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GARY W. OTT

RECORDER, SALT LAKE COUNTY, UTAH

DAVID FREISS

4326 W ELK RIM RD

S JORDAN UT 84095

BY: ZJM, DEPUTY - WI 1 P.

By: ZJM

EASEMENT GRANT OF RIGHT-OF-WAY

When recorded and showing documentation of said recording deliver to: The Brown Ditch Company.

The undersigned responsible entity (contractor, developer owner, etc.) in consideration of \$10.00 and other good and valuable consideration convey to The Brown Ditch Company an easement and grant of right-of way for an irrigation ditch and the establishment and maintenance thereof over and across the property of the grantors, situated in the County of Salt Lake, State of Utah, said right-of-way described below:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 8 IN THE DISCOVERY COVE SUBDIVISION, SAID CORNER BEING SOUTH 00°14'30" WEST 962.19 FEET AND SOUTH 89°45'30" EAST 53.00 FEET AND NORTH 89°09'20" EAST 549.87 FEET FROM THE COUNTY MONUMENT IN 900 EAST AND 5800 SOUTH STREET; SAID MONUMENT IN 900 EAST BEING SOUTH 89°40'46" EAST 1731.64 FEET, NORTH 00°19'30" EAST 1315.24 FEET, AND NORTH 00°14'30" EAST 1343.73 (1343.83 RECORD) FEET FROM THE SOUTHWEST CORNER OF SECTION 17, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE N 00°12'12" E 215.65 FEET; THENCE N 89°46'15" W 37.89 FEET; THENCE N 30°30'33" E 39.45 FEET; THENCE N 37°22'20" E 80.63 FEET; THENCE N 25°47'48" E 15.56 FEET; THENCE N 19°35'28" E 32.34 FEET; THENCE N 51°15'47" E 28.29 FEET; THENCE S 88°34'16" E 17.04 FEET; THENCE S 31°38'30" W 153.79 FEET; THENCE S 00°12'12" W 237.58 FEET; THENCE N 89°09'20" E 111.21 FEET; THENCE S 02°10'50" W 421.06 FEET; THENCE S 87°50'25" E 71.57 FEET; THENCE S 01°14'44" W 128.02 FEET; THENCE S 78°53'13" E 62.76 FEET; THENCE S 11°06'47" W 7.00 FEET TO A POINT ON THE DISCOVERY COVE SUBDIVISION BOUNDARY LINE, THENCE ALONG SAID BOUNDARY THE FOLLOWING FIVE (5) CALLS: (1) N 78°53'13" W 68.65 FEET; (2) N 01°14'44" E 127.02 FEET; (3) N 87°50'25" W 71.68 FEET; (4) N 02°10'50" E 420.68 FEET; (5) S 89°09'20" W 110.96 FEET TO THE POINT OF BEGINNING.

The right-of-way hereby conveyed is for the purpose of locating, establishing, constructing, and maintaining perpetually over and across the described land, an irrigation ditch, together with such rights of entry upon, passage over, deposit of excavated earth and storage of equipment and materials on such area as may be necessary or useful for construction, maintenance, cleaning, and repair of said irrigation ditch. Other conditions are: No trees are to be growing in said easement, but shrubs are allowed. No surface water can drain into the ditch. Any structures on said easement, other than ditch structures, will be removed by the owner or the ditch companies if deemed necessary by the ditch companies. The property owner has liability and financial liability for said removal. Any damage to said ditch and ditch structures is the property owner's liability. The Ditch companies will be held harmless for all property loss and damage as related to said easement and irrigation ditch. The property owner is liable and held responsible for any and all damage as related to said easement and irrigation ditch. All legal cost as related to this easement and structures, on both sides, are the liability of the property owner. The ditch companies are not obligated to maintain said ditch as is, but it can be changed as deemed necessary by the ditch companies.

IN WITNESS THEREOF, we have hereunto set our hands this 17th day of APRIL, 2006

Signature of principal: Freiss Development Group

Print name of principal

David Y. Freiss

STATE OF UTAH
COUNTY OF SALT LAKE

Subscribed and sworn before me this 17th day of April 2006.

