

## ACCESS AND UTILITY EASEMENT

**Richard C. Bennion, (GRANTOR)**

hereby grants an Easement for a private driveway and private underground utilities to:

Kenneth A. Wade, Trustee of the Kenneth A. Wade Family Living Trust signed July 21, 1994, (GRANTEE)

The real property of the GRANTOR, which will be encumbered by the Easement herein granted is PARCEL 00-0014-4027 located in Wasatch County, State of Utah, and more particularly described as follows:

BEGINNING N.1288.92FT & W.2833.08FT FROM E1/4 CORNER SECTION 33, T.3S, R.4E, SLM: W.573.36FT; N.12 DEG 45'30"W.125.44FT; S.89 DEG 01'20"E.201.42FT; N.78 DEG 39'48"E.395.48FT; S.03 DEG 27'57"E.197.91FT TO THE BEGINNING. AREA: 1.95 ACRES MORE OR LESS

The real property of the GRANTEE, which is to be benefitted by the Easement herein granted are parcels 00-0002-2124, 00-0002-2132, 00-0013-3293 in Wasatch County, State of Utah, and more particularly described as follows:

*Lots 99 and 100 in Swiss Mountain Estates Plat No. 2, according to the official plat thereof, on file and of record in the office of the Wasatch County Recorder, and Parcel 00-0013-3293 (approximately 0.56 acres) directly north of said lots.*

**The Easement on the GRANTOR'S land is easement covering the southeast 40-ft x 40-ft area of said GRANTOR'S parcel 00-0014-4027 in Section 33, Township 3 South, Range 4 East, SLBM, as described previously.**

Said Easement is an appurtenant non-exclusive right-of-way easement for underground utilities (including at-ground equipment boxes), emergency vehicles, and driveway access (both ingress and egress, both pedestrian and vehicular) for Lots 99 and 100 of Swiss Mountain Estates No. 2, and also for adjacent Wasatch County Parcel 00-0013-3293 which is located directly north of said lots. Said easement may be improved with a shared driveway to access the three parcels noted, including road base, gravel, pavement, snow storage, signage, and landscaping.

This Easement Agreement is appurtenant to the Grantee's property, and shall be binding upon the parties hereto, their grantees, heirs, assigns, and successors. Subject to the foregoing, the GRANTOR retains and reserves the right to use the easement property for any and all purposes not inconsistent with the easement herein granted, including driveway and utility access to the rear areas of GRANTOR's property.

Nothing contained in this Grant of Easement shall be deemed to be a gift or dedication of any portion of the property to or for the general public or for any public purpose whatsoever.

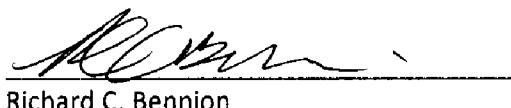
If a dispute arises under this Easement, the parties shall first submit to mediation with a mutually agreeable mediator. The parties shall be responsible for their own costs and attorney's fees incurred in mediation. The parties shall split the cost of the mediator unless agreed otherwise. If the dispute is not settled with mediation, the parties shall submit to binding arbitration with a mutually agreeable arbitrator or arbitration panel, the costs to be split equally.

**NOTE TO RECORDER:** Parcel ID is 00-0014-4019

**RESERVING** to the **GRANTOR** and its guests, invitees, heirs, assigns, and successors-in-interest, an appurtenant non-exclusive right-of-way easement for underground utilities (including at-ground equipment boxes), emergency vehicles, and driveway access (both ingress and egress, both pedestrian and vehicular) for Lots 99 and 100 of Swiss Mountain Estates No. 2, and also for adjacent Wasatch County Parcel 00-0013-3293 which is located directly north of said lots, said easement being the eastern forty feet (40.00 feet) of Parcel 00-0014-4019 in Section 33, Township 3 South, Range 4 East, SLBM which is being sold to **GRANTEE**. Said easement may be improved with a shared driveway to access the three parcels noted, including road base, gravel, pavement, snow storage, signage, and landscaping.

**ALSO GRANTING** to the **GRANTOR** the same utility and access easement as reserved and described above, over the southeast corner of the adjoining property owned by the **GRANTEE**, being Wasatch County Parcel 00-0014-4027, said easement covering the southeast 40-ft x 40-ft area of said **GRANTEE'S** parcel.

**WITNESS** the hand of said **GRANTOR** this day of January 31, 2024.

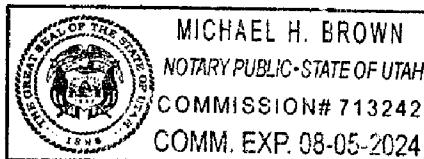


Richard C. Bennion

**ACKNOWLEDGEMENT:**

State of UTAH  
County of WASATCH

This certifies that on this day of 31<sup>st</sup> day of January 2024, personally appeared before me, Richard C. Bennion, proved on the basis of satisfactory evidence to be the person whose name is subscribed in this instrument, who acknowledged to me that he executed said instrument freely and voluntarily for the purposes and use herein stated.




Notary Public

