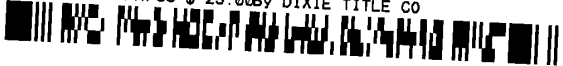


P.16  
V.3

**WHEN RECORDED, RETURN TO:**

Real Estate Services Division  
50 E. North Temple St., 12th Floor  
Salt Lake City, Utah 84150  
Attn: Property No. 543-4475

**DOC # 20060024401**  
Easements Page 1 of 6  
Russell Shirts Washington County Recorder  
6/7/06 4:54 PM Fee \$ 23.00 By DIXIE TITLE CO



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**ACCESS EASEMENT AGREEMENT**

THIS ACCESS EASEMENT (this "**Agreement**") is made and executed this 2<sup>ND</sup> day of MAY, 2006, by and between RED CLIFFS SQUARE, LC, a Utah limited liability company ("**Grantor**"), in favor of CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole ("**CPB**").

**RECITALS**

A. Grantor is the owner of a certain parcel of land situated in St. George, Washington County, Utah (the "**Easement Parcel**"). The Easement Parcel is more particularly described on Exhibit A attached hereto and incorporated herein by this reference.

B. CPB is the owner of that certain parcel of land situated immediately adjacent to and southwest of the Easement Parcel (the "**Benefited Parcel**"). CPB has constructed on the Benefited Parcel a Deseret Industries Building and an associated parking lot on the northeast portion of the Benefited Parcel, which parking lot is accessed from Red Cliff Drive via a curb-cut and access route located on the Easement Parcel. The Benefited Parcel is more particularly described on Exhibit B attached hereto and incorporated herein by this reference.

C. CPB desires to obtain from Grantor an access easement upon, over, and across the Easement Parcel.

D. Grantor desires to grant an easement to CPB under the terms hereinafter set forth.

**TERMS AND CONDITIONS**

NOW, THEREFORE, for the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. **Grant of Easement.** Grantor hereby grants and conveys unto CPB an access easement for the purposes of vehicular and pedestrian ingress and egress upon, over, and across the access roadway and other associated improvements on the Easement Parcel (the "**Improvements**").

2. **Duration.** The easement and obligations outlined in this Agreement are perpetual and shall run with the land and shall be for the benefit and use of CPB, its successors and assigns, and shall burden Grantor, its successors and assigns.

3. **Building Restrictions on the Easement Parcel.** Grantor agrees not to obstruct CPB's use of the Easement Parcel as granted herein.

4. **Maintenance of the Improvements.** Grantor, at Grantor's sole cost and expense, agrees to maintain the Improvements and the Easement Parcel in a condition similar to the standards of other similar roads and their surrounding areas located within St. George, Utah, and in a condition that complies with all laws, ordinances, regulations, and requirements of any governmental agency having authority to regulate the Easement Parcel or any improvements located therein.

5. **Enforceability and Litigation Expenses.** If any action, suit, or proceeding is brought by a party hereto with respect to a matter or matters covered by this Agreement or if a party finds it necessary to retain an attorney to enforce its rights under this Agreement, all costs and expenses of the prevailing party incident to such proceeding or retention, including reasonable attorney fees, shall be paid by the non-prevailing party.

6. **Governing Law.** This Agreement shall be governed by, construed and interpreted in accordance with the laws of the State of Utah and shall be binding upon and inure to the benefit of the parties hereto and their successors and assigns.

EXECUTED by Grantor and CPB on the date first set forth above.

Grantor:

CPB:

RED CLIFFS SQUARE, LC, a Utah limited liability company

CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole

By: [Signature]  
Name: Robert D. Irvine  
Title: mgr.

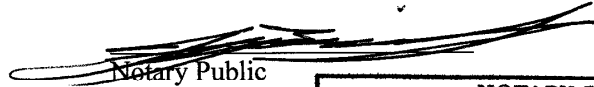
By: [Signature]  
Name: Terry F. Rudd  
Title: Authorized Agent

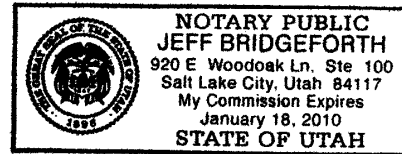
*[acknowledgments on following page]*



STATE OF UTAH )  
COUNTY OF SALT LAKE

The foregoing instrument was personally acknowledged before me this 4TH day of MAY, 2006 by ROBERT D. IRVING, the MANAGER MEMBER of RED CLIFFS SQUARE, LC, a Utah limited liability company.

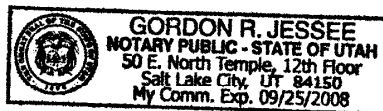
  
Notary Public

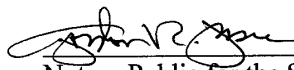


STATE OF UTAH )  
:SS  
COUNTY OF SALT LAKE )

On this 2ND day of MAY, 2006, personally appeared before me Terry F. Rudd, personally known to me to be the Authorized Agent of CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole, who acknowledged before me that he signed the foregoing instrument as Authorized Agent for CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole, and that the seal impressed on the within instrument is the seal of said corporation; and that said instrument is the free and voluntary act of said corporation, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument on behalf of said corporation and that said corporation executed the same.

WITNESS my hand and official seal.



  
Notary Public for the State of Utah

**EXHIBIT A**

**Beginning at a point being South 89°03'43" East, 424.91 feet, and South 00°56'17" West, 165.90 feet from the Northwest Corner of Section 22, Township 42 South, Range 15 West, Salt Lake Base and Meridian; and running thence North 54°39'25" East, 33.33 feet; thence South 30°57'54" East, 170.39 feet; thence South 58°58'06" West, 33.13 feet; thence North 30°59'58" West, 167.88 feet to the point of beginning.**

*Tax Serial No. SG-5-2-22-44*

Exhibit A

Page 1

**EXHIBIT B**

**Parcel 1:**

Beginning on the East line of a public roadway (2450 East Street) at a point which is South 0°36'06" East along the Section line 829.10 feet, an North 89°23'54" East 41.00 feet from the Northwest corner of Section 22, Township 42 South, Range 15 West, Salt Lake Base and Meridian, Washington County, Utah; and running thence South 0°36'06" East along said Roadway line 50.00 feet to the centerline of a proposed public roadway; thence North 89°23'54" East along said centerline 537.27 feet; thence North 0°36'06" West 25.00 feet; thence South 89°23'54" West along said proposed roadway 512.27 feet to the point of a 25.00 foot radius curve to the right; thence Northwesterly along the arc of said curve 39.27 feet to the point of beginning. TAX Serial No SG-5-2-22-45

**Parcel 2:**

Beginning on the East line of a public roadway (2450 East Street) at a point which is South 0°36'06" East along the Section line 829.10 feet, and North 89°23'54" East 41.00 feet from the Northwest corner of Section 22, Township 42 South, Range 15 West, Salt Lake Base and Meridian, Washington County, Utah; and running thence North 0°36'06" West along said roadway line 118.00 feet to the point of a 338.84 foot radius curve to the left; thence Northwesterly along the arc of said curve and roadway line 187.82 feet; thence North 32°21'36" West along said roadway line 39.975 feet, more or less, to the point of a 25.00 foot radius curve to the right; thence Northerly along the arc of said curve 38.80 feet to a point on the South line of the frontage road along the I-15 Freeway, said point being on an 11,601.16 foot radius curve to the left, the radius which bears North 33°26'14.3" West from said point; thence Northeasterly along the arc of said curve and roadway line 305.62 feet; thence South 32°26' East 657.46 feet to the North line of a 50.00 foot wide public roadway (proposed); thence South 89°23'54" West along said public roadway 512.27 feet to the point of a 25.0 foot radius curve to the right; thence Northwesterly along the arc of said curve 39.27 feet to the point of beginning. SG-5-2-22-45

**Parcel 3:**

A parcel of land located in the Northwest ¼ of Section 22, Township 42 South, Range 15 West, Salt Lake Base and Meridian being more particularly described as follows:

Beginning at a point on the Southerly boundary line of Red Cliffs Drive, said point being North 89°30'15" East, 651.78 feet along the Section line and South 53°49'18" West, 280.89 feet from the Northwest corner of said Section 22 and running thence South 32°26'00" East, 513.65 feet; thence South 00°36'06" East, 283.08 feet; thence South 89°23'54" West, 653.23 feet to the Easterly boundary line of 2450 East Street; thence North 00°36'06" West, 5.00 feet along said boundary line; thence North 89°23'54" East, 537.27 feet; thence North 00°36'06" West, 25.00 feet; thence North 32°26'00" West, 657.46 feet to said Southerly boundary line of Red Cliffs Drive; thence Northeasterly along said boundary line on the

Exhibit B

Page 1

arc of a curve to the left, having a radius of 11,601.16 feet and a central angle of 01°08'49"  
(Chord bears North 55°05'19" East 232.22 feet) to the point of beginning.

*Tax Serial No. SG-5-2-22-45 and SG-5-2-22-47*

LESS AND EXCEPTING from the aforementioned Parcels 1, 2 and 3 the following:  
THE FOLLOWING DESCRIPTION HAS BEEN ROTATED TO THE CITY HCN:  
BASIS OF BEARING IS SOUTH 89°03'43" EAST, BETWEEN THE NORTHWEST  
CORNER OF SECTION 22, AND THE NORTH QUARTER CORNER OF SECTION 22,  
TOWNSHIP 42 SOUTH, RANGE 15 WEST, SALT LAKE BASE AND MERIDIAN.  
BEGINNING AT A POINT BEING SOUTH 89°03'43" EAST, 506.17 FEET ALONG THE  
SECTION LINE AND SOUTH 00°56'17" WEST, 315.99 FEET FROM THE  
NORTHWEST CORNER OF SECTION 22, TOWNSHIP 42 SOUTH, RANGE 15 WEST,  
SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE NORTH 59°00'51"  
EAST, 10.44 FEET; THENCE SOUTH 30°59'58" EAST, 340.84 FEET; THENCE SOUTH  
00°49'56" WEST, 253.10 FEET; THENCE NORTH 89°10'05" WEST, 109.65 FEET TO A  
POINT THAT IS PERPENDICULARLY DISTANT 5 FEET MORE OR LESS FROM THE  
"DESERET INDUSTRIES PROPERTY" (BOOK 920 PAGE 217 ENTRY NO. 0504517);  
AND RUNNING THENCE 5 FEET, MORE OR LESS, PERPENDICULARLY DISTANT  
ALONG SAID "DESERET INDUSTRIES" THE FOLLOWING COURSE: NORTH  
31°08'38" WEST, 188.62 FEET TO A POINT ON A 69.49 FOOT RADIUS CURVE TO  
THE LEFT; THENCE 85.67 FEET ALONG SAID CURVE THROUGH A CENTRAL  
ANGLE OF 70°37'56" (CHORD BEARS NORTH 20°53'08" EAST, 80.34 FEET);  
THENCE NORTH 59°05'29" EAST, 152.68 FEET; THENCE NORTH 30°49'29" WEST,  
260.08 FEET TO THE POINT OF BEGINNING.

Exhibit B

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