

When Recorded Mail To:
BRIGHTON BANK
C/O ROBERT BOWEN
940 W. NORTH TEMPLE
SLC, UT 84116

GRANT OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT WHEREAS, McMILLAN LAND COMPANY, a Nevada Corporation, hereinafter referred to as "McMILLAN" is the owner of certain real property located in Davis County, State of Utah, which is more particularly described as follows:

SEE EXHIBIT "A" ATTACHED HERETO
Tax ID No. 12-067-0150

AND WHEREAS, E&K ENTERPRISES, LLC, a Utah Limited Liability Company, hereinafter referred to as "E&K" is the owner of certain real property located in Davis County, State of Utah, which is more particularly described as follows:

SEE EXHIBIT "B" ATTACHED HERETO
Tax ID No. 12-630-0005

AND WHEREAS, BRIGHTON BANK, hereinafter referred to as "BRIGHTON" is the owner of certain real property located in Davis County, State of Utah, which is more particularly described as follows:

LOT 1, PLAZA 700 COMMERCIAL SUBDIVISION, according to the official plat thereof on file and of record in the office of the Davis County Recorder.

Parcel Identification Number 12-630-0001

AND WHEREAS, there is an existing Right of Way for Vehicular traffic to and from 700 South Street which is adjacent to the common boundary lines between the above referenced parcels as shown and disclosed on various plats and instruments of record.

AND WHEREAS, The owners of the "BRIGHTON" parcel and their predecessors in interest have used a portion of said Right of Way for ingress and egress to and from 700 South Street for many years and therefore wish to firmly establish, confirm and record said right in the records of the Davis County Recorder.

NOW THEREFORE, for good and valuable consideration and the mutual benefits derived therein, "McMILLAN" and "E&K" do hereby grant and convey unto "BRIGHTON", and "McMILLAN" and "E&K" and their respective tenants, heirs, successors and assigns a Right of Way and Easement for Vehicular traffic upon, over, and across the property described in Exhibit "C" attached hereto. The rights of "BRIGHTON" in and to said Right of Way shall be limited to *Transport and Delivery Vehicles only*.

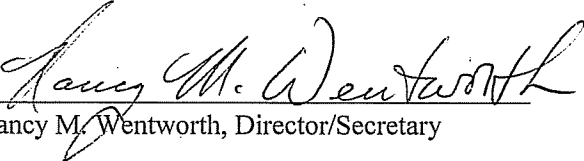
Dated this 16th day of April, 2013

E&K ENTERPRISES, LLC, a Utah Limited Liability Company

By: 
Bradley J. Eichers, Its Manager

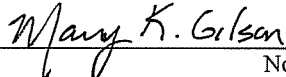
Dated this 16th day of April, 2013

McMILLAN LAND COMPANY, a Nevada Corporation

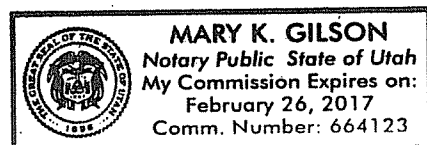
By: 
Nancy M. Wentworth, Director/Secretary

STATE OF UTAH
COUNTY OF SALT LAKE

On the 16th day of April, 2013, personally appeared before me BRADLEY J. EICHERS who being duly sworn did say that he is the Manager of E&K ENTERPRISES, LLC, a Utah Limited Liability Company and that said instrument was signed in behalf of said limited liability company by authority and said BRADLEY J. EICHERS as such Manager of E&K ENTERPRISES, LLC executed the same in the name of the limited liability company.

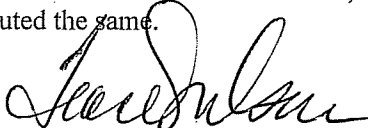

Notary Public

My Commission Expires: Feb. 26, 2017
Residing at: Salt Lake



STATE OF UTAH
COUNTY OF SALT LAKE

On the 16th day of April, 2013, personally appeared before me Nancy M. Wentworth, who being by me duly sworn did say that she is the Director/Secretary of McMILLAN LAND COMPANY, a Nevada Corporation, and that the within and foregoing instrument was signed in behalf of said corporation by authority of a resolution of its board of directors and the said Nancy M. Wentworth, as such Director/Secretary duly acknowledged to me that said corporation executed the same.



Notary Public

My Commission Expires: 9/4/13
Residing at: SLC, Utah



ITS File: 58654

~~UNRECORDED~~ ~~AS PER INSTRUMENT~~ ~~FOR NO. 2733946~~ ~~XXX~~
EXHIBIT "A" ~~XXXXXXXXXXXXXXXXXXXX~~

PARCEL 1:

Beginning at a point on the South line of widened 700 South Street, Clearfield, Utah, said point being South 89 deg. 47'01" East along the section line 100.00 feet (record East 100.00 feet) and South 00 deg. 09'18" West 25.60 feet (record South 25.60 feet) and South 79 deg. 13'01" East 40.40 feet (record South 79 deg. 26'00" East) and South 00 deg. 09'18" West 10.24 feet from the Northwest corner of the Northeast quarter of Section 12, Township 4 North, Range 2 West, Salt Lake Base and Meridian; and running thence South 81 deg. 23'00" East 12.06 feet; thence South 89 deg. 38'00" East 53.16 feet; thence South 79 deg. 13'01" East 63.07 feet; thence South 36 deg. 34'01" East 34.49 feet; thence South 53 deg. 58'00" East 8.38 feet; thence South 36 deg. 34'01" East 26.23 feet; thence South 53 deg. 25'59" West 148.125 feet; thence North 89 deg. 50'42" West 51.45 feet; thence North 00 deg. 09'18" East 155.76 feet to the point of beginning.

LESS AND EXCEPTING therefrom that portion conveyed to Utah Department of Transportation by Warranty Deed recorded October 20, 1997 as Entry No. 135791, in Book 2189, at Page 902.

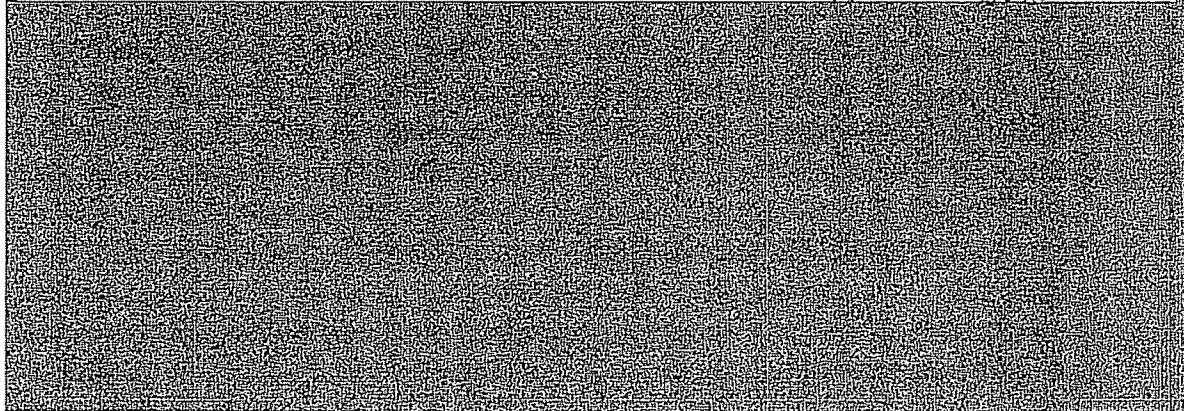
PARCEL 1A:

TOGETHER WITH and subject to a 24.0 foot right of way, the centerline of which is described as follows:

Beginning at a point on the South line of widened 700 South Street, Clearfield, Utah, said point being South 89 deg. 47'01" East along the Section line 100.0 feet (record East 100.00 feet) and South 0 deg. 09'18" West 25.60 feet (record South 25.6 feet) and South 79 deg. 13'01" East 40.40 feet (record South 79 deg. 26'00" East) from the Northwest corner of the Northeast quarter of Section 12, Township 4 North, Range 2 West, Salt Lake Base and Meridian; and running thence South 00 deg. 09'18" West 155.00 feet; thence South 89 deg. 50'42" East 51.45 feet; thence South 00 deg. 09'18" West 100.00 feet; thence South 89 deg. 50'42" East 94.84 feet; thence North 53 deg. 25'59" East 131.90 feet to the Westerly line of U.S. Highway 91.

TOGETHER WITH AND SUBJECT TO a 24.0 foot right of way, the centerline of which is described as follows:

Beginning at a point on the Westerly line of U.S. Highway 91, Clearfield City, Utah, said point being South 89 deg. 47'01" East along the section line 100.00 feet (record East 100 feet) and South 0 deg. 09'18" West 25.60 feet (record South 25.60 feet) and South 79 deg. 13'01" East 173.40 feet to the Westerly line of U.S. Highway 91 and South 36 deg. 34'01" East along the Westerly line of U.S. Highway 91, 66.00 feet; and running thence South 53 deg. 25'59" West 148.12 feet.



~~2733946~~
~~BK 5750 PG 374~~

EXHIBIT "B"

~~2733946~~
~~BK 5750 PG 374~~

All of Lot 2, Plaza 700 Commercial Subdivision, Clearfield City, Davis County, Utah, according to the official plat thereof on file and of record in the office of the Davis County Recorder.

ALSO:

Beginning at a point 150.0 feet South of the Northwest corner of the Northeast Quarter of Section 12, Township 4 North, Range 2 West, Salt Lake Meridian, in the City of Clearfield, and running thence East 100.0 feet; thence North 124.4 feet, more or less, to the South line of a street; thence Westerly 100.0 feet, more or less, along the South line of said street to the West line of said Northeast Quarter; thence South 125 feet, more or less, to the point of beginning.

LESS AND EXCEPTING THEREFROM that portion conveyed to Utah Department of Transportation in that certain Warranty Deed recorded October 20, 1997, as Entry No. 1354721, in Book 2189, at Page 906 of Official Records. Described as follows:

A parcel of land in fee, being part of an entire tract of property, situate in the Northwest 1/4 of the Northeast 1/4 of Section 12, Township 4 North, Range 2 West, Salt Lake Base and Meridian. The boundaries of said parcel of land are described as follows: Beginning at the Northwest Corner of said entire tract at a point 7.620 meters perpendicularly distant Southerly from the center line of said project at Engineer Station 4+911.617 which is 7.620 meters South 0°09'18" West along the Quarter Section line from the North Quarter Corner of said Section 12, and running thence South 89°26'23" East 30.480 meters to the Northeast Corner of said entire tract; thence South 0°09'18" West 8.314 meters along the Easterly boundary line of said entire tract; thence North 88°30'42" West 30.488 meters to said Quarter Section line being the Westerly boundary line of said entire tract; thence North 0°09'18" East 7.820 meters to the point of beginning. (Note: To obtain distance in feet, divide above distance by 0.3048. Multiply above area by 10.7639 to obtain square feet.)

ALSO LESS AND EXCEPTING THEREFROM:

A parcel of land in fee for the extension of the existing highway State Route 193 known as Project No. S-0193(6)0; being part of an entire tract of property, situate in the NW1/4 NE1/4 of Section 12, in T.4N., R.2W., S.L.B.&M. The boundaries of said parcel of and are described as

(Continued)

~~EXHIBIT "B" CONTINUED~~
EXHIBIT "B" CONTINUED

follows: Beginning at the intersection of the North-South Quarter section line, being the westerly boundary line of said entire tract, and the southerly right of way line of 700 South Street at a point 41.69 feet radially distant southerly from the SR-193 control line of said project at Engineer Station 245+69.40. Said point of beginning is 50.66 feet $S0^{\circ}10'51"W$. (South by record) along said quarter section line from the North Quarter Corner of said Section 12; and running thence along said southerly right of way line the following three (3) courses and distances: (1) $S.88^{\circ}29'09"E$. 100.03 feet; (2) $S.0^{\circ}10'52"W$. 2.04 feet; (3) $S.89^{\circ}48'08"E$. 39.71 feet to the easterly boundary line of said entire tract; thence $S.0^{\circ}10'52"W$. (South by record) 10.39 feet along said easterly boundary to a point 52.50 feet perpendicularly distant southerly from said SR-193 control line at Engineer Station 247+08.65; thence parallel with said SR-193 control line the following two (2) courses and distances: (1) $N.88^{\circ}37'19"W$. 23.57 feet to a point of tangency with a 6552.50-foot radius curve to the right; (2) 116.20 feet along the arc of said curve (Note: Chord to said curve bears $N.88^{\circ}06'50"W$. for a distance of 116.20 feet) to said quarter section line; thence $N.0^{\circ}10'51"E$. (North by record) 10.82 feet along said quarter section line to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation.

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EXHIBIT "C"

A 24.00 foot right-of-way, the centerline of which is described as follows:

Beginning at a point on the South line of widened 700 South Street, Clearfield, Utah, said point being South 89°47'01" East along the Section line 100.00 feet (record East 100 feet) and South 0°09'18" West 25.60 feet (record South 25.6 feet) and South 79°13'01" East 40.40 feet (record South 79°26'00 East) from the Northwest corner of the Northeast quarter of Section 12, Township 4 North, Range 2 West, Salt Lake Base and Meridian and running thence South 00°09'18" West 152.00 feet more or less to a point which is North 00°09'18" East 12.00 feet from the Northwest corner of Lot 1, PLAZA 700 COMMERCIAL SUBDIVISION, according to the official plat thereof on file and of record in the office of the Davis County Recorder; thence South 89°50'42" East 51.45 feet to end.