

REV05042015

Return to:

Rocky Mountain Power  
Lisa Louder/Mike Mills/*Jennifer Blum*  
1407 West North Temple Ste. 110  
Salt Lake City, UT 84116

13542431  
01/25/2021 12:37 PM \$40.00  
Book - 11104 Pg - 7605-7608A  
RASHELLE HOBBS  
RECORDER, SALT LAKE COUNTY, UTAH  
ROCKY MOUNTAIN POWER  
ATTN: LISA LOUDER  
1407 W NORTH TEMPLE STE 110  
SLC UT 84116-3171  
BY: JLA, DEPUTY - WI / P.  
5

Project Name: JOR18 HIVE APARTMENTS 301 UNITS

WO#: 6790660

RW#:

### UNDERGROUND RIGHT OF WAY EASEMENT

For value received, **FDG Hive SLC Associates, LLC**, a Colorado limited liability company ("Grantor"), hereby grants Rocky Mountain Power, an unincorporated division of PacifiCorp, its successors and assigns ("Grantee"), a non-exclusive easement for a right of way 10 feet in width, more or less, and as shown by cross-hatch marks on **Exhibit A** attached hereto (the "Easement Area") for the sole purpose of installing new switchgears and transformers in the Easement Area, including 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 within the Easement Area, 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 Easement Area. The Easement Area is contained within the real property of Grantor ("Grantor's Property") in **Salt Lake County, State of Utah** more particularly described as follows:

Legal Description: Lot 3, Chars S. Desky's Fourth Addition to Salt Lake City Second Amended and Extended, according the official plat of said subdivision filed September 5, 2019 as Entry No. 13067478 in Book 2019P at Page 249, official records.

Assessor Parcel No.

08-34-331-042

In addition to Grantee's right to use the Easement Area as more particularly set forth herein, Grantee shall have the right of access to the Easement Area from adjacent lands of Grantor for all activities in connection with the purposes for which this easement has been granted; and the present and (without payment therefor) the future right to keep the Easement Area clear of all brush, trees, timber, buildings and other hazards which might endanger Grantee's facilities or materially impede Grantee's activities.

At no time shall Grantor knowingly place or store any flammable materials (other than agricultural crops), or light any fires, on or within the boundaries of the Easement Area. Subject to the foregoing limitations, the surface of the Easement Area may be used for agricultural crops,

asphalt paving and curbing (including parking), cement surface sidewalks and curbs, sod and landscaping, turf irrigation lines, monument signs, water, sewer, utility, cable, drainage, other lines and any other purposes so long as the same will not materially and adversely interfere 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 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.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

Dated this 5<sup>TH</sup> day of JANUARY, 2021.

GRANTOR:

**FDG Hive SLC Associates, LLC,**  
a Colorado limited liability company

By: Forum Management, Inc., its Manager

By:  \_\_\_\_\_

Name: Kevin Foltz

Title: Vice President

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

STATE OF COLORADO)

County of Arapahoe ) ss.  
)

On this 5<sup>th</sup> day of January, 2020<sup>1</sup>, before me, the undersigned Notary Public in and for said State, personally appeared Kevin Foltz (name), known or identified to me to be the Vice President of Forum Management, Inc., as the manager of the limited liability company, that executed the instrument on behalf of FDG Hive SLC Associates, Inc., a Colorado limited liability company, 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.



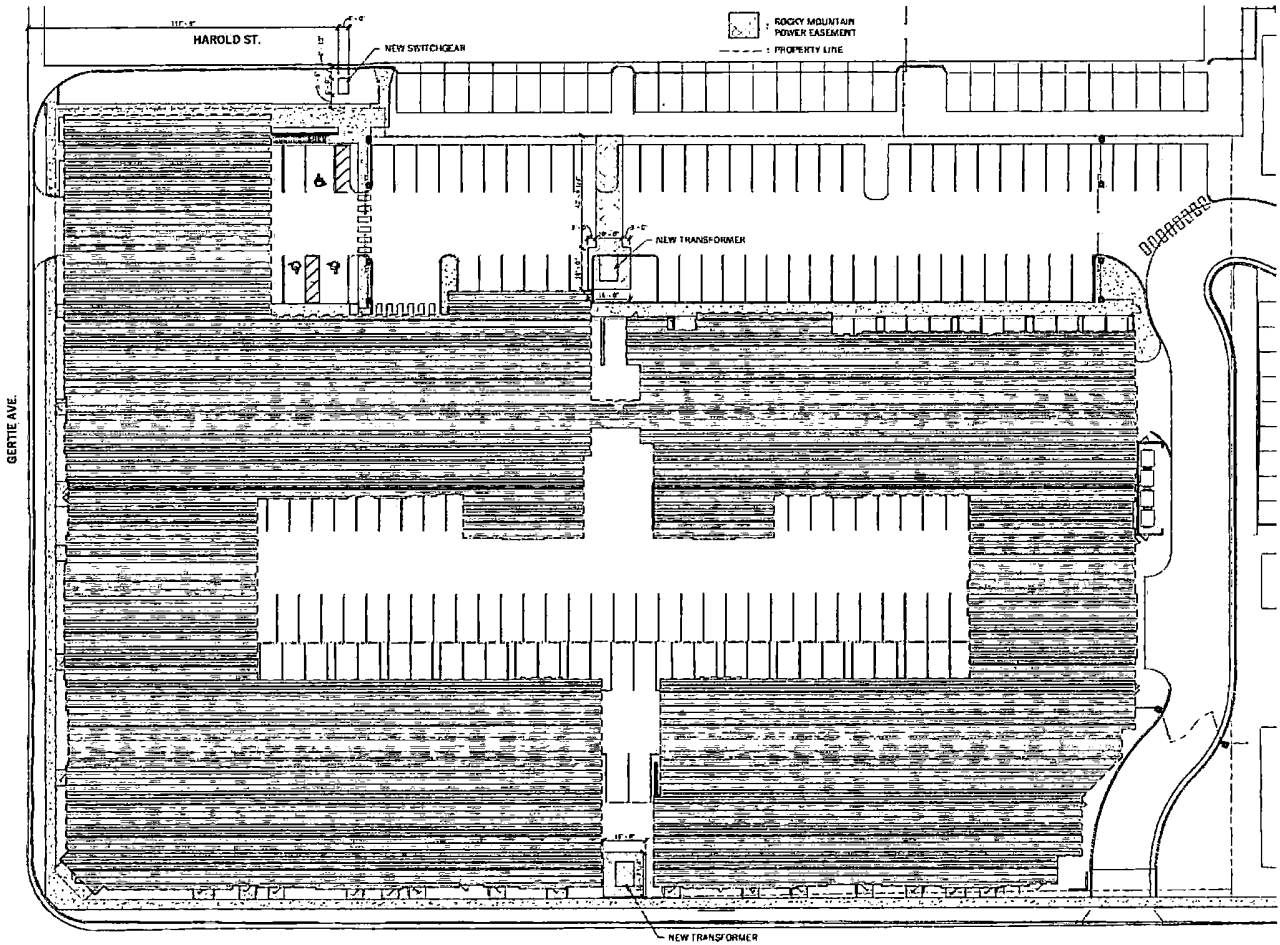
(notary signature)

NOTARY PUBLIC FOR Colorado (state)  
Residing at: Littleton, Co (city, state)  
My Commission Expires: 27/4/2021 (d/m/y)

LUKE B. DAVIS  
Notary Public  
State of Colorado  
Notary ID # 20094013222  
My Commission Expires 04-27-2021

# Property Description

Quarter: SW Quarter: \_\_\_\_\_ Section: 34 Township 1N (N or S), Range 1W (E or W), Salt Lake Base Meridian  
 County: Salt Lake State: Utah  
 Parcel Number: 08-34-331-042



CC#: 11441 WO#:6790660

Landowner Name: FDG Hive SLC Associates, LLC

Drawn by: JZW Architects

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.

## EXHIBIT A



SCALE: NTS