

20/14

**RETURNED**

**FEB 03 2003**

When recorded mail to:  
West Point City  
3016 West 300 North  
West Point, Utah 84015

E 1828969 B 3219 P 474  
RICHARD T. MAUGHAN, DAVIS CNTY RECORDER  
2003 FEB 3 10:52 AM FEE .00 DEP MT  
REC'D FOR WEST POINT CITY

## **GRANT OF STORM DRAIN EASEMENT**

WHEREAS, Carl N. Smith and Dawna F. Smith as Trustees of the Carl N. Smith Family protection Trust dated 6-7-96, hereinafter called the Grantor, owner and entitled to possession of real property situated in West Point City, Davis County, Utah:

WHEREAS, West Point City, hereinafter called the Grantee, is desirous of obtaining an easement over and along a portion of said property, as more particularly described:

**See attached exhibit "A"**

WHEREAS, the said grantors are willing to grant and convey the same to Grantee for the consideration hereinafter set forth:

NOW THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) to the Grantors paid by the Grantee, receipt of which is hereby acknowledged, said Grantors hereby conveys and grants to the Grantee, its successors, transfers, and assigns a perpetual 33.00 foot wide Public right-of-way and Utility easement hereinafter described to construct, reconstruct, operate, repair, replace and maintain a storm water drainage piping system in West Point City, Utah: in, over, upon across and through those portions of Grantors land as follows:

**See attached Survey as Exhibit "B"**

Grantors shall, subject to the Grantees rights as herein granted, have the right to fully enjoy and use the premises burdened by said easements, but Grantor, his heirs successors, administrators, representatives or assigns, shall not erect any permanent buildings or structure upon the lands comprising the perpetual or permanent easement above herein described without Grantees consent in writing first had and obtained.

Grantee by accepting this grant agrees to replace or repair, with materials of like kind and equal quality, any existing fences, ditches, pipelines, driveways, curbing parking lot, landscaping or roadways, including the appurtenances thereto, damaged or destroyed in said construction, and will restore the surface as near can be to its original condition within the easement area. Grantee, his heirs, successors, administrators, representatives or assigns, shall not erect any permanent buildings or structures over and across said easement.

Witness the hand of said grantor this 15 day of January, 2003

Carl N Smith Trustee  
Carl N Smith, Trustee

Dawna F Smith Trustee  
Dawna F. Smith Trustee

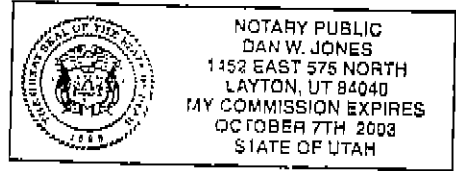
STATE OF UTAH  
COUNTY OF WEBER

On the 15 day of January, 2003, personally appeared before me, Carl N. Smith and Dawna F. Smith as Trustees of the Carl N. Smith Family Protection Trust dated 6-7-96 the signer(s) of the foregoing instrument, who duly acknowledged to me that he executed the same.

[Signature]  
NOTARY PUBLIC

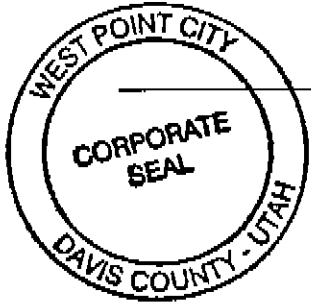
My commission expires:

Residing at:



Accepted by:  
West Point City

By, [Signature]  
Mayor

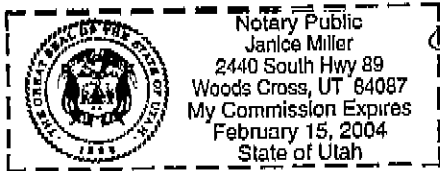


[Signature]  
Attest

STATE OF UTAH  
COUNTY OF Davis

SS

On the 29 day of January 2003 personally appeared before me, John Petroff, Jr., who being duly sworn did say, each for himself that he, the said John Petroff Jr, is the Mayor of West Point City City, and (s)he, the said Julie A.Gentry is the City Recorder of West Point City, and that the within and foregoing instrument was signed on behalf of the said West Point City by authority of the City Council of West Point and said John Petroff Jr., and Julie A. Gentry each duly acknowledged to me that the said West Point City executed the same and that the seal affixed is the seal of the said West Point City.



[Signature]  
Notary Public

Exhibit "B"

A 33.00 Foot wide public right-of-way and utility easement located within the Southwest Quarter of Section 29 Township 5 North Range 2 West, S.L.B.&M., U.S. Survey, more particularly described as follows:

SW 29-5N-2W

Beginning at the intersection of a fence on the Northwesterly line of the Layton Canal Right-Of-Way and the West line of said Quarter Section at a point that is North 00°13' 18" East along the Section line 362.02 feet from the Southwest corner of said Section 29; thence North 00° 13' 18" East along said Section line 888.55 feet; thence South 89° 46' 42" East 33.00 feet; thence South 00° 13' 18" West 856.56 feet to said Right-Of-Way fence; thence South 46° 06' 55" West along said fence 45.96 feet to the point of beginning.

pt 14-031-0077

## Exhibit "A"

Beginning at a point South 0 D 13' 18" West 150 feet from the West  $\frac{1}{4}$  corner of Section 29-T5N-R2 West; thence South 89D 59' East 150 feet along South line of 1800 North street; thence South 0D 13' 18" West 2050 feet, more or less to North line of Layton Canal; thence South 46 D 09' 15" West 210 feet along said North line to section line; thence North 0 D 13' 18" East 2232.48 feet more or less along section line to point of beginning.

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