

REV05042015

Return to:

Rocky Mountain Power

Lisa Louder / *Andrew McKelvie*

1407 West North Temple Ste. 110

Salt Lake City, UT 84116

Project Name: DRH Property – 400amp Commercial

WO#: 8022226

RW#:

UNDERGROUND RIGHT OF WAY EASEMENT

For value received, **FPA Sandy Mall Associates, LLC**, a Delaware 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 and 132 feet in length, more or less, for 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, 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 that certain real property of Grantor in Salt Lake County, State of Utah more particularly described as follows and as more particularly described and/or shown on Exhibits A and B attached hereto and by this reference made a part hereof:

Assessor Parcel No. 28-08-101-063

Together with the right of access to the right of way from adjacent lands of Grantor for all activities in connection with the purposes for which this easement has been granted; and together with the present and (without payment therefor) the future right to keep the right of way clear of all brush, trees, timber, structures, buildings and other hazards which might endanger Grantee’s facilities or impede Grantee’s activities.

At no time shall Grantor place or store any flammable materials (other than agricultural crops), or light any fires, on or within the boundaries of the right of way. Subject to the foregoing limitations, the surface of the right of way may be used for agricultural crops and other purposes not inconsistent, as determined by Grantee, 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 heirs, 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

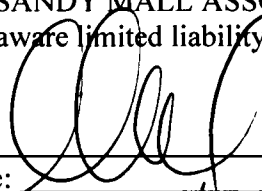
connection with this agreement. Each party further waives any right to consolidate any action in which a jury trial has been waived with any other action in which a jury trial cannot be or has not been waived.

[Signature Page Follows]

IN WITNESS WHEREOF, the undersigned has executed this Underground Right of Way Easement as of December 3, 2021.

GRANTOR:

FPA SANDY MALL ASSOCIATES, LLC,
a Delaware limited liability company

By: 
Name: _____
Title: M. East, Manager

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 ORANGE)

On Dec 3, 2021, before me, N. Dubonnet, Notary Public
(insert name and title of the officer)

Notary Public, personally appeared Michael B. Earl,
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 [Handwritten Signature] (Seal)

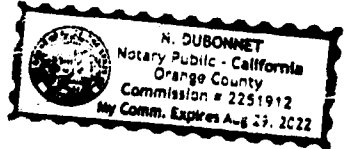


Exhibit A

Dutch Bros Coffee Sandy 10' offsite Power Easement

A 10.00-foot-wide easement for power facilities, being a part of Lot 1, Sandy Mall Subdivision, recorded as Entry No. 12284382 in Book 2016P at Page 113 of the Official Records of Salt Lake County, located in the Northwest Quarter of Section 8, Township 3 South, Range 1 East, Salt Lake Base and Meridian, U.S. Survey, in Sandy City, Salt Lake County, Utah:

Beginning at a point on the Easterly Line of 700 East Street as it exists at 53.00 foot half-width, also being the Westerly line of said Lot 1, located 290.77 feet South 0°06'40" East along the Monument Line; and 53.00 feet North 89°53'20" East from a Brass Cap Centerline Monument found in a vault marking the Intersection of 9400 South and 700 East Streets; said Centerline Monument is located 2683.38 feet North 0°06'40" West from the Brass Cap Monument found marking the West Quarter Corner of said Section 8; and running thence North 14°15'48" East 73.64 feet to the Northerly line of said Lot 1; thence South 88°57'20" East 10.27 feet along said Northerly line; thence South 14°15'48" West 115.01 feet to said Easterly line; thence North 0°06'40" West 40.28 feet along said Easterly line to the point of beginning.

Property Description

Northwest Quarter, Section 8, Township 3 South, Range 1 East,
 Salt Lake Base and Meridian
 County: Salt Lake County, State: UT
 Parcel Number: 28-08-101-055



9400 South Street

S 88°57'59" E

2634.47'

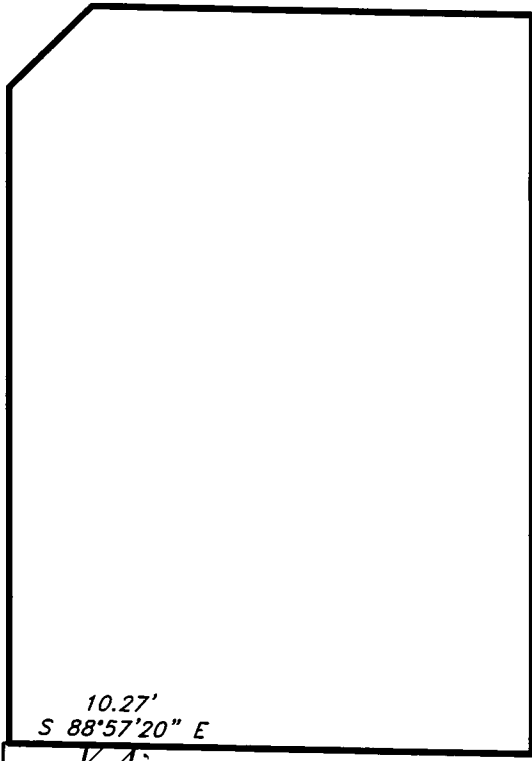
2683.38'

Found centerline brass cap monument in vault referenced by some record documents as being the Northwest Corner of Section 8, T3S, R1E, SLB&M, U.S. Survey

East Street

290.77'

North Quarter Corner Section 8, T3S, R1E, SLB&M, U.S. Survey (found brass cap monument)



10.27'
S 88°57'20" E

73.64'
N 14°15'48" E

10.0' Wide Powerline Easement
943 sq. ft.

700 East Street

N 0°06'40" W

53.00'
S 89°53'20" W

40.28'

N 0°06'40" W

S 14°15'48" W

West Quarter Corner Section 8, T3S, R1E, SLB&M, U.S. Survey (found brass cap monument)

CC#: 11431 WOF: 8022226

Landowner Name:
FPA Sandy Mall Associates, LLC

Drawn by: Anderson Wahlen & Associates

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.



Scale: 1" = 40'



EXHIBIT B

WA\19-206 DRH Durch Bros 9400 Sandy\dwgs\Concept and Exhibits\19-206EX-RMP2.dwg, 12/22/2021 11:15:51 AM, natalien.