805-7813
Gary W. Ott
Recorder, Salt Lake County, UT
FOUNDERS TITLE
BY: eCASH, DEPUTY - EF 9 P.

When Recorded, Mail To:

Northwest Land and Development, LLC
Attn: Thomas E. Davis
169 Burton Avenue
Salt Lake City, Utah 84115

Affecting Tax Parcel Nos. 15-29-179-003
15-29-179-004

80417FA & 80417FB

DECLARATION OF EASEMENTS

THIS DECLARATION OF EASEMENTS (this "Declaration") is made and entered into this 23 day of December, 2010, by NORTHWEST LAND AND DEVELOPMENT, LLC, a Utah limited liability company ("Declarant").

RECITALS

A. Declarant is the fee simple owner of certain real property located in Salt Lake County, State of Utah, specifically described on Exhibit A, attached hereto and incorporated herein by this reference ("Parcel 1").

B. Declarant is also the fee simple owner of certain real property located west of, and adjacent to Parcel 1, specifically described on Exhibit B, attached hereto and incorporated herein by this reference ("Parcel 2"). Parcel 1 and Parcel 2 are occasionally referred to herein collectively as the "Declarant's Property."

C. Declarant desires to grant and establish certain easements over portions of the Declarant's Property for the benefit of other portions of the Declarant's Property, in accordance with the provisions of this Declaration.

D. Declarant intends that the easements herein granted shall be granted, established, and maintained without regard to Declarant's common ownership of both Parcel 1 and Parcel 2, and that such easements shall survive any severance or divestiture of title to one or more of the proposed lots that will comprise the Declarant's Property and inure to any successor-in-interest of Declarant.

TERMS AND CONDITIONS

NOW, THEREFORE, Declarant does hereby declare that the both the Declarant's Property shall be held, sold, conveyed, transferred, leased, subleased, used and occupied subject to the easements set forth herein, all as set forth as follows:

1. **The Declarant's Property Subject to the Easements.** Declarant hereby declares that the Declarant's Property shall be held, sold, conveyed, transferred, constructed, operated, maintained, leased, and occupied subject to or as applicable, together with, the easements set forth in section 2 of this Declaration (collectively, the "Easements"). Further, in

the event of any sale, conveyance, or transfer of the Declarant's Property to a third party, no further actions or agreements shall be necessary to effectuate such Easements and said Easements shall remain effective against and for the Declarant's Property.

2. Easements.

2.1. Access Easement for Parcel 1. Declarant does hereby grant and declare that there shall exist a perpetual, non-exclusive access easement over Parcel 2 (the "Parcel 1 Access Easement") for the purposes of providing pedestrian and vehicular ingress and egress to and from Parcel 1. The Parcel 1 Access Easement shall be exercised, for the benefit of Parcel 1, over that certain real property, being a portion of Parcel 2, specifically described on Exhibit 2.1, attached hereto and incorporated herein by this reference (the "Parcel 1 Access Easement Area"). The Parcel 1 Access Easement will permit Parcel 1, as it is currently developed and as it may be developed in the future, to use the Parcel 1 Access Easement Area for pedestrian and vehicular ingress and egress to and from Parcel 1.

2.2. Fire Lane Easement for Parcel 1. Declarant does hereby grant and declare that there shall exist a perpetual, non-exclusive emergency fire lane easement over Parcel 2 (the "Parcel 1 Fire Lane Easement") for the purposes of providing emergency pedestrian and vehicular ingress and egress to and from Parcel 1. The Parcel 1 Fire Lane Easement shall be exercised, for the benefit of Parcel 1, over that certain real property, being a portion of Parcel 2, specifically described on Exhibit 2.2, attached hereto and incorporated herein by this reference (the "Parcel 1 Fire Lane Easement Area"). The Parcel 1 Fire Lane Easement will permit emergency pedestrian and vehicular access to Parcel 1, as it is currently developed and as it may be developed in the future.

2.3. Access Easement for Parcel 2. Declarant does hereby grant and declare that there shall exist a perpetual, non-exclusive access easement over Parcel 1 (the "Parcel 2 Access Easement") for the purposes of providing pedestrian and vehicular ingress and egress to and from Parcel 2. The Parcel 2 Access Easement shall be exercised, for the benefit of Parcel 2, over that certain real property, being a portion of Parcel 1, specifically described on Exhibit 2.3, attached hereto and incorporated herein by this reference (the "Parcel 2 Access Easement Area"). The Parcel 2 Access Easement will permit Parcel 2, as it is currently developed and as it may be developed in the future, to use the Parcel 2 Access Easement Area for pedestrian and vehicular ingress and egress to and from Parcel 2.

3. Maintenance of the Easement Areas. The owner of Parcel 1, at its sole cost and expense, will maintain the improvements associated with the Parcel 1 Access Easement and the Parcel 1 Fire Lane Easement located within the Parcel 1 Fire Lane Easement Area and the Parcel 1 Access Easement Area. The owner of Parcel 2, at its sole cost and expense, will maintain the improvements associated with the Parcel 2 Access Easement located within the Parcel 2 Access Easement Area.

4. Covenants to Run With Land. This Declaration and the Easements created herein are intended to and shall run with the land described herein and, as applicable, portions of

the Declarant's Property shall be burdened by the Easements, and the applicable portions of the Declarant's Property described herein shall be benefited by the Easements.

5. **Modification of Declaration.** This Declaration shall not be amended or modified without the express prior written consent of each party that is a successor-in-interest to Declarant.

6. **No Merger.** It is the express intent of Declarant that this Declaration remain in full force and effect and that the Easements herein granted not be deemed to have merged with any other estate now held or which may in the future be held by Declarant or its successor-in-interest, notwithstanding the fact that Declarant is the owner of all of the Declarant's Property and may presently or may in the future have the sole right to possess or sell and divest itself of all of the Declarant's Property.

7. **Burden and Benefit.** To the extent required by law, the burdened portion of the Declarant's Property upon which the Easements shall exist from time to time shall be deemed to be the servient estate and shall be deemed to be burdened by the Easements herein granted, and the benefitted portion of the Declarant's Property shall be deemed to be the dominant estate and shall be deemed to be benefited by the Easements herein created.

8. **Applicable Law.** This Declaration shall be construed in accordance with and governed by the laws of the State of Utah.

IN WITNESS WHEREOF, Declarant has executed this Declaration to be effective as of the day and year first above written.

Declarant:

NORTHWEST LAND AND DEVELOPMENT,
LLC, a Utah limited liability company

By: Jon E. Davis
Name: THOMAS E DAVIS
Its: MANAGER

By: Holly J. Email
Name: Holly J Email
Its: Manager

[notary acknowledgement on following page.]

STATE OF UTAH)
COUNTY OF Salt Lake) ss.

On this 23rd day of December, 2010, personally appeared before me Thomas E. Davis and Holly J. Ernest, known or satisfactorily proved to me to be the persons who signed the foregoing instrument, and acknowledged to me that they are the Managers of NORTHWEST LAND AND DEVELOPMENT, LLC, a Utah limited liability company, and acknowledged to me that said company executed the same.



Lisa N. Kimmel
Notary Public

Exhibit A

(Legal Description of Parcel 1)

Real Property situated in the County of Salt Lake, State of Utah, specifically described as:

A parcel of land situate in the Northwest quarter of Section 29, Township 1 South, Range 1 West, Salt Lake Base and Meridian; more particularly described as follows:

BEGINNING at the intersection of the North line of 3100 South Street, and the West line of 3600 West Street, said point being North 0° 09' 17" West 53.00 feet along the quarter section line and West 71.00 feet from the center of Section 29, Township 1 South, Range 1 West, Salt Lake Base and Meridian; said center section as shown on the Thompson-Hysell Survey # S96-12-0536 on file at the Salt Lake County Surveyors Office, and running thence South 89° 59' 44" West 398.85 feet along said North line; thence North 160.21 feet to the PC of a curve; thence Northeasterly 57.74 feet along the arc of a 100.00 foot radius curve to the right (center bears East and the long chord bears North 16° 32' 32" East 56.94 feet through a central angle of 33° 05' 04"); thence North 33° 05' 04" East 220.49 feet; thence North 230.80 feet; thence East 291.58 feet to the West line of 3600 West Street being a line that is 40.00 feet and parallel with the quarter section line; thence South 0° 09' 17" East 328.22 feet along said parallel line; thence South 10° 02' 57" West 174.99 feet to a parallel line that is parallel with and 71.00 feet West of said quarter section line; thence South 0° 09' 17" East 129.79 feet parallel with said quarter section line to the point of BEGINNING.

Exhibit B

(Legal Description of Parcel 2)

Real Property situated in the County of Salt Lake, State of Utah, specifically described as:

A parcel of land situate in the Northwest quarter of Section 29, Township 1 South, Range 1 West, Salt Lake Base and Meridian, more particularly described as follows:

BEGINNING at a point on the North line of 3100 South Street, said point being North 0 09' 17" West 53.00 feet along the quarter section line and West 71.00 feet; thence South 89 59' 44" West 398.85 feet, from the center of Section 29, Township 1 South, Range 1 West, Salt Lake Base and Meridian; said center section as shown on the Thompson-Hysell Survey # S96-12-0536 on file at the Salt Lake County Surveyors Office; and running thence South 89 59' 44" West 252.90 feet along the North line of said 3100 South Street; thence North 44 58' 02" West 28.26 feet to the East line of Bangerter Highway; thence North 0 01' 23" West 610.37 feet along said East line; thence East 409.69 feet; thence South 230.80 feet; thence South 33 05' 04" West 220.49 feet; thence Southwesterly 57.74 feet along the arc of a 100.00 foot radius curve to the left (center bears South 56 54' 56" East and the long chord bears South 16 32' 32" West 56.94 feet through a central angle of 33 05' 04"); thence South 160.21 feet to the North line of said 3100 South Street, and the point of BEGINNING.

EXHIBIT 2.1

(Legal Description of the Parcel 1 Access Easement)

Real Property situated in the County of Salt Lake, State of Utah, specifically described as:

A 40.00 foot access easement situate in the Northwest quarter of Section 29, Township 1 South, Range 1 West, Salt Lake Base and Meridian; more particularly described as follows:

BEGINNING at a point on the North line of 3100 South Street, said point being North 0° 09' 17" West 53.00 feet along the quarter section line and West 71.00 feet and South 89° 59' 44" West 398.85 feet, from the center of Section 29, Township 1 South, Range 1 West, Salt Lake Base and Meridian; said center section as shown on the Thompson-Hysell Survey # S96-12-0536 on file at the Salt Lake County Surveyors Office, and running South 89° 59' 44" West 40.00 feet along the North line of said 3100 South Street; thence North 160.21 feet; thence Northeasterly 80.84 feet along the arc of a 140.00 foot radius curve to the right (center bears East and the long chord bears North 16° 32' 32" East 79.72 feet through a central angle of 33° 05' 04"); thence North 33° 05' 04" East 13.00 feet; thence South 56° 54' 56" East 40.00 feet; thence South 33° 05' 04" West 13.00 feet; thence Southwesterly 57.74 feet along the arc of a 100.00 foot radius curve to the left (center bears South 56° 54' 56" East and the long chord bears South 16° 32' 32" West 56.94 feet through a central angle of 33° 05' 04"); thence South 160.21 feet to the North line of said 3100 South Street and the point of BEGINNING.

EXHIBIT 2.2

(Legal Description of the Parcel 1 Fire Lane Easement)

Real Property situated in the County of Salt Lake, State of Utah, specifically described as:

A 27.00 fire lane easement, situate in the Northwest quarter of Section 29, Township 1 South, Range 1 West, Salt Lake Base and Meridian, more particularly described as follows:

BEGINNING at a point North 0° 09' 17" West 683.31 feet along the quarter section line and West 331.58 feet from the center of Section 29, Township 1 South, Range 1 West, Salt Lake Base and Meridian; said center section as shown on the Thompson-Hysell Survey # S96-12-0536 on file at the Salt Lake County Surveyors Office; and running thence South 196.94 feet; thence Southwesterly 65.83 feet along the arc of a 114.00 foot radius curve to the right (center bears West and the long chord bears South 16° 32' 32" West 64.92 feet with a central angle of 33° 05' 04"); thence South 33° 05' 04" West 173.64 feet; thence North 56° 54' 56" West 27.00 feet; thence North 33° 05' 04" East 181.65 feet; thence Northeasterly 34.65 feet along the arc of a 60.00 foot radius curve to the left (center bears North 56° 54' 56" West and the long chord bears North 16° 32' 32" East 34.17 feet with a central angle of 33° 05' 04"); thence North 204.96 feet; thence East 27.00 feet to the point of BEGINNING.

EXHIBIT 2.3

(Legal Description of the Parcel 2 Access Easement)

Real Property situated in the County of Salt Lake, State of Utah, specifically described as:

A 25.00 foot access easement, situate in the Northwest quarter of Section 29, Township 1 South, Range 1 West, Salt Lake Base and Meridian, more particularly described as follows:

BEGINNING at a point on the West line of 3600 West Street said point being North 0 09' 17" West 633.18 feet along the quarter Section Line and West 40.00 feet, from the center of Section 29, Township 1 South, Range 1 West, Salt Lake Base and Meridian; said center section as shown on the Thompson-Hysell Survey # S96-12-0536 on file at the Salt Lake County Surveyors Office, and running thence North 84 25' 44" West 16.74 feet; thence West 275.05 feet; thence North 25.00 feet; thence East 276.27 feet; thence South 84 25' 44" East 15.45 feet; thence South 0 09' 17" East 25.13 feet to the point of BEGINNING.