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STATE ROAD COMMISSION MAR 11 1984

Recorded at Request of

at *1.00* Fee Paid *2.00* HAZEL TAGGART CHASE Recorder Salt Lake County, Utah

2165 4.3 30

By *L. A. Fustell* Dep. Date

RIGHT OF WAY DEED  
(Corporation)

Project No. S-0135(1)  
Description No. 0135:3:R  
Description No. 0135:12B:AR

KENNECOTT COPPER CORPORATION, a New York corporation with offices in Salt Lake City, State of Utah, Grantor, hereby grants, bargains and sells to the STATE ROAD COMMISSION OF UTAH, Grantee, for the sum of Four Thousand Three Hundred and Five Dollars, (\$4305.00), the following described four parcels of land as a perpetual right of way for highway purposes across the Grantors land in Salt Lake County, State of Utah, as follows:

PARCEL NO. 1

A parcel of land for highway known as Project No. 0135 situated in the NE 1/4 SE 1/4 of Section 8, and in the NW 1/4 SW 1/4 of Section 9, T. 2 S., R 2 W., S.L.M. The boundaries of said parcel of land are described as follows:

Beginning at the intersection of the north boundary line of said NE 1/4 SE 1/4 and the center line of survey of said project at Engineer Station 378+97, which point is approximately 610 ft. westerly from the NE. corner of said NE 1/4 SE 1/4 along said north boundary line; thence Westerly 200 ft., more or less, along said north boundary line to a point 105.0 ft. perpendicularly distant southwesterly from said center line of survey; thence S. 59° 11' E. 338 ft. to a point of tangency with a 5624.1 ft. radius curve to the right; thence Southeasterly 1113 ft., more or less, along the arc of said curve to a north-easterly boundary line of the grantors land at a point 105.0 ft. radially distant southwesterly from said center line of survey of said project; thence Northwesterly 510 ft., more or less, along said northeasterly boundary line of the grantors land to the east line of said Section 8; thence Northerly 75 ft., more or less, along said east line to said center line of survey at Engineer Station 371+48; thence Northwesterly 749 ft., more or less, along said center line of survey to the point of beginning as shown on the official map of said project on file in the office of the State Road Commission of Utah. Above described parcel of land contains 2.53 acres, more or less, of which 0.92 acre, more or less, is now occupied by the existing highway. Balance 1.61 acres, more or less.

PARCEL NO. 2

A parcel of land for highway known as Project No. 0135 situated in the SW 1/4 SE 1/4 of Section 32, T. 1 S., R. 2 W., S.L.M. The boundaries of said parcel of land are described as follows:

Beginning at the SW. corner of said SW 1/4 SE 1/4; thence North 412.7 ft. along the west line of said SW 1/4 SE 1/4;



thence East 80 ft., more or less, to a point 80.0 ft. perpendicularly distant easterly from the center line of survey of said project; thence S. 0° 12' E. 265 ft., more or less, to a point of tangency with a 70.0 ft. radius curve to the left; thence Southeasterly 110 ft., more or less, along the arc of said curve to a point 150.0 ft. perpendicularly distant easterly from said line of survey; thence S. 0° 12' E. 75 ft., more or less, to the south boundary line of said Section 32; thence Westerly 144 ft., more or less, along said south boundary line to the point of beginning.

## ALSO:

A parcel of land situated in the W 1/2 SE 1/4 and E 1/2 SW 1/4 of Section 32, T. 1 S., R. 2 W., S.L.M. The boundaries of said parcel of land are described as follows:

Beginning at a point on a southerly boundary line of said grantors land 709.5 ft. north from the S 1/4 corner of said Section 32; thence Westerly 71 ft., more or less, along said southerly boundary line to a point 70.0 ft. perpendicularly distant westerly from said center line of survey; thence N. 0° 12' W. 1780 ft., more or less, to the southerly right of way line of the Garfield Branch of the Denver & Rio Grande Western Railroad; thence Easterly 71 ft., more or less, along said railroad right of way line to said center line of survey; thence S. 0° 12' E. 826 ft., more or less, to a northerly boundary line of said grantors land; thence East 80.0 ft. along said northerly boundary line; thence S. 0° 12' E. 1162.3 ft., more or less, to a south boundary line of said grantors land; thence West 80 ft., more or less, to the west boundary line of the SE 1/4 of said Section 32; thence Northerly 242 ft., more or less, along said west boundary line to the point of beginning.

## ALSO:

A parcel of land situated in the NE 1/4 SW 1/4 of said Section 32. The boundaries of which are described as follows:

Beginning at the NE. corner of said NE 1/4 SW 1/4; thence S. 0° 12' E. 50 ft., more or less, to the northerly right of way line of the Garfield Branch of the Denver & Rio Grande Western Railroad; thence Westerly 71 ft., more or less, along said northerly right of way line to a point 70.0 ft. perpendicularly distant westerly from said center line of survey; thence N. 0° 12' W. 46 ft., more or less, to the north boundary line of said NE 1/4 SW 1/4; thence Easterly 71 ft., more or less, along said north boundary line to the point of beginning as shown on the official map of said project on file in the office of the State Road Commission of Utah. Above described parcels of land contain 6.01 acres, more or less, of which 4.00 acres, more or less, are now occupied by the existing highway. Balance 2.01 acres, more or less.

## PARCEL NO. 3

Three parcels of land for highway known as Project No. 0135 situated in the NE 1/4 NW 1/4 of Section 32, T. 1 S.,

R. 2 W., S.L.M. The boundaries of said parcels of land are described as follows:

Beginning at a point 1287.0 ft. south along the east line of said NE 1/4 NW 1/4 from the N 1/4 corner of said Section 32; thence North 202.0 ft. along said east line; thence West 42 ft., more or less, to a point 44.0 ft. perpendicularly distant westerly from the center line of said project; thence S. 0° 12' E. 202.0 ft.; thence East 42 ft., more or less, to the point of beginning.

ALSO:

Beginning at a point 957.0 ft. south along the east line of said NE 1/4 NW 1/4 from the N 1/4 corner of said Section 32; thence North 295.8 ft. along said east line; thence West 42 ft., more or less, to a point 44.0 ft. perpendicularly distant westerly from the center line of said project; thence S. 0° 12' E. 295.8 ft.; thence East 42 ft., more or less to the point of beginning.

ALSO:

Beginning at a point 57.2 ft. south along the east line of said NE 1/4 NW 1/4 from the N 1/4 corner of said Section 32; thence South 500.0 ft. along said east line; thence West 41 ft., more or less, to a point 44.0 ft. perpendicularly distant westerly from the center line of said project; thence N. 0° 12' W. 500.0 ft.; thence East 41 ft., more or less, to the point of beginning as shown on the official map of said project on file in the office of the State Road Commission of Utah. Above described parcels of land contains 0.93 acre, more or less, of which 0.84 acre, more or less, is now occupied by the existing highway. Balance 0.09 acre, more or less.

PARCEL NO. 4 (0135:12B:AR)

A tract of land for highway known as Project No. 0135 situated in the NE 1/4 NW 1/4 of Section 32, T. 1 S., R. 2 W., S.L.M. The boundaries of said tract of land are described as follows:

Beginning at the N 1/4 corner of said Section 32; thence South 57.2 ft. along the east line of said NE 1/4 NW 1/4; thence West 42 ft., more or less, to a point 44 ft. perpendicularly distant westerly from the center line of survey of said project at Engineer Station 518+06.3 which point is to be known as point "C" thence N. 50° 23' 40" W. 37.7 ft. to a point which is to be known as point "D"; thence N. 0° 12' W. 33 ft., more or less, to the north line of said Section 32; thence East 68.4 ft. along said north line to the point of beginning as shown on the official map of said project on file in the office of the State Road Commission of Utah. Above described tract of land contains 0.08 acre, more or less, of which 0.07 acre, more or less, is now occupied by the existing highway. Balance 0.01 acre, more or less.

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The grantor hereby releases and relinquishes to the grantee any and all rights or easements appurtenant to the grantors remaining property by reason of the location thereof with reference to said highway, at Parcel No. 4, including, without limiting the foregoing, all rights of ingress to or egress from the grantors remaining property contiguous to the lands hereby conveyed, to or from said highway over and across the south-westerly boundary line of the above described tract of land between said points "C" and "D".

The grantors also hereby grant to the grantee permission to locate and construct within the grantors land and outside the limits of the highway right of way, all irrigation and/or waste water ditches made necessary by the construction of said project. After the above described ditches are constructed, the grantee is thereafter relieved of all responsibility for the maintenance of said ditches.

Any and all water rights pertaining to the above described land are hereby reserved by the grantor and the grantee shall not be liable for any water assessments now due or which shall become due.

Grantor, however, reserves unto itself the right to change the location of the highway and right of way in the event, in its opinion, the highway and right of way interfere with the operations or business in which it shall be engaged from time to time, such change in location to be made at its own expense, and in such manner as to meet the standards of the existing highway.

Expressly excepting, reserving and specifically subject to a perpetual easement, right and privilege on the part of Grantor corporation, its successors, lessees, licensees and assigns, at any and all times hereafter, to discharge through the medium of the air upon each and every portion of said lands any and all gases, particulates, dust, dirt, fumes, and other substances and matter which may be released, given or thrown or blown off, emitted or discharged in the course of or by or through the existence or operation of each or all the smelting plants, reduction works, mills, refineries, power plants, manufacturing, tailings deposits and other works or factories which now are or which may hereafter at any time be established or operated by Corporation, its successors, lessees, licensees or assigns, or any of them.

Grantor also reserves unto itself all gas, oil, and mineral rights, but agrees to extract such gas, oil or minerals in such a manner as not to interfere with the surface of granted tract for road purposes.

In executing this deed the Grantor hereby further grants to the Grantee, the right to use that portion of the Grantors remaining property adjacent to the above described parcel of land, for the purpose of constructing thereon cut and/or fill slopes made necessary by the construction of said project, provided, however, that this right is subject to the paramount needs of the Corporation's operation.


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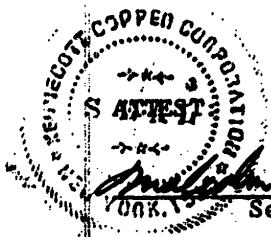
IN WITNESS WHEREOF, the said Grantor has caused this instrument to be executed by its proper officers thereunto duly authorized this 6th day of January, 1962<sup>4</sup>

KENNECOTT COPPER CORPORATION

By *C. D. Michaelson* 

Its Vice President

*R. Wilkey*  
Secretary



STATE OF NEW YORK )  
                                  : ss.  
County of New York )

On this 6th day of January, 1962<sup>4</sup>, personally appeared before me C. D. MICHAELSON, who being by me duly sworn, says:

That he is the Vice President of Kennecott Copper Corporation, and that the foregoing instrument was signed by him on behalf of said corporation, the said C. D. MICHAELSON being thereunto duly authorized, and said acknowledged to me that said corporation executed the same.

Witness my hand and official seal the day and year in this certificate first above written.

*Robert S. Alexander*  
Notary Public

Residing at \_\_\_\_\_



My Commission Expires: \_\_\_\_\_

ROBERT S. ALEXANDER  
Notary Public, State of New York  
No. 03-5044550  
Qualified in Bronx County  
Certificate filed in New York County  
Commission Expires March 30, 1964