

WHEN RECORDED MAIL TO:

TJ Wall
PO Box 2000
Layton, UT 84041
(801) 499-5106

12-106-0048

EASEMENT

THIS EASEMENT is dated this 9 day of January, 2014, by and between **BRIGHTON BENCHMARK DEVELOPERS, LLC, a Utah limited liability company**, hereinafter called **GRANTOR**; and **SYRACUSE CITY, hereinafter called GRANTEE**, whose address is 1979 W. 1900 S. Syracuse, Utah 84075.

RECITALS

WHEREAS, Grantor is the owner of certain real property located in Davis County, Utah, described more particularly on Exhibit A attached hereto ("The Property"), which Exhibit A is by this reference incorporated into and made a part of this agreement; and,

WHEREAS, Grantor has contracted with Grantee for the use of the Jensen Pond discharge water under the Real Estate Purchase Contract dated December 22, 2011; and,

WHEREAS, Grantee wishes to control and maintain conveyance of the Jensen Pond discharge and storm drain water that currently flows in pipes and ditches within this Easement, to the point of discharge (Most Southerly 30' wide portion of Easement on Exhibit C). Grantor will intercept this water from that discharge point and take it directly south for further usage as needed.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein and for other good and valuable consideration, the receipt, value and sufficiency of which is hereby acknowledged, the parties hereby covenant and agree as follows:

AGREEMENT

Grantor, for and in consideration of **ONE DOLLAR (\$1.00)** received by Grantor, does hereby grant and convey unto the Grantee a perpetual easement over and across the lands as described in Exhibit B, attached hereto and made a part hereof.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed by its duly authorized officer(s) and its corporate seal to be hereunto affixed on the day and year first above written.

Brighton Benchmark Developers, LLC

a Utah limited liability company,

By: Tyrell Wall
its Managing Member

ACKNOWLEDGMENT

STATE OF UTAH)
) ss
COUNTY OF DAVIS)

On this 9 day of January, 2014, before me Jenny Wall, a Notary Public in and for DAVIS County, State of Utah, personally appeared Tyrell Wall **Managing Member of Brighton Benchmark Developers, LLC, a Utah limited liability company**, and known to me (or satisfactorily proved to me on the oath of _____, a competent and creditable witness for that purpose by me duly sworn), to be the person described in and who executed the foregoing instrument and who duly acknowledged to me that he executed the same freely and voluntarily and for the uses and purposes therein mentioned.

Jenny Wall
Notary Public for the State of UT
Residing in Layton UT
My commission expires 3/28/15

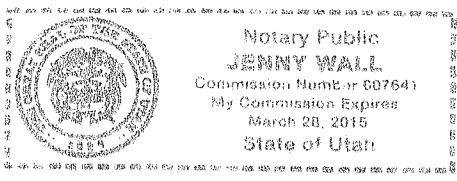


EXHIBIT A

The Property

Parcel 12-106-0048

BEG AT A PT ON THE N R/W LN OF GENTILE STR (3700 SOUTH STR) SD PT BEING N 00°12'25" E 33.00 FT ALG THE 1/4 SEC LN & S 89°58'46" E 99.99 FT FR THE S 1/4 COR OF SEC 22-T4N-R2W, SLM; TH N 00°12'25" E 1758.49 FT ALG THE E BNDRY LN OF THE DAVIS COUNTY PROP BK 1212 PG 717, TO THE SW COR OF SYRACUSE CITY PROP BK 3229 PG 1363; TH ALG THE S LN OF SD SYRACUSE CITY PROP E 1473.35 FT TO THE W'LY R/W LN OF THE LAYTON CANAL BK 238 PG 371; TH S 46°00'00" E 38.30 FT ALG SD W'LY R/W LN; TH S 00°12'25" W 1732.42 FT TO THE N R/W LN OF GENTILE STR (3700 SOUTH STR); TH N 89°58'46" W 1501.00 FT ALG SD N R/W LN TO TE POB. CONT 60.595 ACRES

EXHIBIT B

IRRIGATION AND STORM DRAIN EASEMENT

PART OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 4 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY, BEGINNING AT A POINT 10 FEET SOUTHERLY FROM AN EXISTING STORM DRAIN CULVERT WHICH IS SOUTH 89°59'02" EAST 100.00 FEET ALONG SECTION LINE AND NORTH 00°12'25" EAST PARALLEL WITH QUARTER SECTION LINE 1238.63 FEET FROM THE SOUTH QUARTER CORNER OF SAID SECTION 22, AND RUNNING THENCE NORTH 00°12'25" EAST PARALLEL WITH QUARTER SECTION LINE 552.71 FEET ALONG THE EAST LINE OF THE DAVIS COUNTY PROPERTY RECORDED AS BOOK 1212, PAGE 717 OF THE DAVIS COUNTY RECORDERS OFFICE TO THE SOUTH LINE OF THE SYRACUSE CITY PROPERTY RECORDED IN BOOK 3229 PAGE 1363 OF SAID RECORDER'S OFFICE; THENCE EAST 30 FEET ALONG SAID SOUTH LINE; THENCE SOUTH 00°12'25" WEST 143.79 FEET; THENCE NORTH 89°47'09" EAST 783.60 FEET; THENCE NORTH 140.86 FEET TO SAID SOUTH LINE; THENCE ALONG THE SOUTH LINE OF SAID SYRACUSE CITY PROPERTY EAST 30.00 FEET; THENCE SOUTH 140.70 FEET; THENCE NORTH 89°17'33" EAST 657.50 FEET TO THE EAST LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN ENTRY 2059760, IN BOOK 3748, PAGE 623 RECORDED IN FAVOR OF SYRACUSE CITY; THENCE SOUTH 00°12'25" WEST ALONG THE EAST LINE OF SAID PARCEL 20.00 FEET; THENCE SOUTH 89°17'33" WEST 663.38 FEET; THENCE SOUTH 89°47'09" WEST 807.72 FEET; THENCE SOUTH 00°12'25" WEST 388.92 FEET; THENCE NORTH 89°59'02" WEST 30.00 FEET TO THE POINT OF BEGINNING.

CONTAINING: 50,226 SQ.FT. (1.15ACRES)

PREPARED BY: SPB CHECKED BY: SPB DATE: 1/2/14 FILE NAME:
JensenPondWaterEasementtoSyracuseCityonUDOTParcel3.doc

EXHIBIT C

