

03-142-0073

**CROSS EASEMENT AGREEMENT
FOR PEDESTRIAN AND VEHICULAR TRAFFIC**

THIS AGREEMENT is made and entered into this 18 day of Sept. 2008, by and between Brigham City Corporation, a municipal corporation, (hereinafter "Grantor") and Nathan B. Moss and Vida C. Moss, (hereinafter "Grantee(s)").

RECITALS

WHEREAS, Grantor is in possession of land located west and adjacent to State Road 89, more fully identified as Parcel No. 03-142-0023, attached hereto and made a part by reference, as Exhibit "A"; and

WHEREAS, Grantee(s) are in possession of land located west and adjacent to State Road 89, more fully identified as Parcel No. 03-142-0073, attached hereto and made a part by reference, as Exhibit "B"; and

WHEREAS, Utah Department of Transportation would like to discourage direct access onto State Road 89 from Grantee(s) parcel; and

WHEREAS, Grantor desires to more fully implement a safer access for Grantee(s) parcel by allowing Grantee(s) pedestrian and vehicular access through Grantor parcel; and

WHEREAS, Grantee(s) understand and acknowledge as conditions necessitate Grantor may, at some future date, amend Snow Orchard Plat, Lots 3, 4, and 5, to allow better utilization of the lots; and

WHEREAS, Grantee(s) further understand and agree as the subdivision is amended this action may require a relocation or modification to the terms of this agreement.

NOW THEREFORE, for and in consideration of the promises, covenants, terms and conditions hereinafter set forth, Grantor and Grantee(s) agree as follows:

1. Grantor hereby grants to Grantee(s) a Cross Easement for Pedestrian and Vehicular Traffic across the west twelve (12) feet of Grantor parcel as defined in Exhibit "A".
2. Grantee(s) understand and acknowledge as conditions necessitate Grantor may, in the future, amend Snow Orchard Plat, Lots 3, 4, and 5, to allow better utilization of the lots.

3. Grantee(s) further understand and agree as the subdivision is amended this action may require a relocation or modification to the terms and conditions of this agreement.

This agreement is binding upon and inures to the benefit of the respective parties hereto, their successors, heirs, and assigns.

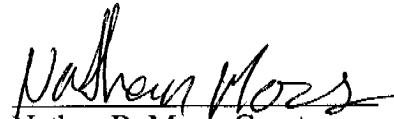
Grantor hereby execute this agreement after having received authority to do so by its governing body.

IN WITNESS WHEREOF, the parties execute this agreement on the day first written above.

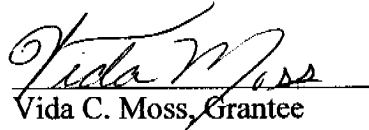
DATED this 18 day of Sept., 2008.



Lou Ann Christensen
Brigham City Mayor, Grantor



Nathan B. Moss, Grantee



Vida C. Moss, Grantee

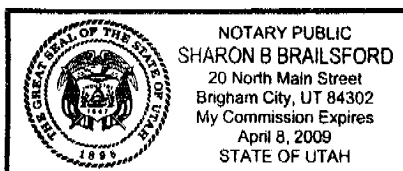
CORPORATE ACKNOWLEDGMENT

STATE OF UTAH)

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COUNTY OF BOX ELDER)

On the 18 day of Sept, 2008, personally appeared before me Lou Ann Christensen, who being by me duly sworn did say, for herself, that she is the said Mayor of Brigham City and that within and foregoing instrument was signed in behalf of said corporation, she did duly acknowledge to me that said corporation executed the same and that the seal affixed is the seal of said corporation.



Notary Public

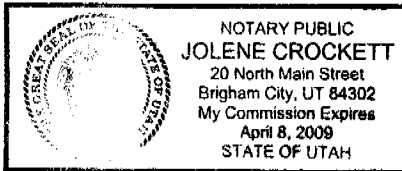
PERSONAL ACKNOWLEDGMENT

STATE OF UTAH)

COUNTY OF BOX ELDER)

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On the 18 day of Sept, A.D. 2008, personally appeared before me,
Nathan B. & Vida C. Moss, the signer(s) of the within
instrument who duly acknowledged to me that they executed the same.



Jolene Crockett
Notary Public

PERSONAL ACKNOWLEDGMENT

STATE OF UTAH)

COUNTY OF BOX ELDER)

§

On the ____ day of _____, A.D. 2008, personally appeared before me,
_____, the signer(s) of the within
instrument who duly acknowledged to me that they executed the same.

Notary Public

Exhibit "A"

Ent 269724 Bk 1067 Pg 580

Legal Description

For 03-142-0023

Owner : **BRIGHAM CITY CORP**

Effective : 8/16/1996

ALL OF LOTS 3,4, & 5 IN SNOW ORCHARD PLAT IN SEC 25, TWP 9N, R 2W, SLM. LESS: THE S 8 FT OF LOT 3
FOR FURTHER DESC: SEE #258070 CONT. .95 AC M/L

Exhibit "B"

Legal Description

For 03-142-0073

Owner : MOSS, NATHAN B ETUX

Effective : 6/18/1997

PT LTS 02 & 03 SNOW ORCHARD SUB ALSO BEING PRT SW/4 SEC 25 T09N R02W SLM. BEG AT SW COR LT 02 BEING LOC N00°47'35"E 960.53 FT ALG W/L OF SD SW/4 & S90°00'00"E 1712.54 FT FRM SW COR SD SW/4, N27°04'55"E 74.81 FT ALG W/L SD LT 02 INTO SD LT 03, S87°42'01"E 232.62 FT TO W R/W/L OF ST HWY 89-91, TH TO RIGHT ALG ARC OF A 2804.90 FT RAD CURVE A DIST OF 62.12 FT, CHORD BEARS S33°22'20"W 62.12 FT TO N FACE OF EXIST CONCRETE RETAINING WALL, N88°07'28"W 91.0 FT ALG SD N FACE, S00°20'00"W 13.0 FT TO S/L SD LT 02, N88°07'27"W 141.37 FT TO POB. CONT .325 AC.

ACRES IN DISTRICT .33 ACRES ALLOTTED WATER .33 ACRE FEET OF ALLOTTED VALUE .99 ASSESSED VALUE 125

