

AGREEMENT

2796998

This Agreement is made and entered into this 22nd day of December, 1975, by and between the Utah Department of Transportation, hereinafter referred to as the "Department", and Valley Materials Corp., a Utah corporation, hereinafter referred to as "Valley".

WHEREAS, Valley has contemporaneously, with this Agreement and by separate document, granted to the Department a perpetual easement over real property owned by Valley, which easement is described as follows:

A perpetual easement upon part of an entire tract of property, in the N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 26, T. 2 S., R. 1 W., S.L.B.&M., in Salt Lake County, Utah, for the purpose of constructing and maintaining thereon a drainage facility and appurtenant parts thereof incident to the construction of a freeway known as Project No. 01-7.

Said part of an entire tract is a parcel of land 50.0 ft. wide, 25.0 ft. on each side of the following described center line:

Beginning at a point on the westerly right of way line of 700 West Street in Midvale, which point is 1267 ft. south and 33 ft. west of the NE corner of said section 26; thence N. 89°55' W. 831.01 ft. to the center of an existing channel; thence N. 31° 58' W. 1189.7 ft. to the center of an existing canal. The above described parcel of land contains 2.32 acres, more or less.

And

WHEREAS, Valley desires, upon and subject to the conditions hereinafter set forth, to be able to relocate said easement, and the Department, upon and subject to the conditions hereinafter set forth, is agreeable to Valley having the right to relocate the easement,

NOW THEREFORE, in consideration of the granting of the easement above referred to, the premises above set forth, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, it is agreed as follows:

1. Valley may, at any time, at its sole discretion and at its expense, relocate the Department's drainage facility and appurtenant parts to the following described location:

Recorded MAR 23 1976 at 158P m.
Request of Utah Department of Transportation
KATIE L. DIXON Recorder
Salt Lake County, Utah
\$ No Fee By Patricia R. Brown Deputy
Patricia Brown
REF. _____

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Said part of an entire tract is a parcel of land 50.0 ft. wide, 25.0 ft. on each side of the following described center line:

Beginning at a point on the westerly right of way line of 700 West Street in Midvale, which point is 1267 ft. south and 33 ft. west of the NE corner of said Section 26; thence N. 89°55' W. to the Jordan River.

2. If, at any time in the future, 7200 South Street, located in Salt Lake County, State of Utah, be extended westerly from 700 West Street located in Salt Lake County, State of Utah, Valley may, at any time thereafter, at its sole discretion and at its expense, relocate the Department's drainage facility and appurtenant parts from the described location of the Department's original easement, or from the described location set forth in the immediately preceding paragraph in the event the relocation contemplated therein has occurred, to a location parallel to and/or concentric with the alignment of said extension of 7200 South Street.

3. At the time any such relocation is completed, with the facility in substantially the same operational condition as it existed prior to relocation, and upon release by the Department of the easement as it existed and was described prior to relocation, Valley shall grant to the Department a similar easement over the property on which the relocated facility exists, as described in either Paragraphs 1 or 2 above, as the case may be.

4. Valley shall further have the right to construct crossings over such drainage facility, wherever located, for pedestrian, vehicular, or equipment passage, as the same in Valley's sole discretion are reasonably needed or desired by it, and so long as the crossings are of such nature as not to impede reasonable operation of the drainage facility.

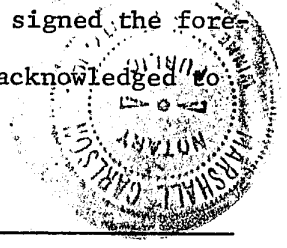
VALLEY MATERIALS CORP.

By Robert M. Soehrlen
Robert M. Soehrlen, President

STATE OF ILLINOIS)
 : ss
COUNTY OF WINNEBAGO)

On the 22nd day of DECEMBER, 1975, personally appeared before me Robert M. Soehrlen, who being by me duly sworn, did say that he is president of Valley Materials Corp., and that he signed the foregoing instrument in behalf of the corporation, and he acknowledged to me that said corporation executed the same.

Marshall Carlson
Notary Public
Residing at South Beloit, Illinois



My Commission Expires:
8-13-78