

366  
490120

EASEMENT AGREEMENT

Kaysville, 17, 18, 19, 20-1  
77W 34-47-1W

THIS EASEMENT AGREEMENT is made and entered into this 19 day of March, 1978, by and between Lloyd N. Hayes, <sup>DAWNA</sup> Donna H. Hayes, Larry Smith and Neva Smith (hereinafter "Grantors") and Kaysville Shopping Limited, a Utah Limited Partnership (hereinafter "Grantee") who do mutually covenant and agree that:

For and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Grantors have this day bargained and sold and by these presents do hereby grant, bargain, sell, convey, transfer and deliver unto the Grantees a permanent easement and right of way, in the Grantors property hereinafter described for the following purposes, namely: The right to drain surface drainage water from the Grantees property over and across the Grantor's property to a drainage ditch on the northern portion of Grantor's property (Kays Creek).

The Grantees agree to place all material excavated from the Grantees property on the Grantor's property in locations to be designated by the Grantor.

TO HAVE AND TO HOLD THE SAID EASEMENT AND RIGHT OF WAY UNTO THE GRANTEE, HIS SUCCESSORS AND ASSIGNS FOREVER.

The Grantors property and the Grantees property is more particularly described on Exhibit "A" and Exhibit "B" attached to this agreement. The exact location and description of the easement granted herein is shown on Exhibit "C".

DATED the day and year first above written.

GRANTORS:

Lloyd N. Hayes  
Lloyd N. Hayes  
Donna H. Hayes  
Donna H. Hayes  
DAWNA

Larry Smith  
Larry Smith  
Neva Smith  
Neva Smith

GRANTEES:

KAYSVILLE SHOPPING LIMITED

[Signature]  
General Partner

Platted   
On Margin   
Compared   
Abstracted   
Indexed   
Entered

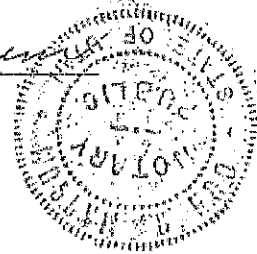
Recorded at request of Development Associates  
Date MAR 22 1978 at 3:00 P.M. MARGUERITE S. JOHNSON Recorder Davis Count. 366  
Deputy Book 697

Assoc. 2000

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

On the 22 day of March, 1978, personally  
appeared before me Lloyd N. Hayes, Donna H. Hayes, Larry  
Smith, and Neva Smith, the signers of the above instrument  
who duly acknowledged to me that they executed the same.

Lloyd N. Hayes  
NOTARY PUBLIC  
Residing in:



My Commission Expires:  
8-17-79

## EXHIBIT "A"

## GRANTOR'S LAND

770-34-47-12  
17, 16, 19, 20

BEGINNING on the Easterly right of way line of a highway North 46° 25' West 703.5 feet and North 75° 10' West 249.27 feet from the Southwest corner of Block 17, Plat "D", Kaysville Townsite Survey, in the Northwest quarter of Section 34, Township 4 North, Range 1 West Salt Lake Base and Meridian and running thence North 75° 10' West 496.30 feet along said highway right of way line; thence North 14° 12' East 329.10 feet; thence North 28° 10' East 146.13 feet; thence North 75° 10' West 296.2 feet; thence North 18° 45' East 127 feet; thence North 203 feet; thence North 44° 00' East 223 feet; thence North 71° 02' East 235.5 feet, more or less, to the West right of way line of the Old Bamberger Railroad; thence South 43° 14' East 7.9 feet along said right of way; thence South 62° 01' East 105.6 feet along said right of way; thence South 43° 14' East 870.02 feet along said right of way line thence South 43° 35' West 720.37 feet, more or less, to the point of BEGINNING.

## EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PORTION:

BEGINNING on the Easterly right of way line of State Highway 106 at a point which is North 46° 25' West 703.50 feet and North 75° 10' West 249.27 feet from the Southwest corner of Block 17, Plat D, Kaysville Township Survey in the Northwest quarter of Section 34, Township 4 North, Range 1 West, Salt Lake Base and Meridian, and running thence North 75° 10' West 496.30 feet; thence North 14° 12' East 329.10 feet; thence North 28° 10' East 146.13 feet; thence South 61° 50' East 1.00 feet to a point on a 363.09 foot radius curve to the left (radius point bears North 61° 50' West); thence Northerly along said curve 163.44 feet to a point of tangency with a 239.32 foot curve to the right (radius point bears South 87° 37' 29" East); thence Northerly along said curve 185.42 feet; thence North 46° 46' East 260.00 feet; thence South 43° 14' East 757.02 feet; thence South 43° 35' West 720.37 feet, more or less to the point of BEGINNING.

## EXHIBIT "B"

## GRANTEE'S LAND

BEGINNING on the Easterly right of way line of State Highway 106 at a point which is North  $46^{\circ} 25'$  West 703.50 feet and North  $75^{\circ} 10'$  West 249.27 feet from the Southwest corner of Block 17, Plat D, Kaysville Township Survey in the Northwest quarter of Section 34, T. 4 N., R. 1 W., S.L.B. & M., and running; thence North  $75^{\circ} 10'$  West 496.30 feet; thence North  $14^{\circ} 12'$  East 329.10 feet; thence North  $28^{\circ} 10'$  East 146.13 feet; thence South  $61^{\circ} 50'$  East 1.00 feet to a point on a 363.09 foot radius curve to the left (radius point bears North  $61^{\circ} 50'$  West); thence Northerly along said curve 163.44 feet to a point of tangency with a 239.32 foot curve to the right (radius point bears South  $87^{\circ} 37' 29''$  East); thence Northeasterly along said curve 185.42 feet; thence North  $46^{\circ} 46'$  East 260.00 feet; thence South  $43^{\circ} 14'$  East 757.02 feet; thence South  $43^{\circ} 35'$  West 720.37 feet, more or less to the point of BEGINNING.