

**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: **Davis County, a politic of the State of Utah**  
Dated: **September 9, 1992, recorded as Entry Number 993222, in Book 1535, Page 127, 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: **September 24, 1992, recorded as Entry Number 993222, in Book 1535, Page 127,**

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 993222, with the following as-built pipeline survey. (see Exhibit PR-50)

Original Easement Tract(s) LL# 117.01 W

A TRACT OF LAND SITUATED IN THE SOUTHWEST QUARTER OF SECTION 12, 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 SOUTH QUARTER CORNER OF SECTION 12, T 1 N, R 1 W, S.L.B.M., A FOUND BRASS CAP, RUNNING THENCE NORTH 89°14'25" WEST A DISTANCE OF 1614.20 FEET TO THE TRUE POINT OF BEGINNING; THENCE ALONG THE SAID TRACT THE FOLLOWING (4) FOUR COURSES:

1. ALONG A 245.00 FOOT CURVE A DISTANCE OF 37.03 FEET (CHORD BEARS NORTH 48° 53' 16" WEST A DISTANCE OF 37.00 FEET);
2. NORTH A DISTANCE OF 22.81 FEET;
3. SOUTH 51° 57' 52" EAST A DISTANCE OF 59.04 FEET;
4. SOUTH 60° 00' 00" WEST A DISTANCE OF 21.51 FEET TO THE POINT OF BEGINNING, SAID POINT LIES NORTH 89°10'17" EAST A DISTANCE OF 1016.25 FEET FROM THE SOUTHWEST CORNER OF SECTION 12, T 1 N, R 1 W, S.L.B.M. A FOUND BRASS CAP,

THE TOTAL AREA OF A UNDERGROUND GAS PIPELINE EASEMENT ACROSS THE EAGLEPOINT DEVELOPMENT LC, AS DESCRIBED ABOVE IS 924 SQ FT OR 0.02 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 21<sup>st</sup> day of November, 2008

Kern River Gas Transmission Company

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

E 2407115 B 4665 P 554-556  
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

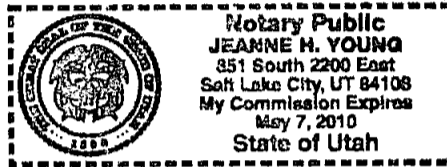
01-107-0128

ACKNOWLEDGMENT – ATTORNEY-IN-FACT

STATE OF UTAH )  
 )  
COUNTY OF SALT LAKE )

On the 24<sup>th</sup> 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.

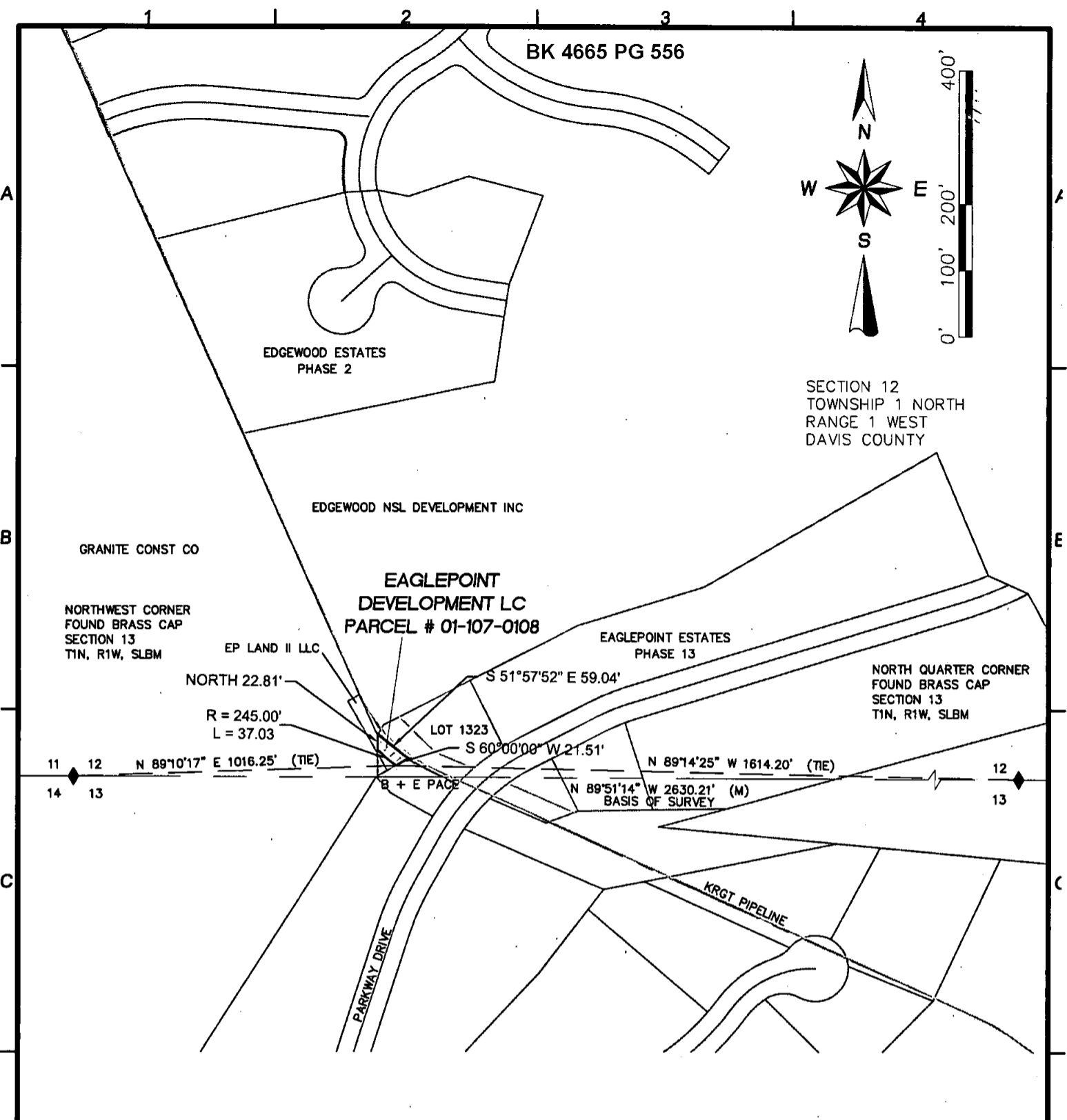
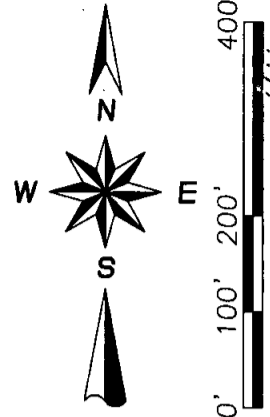
*Jeanne H. Young*



Name & Title of Officer:

May 7, 2010  
My commission expires:

Notary Public in and for  
The State of Utah



**LEGAL DESCRIPTION**

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THE TOTAL AREA OF A UNDERGROUND GAS PIPELINE EASEMENT ACROSS THE EAGLEPOINT DEVELOPMENT LC, AS DESCRIBED, ABOVE IS 924 SQ FT OR 0.02 ACRES MORE OR LESS.

**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. |
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TITLE **KERN RIVER GAS TRANSMISSION CORPORATION UNDERGROUND GAS PIPELINE EASEMENT FOR EAGLEPOINT DEVELOPMENT LC**

|                              |                       |       |      |              |          |
|------------------------------|-----------------------|-------|------|--------------|----------|
| Drawn By: <b>SRH</b>         | Date: <b>11/08</b>    | ENR.  | Date | DRAWING No.  | REVISION |
| Chk'd. By: <b>KAC</b>        | Date: <b>11/08</b>    | APPD. | Date | <b>PR-50</b> | -        |
| Project No. <b>08-04-124</b> | SCALE <b>AS NOTED</b> |       |      |              |          |