

EASEMENT AGREEMENT AND DEDICATION

This Agreement and Dedication is made this 25 day of January, 1984, by and between Sun Park Townhomes Association and Village Park Townhomes Association and Jay Ence and Kevin Ence, Declarant.

WHEREAS, Sun Park Townhomes Association is the Utah Non-Profit Corporation duly authorized and organized to own title to the common elements of Sun Park Townhomes, a planned unit development, located in St. George, Washington County, State of Utah, on property more particularly described as follows:

All of the West One-Half ( $W\frac{1}{2}$ ) of Lot Seven (7), Block Seventeen (17), Plat "C", ST. GEORGE CITY SURVEY.

and has been duly constituted according to the Declaration of said planned unit development, and

WHEREAS, Village Park Townhomes Association is the Utah Non-Profit Corporation duly authorized and organized to own title to the common elements of Village Park Townhomes, a planned unit development, located in St. George, Washington County, State of Utah, on property more particularly described as follows:

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WASHINGTON COUNTY CLERK

BEGINNING at the Northwest Corner of Lot 3, Block 17, Plat "C", St. George City Survey, Sec. 30, T42S, R15W, S.L.B.&M., and running thence N 89°58'29" E. 176.79 ft., thence S 00°08'45" W. 264.00 ft. to the South line of said Block 17, thence along said Block line S 89°58'29" W. 88.87 ft., thence N 00°08'48" E. 91.00 ft., thence S 89°58'29" W. 87.92 ft. to the West line of said Lot 3, thence along said Block line N 00°08'50" E. 173.00 ft. to the point of beginning, containing 0.89 acres.

and has been duly constituted according to the Declaration of said planned unit development, and

WHEREAS, Kevin Ence and Jay Ence are the Declarants of said planned unit development and at present hold full and complete legal title to the same, and

WHEREAS, it is necessary and convenient that an easement for sewer and drainage purposes and other utilities be granted in favor of Sun Park Townhomes Association, its members and lot owners in Sun Park Townhomes, over the properties of Village Park Townhomes, and

WHEREAS, it is necessary and convenient that an easement for drainage of naturally occurring surface water be granted in favor of the public across and over the properties of Sun Park Townhomes and Village Park Townhomes,

NOW THEREFORE, in consideration of the mutual covenants herein contained it is hereby agreed by and between the parties as follows:

Private Easements

1. Jay Ence, Kevin Ence, and Village Park Townhomes Association, grantors, of St. George, Washington County, State of Utah, herein grant to and in favor of Sun Park Townhomes Association and the individual owners of lots in Sun Park Townhomes, an easement for sewer, drainage and other utility purposes across the following described real property located in St. George, Washington County, State of Utah:

BEGINNING at the Northwest Corner of Lot 3, Block 17, Plat "C", St. George City Survey, Sec. 30, T42S, R15W, S.L.B.&M., and running thence N 89°58'29" E. 176.79 ft., thence S 00°08'45" W. 264.00 ft. to the South line of said Block 17, thence along said Block line S 89°58'29" W. 88.87 ft., thence N 00°08'48" E. 91.00 ft., thence S 89°58'29" W. 87.92 ft. to the West line of said Lot 3, thence along said Block line N 00°08'50" E. 173.00 ft. to the point of beginning, containing 0.89 acres.

2. The easements for sewer, drainage and other utilities granted in Paragraph 1 shall be located in the initial construction of Village Park Townhomes and shall thereafter not be subject to change or enlargement but shall be subject to the obligation of Sun Park Townhomes Association for maintenance, repair and modification to comply with governmental regulation or authority.

3. Sun Park Townhomes Association and the owners of Sun Park Townhomes lots covenant and agree to indemnify Village Park Townhomes Association and owners of lot in Village Park Townhomes for any loss, damage or injury which may arise by reason of the exercise by Sun Park Townhomes Association or owners of lots in Sun Park Townhomes of the easements herein granted in favor of Sun Park Townhomes.

Dedicated Easement

4. Jay Ence, Kevin Ence, Sun Park Townhomes Association and Village Park Townhomes Association dedicate to the public an easement for surface water drainage over and across the following described real property located in Washington County, State of Utah:

All of the West One-Half (W½) of Lot Seven (7), Block Seventeen (17), Plat "C", ST. GEORGE CITY SURVEY.

BEGINNING at the Northwest Corner of Lot 3, Block 17, Plat "C", St. George City Survey, Sec. 30, T42S, R15W, S.L.B.&M., and running thence N 89°58'29" E. 176.79 ft., thence S 00°08'45" W. 264.00 ft. to the South line of said Block 17, thence along said Block line S 89°58'29" W. 88.87 ft., thence N 00°08'48" E. 91.00 ft., thence S 89°58'29" W. 87.92 ft. to the West line of said Lot 3, thence along said Block line N 00°08'50" E. 173.00 ft. to the point of beginning, containing 0.89 acres

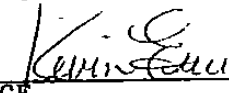
This easement for drainage shall be located in the initial construction of Village Park Townhomes and Sun Park Townhomes and shall thereafter not be subject to change or enlargement.

General Provisions

5. Those benefited by the easements granted herein and the municipal or other governmental authorities or utility companies using the easements shall have the right of access on and to the above described real property for the purpose of repair, maintenance or modification of the easement to comply with governmental regulation.

DATED this 25 day of January, 1984.

  
\_\_\_\_\_  
JAY ENCE

  
\_\_\_\_\_  
KEVIN ENCE

257383

SUN PARK TOWNHOMES ASSOCIATION

By Jay Ence  
President

Attest

Kevin Ence  
Secretary

VILLAGE PARK TOWNHOMES ASSOCIATION

By Jay Ence  
President

Attest

Kevin Ence  
Secretary

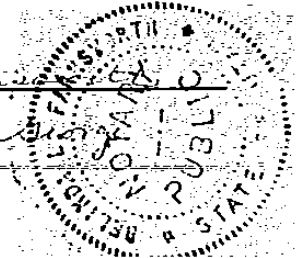
STATE OF UTAH )  
 ) ss.  
COUNTY OF WASHINGTON )

On the 25<sup>th</sup> day of January, 1984,  
personally appeared before me Jay Ence and Kevin Ence, the  
signers of the above instrument, who duly acknowledged to me  
that they executed the same.

Brenda L. Farnsworth  
NOTARY PUBLIC  
Residing at: St. George, Utah

My Commission Expires:


6-22-86



STATE OF UTAH )  
 ) ss.  
COUNTY OF WASHINGTON )

On the 25<sup>th</sup> day of January, 1984,  
personally appeared before me Gay Ence  
and Kevin Ence, who being by me duly sworn did  
say that they are the president and the secretary,  
respectively, of Sun Park Townhomes Association and that  
said instrument was signed on behalf of said corporation by  
authority of its bylaws or a resolution of its board of  
directors and said Gay Ence and  
Kevin Ence acknowledged to me that said  
corporation executed the same.

Berinda L. Jarman  
NOTARY PUBLIC  
Residing at: St. George




My Commission Expires:  
09-22-86

STATE OF UTAH )  
 ) ss.  
COUNTY OF WASHINGTON )

On the 25<sup>th</sup> day of January, 1984,  
personally appeared before me Gay Ence  
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authority of its bylaws or a resolution of its board of  
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Kevin Ence acknowledged to me that said  
corporation executed the same.

Berinda L. Jarman  
NOTARY PUBLIC  
Residing at: St. George



My Commission Expires:  
09-22-86