

Return to:
Rocky Mountain Power
Lisa Louder/Yuka Jenkins/HJD
1407 West North Temple Ste. 110
Salt Lake City, UT 84116

E 2817132 B 6076 P 374-378
RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
08/07/2014 11:18 AM
FEE \$21.00 Pgs: 5
DEP RT REC'D FOR ROCKY MOUNTAIN POW
ER

Project Name: West Point 138-12.5kV sub
WO#: 10034904.YJ/HD Revised
RW#: 20070346

12-025-0016
12761-0001 to 0003

RIGHT OF WAY EASEMENT

For value received, **NINIGRET CONSTRUCTION COMPANY NORTH L.C., a Utah limited liability company** ("Grantor"), hereby grants to PacifiCorp, an Oregon Corporation, d/b/a Rocky Mountain Power its successors and assigns, ("Grantee"), an easement for a right of way for the construction, reconstruction, operation, maintenance, repair, replacement, enlargement, and removal of electric power transmission, distribution and communication lines and all necessary or desirable accessories and appurtenances thereto, including without limitation: supporting towers, poles, props, guys and anchors, including guys and anchors outside of the right of way; wires, fibers, cables and other conductors and conduits therefore; and pads, transformers, switches, vaults and cabinets, along the general course now located by Grantee on, over, or under the surface of the real property of Grantor in Davis County, State of Utah more particularly described as follows and as more particularly described and/or shown on Exhibit **A & B** attached hereto and by this reference made a part hereof:

A parcel of land situate in the Southeast Quarter of Section 3, Township 4 North, Range 2 West, Salt Lake Base and Meridian, Davis County, Utah. The boundaries of said parcel are described as follows, to wit:

Beginning at a point on the west right of way line of 1000 West Street which is 193.90 feet S.0°06'30"W. along the section line and 49.38 feet S.89°46'03"W. from the east one quarter corner of Section 3, T. 4 N., R. 2 W., S.L.M.; thence S.0°07'02"W. 185.96 feet; thence S.83°58'33"W. 14.02 feet; thence N.6°01'27"W. 199.76 feet; thence S.89°46'03"W. 36.43 feet; thence S.88°21'49"W. 286.9 feet; S.89°45'55"W. 1074.44 feet; thence S.87°53'33"W. 76.52 feet; thence S.83°43'18"W. 194.44 feet; thence S.87°44'42"W. 106.14 feet, more or less, to the westerly boundary line of the Grantor's land said westerly boundary line also being the easterly boundary line of Rocky Mountain Power's corridor (Tax Parcel 12-026-0013); thence N.13°26'02"W. 70.74 feet along said westerly boundary line to the southerly right of way line of SR- 193; thence along said southerly right of way line the following 3 bearings and distances N.87°59'13"E. 369.86 feet to a point on a 7842.13 foot radius curve to the right, thence northeasterly along the arc of said curve 299.68 feet (chord bears N.89°04'54"E. 299.66 feet); and S.89°49'02"E. 1074.63 feet; thence S.44°52'58"E. 76.93 feet to the point of beginning, being on said land and being in Lots 1,2 and 3 of Ninigret North Subdivision all being in the SE ¼ of said Section 3, containing 101,503.78 sq. ft. or 2.33 acres, more or less.

Assessor Parcel No. 12-761-0001, 12-761-0002, 12-761-0003

A parcel of land situate in the Southeast Quarter of Section 3, Township 4 North, Range 2 West, Salt Lake Base and Meridian, Davis County, Utah. The boundaries of said parcel are described as follows, to wit:

Beginning at the southeast corner of that certain parcel conveyed to the Utah Department of Transportation by Quit Claim Deed filed for record on January 11, 2010 as Entry No. 2504725 in Book 4938 at Pages 866-868 and on file in the Office of the Davis County Recorder which is 453.24 feet S.89°57'18"E (S.89°57'08"E record) along the quarter-section line and 172.91 feet S.13°06'48"E (S.13°32'31"E record) from the Center Quarter Corner of said Section 3, according to the Correction Affidavit of said Corner filed for record on September 2, 2010 by the Davis County Surveyor, and running thence S.13°06'48"E 100.37 feet along the westerly line of Rocky Mountain Power's corridor; thence S.88°09'35"W 94.08 feet; thence N.30°06'08"W 115.28 feet to the south line of said UDOT parcel also being a point on a 8365.71-foot radius curve to the right; thence northeasterly 129.09 along the arc of said curve (chord bears N.89°32'23"E 129.09 feet) to the point of beginning.

The above-described parcel contains 11,075 square feet or 0.254 acre, more or less.

Note: Property location based on the ALTA Survey, prepared for Ninigret Construction Company, L.C. by Dominion Engineering Associates, L.C., on file in the Davis County Surveyors Office as ROS #6237.

Assessor Parcel No. 12-025-0011 0016

Together with the right of access to the right of way from adjacent lands of Grantor for all activities in connection with the purposes for which this easement has been granted; and together with the present and (without payment therefore) the future right to keep the right of way and adjacent lands clear of all brush, trees, timber, structures, buildings and other hazards which might endanger Grantee's facilities or impede Grantee's activities.

At no time shall Grantor place, use or permit any equipment or material of any kind that exceeds twelve (12) feet in height, light any fires, place or store any flammable materials (other than agricultural crops), on or within the boundaries of the right of way. Subject to the foregoing limitations, the surface of the right of way may be used for agricultural crops and other purposes not inconsistent, as determined by Grantee, with the purposes for which this easement has been granted.

Grantor shall have the right to allow other utilities to use the said easement area for any purpose that does not in any way interfere with the accessibility and safe operation of the facilities of Grantee. Grantor's right to allow other utilities to use the easement area does not include the right to allow other utilities to use the facilities that Grantee has installed in the easement. Grantor's right to allow other utilities to use the easement area shall in no way limit the rights granted to Grantee in this Easement.

The rights and obligations of the parties hereto shall be binding upon and shall benefit their respective heirs, successors and assigns.

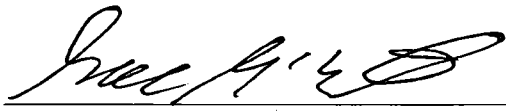
To the fullest extent permitted by law, each of the parties hereto waives any right it may have to a trial by jury in respect of litigation directly or indirectly arising out of, under or in connection with this agreement. Each party further waives any right to consolidate any action in which a jury trial has been waived with any other action in which a jury trial cannot be or has not been waived.

This Easement supersedes and replaces that certain easement executed on the 14th day of December, 2012 between Grantor and Grantee, and recorded in Davis County Entry # 2711411, Book 5678, Page 105-109 on 01/02/2013.

Dated this 23rd day of June, ~~2012~~ 2014

GRANTOR:

NINIGRET CONSTRUCTION COMPANY
NORTH L.C., a Utah limited liability company

By: 

Gary O. McEntee

Its: Manager

Acknowledgment

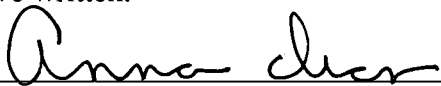
STATE OF Utah)

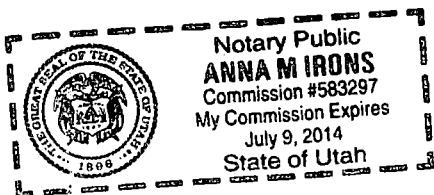
) ss.

County of Salt Lake)

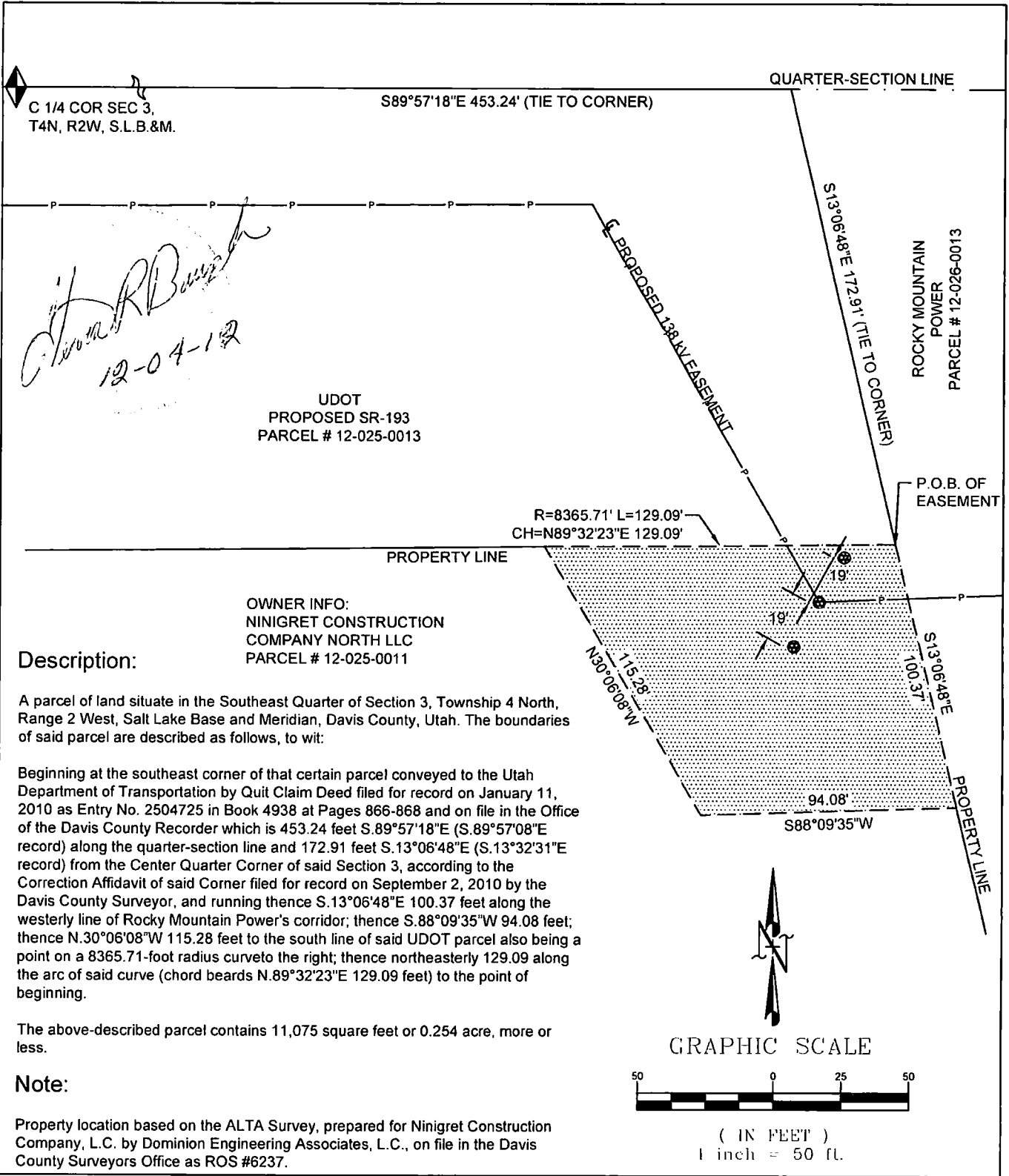
On this 23 day of June, ²⁰¹⁴ ~~2012~~, before me, the undersigned Notary Public in and for said State, personally appeared Gary O. McEntee, known or identified to me to be the manager of the limited liability company that executed the instrument or the person who executed the instrument on behalf of said entity, and acknowledged to me that said entity executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.


(notary signature)



NOTARY PUBLIC FOR Utah (state)
Residing at: Salt Lake (city, state)
My Commission Expires: 7-9-2014 (d/m/y)



C 1/4 COR SEC 3,
T4N, R2W, S.L.B.&M.

S89°57'18"E 453.24' (TIE TO CORNER)

QUARTER-SECTION LINE

John R. B...
12-04-12

UDOT
PROPOSED SR-193
PARCEL # 12-025-0013

S13°06'48"E 172.91' (TIE TO CORNER)

ROCKY MOUNTAIN
POWER
PARCEL # 12-026-0013

R=8365.71' L=129.09'
CH=N89°32'23"E 129.09'

P.O.B. OF
EASEMENT

PROPERTY LINE

OWNER INFO:
NINIGRET CONSTRUCTION
COMPANY NORTH LLC
PARCEL # 12-025-0011

Description:

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Note:

Property location based on the ALTA Survey, prepared for Ninigret Construction Company, L.C. by Dominion Engineering Associates, L.C., on file in the Davis County Surveyors Office as ROS #6237.

GRAPHIC SCALE



(IN FEET)
1 inch = 50 ft.

THIS DRAWING SHOULD BE USED ONLY AS A REPRESENTATION OF THE LOCATION OF THE EASEMENT BEING CONVEYED. THE EXACT LOCATION OF ALL STRUCTURES, LINES AND APPURTENANCES IS SUBJECT TO CHANGE WITHIN THE BOUNDARIES OF THE RIGHT OF WAY HEREIN GRANTED

REV 2	DATE: 8/24/2012	DESC. RMP-116 CLEARFIELD EASEMENTS	BY TRW	CHK TG	APP SB
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ELECTRICAL CONSULTANTS, INC.
SALT LAKE CITY, UTAH
650 West 700 South Woods Cross, UT 84087 (801) 292-9954

EXHIBIT B
RIGHT OF WAY EASEMENT
NINIGRET CONSTRUCTION COMPANY NORTH LLC
TO ROCKY MOUNTAIN POWER
THROUGH NINIGRET CONSTRUCTION COMPANY NORTH LC PROPERTY
SECTION 3, T.4.N., R.2.W.
SALT LAKE BASE & MERIDIAN

ROCKY MOUNTAIN POWER
A DIVISION OF PACIFICORP
SHEET 1 OF 1
SCALE 1" = 50'