WHEN RECORDED, MAIL TO:

Ivins City Recorder
85 North Main
Ivins, UT, 84738

I-SB-55-B

CONSTRUCTION EASEMENT AGREEMENT

LLOYD V. WARNER, Successor Trustee of the WARNER FAMILY TRUST DATED AUGUST 15, 2000 (hereinafter "Grantor"), does hereby grant, transfer and convey to **IVINS CITY**, a Municipal Corporation of the State of Utah, whose address is 85 N Main Street, Ivins, Washington County, Utah (hereinafter "Grantee"), for the sum of one dollar ($1.00) and other good and valuable consideration, receipt of which is hereby acknowledged, a temporary construction easement to install storm drain inlets and pipelines on their property commonly known as 440 West Old Highway 91, Ivins, Utah, the legal description of which is stated below (hereinafter the "Property").

Legal Description:

THE WEST HALF OF LOT 4, BLOCK 20, ST GEORGE AND SANTA CLARA BENCH IRRIGATION COMPANY SURVEY LYING NORTH OF U.S. HIGHWAY 91, ACCORDING TO THE OFFICIAL PLAT THEREOF, ON FILE IN THE OFFICE OF THE RECORDER FOR WASHINGTON COUNTY, STATE OF UTAH, AND BEING PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE1/4NE1/4SW1/4) OF SECTION 6, TOWNSHIP 42 SOUTH, RANGE 16 WEST, SALT LAKE BASE AND MERIDIAN.
LESS AND EXCEPTING THE FOLLOWING DESCRIBED PROPERTY:
BEGINNING AT A POINT ON THE NORTHEASTERLY LINE OF U.S. HIGHWAY 91, SAID POINT BEING NORTH 13-50-03 WEST 1464.73 FEET FROM THE SOUTH QUARTER COMER OF SECTION 6, TOWNSHIP 42 SOUTH, RANGE 16 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE NORTH 0-35-42 WEST ALONG THE EAST LINE OF THE WEST HALF OF LOT 4, BLOCK 20, ST. GEORGE AND SANTA CLARA BENCH IRRIGATION COMPANY SURVEY, A DISTANCE OF 563.94 FEET TO THE NORTH LINE OF SAID LOT 4; THENCE SOUTH 89-26-52 WEST ALONG SAID NORTH LINE OF LOT 4 A DISTANCE OF 174.66 FEET; THENCE SOUTH O-35-42 EAST 433.65 FEET TO THE NORTHEASTERLY LINE OF SAID U.S. HIGHWAY 91: THENCE SOUTH 53-50-50 EAST ALONG SAID NORTHEASTERLY HIGHWAY LINE A DISTANCE OF 217.98 FEET, TO THE POINT OF BEGINNING.
ALSO LESS AND EXCEPTING THEREFROM THAT PORTION OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER (W1/2NE1/4SW1/4) OF SECTION 6, TOWNSHIP 42 SOUTH, RANGE 16 WEST, SALT LAKE BASE AND MERIDIAN LYING NORTHERLY OF OLD U.S. HIGHWAY 91.

In consideration of Ivins City installing the proposed Highway 91 paved path inside of the existing right-of-way to avoid property condemnation, and Ivins City installing the above-referenced storm drain inlets and pipeline on the Property, and Ivins City adjusting Grantor's driveway access to the Property to accommodate vehicles, including RV's and trailers up to 40-feet long:

- Grantor agrees to allow Ivins City to install the storm drain inlets and pipelines on the Property as shown on the map attached hereto as Exhibit "A", and to adjust driveway access to the Property to accommodate vehicles, including RVs and trailers up to 40-feet long.
- Grantor will not be responsible for the initial cost of installation of the storm drain inlets and pipeline.
- Upon completion of the drain, Grantors, and their successors and assigns, will take over maintenance, repair and replacement of the inlet and drainage pipeline where it is on the Property.
- Grantor does hereby release Ivins City, and agrees to indemnify and hold Ivins City harmless, from any flooding damages that may occur as a result of the storm drain inlets and pipeline being installed on the Property, and/or as a result of the trail being installed inside the existing right-of-way rather than per the Ivins City master planned cross-section, and/or as a result of adjusting driveway access to the Property.

The granting of this construction easement shall constitute a covenant running with the land for the benefit of the Grantee, its successors and assigns.

DATED this ____ day of March 2023.

LLOYD V. WARNER, Successor Trustee of the WARNER FAMILY TRUST DATED AUGUST 15, 2000

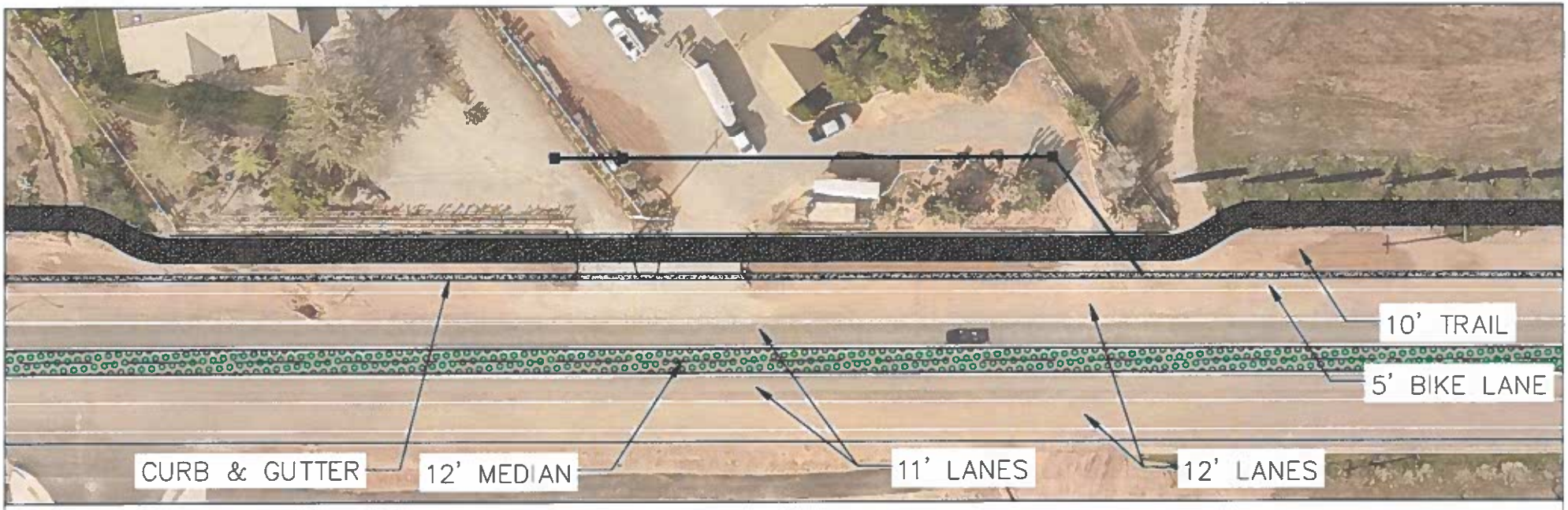
By: _____

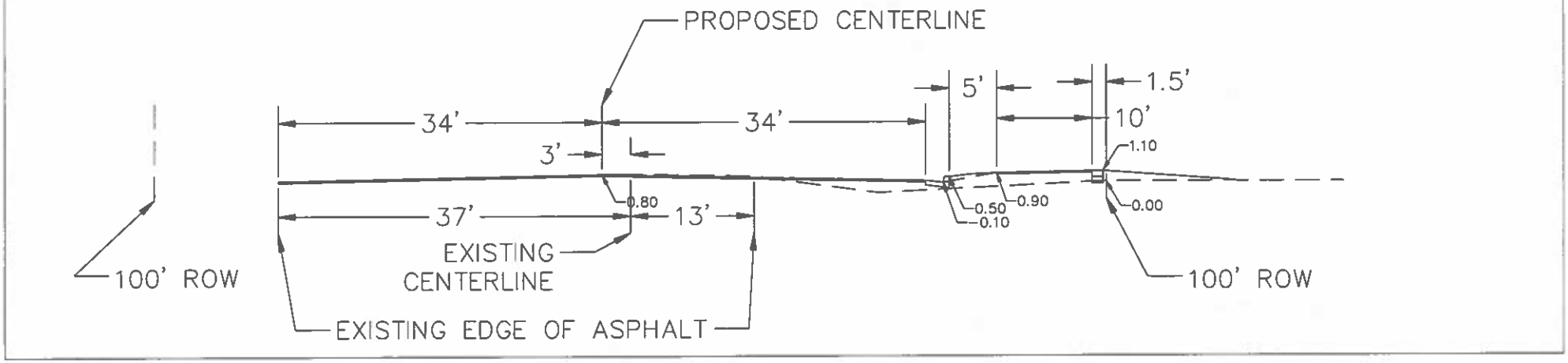
STATE OF UTAH)
:
County of Washington)

On the _____ day of March, 2023, personally appeared before me _____, the signer(s) of within instrument, who duly acknowledged to me that he executed the same for its stated purpose.

_____
Notary Public

My Commission Expires: _____


CURB & GUTTER
12' MEDIAN
11' LANES
12' LANES
10' TRAIL
5' BIKE LANE


PROPOSED CENTERLINE
34'
34'
3'
5'
1.5'
10'
1.10
0.80
37'
13'
0.50
0.10
0.90
0.00
100' ROW
EXISTING CENTERLINE
EXISTING EDGE OF ASPHALT
100' ROW