

WHEN RECORDED, MAIL TO:

Arrowhead Partners, LLC
704 North 1890 West, #41A
Provo, Utah 84601



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JEFFERY SMITH
UTAH COUNTY RECORDER
2019 Aug 15 4:47 PM FEE 0.00 BY IP
RECORDED FOR PAYSON CITY CORPORATION

DECLARATION OF EASEMENTS

This DECLARATION OF EASEMENTS (this “*Declaration*”) is made as of the 13th day of August 2019 by Arrowhead Partners, LLC, a Utah limited liability company (“*Owner*”).

RECITALS

A. Owner is the owner of that certain parcel of real property consisting of approximately 21.84 acres located in Payson City, Utah County, Utah, which real property is described more particularly on the attached Exhibit A (the “*Property*”).

B. Owner desires to establish access and public utility easements over, across, and through a portion of the Property, as set forth in more detail below.

DECLARATION

1. **Declaration of Access Easement.** Owner, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged and reaffirmed, hereby creates and establishes in favor of Payson City, for public use, a non-exclusive, perpetual easement over, upon and across the Easement Area (as defined below) for the purpose of ingress and egress of vehicular and pedestrian traffic. The “*Easement Area*” is that certain 86-foot-wide area within the Property more particularly described on the attached Exhibit B.

2. **Declaration of Public Utility Easement.** Owner, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged and reaffirmed, hereby creates and establishes, in favor of all public and private providers of utilities, a perpetual, non-exclusive easement over, upon, under, across and through the Easement Area for the installation, construction, relocation, operation, and continued maintenance, repair, alteration, inspection and replacement of utility lines (including without limitation pressurized irrigation lines, sanitary sewer lines, and storm drain lines) and all equipment, facilities and necessary accessories and improvements attendant thereto.

3. **Further Actions.** Owner covenants and agrees to execute such other instruments or documents and to take such further action as may be reasonably necessary or appropriate to fulfill the purpose of the grant of the easement rights set forth herein.

4. **Easements Run With Land.** The easements granted hereunder (collectively the “*Easements*”) and all covenants and restrictions applicable thereto (whether affirmative or

negative in nature) (a) shall constitute covenants running with the land; (b) shall bind every person having any fee, leasehold or other interest in any portion of the Property to the extent that such portion is affected or bound by the Easements or the covenant or restriction in question, or to the extent that such easement, covenant or restriction is to be performed on such portion; and (c) shall be binding upon any person whose title is acquired by judicial foreclosure, trustee's sale, deed in lieu of foreclosure or otherwise. Every person who owns, occupies or acquires any right, title, estate or interest in any portion of the Property shall be conclusively deemed to have consented and agreed to the obligations and restrictions contained herein, whether or not any reference to this Declaration is contained in the instrument by which such person acquired an interest in such property.

5. Duration of Easements. This Declaration and the Easements created hereunder shall be effective only until the dedication of Arrowpark Drive through the Property for public use. At the time that Arrowpark Drive is dedicated for public use, this Declaration and the Easements shall terminate and shall become of no further force or effect without any required action by any party; *provided* that Owner may execute and record an instrument reciting the dedication of Arrowpark Drive and the termination of this Declaration and the Easements for purposes of giving notice to all interested parties that this Declaration and the Easements have been terminated.

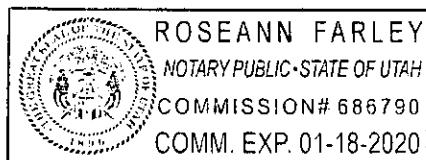
IN WITNESS WHEREOF, the Owner has executed this Declaration of Easements the day and year first above written.

ARROWHEAD PARTNERS, LLC

By: 
Terry C. Harward, Manager

STATE OF UTAH)
:ss.
COUNTY OF UTAH)

The foregoing instrument was acknowledged before me this 13 day of August 2019 by Terry C. Harward, a manager of Arrowhead Partners, LLC, a Utah limited liability company, who acknowledged to me that he executed the foregoing instrument on behalf of said limited liability company.



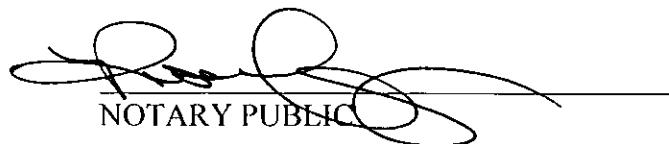

NOTARY PUBLIC

EXHIBIT A**LEGAL DESCRIPTION OF THE PROPERTY**

A portion of the Northwest Quarter of Section 3, Township 9 South, Range 2 East, Salt Lake Base and Meridian and being more particularly described as follows:

Beginning at a point located S0°28'54"E along the section line 280.73 feet and East 108.21 feet from the Northwest Corner of Section 3, Township 9 South, Range 2 East, Salt Lake Base and Meridian; thence S89°59'06"E 612.68 feet; thence East 49.82 feet; thence S7°03'03"E 329.64 feet; thence along the arc of a 200.00 foot radius curve to the right 24.58 feet through a central angle of 7°02'33" (chord: S3°31'37"E 24.57 feet); thence S0°00'30"E 136.67 feet; thence along the arc of a 11.00 foot radius curve to the left 17.28 feet through a central angle of 89°59'30" (chord: S45°00'15"E 15.56 feet); thence East 251.38 feet; thence S7°04'00"E 274.72 feet; thence S6°58'00"E 608.51 feet; thence S58°52'29"W 270.41 feet to the easterly line of Plat B, Villages at Arrowhead Park Subdivision; Thence along said subdivision line the following four (4) courses: N19°44'03"W 258.23 feet; thence N29°41'07"W 116.35 feet; thence N44°28'35"W 205.77 feet; thence S43°40'42"W 25.01 feet to the easterly line of Creekside at Arrowhead Park Subdivision; Thence along said subdivision line the following seven (7) courses: N44°28'35"W 96.68 feet; thence N23°35'17"W 67.77 feet; thence along the arc of a 126.00 foot radius curve to the left 145.15 feet through a central angle of 66°00'11" (chord: N56°35'22"W 137.25 feet); thence N89°35'27"W 146.70 feet; thence N74°08'32"W 105.63 feet; thence N37°04'31"W 50.05 feet; thence N46°12'48"W 75.01 feet; thence North 32.12 feet; thence along the arc of a 183.00 foot radius curve to the right 104.03 feet through a central angle of 32°34'21" (chord: N16°17'10"E 102.64 feet); thence along the arc of a 11.00 foot radius curve to the left 13.10 feet through a central angle of 68°12'52" (chord: N1°32'05"W 12.34 feet); thence N35°38'31"W 75.11 feet; thence along the arc of a 108.00 foot radius curve to the right 52.54 feet through a central angle of 27°52'29" (chord: N21°42'17"W 52.03 feet); thence N7°46'03"W 223.11 feet; thence along the arc of a 108.00 foot radius curve to the right 14.64 feet through a central angle of 7°46'03" (chord: N3°53'01"W 14.63 feet); thence North 155.60 feet; thence along the arc of a 71.00 foot radius curve to the right 111.55 feet through a central angle of 90°00'54" (chord: N45°00'27"E 100.42 feet) to the point of beginning.

Contains: ±21.84 Acres (Villages at Arrowhead Park, proposed Phases 8, 9 and 10)

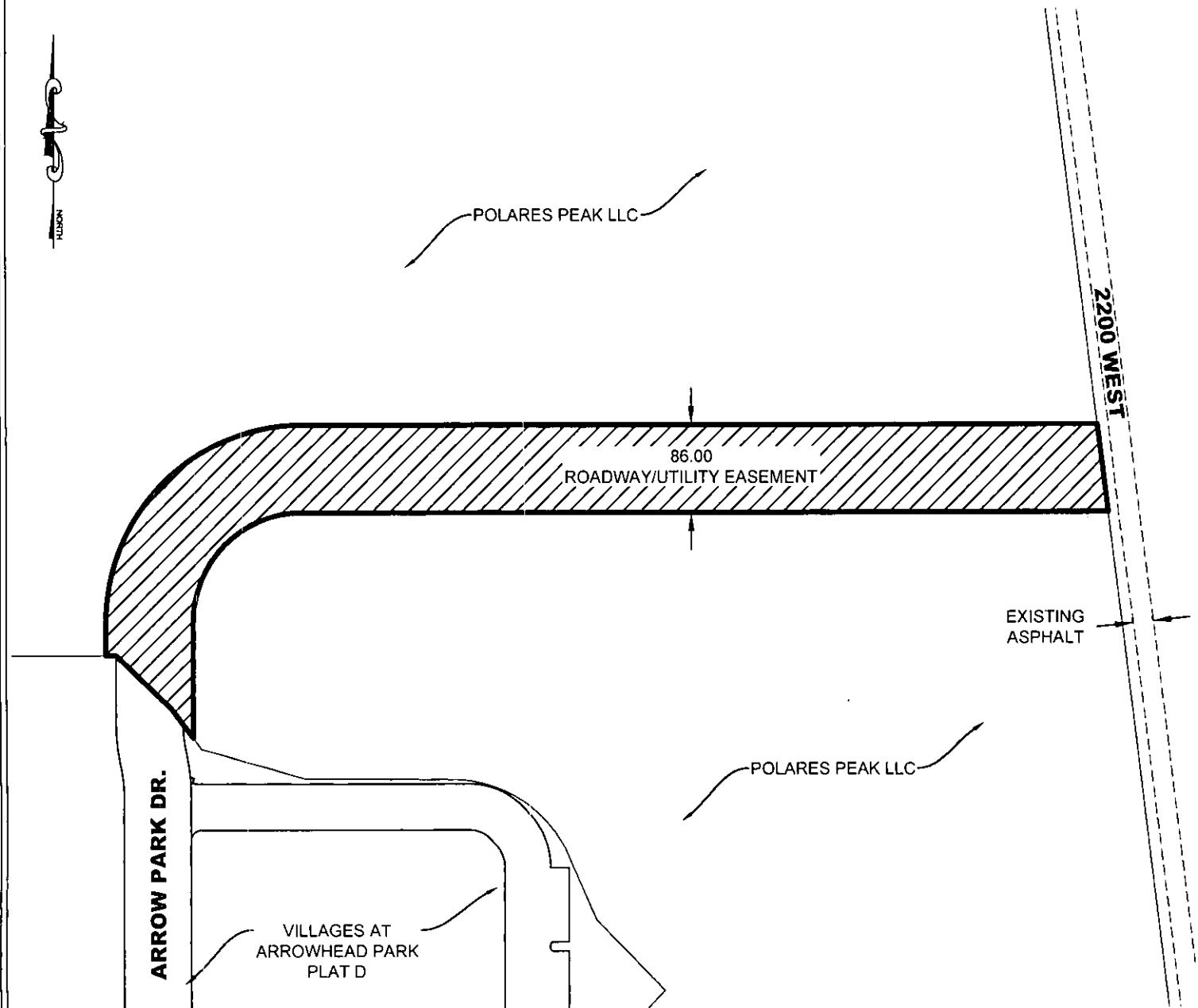
EXHIBIT B**LEGAL DESCRIPTION OF EASEMENT AREA****VILLAGES AT ARROWHEAD PARK, ROADWAY AND UTILITY EASEMENT**

A portion of the Northwest Quarter of Section 3, Township 9 South, Range 2 East, Salt Lake Base and Meridian and being more particularly described as follows:

Beginning at a point located S0°28'54"E along the section line 995.37 feet and East 86.88 feet from the Northwest Quarter of Section 3, Township 9 South, Range 2 East, Salt Lake Base and Meridian; thence North 32.12 feet; thence along the arc of a 193.00 foot radius curve to the right 303.16 feet through a central angle of 90°00'00" (chord: N45°00'00"E 272.94 feet); thence East 787.95 feet to the west right-of-way line of 2200 West Street; thence S7°04'00"E along said line 86.66 feet; thence West 798.61 feet; thence along the arc of a 107.00 foot radius curve to the left 168.08 feet through a central angle of 90°00'00" (chord: S45°00'00"W 151.32 feet); thence South 112.94 feet to the north line of Villages at Arrowhead Park, Plat D; thence along said north line the following Three (3) courses: N37°04'31"W 36.24 feet; thence N46°12'48"W 75.01 feet; thence West 10.00 feet to the point of beginning.

Contains: ±2.16 acres

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**VILLAGES AT ARROWHEAD PARK
ROADWAY/UTILITY EASEMENT EXHIBIT**