

E135472

EASEMENT AND AGREEMENT

This Easement and Agreement is made and entered into this 27th day of April, 1994, by and between Wood Hollow Home Owners Association (hereinafter "Wood Hollow") and Peter and Sandra Nackowski (hereinafter "Nackowski").

RECITALS

1. Wood Hollow are the owners of the following described parcel of land, hereinafter referred to as the "Wood Hollow Parcel", situated in Salt Lake County, State of Utah, being more particularly described as follows:

WOOD HOLLOW PARCEL

Beginning at a point that is North 0°14'48" East 1628.586 feet from the Southeast corner of Block 45, Ten Acre Plat "A", B.F.S. (the basis of bearing being South 12°38' East along the Highland Drive monument line;) thence North 0°14'48" East 467.083 feet, thence South 89°45'12" East 489.672 feet to a point on the extension of the West line of the Elizabeth Street, thence South 6°02'15" West 468.638 feet along said extension and the West line of Elizabeth Street to a point on the extension of the South line of Warnock Avenue, thence North 89°51'42" West 442.388 feet to the point of beginning.

2. Nackowski are the owners of the following parcel of land, hereinafter referred to as the "Nackowski Parcel", situated in Salt Lake County, State of Utah, being more particularly described as follows:

NACKOWSKI PARCEL

PARCEL 1:

Commencing at a point South 20°20' East 83.42 feet from the Southwest corner of Lot 6, Block 46, Ten Acre Plat A, Big Field Survey; and running thence North 13°52' West

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116 feet; thence South 89°48' East 410.0 feet more or less to a point North 5°56' East from a point South 89°48' East 372.2 feet from the point of beginning; thence South 5°56' West 113 feet more or less; thence North 89°48' West 372.2 feet to the point of beginning.

PARCEL 2:

Commencing North 0°12' East 2095.67 feet from Southeast corner of Block 45, 10 Acre Plat A, Big Field Survey; thence North 0°12' East 112.23 feet, South 89°48' East 469.9 feet, South 6°3' West 112.86 feet, North 89°48' West 458.4 feet to beginning.

PARCEL 3:

Part of Lots 5 and 6 of Block 46, Ten Acre Plat A, Big Field Survey:

Beginning at a point North 334 feet and West 383.42 feet, more or less, from the Southeast corner of said Lot 5, said point being located on the Westerly projection of the North line of Parkway Avenue; running thence North 6°02'15" East 100.00 feet along the Easterly Right-of-Way line of the D. & R.G.W.R.R. Brickyard Spur to an existing gate; thence North 83°04'29" West 32.99 feet to the Westerly Right-of-Way line of said Spur; thence South 6°02'15" West 104.00 feet along the Westerly Right-of-Way line of said D. & R.G.W.R.R. Brickyard Spur to a point on the Westerly projection of the North line of Parkway Avenue; thence East 33.17 feet to the point of beginning.

3. The Nackowski Parcel lies immediately adjacent to, and to the north of the Wood Hollow Parcel.

4. There currently exists, and shall shortly be improved a private sewer line and manhole on the Wood Hollow Parcel that connects to the Salt Lake City sewer line.

NOW, THEREFORE, in consideration of the above premises, and in consideration of payment of \$10.00 by Nackowski to Wood Hollow, and for other good and valuable consideration, the adequacy and receipt

of which is hereby acknowledged, the undersigned parties hereby agree as follows:

5. Wood Hollow hereby grants and conveys to Nackowski and Salt Lake City, a permanent easement twenty feet wide lying twenty feet right and parallel and adjacent to the following line of reference and projections thereof for the purposes of constructing, extending and/or maintaining a private sewer line to the Nackowski Parcel.

Beginning at the Northwest corner of grantor's land at a point which lies N.0°14'46"E. 2095.67 feet from the Southeast corner of Block 45, Ten Acre Plat A, Big Field Survey; and running thence along grantor's West line S.0°14'46"E.

6. The cost and expense of constructing and maintaining a sewer line shall be borne by the owners of the Nackowski Parcel, their heirs, successors and assigns.

7. The cost and expense of repairing any damage to the Wood Hollow Parcel caused during construction of the improvements referred to in paragraph 5 herein shall be borne by the owners of the Nackowski Parcel, their heirs, successors and assigns.

8. The agreements and covenants contained herein shall constitute covenants to run with the land and equitable servitudes, and shall be binding upon the undersigned parties, all parties who may hereafter acquire any interest in the Wood Hollow Parcel or the

Nackowski Parcel, or any portion thereof, and their respective grantees, transferees, heirs, devisees, successors, and assigns.

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement on the day hereinabove first written.

WOOD HOLLOW HOME OWNERS ASSOC.

BY: Richard O. Ouzga / Agent

Peter M. Nackowski

PETER NACKOWSKI

Sandra B. Nackowski by

SANDRA NACKOWSKI

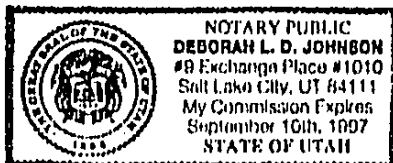
Peter M. Nackowski her attorney in fact
**fact

STATE OF UTAH)
 : ss.
County of Salt Lake)

On the 2nd day of April, 1994, personally appeared before me Richard O. Ouzga, who, being by me duly sworn, did say, that he is the officer or agent (as the case may be), of WOOD HOLLOW HOME OWNERS ASSOCIATION, and that said instrument was signed on behalf of said association by authority of its by-laws or by resolution of its board of directors, as the case may be, and said Richard O. Ouzga acknowledged to me that said association executed the same.

NOTARY PUBLIC
Residing at: Salt Lake City
My Commission Expires:
9-10-97

Deborah L. Johnson



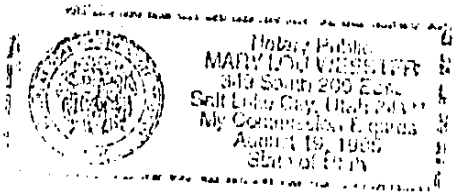
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STATE OF UTAH)
 : ss.
County of Salt Lake)

On the 27th day of April, 1994, personally appeared before me PETER NACKOWSKI the signer of the above instrument, who duly acknowledged to me that he/she executed the same.

[Signature]

NOTARY PUBLIC
Residing at: SA County, UT
My Commission Expires:
8-19-95

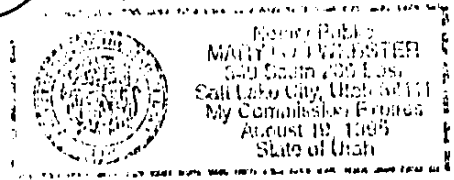


STATE OF UTAH)
 : ss.
County of Salt Lake)

On the 27th day of April, 1994, personally appeared before me SANDRA NACKOWSKI the signer of the above instrument, who duly acknowledged to me that he executed the same.

[Signature]

NOTARY PUBLIC
Residing at: SA County, UT
My Commission Expires:
8-19-95



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04/28/94 4:18 PM 22.00
KATIE L. DIXON
RECORDER, SALT LAKE COUNTY, UTAH
ASSOCIATED TITLE
REC BY: K BLANCHARD DEPUTY - UT

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