



ENT 41268:2015 PG 1 of 3
JEFFERY SMITH
UTAH COUNTY RECORDER
2015 May 13 3:02 pm FEE 14.00 BY SW
RECORDED FOR RESIDENCES AT MONTE VISTA,

WHEN RECORDED RETURN TO:

Residences at Monte Vista, LLC
978 East Woodoak Lane
Salt Lake City, Utah 84107
Attn: Matt Erickson

**NOTICE OF ABANDONMENT OF EASEMENT
AND WAIVER AND RELEASE OF CLAIM**

Effective as of this 12th day of May, 2015, ("Effective Date"), the Residences at Monte Vista, LLC, a Utah limited liability company ("Monte Vista"), and the North Union Canal Company, a Utah corporation and public utility ("NUCC"), for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, covenant and agree as follows:

RECITALS

WHEREAS, Monte Vista owns real property located at approximately 920 North State Street, in Orem City, Utah, ("Property") more specifically described as:

All of Lot 1, Residences at Monte Vista Subdivision, containing 171,272 square feet
(3.932 acres) Parcel No. 51:543:0001

WHEREAS, in the course of the improvement of its Property, Monte Vista encountered a 36-inch diameter irrigation pipe running along the eastern boundary of its Property parallel to State Street and within a 7-foot wide dedicated public utility easement, which pipe was not in use and did not appear to have been used for many years ("Irrigation Pipe");

WHEREAS, NUCC claims to own the Irrigation Pipe but has no knowledge or record of when it was last used for irrigation or any other purpose;

WHEREAS, to continue with the development of its Property, Monte Vista must install a fire line, water service lines and fire hydrants which will cross the Irrigation Pipe;

WHEREAS, NUCC has no use or interest in maintaining the Irrigation Pipe or for the rights to the real property in which the Irrigation Pipe currently runs;

WHEREAS, Monte Vista desires to remove and/or demolish all or part of the Irrigation Pipe from its present location to facilitate the development of its Property; and

WHEREAS, the parties are agreeable to addressing the above referenced matters on the following terms and conditions.

NOW THEREFORE, in consideration of the above Recitals and on the terms and conditions set forth below, the parties agree as follows:

1. NUCC abandons the Irrigation Pipe running along the easternmost boundary of Monte Vista's Property within the public utility easement, more or less parallel to State Street on Monte Vista's property, and hereby gives notice of such abandonment.

2. NUCC waives and releases all right, title and interest in and to the real property and public utility easement in which the Irrigation Pipe is presently located running along the easternmost boundary of Monte Vista's Property parallel to State Street.

3. NUCC abandons, quit claims and cedes to Monte Vista the Irrigation Pipe together with whatever rights, interests and entitlements NUCC holds or held in the ground in which its Irrigation Pipe is presently located along the easternmost boundary of Monte Vista's Property more or less parallel to State Street.

4. Monte Vista shall at its sole cost and expense remove and/or demolish all or part of the 36-inch irrigation pipe from its present location along the easternmost boundary of the Property.

5. Monte Vista and NUCC shall bear their own fees and costs related to the negotiation and recording of this instrument.

6. NUCC represents and warrants that it has no knowledge and/or information of any other person or entity who claims a right and interest in and to its easement abandoned hereunder or in and to the Irrigation Pipe itself.

7. This Notice of Abandonment may and shall be recorded with the Utah County Recorder.

[Signatures on Following Page]

DATED as of the Effective Date.

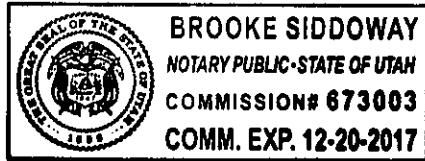
Residences at Monte Vista, LLC

By: [Signature]
Its: Authorized Agent

STATE OF UTAH

COUNTY OF Salt Lake

The foregoing instrument was acknowledged before me this May 12, 2015 (date) by Richard Listerth (person acknowledging, title or representative capacity, if any).



[Signature]
Notary Public
Printed Name: Brooke Siddoway

DATED as of the Effective Date.

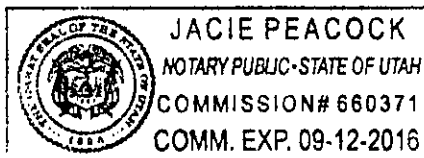
North Union Canal Company

By: [Signature]
Its: President N.U.C.C.

STATE OF UTAH

COUNTY OF Utah

The foregoing instrument was acknowledged before me this 5.13.15 (date) by Alex D. Lott (person acknowledging, title or representative capacity, if any).



[Signature]
Notary Public
Printed Name: Jacie Peacock