

WHEN RECORDED, MAIL TO:  
Utah Department of Transportation  
Right of Way, Fourth Floor  
Box 148420  
Salt Lake City, Utah 84114-8420

10586619  
12/26/2008 1:06:00 PM \$14.00  
Book - 9668 Pg - 4024-4026  
Gary W. Ott  
Recorder, Salt Lake County, UT  
FIRST AMERICAN TITLE  
BY: eCASH, DEPUTY - EF 3 P.

Affecting Tax I.D.: 26-24-300-012

**Warranty Deed**  
(CONTROLLED ACCESS)  
(CORPORATION)  
Salt Lake County

Parcel No. 0182:133:3A  
Project No. MP-0182(3)0

OM Enterprises Company, a corporation of the State of Utah,  
Grantor, hereby CONVEYS AND WARRANTS to the UTAH DEPARTMENT OF  
TRANSPORTATION, at 4501 South 2700 West, Salt Lake City, Utah 84119, Grantee, for  
the sum of Ten and no/100----- Dollars, and other good and  
valuable considerations, the following described parcel of land in Salt Lake County, State of  
Utah, to-wit:

A parcel of land, in fee, being part of an entire tract located in the NE¼ of Section 23,  
T.3S., R.2W., SLB&M, for the construction of a Highway known as Project MP-0182 said  
tract also being Lot WTC2 of Amended Lots B2, B3, OS2, T4, V4, V7, & WTC2 Kennecott  
Master Subdivision #1 as recorded in Book 2003P at Page 303 in the Official Records.  
The boundary lines of said parcel are further defined as follows:

Beginning at a point in easterly Right of Way and No-Access Line of said Highway and the  
north line of said Lot WTC2, said point being 949.06 ft N. 89°41'45" W. along the Section  
Line from the Northeast corner of said Section 23, said point also being 352.72 ft radially  
distant right of Engineer Station 1256+62.89 of the control line for said Highway and  
running thence along said Right of Way and No-Access Line S. 28°44'02" E. 664.01 ft to a  
point 312.18 ft right of Engineer Station 1249+60.84; thence leaving said Right of Way and  
No-Access Line S. 37°03'54" E. 219.59 ft; thence N 21°32'36" W. 419.93 ft; thence  
N. 37°10'17" W. 460.28 ft to the north line of said lot; thence N. 89°41'25" W. 19.27 ft along  
said north line to the point of beginning, according to the official plans for this project on file  
at the office of the Utah Department of Transportation.

The above described parcel contains 43,873 sq ft or 1.007 acres.

Note: Rotate record bearings 0°19'21" clockwise to equal highway bearings.

The above described parcel of land is conveyed subject to all matters of record or that  
would be disclosed by a current ALTA Survey of said parcel.

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COMPANY RW-04C (12-01-03)

BK 9668 PG 4024

Pursuant to that certain "Right of Way Contract" dated December 22, 2008 by and between Grantor and Grantee, Grantor has reserved the right, for a period of thirty (30) years after the date hereof, to repurchase the above described parcel of land hereby conveyed under the terms and conditions more specifically set forth in said Right of Way Contract.

Grantor hereby reserves from this conveyance all steam and other forms of thermal energy on, in under or appurtenant to the above described parcel of land, together with the right to remove or extract the same, provide that Grantor does not have the right to enter upon the surface of said parcel or the first 500 feet below the surface of said parcel to remove or extract the same. In addition, Grantor hereby reserves for itself or its affiliates all water rights or water shares in any way connected with or appurtenant to said parcel.

Grantor and Grantee agree that the provisions of Paragraph 10 of Exhibit B to that certain Deed dated October 16, 2002 from Kennecott Utah Copper Corporation, as grantor, to OM Enterprises Company, as grantee, recorded in the Official Records of Salt Lake County as Instrument No. 8442505, including, without limitation, the "Well Prohibition Covenant" (which prohibits drilling of water wells on the land) and the "Subsequent Transfer Covenant" (which requires that the Well Prohibition Covenant be inserted in all future deeds for such land as such terms are defined in such Paragraph 10), are hereby incorporated into this Deed and shall be binding on Grantee, its successors and assigns.

To enable the Utah Department of Transportation to construct and maintain a public highway as a freeway, as contemplated by Title 72, Chapter 6, Section 117, Utah Code Annotated, 1998, as amended, the Owners of said entire tract of property hereby release and relinquish to said Utah Department of Transportation any and all perpendicularly rights appurtenant to the remaining property of said Owners by reason of the location thereof with reference to said highway, including, without limiting the foregoing, all perpendicularly rights of ingress to or egress from said Owner's remaining property contiguous to the lands hereby conveyed to or from said highway.

IN WITNESS WHEREOF, said W. Donald Whyte has caused this instrument to be executed by its proper officers thereunto duly authorized, this 24th day of December, A.D. 2008.

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

OM Enterprises Company

By W. Donald Whyte

On the date first above written personally appeared before me, W. Donald Whyte, who, being by me duly sworn, says that he is the President of OM Enterprise Company, a corporation, and that the within and foregoing instrument was signed in behalf of said corporation by authority of Corporate Resolution, and said W. Donald Whyte acknowledged to me that said corporation executed the same.

WITNESS my hand and official stamp the date in this certificate first above written:

[Signature]  
Notary Public

