

1341912

Recorded SEP 22 1953 10,596 m.  
Request of SALT LAKE CITY  
Fee Paid. Hazel Stewart Camp.  
Recorder, Salt Lake County, Utah  
Proza 1036  
E. J. Schaff 128  
AND APPROVED  
AUG 11 1953

A G R E E M E N T

THIS AGREEMENT made and entered into this 19th day of August, 1953, by and between SALT LAKE CITY CORPORATION, a municipal corporation of the State of Utah, hereinafter called the "City," and the EAST MILL CREEK HEIGHTS WATER COMPANY, a corporation duly organized and existing under and by virtue of the laws of the State of Utah, hereinafter called the "Company,"

W I T N E S S E T H:

WHEREAS, stockholders of the Company own substantial interests in real property situated in Salt Lake County, State of Utah, hereinafter referred to as the "Area," and which is bounded as follows:

Beginning at a point approximately 150 feet East of the East side of 2700 East and approximately 150 feet South of the South side of 2920 South; and running thence South to a point approximately 150 feet North of the North side of 3300 South; and running thence East to a point due South from the southern end of Grace Street, approximately equi-distant between 3075 East Street and Metropolitan Way; thence North along the West side of Grace Street to a point approximately 150 feet South of the South side of 2965 South Street; and thence West to the West side of 2900 East Street; thence North to a point approximately 150 feet South of the South side of 2920 South; thence West to the point of beginning, and

WHEREAS, a considerable portion of the property within the Area is as yet unimproved, although situated in a location that is being developed into a residential area, and

WHEREAS, the Area cannot be properly developed without adequate culinary water being made available, and

WHEREAS, in order to develop the Area and provide adequate culinary water therefor, the Company on the 21st day of February, 1952, entered into a Water Sale Agreement with the Salt Lake City Department of Water Supply and Waterworks, a department and agency of the City, whereby said Department agreed to furnish culinary water and issue Special County Permits therefor to persons residing within the Area who were certified by the Company, and

851-112-9  
851-114-15  
851-220-16  
851-296-3  
851-286-7  
840-1858-8  
840-303-31  
847-311-38  
843-227-22  
837-242-3  
849-86-42  
862-192-7  
Water Index #3

2) WHEREAS, pursuant to said Water Sale Agreement, the Company has installed various water mains within and without the Area which have been connected with feeder lines owned by the City and known as the 2700 South and 3300 South Supply Mains, and

WHEREAS, pursuant to said Water Sale Agreement, the Department has been and is now furnishing culinary water to various parties within the Area who have acquired from the Company the right to use the water mains owned by the Company, and

WHEREAS, the City is desirous of acquiring title to all of the water mains now owned by the Company, and the Company is desirous of transferring all of its interests in said water mains to the City, providing the City will continue in the future to furnish culinary water within the Area;

NOW, THEREFORE, in consideration of the premises and of the sum of One Thousand Dollars (\$1,000.00) in hand paid by the City to the Company, the receipt whereof is hereby acknowledged, it is agreed by and between the parties hereto as follows:

1. The Company does hereby sell, assign, transfer, and set over unto the City, its successors and assigns, all of its right, title, and interest in and to any and all water mains located within the Area and also the water mains owned by the Company outside the Area that connect with the 2700 South and 3300 South Supply Mains.
2. The Company agrees to cause to be assigned to the City simultaneously with the execution of this agreement all easements that have been granted on private property for water mains owned by the Company.
3. The City agrees to furnish culinary water to any residents within the Area who make application for water connections and who pay the required fees therefor, provided, however, that connections shall be furnished by the City to the owners or occupants of the following described parcels of property at the rates

which were in effect in the Salt Lake City Department of Water Supply and Water-works as of February 18, 1953:

✓ Lots 47, 49 and 80 of East Mill Creek Heights, a subdivision of part of the Southwest quarter of Section 26, Township 1 South, Range 1 East, Salt Lake Meridian.

Lots 1, 2, 3, 4, 5, 6, 8, 13, 14, 15, 16, 24, 26, 28, 29, 30, 32, 33, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, and 76, of East Mill Creek Heights Addition No. 2, a subdivision of part of the Southwest quarter of Section 26, Township 1 South, Range 1 East, Salt Lake Meridian.

4. The City further agrees to furnish water connections at the rates which were in effect in the Salt Lake City Department of Water Supply and Water-works as of February 18, 1953, to any and all residents within the Area to whom the Company has heretofore issued Connection Certificates pursuant to the provisions of said Water Sale Agreement.

5. It is understood and agreed that this agreement supersedes the Water Sale Agreement executed on the 21st day of February, 1952, by and between the Company and the Salt Lake City Department of Water Supply and Waterworks, a department and agency of the City, as aforesaid, and that in consideration of the execution of this agreement both parties are released from any and all claims, demands, obligations, and liabilities arising out of said Water Sale Agreement.

6. This agreement shall inure to the benefit of and shall be binding upon the successors and assigns of the parties hereto.

IN WITNESS WHEREOF the parties hereto have caused this agreement to be signed and executed by their duly authorized representatives pursuant to corporate resolution and their corporate seals to be affixed the day and year first above written.

Attest:  
*Irma F. Bitner*  
City Recorder

SALT LAKE CITY CORPORATION,  
A Municipal Corporation  
By *[Signature]*  
Mayor

Attest:  
*Margaret B. [Signature]*  
Secretary

EAST MILL CREEK HEIGHTS WATER COMPANY,  
A Corporation  
By *Alex E. [Signature]*  
President

STATE OF UTAH )  
                  ) SS  
COUNTY OF SALT LAKE )

I, Irma F. Bitner, City Recorder of Salt Lake City, Utah, do hereby certify that the attached Agreement from East Mill Creek Heights Water Company was duly approved and accepted by the Board of Commissioners of Salt Lake City, Utah, this 19th day of May A. D. 1953.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of Salt Lake City, Utah, this 9th day of September, A. D. 1953.

*Irma F. Bitner*  
City Recorder of Salt Lake City, Utah