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WHEN RECORDED RETURN TO:
Metropolitan Water District of Salt Lake & Sandy
Attn: General Manager
3430 East Danish Road
Cottonwood Heights, Utah 84093-2139



ENT 33436:2013 PG 1 of 28
JEFFERY SMITH
UTAH COUNTY RECORDER
2013 Apr 05 1:44 pm FEE 0.00 BY E0
RECORDED FOR METROPOLITAN WATER DIST

Parcel Nos.: 140060701, 140070501, 368400002, 368400003, 368400004, 368400066, 368400067, 368400068, 368400069, 368400070, 368400071, 368400072, 368400073, 368400074, 368400083, 368400084, 368400085, 368400086, 368400087, 368400088, 368400089, 368400090, 368400091, 368400092, 368400093, 368400500, 368760004, 368760005, 368760006, 368760007, 368760008, 368760009, 368760010, 368760011, 368760012, 368760013, 368760014, 368760015, 368760016, 368760017, 368760018, 368760019, 368760020, 368760021, 368760022, 368760023, 368760024, 368760025, 368760026, 368760027, 368760028, 368760029, 368760050, 368760850, 369030105, 369030111, 369030117, 369030129, 369030133, 369030134, 369030143, 369060001, 369140014, 369140015, 369140016, 369140041, 369140042, 369140043, 369140044, 369140049, 369140050, 369140051, 369140052, 369140053, 369140055, 369140056, 369140060, 369140061, 369140062, 369140063, 369140064, 369140065, 369140066, 369140076, 369140500, 369340028, 369340029, 369340053, 369340054, 369340074, 369390001, 369390002, 369390003, 369390004, 369390005, 369390006, 369390007, 369390008, 369390009, 369730001, 369730002, 369730003, 369730004, 369730005, 369730006, 369730007, 369730023, 369730026, 369870031, 369880032. 369880033, 369880034, 369880037, 369880038, 369880039, 369880040, 369880041, 369880043, 369880044, 369880045, 369880046, 369880047, 369880048, 369880049, 369880050, 369880051, 369880052, 369880053, 369880054, 369880055, 369880056, 369880057, 369880058, 369880059, 369880060, 369880061, 369880062, 369880063, 369880064, 369880065, 369880066, 369880070, 369880073, 431100003, 513280001, 513280002, 513280003, 513280004, 513280005, 513280006, 513280007, 513280008, 513280009, 513280010, 514370041, 514370042, 650260001, 651320014, 651320015, 651320016, 651320018, 651660005, 651660006, 651660007, 651660008, 651660009, 651660010, 651660032, 651660033, 651660034, 651660038, 651660039, 651660040, 651660041, 651660051, 651660052, 651660055, 651660056, 651660057, 651660058, 651660059

EASEMENT EXCHANGE

This EASEMENT EXCHANGE (Agreement) is entered into effective the <u>29</u> day of <u>MAPCH</u>, 2013, by and between METROPOLITAN WATER DISTRICT OF SALT LAKE & SANDY, a Utah Metropolitan Water District with its principal offices located in Cottonwood Heights, Utah (District) and CITY OF CEDAR HILLS, a Utah municipal corporation with its principal offices located in Cedar Hills, Utah (City).

PURPOSES

The Salt Lake Aqueduct (SLA) is a mostly 69 inch inside diameter, steel reinforced concrete pipe that extends approximately 42 miles from the toe of Deer Creek Dam in Wasatch County to approximately the mouth of Parleys Canyon in Salt Lake County. The SLA was designed and constructed by the United States Department of the Interior, Bureau of Reclamation (USBR), and was completed in 1951. The SLA is a critical source of drinking water for a significant portion of the Salt Lake Valley.

District received title to the SLA, including the SLA Corridor and related access road and blow-off easements, in October, 2006, pursuant to the terms of the Provo River Project Transfer Act, 118 Stat. 2212, Pub. Law. 108-382. District is in the process of reviewing and surveying the SLA Corridor, licensing acceptable non-District uses of the SLA Corridor, and clearing unacceptable non-District uses and conflicts where possible. District has statutory regulatory authority to protect District facilities, District water and District operations.

The SLA passes through City boundaries. The portions of the SLA that pass through City were constructed by USBR primarily on easement reserved by patent. The act of Congress commonly referred to as the "Canal Act of 1890," Act of August 30, 1890, 26 Sta. 391 reserved to the United States and its contractors an easement for water facilities on all lands patented west of the 100th Meridian after the date of the Act.

District believes that a number of approved subdivision plats for parcels within City depict the SLA Corridor in a manner that is inconsistent with USBR records and recorded USBR documents, resulting in the SLA Corridor easement encumbering certain residential lots in City. For example, in some areas the SLA Corridor extends seventy-five (75) feet from the SLA center line to the west boundary of the SLA Corridor, and fifty (50) feet from the SLA center line to the east boundary of the SLA Corridor according to the recorded USBR documents. Certain recorded subdivision plats depict the SLA Corridor essentially flipped, with the west side being fifty (50) feet wide and the east side being seventy-five (75) wide. In another area the subdivision plat lot line bearing was apparently rotated relative to the SLA Corridor, resulting in some residential lots being encumbered by the SLA Corridor.

Portions of three deeded SLA roadway easements also encumber certain residential lots and City streets. These easements are no longer required by District, as District has access to the SLA via City streets.

City and District desire to clear certain residential lots and certain City streets of any SLA easement. As described in this Agreement, District abandons certain portions of SLA easements. As described in this Agreement, City grants, without warranty or representation, to District certain SLA easements on, over and under certain City-owned open lands and golf course lands adjacent to the existing SLA Corridor to make the described District abandonments possible.

The SLA easements granted by City are compatible with City uses of the described City lands. Clearing the subject City streets and residential lots of SLA easement will benefit City and the public it serves by reducing conflicts which would likely require the attention and time of City personnel, and otherwise require expenditure of limited City resources. Similarly, clearing the subject City streets and residential lots of SLA easement will benefit District and the public it serves by reducing conflicts which would likely require the attention and time of District personnel, and otherwise require expenditure of District resources.

AGREEMENT

NOW, THEREFORE, in consideration of the abandonments and conveyances described here, the parties agree as follows:

1. <u>District Abandonment of Portions of Tract 302 (USBR designation) SLA Corridor Easement.</u> District hereby abandons its easement to the extent it overlaps or encumbers the following parcels:

Lots 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, and 29, inclusive, of Canyon Heights at Cedar Hills, Plat B, according to the records of the Utah County Recorder; and

Lots 61, 62, 63, 64 and 65, inclusive, of Canyon Heights at Cedar Hills, Plat A, according to the records of the Utah County Recorder.

The history of the District's interest in Tract 302 SLA Corridor easement is as follows:

- a. The act of Congress commonly referred to as the "Canal Act of 1890," Act of August 30, 1890, 26 Sta. 391 reserved to the United States and its contractors an easement for water facilities on all lands patented west of the 100th Meridian after the date of the Act. USBR exercised that easement for the SLA prior to 1951.
- b. On October 2, 2006 USBR quitclaimed an interest in and to the easement, subject to certain reservations, to District, Entry No. 130076:2006 in the offices of the Utah County Recorder. That transfer by USBR was pursuant to the terms of the Provo River Project Transfer Act, 118 Stat. 2212, Pub. Law. 108-382, and the contract authorized by the Provo River Project Transfer Act, Contract No. 04-WC-40-8950.
- 2. <u>District Abandonment of Portions of Tract 302* Roadway Easement</u>. District hereby abandons a portion of a 50 ft wide perpetual easement for the construction and operation of roads across the following described lands:

A strip of land Fifty (50.0) feet wide and included between two lines extended to the property lines and everywhere distant Twenty-five (25.0) feet on the right or south side and Twenty-five (25.0) feet on the left or north side of the following described center line, measured at right angles thereto. Said center line is more particularly described as follows:

Beginning at a point in the East Half of Southeast Quarter (E½SE¼) of Section Eight (8), Township Five (5) South, Range Two (2) East, Salt Lake Base & Meridian, from which point the Southeast corner of said Section 8 lies East Thirteen Hundred Forty-three and Five-tenths (1343.5) feet and South One Thousand Twenty-nine and Three-tenths (1029.3) feet, more or less; thence South 67°57' East Three Hundred Fifty-six and Two-tenths (356.2) feet; thence South 63°16'30" East Six Hundred Thirty-nine and One-tenth (639.1) feet; thence South 74°39'30" East One Hundred Three and Two-tenths (103.2) feet, more or less, to the west line of the Salt Lake Aqueduct right of way, from which point the Southeast corner of said Section 8 lies South Five Hundred Eighty and Seventenths (580.7) feet and East Three Hundred Forty-five and Seventenths (345.7) feet, more or less; Containing 1.26 acres, more or less.

Less and excepting that portion of Tract 302* Road Easement, more particularly described as follows:

Beginning at the intersection of the southerly line of Tract 302* (Road Easement) and the westerly line of the Salt Lake Aqueduct, which point lies North 00°19'21" West, a distance of 545.84 feet along the East line of the Southeast Quarter of Section 8, Township 5 South, Range 2 West, Salt Lake Base and Meridian and South 89°40'39" West, a distance of 309.83 feet from the Southeast Quarter of said Section 8; and running thence along said southerly line the following two courses: 1. North 74°58'51" West, a distance of 146.95 feet: thence 2. North 63°35'51" West, a distance of 92.73 feet: thence North 24°37'22" West, a distance of 5.50 feet to the southerly end of North Fork Drive (a public street) and point on a non-tangent curve to the left of which the radius point lies North 15°12'24" East, a radial distance of 50.00 feet; thence northeasterly along said North Fork Drive and arc, through a central angle of 75°55'39", a distance of 66.26 feet to the northerly line of said Tract 302* (Chord bears North 67°14'35" East. 61.52 feet); thence along said northerly line the following two courses: 1. South 63°35'51" East, a distance of 51.79 feet; thence 2. South 74°58'51" East, a distance of 96.47 feet to said westerly line of the Salt Lake Aqueduct; thence South 27°16'59" East. a distance of 67.60 feet along said westerly line to the Point of Beginning. Contains 9.423 square feet or 0.216 acres, more or less.

The history of the District's interest in the easement is as follows:

- a. On February 2, 1940 Richard D. Wadley and Mary Ellen Wadley conveyed by "Warranty Deed of Easement" to the Metropolitan Water District of Salt Lake City ("MWDSLC"), recorded as Entry No. 873, Book 348, Page 628 on February 5, 1940 in the offices of the Utah County Recorder, a 50' wide perpetual easement "to construct, operate and maintain a road or roads."
- b. On December 19, 1949 MWDSLC quitclaimed an interest in and to the easement to USBR, recorded as Entry 401, Book 545, Pages 131-149 on January 13, 1950 in the offices of the Utah County Recorder.
- c. On October 2, 2006 USBR quitclaimed an interest in and to the easement, subject to certain reservations, to District, Entry No. 130076:2006 in the offices of the Utah County Recorder. That transfer by USBR was pursuant to the terms of the Provo River Project Transfer Act, 118 Stat. 2212, Pub. Law. 108-382, and the contract authorized by the Provo River Project Transfer Act, Contract No. 04-WC-40-8950.
- 3. <u>District Interest in Tract 303 SLA Corridor</u>. District retains all of its right title and interest in and to a 0.09-acre, more or less, property described as follows:

A tract of land in the Northwest Quarter of the Southeast Quarter (NW¼SE¼) of Section Eight (8), Township Five (5) South, Range Two (2) East, Salt Lake Base and Meridian, and being more particularly described as follows:

Beginning at a point from which point the east quarter corner of said Section 8 bears East Thirteen Hundred Twenty (1320.0) feet, more or less; thence South One Hundred Three and Eight-tenths (103.8) feet; thence North 36°09'30" West One Hundred Twenty-eight and Six-tenths (128.6) feet; thence East Seventy-five and Nine-tenths (75.9) feet to the point of beginning.

The history of the District's interest is as follows:

- a. On September 19, 1939 R. E. Caldwell and Estelle Neff Caldwell conveyed the property by "Warranty Deed" to MWDSLC, recorded as Entry No. 9860 on October 15, 1939 in the offices of the Utah County Recorder.
- b. On December 19, 1949 MWDSLC quitclaimed an interest in and to the parcel to USBR, recorded as Entry 401, Book 545, Pages 131-149 on January 13, 1950 in the offices of the Utah County Recorder.
- c. On October 2, 2006 USBR quitclaimed an interest in and to the parcel, subject to certain reservations, to District, Entry No. 130076:2006 in the offices of the Utah County Recorder. That transfer by USBR was pursuant to the terms of the Provo River Project Transfer Act, 118 Stat. 2212, Pub. Law. 108-382, and the contract authorized by the Provo River Project Transfer Act, Contract No. 04-WC-40-8950.
- 4. <u>District Abandonment of Portions of Tract 303 Roadway Easement</u>. District hereby abandons a 50 ft wide perpetual easement for the construction and operation of roads across the following described lands:

A strip of land Fifty (50.0) feet wide and included between two lines extended to the property lines and everywhere distant Twenty-five (25.0) feet on the right or south side and Twenty-five (25.0) feet on the left or north side of the following described center line, measured at right angles thereto. Said center line is more particularly described as follows:

Beginning at a point in the West Half of Southeast Quarter (W½SE¼) of Section Eight (8), Township Five (5) South, Range Two (2) East, Salt Lake Base & Meridian, from which point the south quarter corner of said Section 8 bears South 0°57'30" East Thirteen Hundred Eighty-eight and Nine-tenths (1388.9) feet, more or less; thence North 81°20'30" East Three Hundred Seventy-five and Four-tenths (375.4) feet; thence South 67°57' East Nine Hundred Eighty-seven and Three-tenth (987.3) feet, more or less, from which point the Southeast corner of said Section 8 lies East Thirteen Hundred Forty-three and Five-tenths (1343.5) feet and South One Thousand Tenty-nine and Three-tenths (1029.3) feet, more or less; Containing 1.55 acres, more or less.

The history of District's interest in the Tract 303 roadway easement is as follows:

- a. On September 19, 1939 R. E. Caldwell and Estelle Neff Caldwell conveyed by "Warranty Deed of Easement" to MWDSLC, recorded as Entry No. 9861 on October 15, 1939 in the offices of the Utah County Recorder, a 50' wide perpetual easement "to construct, operate and maintain a road or roads."
- b. On December 19, 1949 MWDSLC quitclaimed an interest in and to the easement to USBR, recorded as Entry 401, Book 545, Pages 131-149 on January 13, 1950 in the offices of the Utah County Recorder.
- c. On October 2, 2006 USBR quitclaimed an interest in and to the easement, subject to certain reservations, to District, Entry No. 130076:2006 in the offices of the Utah County Recorder. That transfer by USBR was pursuant to the terms of the Provo River Project Transfer Act, 118 Stat. 2212, Pub. Law. 108-382, and the contract authorized by the Provo River Project Transfer Act, Contract No. 04-WC-40-8950.
- 5. <u>District Abandonment of Portions of Tract 304 Roadway Easement</u>. District hereby abandons a 50 ft wide perpetual easement for the construction and operation of roads across the following described lands:

A strip of land 50 feet wide and included between two lines extended to the property lines and everywhere distant 25 feet on the right or to the south and 25 feet on the left or to the north of the following described center line, measured at right angles thereto. Said center line is more particularly described as follows:

Beginning at a point on the east line of the American Fork Canyon Highway right of way in the Northeast quarter (NE¼) of the Southwest quarter (SW¼) of Section 8, Township 5 South, Range 2 East, S.L.B. and M., from which point the south quarter (S¼) corner of said Section 8 lies East 217.3 feet and South 1596.6 feet, more or less; thence North 83°11' East 32.2 feet; thence South 37°43'30" East 267.6 feet, more or less, from which point the south quarter (S¼) corner of said Section 8 bears South 0°57'30" East 1388.9 feet, more or less; containing 0.34 acre, more or less.

The history of District's interest in the Tract 304 roadway easement is as follows:

a. On October 20, 1939 Julia Ann Allen, Byard N. Allen, Erevah D. Allen, Merrill Allen, Maurine C. Allen, and Elva Allen conveyed by "Warranty Deed of Easement" to MWDSLC, recorded as Entry No. 2419 on March 28, 1942 in the offices of the Utah County Recorder, a 50' wide perpetual easement "to construct, operate and maintain a road or roads."

- b. On March 5, 1951 MWDSLC quitclaimed an interest in and to the easement to USBR, recorded as Entry No. 6964, Book 606, Page 603-606 on July 2, 1952 in the offices of the Utah County Recorder.
- c. On October 2, 2006 USBR quitelaimed an interest in and to the easement, subject to certain reservations, to District, Entry No. 130076:2006 in the offices of the Utah County Recorder. That transfer by USBR was pursuant to the terms of the Provo River Project Transfer Act, 118 Stat. 2212, Pub. Law. 108-382, and the contract authorized by the Provo River Project Transfer Act, Contract No. 04-WC-40-8950.
- 6. <u>District Abandonment of Portions of Tract 305 SLA Corridor Easement</u>. District hereby abandons its easement to the extent it overlaps or encumbers the following parcels:

Lots 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13 inclusive, of Canyon Heights at Cedar Hills, Plat B, according to the records of the Utah County Recorder; and

Lots 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, and 65 inclusive, of Canyon Heights at Cedar Hills Plat D, according to the records of the Utah County Recorder.

The history of the District's acquisition of the Tract 305 SLA Corridor easement is as follows:

- a. The act of Congress commonly referred to as the "Canal Act of 1890," Act of August 30, 1890, 26 Sta. 391 reserved to the United States and its contractors an easement for water facilities on all lands patented west of the 100th Meridian after the date of the Act. USBR exercised that easement for the SLA prior to 1951.
- b. On October 2, 2006 USBR quitclaimed an interest in and to the easement, subject to certain reservations, to District, Entry No. 130076:2006 in the offices of the Utah County Recorder. That transfer by USBR was pursuant to the terms of the Provo River Project Transfer Act, 118 Stat. 2212, Pub. Law. 108-382, and the contract authorized by the Provo River Project Transfer Act, Contract No. 04-WC-40-8950.
- 7. <u>District Abandonment of Portions of Tract 306 SLA Corridor Easement</u>. District hereby abandons its easement to the extent it overlaps or encumbers the following parcels:

Lots 49, 50, and 51 inclusive, of Canyon Heights at Cedar Hills Plat D, according to the records of the Utah County Recorder, and that portion of Lot 66 of Canyon Heights at Cedar Hills Plat D between Lots 49 and 50 and described as follows:

A tract of land located in the NE1/4NW1/4 of Section 8, Township 5 South, Range 2 East, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at the northeast corner of Lot 50 of Canyon Heights at Cedar Hills, Plat

D on file in the office of the Utah County Recorder, which point lies South 01°08'34" West, a distance of 79.34 feet and South 88°51'26" West, a distance of 20.92 feet from the North Quarter corner of said Section 8; and running thence along the northerly line of said Lot 50 South 64°16'44" West, a distance of 36.95 feet; thence North 26°58'49" West, a distance of 49.87 feet to the southerly line of Lot 49 of said Canyon Heights at Cedar Hills, Plat D; thence along said southerly line North 56°07'06" East, a distance of 38.51 feet to the southeast corner of said Lot 49; thence South 25°38'55" East, a distance of 55.32 feet to the Point of Beginning.

Containing 1,975.52 square feet or 0.045 acres, more or less.

The history of the District's interest in the Tract 306 SLA Corridor easement is as follows:

- a. On May 10, 1960 USBR, recorded as Entry No. 3565, Book 899, Pages 594-595 on March 13, 1962 in the offices of the Utah County Recorder, a notice of right-of-way pursuant to reservation or right-of-way of the Act of August 30, 1890 (26 Stat. 391) or the 1905 Session Laws of Utah, Page 176.
- b. On October 2, 2006 USBR quitclaimed an interest in and to the easement, subject to certain reservations, to District, Entry No. 130076:2006 in the offices of the Utah County Recorder. That transfer by USBR was pursuant to the terms of the Provo River Project Transfer Act, 118 Stat. 2212, Pub. Law. 108-382, and the contract authorized by the Provo River Project Transfer Act, Contract No. 04-WC-40-8950.
- 8. <u>District Abandonment of Portions of Tract 307 SLA Corridor Easement</u>. District hereby abandons its easement to the extent it overlaps or encumbers the following parcels:

Lots 39, 40, 41, 43, 44, 45, 46, 47, 48, and 49 inclusive, of Canyon Heights at Cedar Hills Plat D, according to the records of the Utah County Recorder, and that portion of Lot 66 of Canyon Heights at Cedar Hills Plat D between Lots 41 and 43 and described as follows:

A tract of land located in the SE1/4SW1/4 of Section 5, Township 5 South, Range 2 East, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at the northeasterly corner of Lot 43 of Canyon Heights at Cedar Hills, Plat D on file in the office of the Utah County Recorder, which point lies North 00°19'41" West, a distance of 914.36 feet along the Quarter Section line and South 89°40'19" West, a distance of 319.26 feet from the South Quarter corner of said Section 5; and running thence along the westerly line of said Lot 43 South 19°21'58" West, a distance of 52.85 feet to a point on a non-tangent curve to the left of which the radius point lies South 63°39'52" West, a radial distance of 100.00 ft.; thence westerly along the arc through a central angle of 26°42'19", a distance of 46.61 feet (Chord bears North 39°41'17" West, 46.19 feet) to the

easterly line of Lot 41 of said Canyon Heights at Cedar Hills, Plat D; thence along said easterly line North 19°21'58" East, a distance of 37.33 feet to the Northeast corner of said Lot 41; thence South 58°54'19" East, a distance of 40.46 feet to the Point of Beginning.

Containing 1,703 square feet or 0.039 acres, more or less.

Also that portion of a dedicated road known as Heiselt's Hollow Drive between Lots 40 and 41 of Canyon Heights at Cedar Hills Plat D and described as follows:

A tract of land located in the SE1/4SW1/4 of Section 5, Township 5 South, Range 2 East, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at the northwesterly corner of Lot 41 of Canyon Heights at Cedar Hills. Plat D on file in the office of the Utah County Recorder, and point on a nontangent curve to the left, of which the radius point lies South 55°15'18" East, a radial distance of 271.51 feet; which point lies North 00°19'41" West, a distance of 988.23 feet along the Quarter Section line and South 89°40'19" West, a distance of 462.23 feet from the South Quarter corner of said Section 5; and running thence southwesterly along the westerly line of said Lot 41 and arc, through a central angle of 07°29'29", a distance of 35.50 feet (Chord bears South 30°59'57" West, 35.48 feet); thence North 64°27'59" West, a distance of 58.38 feet to the easterly line of Lot 40 of said Canyon Heights at Cedar Hills, Plat D and point on a non-tangent curve to the right, of which the radius point lies South 63°00'34" East, a radial distance of 329.00 feet; thence northeasterly along said easterly line of Lot 40 and arc, through a central angle of 06°11'17", a distance of 35.53 feet to the Northeast corner of said Lot 40 (Chord bears North 30°05'04" East, 35.52 feet); thence South 64°22',44" East, a distance of 58.94 feet to the Point of Beginning.

Containing 2,072 square feet or 0.048 acres, more or less.

The history of the District's interest in the Tract 307 SLA Corridor easement is as follows:

- a. The act of Congress commonly referred to as the "Canal Act of 1890," Act of August 30, 1890, 26 Sta. 391 reserved to the United States and its contractors an easement for water facilities on all lands patented west of the 100th Meridian after the date of the Act. USBR exercised that easement for the SLA prior to 1951.
- b. Quitclaim deed from the State of Utah to Ernest L. Thayne and George A. Monson, recorded as Entry 2764, Pages 62-64, on February 21, 1957 in the offices of the Utah County Recorder, states in part "rights of way for canals, ditches, tunnels, telephone, and transmission lines constructed by authority of the United States are hereby reserved. U.S. Act Aug. 30, 1890 26 Stat. 391) 86-2-3, Utah Code Annotated 1943."

- c. On October 2, 2006 USBR quitclaimed an interest in and to the easement, subject to certain reservations, to District, Entry No. 130076:2006 in the offices of the Utah County Recorder. That transfer by USBR was pursuant to the terms of the Provo River Project Transfer Act, 118 Stat. 2212, Pub. Law. 108-382, and the contract authorized by the Provo River Project Transfer Act, Contract No. 04-WC-40-8950.
- 9. <u>District Abandonment of Portions of Tract 307 Roadway Easement</u>. District hereby abandons a 50 ft wide perpetual easement for the construction and operation of roads across the following described lands:

A strip of land Fifty (50.0) feet wide and included between two lines extended to the property lines and everywhere distant Twenty-five (25.0) feet on the east or the right side and Twenty-five (25.0) feet on the west or left side of the following described center line, measured at right angles thereto. Said center line is more particularly described as follows:

Beginning at a point in the East Half of the Southwest Quarter (E½SW¼) of Section Five (5), Township Five (5) South, Range Two (2) East, Salt Lake Base & Meridian, from which point the south quarter corner of said Section 5 lies East Thirteen Hundred Twenty-six and Eight-tenths (1326.8) feet and South Twenty-five (25.0) feet, more or less; thence East One Hundred Three and Six-tenths (103.6) feet; thence North 25°07'15" East Sixty-seven and Nine-tenths (67.9) feet; thence North 35°42'15" East One Thousand Ninety-seven and Six-tenths (1097.6) feet to a point on the west line of the Salt Lake Aqueduct right of way, from which point the South quarter corner of said Section 5 lies South Nine Hundred Eighty-two and Three-tenths (982.3) feet and East Five Hundred Fifty and Seven-tenths (550.7) feet, more or less; Containing 1.49 acres, more or less.

The history of District's interest in the Tract 307 roadway easement is as follows:

- a. On March 3, 1938 the State of Utah conveyed by Deed of Easement to MWDSLC, recorded as Entry No. 7837, Book 348, Page 410 on August 24, 1939 in the offices of the Utah County Recorder, a 50' wide perpetual easement "to construct, operate and maintain a road or roads."
- b. On December 19, 1949 MWDSLC quitclaimed an interest in and to the easement to USBR, recorded as Entry 401, Book 545, Pages 131-149 on January 13, 1950 in the offices of the Utah County Recorder.
- c. On October 2, 2006 USBR quitclaimed an interest in and to the easement, subject to certain reservations, to District, Entry No. 130076:2006 in the offices of the Utah County Recorder. That transfer by USBR was pursuant to the terms of the Provo River Project Transfer Act, 118 Stat. 2212, Pub. Law. 108-382, and the contract authorized by the Provo River Project Transfer Act, Contract No. 04-WC-40-8950.

10. <u>Prior Abandonment of Tract 309-A SLA Blow-off Easement.</u> District acknowledges the abandonment of Tract 309-A as described in a Subdivision Agreement between the United States of America, MWDSLC, and Jim Yates dated December 10, 1998 (USBR Contract No. 8-LM-41-10290).

District hereby retains the 30' wide and 10' wide blow-off easements granted by Jim Yates to USBR and MWDSLC on May 11, 1999, recorded as Entry 55769, Book 5083, Page 812 on May 13, 1999 in the offices of the Utah County Recorder.

11. <u>District Abandonment of Portions of Tract 311 SLA Corridor Easement</u>. District hereby abandons its easement to the extent it overlaps or encumbers the following parcels:

Lots 14, 15, 16, 49, and 50 inclusive of the Cedars at Cedar Hills Plat D subdivision according to the records of the Utah County Recorder; and

Lots 1, 2, 3, 4, 5, 6, 7, 8, and 9 inclusive of the Cedars at Cedar Hills Plat F subdivision according to the records of the Utah County Recorder.

The history of District's interest in the Tract 311 SLA Corridor easement is as follows:

- a. On August 21, 1939 Junius J. Hayes and Genevieve S. Hayes conveyed by "Deed of Easement" to MWDSLC, recorded as Entry No. 7904, Book 348, Page 419 on August 29, 1939 in the offices of the Utah County Recorder, a 100' wide perpetual easement "to construct, reconstruct, operate and maintain a pipeline, aqueduct, or conduit, and a road or roads."
- b. On December 19, 1949 MWDSLC quitclaimed an interest in and to the easement to USBR, recorded as Entry 401, Book 545, Pages 131-149 on January 13, 1950 in the offices of the Utah County Recorder.
- c. On October 2, 2006 USBR quitclaimed an interest in and to the easement, subject to certain reservations, to District, Entry No. 130076:2006 in the offices of the Utah County Recorder. That transfer by USBR was pursuant to the terms of the Provo River Project Transfer Act, 118 Stat. 2212, Pub. Law. 108-382, and the contract authorized by the Provo River Project Transfer Act, Contract No. 04-WC-40-8950.
- 12. <u>District Abandonment of Portions of Tract 311 Roadway Easement</u>. District hereby abandons a 50 ft wide perpetual easement for the construction and operation of roads across the following described lands:

A strip of land in the North Half of the Southeast Quarter (N½SE¼) of Section Thirty-one (31), Township Four (4) South, Range Two (2) East, Salt Lake Base and Meridian, Fifty (50.0) feet wide and included between two lines extended to the property lines and everywhere distant Twenty-five (25.0) feet on the north or

right side and Twenty-five (25.0) feet on the south or left side of the following described center line, measured at right angles thereto:

Beginning at a point from which the east quarter corner of said Section 31 bears North Twenty-five (25.0) feet, more or less; thence West Nine Hundred Sixty-eight and Four-tenths (968.4) feet; thence South 51°36' West Twelve Hundred Ninety and Eight-tenths (1290.8) feet, more or less, to a point on the East line of the Salt Lake Aqueduct right of way, from which point the east quarter corner of said Section 31 lies East Nineteen Hundred Eighty (1980.0) feet and North Eight Hundred Twenty-six and Eight-tenths (826.8) feet, more or less; Containing 2.6 acres, more or less.

The history of District's interest in the Tract 311 roadway easement is as follows:

- a. On August 21, 1939 Junius J. Hayes and Genevieve S. Hayes conveyed by "Deed of Easement" to MWDSLC, recorded as Entry No. 7904, Book 348, Page 419 on August 29, 1939 in the offices of the Utah County Recorder, a 50' wide perpetual easement "to construct, reconstruct, operate and maintain a road or roads."
- b. On December 19, 1949 MWDSLC quitclaimed an interest in and to the easement to USBR, recorded as Entry 401, Book 545, Pages 131-149 on January 13, 1950 in the offices of the Utah County Recorder.
- c. On October 2, 2006 USBR quitelaimed an interest in and to the easement, subject to certain reservations, to District, Entry No. 130076:2006 in the offices of the Utah County Recorder. That transfer by USBR was pursuant to the terms of the Provo River Project Transfer Act, 118 Stat. 2212, Pub. Law. 108-382, and the contract authorized by the Provo River Project Transfer Act, Contract No. 04-WC-40-8950.
- 13. <u>District Abandonment of Portions of Tract 312 Roadway Easement</u>. District hereby abandons a 50 ft wide perpetual easement for the construction and operation of roads across the following described lands:

A strip of land in the North Half of the Southwest Quarter (N½SW¼) of Section Thirty-two (32), Township Four (4) South, Range (2) East, Salt Lake Base and Meridian, Fifty (50.0) feet wide and included between two lines extended to the property lines and everywhere distant Twenty-five (25.0) feet on the north or right side and Twenty-five (25.0) feet on the south or left side of the following described center line, measured at right angles thereto. Said center line is more particularly described as follows:

Beginning at a point on the west line of the American Fork Canyon Highway right of way, from which point the west quarter corner of said Section 32 lies West Six Hundred Four and Two-tenths (604.2) feet and North Twenty-five (25.0) feet,

more or less; thence West Six Hundred Four and Two-tenths (604.2) feet to a point on the West line of the Grantor's property, from which point the West quarter corner of said Section 32 bears north Twenty-five (25.0) feet, more or less; Containing 0.69 of an acre, more or less.

The history of District's interest in the Tract 312 roadway easement is as follows:

- a. On June 29, 1939 Leslie D. Spilsbury and Cora May Spilsbury conveyed by "Warranty Deed of Easement" to MWDSLC, recorded as Entry No. 9858, Book 350, Page 136 on October 19, 1939 in the offices of the Utah County Recorder, a 50' wide perpetual easement.
- b. On December 19, 1949 MWDSLC quitclaimed an interest in and to the easement to USBR, recorded as Entry 401, Book 545, Pages 131-149 on January 13, 1950 in the offices of the Utah County Recorder.
- c. On October 2, 2006 USBR quitclaimed an interest in and to the easement, subject to certain reservations, to District, Entry No. 130076:2006 in the offices of the Utah County Recorder. That transfer by USBR was pursuant to the terms of the Provo River Project Transfer Act, 118 Stat. 2212, Pub. Law. 108-382, and the contract authorized by the Provo River Project Transfer Act, Contract No. 04-WC-40-8950.
- 14. <u>City Grant of Replacement SLA Corridor Easements</u>. City hereby grants to District, without warranty or representation, permanent easements on, in, over and under the following parcels of City lands. City recognizes District's prior easement interest reserved by patent and as conveyed to District by USBR on October 2, 2006, Entry No. 130076:2006 in the offices of the Utah County Recorder. District's rights to construct and reconstruct, operate and maintain underground pipelines and appurtenant structures as pertain to the unabandoned portions of the SLA Corridor remain in full effect.

For those areas of replacement easement located outside of District's prior easement interest, said easements will be limited to temporary uses (not to exceed 12 months duration) from time to time for the construction, reconstruction, maintenance, repair, replacement and improvement of the SLA and related or replacement facilities and equipment, including, but not limited to excavation, staging, access, storage of spoils, materials and equipment.

The replacement easement is described as follows:

A tract of land located in the SE1/4SW1/4 of Section 5, and portions of Section 8, all in Township 5 South, Range 2 East, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at the Southeast corner of said Section 8; and running thence South 89°28'31" West, a distance of 84.29 feet along the south line of said Section 8:

thence North 05°45'55" West, a distance of 206.32 feet to a point of curve to the left having a radius of 300.00 feet and a central angle of 14°34'29"; thence northerly along the arc a distance of 76.31 feet to the south line of Lot 65, Canyon Heights at Cedar Hills. Plat A on file in the office of the Utah County Recorder (Chord bears North 13°03'09" West, 76.11 feet); thence along the southerly and easterly boundary of said Lot 65 the following four courses: 1. North 58°11'45" East, a distance of 29.77 feet; thence 2. North 33°12'10" East, a distance of 25.50 feet to the southeasterly corner of said Lot 65; thence 3. North 27°13'33" West, a distance of 267.95 feet; thence 4. South 62°45'16" West, a distance of 99.03 feet; thence North 27°41'25" West, a distance of 128.62 feet; thence North 62°43'01" East, a distance of 20.71 feet to the south line of Lot 64 of said Canyon Heights at Cedar Hills, Plat A: thence along said south line South 78°49'07" East, a distance of 101.28 feet to the southeast corner of said Lot 64: thence North 27°13'27" West, a distance of 1955.23 feet along the easterly line of Lots 64 through 61 of said Canyon Heights at Cedar Hills. Plat A and the easterly line of Lots 29 through 17 of Canyon Heights at Cedar Hills, Plat B on file in the office of the Utah County Recorder to a point on the easterly line of said Lot 17: thence North 36°01'33" West, a distance of 262.24 feet along the easterly line of Lots 17 through 15 of said Canyon Heights at Cedar Hills, Plat B to the northeast corner of said Lot 15; thence South 53°56'48" West, a distance of 58.31 feet along the northerly line of said Lot 15 to the southerly corner of Metropolitan Water District of Salt Lake and Sandy Tract 303: thence North 00°44'00" West, a distance of 108.87 feet along the east line of said Tract 303 to the northeast corner of said Tract 303: thence South 89°31'01" West, a distance of 75.94 feet along the north line of said Tract 303 to the Northwest corner of said Tract 303; thence North 53°39'19" East, a distance of 55.05 feet to a southeasterly corner of Lot 13 of said Canvon Heights at Cedar Hills, Plat B: thence North 36°20'12" West, a distance of 757.86 feet along the easterly line of Lots 13 through 6 of said Canyon Heights at Cedar Hills, Plat B to a point on the easterly line of said Lot 6; thence North 26°00'59" West, a distance of 301.24 feet along the easterly line of Lots 6 through 4 of said Canyon Heights at Cedar Hills, Plat B to the northeast corner of said Lot 4; thence along the northerly line of said Lot 4 South 64°15'51" West, a distance of 17.92 feet; thence North 25°44'16" West, a distance of 121.40 feet to the southerly line of Lot 65 of Canyon Heights at Cedar Hills, Plat D on file in the office of the Utah County Recorder, said point also being on the north line of Timpanogos Cove (9340 North) and a point of curve of a non-tangent curve to the left of which the radius point lies North 16°55'47" West, a radial distance of 152.00 ft.; thence easterly along the arc through a central angle of 08°37'41", a distance of 22.89 feet (Chord bears North 68°45'23" East, 22.87 feet) to the southeast corner of said Lot 65; thence along the easterly line of Lots 65 through 50 of said Canyon Heights at Cedar Hills, Plat D North 25°38'55" West, a distance of 1,936.14 feet to the southeast corner of Lot 47 of said Canyon Heights at Cedar Hills, Plat D and point on a curve to the right having a radius of 450.01 ft. and a central angle of 14°59'59"; thence northerly along the arc a distance of 117.81 feet (Chord bears North 18°08'56" East, 117.48 feet) to a point on the easterly line of Lot 46 of said Canyon Heights at Cedar Hills, Plat D: thence along

the easterly line of said Canvon Heights at Cedar Hills. Plat D from Lot 46 to the northwest corner of Lot 39 of said Canyon Heights at Cedar Hills, Plat D the following four courses: 1. North 10°38'56" West, a distance of 574.10 feet to the point of curve of a non tangent curve to the left, of which the radius point lies South 79°21'05" West, a radial distance of 150.00 feet; thence 2. northwesterly along the arc, through a central angle of 40°30'21", a distance of 106.04 feet to the northerly corner of said Lot 43 (Chord bears North 30°54'06" West, 103.85 feet); thence 3. North 58°54'19" West, a distance of 40.46 feet to the Northeast corner of Lot 41; thence 4. North 64°22'44" West, a distance of 390.41 feet to the northwest corner of said Lot 39; thence North 16°04'26" East, a distance of 152.10 feet to the easterly line of said Canyon Heights at Cedar Hills, Plat D; thence along said easterly line and easterly line extended the following five courses: 1. South 64°23'41" East, a distance of 421.52 feet to a point of curve to the right having a radius of 300.00 feet and a central angle of 53°44'45"; thence 2. southeasterly along the arc a distance of 281.41 feet (Chord bears South 37°31'18" East, 271.21feet); thence 3. South 10°38'57" East, a distance of 574.10 feet to a point of curve of a non-tangent curve to the left having a radius of 300.01 feet and a central angle of 14°59'59"; thence 4. southeasterly along the arc a distance of 78.54 feet (Chord bears South 18°08'56" East, 78.32 feet); thence 5. South 25°38'55" East, a distance of 863.89 feet to the northerly line of Lot 6, Canyon Heights at Cedar Hills. Plat G on file in the office of the Utah County Recorder; thence NORTH 76°15'23" West, a distance of 32.35 feet along said northerly line to the northwest corner of said Lot 6: thence South 25°38'56" East, a distance of 1,125.31 feet along the westerly line and westerly line extended of said Canyon Heights at Cedar Hills. Plat G: thence North 64°15'44" East, a distance of 19.76 feet; thence South 26°00'59" East, a distance of 373.85 feet; thence South 36°20'12" East, a distance of 744.31 feet; thence South 36°56'37" East, a distance of 134.11 feet; thence South 36°01'33" East, a distance of 273.79 feet thence South 27°13'27" East, a distance of 688.08 feet; thence North 63°17'53" East, a distance of 50.00 feet; thence South 27°13'27" East, a distance of 1.278.24 feet; thence South 27°13'41" East, a distance of 118.82 feet to the east line of said Section 8; thence South 00°19'21" East, a distance of 598.194 feet along said east line to the Point of Beginning.

Containing 1,153,252 square feet or 26.475 acres, more or less.

For those areas of replacement easement located outside of District's prior easement interest, District uses shall not include the permanent placement of District facilities or equipment on, in, over or under the described City lands. District will cause any disturbed areas to be reasonably restored, including grade, replacement of soils, and restoration of vegetation and any irrigation system.

City will not grant or purport to grant rights to use the described easement parcels which might conflict with the described District easements or make the District's enjoyment of the described easements more expensive, more time consuming, or less convenient. City acknowledges and agrees that the non-District uses of District lands and

interests in lands will be managed by District consistent with District policies, procedures and regulations and the same may from time to time be amended.

- 15. <u>City Grant of Access Easements</u>. City hereby grants to District, without warranty or representation, a permanent limited access easement for District and its employees, contractors and licensee for reasonable ingress and egress to the SLA and related facilities across a portion of Parcel 369060001 shown and described on Exhibit A. This easement is intended to be interpreted as minimally intrusive of City use and development of the described City parcel as is reasonably practicable. Described District uses will be subject to reasonable instructions of the City from time to time as to routes travel is restricted to, such as drive aisles, parking areas, etc. District will, without cost to City, abandon this easement if and when reasonable alternative access to this portion of the SLA Corridor is available to District.
- 16. Conforming Survey. District will cause a survey depicting the SLA Corridor as reflecting the described District abandonments and City grants of easement to be prepared and recorded by a licensed land surveyor.

IN WITNESS WHEREOF, the parties execute this Agreement on the dates written below:

Date: March 13, 2013

METROPOLITAN WATER DISTRICT OF SALT LAKE & SANDY

Michael L. Wilson, General Manager

CITY OF CEDAR HILLS

- Date: March 29, 2012

Gary Gygi, Mayor

STATE OF UTAH) : ss. COUNTY OF SALT LAKE)

On the 13 day of 10 day of 10 day of 10 day of 10 day of 13 day of 10 day of 13 day of 13 day of 14 day of 15 day of 16 day of 16 day of 16 day of 16 day of 17 day of 18 day of



Almalu Munsely NOTARY PUBLIC

STATE OF UTAH) : ss. COUNTY OF UTAH)

On the 29 day of MAQCtt, 2013, personally appeared before me Gary Gygi and Colleen Mulvey, and being first duly sworn, acknowledged that they are the Mayor and City Recorder, respectively, of The City of Cedar Hills, Utah, and that they have been duly authorized through an affirmative vote of the City Council of The City of Cedar Hills to execute the above Easement Exchange Agreement for and on behalf of The City of Cedar Hills, Utah, for the purposes stated therein.

NOTARY PUBLIC

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ENT 33436:2013 PG 18 of 28

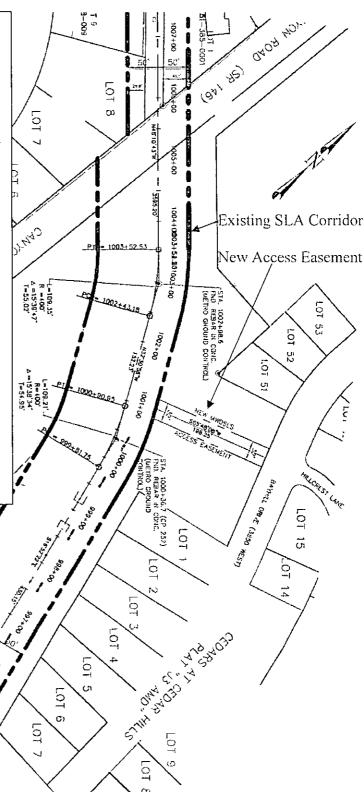
Exhibit A Access Easement

Exhibit A District Access

Access Easement Description

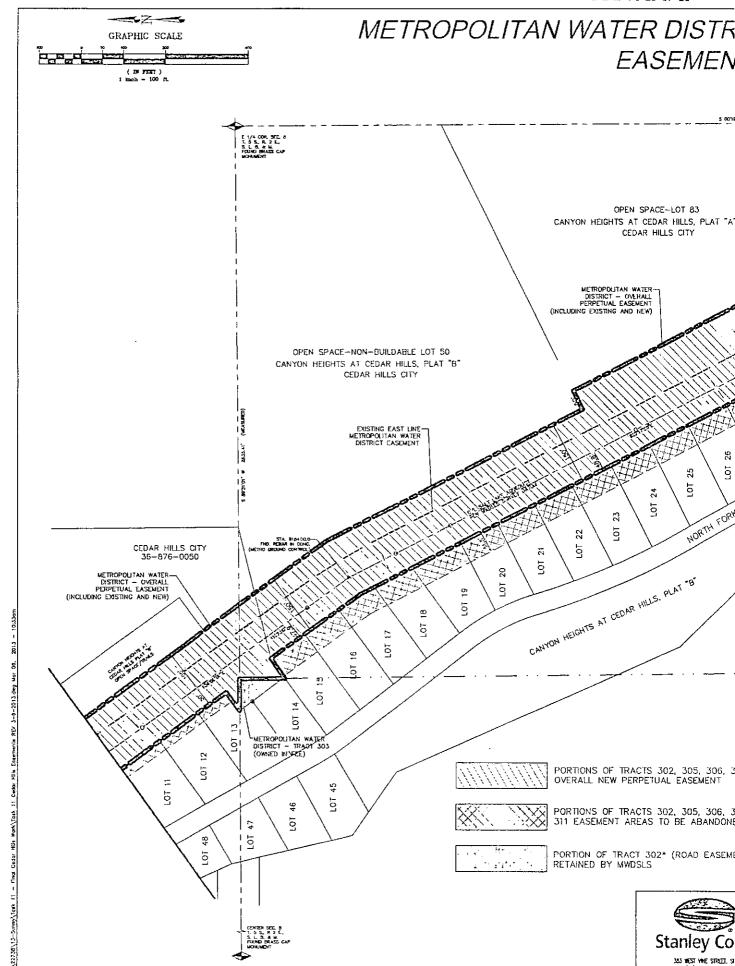
A 32 foot wide easement located in the NW1/4 NE1/4 of Section 5, Township 5 South, Range 2 East, for the purpose of accessing the Salt Lake Aqueduct from a public right of way, lying 16 feet on each side of the following described centerline:

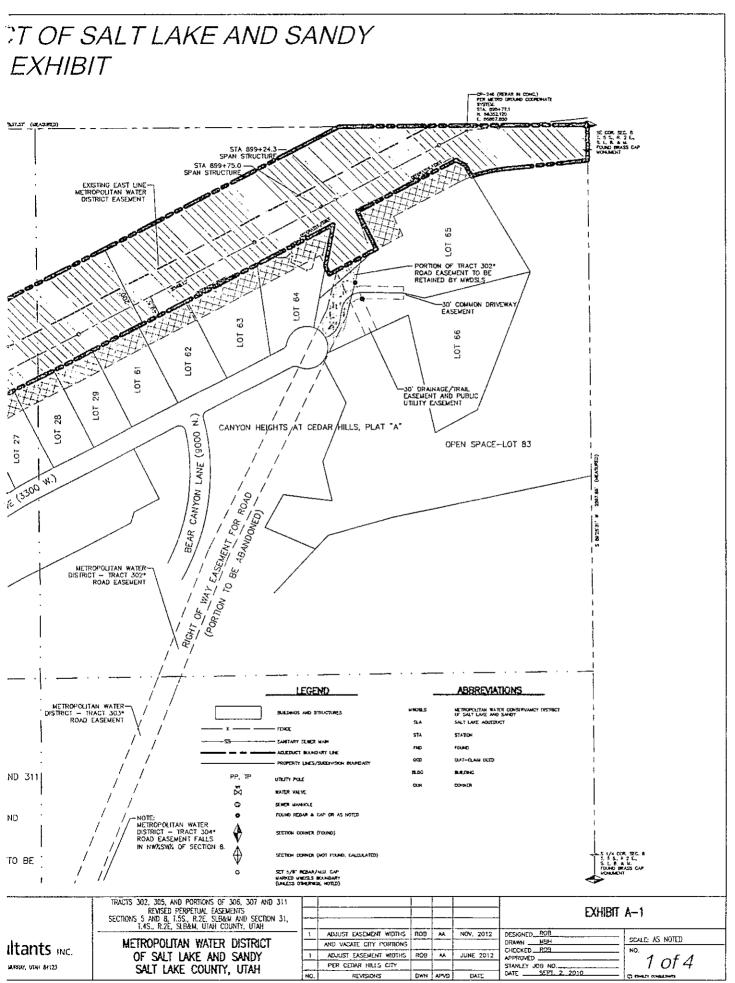
Beginning at a point on the westerly right of way line of Bayhill Drive, which point is 1070.23 ft. N. 89°40'48" E. along the section line and 686.94 ft. S. 00°19'12" E. from the Northwest corner of said Section 5: and running thence S. 65°48'08" W., 198.25 ft. to the easterly line of the Salt Lake Aqueduct Easement and Point of Terminus, which point is 888.94 ft., N. 89°40'48" E. along the section line and 767.19 ft., S. 00°19'12" E. from the Northwest corner of said Section 5.. The sidelines of said easement are to be shortened or lengthened to meet said easterly Aqueduct Easement line.

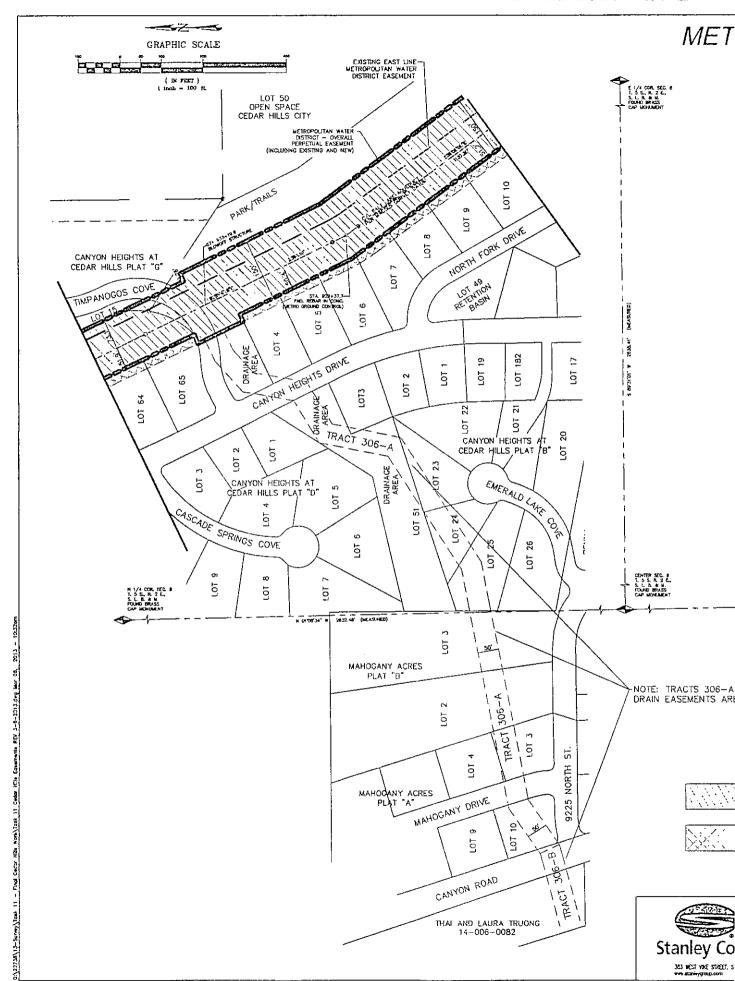


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Exhibit B Drawings







OPOLITAN WATER DISTRICT OF SALT LAKE AND SANDY **EASEMENT EXHIBIT**



306-B BLOW-OFF BE ABANDONED



PORTIONS OF TRACTS 302, 305, 306, 307 AND 311 OVERALL NEW PERPETUAL EASEMENT



PORTIONS OF TRACTS 302, 305, 306, 307 AND 311 EASEMENT AREAS TO BE ABANDONED

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92.4

STANLEY JOB NO.

TRACTS 302, 305, AND PORTIONS OF 306, 307 AND 311
REVISED PERPETUAL EASEMENTS
SECTIONS 5 AND 8 1.5S., R.2E, SLBAM AND SECTION 31,
1.4S., R.2E, SLBAM, UTAH COURTY, UTAH

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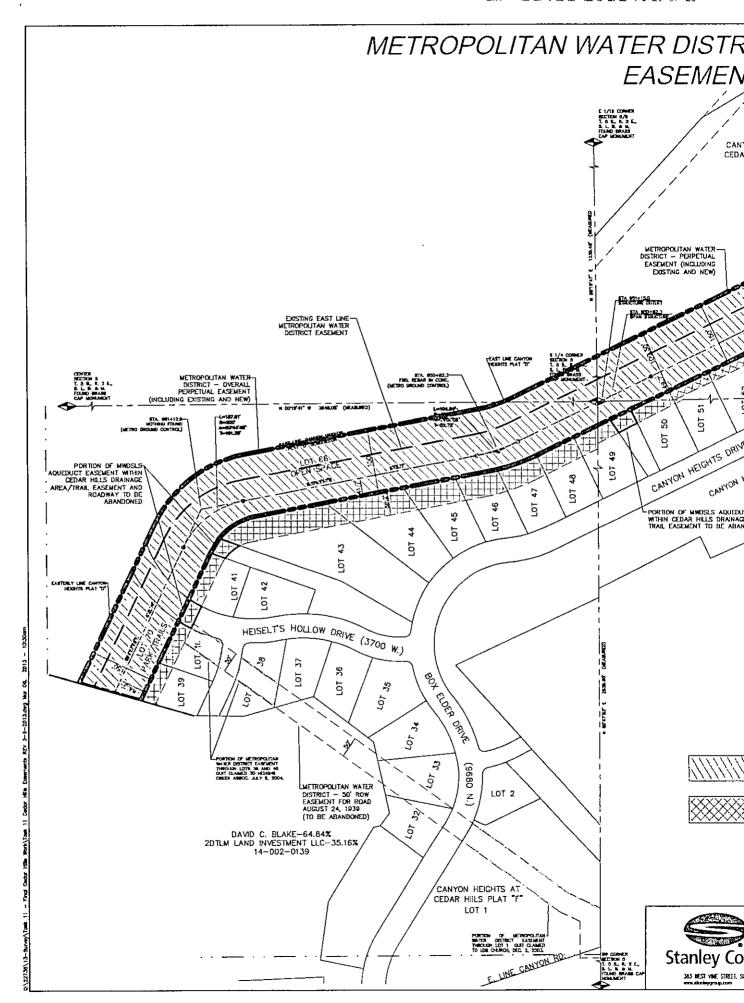
METROPOLITAN WATER DISTRICT OF SALT LAKE AND SANDY SALT LAKE COUNTY, UTAH

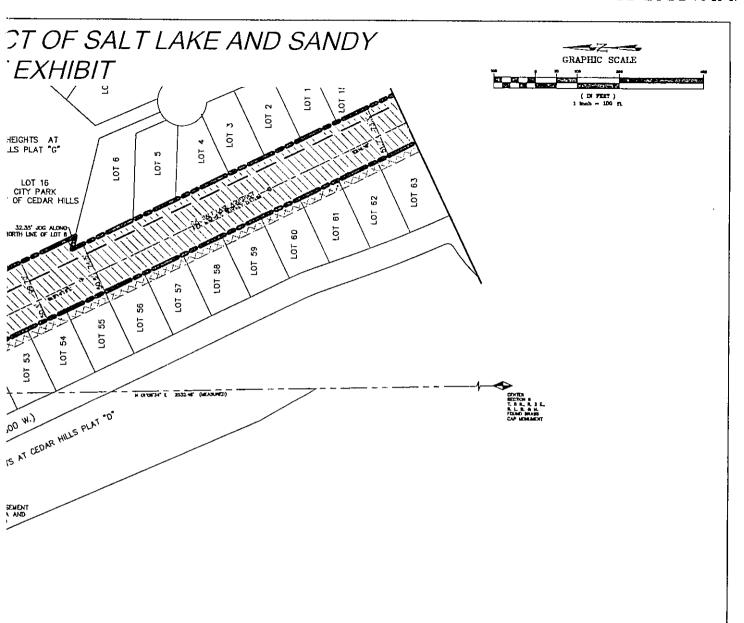
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EXHIBIT A	-2

SCALE: AS NOTED NO. 2 of 4

Iltants INC. MUTERAY, UTAN 84123





PORTIONS OF TRACTS 302, 305, 306, 307 AND 311 OVERALL NEW PERPETUAL EASEMENT

PORTIONS OF TRACTS 302, 305, 306, 307 AND 311 EASEMENT AREAS TO BE ABANDONED

Iltants INC.

MURSAY, UTAH 84123

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ASSREVIATIONS.

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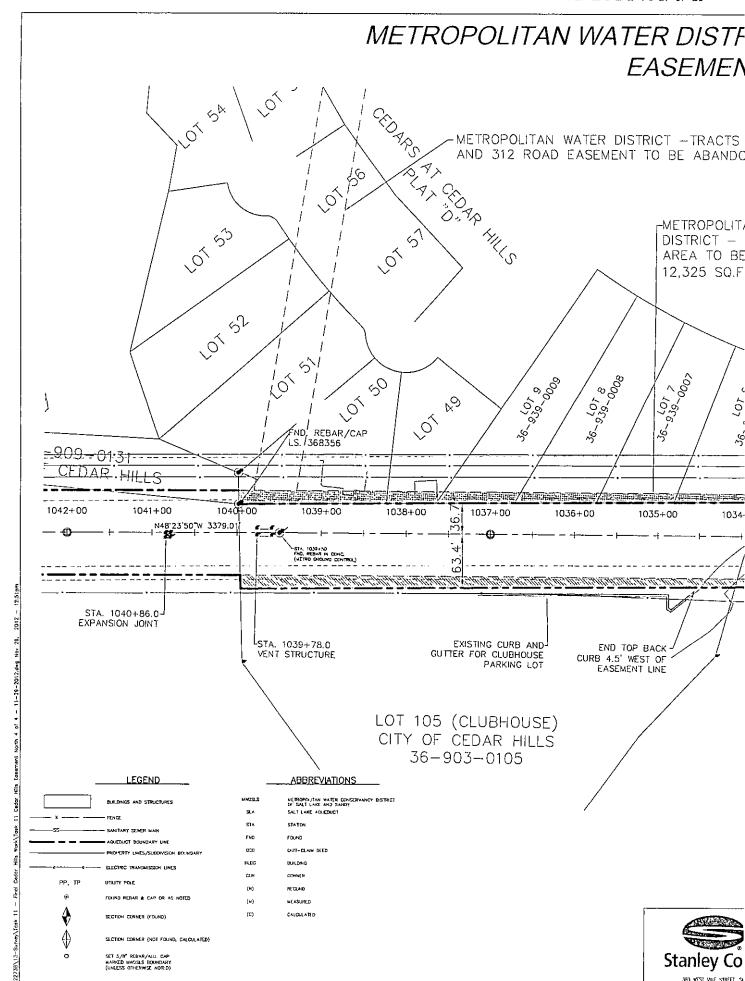
SUD0 BUILDING

TRACTS 302, 305, AND PORTIONS OF 306, 307 AND 311
REVISED PERPETUAL EASEMENTS
SECTIONS 5 AND 8, T.5S., R.2E, SLB&M AND SECTION 31, T.4S., R.2E, SLB&M, UTAH COUNTY, UTAH
1.45., RCZE, SLERZW, UTAH COUNTY, UTAH

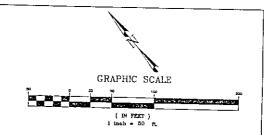
METROPOLITAN WATER DISTRICT OF SALT LAKE AND SANDY SALT LAKE COUNTY, UTAH

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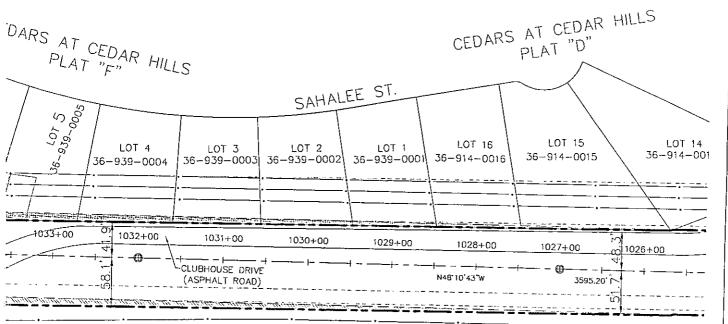
	EXHIBIT	A-3
-	DESIGNED ROB DRAWN MEH	SCALE: AS NOTED
1	CHECKED_ROB	NO. 2 of 1
	STANLEY JOB NO	3 of 4



CT OF SALT LAKE AND SANDY **EXHIBIT**



≰ATER CT 311 EASEMENT ANDONED 1.28 ACRES)



ROPOLITAN WATER RICT - TRACT 311 ADDITIONAL PETUAL EASEMENT AREA 25 SQ.FT (0.28 ACRES)

SEC

LOT 104 (GOLF COURSE) CITY OF CEDAR HILLS 36-903-0143 CEDARS AT CEDAR HILLS PLAT "B"

COLLOWNOOD

₃nts	INC.
; UTAH 8412	3

REGISSO 202, 305, AND PORTIONS OF 307 AND 311 REMSED PERPETUAL EASEMENT TIONS 5 AND 8, T.5S., R.ZE, SLBAM AND SECTION 31 T.4S., R.ZE, SLBAM, UTAH COUNTY, UTAH
METROPOLITAN WATER DISTRICT OF SALT LAKE AND SANDY SALT LAKE COUNTY, UTAH

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	EXHIBIT	A-4
ı	DESIGNED_ROB DRAWNMBH	SCALE: AS NOTED
	CHECKED	4 of 4