

WHEN RECORDED, PLEASE RETURN TO:

West Jordan City Recorder  
8000 South Redwood Road  
West Jordan, Utah 84088

Portion of APN: 27-02-152-020

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## **NOTICE OF RIGHT OF ENTRY AND OCCUPANCY AGREEMENT**

WHEREAS, the City Council of the City of West Jordan, Utah (the “City”), has adopted a transportation master plan to improve the health, safety and welfare of its residents; and

WHEREAS, one of the roads identified on the City’s transportation master plan is 1300 West Street, between 7800 South and 9000 South Streets (“1300 West Street”); and

WHEREAS, the City Council adopted a budget and approved a 1300 West Street construction project, together with all necessary and compatible utility infrastructure (the “Project”); and

WHEREAS, the City is currently negotiating a purchase and sale agreement with 9013 ASSOCIATES, LC, a Utah limited liability company (the “Owner”), to purchase a portion of the Owner’s property located at 1286 West 9000 South, West Jordan, Utah (the “Property”), but is prepared to start the Project before a purchase and sale agreement can be completed; and

WHEREAS, the Property is more particularly described in Exhibit “A”, attached hereto and by this reference made a part hereof; and

WHEREAS, the City and the Owner have decided to voluntarily enter into a Right of Entry and Occupancy Agreement (the “Agreement”), to allow the City to use, occupy and control the Property to begin constructing the Project while a purchase and sale agreement is further negotiated; and


WHEREAS, a copy of the Agreement is located in the office of the Real Property Administrator at West Jordan City Hall, 8000 South Redwood Road, West Jordan, Utah 84088; and

WHEREAS, the City created this Notice of Right of Entry and Occupancy Agreement (the “Notice”) to provide constructive notice to all persons and parties that, as a result of the Agreement, including payment therefor, the City claims a right, title and interest to the Property, including but not limited to occupying the Property for public transportation and utility purposes.

NOW, THEREFORE, the Notice and Agreement shall remain in full force and effect until the City files one of the following in the office of the Salt Lake County Recorder, after which the Notice and Agreement will automatically be terminated: 1) a termination of the Notice and Agreement, or 2) deeds and easements conveying the Property to the City from the Owner, its successors or assigns, or 3) a final judgment of condemnation in favor of the City from a court of competent jurisdiction.

Dated this 21st day of January 2025.

CITY OF WEST JORDAN, UTAH

By:   
Name: David Clemence  
Title: Real Property Administrator

STATE OF UTAH                    )  
  :SS  
COUNTY OF SALT LAKE    )

On this 21st day of January 2025, personally appeared before me David Clemence, who being by me duly sworn did say that he is the Real Property Administrator of the City of West Jordan, Utah, and that the foregoing instrument was signed by him on behalf of the City of West Jordan, Utah.

  
NOTARY PUBLIC

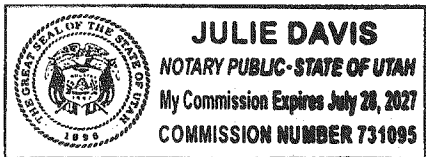


EXHIBIT "A"  
(the Property)

WARRANTY DEED DESCRIPTION:

A parcel of land in fee for the widening of the existing 1300 West Street known as Project No. F-2066(4)7, being part of an entire tract of property situate in the SW1/4 NW1/4 of Section 2, T.3S., R.1W., S.L.B.&M., in Salt Lake County, State of Utah. The boundaries of said parcel of land are described as follows:

Beginning at a point on the existing easterly right of way line of 1300 West Street at the northwest corner of said entire tract, said point is 268.00 feet N.00°02'16"W. and 33.00 feet N.89°58'03"E. from the West Quarter Corner of said Section 2; and running thence N.89°58'06"E. (N.89°58'03"E. by record) 4.55 feet along the northerly line of said entire tract; thence S.02°09'32"E. 53.37 feet, to a point 39.53 feet perpendicularly distant easterly from the 1300 West Street Control Line opposite engineer station 133+68.50; thence S.89°57'44"W. 6.53 feet, to said existing easterly right of way line, at a point which is 33.00 feet perpendicularly distant easterly from said Control Line opposite engineer station 133+68.50; thence N.00°02'16"W. 53.34 feet along said existing easterly right of way line to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation.

The above described parcel of land contains 295 square feet in area or 0.007 acre, more or less.

(Note: Rotate all bearings in the above description 00°15'48" clockwise to obtain project bearings.)

UTILITY EASEMENT DESCRIPTION:

A perpetual utility right of way easement, upon part of an entire tract of property, situate in the SW1 /4 NW1 /4 of Section 2, T.3S., R.1W., S.L.B.&M., in Salt Lake County, Utah, incident to the construction of the widening of 1300 West Street known as Project No. F-2066(4)7. The boundaries of said easement being part of an entire tract of property are described as follows:

Beginning at a point on the northerly line of said entire tract, said point is 268.00 feet N.00°02'16"W. and 33.00 feet N.89°58'03"E. to the northwest corner of said entire tract and 4.55 feet N.89°58'06"E. (N.89°58'03"E. by record) along the northerly line of said entire tract from the West Quarter Corner of said Section 2; and running thence N.89°58'06"E. (N.89°58'03"E. by record) 8.23 feet along said northerly line; thence S.00°16'13"E. 53.34 feet; thence S.01°10'29"W. 94.52 feet; thence S.89°57'44"W. 11.00 feet, to the existing easterly right of way line of 1300 West Street; thence N.00°02'16"W. 94.50 feet along said existing easterly right of way line, to a point 33.00 feet perpendicularly distant easterly from the 1300 West Street Control

Line opposite engineer station 133+68.50; thence N.89°57'44"E. 6.53 feet, to a point 39.53 feet perpendicularly distant easterly from said Control Line opposite engineer station 133+68.50; thence N.02°09'32"W. 53.37 feet to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation.

The above described easement contains 1,526 square feet in area or 0.035 acre, more or less.

(Note: Rotate all bearings in the above description 00°15'48" clockwise to obtain project bearings.)

#### TEMPORARY CONSTRUCTION EASEMENT DESCRIPTION:

A temporary easement, upon part of an entire tract of property, situate in the SW1/4 NW1/4 of Section 2, T.3S., R.1W., S.L.B.&M., in Salt Lake County, State of Utah, to facilitate the construction of roadway improvements, side treatments and appurtenant parts thereof, blending slopes and installation of underground utility lines, incident to the construction of the existing 1300 West Street known as Project No. F-2066(4)7. This easement shall commence upon the beginning of actual construction on the property and shall continue only until project construction on the property is complete, or for three (3) years, whichever first occurs. The easement shall be non-exclusive such that the Grantor may use the property at any time in a manner which does not interfere with construction activities. The boundaries of said easement are described as follows:

Beginning at a point on the northerly line of said entire tract, said point is 268.00 feet N.00°02'16"W. and 33.00 feet N.89°58'03"E. to the northwest corner of said entire tract and 4.55 feet N.89°58'06"E. (N.89°58'03"E. by record) along the northerly line of said entire tract from the West Quarter Corner of said Section 2; and running thence N.89°58'06"E. (N.89°58'03"E. by record) 4.95 feet along said northerly line; thence S.08°13'14"W. 10.44 feet; thence S.01°58'45"E. 29.52 feet; thence N. 79°39'27"E. 5.59 feet; thence S.13°01'56"E. 13.34 feet; thence S. 78°39'08"W. 17 .85 feet, to the existing easterly right of way line of 1300 West Street; thence N.00°02'16"W. 2.00 feet along said existing easterly right of way line; thence N.89°57'44"E. 6.53 feet; thence N.02°09'32"W. 53.37 feet to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation.

The above described easement contains 273 square feet in area or 0.006 acre, more or less.

(Note: Rotate all bearings in the above description 00° 15'48" clockwise to obtain project bearings.)