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DOC # 20190001795

Easements Page 1 of 3
Russell Shirts Washington County Recorder
01/16/2019 10:39:16 AM Fee \$ 0.00
By SPRINGDALE TOWN

WHEN RECORDED, RETURN TO:

Town of Springdale
118 Lion Boulevard
Springdale, UT 84767



S R DTH-4 thru 12

PUBLIC UTILITY AND ROADWAY EASEMENT

DATED: January 10th, 2019

BETWEEN: **RED HAWK AT SPRINGDALE HOMEOWNERS ASSOCIATION**, a Utah non-profit corporation ("Grantor")

AND: **TOWN OF SPRINGDALE**, a Utah municipal corporation ("Grantee")

1. **RECITALS:**

1.1 Grantor owns real property adjacent to Redhawk Drive in Springdale, which is located in Washington County, State of Utah.

1.2 Grantee has requested, and Grantor is willing to grant, a public utility and roadway easement for the benefit of the Grantee over and through property owned by Grantor as more particularly described in the attached **EXHIBIT A** (the "*Easement Property*").

2. **GRANT OF EASEMENT:**

2.1 For valuable consideration, the receipt of which is hereby acknowledged, Grantor hereby grants to Grantee a perpetual public utility and roadway easement on, over, across, and through the Easement Property for the purposes of (i) erecting, constructing, installing, and laying, and thereafter using, operating, inspecting, repairing, maintaining, replacing, or removing sewer, water, irrigation, and other utilities; (ii) building, maintaining, inspecting, repairing, replacing, or removing a curb and gutter; and (iii) building, maintaining, inspecting, repairing, replacing, or removing a road or part of a road that may be used in all respects as a public road, which will include a general right of the public to use the road for ingress and egress.

3. **GENERAL PROVISIONS:**

3.1 The rights of this Easement shall run with the land and shall be binding on Grantor and its successors and assigns.

3.2 This Agreement may not be amended except in a writing signed by an authorized representative of the Grantor and a duly authorized representative of the Grantee.

3.3 This Easement will be construed in accordance with Utah Law.

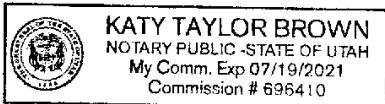
3.4 In the event of a dispute over this Easement, the prevailing party will be awarded its costs and attorney's fees from the non-prevailing party.

3.5 The person signing on behalf of Grantor represents that he or she is authorized by Red Hawk at Springdale Homeowners Association to execute this Easement on Grantor's behalf and that the Easement is valid and binding on Grantor.

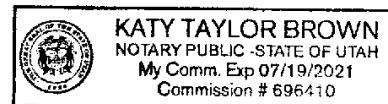
IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed the day and year first above written.

**RED HAWK AT SPRINGDALE
HOMEOWNERS ASSOCIATION**

Richard Praetzel
RICHARD L. PRAETZEL, JR.
PRESIDENT



Charles Passek
By: Charles PASSEK
Its: Treasurer



ACKNOWLEDGEMENT

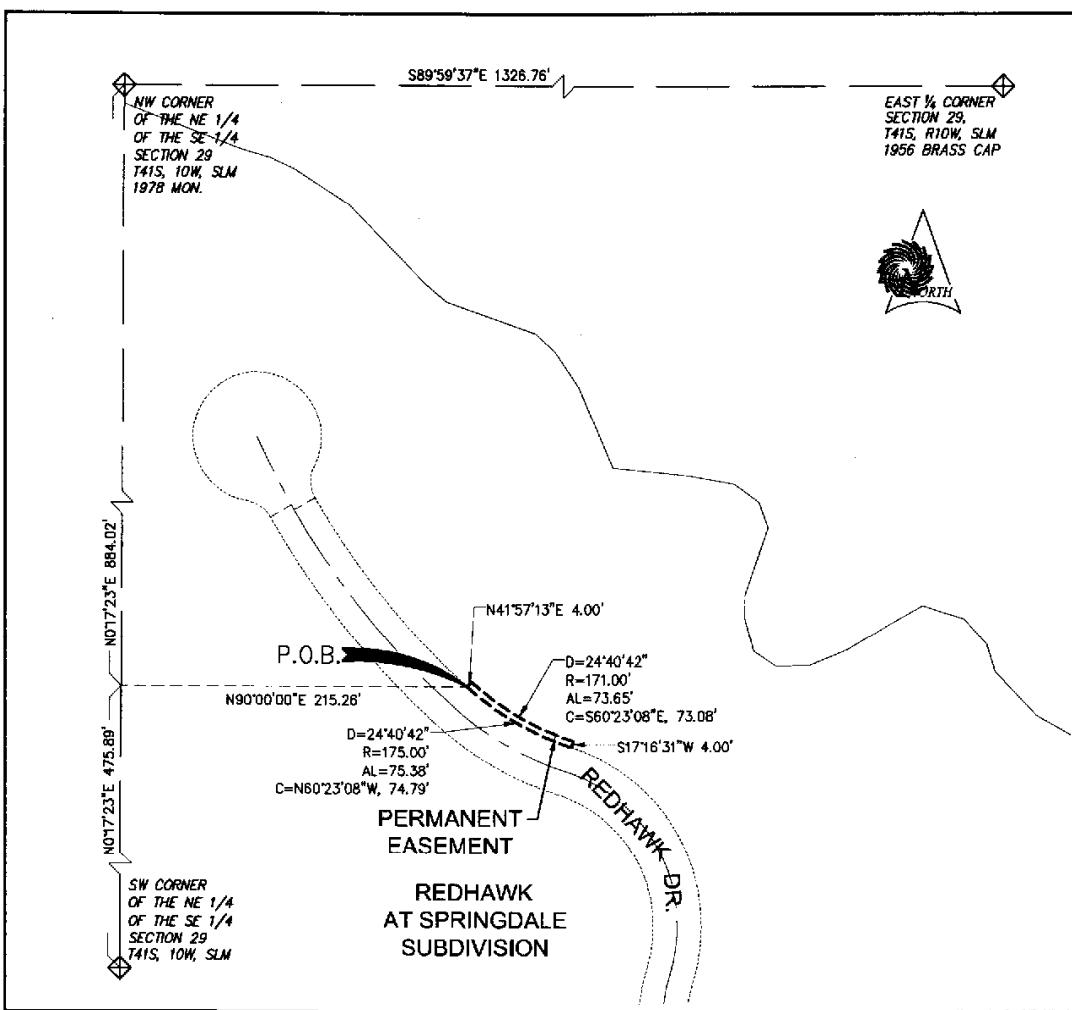
STATE OF UTAH)
:ss
COUNTY OF WASHINGTON)

RICHARD L. PRAETZEL, JR.
On January 10, 2019, personally appeared before me, CHARLES PASSEK, personally known or proved to me to be the person whose name is subscribed to the above instrument who acknowledged to me that he executed the above instrument as PRESIDENT and TREASURER of RED HAWK AT SPRINGDALE HOMEOWNERS ASSOCIATION, a Utah non-profit corporation, and that such company executed the same.

Notary Public

Charles Passek

EXHIBIT "A"



SCALE - 1"=100'

DESCRIPTION FOR A PERMANENT EASEMENT:

THAT PORTION OF SECTION 29, TOWNSHIP 41 SOUTH, RANGE 10 WEST, SALT LAKE MERIDIAN, WASHINGTON COUNTY, UTAH, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 41S, RANGE 10W, SALT LAKE MERIDIAN, AND RUNNING THENCE NORTH 00°17'23"EAST, ALONG THE SIXTEENTH LINE 475.89 FEET;

THENCE EAST 215.26 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING ON THE NORTHEASTERLY RIGHT OF WAY LINE OF REDHAWK DR. AS RECORDED IN THE WASHINGTON COUNTY RECORDER'S OFFICE ENTRY NO. 20070032563;

THENCE NORTH 41°57'13" EAST 4.00 FEET TO A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 171.00 FEET, A CENTRAL ANGLE OF 24°40'42", AND A CHORD THAT BEARS SOUTH 60°23'08" EAST 73.08 FEET.

THENCE ALONG SAID CURVE A DISTANCE OF 73.65 FEET;

THENCE SOUTH 17°16'31" WEST 4.00 FEET TO A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 175.00 FEET, A CENTRAL ANGLE OF 24°40'42", AND A CHORD THAT BEARS NORTH 60°23'08" WEST 74.79 FEET, SAID POINT ALSO BEING ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID REDHAWK DR.

THE NORTHEASTERLY RIGHT OF WAY LINE OF SAID REDHAWK DR.;
THENCE ALONG SAID CURVE AND NORTHEASTERLY RIGHT OF WAY LINE OF SAID REDHAWK DR.

THENCE ALONG SAID CURVE AND NORTHEASTERLY RIGHT & A DISTANCE OF 75.38 FEET TO THE POINT OF BEGINNING:

A DISTANCE OF 75.58 FEET TO THE POINT OF BEGINNING,
CONTAINING 298 SQUARE FEET OR 0.007 ACRES MORE OR LESS.



11 NORTH 300 WEST
WASHINGTON, UT 84780
TEL 435.652.8450 • FAX 435.652.8416
WWW.SUPERIOR-UT.COM