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Book - 9607 Pg - 7026-7032

GARY W. OTT

RECORDER, SALT LAKE COUNTY, UTAH

UTAH TRANSIT AUTHORITY

C/O PROPERTY MANAGER

3600 S 700 W

SALT LAKE CITY UT 84130-0810

BY: HNP, DEPUTY - WI 7 P.

WHEN RECORDED, RETURN TO:

UTAH TRANSIT AUTHORITY

Office of General Counsel

3600 South 700 West

Salt Lake City, UT 84119

**GRANT OF EASEMENT**

This GRANT OF EASEMENT is made the 15 day of May, 2008, by SOUTH JORDAN CITY, a municipal corporation and political subdivision of the State of Utah ("Grantor"), whose address is 1600 W. Towne Center Drive, South Jordan, Utah 84095, to UTAH TRANSIT AUTHORITY, a public transit district and political subdivision of the State of Utah ("Grantee"), whose address is 3600 South 700 West, Salt Lake City, UT 84119.

**RECITALS**

WHEREAS, Grantor owns or will own certain real property (the "Grantor's Property") located in Salt Lake County, Utah, whereon Grantor will design, construct, operate, use, maintain, and repair a public roadway. The Grantor's Property is more particularly described as follows:

A strip of land for the purpose of a Utah Transit Authority (UTA) easement, being located in the East Half of Section 14, the Southwest Quarter of Section 13 and Section 24 all in Township 3 South, Range 2 West Salt Lake Base and Meridian and being more particularly described as follows:

Commencing at the Northeast Corner of said Section 14 (Basis of Bearing being South 00°02'50" West - 2672.400 feet between the Northeast Corner and the East Quarter Corner of said Section 14) and running South 00°02'50" West along the east line of said Section 14 and the northerly most west line of Lot OS2 of the Amended Kennecott Master Subdivision #1 as recorded in Book 2003P at Page 303 in the office of the Salt Lake County recorder for 940.000 feet; thence North 89°55'04" West along the southerly most north line of said Lot OS2 and the southerly line of the UP&L property for 28.453 feet to the POINT OF BEGINNING; thence South 00°00'00" West for 1525.286 feet; thence North 90°00'00" East for 9.562 feet; thence South 00°00'00" West for 356.000 feet; thence North 90°00'00" West for 9.562 feet; thence South 00°00'00" West for 788.233 feet; thence with a curve to the left having a radius of 1186.000 feet, with a central angle of 36°32'54" (chord bearing and distance of South 18°16'27" East - 743.775 feet) for an arc length of 756.536 feet; thence South 36°32'54" East for 2919.309 feet; thence with a curve to the left having a radius of 34986.000 feet, with a central angle of 00°10'20" (chord bearing and distance of South 36°38'04" East - 105.162 feet) for an arc length of 105.162 feet; thence South 36°43'14" East for 693.518 feet; thence North 53°16'46" East for 2.500 feet; thence South 36°43'14" East for 5.000 feet; thence South 53°16'46" West for 2.500 feet; thence South 36°43'14" East for 295.000 feet; thence North 53°16'46" East for 2.500 feet; thence South 36°43'14" East for 25.000 feet; thence South 53°16'46" West for 2.500 feet; thence South 36°43'14" East for 328.577 feet; thence North 53°16'46" East for 9.562 feet; thence South 36°43'14" East for 358.000 feet; thence South 53°16'46" West for 9.562 feet; thence South

36°43'14" East for 562.190 feet; thence North 53°16'46" East for 2.500 feet; thence South 36°43'14" East for 25.000 feet; thence South 53°16'46" West for 2.500 feet; thence South 36°43'14" East for 10.918 feet; thence South 53°16'46" West for 28.000 feet; thence North 36°43'14" West for 10.918 feet; thence South 53°16'46" West for 2.500 feet; thence North 36°43'14" West for 25.000 feet; thence North 53°16'46" East for 2.500 feet; thence North 36°43'14" West for 562.190 feet; thence South 53°16'46" West for 9.562 feet; thence North 36°43'14" West for 358.000 feet; thence North 53°16'46" East for 9.562 feet; thence North 36°43'14" West for 308.577 feet; thence South 53°16'46" West for 2.500 feet; thence North 36°43'14" West for 25.000 feet; thence North 53°16'46" East for 2.500 feet; thence North 36°43'14" West for 315.000 feet; thence South 53°16'46" West for 2.500 feet; thence North 36°43'14" West for 25.000 feet; thence North 53°16'46" East for 2.500 feet; thence North 36°43'14" West for 673.518 feet; thence with a curve to the right having a radius of 35014.000 feet, with a central angle of 00°10'20" (chord bearing and distance of North 36°38'04" West - 105.247 feet) for an arc length of 105.247 feet; thence North 36°32'54" West for 2919.309 feet; thence with a curve to the right having a radius of 1214.000 feet, with a central angle of 36°32'54" (chord bearing and distance of North 18°16'27" West - 761.334 feet) for an arc length of 774.397 feet; thence North 00°00'00" East for 788.233 feet; thence North 90°00'00" West for 9.562 feet; thence North 00°00'00" East for 356.000 feet; thence North 90°00'00" East for 9.562 feet; thence North 00°00'00" East for 1525.326 feet to a point on the southerly most north line of said Lot OS2; thence South 89°55'04" East along said Lot OS2 for 28.000 feet to the POINT OF BEGINNING.

Containing 259,334 sq. ft. or 5.9535 acres.

A strip of land for the purpose of a switch easement said strip being located in the Northwest Quarter of Section 24, Township 3 South, Range 2 West, Salt Lake Base and Meridian and being more particularly described as follows:

Commencing at the Southwest Corner of Section 13, Township 3 South, Range 2 West, Salt Lake Base and Meridian (Basis of Bearing North 00°02'52" East – 2619.860 feet between the Southwest Corner and the West Quarter Corner of said Section 13) and running East for 2496.056 feet; thence South for 2234.890 feet to the POINT OF BEGINNING; thence South 36°43'14" East for 12.000 feet; thence South 53°16'46" West for 16.000 feet; thence North 36°43'14" West for 12.000 feet; thence North 53°16'46" East for 16.000 feet to the POINT OF BEGINNING.

Containing 192 sq. ft. or 0.004 acres.

A strip of land for the purpose of a traffic power substation said strip being located in the Southwest Quarter of Section 13, Township 3 South, Range 2 West, Salt Lake Base and Meridian and being more particularly described as follows:

Commencing at the Southwest Corner of said Section 13 (Basis of Bearing North 00°02'52" East – 2619.860 feet between the Southwest Corner and the West Quarter Corner of said Section 13) and running North 00°02'52" East along the west line of Section 13 for 129.269 feet; thence South 89°57'07" East perpendicular to said section line for 506.133 feet to the POINT OF

BEGINNING; thence North 53°27'06" East for 52.000 feet; thence South 36°32'54" East for 27.000 feet; thence South 53°27'06" West for 52.000 feet; thence North 36°32'54" West for 27.000 feet to the POINT OF BEGINNING.

Containing 1,404 sq. ft. or 0.032 acres.

A strip of land for the purpose of a traffic power substation said strip being located in the Southeast Quarter of Section 24, Township 3 South, Range 2 West, Salt Lake Base and Meridian and being more particularly described as follows:

Commencing at the Southwest Corner of Section 13, Township 3 South, Range 2 West, Salt Lake Base and Meridian (Basis of Bearing North 00°02'52" East – 2619.860 feet between the Southwest Corner and the West Quarter Corner of said Section 13) and running East for 3290.379 feet; thence South for 3124.986 feet to the POINT OF BEGINNING; thence South 36°43'14" East for 52.000 feet; thence South 53°16'46" West for 27.000 feet; thence North 36°43'14" West for 52.000 feet; thence North 53°16'46" East for 27.000 feet to the POINT OF BEGINNING.

Containing 1,404 sq. ft. or 0.032 acres.

WHEREAS, Grantee desires to construct, operate and maintain an extension of its current TRAX light rail system, known as the "Mid-Jordan Light Rail Extension", which will extend through a portion of the Grantor's Property more particularly described as follows (the "Easement Property"):

A strip of land for the purpose of a Utah Transit Authority (UTA) easement, being located in the East Half of Section 14, the Southwest Quarter of Section 13 and Section 24 all in Township 3 South, Range 2 West Salt Lake Base and Meridian and being more particularly described as follows:

Commencing at the Northeast Corner of said Section 14 (Basis of Bearing being South 00°02'50" West – 2672.400 feet between the Northeast Corner and the East Quarter Corner of said Section 14) and running South 00°02'50" West along the east line of said Section 14 and the northerly most west line of Lot OS2 of the Amended Kennecott Master Subdivision #1 as recorded in Book 2003P at Page 303 in the office of the Salt Lake County recorder for 940.000 feet; thence North 89°55'04" West along the southerly most north line of said Lot OS2 and the southerly line of the UP&L property for 28.453 feet to the POINT OF BEGINNING; thence South 00°00'00" West for 1525.286 feet; thence North 90°00'00" East for 9.562 feet; thence South 00°00'00" West for 356.000 feet; thence North 90°00'00" West for 9.562 feet; thence South 00°00'00" West for 788.233 feet; thence with a curve to the left having a radius of 1186.000 feet, with a central angle of 36°32'54" (chord bearing and distance of South 18°16'27" East - 743.775 feet) for an arc length of 756.536 feet; thence South 36°32'54" East for 2919.309 feet; thence with a curve to the left having a radius of 34986.000 feet, with a central angle of 00°10'20" (chord bearing and distance of South 36°38'04" East - 105.162 feet) for an arc length of 105.162 feet; thence South 36°43'14" East for 693.518 feet; thence North 53°16'46" East for 2.500 feet; thence South 36°43'14" East for 5.000 feet; thence South 53°16'46" West for 2.500

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Containing 1,404 sq. ft. or 0.032 acres.

WHEREAS, in consideration of the benefits of the TRAX light rail system to be provided by Grantee, Grantor desires to grant to Grantee a perpetual easement on, over, across, through and under the Easement Property, to design, construct, operate, use, maintain, repair and/or replace any and all portions of Grantee's TRAX light rail system over and across the Easement Property and other lawful purposes, as more particularly described herein, together with a right of ingress and egress thereto.

NOW, THEREFORE, for and in consideration of the terms and conditions herein contained and recited, and other consideration, Grantor hereby GRANTS AND CONVEYS to Grantee a perpetual easement (the "Easement") on, over, across, through and under the Easement Property, to design, construct, operate, use, maintain, repair and/or replace any and all portions of the TRAX light rail system over and across the Easement Property and other lawful purposes, together with the right of ingress and egress across the Grantor's Property to the Easement Property at convenient points, at Grantee's sole discretion, for such purposes.

The Easement Property may be subject to existing or reserved utility easements, reservations, or other encumbrances, including those encumbrances, reservations and conditions set forth in (1) that QUITCLAIM DEED from KENNECOTT LAND RESIDENTIAL DEVELOPMENT COMPANY to SOUTH JORDAN CITY dated 13 May, 2008 and (2) that agreement entitled, "Interlocal Agreement Regarding Mid-Jordan Rail Corridor Properties Among Utah Transit Authority, South Jordan City and Kennecott Land Residential Development Company dated 13 May, 2008. The Easement is granted

without warranties, either express or implied, regarding the nature, extent, or status of title to the Easement Property. The Easement is also granted with the Grantee's express acknowledgement that it has had the opportunity to perform such due diligence as it deems appropriate with respect to the Easement Property and its suitability for the Mid-Jordan Rail Extension.

Grantor agrees that it will not grant easements, licenses, franchises, or other interests in the Easement Property that would interfere with Grantee's use of this easement for its intended purposes. Grantor further agrees to notify Grantee of any requests for easements, licenses, franchises or other interests in the Easement Property, and to provide Grantee with an opportunity to review and approve such requests, which review and approval shall not be unreasonably delayed, conditioned or withheld.

Nothing in this easement is intended to create an enforceable right, claim or cause of action by any third party against Grantor or Grantee. Any claims of third party benefits hereunder are expressly denied. All of the provisions hereof, including the benefits and burdens, shall run with the land and shall be binding upon and inure to the benefit of the heirs, assigns, successors, tenants and personal representatives of the parties hereto. Grantor may assign any and all of its rights hereunder, provided that any such assignment does not interfere with use of the Easement Property for transit purposes, and requires the assignee to maintain satisfactory continuing control over the Easement Property. This Easement shall be governed by and construed in accordance with the laws of the State of Utah.

In the event the Mid-Jordan Light Rail Extension is terminated or abandoned, or fixed-guideway transit service is not provided for a period of one year, except when due to a force majeure event, in which case such one-year period shall be tolled for the duration of the force majeure event and any time necessary to reconstruct fixed-guideway improvements on the Easement Property, unless otherwise agreed in writing by Grantor, the Easement shall be terminated and Grantee shall, upon Grantor's request, remove all improvements related to the Mid-Jordan Light Rail Extension located on the Easement Property within six months of said termination.

**[Signatures on Next Page]**

DATED this 15 day of May, 2008.

**SOUTH JORDAN CITY CORPORATION**

By: W. Kent Money  
Name:  
Title:

APPROVED AS TO FORM  
AND LEGALITY:

Robert Wall  
City Attorney

ATTEST AND COUNTERSIGN:

By: Anna M. West  
Name: Anna M. West  
Title: City Recorder



STATE OF UTAH                    )  
  : ss.  
COUNTY OF SALT LAKE    )

The foregoing instrument was acknowledged before me this 15 day of May, 2008, by W. Kent Money and \_\_\_\_\_, the Mayor and \_\_\_\_\_ of South Jordan City.

Melanie Edwards  
NOTARY SIGNATURE AND SEAL

