

After Recording, Return to:
LAYTON CITY PLANNING DEPT.
437 WASATCH DRIVE
LAYTON, UTAH 84041

E 1159054 B 1835 P 224
CAROL DEAN PAGE, DAVIS CNTY RECORDER
1994 DEC 29 10:13 AM FEE .00 DEP REC
REC'D FOR LAYTON CITY CORP

STORM DRAIN
EASEMENT
(DEERE VALLEY SUBDIVISION)

For the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the undersigned GRANTORS hereby grant, convey, sell, and set over unto Layton City Corporation a body politic of the State of Utah, hereinafter referred to as GRANTEE, its successors and assigns, a perpetual surface right-of-way and surface drainage easement for the discharge of surface water from the DEERE VALLEY SUBDIVISIONS, contained within the land described in Exhibit "A"; said right-of-way and easement being situated in Layton City, State of Utah, over and through a parcel of the GRANTOR's land, more fully described on attachment Exhibit "B".

The easement is granted subject to the following reservations:

1. The present or future property owner of the downstream property as described in exhibit "B" shall have the right to divert the storm water once it has entered upon the downstream property to any location on the property as required for development of the property. The owner shall submit drawings to the City prior to the diversion of any water. The City shall issue approval for the diversion prior to the diversion. The cost(s) associated with the relocation and/or diversion shall be at the property owners expense.
2. Upon submission of the final development plans for the property described in exhibit "B", Layton City Corporation agrees to release this easement or portion thereof; the release to be coordinated phase by phase of the development. In return, the developer will provide similar easements at the real lot lines and side lot lines of the development(s) and also dedicate public rights-of-way.
3. All storm drainage collection systems shall be installed in public street rights-of-way at the expense of the developer.

TO HAVE AND TO HOLD the same unto the said GRANTOR, its successors and assigns, with the right of ingress and egress in said GRANTEE, its officers, employees, representatives, agents and assigns to enter upon the above described property with such equipment as is necessary to maintain and/or replace said Facilities.

GRANTORS shall have the right to use said premises provided such use shall not interfere with the Facilities or with the collection and conveyance of storm drainage and surface water through said Facilities, or any other rights granted to the GRANTEE hereunder.

GRANTORS warrant that they and no one else holds title to the above described property and that they have authority to sell said easement to the city.

Beginning on the East line of Indian Hills No. 4 Subdivision, said point being North $0^{\circ}15'44''$ East 746.05 feet along the Quarter Section line and West 488.16 feet from the East Quarter Corner of Section 10, Township 4 North, Range 1 West, Salt Lake Base and Meridian; thence North $0^{\circ}11'58''$ East 1297.30 feet along the West line of said subdivision to and along the West line of Indian Hills No. 5 Subdivision to the Northeast Corner of said subdivision, being on the South line of State Road No. 193; thence Northeasterly 851.26 feet along the arc of a 5804.65 foot radius curve to the left (center bears North $18^{\circ}46'34''$ East and long chord bears North $66^{\circ}04'19''$ East 862.87 feet with a central angle of $8^{\circ}24'09''$) along the South line of said State Road No. 193 to the Northwest Corner of the Valley Hi Subdivision Amended as recorded in the Davis County Recorder's Office; thence South $27^{\circ}10'43''$ East 100.00 feet along the West line to an angle point in the West line of the said subdivision; thence South $73^{\circ}12'00''$ East 420.00 feet along the Southwesterly line to an angle point in the Southwesterly line of the said subdivision; thence South $48^{\circ}12'00''$ East 261.40 feet along the South line of said subdivision; thence South $0^{\circ}17'18''$ West 427.34 feet; thence North $48^{\circ}12'00''$ West 439.29 feet; thence South $62^{\circ}49'17''$ West 546.10 feet; thence North $62^{\circ}59'43''$ West 102.79 feet; thence South $29^{\circ}41'49''$ West 287.77 feet; thence South $0^{\circ}11'58''$ West 449.09 feet; thence South $45^{\circ}00'00''$ West 88.46 feet; thence West 340.45 feet; thence South $29^{\circ}00'04''$ West 409.36 feet; thence West 150.00 feet to point of beginning.

-RECORDER'S MEMO-
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 WHEN RECEIVED

EXHIBIT B

Beginning on an old fence line at a point South 64°32' West 20.66 feet from the East Quarter corner of Section 10, Township 4 North, Range 1 West, Salt Lake Meridian, as established in 1965 by the Davis County, Surveyor, and running thence South 46°18' East 68.0 feet along said fence; thence South 23°52' West 45.3 feet along said fence; thence North 89°53' East 868.73 feet along said fence to the Southwest corner of the property conveyed to Laura S. Welker by quit-claim deed dated March 1, 1975, recorded as Entry No. 411122 in Book 564 Page 231, in the Davis County Recorders' office; thence North 99 feet, more or less, to the quarter section line; thence North 89°32'40" East 440.92 feet, more or less, along the quarter section line to the Southeast corner of the Southwest Quarter of the Northwest Quarter of Section 11; thence North 0°17'23" East 2210.17 feet, more or less, to the Southeast corner of the property conveyed to the W. Allen Jackson Family Partnership by a special warranty deed dated June 14, 1977; thence North 48°12' West 261.40 feet; thence North 73°12' West 420 feet; thence North 27°10'43" West 100 feet to the Southeasterly line of the Hill Field Road Right of Way (Utah Highway 193); thence South 63°02' West and Westerly along the arc of a 5654.58 foot radius curve to the right along said highway to a point 860.84 feet East from the West line of the East half of the Northeast Quarter of said Section 10, said point being the Northeast corner of the 6 acre tract of land conveyed to CDP Partnership by a special warranty deed dated December 1, 1976; thence South 0°11'58" West 2145.07 feet, more or less, to a point on an old fence line South 0°11'58" West 99.69 feet and North 89°51'07" East 860.84 feet from the Southeast corner of the Southwest Quarter of the Northeast Quarter of said Section 10; thence North 89°56'35" East 198.18 feet along said fence; thence North 28°56' East 258.03 feet along said fence; thence South 46°18" East 200.12 feet along said fence to the point of beginning.

RECORDER'S MEMO—
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GRANTORS shall not build or construct or permit to be built or constructed, any building or other improvement over or across said right-of-way 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.

IN WITNESS WHEREOF, the GRANTORS have executed this right-of-way and easement this 27 day of October, 1994.

E 1159054 B 1835 P 227

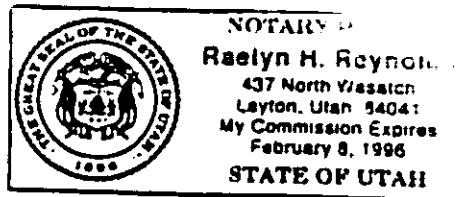
[Signature]

STATE OF UTAH)
)S
COUNTY OF DAVIS)

On the 27th day of Oct, 1994, personally appeared
me, Neil J. Wall, the signert(s) of the
above instrument, who duly acknowledged to me they executed the same.

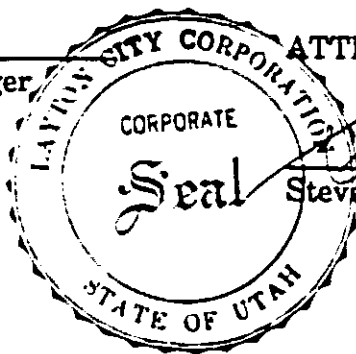
[Signature]
Notary Public

My Commission Expires: 2-8-96
Residing In: DAVIS CO



LAYTON CITY ACCEPTANCE:

[Signature]
Alex Jensen, City Manager



ATTEST:
[Signature]
Steven M. Ashby, City Recorder