WHEN RECORDED, MAIL TO:

Ivins City Recorder
85 North Main
Ivins, UT, 84738

MAIL COPY TO GRANTOR:

Tadd and Kendra Thomas
430 W Old Highway 91
Ivins, UT, 84738

APN: I-SB-55-J

CONSTRUCTION EASEMENT AGREEMENT

TADD AND KENDRA THOMAS REVOCABLE TRUST DATED APRIL 2, 2021 (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"); its successors and assigns, 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

Ivins City agrees to install the proposed paved path inside of the existing right-of-way to avoid property condemnation.

- Property owner agrees to allow Ivins City to install the drain by granting a temporary construction easement for the construction of storm drain inlets and pipelines and to adjust the driveway of the property owner so that vehicles, including RVs and RV trailers up to 40-feet long can safely enter and exit the property.
    - The City will disturb as little property as possible and restore property after completion of the drain, which includes restoring gravel surface, replacing any landscape curbing that needs to be removed, replacing any fencing that needs to be removed, and reconnecting any drip irrigation lines that get severed, but shall not be responsible for the replacement of any vegetation that had to be removed.
- The grantor(s) will not be responsible for the initial cost of installation of the storm drain inlets and pipeline.
- Upon completion of the drain, the Grantor(s) and its successors will take over maintenance, repair and replacement of the inlet and drainage pipeline where it is on their property.
    - Exception: Ivins City agrees to clean and jet the pipe free of sediments, if sediment accumulates to a depth of more than 40% of the diameter in the entire pipeline as inspected, monitored, and notified by the Grantor or successor. Ivins City will not take on this responsibility if it can prove that the sediment accumulation is due to a negligent act by the Grantor(s) or its successors such as stockpiling erodible material next to the gratings.
- Grantor(s) and its successors agree to indemnify and hold harmless Ivins City from any flooding damages that may occur because of installing the trail inside of the existing right-of-way rather than per Ivins City master planned cross-section.

45-FOOT-WIDE TEMPORARY CONSTRUCTION EASEMENT LEGAL DESCRIPTION:
SOUTHERLY 45.00 FEET OF PARCEL NUMBER I-SB-55-J, DOCUMENT NO. 20210023926, RECORDED AND ON FILE IN THE OFFICE OF THE RECORDER, WASHINGTON COUNTY, STATE OF UTAH, BEING PARRALLEL TO THE EXISTING RIGHT-OF-WAY OF OLD HIGHWAY 91.

The foregoing is also depicted on a map attached hereto as **Exhibit "A"** and by this reference is incorporated herein that shows the proposed improvements.

The grant of this drainage easement shall be temporary and expire upon the completion of construction of the proposed drain line.

Witness the hand of said Grantor this 16 day of May 2023.

GRANTEE: TADD AND KENDRA THOMAS REVOCABLE TRUST DATED APRIL 2, 2021

By: Tadd Thomas
Tadd Thomas, Trustee/Grantor

By: Kendra Thomas
Kendra Thomas, Trustee/Grantor

STATE OF UTAH
COUNTY OF

On the 16 day of May, 2023, before me personally appeared before me, Tadd Thomas, the signer(s) of within instrument, who duly acknowledged to me that (he/she/they) executed the same for its stated purpose.

Notary Public

My Commission Expires: 08-31-2026

MARTIN THOMAS
Notary Public
State Of Utah
My Commission Expires 08-31-2026
COMMISSION NO. 726468

STATE OF UTAH
COUNTY OF

On the 16 day of May, 2023, before me personally appeared before me, Kendra Thomas, the signer(s) of within instrument, who duly acknowledged to me that (he/she/they) executed the same for its stated purpose.

Notary Public

My Commission Expires: 08-31-2026

MARTIN THOMAS
Notary Public
State Of Utah
My Commission Expires 08-31-2026
COMMISSION NO. 726468

Exhibit "A" - Proposed Design





