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Book - 10141 Pg - 9212-9223
Gary W. Ott
Recorder, Salt Lake County, UT
FIRST AMERICAN TITLE
BY: eCASH, DEPUTY - EF 12 P.

After Recording Return To:

Daybreak Development Company
4700 West Daybreak Parkway, Suite 3
South Jordan, Utah 84095
Attn: Gary Langston

(Space above for recorders use only)

DRAINAGE EASEMENT AGREEMENT (VILLAGE 4 WEST PLAT 1)

This Drainage Easement Agreement ("Agreement") is made as of this 20th day of May, 2013, by **DAYBREAK DEVELOPMENT COMPANY**, a Delaware corporation ("DDC").

The following recitals of fact are a material part of this Agreement:

A. DDC is the owner of certain real property located in the Daybreak community located within the City of South Jordan, County of Salt Lake, State of Utah, which real property is shown on Exhibit "A" attached hereto and made a part hereof (the "Drawing"), and more particularly described in Exhibit "B" attached hereto and made a part hereof (hereinafter referred to as the "Property");

B. DDC desires to designate that portion of the Property shown on the Drawing as "New Drainage Easement" and more particularly described in Exhibit "C" attached hereto and made a part hereof (hereinafter referred to as the "Drainage Easement Area") as an easement area for the drainage of storm water on and from the developed lots within the Property (each, a "Lot"), upon and subject to the terms and conditions of this Agreement;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, DDC agrees as follows:

1. Grant and Reservation of Drainage Easement. DDC hereby grants and reserves unto itself, a perpetual, non-exclusive easement on, over and across the Drainage Easement Area, for the purpose of placing thereon a storm water drainage swale and appurtenant facilities (if necessary) to facilitate the drainage of storm water from contiguous Lots, along the shared boundary line of such contiguous Lots to adjacent streets and/or drainage and retention facilities. DDC hereby reserves the right to use the Property (including the Drainage Easement Area) for any use not inconsistent with the permitted use of the Drainage Easement Area as provided in this Section 1. DDC, and its agents, servants, employees, consultants, contractors and subcontractors shall have the right to enter upon the Drainage Easement Area for the purposes permitted by this Agreement.

COURTESY RECORDING

This document is being recorded solely as a courtesy and an accommodation to the parties named herein. First American Title Insurance Company hereby expressly disclaims any responsibility or liability for the accuracy or the content thereof.

2. **Construction, Repair and Maintenance.** As part of the initial development of a Lot, the developer thereof shall cause the Drainage Easement Area along any boundaries of the Lot to be developed with a drainage swell within the Drainage Easement Area that will channel storm water in a manner to reasonably manage and minimize the flow of storm water from one Lot onto an adjacent Lot, except through the Drainage Easement Area, and otherwise in accordance with applicable laws, rules, regulations and ordinances. After the initial development of a Lot, the record owner of such Lot shall be solely responsible for maintaining the Drainage Easement Area on its Lot in the condition described in the immediately preceding sentence.
3. **Run with the Land/Successors.** Subject to the terms and conditions of this Agreement, the easements granted and reserved herein shall run with the land, and the terms and conditions of this Agreement shall inure to the benefit of and be binding upon the successors and assigns of DDC.
4. **No Public Use/Dedication.** The Property is and shall remain private property. The use of the Drainage Easement Area is permissive and is limited to the express purposes contained herein. Nothing contained herein shall be deemed a dedication of any portion of the Property for any public use.

[Signatures on Next Page]

IN WITNESS WHEREOF, DDC has executed this Agreement as of the day and year first above written.

DDC:

DAYBREAK DEVELOPMENT COMPANY,
a Delaware corporation

By *John*
Print Name: *John McCourtan*
Its: *VICE PRESIDENT DAYBREAK*

STATE OF UTAH)
:ss
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this 20th day of May, 2013, by
Ty McCutcheon as Vice president of Daybreak Development
Company, a Delaware corporation.

Annette A Mabey
NOTARY PUBLIC

Residing at:

My Commission Expires: 11/22/2014

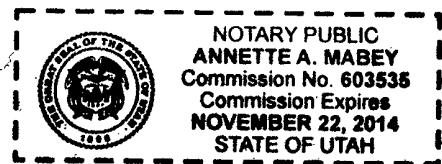
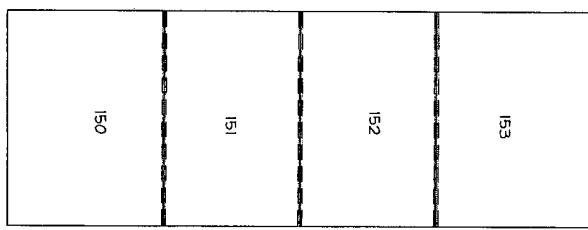


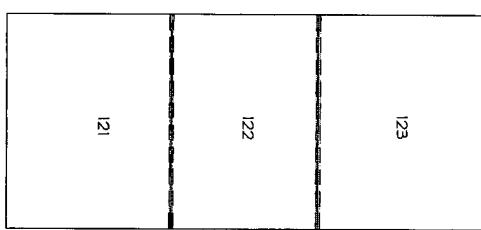
EXHIBIT "A"

Attach a Drawing showing the Property, the Lots and the Drainage Easement Area.

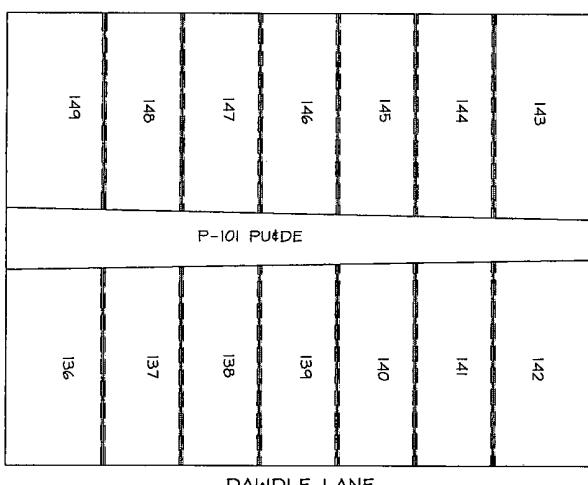
CROSSWATER ROAD



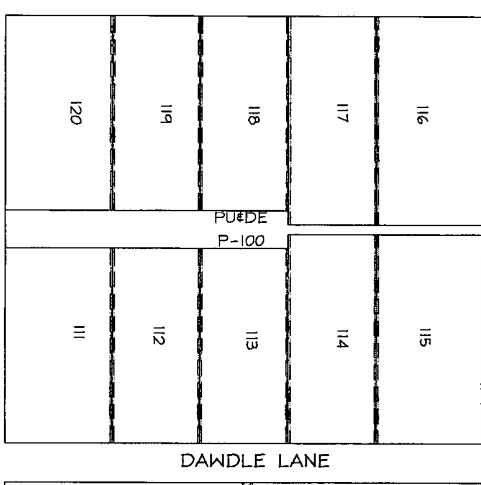
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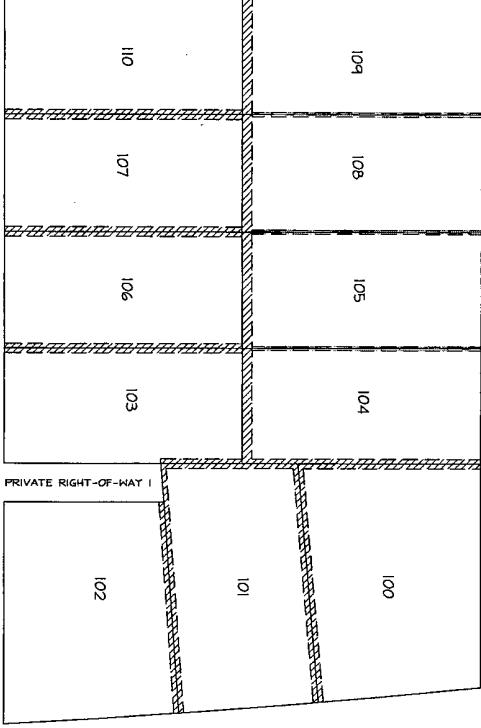
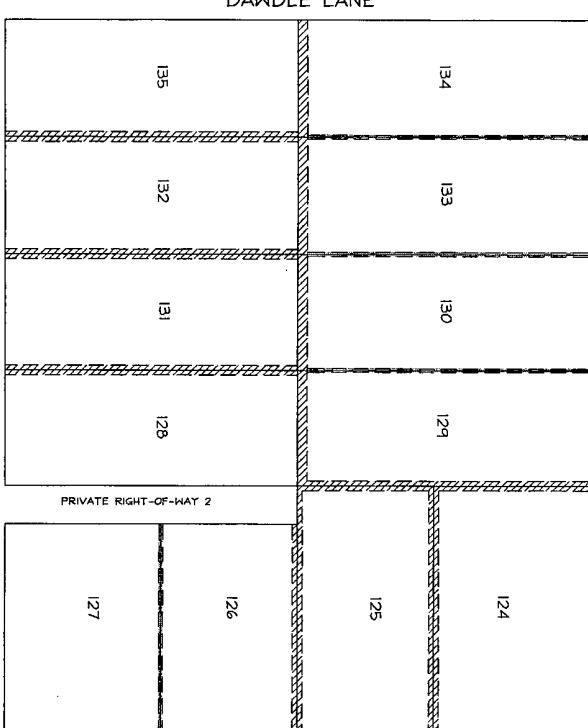


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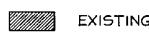


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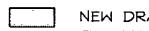
BEACH COMBER WAY



LEGEND

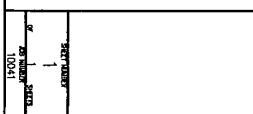


EXISTING DRAINAGE EASEMENT



NEW DRAINAGE EASEMENT
TYPICAL - 1' ON EITHER SIDE OF LOT LINE

DOCK STREET



**SURVEY
SERVICES**
328 SOUTH 200 EAST
AMERICAN FORK, UT 84003
PH. 801-400-4977

**EXHIBIT A
DRAINAGE EASEMENTS**
KENNEDY DAYBREAK VILLAGE 4 WEST PLAT I
PREPARED FOR: KENNEDY DEV. CO. DATE SUBMITTED: MAY 2013

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EXHIBIT "B"

Legal Description of the Property

Lots 104, 105, 108, 109, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 126, 127, 129, 130, 133, 134, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152 and 153 of KENNECOTT DAYBREAK VILLAGE 4 WEST PLAT 1 SUBDIVISION recorded in Book 2013, at Page 41 of the Official Records of Salt Lake County, Utah.

Parcel ID Numbers:

| | | | |
|---------|--------------------|---------|--------------------|
| Lot 104 | 26-13-280-006-0000 | Lot 130 | 26-13-281-008-0000 |
| Lot 105 | 26-13-280-007-0000 | Lot 133 | 26-13-281-010-0000 |
| Lot 108 | 26-13-280-009-0000 | Lot 134 | 26-13-281-012-0000 |
| Lot 109 | 26-13-280-011-0000 | Lot 136 | 26-13-427-007-0000 |
| Lot 111 | 26-13-426-005-0000 | Lot 137 | 26-13-427-006-0000 |
| Lot 112 | 26-13-426-004-0000 | Lot 138 | 26-13-427-005-0000 |
| Lot 113 | 26-13-426-003-0000 | Lot 139 | 26-13-427-004-0000 |
| Lot 114 | 26-13-426-002-0000 | Lot 140 | 26-13-427-003-0000 |
| Lot 115 | 26-13-426-001-0000 | Lot 141 | 26-13-427-002-0000 |
| Lot 116 | 26-13-426-007-0000 | Lot 142 | 26-13-427-001-0000 |
| Lot 117 | 26-13-426-008-0000 | Lot 143 | 26-13-427-009-0000 |
| Lot 118 | 26-13-426-009-0000 | Lot 144 | 26-13-427-010-0000 |
| Lot 119 | 26-13-426-010-0000 | Lot 145 | 26-13-427-011-0000 |
| Lot 120 | 26-13-426-011-0000 | Lot 146 | 26-13-427-012-0000 |
| Lot 121 | 26-13-428-003-0000 | Lot 147 | 26-13-427-013-0000 |
| Lot 122 | 26-13-428-002-0000 | Lot 148 | 26-13-427-014-0000 |
| Lot 123 | 26-13-428-001-0000 | Lot 149 | 26-13-427-015-0000 |
| Lot 126 | 26-13-281-003-0000 | Lot 150 | 26-13-429-004-0000 |
| Lot 127 | 26-13-281-004-0000 | Lot 151 | 26-13-429-003-0000 |
| Lot 129 | 26-13-281-006-0000 | Lot 152 | 26-13-429-002-0000 |
| | | Lot 153 | 26-13-429-001-0000 |

EXHIBIT "C"

Legal Description of Drainage Easement Area

**KENNECOTT DAYBREAK VILLAGE 4 WEST PLAT 1
DRAINAGE EASEMENTS**

DRAINAGE EASEMENTS FOR LOT 104 & 105

A two (2) foot wide strip of land for the purpose of a drainage easement lying one (1) foot on either side, parallel and adjacent to the common lot line between lots 104 and 105 as shown on Kennecott Daybreak Village 4 West Plat 1 Subdivision recorded in Book 2013P at Page 41, in the office of the Salt Lake County Recorder.

DRAINAGE EASEMENTS FOR LOT 105 & 108

A two (2) foot wide strip of land for the purpose of a drainage easement lying one (1) foot on either side, parallel and adjacent to the common lot line between lots 105 and 108 as shown on Kennecott Daybreak Village 4 West Plat 1 Subdivision recorded in Book 2013P at Page 41, in the office of the Salt Lake County Recorder.

DRAINAGE EASEMENTS FOR LOT 108 & 109

A two (2) foot wide strip of land for the purpose of a drainage easement lying one (1) foot on either side, parallel and adjacent to the common lot line between lots 108 and 109 as shown on Kennecott Daybreak Village 4 West Plat 1 Subdivision recorded in Book 2013P at Page 41, in the office of the Salt Lake County Recorder.

DRAINAGE EASEMENTS FOR LOT 111 & 112

A two (2) foot wide strip of land for the purpose of a drainage easement lying one (1) foot on either side, parallel and adjacent to the common lot line between lots 111 and 112 as shown on Kennecott Daybreak Village 4 West Plat 1 Subdivision recorded in Book 2013P at Page 41, in the office of the Salt Lake County Recorder.

DRAINAGE EASEMENTS FOR LOT 112 & 113

A two (2) foot wide strip of land for the purpose of a drainage easement lying one (1) foot on either side, parallel and adjacent to the common lot line between lots 112 and 113 as shown on Kennecott Daybreak Village 4 West Plat 1 Subdivision recorded in Book 2013P at Page 41, in the office of the Salt Lake County Recorder.

DRAINAGE EASEMENT FOR LOT 113

A one (1) wide strip of land for the purpose of a drainage easement lying east, parallel and adjacent to the west line of lot 113 as shown on Kennecott Daybreak Village 4 West Plat 1 Subdivision recorded in Book 2013P at Page 41, in the office of the Salt Lake County Recorder.

DRAINAGE EASEMENT FOR LOT 114

A one (1) wide strip of land for the purpose of a drainage easement lying west, parallel and adjacent to the east line of lot 114 as shown on Kennecott Daybreak Village 4 West Plat 1 Subdivision recorded in Book 2013P at Page 41, in the office of the Salt Lake County Recorder.

DRAINAGE EASEMENTS FOR LOT 114 & 115

A two (2) foot wide strip of land for the purpose of a drainage easement lying one (1) foot on either side, parallel and adjacent to the common lot line between lots 114 and 115 as shown on Kennecott Daybreak

Village 4 West Plat 1 Subdivision recorded in Book 2013P at Page 41, in the office of the Salt Lake County Recorder.

DRAINAGE EASEMENTS FOR LOT 116 & 117

A two (2) foot wide strip of land for the purpose of a drainage easement lying one (1) foot on either side, parallel and adjacent to the common lot line between lots 116 and 117 as shown on Kennecott Daybreak Village 4 West Plat 1 Subdivision recorded in Book 2013P at Page 41, in the office of the Salt Lake County Recorder.

DRAINAGE EASEMENT FOR LOT 117

A one (1) wide strip of land for the purpose of a drainage easement lying west, parallel and adjacent to the east line of lot 117 as shown on Kennecott Daybreak Village 4 West Plat 1 Subdivision recorded in Book 2013P at Page 41, in the office of the Salt Lake County Recorder.

DRAINAGE EASEMENT FOR LOT 118

A one (1) wide strip of land for the purpose of a drainage easement lying east, parallel and adjacent to the west line of lot 118 as shown on Kennecott Daybreak Village 4 West Plat 1 Subdivision recorded in Book 2013P at Page 41, in the office of the Salt Lake County Recorder.

DRAINAGE EASEMENTS FOR LOT 118 & 119

A two (2) foot wide strip of land for the purpose of a drainage easement lying one (1) foot on either side, parallel and adjacent to the common lot line between lots 118 and 119 as shown on Kennecott Daybreak Village 4 West Plat 1 Subdivision recorded in Book 2013P at Page 41, in the office of the Salt Lake County Recorder.

DRAINAGE EASEMENTS FOR LOT 119 & 120

A two (2) foot wide strip of land for the purpose of a drainage easement lying one (1) foot on either side, parallel and adjacent to the common lot line between lots 119 and 120 as shown on Kennecott Daybreak Village 4 West Plat 1 Subdivision recorded in Book 2013P at Page 41, in the office of the Salt Lake County Recorder.

DRAINAGE EASEMENTS FOR LOT 121 & 122

A two (2) foot wide strip of land for the purpose of a drainage easement lying one (1) foot on either side, parallel and adjacent to the common lot line between lots 121 and 122 as shown on Kennecott Daybreak Village 4 West Plat 1 Subdivision recorded in Book 2013P at Page 41, in the office of the Salt Lake County Recorder.

DRAINAGE EASEMENTS FOR LOT 122 & 123

A two (2) foot wide strip of land for the purpose of a drainage easement lying one (1) foot on either side, parallel and adjacent to the common lot line between lots 122 and 123 as shown on Kennecott Daybreak Village 4 West Plat 1 Subdivision recorded in Book 2013P at Page 41, in the office of the Salt Lake County Recorder.

DRAINAGE EASEMENTS FOR LOT 126 & 127

A two (2) foot wide strip of land for the purpose of a drainage easement lying one (1) foot on either side, parallel and adjacent to the common lot line between lots 126 and 127 as shown on Kennecott Daybreak Village 4 West Plat 1 Subdivision recorded in Book 2013P at Page 41, in the office of the Salt Lake County Recorder.

DRAINAGE EASEMENTS FOR LOT 129 & 130

A two (2) foot wide strip of land for the purpose of a drainage easement lying one (1) foot on either side, parallel and adjacent to the common lot line between lots 129 and 130 as shown on Kennecott Daybreak Village 4 West Plat 1 Subdivision recorded in Book 2013P at Page 41, in the office of the Salt Lake County Recorder.

DRAINAGE EASEMENTS FOR LOT 130 & 133

A two (2) foot wide strip of land for the purpose of a drainage easement lying one (1) foot on either side, parallel and adjacent to the common lot line between lots 130 and 133 as shown on Kennecott Daybreak Village 4 West Plat 1 Subdivision recorded in Book 2013P at Page 41, in the office of the Salt Lake County Recorder.

DRAINAGE EASEMENTS FOR LOT 133 & 134

A two (2) foot wide strip of land for the purpose of a drainage easement lying one (1) foot on either side, parallel and adjacent to the common lot line between lots 133 and 134 as shown on Kennecott Daybreak Village 4 West Plat 1 Subdivision recorded in Book 2013P at Page 41, in the office of the Salt Lake County Recorder.

DRAINAGE EASEMENTS FOR LOT 136 & 137

A two (2) foot wide strip of land for the purpose of a drainage easement lying one (1) foot on either side, parallel and adjacent to the common lot line between lots 136 and 137 as shown on Kennecott Daybreak Village 4 West Plat 1 Subdivision recorded in Book 2013P at Page 41, in the office of the Salt Lake County Recorder.

DRAINAGE EASEMENTS FOR LOT 137 & 138

A two (2) foot wide strip of land for the purpose of a drainage easement lying one (1) foot on either side, parallel and adjacent to the common lot line between lots 137 and 138 as shown on Kennecott Daybreak Village 4 West Plat 1 Subdivision recorded in Book 2013P at Page 41, in the office of the Salt Lake County Recorder.

DRAINAGE EASEMENTS FOR LOT 138 & 139

A two (2) foot wide strip of land for the purpose of a drainage easement lying one (1) foot on either side, parallel and adjacent to the common lot line between lots 138 and 139 as shown on Kennecott Daybreak Village 4 West Plat 1 Subdivision recorded in Book 2013P at Page 41, in the office of the Salt Lake County Recorder.

DRAINAGE EASEMENTS FOR LOT 139 & 140

A two (2) foot wide strip of land for the purpose of a drainage easement lying one (1) foot on either side, parallel and adjacent to the common lot line between lots 139 and 140 as shown on Kennecott Daybreak Village 4 West Plat 1 Subdivision recorded in Book 2013P at Page 41, in the office of the Salt Lake County Recorder.

DRAINAGE EASEMENTS FOR LOT 140 & 141

A two (2) foot wide strip of land for the purpose of a drainage easement lying one (1) foot on either side, parallel and adjacent to the common lot line between lots 140 and 141 as shown on Kennecott Daybreak Village 4 West Plat 1 Subdivision recorded in Book 2013P at Page 41, in the office of the Salt Lake County Recorder.

DRAINAGE EASEMENTS FOR LOT 141 & 142

A two (2) foot wide strip of land for the purpose of a drainage easement lying one (1) foot on either side, parallel and adjacent to the common lot line between lots 141 and 142 as shown on Kennecott Daybreak Village 4 West Plat 1 Subdivision recorded in Book 2013P at Page 41, in the office of the Salt Lake County Recorder.

DRAINAGE EASEMENTS FOR LOT 143 & 144

A two (2) foot wide strip of land for the purpose of a drainage easement lying one (1) foot on either side, parallel and adjacent to the common lot line between lots 143 and 144 as shown on Kennecott Daybreak Village 4 West Plat 1 Subdivision recorded in Book 2013P at Page 41, in the office of the Salt Lake County Recorder.

DRAINAGE EASEMENTS FOR LOT 144 & 145

A two (2) foot wide strip of land for the purpose of a drainage easement lying one (1) foot on either side, parallel and adjacent to the common lot line between lots 144 and 145 as shown on Kennecott Daybreak Village 4 West Plat 1 Subdivision recorded in Book 2013P at Page 41, in the office of the Salt Lake County Recorder.

DRAINAGE EASEMENTS FOR LOT 145 & 146

A two (2) foot wide strip of land for the purpose of a drainage easement lying one (1) foot on either side, parallel and adjacent to the common lot line between lots 145 and 146 as shown on Kennecott Daybreak Village 4 West Plat 1 Subdivision recorded in Book 2013P at Page 41, in the office of the Salt Lake County Recorder.

DRAINAGE EASEMENTS FOR LOT 146 & 147

A two (2) foot wide strip of land for the purpose of a drainage easement lying one (1) foot on either side, parallel and adjacent to the common lot line between lots 146 and 147 as shown on Kennecott Daybreak Village 4 West Plat 1 Subdivision recorded in Book 2013P at Page 41, in the office of the Salt Lake County Recorder.

DRAINAGE EASEMENTS FOR LOT 147 & 148

A two (2) foot wide strip of land for the purpose of a drainage easement lying one (1) foot on either side, parallel and adjacent to the common lot line between lots 147 and 148 as shown on Kennecott Daybreak Village 4 West Plat 1 Subdivision recorded in Book 2013P at Page 41, in the office of the Salt Lake County Recorder.

DRAINAGE EASEMENTS FOR LOT 148 & 149

A two (2) foot wide strip of land for the purpose of a drainage easement lying one (1) foot on either side, parallel and adjacent to the common lot line between lots 148 and 149 as shown on Kennecott Daybreak Village 4 West Plat 1 Subdivision recorded in Book 2013P at Page 41, in the office of the Salt Lake County Recorder.

DRAINAGE EASEMENTS FOR LOT 150 & 151

A two (2) foot wide strip of land for the purpose of a drainage easement lying one (1) foot on either side, parallel and adjacent to the common lot line between lots 150 and 151 as shown on Kennecott Daybreak Village 4 West Plat 1 Subdivision recorded in Book 2013P at Page 41, in the office of the Salt Lake County Recorder.

DRAINAGE EASEMENTS FOR LOT 151 & 152

A two (2) foot wide strip of land for the purpose of a drainage easement lying one (1) foot on either side, parallel and adjacent to the common lot line between lots 151 and 152 as shown on Kennecott Daybreak Village 4 West Plat 1 Subdivision recorded in Book 2013P at Page 41, in the office of the Salt Lake County Recorder.

DRAINAGE EASEMENTS FOR LOT 152 & 153

A two (2) foot wide strip of land for the purpose of a drainage easement lying one (1) foot on either side, parallel and adjacent to the common lot line between lots 152 and 153 as shown on Kennecott Daybreak Village 4 West Plat 1 Subdivision recorded in Book 2013P at Page 41, in the office of the Salt Lake County Recorder.