

RIGHT OF WAY AGREEMENT

W 4965

SEPT.

THIS AGREEMENT DATED THIS 23RD DAY OF AUGUST, 1998 BY AND BETWEEN GRAY JENSEN AND LINDA FIELD JENSEN, DBA AS JENSEN PROPERTIES HEREIN AFTER REFERRED TO AS JENSEN AND CHARLES R. KIPPEN & SONS, A UTAH LIMITED PARTNERSHIP, HEREINAFTER REFERRED TO AS KIPPEN.

WITNESSETH:

JENSEN IS THE FEE SIMPLE OWNER OF A TRACT OF LAND SITUATED IN MORGAN COUNTY, UTAH DESCRIBED IN EXHIBIT "A" ATTACHED HERETO.

KIPPEN IS THE OWNER IN FEE SIMPLE OF A TRACT OF LAND SITUATED IN MORGAN COUNTY, UTAH, AND IS DESCRIBED IN EXHIBIT "B" AND IDENTIFIED ON THE MORGAN COUNTY RECORDS AS TAX SERIAL NUMBER 01-003-279.

KIPPEN DESIRES ACCESS FOR INGRESS AND EGRESS OVER AND ACROSS THE PROPERTY OF JENSEN AS SET FORTH IN EXHIBIT "A".

JENSEN DESIRES OWNERSHIP OF THE PROPERTY OWNED BY KIPPEN AS SET FORTH IN EXHIBIT "B" FOR PURPOSES ASSOCIATED WITH A NEW SUBDIVISION, WHICH PLAT JENSEN WILL RECORD WITH THE MORGAN COUNTY RECORDERS OFFICE.

NOWHEREFORE IN CONSIDERATION OF TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION, THE RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED, KIPPEN AGREES TO CONVEY TO JENSEN ALL RIGHT TITLE AND INTEREST IN AND TO SERIAL NUMBER 01-003-279, BY A SEPARATE WARRANTY DEED, AND JENSEN WITH THIS AGREEMENT HEREBY GRANTS AND CONVEYS TO KIPPEN A RIGHT OF WAY FOR INGRESS AND EGRESS AND ALL UTILITIES OVER AND ACROSS THE PROPERTY SET FORTH IN EXHIBIT "A".

SAID RIGHT OF WAY TO BE OVER THE PROPOSED ROADS AND STREETS FOR THE AREA. IN AS MUCH AS THE ROADS AND STREET ARE ONLY IN THE PROPOSED STAGES, SO FOR AS PLANNING IS CONCERNED, KIPPEN AGREES TO COOPERATE WITH JENSEN SHOULD MODIFICATIONS BECOME NECESSARY IN THE MASTER PLAN FOR THE AREA.

THIS AGREEMENT SHALL BE BINDING UPON THE PARTIES HERETO, THEIR SUCCESSORS IN INTEREST AND/OR THEIR ASSIGNS.

[Signature]
GRAY JENSEN

[Signature]
LINDA FIELD JENSEN

[Signature]
DBA JENSEN PROPERTIES

00076960 BK M0142 Pg 00442-00444
HAROLD R LAUGHTER, MORGAN CO. RECORDER
1998 OCT 01 10:01 AM FEE \$15.00 BY HRL
REQUEST: MOUNTAIN VIEW TITLE & ESCROW IN

CHARLES R. KIPPEN & SONS,
A UTAH LIMITED PARTNERSHIP

[Signature]
BY:

STATE OF UTAH

COUNTY OF MORGAN

PERSONALLY APPEARED BEFORE ME THE SIGNERS OF THE WITHIN INSTRUMENT WHO BEING FIRST DULY SWORN DID ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME

NOTARY PUBLIC: [Signature]

RESIDING AT: [Signature]

MY COMMISSION EXPIRES: 5-1-2001

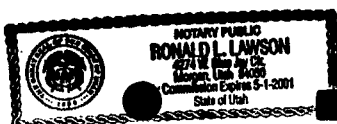


EXHIBIT "A"

JENSEN RIGHT-OF-WAY NORTH MORGAN

PART OF THE WEST HALF OF SECTION 25, TOWNSHIP 4 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY. A 60 FOOT RIGHT-OF-WAY BEING 30 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF THE OLD STATE HIGHWAY STREET, SAID POINT BEING $N00^{\circ}50'13''W$ ALONG THE SECTION LINE 2485.04 FEET, AND $N89^{\circ}09'47''E$ 612.79 FEET FROM THE SOUTHWEST CORNER OF SAID SECTION 25, THENCE $N39^{\circ}00'36''E$ 402.45 FEET TO A 120.20 FOOT RADIUS CURVE, THE CENTER OF WHICH BEARS $N50^{\circ}59'24''W$; THENCE NORTHWESTERLY ALONG SAID CURVE TO THE LEFT 222.73 FEET THROUGH A CENTRAL ANGLE OF $106^{\circ}10'11''$; THENCE $N67^{\circ}09'35''W$ 146.43 FEET TO A 500.00 FOOT RADIUS CURVE, THE CENTER OF WHICH BEARS $N22^{\circ}50'25''E$; THENCE NORTHWESTERLY ALONG SAID CURVE TO THE RIGHT 128.61 FEET THROUGH A CENTRAL ANGLE OF $14^{\circ}44'14''$; THENCE $N52^{\circ}25'22''W$ 316.17 FEET; THENCE $N40^{\circ}43'14''E$ 262.83 FEET; THENCE $N52^{\circ}53'37''W$ 455.27 FEET TO A 455.48 FOOT RADIUS CURVE, THE CENTER OF WHICH BEARS $S37^{\circ}06'23''W$; THENCE NORTHWESTERLY ALONG SAID CURVE TO THE LEFT 144.72 FEET THROUGH A CENTRAL ANGLE OF $18^{\circ}12'17''$ TO THE WEST LINE OF THE GRANTORS PROPERTY, THE SIDE LINES OF WHICH ARE TO BE EXTENDED OR SHORTENED ACCORDINGLY TO TERMINATE AT THE APPLICABLE BOUNDARY LINES.

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EXHIBIT "B"

A STRIP OF LAND SITUATED IN SECTION 24, TOWNSHIP 3 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY, 16.5 FEET THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH IS 1320.00 FEET WEST AND NORTH 71 DEG WEST 4.66 CHAINS FROM THE EAST QUARTER CORNER OF SECTION 24, AND RUNNING THENCE SOUTH 75 DEG WEST 32.46 CHAINS TO AND ACROSS CANYON CREEK TO THE COUNTY ROAD.

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