

Recorded at Request of ALTA TITLE CO.  
at 106 p.m Fee Paid \$ 6.50 KATIE L. DIXON, Recorder,  
Salt Lake County, Utah, By [Signature] Dept. Date [Signature]  
Schvanevel dt

MAR 15 1978

When recorded  
please send to  
Performance  
Properties  
433 So. 4th E.  
SLC UT. 84117

3077886

RIGHT OF WAY AND EASEMENT AGREEMENT

THIS AGREEMENT entered into this 19 day of January, 1978, by and between WASHINGTON SQUARE, a partnership,

hereinafter referred to as "First Party", and RAYMOND J. CURTIS, TERESA A. CURTIS CLOYD T. CURTIS AND BEULAH T. CURTIS, hereinafter referred to as "Second Party".

W I T N E S S E T H

WHEREAS, the First Party is the owner of the following described property in Salt Lake City, Salt Lake County, State of Utah; to wit:

Beginning on the North line of 6860 South, said point being 792.46 feet North, more or less, 441.4 feet West and South 83° 30' East 166.06 feet from the southeast corner of Section 20, Township 2 South, Range 1 East, Salt Lake Base and Meridian and running thence South 83° 30' East along said North line 171.0 feet; thence North 175.6 feet; thence West 167.0 feet; thence South 153.43 feet to the point of beginning.

EXCEPTING therefrom the following: Beginning at a point on the North line of 6860 South Street, said point being North 01° 34' 49" East 691.40 feet; thence North 82° 54' 58" West 213.48 feet; thence North 00° 28' 06" East 33.22 feet from the southeast corner of Section 20, Township 2 South, Range 1 East, Salt Lake Base and Meridian; and running thence along said North line 82° 54' 58" West 85.00 feet; thence North 00° 28' 06" East 160.56 feet; thence East 84.44 feet; thence South 00° 28' 06" West 171.04 feet to the true point of beginning.

WHEREAS, the Second Party is the owner of the following described property situated in Salt Lake City, Salt Lake County, State of Utah; to wit:

Beginning North 0° 41' 42" West 867.26 Feet and West 98.41 Feet from the southwest corner of Section 21, Township 2 South, Range 1 East, Salt Lake Base & Meridian; South 0° 28' 6" West 160 Feet; South 82° 54' 58" East 92.86 Feet; North 48° East 163.99 Feet; North 59° West 119.83 Feet; West 110 Feet to the beginning (less street) Containing .049 acres.

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WHEREAS, the Second Party has verbally agreed to grant to the First Party a three (3) foot right of way over and across the above described property belonging to Second Party in exchange for a retaining wall to be constructed by the First Party along the East line of said three (3) foot right of way, and

WHEREAS, the parties are now desirous of putting in writing their agreement concerning said right of way and retaining wall.


NOW, THEREFORE, the parties hereto mutually covenant and agree as follows:

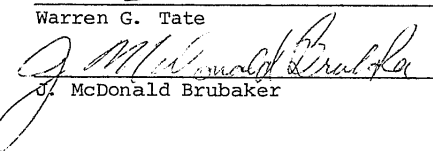
1. Second Party hereby grants to the First Party a perpetual right of way over and across the westerly most three feet of the above described property belonging to Second Party.
2. First Party hereby covenants and agrees to construct a retaining wall on the East side of said three (3) foot right of way a length of 150.0 feet more or less, approximately six (6) to eight (8) inches above finished grade as established by First Party on First Party's property. (See Exhibit "A" attached and made a part hereof by reference for approximate location of said retaining wall.
3. First Party agrees to construct a four (4) foot chain link fence on top of said retaining wall a length of approximately 150 feet.
4. It is agreed by the parties that upon final execution of this agreement that this document shall be recorded.
5. This agreement shall apply to and be binding upon the heirs, successors, executors, administrators, and assigns of the respective parties hereto.

IN WITNESS WHEREOF, the Parties hereto have executed this agreement the day and year first above written.

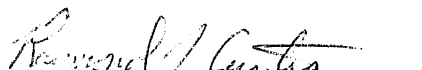
FIRST PARTY

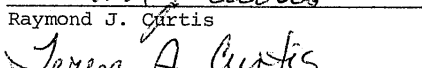
WASHINGTON SQUARE, a partnership

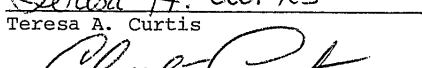
  
\_\_\_\_\_  
Warren G. Tate

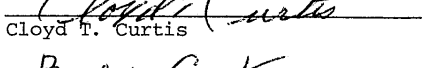
  
\_\_\_\_\_  
J. McDonald Brubaker

SECOND PARTY

  
\_\_\_\_\_  
Raymond J. Curtis

  
\_\_\_\_\_  
Teresa A. Curtis

  
\_\_\_\_\_  
Cloyd T. Curtis

  
\_\_\_\_\_  
Beulah T. Curtis

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ACKNOWLEDGEMENT

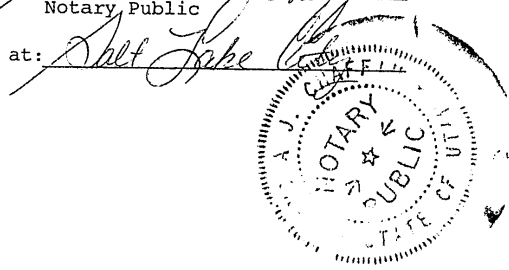
STATE OF UTAH )  
: ss.  
COUNTY OF Salt Lake)

On the 19th day of January, 1978, personally appeared before me Warren G. Tate and J. McDonald Brubaker, partners of WASHINGTON SQUARE, the signers of the foregoing instrument, who duly acknowledged to me that they executed the same.

Andrea J. Chappin  
Notary Public

My Commission Expires:  
BY COMMISSION EXPIRES APR. 15, 1979

Residing at:



STATE OF UTAH )  
: ss.  
COUNTY OF Salt Lake)

On the 23 day of Jan, 1978, personally appeared before me Raymond J. Curtis, Teresa A. Curtis, Cloyd T. Curtis, and Beulah T. Curtis, the signers of the foregoing instrument, who duly acknowledged to me that they executed the same.

Royal Walker  
Notary Public

My Commission Expires:  
5-13-78

Residing at:

