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NANCY WORKMAN
RECORDER, SALT LAKE COUNTY, UTAH
REED R HELLEWELL
60 E SOUTH TEMPLE STE 1800
SLC UT 84111
REC BY:Z JOHANSON DEPUTY - WI

WHEN RECORDED, MAIL TO:
Read R. Hellewell, Esq.
KIRTON & McCONKIE
60 East South Temple, Suite 1800
Salt Lake City, UT 84111-1004

Space Above for Recorder's Use Only

DECLARATION OF UTILITIES EASEMENT

THIS DECLARATION OF UTILITIES EASEMENT is made and entered into the 7th day of April, 1999 by **ZIONS SECURITIES CORPORATION**, a Utah corporation ("Zions"), **TIMBERCRAFTS OF UTAH, INC.**, a Utah corporation ("Timbercrafts"), and **LILJENQUIST INVESTMENT COMPANY, LTD.**, a Utah limited partnership ("Liljenquist"), (collectively the "Declarants") in contemplation of the following facts and circumstances:

A. Each respective Declarant is the fee simple owner of a specific portion of certain real property (the "Easement Parcel"), which is located in Salt Lake County, State of Utah and specifically described on Exhibit "A" which is attached hereto and incorporated herein by this reference.

B. Zions is the owner of those portions of the Easement Parcel which are identified and described as the "Zions Parcel" on Exhibit "B" attached hereto, Timbercrafts is the owner of or has an interest in that portion of the Easement Parcel which is identified and described as the "Timbercrafts Parcel" on Exhibit "B" and Liljenquist is the owner or has an interest in those portions of the Easement Parcel which are identified and described as the "Liljenquist Parcel" on Exhibit "B."

C. The Easement Parcel is located within the boundaries of a private right-of-way within which a road has been constructed which provides access to and from both real property owned individually by the Declarants which are contiguous to portions of the Easement Parcel and from real property owned by others to a dedicated public street known as Lake Park Boulevard.

D. Declarants desire to grant and establish an easement for the construction, installation and maintenance of facilities required for the transmission, distribution and delivery of utility services in accordance with the provisions of this Declaration of Easement.

NOW, THEREFORE, Declarants do hereby collectively declare as follows:

1. Declaration. Declarants hereby establish and declare that the Easement Parcel shall henceforth be held, sold, conveyed, transferred, maintained, leased, subleased and occupied subject to the easement set forth in this Declaration.

2. Covenants to Run With Land. This Declaration and the easement created herein is intended to and shall run with the land which is included in the Easement Parcel and the easement herein established and granted shall be binding upon all parties having or acquiring any right, title or interest in and to all or any portion of the Easement Parcel and the respective heirs, successors and assigns of such parties.

3. Easement. There is hereby granted, conveyed and otherwise established a perpetual, nonexclusive easement (the "Utilities Easement") to construct, install, operate, repair, inspect, protect, maintain, remove and replace (i) cables, wires, conduit, transmission and communication lines and all other telecommunication and electronic data transmission facilities; (ii) pipelines, valves, valve boxes and other natural gas transmission and distribution facilities; (iii) pipelines, valves, valve boxes and other water transmission and distribution facilities; (iv) pipelines, manholes and other sanitary sewer transmission and distribution facilities; (v) catch basins, pipelines, clean-outs and other storm water runoff collection and distribution facilities; (vi) wires, conduit, transmission lines and all other electrical power transmission facilities; and (vii) any and all other transmission and distribution systems, however defined or described, of any public or licensed private utility company or companies, and any and all such transmission, distribution and collection facilities required by same (all such described facilities shall hereinafter be referred to herein as the "Facilities"); provided, however, that all Facilities, except manholes and other such points of access, shall be underground, unless specifically otherwise permitted herein, and shall not have any above ground appurtenant structures and improvements, except junction boxes or other connection facilities typically required for such Facilities which shall be required to be located within the Utility Easement, but outside the improved right-of-ways for vehicular traffic. The Utilities Easement herein granted shall include a right of ingress and egress over and across the surface of the Easement Parcel to construct, install, operate, repair, inspect, protect, maintain, remove and replace the Facilities.

4. Benefitted Parties. The Utilities Easement shall be for the benefit of parties who are served by utility services to be provided, including Declarants, the City of West Valley, private, public and quasi public utility companies and other providers of municipal or utility services, and the licensees, assignees and successors in interest of all such parties (collectively the "Benefitted Parties" or individually a "Benefitted Party").

5. Use of Easement. A Benefitted Party shall be entitled to use the Utilities Easement upon receipt of written authorization for a designated use. Each party hereto shall have the right to grant a Benefitted Party the right to use the Utilities Easement for the benefit of real property owned by such party. In addition, Timbercrafts and Liljenquist do each respectively hereby appoint Zions

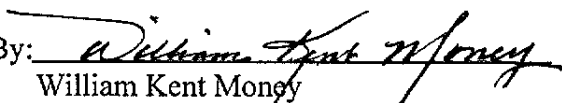
as its agent for the limited purpose of providing written authorization for the use of the Utilities Easement. Zions is hereby authorized to execute and deliver to any Benefitted Party, written authorization for the use of the Utilities Easement; provided the authorized use shall be consistent with the provisions of this Declaration of Easement. No separate recorded easement or other document shall be required to be recorded to evidence the authorization or other legal right of a Benefitted Party to use the Utilities Easement herein granted. The appointment of Zions made herein may be withdrawn only by the recording in the office of the Salt Lake County Recorder, State of Utah, of a document specifically withdrawing such appointment which document has been signed by the party desiring to withdraw the appointment (a "Notice of Withdrawal"). Upon the recording of a Notice of Withdrawal, authorization for any future use of the Utilities Easement not granted prior to the recording of the Notice of Withdrawal shall require the execution and delivery of written authorization by Zions and any party which shall have withdrawn the authorization hereby granted. The recording of a Notice of Withdrawal shall have no effect upon any authorization executed and delivered prior to the recording of said Notice of Withdrawal.

6. Restoration of Improvements. Any party, whether or not such party shall be a party to this agreement, who in the exercise of any right under the Utilities Easement, excavates or otherwise disturbs the condition of the land included in the Easement Parcel and/or any improvements which shall exist thereon as of the date of such exercise, shall, at such party's sole cost and expense, restore the land and/or improvements to substantially the same condition that existed prior to the exercise of such right under the Utilities Easement.

7. Termination Upon Dedication. The Utilities Easement shall automatically terminate at such time as the Easement Parcel is dedicated to West Valley City in a manner consistent with applicable law; provided, however, that the terms and conditions of such dedication shall not preclude the continued use of the Easement Parcel for the purposes herein described and any such dedication shall be expressly subject to the continuation of the right to use the Utilities Easement for all parties which have been so authorized prior to such dedication. If for any reason the Easement Parcel is never dedicated to West Valley City, then the Utilities Easement herein granted shall continue in perpetuity, shall run with the land and shall not be temporary.

IN WITNESS WHEREOF, each Declarant has executed this Declaration of Easement to be effective as of the date first above written.

Declarants: **ZIONS SECURITIES CORPORATION,**
a Utah corporation

By: 
William Kent Money
Its: President

[Additional signatures on following page]

TIMBERCRAFTS OF UTAH, INC.,
a Utah corporation

By: William B. Sledge
Its: PRESIDENT

LILJENQUIST INVESTMENT
COMPANY, LTD.,
a Utah limited partnership

By: Jay K. Liljenquist
Jay K. Liljenquist, general partner

By: Robert C. Liljenquist
Robert C. Liljenquist, general partner

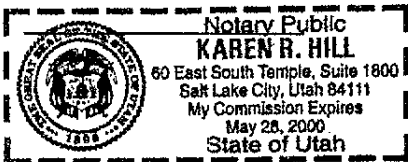
By: C. Craig Liljenquist
C. Craig Liljenquist, general partner

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

The foregoing instrument was acknowledged before me this 7th day of April, 1999, by William Kent Money, as President of Zions Securities Corporation.

My Commission Expires:

Karen R. Hill
Notary Public
Residing at: Salt Lake City, Ut.

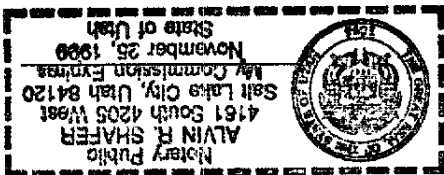


[Additional Notary Acknowledgments on following pages]

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

The foregoing instrument was acknowledged before me this 9th day of April, 1999, by William B. Shafer, as PRESIDENT of Timbercrafts of Utah, Inc.

My Commission Expires:

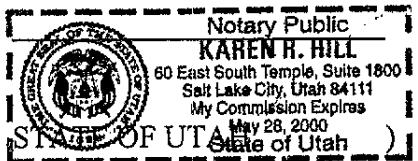


STATE OF UTAH)
 : ss.
COUNTY OF SALT LAKE)

Alvin R. Shafer
Notary Public
Residing at: Salt Lake, Ut

The foregoing instrument was acknowledged before me this 7th day of April, 1999, by Jay K. Liljenquist, a general partner of LILJENQUIST INVESTMENT COMPANY, LTD., a Utah limited partnership.

My Commission Expires:

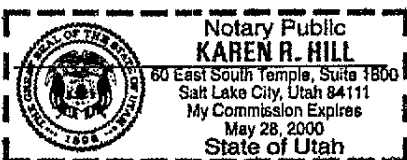


STATE OF UTAH)
 : ss.
COUNTY OF SALT LAKE)

Karen R. Hill
Notary Public
Residing at: Salt Lake City, Ut

The foregoing instrument was acknowledged before me this 7th day of April, 1999, by Robert C. Liljenquist, a general partner of LILJENQUIST INVESTMENT COMPANY, LTD., a Utah limited partnership.

My Commission Expires:



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

Karen R. Hill
Notary Public
Residing at: Salt Lake City, Ut.

[Additional Notary Acknowledgments on following pages]

STATE OF UTAH)
 :SS
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this 7th day of April, 1999, by C. Craig Liljenquist, a general partner of LILJENQUIST INVESTMENT COMPANY, LTD., a Utah limited partnership.

Karen R. Hill
Notary Public
Residing at: Salt Lake City, Utah

My Commission Expires:

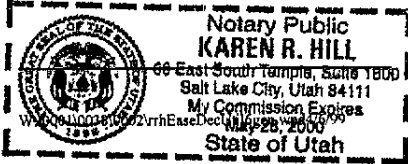


EXHIBIT "A"
To
DECLARATION OF UTILITIES EASEMENT

Easement Parcel

That certain real property located in Salt Lake County, State of Utah, described as follows:

Beginning at a point North 89°50'50" West 786.549 feet along the Quarter Section line from the East Quarter Corner of Section 19, Township 1 South, Range 1 West, Salt Lake Base and Meridian and running thence Southeasterly 198.643 feet along a 233.000 foot radius curve to the right (Delta= 48°50'50" and long chord bears South 65°25'25" East 192.682 feet); thence South 41°00'00" East 81.777 feet to the northerly line of Lake Park Boulevard, a 106 foot wide right-of-way; thence Southwesterly 66.022 feet along said right-of-way, a 738.000 foot radius curve to the left (Delta= 05°07'33" and chord bears South 49°00'00" West 66.000 feet); thence North 41°00'00" West 81.777 feet; thence Northwesterly 142.375 feet along a 167.000 foot radius curve to the left (Delta= 48°50'50" and long chord bears North 65°25'25" West 138.102 feet); thence North 89°50'50" West 536.577 feet; thence Northwesterly 303.331 feet along a 2752.000 foot radius curve to the right (Delta= 06°18'55" and long chord bears North 86°41'23" West 303.177 feet); thence Northwesterly 296.057 feet along a 2686.000 foot radius curve to the left (Delta= 06°18'55" and long chord bears North 86°41'23" West 295.907 feet); thence North 89°50'50" West 246.841 feet; thence Southwesterly 151.523 feet along a 426.110 foot radius curve to the left (Delta= 20°22'27" and long chord bears South 79°57'56" West 150.726 feet); thence South 69°46'43" West 168.177 feet to the east line of the Club House Parcel; thence North 02°02'37" East 71.317 feet along said east line; thence North 69°46'43" East 141.156 feet; thence Northeasterly 174.992 feet along a 492.110 foot radius curve to the right (Delta= 20°22'27" and long chord bears North 79°57'56" East 174.072 feet); thence South 89°50'50" East 246.841 feet; thence Southeasterly 303.332 feet along a 2752.000 foot radius curve to the right (Delta= 06°18'55" and long chord bears South 86°41'23" East 303.178 feet); thence Southeasterly 296.056 feet along a 2686.000 foot radius curve to the left (Delta= 06°18'55" and long chord bears South 86°41'23" East 295.906 feet); thence South 89°50'50" East 536.577 feet along said Quarter Section Line to the point of beginning.

EXHIBIT "B"
To
DECLARATION OF UTILITIES EASEMENT

Zions Parcel

That certain real property located in Salt Lake County, State of Utah, described as follows:

Parcel A:

Beginning at a point South 89°50'50" East 301.013 feet along the quarter section line from the Center of Section 19, Township 1 South, Range 1 West, Salt Lake Base and Meridian and running thence South 89°50'50" East 362.307 feet to the westerly end of an easement granted to TIMBERCRAFTS OF UTAH, INC., recorded as entry number 6271582, Book 7322, Page 2092 of the Salt Lake County Recorder's Office and running thence South 00°09'10" West 33.000 feet along said westerly end of an easement: thence North 89°50'50" West 185.020 feet: thence Southwesterly 151.523 feet along 426.110 foot radius curve to the left (Delta= 20°22'27" and long chord bears South 79°57'56" West 150.726 feet): thence South 69°46'43" West 6.357 feet: thence North 20°13'17" West 66.00 feet to the point of beginning.

Parcel B:

Beginning at a point South 89°50'50" East 301.013 feet along the Quarter Section Line from the Center of Section 19, Township 1 South, Range 1 West, Salt Lake Base and Meridian and running thence South 20°13'17" East 66.000 feet; thence South 69°46'43" West 161.820 feet along the southerly right-of-way line of LINKS DRIVE, a proposed sixty-six foot wide right-of-way; thence North 02°02'37" East 71.317 feet along the easterly line of a golf course club house parcel; thence North 69°46'43" East 134.798 feet along the northerly right-of-way line of said LINKS DRIVE to the point of beginning.

Parcel C:

Beginning at a point North 89°50'50" West 786.549 feet along the Quarter Section Line and South 00°09'10" West 33.000 feet from the East Quarter Corner of Section 19, Township 1 South, Range 1 West, Salt Lake Base Meridian and running thence South 89°50'50" East 119.537 feet; thence Southeasterly 73.123 feet along the easterly right-of-way line of LINKS DRIVE, a proposed 66 foot wide right-of-way, a 233.000 foot radius curve to the right (Delta= 17°58'52", chord bears South 49°59'26" East 72.823 feet) thence South 41°00'00" East 81.777 feet; thence Southwesterly 66.022 feet along the northerly right-of-way line of LAKE PARK BOULEVARD, a 106 foot wide right-of-way, a 738.000 foot radius curve to the left (Delta= 05°07'33", chord bears South

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Exhibit "B"
(continued)

49°00'00" West 66.000 feet); thence along the southerly right-of-way of said LINKS DRIVE for the following six courses:

1. North 41°00'00" West 81.777 feet,
2. Northwesterly 142.375 feet along a 167.00 foot radius curve to the left (Delta= 48°50'50", long chord bears North 65°25'25" West 138.102 feet),
3. North 89°50'50" West 536.577 feet,
4. Northwesterly 303.331 feet along a 2752.000 foot radius curve to the right (Delta= 06°18'55", long chord bears North 86°41'23" West 303.177 feet),
5. Northwesterly 296.057 feet along a 2686.000 radius curve to the left (Delta= 06°18'55", long chord bears North 86°41'23" West 295.907 feet),
6. North 89°50'50" West 61.821 feet; thence North 00°09'10" East 33.000 feet; thence along the centerline of said LINKS DRIVE, also being the southerly line of the Timbercrafts of Utah, Inc. property for the following four courses:

1. South 89°50'50" East 61.821 feet,
2. Southeasterly 299.695 feet along a 2719.000 foot radius curve to the right (Delta= 06°18'55", long chord bears South 86°41'23" East 299.543 feet),
3. Southeasterly 299.693 feet along a 2719.000 foot radius curve to the left (Delta= 06°18'55", long chord bears South 86°41'23" East 299.542 feet),
4. South 89°50'50" East 536.577 feet to the point of beginning.

Timbercrafts Parcel

Beginning at a point North 89°50'50" West 786.549 feet along the Quarter Section Line from the East Quarter Corner of Section 19, Township 1 South, Range 1 West, Salt Lake Base Meridian and running thence Southeasterly 125.520 feet along the easterly right-of-way line of LINKS DRIVE, a proposed 66 foot wide right-of-way, a 233.000 foot radius curve to the right (Delta= 30°51'58" and Chord bears South 74°24'51" East 124.008 feet); thence along the centerline of said right-of-way for the following four courses:

1. North 89°50'50" West 656.114 feet,
2. Northwesterly 299.693 feet along a 2719.000 foot radius curve to the right (Delta= 06°18'55", long chord bears North 86°41'23" West 299.542 feet),

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Exhibit "B"
(continued)

3. Northwesterly 299.695 feet along a 2719.000 foot radius curve to the left (Delta= $06^{\circ}18'55''$, long chord bears North $86^{\circ}41'23''$ West 299.543 feet),
4. North $89^{\circ}50'50''$ West 61.821 feet to the east line of the Liljenquist Investment Company property; thence North $00^{\circ}01'58''$ East 33.000 feet along said east line; thence easterly along the north right-of-way line of said LINKS DRIVE for the following four courses:
 1. South $89^{\circ}50'50''$ East 61.890 feet,
 2. Southeasterly 303.332 feet along a 2752.00 foot radius curve to the right (Delta= $06^{\circ}18'55''$, long chord bears South $86^{\circ}41'23''$ East 303.178 feet),
 3. Southeasterly 296.056 feet along a 2686.000 foot radius curve to the left (Delta= $06^{\circ}18'55''$, long chord bears South $86^{\circ}41'23''$ East 295.906 feet),
 4. South $89^{\circ}50'50''$ East 536.577 feet to the point of beginning.

Liljenquist Parcel

Parcel A:

Beginning at a point South $89^{\circ}50'50''$ East 301.013 feet along the quarter section line from the Center of Section 19, Township 1 South, Range 1 West, Salt Lake Base and Meridian and running thence South $89^{\circ}50'50''$ East 362.307 feet to the southeast corner of the Liljenquist Investment property; thence North $00^{\circ}01'58''$ East 33.000 feet along the east line of said Liljenquist property; thence North $89^{\circ}50'50''$ West 184.951 feet; thence Southwesterly 174.992 feet along a 492.110 foot radius curve to the left (Delta= $20^{\circ}22'27''$ and long chord bears South $79^{\circ}57'56''$ West 174.072 feet); thence South $69^{\circ}46'43''$ West 6.357 feet to the point of beginning.

Parcel B:

Beginning at a point on the east line of the Liljenquist Investment Company property said point also being South $89^{\circ}50'50''$ East 663.320 feet along the Quarter Section Line and North $00^{\circ}01'58''$ East 33.000 feet from the Center of Section 19, Township 1 South, Range 1 West, Salt Lake Meridian and running thence along the northerly right-of-way line of LINKS DRIVE, a proposed 66 foot wide right-of-way, for the following three courses:

1. South $89^{\circ}50'50''$ East 61.890 feet,

Exhibit "B"
(continued)

2. Southeasterly 303.332 feet along a 2752.000 foot radius curve to the right (Delta= 06°18'55" and long chord bears South 86°41'23" East 303.178 feet),
3. Southeasterly 296.056 feet along a 2686.000 foot radius curve to the left (Delta= 06°18'55" and long chord bears South 86°41'23" East 295.906 feet) to the southeast corner of the Timbercrafts of Utah, Inc. property; thence North 89°50'50" West 659.996 feet along said Quarter Section Line; thence North 00°01'58" East 33.000 feet to the point of beginning.

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