

Return to:  
Heber Light & Power Company  
31 South 100 West  
Heber City, UT 84032

Ent 557404 Bk 1509 Pg 1149-1158  
Date: 24-MAR-2025 10:26:12AM  
Fee: \$40.00 Check Filed By: CO  
MARCY M MURRAY, Recorder  
WASATCH COUNTY CORPORATION  
For: HEBER LIGHT & POWER COMPANY

Wasatch County Parcel(s):  
00-0022-0598  
00-0022-0596  
00-0022-0595

Project Name: Heber Crossing Project - WO49553

## **ELECTRICAL RIGHT OF WAY EASEMENT (UNDERGROUND)**

WHEREAS, **JPK HEBER CROSSINGS, LLC**, a Utah limited liability company; **TOUSSAINT HEBER CROSSINGS, LLC**, a Utah limited liability company; **HEBER CROSSINGS SHOPS, LLC**, a Utah limited liability company; **PARK CITY CREST FUND 1, LLC**, a Utah limited liability company; and **FSP7 HEBER, LLC**, a Utah limited liability company (together, "**Grantor**"), own as tenants in common certain real property located in Wasatch County, State of Utah, which is more particularly described in **Exhibit A** attached hereto and incorporated herein ("**Grantor's Property**"); and

WHEREAS, **HEBER LIGHT & POWER COMPANY**, an interlocal entity organized under the provisions of the Utah Interlocal Cooperation Act, Utah Code Ann. §§ 11-13-101, *et seq.* ("**HLP**"), desires to construct, operate, maintain, repair, and replace underground electric power transmission, underground electric distribution lines, communications lines, and related equipment and infrastructure (together, the "**HLP Facilities**") across Grantor's Property; and

WHEREAS, the parties desire that Grantor grant this Easement to accommodate the HLP Facilities;

NOW, THEREFORE, for value received, Grantor hereby grants to HLP, and its successors and assigns ("**Grantee**"), an easement and right of way ("**Easement**") for the construction, reconstruction, operation, maintenance, repair, replacement, enlargement, protection, and removal of the HLP Facilities and all necessary or desirable accessories and appurtenances thereto, including without limitation: wires, fibers, cables, and other conductors and conduits therefore; and pads, transformers, switches, vaults, and cabinets, on, over, or under the surface of the easement.

Together with the right of access to the Easement Area from adjacent lands of Grantor for all activities in connection with the purposes for which this Easement has been granted; and together with the present and (without payment therefor) the future right to keep the Easement Area clear of all brush, trees, timber, roots, structures, buildings, improvements, and other hazards which might endanger Grantee's facilities or impede Grantee's activities.

The location of the easement is more particularly described and/or shown on **Exhibit B** attached hereto and incorporated herein (the "**Easement Area**").

At no time shall Grantor place, use or permit any structure, equipment, or material of any kind, light any fires, place or store any flammable materials (other than agricultural crops), on or within the boundaries of the Easement Area. Subject to the foregoing limitations, the surface of the Easement Area may be used for agricultural crops, grass, open space, and other purposes determined by Grantee as not inconsistent with the purposes for which this Easement has been granted.

The rights and obligations of the parties hereto shall be binding upon and shall benefit their respective heirs, successors, and assigns.

To the fullest extent permitted by law, Grantor hereby waives any right it may have to a trial by jury in respect of litigation directly or indirectly arising out of, under, or in connection with this Easement. Grantor further waives any right to consolidate any action in which a jury trial has been waived with any other action in which a jury trial cannot be or has not been waived.

Dated this: 28<sup>th</sup> day of February 2025.

*[signature pages follow]*

[signature page to Underground Right of Way Easement]

GRANTOR:

**JPK HEBER CROSSINGS, LLC**

By: 

Printed Name: Pete Iacobelli

Title: manager

**ACKNOWLEDGEMENT**

STATE OF Utah )

County of Summit )  
§

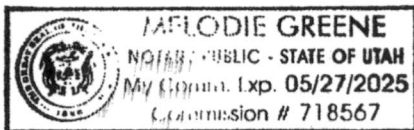
On this 28 day of February, 2025, before me, the undersigned Notary Public in and for said State, personally appeared Pete Iacobelli, proved on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument and acknowledged to me that he/she is the Manager of JPK HEBER CROSSINGS, LLC and that he/she executed the same on behalf of said entity.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



(Notary Signature)

(seal)



[signatures continue]

[signature page to Underground Right of Way Easement]

GRANTOR:

**TOUSSAINT HEBER CROSSINGS, LLC**

By: 

Printed Name: Pete Iacobelli

Title: manager

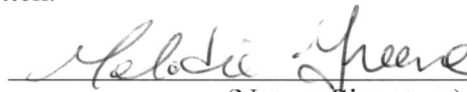
**ACKNOWLEDGEMENT**

STATE OF Utah )

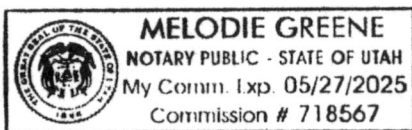
County of Summit )  
§

On this 28 day of February, 2025, before me, the undersigned Notary Public in and for said State, personally appeared Pete Iacobelli, proved on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument and acknowledged to me that he/she is the manager of TOUSSAINT HEBER CROSSINGS, LLC and that he/she executed the same on behalf of said entity.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

  
(Notary Signature)

(seal)



[signatures continue]

[signature page to Underground Right of Way Easement]

GRANTOR:

**HEBER CROSSINGS SHOPS, LLC**

By: [Signature]  
Printed Name: Pete Jacobelli  
Title: manager

**ACKNOWLEDGEMENT**

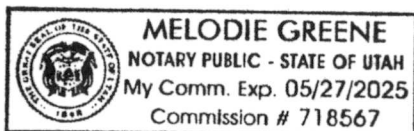
STATE OF Utah )  
County of Summit )

On this 28 day of February, 2025, before me, the undersigned Notary Public in and for said State, personally appeared Pete Jacobelli, proved on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument and acknowledged to me that he/she is the manager of HEBER CROSSINGS SHOPS, LLC and that he/she executed the same on behalf of said entity.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

[Signature]  
(Notary Signature)

(seal)



[signatures continue]

[signature page to Underground Right of Way Easement]

GRANTOR:

**PARK CITY CREST FUND 1, LLC**

By: 

Printed Name: Pete Jacobelli

Title: Manager

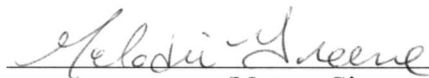
**ACKNOWLEDGEMENT**

STATE OF Utah )

County of Summit )  
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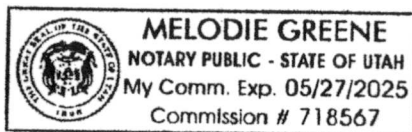
On this 17 day of March, 20 25, before me, the undersigned Notary Public in and for said State, personally appeared Pete Jacobelli, proved on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument and acknowledged to me that he/she is the Manager of PARK CITY CREST FUND 1, LLC and that he/she executed the same on behalf of said entity.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



(Notary Signature)

(seal)

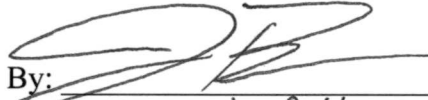


[signatures continue]

[signature page to Underground Right of Way Easement]

GRANTOR:

**FSP7 HEBER, LLC**

By: 

Printed Name: Jim Balderson

Title: Manager

**ACKNOWLEDGEMENT**

STATE OF Utah )

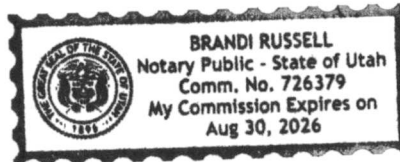
County of Salt Lake )  
§

On this 6<sup>th</sup> day of March, 2025, before me, the undersigned Notary Public in and for said State, personally appeared Jim Balderson, proved on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument and acknowledged to me that he/she is the Manager of FSP7 HEBER, LLC and that he/she executed the same on behalf of said entity.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Brandi Russell  
(Notary Signature)

(seal)



**EXHIBIT A**

*Grantor's Property*

Lot 1:

Assessor Parcel No: 00-0022-0595

*Lot 1 Heber Crossing Subdivision Recorded August 23, 2024 as Entry No. 549154 Book 1485 Page 1360 of Official Records of Wasatch County, located in the Southwest Quarter of Section 5, Township 4 South, Range 5 East, Salt Lake Base and Meridian, US. Survey, in Heber City, Wasatch County, Utah:*

*Contains 28,242 Sq. Ft.*

Lot 2:

Assessor Parcel No: 00-0022-0596

*Lot 2 Heber Crossing Subdivision Recorded August 23, 2024 as Entry No. 549154 Book 1485 Page 1360 of Official Records of Wasatch County, located in the Southwest Quarter of Section 5, Township 4 South, Range 5 East, Salt Lake Base and Meridian, US. Survey, in Heber City, Wasatch County, Utah:*

*Contains 30,645 Sq. Ft.*

Lot 4:

Assessor Parcel No: 00-0022-0598

*Lot 4 Heber Crossing Subdivision Recorded August 23, 2024 as Entry No. 549154 Book 1485 Page 1360 of Official Records of Wasatch County, located in the Southwest Quarter of Section 5, Township 4 South, Range 5 East, Salt Lake Base and Meridian, US. Survey, in Heber City, Wasatch County, Utah:*

*Contains 9,496 Sq. Ft*



**EXHIBIT B***Easement Area*

Electrical Easements being strips of land 10.00 feet in width lying within Lots 1, 2 & 4 Heber Crossing Subdivision recorded August 23, 2024, having Record #549154 in Book 1485, at Page 1360 in the Office of the Wasatch County Recorder located in Southwest Quarter of Section 5, Township 4 South, Range 5 East, Salt Lake Base and Meridian. Said 10.00-foot wide strips of land lie 5.00 feet on each side of the following described centerlines:

Electrical Easement No.1

**Beginning** at a point on the southerly line of said Lot 4, Heber Crossing Subdivision, which is 33.04 feet S. 89°52'59" E. from the southwesterly corner of said Lot 4; thence N.07°50'33"E. 7.62 feet; thence N.89°51'50"E. 69.47 feet; thence N.87°38'21"E. 220.00 feet; thence S.89°09'56"E. 142.67 feet to the **Point of Terminus**.

The sidelines of said 10.00 wide strip of land shall be lengthened or shortened to begin and end perpendicular to above-described centerline.

The above-described easement contains 4,398 Sq Ft. in area, or 0.101 acre, more or less.

Electrical Easement No.2

**Beginning** at a point in said Lot 1, Heber Crossing Subdivision, which is 14.22 feet N. 89°57'57" E. along the northerly line for said Lot 1 and South 19.29 feet from the northwesterly corner of said Lot 1; thence S.37°27'17"W. 18.61 feet; thence S.0°20'49"E. 129.79 feet to the **Point of Terminus**.

The sidelines of said 10.00 wide strip of land shall be lengthened or shortened to begin and end perpendicular to above-described centerline.

The above-described easement contains 1,484 Sq Ft. in area, or 0.034 acre, more or less.

**BASIS OF BEARING:** N. 87°35'21" E. per said Heber Crossing Subdivision between the Witness Corner to the Southwest Corner of Section 5 and the South Quarter Corner of Section 5, Township 4 South, Range 5 East, Salt Lake Base and Meridian.

