

**WHEN RECORDED, RETURN TO:**

Craig L. White  
South Valley Sewer District  
P.O. Box 908  
Draper, Utah 84020

12322143  
07/18/2016 09:56 AM \$39.00  
Book - 10453 Pg - 2771-2777  
GARY W. OTT  
RECORDER, SALT LAKE COUNTY, UTAH  
FIRST AMERICAN TITLE  
BY: LHA, DEPUTY - WI 7 P.

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**AGREEMENT REGARDING SEWER CONNECTIONS**

This AGREEMENT REGARDING SEWER CONNECTIONS ("**Agreement**") is dated as of JUNE 29, 2016 (the "**Effective Date**"), and entered into by and among **SOUTH VALLEY SEWER DISTRICT**, a political subdivision of the State of Utah (the "**District**") and **KENNECOTT LAND COMPANY**, a Delaware corporation (formerly known as Kennecott Land Residential Development Company) ("**KLC**").

**RECITALS:**

WHEREAS, the District is a party to those certain Sewer Connection Agreements described and numbered 1 – 4, inclusive, in Exhibit "A" attached hereto (collectively, the "**Connection Agreements**"), which collectively provide for the installation of sewer lines, laterals, manholes and related structures and facilities (collectively, the "**Sewer Improvements**") to provide a sewer system for the collection, transmission, treatment and disposal of sewage servicing the real property described in Exhibit "B" attached hereto ("**Service Area**");

WHEREAS, the District is a party to those certain Partial Abandonment of Easement and Indemnification Agreements described and numbered 5 and 6 in Exhibit "A" attached hereto (collectively, the "**Abandonment Agreements**"), which provide for the termination of those portions of easements granted to the District and legally described in Exhibit "C" and Exhibit "D" attached hereto (collectively, the "**Terminated Easement Areas**") and the abandonment within such Terminated Easement Areas of the sewer lines the District installed therein (collectively, the "**Abandoned Improvements**");

WHEREAS, the Connection Agreements and the Abandonment Agreements are collectively referred to herein as the "**Recorded Agreements**;" and

WHEREAS, the parties hereto desire to enter into this Agreement to provide notice that the construction work required pursuant to the Connection Agreements has been completed.

**AGREEMENT:**

NOW THEREFORE, each of the parties hereto, as specified below, hereby acknowledges and agrees as follows:

1. Construction and Installation of Sewer Improvements. The District hereby acknowledges that KLC has fully performed and completed the work described in Paragraph 1 of the Connection Agreements by installing and connecting the Sewer Improvements as required by the applicable Connection Agreements. The District further acknowledges it has tested, inspected and accepted the Sewer Improvements r as described in the applicable Connection Agreements.


2. Recordation. This Agreement shall be recorded in the real property records of Salt Lake County, Utah, against the real property described in Exhibits "B", "C" and "D" attached hereto.

3. Miscellaneous; Incorporation of Recitals and Exhibits. This Agreement may be executed in one or more counterparts and delivered by electronic transmission, each of which is to be deemed original for all purposes, but all of which together shall constitute one and the same instrument. The Recitals set forth above and the Exhibits attached hereto are incorporated herein by this reference.

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement as of the date first above written.


**"DISTRICT":**

SOUTH VALLEY SEWER DISTRICT

By:   
Name: Craig White  
Title: General Manager

**"SELLER":**

KENNECOTT LAND COMPANY

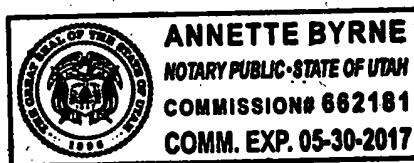
By:   
Name: ~~VICE PRESIDENT~~ MIKE MCCUTCHEON  
Title: VICE PRESIDENT DAYBARK

STATE OF UTAH )  
 : ss.  
COUNTY OF SALT LAKE )

On 29<sup>th</sup> day of June, 2016, the foregoing instrument was acknowledged before me by Craig L. White, the General Manager of South Valley Sewer District, a political subdivision of the State of Utah.

My commission expires: 5-30-17

Annette Byrne  
Notary Public  
Residing at: Bluffdale

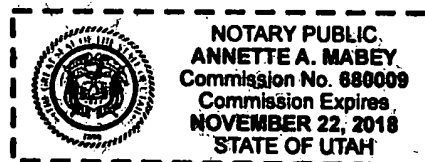


STATE OF UTAH )  
 : ss.  
COUNTY OF SALT LAKE )

On 30<sup>th</sup> day of June, 2016, the foregoing instrument was acknowledged before me by Ty McCrecheon, the Vice President Daybreak of Kennecott Land Company, a Delaware corporation.

My commission expires: 11/22/2018

Annette A. Mabey  
Notary Public  
Residing at: South Jordan, Utah



## EXHIBIT A

### Recorded Agreements

The following agreements, collectively, constitute and comprise the “*Recorded Agreements*” as such term is defined in the Recitals to this Agreement:

1. That certain Sewer Connection Agreement between Daybreak Development LLC, a Delaware limited liability company (formerly known as Kennecott Land Residential Development Company), and the South Valley Sewer District, a political subdivision of the State of Utah, which was recorded on January 5, 2011 as Entry No. 11110273 in Book 9895 at Page 9294 of Official Records of Salt Lake County, Utah.
2. That certain Sewer Connection Agreement between Daybreak Development LLC, a Delaware limited liability company (formerly known as Kennecott Land Residential Development Company), and the South Valley Sewer District, a political subdivision of the State of Utah, which was recorded on January 5, 2011 as Entry No. 11114122 in Book 9897 at Page 5284 of Official Records of Salt Lake County, Utah.
3. That certain Commercial Sewer Connection Agreement between Daybreak Development LLC, a Delaware limited liability company (formerly known as Kennecott Land Residential Development Company), and the South Valley Sewer District, a political subdivision of the State of Utah, which was recorded on July 28, 2011 as Entry No. 11219243 in Book 9939 at Page 5487 of Official Records of Salt Lake County, Utah.
4. That certain Commercial Sewer Connection Agreement between Daybreak Development LLC, a Delaware limited liability company (formerly known as Kennecott Land Residential Development Company), and the South Valley Sewer District, a political subdivision of the State of Utah, which was recorded on April 9, 2014 as Entry No. 11830662 in Book 10222 at Page 6321 of Official Records of Salt Lake County, Utah.
5. That certain Partial Abandonment of Easement and Indemnification Agreement between the South Valley Sewer District, a political subdivision of the State of Utah, and Daybreak Development LLC, a Delaware limited liability company (formerly known as Kennecott Land Residential Development Company), which was recorded on October 26, 2012 as Entry No. 11500678 in Book 10070 at Page 3679 of the Official Records of Salt Lake County, Utah.
6. That certain Partial Abandonment of Easement and Indemnification Agreement between the South Valley Sewer District, a political subdivision of the State of Utah, and Daybreak Development LLC, a Delaware limited liability company (formerly known as Kennecott Land Residential Development Company), which was recorded on May 29, 2013 as Entry No. 11651112 in Book 10143 at Page 423 of the Official Records of Salt Lake County, Utah.

## **EXHIBIT B**

### **Legal Description of Property Being Served**

The following real property located in the City of South Jordan, County of Salt Lake, State of Utah, and legally described as follows:

Lot V2 of Kennecott Master Subdivision #1, recorded in Book 2002P, Page 273, of the records of Salt Lake County, Utah

Tax Parcel ID No(s): 27-18-300-003, 27-19-100-010

AND

#### **UTAH TRANSIT AUTHORITY**

*This legal describes a portion of Tax Parcel ID 26-24-326-003 located in Section 24, Township 3 South, Range 2 West, S.L.B. & M., said portion being the site footprint of the temporary UTA Driver Relief Building (DRB), described as follows:*

*Commencing at the southwest corner of said Section 24; thence along the south line of said Section 24, South 89°58'43" East, 2677.44 feet to the south quarter of said Section 24; thence departing said south quarter North 00°53'25" East, 2417.67 feet to the Point of Beginning:*

*Thence North 14°52'52" West, 25.73 feet;  
thence North 53°15'23" East, 13.23 feet;  
thence South 36°43'17" East, 29.60 feet;  
thence South 53°18'46" West, 8.54 feet;  
thence South 75°07'08" West, 15.36 feet to the Point of Beginning.*

*Contains 520 square feet or 0.01 acres in area.*

#### **BASIS OF BEARING**

*South 89°58'43" East, being the bearing of the south line of the Southwest Quarter (SW 1/4) of Section 24, Township 3 South, Range 2 West, Salt Lake Base and Meridian.*

Tax Parcel ID No(s): 26-24-326-003

AND

Beginning at a point that lies North 89°57'12" East 444.90 feet along the section line and South 2494.86 feet from the Northwest Corner of Section 18, Township 3 South, Range 1 West, Salt Lake Base and Meridian and running thence South 19°03'45" East 42.92 feet; thence South 70°56'15" West 24.90 feet; thence North 19°03'45" West 42.92 feet; thence North 70°56'15" East 24.90 feet to the point of beginning. Property contains 1068 square feet.

Tax Parcel ID No(s): 27-18-151-002

## **EXHIBIT C**

### **Legal Description of Easement Abandoned on October 18, 2012**

The following real property located in the City of South Jordan, County of Salt Lake, State of Utah, and legally described as follows:

#### **LINE 41 AS RECORDED IN BOOK 9511 AT PAGE 2900**

A twenty (20) foot wide sanitary sewer easement, located in the Northeast quarter of Section 13, Township 3 South, Range 2 West, Salt Lake Base and Meridian, U.S. Survey, said easement extending ten (10) feet on each side of and lying parallel and adjacent to a line of reference and projection thereof, more particularly described as follows:

Commencing at the Northwest corner of Section 18, Township 3 South, Range 1 West, Salt Lake Base & Meridian (The basis of bearing being North 89°57'12" East – 2574.765 feet between the Northwest corner and the North Quarter corner of Section 18); thence South 89°57'36" West along the north line of said Section 13 for 331.754 feet; thence South 00°02'24" East perpendicular to said section line for 1183.099 feet to the POINT OF BEGINNING; thence South 00°00'00" West for 95.00 feet to the END of said centerline.

Contains: (approx. 95 l.f.)

#### **A PORTION OF LINE 26 AS RECORDED IN BOOK 9511 AT PAGE 2900**

A sanitary sewer easement, located in the Northeast quarter of Section 13, Township 3 South, Range 2 West, Salt Lake Base and Meridian, U.S. Survey, more particularly described as follows:

Commencing at the Northwest corner of Section 18, Township 3 South, Range 1 West, Salt Lake Base & Meridian (The basis of bearing being North 89°57'12" East – 2574.765 feet between the Northwest corner and the North Quarter corner of Section 18); thence South 89°57'36" West along the north line of said Section 13 for 536.611 feet; thence South 00°02'24" East perpendicular to said section line for 1192.955 feet to the POINT OF BEGINNING; thence South 00°00'00" East for 84.00 feet; thence North 90°00'00" West for 20.00 feet; thence North 00°00'00" East for 8.10 feet; thence North 90°00'00" East for 8.10 feet; thence North 00°00'00" East for 2.40 feet; thence North 90°00'00" East for 10.00 feet; thence North 00°00'00" East for 73.50 feet; thence North 90°00'00" East for 1.90 feet to the POINT OF BEGINNING.

Containing 330 square feet or 0.0076 acres.

Tax Parcel ID No(s): 26-13-230-064, 26-13-230-065, 26-13-230-066, 26-13-230-067, 26-13-230-061, 26-13-230-060, 26-13-230-059, 26-13-230-058, 26-13-230-052, 26-13-230-053, 26-13-230-054, 26-13-230-055, 26-13-230-050

## **EXHIBIT D**

### **Legal Description of Easement Abandoned on April 10, 2013**

The following real property located in the City of South Jordan, County of Salt Lake, State of Utah, and legally described as follows:

#### **20' Wide Sanitary Sewer Easement Abandonment**

**Beginning at a point said point being South 00°16'01" West 340.56 feet along the Section line and East 448.88 feet from the West Quarter Corner of Section 18, Township 3 South, Range 1 West, Salt Lake Base and Meridian; and running**

**Thence East 76.26 feet;  
thence South 105.00 feet;  
thence West 20.00 feet;  
thence North 85.00 feet;  
thence West 56.26 feet;  
thence North 20.00 feet to the point of beginning.**

**Contains 3,225 Square Feet or 0.074 Acres**

Tax Parcel ID No(s): 27-18-301-044