

When recorded return to:
Snyderville Basin Water Reclamation District
2800 Homestead Road, Park City, Utah 84098

00775943 BK01787 PG00369-00372

ALAN SPRIGGS, SUMMIT CO RECORDER
2006 APR 28 11:01 AM FEE \$1.00 BY GGB
REQUEST: SNYDERVILLE BASIN SID

**GRANT OF EASEMENT AND ACCESS EASEMENT
FOR CONSTRUCTION AND MAINTENANCE OF WASTEWATER COLLECTION
AND TRANSPORTATION PIPELINE AND LIFT STATION FACILITY**

PIVOTAL PROMONTORY DEVELOPMENT, L.L.C., a(n) Arizona limited liability company, and PIVOTAL PROMONTORY, L.L.C., a(n) Arizona limited liability company, Grantors, do hereby convey and warrant to the Snyderville Basin Water Reclamation District, a special District of the state of Utah, (the District) Grantee, of Summit County, Utah, for good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, a permanent easement and right-of-way for the purpose of constructing, operating and maintaining one or more underground pipelines in the easement granted herein for the collection and transportation of wastewater as permitted by the District in the exclusive discretion of the District, over, across, through and under the premises of the Grantor situated in Summit County, Utah which are more specifically described as follows:

Easement E

A sanitary sewer easement crossing a portion of Lot 32 of the Northgate Canyon Subdivision, and being more particularly described as follows:

Beginning at a point located North 00°48'17" East 1870.46 feet and East 1368.08 feet from the Southwest Corner of Section 2, Township 1 South, Range 4 East, Salt Lake Base and Meridian (Basis of Bearing being North 00°48'17" East 4816.75 feet between the Northwest Corner and the Southwest Corner of said Section 2, both corners being found monuments), said point being on westerly right of way of Canyon Gate Road and running thence North 17°33'15" East 24.15 feet; thence North 87°26'45" West 19.67 feet to a point of curvature of a 52.50 foot radius curve to the left, the center of which bears South 02°33'15" West, thence along the arc of said curve 57.00 feet through a central angle of 62°12'20"; thence South 30°20'55" West 40.57 feet to a point on the Northgate Canyon Lift Station Parcel Boundary; thence running along said boundary South 78°34'00" East 46.39 feet; thence leaving the Northgate Canyon Lift Station Parcel Boundary and running thence North 43°15'20" West 7.58 feet to a point on a curve with a 20.00 foot radius that curves to the right, the center of which bears North 46°44'40" East, along the arc of said curve 31.87 feet through a central angle of 91°18'05" to a point of compound curvature of a 40.00 foot radius curve to the right, the center of which bears South 41°57'15"

BK1787 PG0369

East, thence along the arc of said curve 24.27 feet through a central angle of 34°45'59"; thence North 82°48'44" East 17.44 feet to the POINT OF BEGINNING.

Also granting to the Snyderville Basin Water Reclamation District a perpetual right of ingress and egress to and from and along said right-of-way and with the right to access an adjacent lift station facility and to operate, maintain, repair, replace, augment and/or remove the pipelines or lift station access roadway deemed necessary by the District for the collection and transportation of wastewater; also the right to trim, clear or remove, at any time from said right-of-way any tree, brush, structure or obstruction of any character whatsoever, which in the sole judgment of the Grantee may endanger the safety of or interfere with the operation or access of Grantee's facilities. The Grantor and its successors in interest hereby forever relinquish the right to construct any improvement which would interfere with the access of the adjacent lift station facility, operation, replacement or repair of the pipelines constructed and maintained under the provisions of this easement and covenant and agree that no improvement, trees or structures will be constructed over the surface of the easement granted herein. Furthermore, the Grantor shall not in any way restrict the Grantee from accessing the easement at any time, without the express written consent in advance of Grantee.

The easement granted herein is subject to the condition that the Grantee shall indemnify and hold harmless, the Grantor, its heirs and successors against any and all liability caused by the acts of the Grantee, its contractors or agents, during the construction, operation or maintenance of the sewer pipeline provided for in this easement; the Grantor's right to indemnification or to be held harmless by the Grantee under the terms of this paragraph are expressly conditioned upon prompt and immediate notice to the Grantee of any claim or demand which would cause a claim against the Grantee and upon the Grantee's right to defend any claim against the Grantor which would cause a claim of indemnification against the Grantor. This provision shall not be interpreted or construed to waive the rights of the Grantee to the affirmative defenses to claims provided under the Utah Governmental Immunity Act.

WITNESS the hand of said Grantors this 26th day of April, 2006.

PIVOTAL PROMONTORY DEVELOPMENT, L.L.C.,
an Arizona limited liability company.

By: [Signature]
Rich Sonntag, Managing Director

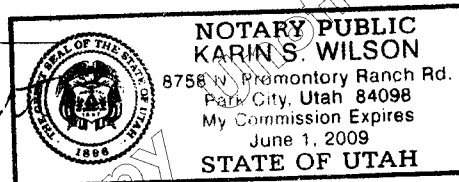
PIVOTAL PROMONTORY, L.L.C.,
an Arizona limited liability company.

By: [Signature]
Rich Sonntag, Managing Director

State of Utah)
County of Summit) :ss

The foregoing was acknowledged before me this 24th day of April, 2006 by Rich Sonntag, Managing Director of Pivotal Promontory Development, LLC.

Kerill
Notary Public
Residing at: Park City, UT

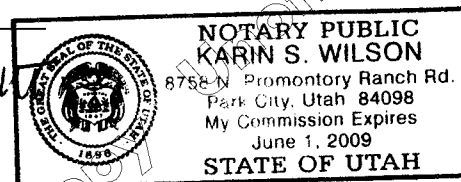


My Commission Expires: 6/1/09

State of Utah)
County of Summit) :ss

The foregoing was acknowledged before me this 24th day of April, 2006 by Rich Sonntag, Managing Director of Pivotal Promontory, LLC.

Kerill
Notary Public
Residing at: Park City, UT



My Commission Expires: 6/1/09

ISSUE DATE: APRIL 24, 2008

LOT 32

SBWRD
EASEMENT 'E'

EXISTING
10' OPEN
DRAINAGE
EASEMENT

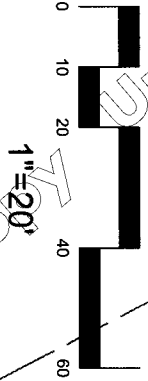
P.O.B.
PROMONTORY
LIFT STATION #5'

PROMONTORY
LIFT STATION #5
PARCEL BOUNDARY

LOT 33

CANYON GATE ROAD

LOT 47



JACK JOHNSON COMPANY
 Designing World Destinations

SBWRD EASEMENT 'E'
 SBWRD PARCEL - PROMONTORY
 LIFT STATION #5'
PROMONTORY
 NORTHGATE CANYON
 SUMMIT COUNTY, UT

John K. GSI, Planning/Design/Surveying/Mapping/Engineering/Construction/Development
 Job Date: April 23, 2008 | Printed by: JK