

When recorded, return to:  
School and Institutional  
Trust Lands Administration  
675 E. 500 S., Suite 500  
Salt Lake City, Utah 84102

ENT48970:2022 PG 1 of 9  
**Andrea Allen**  
**Utah County Recorder**  
2022 Apr 20 09:47 AM FEE 0.00 BY MC  
RECORDED FOR State of Utah School and Institutional  
ELECTRONICALLY RECORDED

**FIRST AMENDMENT TO  
TERMINATION AND AMENDMENT TO  
GRANT OF EASEMENT AND AGREEMENT  
(PRED 712)**

This First Amendment to Termination and Amendment to Grant of Easement and Agreement (PRED 712) (this “**First Amendment**”) is dated April 19, 2022 (the “**Effective Date**”), and is between the School and Institutional Trust Lands Administration, with an address of 675 East 500 South, Suite 500, Salt Lake City, Utah 84102 acting on behalf of the State of Utah as trustee of the trust land beneficiaries (“**SITLA**”), and Utah Summit Partners, LLC, a Utah limited liability company, with an address of 978 Woodoak Lane, Salt Lake City, Utah 84117 (“**Grantor**”). If capitalized terms are not defined in this First Amendment, they have the definitions given to them in the Agreement.

**RECITALS**

- A. SITLA and Grantor are parties to that certain Termination and Amendment to Grant of Easement and Agreement (PRED 712), dated August 1, 2002 (the “**Agreement**”), pursuant to which Grantor granted to STLA an easement over and across the South County Property. The parties recorded the Agreement in the Utah County Recorder’s office at 4:21 p.m. on September 4, 2002, Entry No. 102768:2002.
- B. The parties desire to amend the Agreement to replace the description of the New Easement.

**AMENDMENT**

Grantor and SITLA agree as follows:

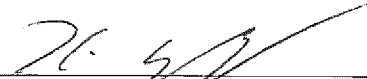
- 1. Legal Description of Property. The parties hereby delete Exhibit B of the Agreement and replace it with Exhibit A of this First Amendment.
- 2. Amendment to Agreement. If there are any conflicts or inconsistencies between the terms of this First Amendment and the terms of the Agreement, the terms of this Amendment control.
- 3. Ratification. The parties hereby ratify and reaffirm the Agreement, as amended by this First Amendment. All terms of the Agreement not amended by this First Amendment remain the same and continue in full force and effect.
- 4. General Provisions.
  - a. The parties shall do all further acts and things and execute and deliver additional agreements and instruments as the other may reasonably require to confirm the agreement contained in this First Amendment.

- b. This First Amendment has been negotiated by the parties. The parties do not intend that terms of this First Amendment be construed against any party because that party drafted this First Amendment or construed in favor of any party because that party failed to understand the legal effect of this First Amendment.
- c. This First Amendment represents the entire agreement among the parties with respect to the subject matter of this First Amendment and supersedes any previous agreement, written or oral, between the parties. The parties may only modify this First Amendment in a writing signed by the party against whom enforcement is sought.
- d. There are no third-party beneficiaries to this First Amendment.
- e. This First Amendment is binding on and inures to the benefit of the parties and their respective officers, directors, representatives, affiliates, parents, subsidiaries, agents, principals, corporate divisions, trustees, heirs, executors, successors and assigns.
- f. This First Amendment is governed by the laws of the State of Utah. The parties hereby submit to the exclusive jurisdiction of the Third Judicial District Courts in Salt Lake County, Utah.
- g. The parties may execute this First Amendment in counterparts, each of which will be deemed an original instrument for all purposes, but all of which will comprise one and the same instrument.

*[SIGNATURE PAGES FOLLOW]*

The parties have executed this First Amendment as of the Effective Date.

**UTAH SUMMIT PARTNERS, LLC**

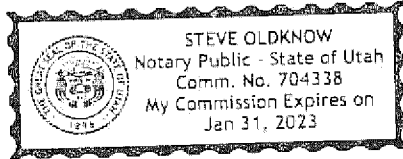
  
\_\_\_\_\_  
By: Kevin Anglesey  
Its: Secretary

Date: April 19, 2022

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

The foregoing instrument was acknowledged before me this 19 day of APRIL, 2022,  
by Kevin Anglesey, the Secretary of Utah Summit Partners, LLC.

Seal:



  
\_\_\_\_\_  
Notary Public

STATE OF UTAH, SCHOOL AND INSTITUTIONAL TRUST LANDS ADMINISTRATION

Michelle E. McConkie  
By: Michelle E. McConkie  
Its: Director

Date: April 19, 2022

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

The foregoing instrument was acknowledged before me this 19<sup>th</sup> day of April, 2022, by Michelle E. McConkie, the Director of the School and Institutional Trust Lands Administration.

Lisa Stamps Jones

Notary Public

Seal:



Approved as to form:  
Sean D. Reyes, Attorney General

By: Sean D. Reyes  
Special Assistant Attorney General

**EXHIBIT A****Legal Description on New Easement**

A PARCEL OF LAND IN THE WEST ½ OF SECTION 15, THE NORTHEAST ¼ OF SECTION 16, THE EAST ½ OF SECTION 9 AND THE WEST ½ OF SECTION 10, TOWNSHIP 10 SOUTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 15 (Northing - 7151851.8769', Easting - 1549786.9318' (NAD83 State Plane Central), THENCE S 89° 05' 23"W. ALONG THE SECTION LINE A DISTANCE OF 196.35 FEET AND SOUTH 161.14 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING THE NORTHWEST CORNER OF CYPRESS POINT DRIVE ON THE ROAD DEDICATION PLAT, RECORDED AS ENTRY 88072-2005 ON AUGUST 8, 2005:

Thence, S 50° 26' 43" E for a distance of 50.00 feet to a point on a line.

Thence, S 39° 29' 43" W for a distance of 251.80 feet to a point on a line.

Thence, S 39° 29' 43" W for a distance of 147.41 feet to the beginning of a curve,

Said curve turning to the right through 16° 07' 53.0", having a radius of 775.00 feet, and whose long chord bears S 47° 33' 39" W for a distance of 218.20 feet to the beginning of a non-tangential curve.

Said curve turning to the left through 10° 55' 13.9", having a radius of 725.00 feet, and whose long chord bears S 50° 09' 59" W for a distance of 138.18 feet to the beginning of a non-tangential curve.

Said curve turning to the left through 11° 43' 49.4", having a radius of 725.00 feet, and whose long chord bears S 38° 50' 27" W for a distance of 148.43 feet to the beginning of a non-tangential curve.

Said curve turning to the left through 03° 53' 49.8", having a radius of 725.00 feet, and whose long chord bears S 31° 01' 38" W for a distance of 49.31 feet to the beginning of a non-tangential curve.

Said curve turning to the right through 06° 18' 29.0", having a radius of 525.00 feet, and whose long chord bears S 32° 13' 57" W for a distance of 57.8 feet to the beginning of a non-tangential curve.

Said curve turning to the left through 17° 53' 13.8", having a radius of 475.00 feet, and whose long chord bears S 26° 26' 35" W for a distance of 148.29 feet to the beginning of a non-tangential curve.

Said curve turning to the right through 15° 39' 10.2", having a radius of 525.00 feet, and whose long chord bears S 25° 19' 33" W for a distance of 143.43 feet to the beginning of a non-tangential curve.

Said curve turning to the right through 11° 24' 02.5", having a radius of 525.00 feet, and whose long chord bears S 38° 51' 10" W for a distance of 104.46 feet to the beginning of a non-tangential curve.

Said curve turning to the left through 42° 28' 03.1", having a radius of 475.00 feet, and whose long chord bears S 23° 19' 09" W for a distance of 352.07 feet to the beginning of a non-tangential curve.

Said curve turning to the right through an angle of  $11^{\circ} 03' 03.1''$ , having a radius of 1025.00 feet, and whose long chord bears  $S 07^{\circ} 36' 39'' W$  for a distance of 197.7 feet.

Thence,  $S 13^{\circ} 08' 11'' W$  for a distance of 128.19 feet to the beginning of a curve,

Said curve turning to the left through an angle of  $06^{\circ} 40' 33.3''$ , having a radius of 975.00 feet, and whose long chord bears  $S 09^{\circ} 47' 54'' W$  for a distance of 113.6 feet to a point of intersection with a non-tangential line.

Thence,  $S 69^{\circ} 42' 45'' W$  for a distance of 98.43 feet to a point on the eastern boundary line of the SW4 of the NE4 of Section 16, Township 10 South, Range 1 East, Salt Lake Base & Meridian.

Thence,  $N 00^{\circ} 49' 29'' W$  for a distance of 70.00 feet along said boundary line.

Thence,  $N 69^{\circ} 42' 45'' E$  for a distance of 53.71 feet to the beginning of a non-tangential curve,

Said curve turning to the right through an angle of  $03^{\circ} 55' 07.3''$ , having a radius of 1025.00 feet, and whose long chord bears  $N 11^{\circ} 10' 37'' E$  for a distance of 70.1 feet.

Thence,  $N 13^{\circ} 08' 11'' E$  for a distance of 128.19 feet to the beginning of a curve,

Said curve turning to the left through  $11^{\circ} 03' 03.1''$ , having a radius of 975.00 feet, and whose long chord bears  $N 07^{\circ} 36' 39'' E$  for a distance of 188.05 feet to the beginning of a non-tangential curve.

Said curve turning to the right through  $42^{\circ} 28' 03.1''$ , having a radius of 525.00 feet, and whose long chord bears  $N 23^{\circ} 19' 09'' E$  for a distance of 389.13 feet to the beginning of a non-tangential curve.

Said curve turning to the left through  $11^{\circ} 24' 02.5''$ , having a radius of 475.00 feet, and whose long chord bears  $N 38^{\circ} 51' 10'' E$  for a distance of 94.52 feet to the beginning of a non-tangential curve.

Said curve turning to the left through  $15^{\circ} 39' 10.2''$ , having a radius of 475.00 feet, and whose long chord bears  $N 25^{\circ} 19' 33'' E$  for a distance of 129.77 feet to the beginning of a non-tangential curve.

Said curve turning to the right through  $17^{\circ} 53' 13.8''$ , having a radius of 525.00 feet, and whose long chord bears  $N 26^{\circ} 26' 35'' E$  for a distance of 163.9 feet to the beginning of a non-tangential curve.

Said curve turning to the left through  $06^{\circ} 18' 29.0''$ , having a radius of 475.00 feet, and whose long chord bears  $N 32^{\circ} 13' 57'' E$  for a distance of 52.3 feet to the beginning of a non-tangential curve.

Said curve turning to the right through  $03^{\circ} 53' 49.8''$ , having a radius of 775.00 feet, and whose long chord bears  $N 31^{\circ} 01' 38'' E$  for a distance of 52.71 feet to the beginning of a non-tangential curve.

Said curve turning to the right through an angle of  $08^{\circ} 46' 18.7''$ , having a radius of 775.00 feet, and whose long chord bears  $N 37^{\circ} 21' 42'' E$  for a distance of 118.65 feet to a point of intersection with a non-tangential line.

Thence,  $N 45^{\circ} 17' 38'' W$  for a distance of 115.51 feet to the beginning of a curve,

Said curve turning to the left through an angle of  $11^{\circ} 15' 05.2''$ , having a radius of 710.00 feet, and whose long chord bears  $N 50^{\circ} 55' 11'' W$  for a distance of 139.43 feet.

Thence,  $N 56^{\circ} 32' 43'' W$  for a distance of 69.46 feet to the beginning of a curve,

Said curve turning to the right through an angle of  $55^{\circ} 43' 13.2''$ , having a radius of 540.00 feet, and whose long chord bears  $N 28^{\circ} 41' 07'' W$  for a distance of 525.15 feet.

Thence, N 00° 49' 30" W for a distance of 350.33 feet to the beginning of a curve,  
 Said curve turning to the left through an angle of 77° 21' 30.1", having a radius of 160.00 feet,  
 and whose long chord bears N 39° 30' 15" W for a distance of 216.03 feet.

Thence, N 78° 11' 00" W for a distance of 176.74 feet to the beginning of a non-tangential curve,  
 Said curve turning to the left through an angle of 29° 35' 19.1", having a radius of 500.00 feet,  
 and whose long chord bears S 88° 02' 59" W for a distance of 258.21 feet to a point of  
 intersection with a non-tangential line.

Thence, S 69° 58' 00" W for a distance of 528.14 feet to the beginning of a curve,  
 Said curve turning to the right through 35° 09' 46.2", having a radius of 330.00 feet, and whose  
 long chord bears S 87° 32' 53" W for a distance of 202.52 feet to the beginning of a non-  
 tangential curve.

Said curve turning to the left through 76° 46' 42.2", having a radius of 15.00 feet, and whose  
 long chord bears S 66° 44' 09" W for a distance of 20.1 feet to the beginning of a non-tangential  
 curve.

Said curve turning to the right through an angle of 39° 32' 30.9", having a radius of 230.00 feet,  
 and whose long chord bears S 48° 06' 46" W for a distance of 158.73 feet.

Thence, S 67° 53' 00" W for a distance of 13.08 feet to the beginning of a curve,  
 Said curve turning to the left through an angle of 71° 57' 34.6", having a radius of 170.00 feet,  
 and whose long chord bears S 31° 54' 15" W for a distance of 213.51 feet.

Thence, S 04° 04' 30" E for a distance of 2.15 feet to a point on the northern boundary line of  
 Section 16, Township 10 South, Range 1 East, Salt Lake Base & Meridian.

Thence, S 87° 58' 36" W for a distance of 60.04 feet along said northern boundary line to the  
 beginning of a non-tangential curve,  
 Said curve turning to the right through 71° 57' 30.7", having a radius of 230.00 feet, and whose  
 long chord bears N 31° 54' 15" E for a distance of 288.86 feet to the beginning of a non-tangential  
 curve.

Said curve turning to the left through an angle of 45° 28' 51.9", having a radius of 170.00 feet,  
 and whose long chord bears N 45° 08' 37" E for a distance of 134.95 feet.

Thence, N 22° 24' 13" E for a distance of 48.55 feet to the beginning of a non-tangential curve,  
 Said curve turning to the left through an angle of 48° 49' 01.7", having a radius of 270.00 feet,  
 and whose long chord bears S 85° 37' 30" E for a distance of 230.05 feet.

Thence, N 69° 58' 00" E for a distance of 528.14 feet to the beginning of a non-tangential curve,  
 Said curve turning to the right through an angle of 34° 09' 50.4", having a radius of 500.00 feet,  
 and whose long chord bears N 84° 00' 56" E for a distance of 298.14 feet to a point of intersection  
 with a non-tangential line.

Thence, S 78° 11' 00" E for a distance of 184.73 feet to the beginning of a curve,  
 Said curve turning to the right through an angle of 77° 21' 30.1", having a radius of 220.00 feet,  
 and whose long chord bears S 39° 30' 15" E for a distance of 297.03 feet.

Thence, S 00° 49' 30" E for a distance of 363.35 feet to the beginning of a curve,  
 Said curve turning to the left through an angle of 55° 43' 13.2", having a radius of 480.00 feet,  
 and whose long chord bears S 28° 41' 07" E for a distance of 466.8 feet.

Thence, S 56° 32' 43" E for a distance of 69.46 feet to the beginning of a curve,

Said curve turning to the right through an angle of  $11^{\circ} 15' 05.2''$ , having a radius of 770.00 feet, and whose long chord bears  $S 50^{\circ} 55' 11'' E$  for a distance of 151.21 feet.

Thence,  $S 45^{\circ} 17' 38'' E$  for a distance of 114.73 feet to the beginning of a non-tangential curve, Said curve turning to the right through  $09^{\circ} 26' 30.4''$ , having a radius of 775.00 feet, and whose long chord bears  $N 50^{\circ} 54' 21'' E$  for a distance of 127.71 feet to the beginning of a non-tangential curve.

Said curve turning to the left through an angle of  $16^{\circ} 07' 53.0''$ , having a radius of 725.00 feet, and whose long chord bears  $N 47^{\circ} 33' 39'' E$  for a distance of 204.12 feet.

Thence,  $N 39^{\circ} 29' 43'' E$  for a distance of 147.41 feet to a point on a line.

Thence  $N 39^{\circ} 29' 43'' E$  for a distance of 251.86 feet to the POINT OF BEGINNING.

SAID DESCRIBED PARCEL CONTAINS 305,431 SQUARE FEET OR 7.01 ACRES MORE OR LESS.



