

REV05042015

Return to:  
Rocky Mountain Power  
Jim Knight  
780 N. Main  
Smithfield, UT 84335

Project Name: UT1 College Ward  
WO#: 6147379  
RW#:

Ent 1143769 Bk 1887 Pg 1340  
Date: 18-Mar-2016 02:17 PM Fee \$16.00  
Cache County, UT  
Michael Gleed, Rec. - Filed By TJ  
For ROCKY MOUNTAIN

### UNDERGROUND RIGHT OF WAY EASEMENT

For value received, **D&S Smerchek Real Estate, LLC**, a Utah limited liability company ("Grantor"), hereby grants Rocky Mountain Power, an unincorporated division of PacifiCorp its successors and assigns, ("Grantee"), an easement for a right of way 12 feet in width and 1144' feet in length, 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 **Cache 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: A 12 FOOT WIDE UTILITY EASEMENT FOR THE PURPOSE OF INSTALLING UNDERGROUND UTILITIES, BEING 6 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT A POINT LOCATED SOUTH 00°26'23" EAST 2200.33 FEET ALONG SECTION LINE AND EAST 911.18 FEET FROM THE NORTHWEST CORNER OF SECTION 21, TOWNSHIP 11 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE PARALLEL TO AND SIX FEET PERPENDICULARLY DISTANT FROM THE VERIZON WIRELESS LEASE AREA THE FOLLOWING TWO (2) COURSES; (1) THENCE NORTH 66°24'59" WEST 46.00 FEET; (2) THENCE NORTH 23°35'01" EAST 22.50 FEET; THENCE NORTH 61°24'59" WEST 429.90 FEET; THENCE SOUTH 89°33'37" WEST 171.62 FEET; THENCE SOUTH 00°26'23" EAST 167.17 FEET; THENCE RETURNING NORTH 00°26'23" WEST 167.17 FEET; THENCE SOUTH 89°33'37" WEST 306.01 FEET, MORE OR LESS, TO EAST RIGHT-OF-WAY LINE OF 800 WEST STREET AND TERMINATING.

CONTAINS: 0.313 ACRES, MORE OR LESS, (AS DESCRIBED), more particularly described and shown on Exhibit(s) A attached hereto and by this reference made a part hereof.

Assessor Parcel No. 03-019-0003

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

BEGINNING AT A POINT LOCATED SOUTH 00°26'23" EAST 2200.33 FEET ALONG SECTION LINE AND EAST 911.18 FEET FROM THE NORTHWEST CORNER OF SECTION 21, TOWNSHIP 11 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE PARALLEL TO AND SIX FEET PERPENDICULARLY DISTANT FROM THE VERIZON WIRELESS LEASE AREA THE FOLLOWING TWO (2) COURSES; (1) THENCE NORTH 66°24'59" WEST 46.00 FEET; (2) THENCE NORTH 23°35'01" EAST 22.50 FEET; THENCE NORTH 61°24'59" WEST 429.90 FEET; THENCE SOUTH 89°33'37" WEST 171.62 FEET; THENCE SOUTH 00°26'23" EAST 167.17 FEET; THENCE RETURNING NORTH 00°26'23" WEST 167.17 FEET; THENCE SOUTH 89°33'37" WEST 306.01 FEET, MORE OR LESS, TO EAST RIGHT-OF-WAY LINE OF 800 WEST STREET AND TERMINATING.

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.

shall Grantor place or store any flammable material  
on or within the boundaries of the right of way.

rights and obligations hereto shall be binding upon  
heirs, successors and assigns.

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st extent permitted by law, each of the parties hereto waives

Dated this 25<sup>th</sup> day of February, 2016.

[Signature]  
(Insert Grantor Name Here) GRANTOR

[Signature]  
(Insert Grantor Name Here) GRANTOR

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

STATE OF Kansas )  
 ) ss.

County of Marshall )  
(Name Here) GRANTOR

On this 25 day of February, 2016, before me, the undersigned Notary Public in and for said State, personally appeared Dan Smerchek (name), known or identified to me to be the President (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 \_\_\_\_\_ (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.

[Signature]

(notary signature)



NOTARY PUBLIC FOR Kansas (state)

Residing at: Wattsville, KS (city, state)

My Commission Expires: 5-19-18 (d/m/y)

or a partner of the partnership that executed the instrument

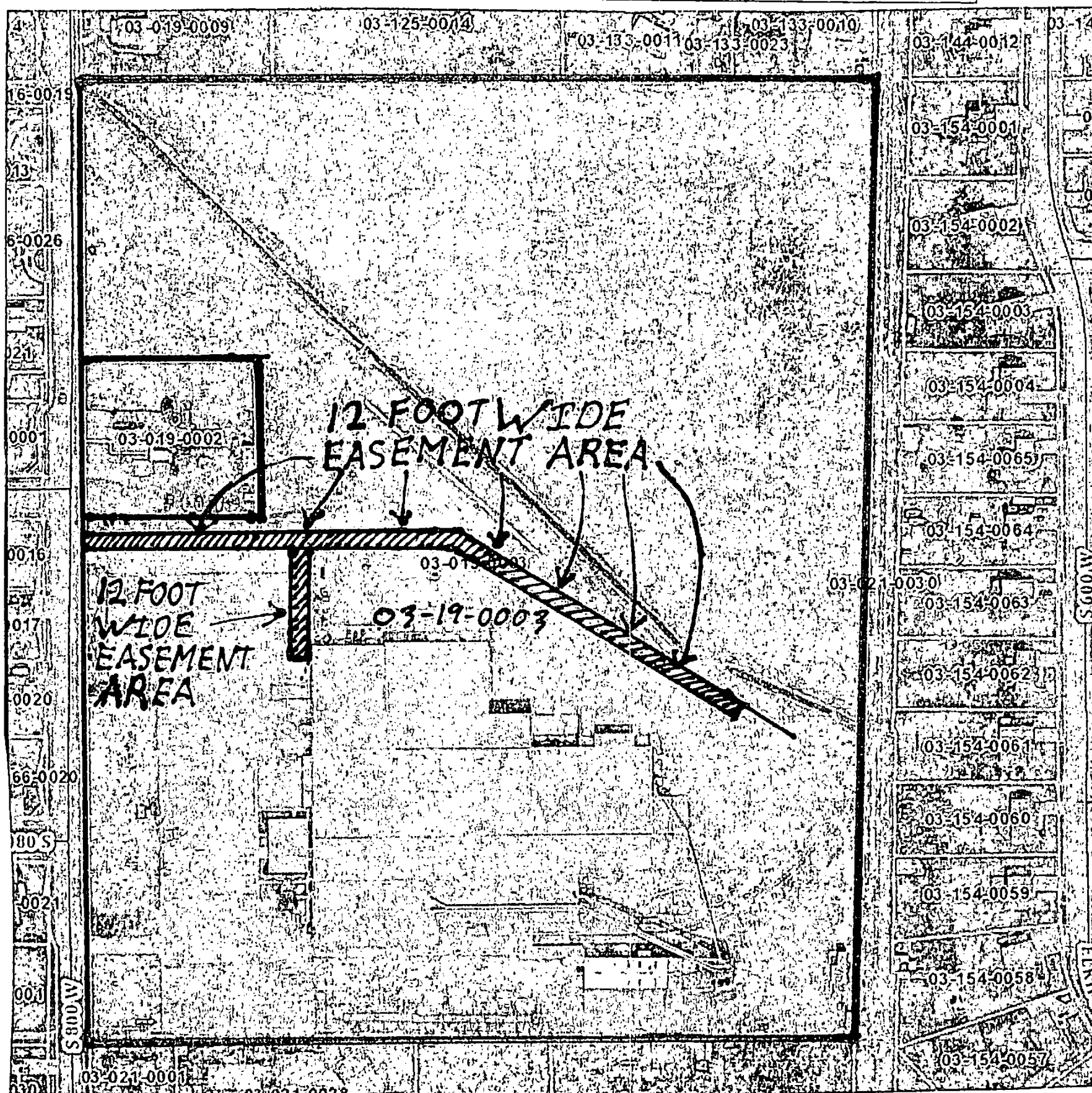
behalf of \_\_\_\_\_

## Property Description

Section: 21 Township 11 N, Range 1 E, Salt Lake Meridian

County: Cache State: Utah

Parcel Number: 03-019-0003



CC#: 11506 WO#: 6147379

Landowner Name: D&S SMERCHEK

REAL ESTATE, LLC

Drawn by: jk

# EXHIBIT A

This drawing should be used only as a representation of the location of the easement being conveyed. The exact location of all structures, lines and appurtenances is subject to change within the boundaries of the described easement area.

 **ROCKY MOUNTAIN  
POWER**  
A DIVISION OF PACIFICORP

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SCALE: NONE