

AFFIDAVIT OF RIGHT-OF-WAY AND EASEMENT CENTERLINE DESCRIPTION

Kern River Gas Transmission Company, whose address is 2755 East Cottonwood Parkway, Suite 300, Salt Lake City, UT 84121, hereinafter referred to as "Affiant", is the Grantee of an Exclusive Right-of-Way and Easement Agreement executed in counterparts identified as follows:

Grantor: **B & E Pace Investment Co., LTD., a Limited Partnership,**
Dated: **May 3, 1991, recorded as Entry Number 927190, in Book 1412, Page 615, all in the public records of Davis County, Utah.**

Whereas, Kern River Gas Transmission Company obtained a survey of the pipeline right of way and easement after construction and recorded the survey as follows:

Dated: **January, 21, 1993, recorded as Entry Number 1013837 Book 1575, Page 63,**

Now therefore, for and in consideration of the mutual covenants, promises and agreements contained in said Exclusive Right-of-Way and Easement Agreement, Kern River Gas Transmission Company does hereby replace and supersede the recorded as-built survey, Entry Number 1013837, with the following as-built pipeline survey. (see Exhibit LT-40)

Original Easement Tract(s) LL# 113.03 W

A TRACT OF LAND KNOWN AS LOT 1607 OF THE EAGLEPOINT ESTATES PHASE 16 ENTRY # 01-391, SITUATED IN THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 1 NORTH, RANGE 1 WEST, SALT LAKE BASE MERIDIAN, CITY OF NORTH SALT LAKE, COUNTY OF DAVIS, STATE OF UTAH; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SECTION 13, T 1 N, R 1 W, S.L.B.M., A FOUND BRASS CAP, RUNNING THENCE SOUTH 76°21'17" WEST A DISTANCE OF 979.16 FEET TO THE TRUE POINT OF BEGINNING; THENCE ALONG THE SAID TRACT THE FOLLOWING (5) FIVE COURSES:


1. SOUTH 65° 33' 37" EAST A DISTANCE OF 178.61 FEET;
2. SOUTH 25° 09' 26" WEST A DISTANCE OF 30.40 FEET;
3. NORTH 67° 41' 01" WEST A DISTANCE OF 137.96 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT, SAID POINT LIES ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF PARKWAY CIRCLE;
4. THENCE ALONG SAID RIGHT-OF-WAY BEING A PORTION OF A 50.00 FOOT CURVE A DISTANCE OF 50.82 FEET (CHORD BEARS NORTH 32° 50' 22" WEST A DISTANCE OF 48.66 FEET);
5. NORTH 28° 02' 52" EAST A DISTANCE OF 9.22 FEET TO THE POINT OF BEGINNING, SAID POINT LIES SOUTH 81°56'26" EAST A DISTANCE OF 1695.43 FEET FROM THE NORTHWEST CORNER OF SECTION 13, T 1 N, R 1 W, S.L.B.M. A FOUND BRASS CAP,

THE TOTAL AREA OF A UNDERGROUND GAS PIPELINE EASEMENT ACROSS LOT 1607 OF THE EAGLEPOINT ESTATES ENTRY # 01-391, AS DESCRIBED ABOVE IS 5,254 SQ FT OR 0.12 ACRES MORE OR LESS.

Affiant states that the description of the hereinabove right-of-way and easement is the surveyed centerline description or easement boundaries. To the extent that any discrepancy exists between the legal description and survey heretofore made or heretofore described and the actual location of the pipeline, the actual location of the pipeline shall govern, with the permanent right-of-way and easement running parallel to and extending 25 feet on each side of the actual location of the centerline of the pipeline as it is buried on Grantor's property. The description has been recorded.

Executed this 24th day of November, 2008

Kern River Gas Transmission Company



By: Douglas R. Gibbons
Its: Attorney-in-Fact

E 2407105 B 4665 P 524-526
RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
11/26/2008 12:08 PM
FEE \$20.00 Pgs: 3
DEP RT REC'D FOR KERN RIVER GAS TR
ANSMISSION CO

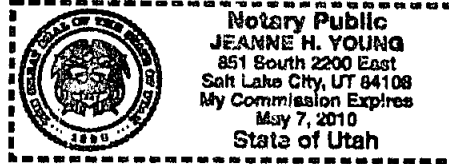
01-391-1607

ACKNOWLEDGMENT – ATTORNEY-IN-FACT

STATE OF UTAH)
)
COUNTY OF SALT LAKE)

On the 24th day of November, 2008, Douglas R. Gibbons personally appeared before me and being duly sworn, did say that he is the Attorney-in-fact for Kern River Gas Transmission Company, and that the above Affidavit of Right-of-Way and Easement Centerline Description was signed on behalf of Kern River Gas Transmission Company, and said Douglas R. Gibbons acknowledged to me that he as such Attorney-in-fact executed the same.

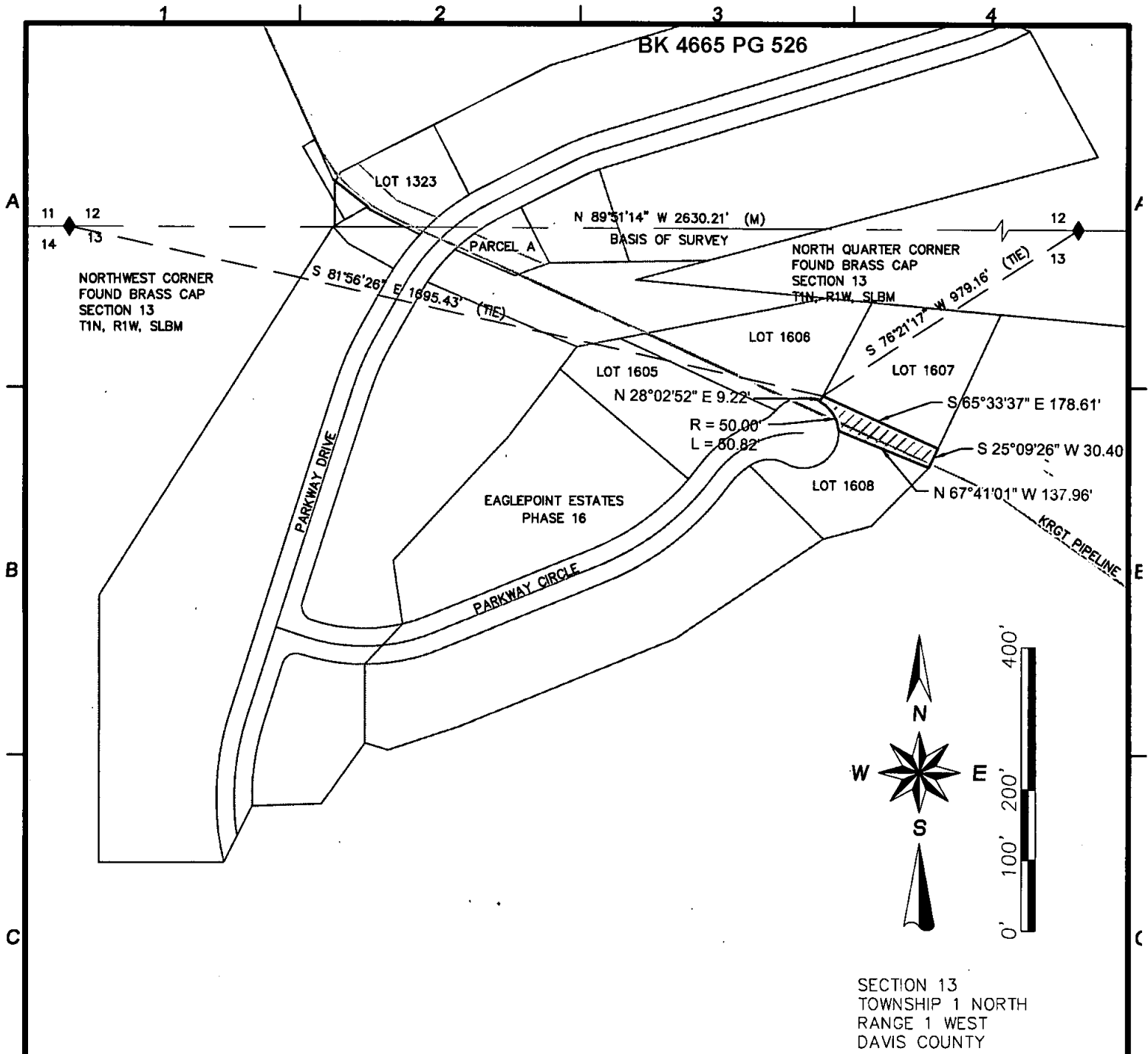
Jeanne H. Young



Name & Title of Officer:

May 7, 2010
My commission expires:

Notary Public in and for
The State of Utah



LEGAL DESCRIPTION

A TRACT OF LAND KNOWN AS LOT 1607 OF THE EAGLEPOINT ESTATES PHASE 16 ENTRY # 01-391, SITUATED IN THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 1 NORTH, RANGE 1 WEST, SALT LAKE BASE MERIDIAN, CITY OF NORTH SALT LAKE, COUNTY OF DAVIS, STATE OF UTAH; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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CERTIFICATE OF SURVEYOR

STATE OF UTAH)
 COUNTY OF SALT LAKE)

I, **KYLE A. COOK** A REGISTERED LAND SURVEYOR IN THE STATE OF UTAH, HEREBY CERTIFY THAT THIS EXHIBIT OF A EASEMENT OF A UNDERGROUND GAS PIPELINE FOR THE KERN RIVER GAS TRANSMISSION CORPORATION WAS MADE FROM NOTES TAKEN DURING AN ACTUAL FIELD SURVEY MADE UNDER MY DIRECTION BY DAVID WOLTERS IN SEPTEMBER, 2008 AND IT CORRECTLY SHOWS THE LOCATION OF THE EXISTING EASEMENT OF A UNDERGROUND GAS PIPELINE.

SURVEYORS NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO PROVIDE A PERMANENT EASEMENT FOR A UNDERGROUND GAS PIPELINE FOR THE KERN RIVER GAS TRANSMISSION CORPORATION, LOCATED IN DAVIS COUNTY, STATE OF UTAH AND FOR THE CORRECTION OF PRIOR EXHIBITS AND DOCUMENTS FOR THE CITY OF NORTH SALT LAKE AND/OR DAVIS COUNTY.



- PRINTED 11/4/2008 FOR DATE
- PRELIMINARY
 - DESIGN DEVELOPMENT
 - BIDDING
 - CONSTRUCTION
 - APPROVAL
 - AS BUILT
 - REVISION

No.	DESCRIPTION	BY	DATE	APPD.
REVISIONS				

KERN RIVER GAS TRANSMISSION CORPORATION UNDERGROUND GAS PIPELINE EASEMENT FOR LOT 1607 OF THE EAGLEPOINT ESTATES PHASE 16					
Drawn By: SRH	Date: 11/08	ENCR.	Date	DRAWING No.	REVISION
Chk'd. By: KAC	Date: 11/08	APPD.	Date	LT-40	-
Project No. 08-04-124	SCALE AS NOTED				