

WHEN RECORDED, PLEASE RETURN TO:

David L. Rasmussen, Esq.

ALLEN NELSON RASMUSSEN & CHRISTENSEN  
215 South State, Suite 900  
Salt Lake City, UT 84111

STORM DRAIN EASEMENT

28-29

5711754

13 JANUARY 94 01:42 PM

~~5711754~~  
KATIE L. DIXON  
RECORDER, SALT LAKE COUNTY, UTAH  
ALLEN NELSON, RASMUSSEN AND  
CHRISTENSEN  
REC BY: DIANE KILPACK, DEPUTY

This Easement Agreement is made and entered into this 21 day of December, 1993, by and between Draper Irrigation Company ("Grantor") and Sherman S. Fitzgerald ("Grantee").

WHEREAS, Grantee is the owner of certain real property situated in Draper City, Salt Lake County, State of Utah ("Grantee's Property"), more particularly described in Exhibit "A" attached hereto; and

WHEREAS, Grantor is the owner of certain real property in Draper City, Salt Lake County, State of Utah ("Grantor's Property"), more particularly described in Exhibit "B" attached hereto; and

WHEREAS, Grantor owns and maintains a canal (the "Canal") which runs along Grantor's Property, a portion of which abuts the entire southern boundary of Grantee's Property, an illustration of which is attached as Exhibit "C"; and

WHEREAS, Grantor desires to grant to Grantee an easement for the purpose of constructing and operating a storm drain from Grantee's Property, across that portion of Grantor's Property which abuts Grantee's Property, and connecting to the Canal.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. Grantor hereby grants and assigns to Grantee, his successors and assigns, a perpetual, non-exclusive easement into and upon that portion of Grantor's Property which abuts the southerly portion of Grantee's Property for the purposes of constructing, operating and maintaining a storm drain from Grantee's Property over and across Grantor's Property, including the right to connect said storm drain to the Canal on Grantor's Property, and the right to discharge from the storm drain into such Canal, together with the right of reasonable ingress and egress for such purposes; PROVIDED that such right to discharge into the Canal shall be subject to any previously recorded restrictions in an agreement between Grantor and Salt Lake County.

2. By accepting this easement, Grantee hereby agrees to provide Grantor reasonable notice before doing any work on Grantor's Property, and further agrees to keep all intrusions onto Grantor's Property to a minimum. Any of Grantor's Property damaged by reason of construction, operation, repair, replacement or maintenance of any facilities constructed or operated by Grantee on Grantor's Property shall be repaired or restored by Grantee to its original condition existing at the time immediately prior to such damage. All such repairs shall be completed within a reasonable time. In the event any such damage is not repaired, Grantee shall

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compensate Grantor the reasonable appraised value for such damage done to Grantor's Property. Grantee specifically agrees to construct and maintain a sandtrap on Grantee's Property for all storm drain discharges onto Grantor's Property pursuant to this Easement.

3. The easement granted herein shall be perpetual and shall run with the land, notwithstanding any transfer, incumbrance or conveyance by any party hereto or its successors or assigns.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date set forth above.

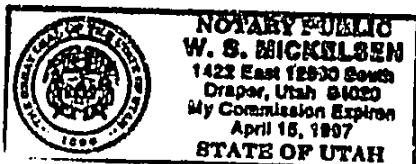
DRAPER IRRIGATION COMPANY

By: W. S. Mikkelsen  
Its: President

Sherman S. Fitzgerald  
SHERMAN S. FITZGERALD

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

22nd December, 1993 by W. S. Mikkelsen, of Draper  
Irrigation Company.



Sherman S. Fitzgerald  
NOTARY PUBLIC  
Residing at: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

THIS STORM DRAIN EASEMENT IS RE-RECORDED TO SUBSTITUTE A CORRECTED EXHIBIT "B" FOR THE EXHIBIT "B" (CANAL PROPERTY) ORIGINALLY AND ERRONEOUSLY ATTACHED HERETO.

EXHIBIT A  
(Grantee's Property)

PARCEL 3

Beginning at a point 1722.60 ft. N.89°27'41"W. along the quarter section line and South 731.766 ft. from the east quarter corner of Section 29, Township 3 South, Range 1 East, Salt Lake Base and Meridian; thence South 297.564 ft. to the north line of the Draper Irrigation canal; thence along said north line the following 3 calls: N.89°47'10"W. 361.90 ft. to a point of tangency with an 83.50 foot-radius curve to the right, thence 47.376 ft. along the arc of said curve through a central angle of 32°30'30", and N.57°16'40"W. 120.230 ft.; thence N.8°00'11"E 221.515 ft.; thence S.89°50'00"E. 477.035 ft. to the point of beginning, containing 3.28 acres.

PARCEL 4

Beginning at a point 2199.654 ft. N.89°27'41"W. along the quarter section line and 734.863 ft. South from the east quarter corner of Section 29, Township 3 South, Range 1 East, Salt Lake Base and Meridian, said point being on the south line of a proposed 100 foot right of way; thence along said south line the following 2 calls: N.70°05'19"W. 307.534 ft. to a point of tangency with a 1650.00 foot-radius curve to the right, and 143.095 ft. along the arc of said curve through a central angle of 4°56'08"; thence South 148.816 ft.; thence N.89°50'00"W. 425.637 ft. to the point of beginning, containing 32,772 square feet.

PARCEL 5

Beginning at a point 1722.60 ft. N.89°27'41"W. along the quarter section line and 569.964 ft. South from the east quarter corner of Section 29, Township 3 South, Range 1 East, Salt Lake Base and Meridian; thence South 161.802 ft.; thence N.89°50'00"W. 51.398 ft.; thence North 148.816 ft. to a point on the arc of a 1650.00 foot-radius curve to the right the center of which bears S.14°56'33"E.; thence 52.970 ft. along the arc of said curve through a central angle of 1°50'23" to the point of beginning, containing 7990 square feet.

PARCEL 7

Beginning at a point 1722.60 ft. N.89°27'41"W. along the quarter section line and South 569.964 ft. from the east quarter corner of Section 29, Township 3 South, Range 1 East, Salt Lake Base and Meridian said point being on the arc of a

1650.00 foot-radius curve the center of which bears S.13°06'10"E. and also being on the south line of a proposed 100 ft. right of way; thence 33.293 ft. along the arc of said curve to the right through a central angle of 1°09'22"; thence South 466.708 ft. to a point on the north line of the Draper Irrigation Company canal; thence N.89°47'10"W. 32.50 ft. along said north line; thence North 459.367 ft. to the point of beginning, and containing 15,050 square feet.

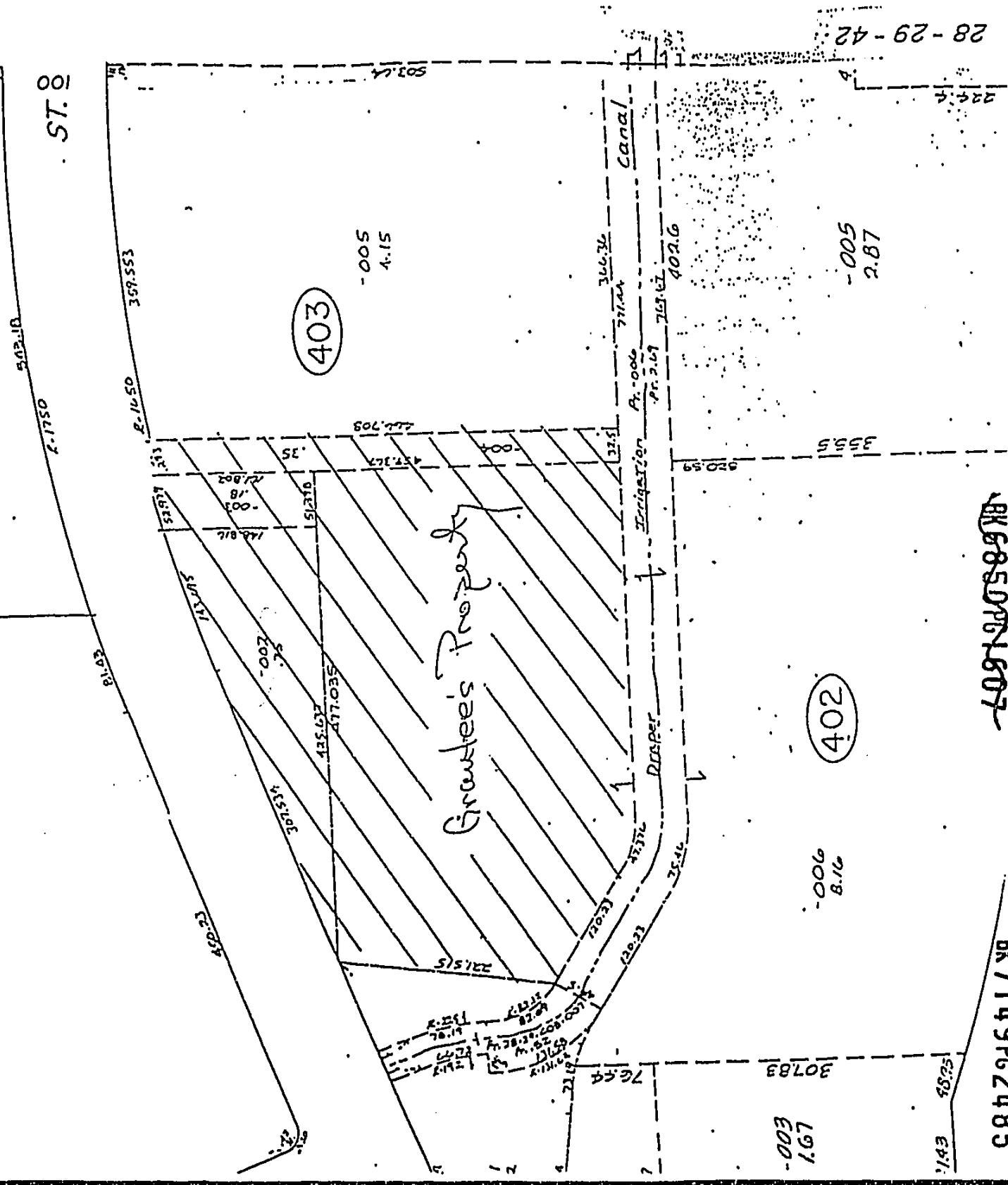
[Description for Parcels 3, 4, 5, 7 taken from Exhibit to 1991 Owner Participation Agreement dated 12/13/90, prepared by Marv Coomes, Mountainland Engineering.]

EXHIBIT B  
(Canal Property)

Beginning at a point 2295.745 ft. N.89°27'41"W. along the quarter section line and 770.57 ft. South from the east quarter corner of Section 29, Township 3 South, Range 1 East, Salt Lake Base and Meridian, said point being the intersection of the east right of way line of the Draper Irrigation Co. canal and the south right of way line of 12300 South Street; thence running N.70°05'19"E. 10.00 ft.; thence S.19°54'41"E. 41.31 ft. to a point of tangency with a 235.00 foot-radius curve to the right; thence Southerly 81.67 ft. along the arc of said curve through a central angle of 19°54'41" chord bears S.9°57'20"E. 81.257 ft. to a point of reverse curvature with a 72.116 foot-radius curve; thence Southerly 67.42 ft. along the arc of said curve through a central angle of 53°33'45" chord bears S.26°46'52"E. 64.989 ft. to a point on the west line of the Sherm Fitzgerald property; thence S.8°00'11"W. 11.175 ft. to the north line of said Draper Irrigation Co. canal, said point being on the arc of an 82.116 foot-radius curve; thence Northerly 82.09 ft. along the arc of said curve through a central angle of 57°16'40" chord bears N.28°38'21"W. 78.714 ft. to a point of reverse curvature with a 225.00 foot-radius curve; thence Northerly 78.19 ft. along the arc of said curve through a central angle of 19°54'41" chord bears N.9°57'20"W. 77.799 ft. to a point of tangency; thence N.19°54'41"W. 41.31 ft. to the point of beginning, and containing 1960 square feet.

**EXHIBIT C**

28-29-42



# MTAINLAND ENGINEERING

4568 South Highland Dr. #240 • Salt Lake City, Utah 84117 • (801) 277-1939 • fax 277-2539

HIDDEN VALLEY SHOPPING CENTER  
STORM DRAINAGE EASEMENT FOR  
FITZGERALD PROPERTY

April 24, 1995

The following description represents the location of the Draper Irrigation Company Canal through a portion of the Hidden Valley Shopping Center known as Area-7.

Canal Description through Area 7

Beginning at a point 2295.75 ft. N.89°27'41"W. along the quarter section line and 770.57 ft. South from the East Quarter Corner of Section 29, Township 3 South, Range 1 East, Salt Lake Base and Meridian, said point being on the south right of way line of Draper Parkway Blvd.; thence running S.19°54'41"E. 41.31 ft. to a point of tangency with a 225.00 foot-radius curve to the right; thence 78.19 ft. along the arc of said curve through a central angle of 19°54'41" chord bears S.9°57'20"E. 77.80 ft. to a point of reverse curvature with an 82.12 foot-radius curve; thence 82.09 ft. along the arc of said curve through a central angle of 57°16'40" chord bears S.28°38'21"E. 78.71 ft.; thence S.32°43'21"W. 49.50 ft. to a point on a 131.62 foot-radius curve to the right; thence 131.57 ft. along the arc of said curve through a central angle of 57°16'40" chord bears N.28°38'212"W. 126.16 ft.; thence East 16.50 ft. to a point on a 192.00 foot-radius curve to the left; thence 66.72 ft. along the arc of said curve through a central angle of 19°54'41" chord bears N.9°57'20"W. 66.39 ft.; thence N.19°54'41"W. 41.31 ft.; thence N.70°05'19"E. 33.00 ft. to the point of beginning and containing 9,042 square feet.

This Corrected Exhibit "B" is intended to replace in its entirety the prior Exhibit "B" (Canal Property), attached to Storm Drain Easement dated December 22, 1993 and recorded January 13, 1994 at Entry No. 5711754.

BK7 149PC2486



# Mountainland Engineering

4568 South Highland Dr. #240 • Salt Lake City, Utah 84117 • (801) 277-1939 • fax 277-2539

HIDDEN VALLEY SHOPPING CENTER  
CANAL RIGHT OF WAY THROUGH FITZGERALD PROP.

APRIL 24, 1995

THE FOLLOWING DESCRIPTION REPRESENTS THE LOCATION OF THE DRAPER IRRIGATION COMPANY CANAL THROUGH THE SHERM FITZGERALD PROPERTY FROM THE EAST BOUNDARY, ALSO BEING THE WEST BOUNDARY OF THE HIDDEN VALLEY SHOPPING CENTER, TO HIS WEST BOUNDARY AS IT IS LOCATED IN SECTION 29, TOWNSHIP 3 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN.

BEGINNING AT A POINT 1690.10 FT. N.89° 27' 41"W. ALONG THE QUARTER SECTION LINE AND 1029.147 FT. SOUTH FROM THE EAST QUARTER CORNER OF SECTION 29, TOWNSHIP 3 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, SAID POINT BEING ON THE NORTH LINE OF THE DRAPER IRRIGATION COMPANY CANAL RIGHT OF WAY; THENCE RUNNING SOUTH 49.50 FT.; THENCE N.89° 47' 10"W. 394.585 FT. TO A POINT OF TANGENCY WITH A 133.00 FOOT-RADIUS CURVE TO THE RIGHT; THENCE WESTERLY 75.46 FT. ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 32° 30' 30" CHORD BEARS N.73° 31' 56"W. 74.45 FT.; THENCE N.57° 16' 39"W. 120.23 FT. TO THE WEST LINE OF THE SHERM FITZGERALD PROPERTY; THENCE N.32° 43' 21"E. 49.50 FT.; THENCE S.57° 16' 39"E. 120.23 FT. TO A POINT OF TANGENCY WITH AN 83.50 FOOT-RADIUS CURVE TO THE LEFT; THENCE EASTERLY 47.375 FT. ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 32° 30' 30", CHORD BEARS S.73° 31' 56"E. 46.74 FT.; THENCE S.89° 47' 10"E. 394.40 FT. TO THE POINT OF BEGINNING, AND CONTAINING 0.655 ACRES.

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05/12/95 4:05 PM 30.00  
NANCY WORKMAN  
RECORDER, SALT LAKE COUNTY, UTAH  
ALLEN NELSON RASMUSSEN &  
CHRISTENSEN  
REC BY: B GRAY DEPUTY - WI

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