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03/05/2019 02:18 PM \$21.00
Book - 10758 Pg - 265-270
RASHELLE HOBBS
RECORDER, SALT LAKE COUNTY, UTAH
OLD REPUBLIC TITLE DRAPER/OREM
898 NORTH 1200 WEST
OREM UT 84057
BY: TLP, DEPUTY - WI 6 P.

WHEN RECORDED RETURN TO:

VP Daybreak Investments LLC
11248 Kestrel Rise Road, Suite 201
South Jordan, Utah 84009
Attn: Mr. Gary Langston

APNs: 26-24-326-005

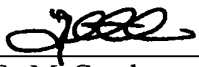
GRANT OF PUBLIC UTILITY EASEMENT

VP Daybreak Investments LLC, a Delaware limited liability company, as owner of the land described in Exhibit "A" attached hereto and made a part hereof (the "Easement Area"), does hereby grant and establish a public utility easement dedicated to the use and installation of public utility facilities, in accordance with and subject to the terms and conditions of Utah Code Section 54-3-27, et sec., over, under and across said Easement Area, as depicted in Exhibit "A".

Executed this 1st day of MARCH, 2019.

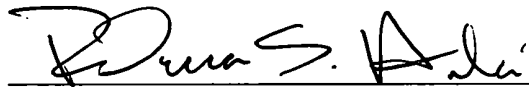
VP Daybreak Investments LLC,
a Delaware limited liability company

By: Daybreak Communities LLC,
a Delaware limited liability company,
Its: Project Manager

By: 
Ty McCutcheon, President & CEO

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

On the 1st day of March, 2019, personally appeared before me Ty McCutcheon who being by me duly sworn did say that he is the President & CEO of Daybreak Communities LLC, a Delaware limited liability company, the project manager of **VP Daybreak Investments LLC, a Delaware limited liability company** and that the within and foregoing instrument was duly authorized by the limited liability company at a lawful meeting held by authority of its operating agreement; and duly acknowledged to me that said limited liability company executed the same.



Notary Public

[seal]

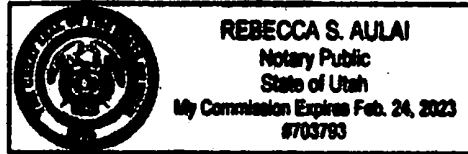


EXHIBIT "A"

**PUBLIC UTILITY EASEMENT
LEGAL DESCRIPTION**

(Line 1)

A ten (10) foot wide gas line easement, located in the Southwest Quarter of Section 24, Township 3 South, Range 2 West, Salt Lake Base and Meridian, U.S. Survey, said easement extending five (5) feet on each side of and lying parallel and adjacent to a line of reference and projection thereof, said centerline lying five (5) feet Northwesterly of the Northwest right-of-way line of Rambutan Way more particularly described as follows:

Beginning at a point that lies North 89°58'44" West 498.465 feet along the Section Line and North 2496.797 feet from the South Quarter Corner of Section 24, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence North 53°27'06" East 147.379 feet to the point of terminus.

Contains: (approx. 147 L.F.)

(Line 2)

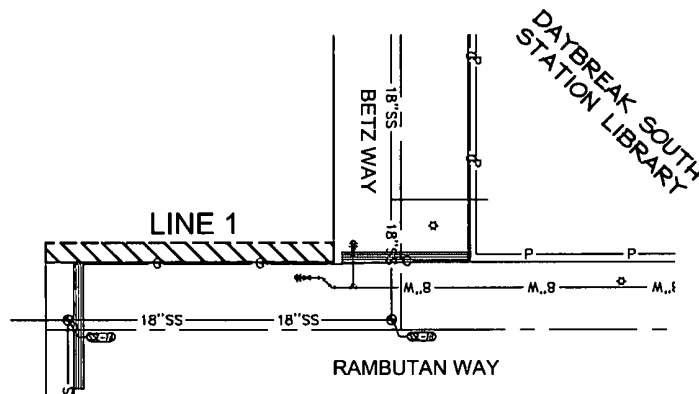
A ten (10) foot wide gas line easement, located in the Southwest Quarter of Section 24, Township 3 South, Range 2 West, Salt Lake Base and Meridian, U.S. Survey, said easement extending five (5) feet on each side of and lying parallel and adjacent to a line of reference and projection thereof, more particularly described as follows:

Beginning at a point that lies North 89°58'44" West 51.811 feet along the Section Line and North 2038.443 feet from the South Quarter Corner of Section 24, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence North 36°32'54" West 38.339 feet; thence South 53°27'06" West 71.487 feet; thence North 36°32'54" West 521.996 feet to the point of terminus.

Contains: (approx. 632 L.F.)

**[THE PUBLIC UTILITY EASEMENT DESCRIBED ABOVE IS SHOWN ON THE
ATTACHED DRAWING.]**

REF'S



DAYBREAK SOUTH
STATION LIBRARY

LINE 1

18"SS
BETZ WAY

RAMBUTAN WAY

18"SS

18"SS

M..S


M..S

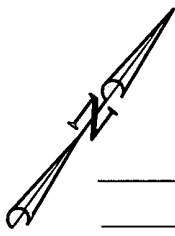
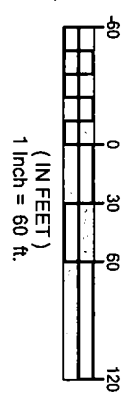
M..S

KENNECOTT MASTER
SUBDIVISION #1 AMENDED

KENNECOTT MASTER
SUBDIVISION #1 AMENDED

LINE 2

LEGEND
 PROPOSED 10' WIDE GAS LINE EASEMENT



DUCKHORN DRIVE

KENNECOTT DAYBREAK UNIVERSITY
MEDICAL #1 AMENDED

SHEET NUMBER
004918

DATE: _____ TIME: _____
 NETWORK: _____
 PATH: _____
 DWG NAME: _____
 LAYOUT: _____
 DESIGNER: _____ MGR: _____

PERIGEE CONSULTING
 CIVIL - STRUCTURAL - SURVEY

3000 GUYTON ROAD SUITE 200
 DUBLIN, OHIO 43017-1099
 TEL: 614.885.8600 FAX: 614.885.8601
 WWW.PERIGEECONSULTING.COM

**SOUTH STATION LIBRARY
 OFF-SITE GAS LINE EASEMENT**

PREPARED FOR: DAYBREAK COMMUNITIES DATE SUBMITTED: 02-21-2019

LENDER'S CONSENT AND SUBORDINATION

PUBLIC UTILITY EASEMENT –
PARCEL I.D. # 26-24-326-005

THE UNDERSIGNED, THE BENEFICIARY UNDER THAT CERTAIN DEED OF TRUST, DATED DECEMBER 19, 2016, ENCUMBERING THE HEREIN DESCRIBED REAL PROPERTY (THE "DEED OF TRUST"), HEREBY EXPRESSLY CONSENTS TO AND JOINS IN THE EXECUTION AND RECORDING OF THAT CERTAIN PUBLIC UTILITY EASEMENT, DATED AS OF MARCH 1, 2019, FROM VP DAYBREAK INVESTMENTS LLC, A DELAWARE LIMITED LIABILITY COMPANY (THE "EASEMENT"), TO WHICH THIS LENDER'S CONSENT AND SUBORDINATION IS ATTACHED.

THE UNDERSIGNED LENDER HEREBY CONSENTS TO THE EASEMENT AND MAKES THE LIEN OF THE DEED OF TRUST SUBORDINATE THERETO. THIS LENDER'S CONSENT AND SUBORDINATION SHALL NOT OTHERWISE AFFECT THE PRIORITY OF MORTGAGES AND/OR LIENS AGAINST THE REAL PROPERTY DESCRIBED HEREIN, BUT SHALL SOLELY EVIDENCE THE LENDER'S INTENT TO SUBORDINATE ITS LIEN OF THE DEED OF TRUST TO THE EASEMENT. THE UNDERSIGNED REPRESENTS THAT HE OR SHE HAS FULL POWER AND AUTHORITY TO EXECUTE THIS LENDER'S CONSENT AND SUBORDINATION ON BEHALF OF THE LENDER.

U.S. BANK NATIONAL ASSOCIATION
d/b/a Housing Capital Company

By: Carl F. Swanson
Name: CARL F. SWANSON
Title: SVP

[SIGNATURE MUST BE NOTARIZED]
[Notary acknowledgement on following page]

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

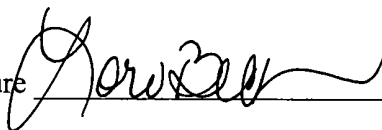
COUNTY OF Fresno

On March 1, 2019 before me, Lori Beckman, Notary Public,
(here insert name of the officer)

personally appeared Carl F. Swanson who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature  (Seal)

