

4625 So. 2300 E. Suite 101
S2e UT 84107

751

REC'D OF SEP
5 M INVESTORS
MAY 29 10 31 AM '79
DAVID DIXON

KATIE L. DIXON
RECORDER
SALT LAKE COUNTY,
UTAH

3283653

DECLARATION OF EASEMENT

5 M INVESTORS, a Utah partnership, hereby declares that the land located in Salt Lake County, Utah and more particularly described on Exhibit "A" attached hereto ("servient land") is hereby made subject to an easement appurtenant to and in favor of the land located in Salt Lake County, Utah, and more particularly described on Exhibit "B" attached hereto ("dominant land"), for the purposes and subject to the terms stated hereinafter:

1. The easement shall be for the sole purpose of installing, maintaining, repairing and replacing facilities for drainage of surface water from the dominant land across the servient land to the irrigation canal located adjacent to the North boundary of the servient land, to-wit: an underground drainage line along the South border of that portion of the servient land West of the dominant land, and an open ditch along the West border of the servient land to the canal.

2. The dimensions and location of the easement shall be as follows: The South four feet (4') of that portion of the servient land West of the dominant land, and the West fifteen feet (15') of the servient land.

3. The easement shall exist only until facilities and means are available or may reasonably be made available for the drainage of surface water from the dominant land other than across the servient land (including but not limited to the installation of public drainage facilities in Elgin Avenue to the South of the dominant land), at which time the easement shall terminate automatically, and the owner of the servient land shall be entitled to record a notice of such termination.

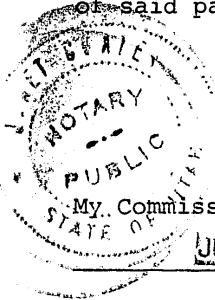
IN WITNESS WHEREOF, this Declaration of Easement is executed this 23rd day of May, 1979.

5 M INVESTORS, a Utah partnership
BY [Signature]
General Partner

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STATE OF UTAH)
 : ss
COUNTY OF SALT LAKE)

On the 23rd day of May, 1979, personally appeared
before me Maurice F Malouf, a General Partner of 5 M
Investors, a Utah partnership, the signer of the foregoing instrument,
who duly acknowledged to me that he executed the same for and on behalf
of said partnership.



Janet Spates
Notary Public
Residing at: Salt Lake County

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EXHIBIT "A"

Property located in Salt Lake County, described as:

Beginning at a point North 15°37' West 100.00 feet from the Southeast corner of Lot 1, Elgin Orchard Subdivision located in Sections 28 and 29, Township 1 South, Range 1 East, Salt Lake Base and Meridian and running thence West 197.65 feet; thence South 96.31 feet; thence West 140.35 feet to the Southwest corner of Lot 6 of said subdivision; thence North 260.00 feet to the Northwest corner of said Lot 6; thence East 292.245 feet to the Northeast corner of Lot 4 of said subdivision; thence South 15°37' East 169.97 feet to the point of beginning. Contains 65,099.45 square feet or 1.495 acres.

EXHIBIT "B"

Property located in Salt Lake County and described as:

Beginning at the Southeast corner of Lot 1, Elgin Orchard Subdivision, located in Sections 28 and 29, Township 1 South, Range 1 East, Salt Lake Base and Meridian and running thence West 224.57 feet; thence North 96.31 feet; thence East 197.65 feet; thence South 15°37' East 100.00 feet to the point of beginning. Contains 20,332.00 square feet or 0.467 acres.