

RED NOTE AB

340384

*Summit Park water
Special Service District*

91 MAY - 8 AM 8:53

ALAN SPRIGGS
SUMMIT COUNTY RECORDER

RECORDED *by*

GRANT OF EASEMENT AND RIGHT OF FIRST REFUSAL

For valuable consideration, the receipt and sufficiency of which is hereby acknowledged, JAMES F. HUNT and CARLA HUNT, GRANTORS of Summit County, Utah, hereby grant to SUMMIT COUNTY, a Political Subdivision of the State Of Utah, GRANTEE a well protection zone easement for Summit Park Well No.1, comprising a 100 foot radius protection zone around this well on Lot 35 Summit Park Subdivision Plat H, in the official records of Summit County, within which the GRANTORS shall not locate concentrated sources of pollution in accordance with the rules and regulations of the Safe Drinking Water Committee of the State of Utah. This easement contains 7,009.41 square feet or 0.16 acres more or less, and is more particularly described in Exhibit A hereto, which is incorporated herein by this reference.

GRANTEE acknowledges that GRANTORS have on their premises and within the protection zone easement area an old septic tank that is now out of service but which at one time sewered their existing home. GRANTORS' home is now connected to the sanitary sewer in the subdivision and as their home is located within 300 feet of the sanitary sewer they are required by law to remain connected to this sewer collection system.

GRANTORS agree, on behalf of themselves and their heirs, successors, administrators and assigns, to never disconnect their home from the sanitary sewer system or to never place the septic

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tank back into service. As consideration for this covenant, which shall be construed as a covenant running with the land, GRANTEE agrees that GRANTORS need not remove or relocate the septic tank or its drain lines to a location outside of the protection zone easement area. GRANTEE further agrees to indemnify and hold GRANTORS harmless from any and all claims, liens, losses, damages and liabilities arising out of or in any way connected to GRANTORS' negligent acts and omissions stemming from the continued existence of the septic tank and drain lines within the protection zone easement area; provided, however, that GRANTEE will not indemnify GRANTORS against any gross negligence or willful misconduct.

GRANTEE further grants to GRANTORS, for so long as GRANTORS own lot 35 as described above, a right of first refusal to purchase from GRANTEE Lot 36 Summit Park Subdivision Plat H, in the official records of Summit County, in the event that GRANTEE elects to abandon its Well #1 which is located on that lot and offer this lot for sale. This right shall provide GRANTORS the right to purchase this lot upon the same terms and conditions as offered to GRANTEE by a bona fide third party offeree. GRANTORS shall have 15 days from the date of their receipt of written notice from GRANTEE to accept the terms of the purchase and agree to be bound thereby. GRANTORS must notify GRANTEE in writing of their intent to exercise their right and purchase the lot on the specified terms and

conditions within the 15 day notice period. If GRANTORS decline to purchase the lot on these terms, or if 15 days expire without a response from GRANTORS, GRANTEE shall be free to pursue the sale to the third party offeree and to conclude the sale on those specified terms.

Dated this 7th day of May, 1991.

GRANTORS

James F. Hunt
JAMES F. HUNT

Carla Hunt
CARLA HUNT

State of Utah)
) ss.
County of Summit)

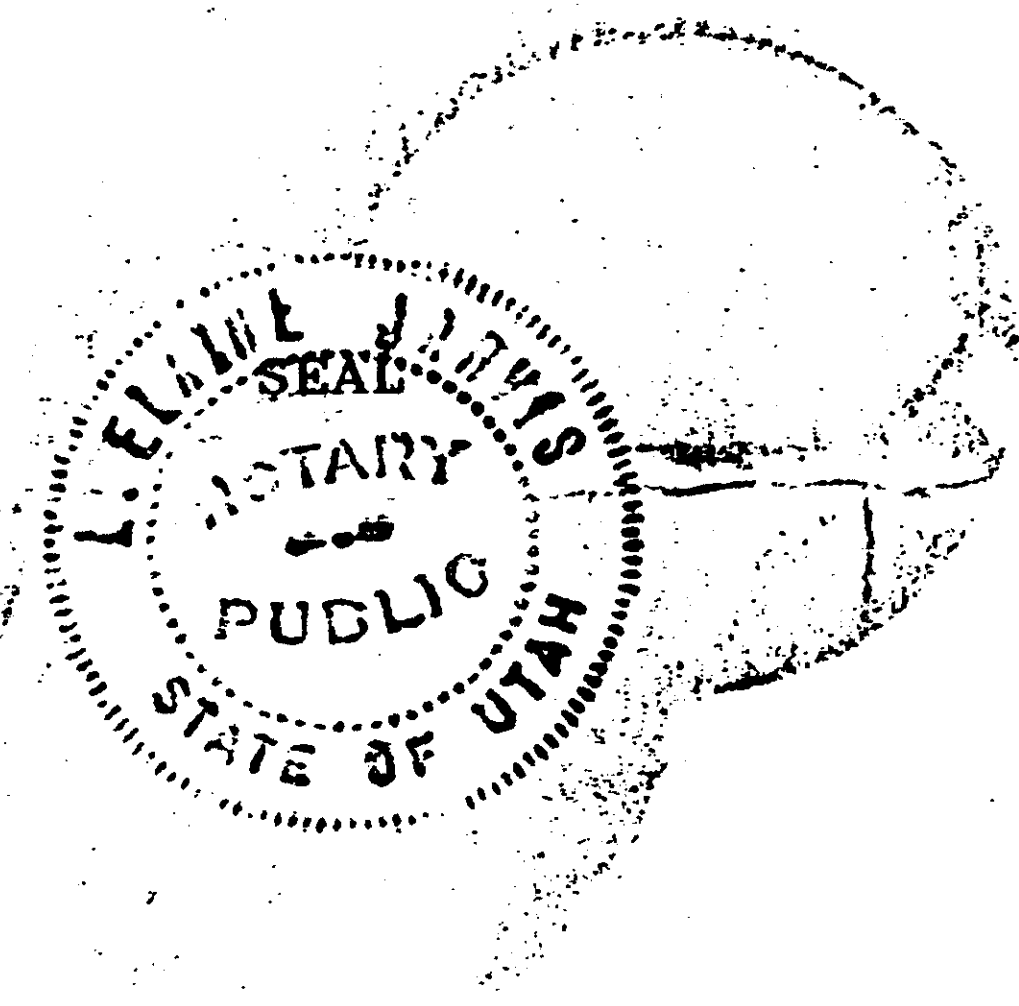
The foregoing instrument was acknowledged before me this 7 day of May, 1991, by James F. Hunt and Carla Hunt, the GRANTORS named therein.

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L. Elaine Jarvis

Notary Public

6/3/91



SUMMIT PARK WATER WELL NO. 1
100 FOOT WELL PROTECTION ZONE EASEMENT FOR
LOT 35 SUMMIT PARK PLAT "H"
(James F. Hunt Property)

A parcel of land located in Section 9, Township 1 South, Range 3 East, Salt Lake Meridian, being further described as follows:

BEGINNING at the Southeast Corner of Lot 35 as described by Summit Park Plat "H", recorded No. 92234, dated October 3, 1960; thence South 53°17'00" West 100.10 feet; thence North 16°38'00" West 37.28 feet; thence North 55°00'00" West 38.69 feet; thence 98.51 feet Easterly along the arc of a circular curve with a 100 foot radius that is centered at the wellhead of Summit Park Water Well No. 1 or to the boundary of Lot 35; thence along the boundary of Lot 35 66.78 feet on a 354.10 foot radius curve as per Summit Park Plat "H" to the point of beginning. Contains 7,009.41 square feet or 0.16 acres more or less. This description does not represent an actual field survey. Point of reference being the wellhead of Summit Park Water Well No. 1. Basis of bearing being the course between Southwest Corner and Southeast Corner of said Lot 35 described on Summit Park Plat "H" as being North 53°17'00" East.

10/21/88

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