

3663769

RIGHT OF WAY AGREEMENT

THIS AGREEMENT, made and entered into this 5TH day of APRIL, 1982, by and between HENNING HOJ and LARRY V. LUNT and REED C. OLIVER and MARGY W. OLIVER, hereinafter referred to as Party of the First Part; E. KEITH FULLER, JR., MARILYN FULLER, MARK B. GARFF CONSTRUCTION COMPANY, a Utah Corporation, and EDWIN C. SHIPP and LEILA P. SHIPP, hereinafter referred to as Party of the Second Part; JO ANN BRADY, formerly known as JO ANN FULLER HENDERSON, hereinafter referred to as Party of the Third Part; and T & C LEASING CORPORATION, a Utah corporation, MAC R. REBER and IONE H. REBER, Nebraska GOLDEN TRANSPORTATION INCORPORATED, a / corporation, OVERLAND THRIFT AND LOAN, a Utah corporation; and FIRST SECURITY STATE BANK, a Utah corporation, hereinafter referred to as Party of the Fourth Part,

WITNESSETH:

WHEREAS, all of the above parties are the fee owners or have an interest in real property as hereinafter described, and

WHEREAS, all of said parties desire to create a Right of Way to be thirty (30) feet in width between the properties, with the property owners on the North conveying fifteen (15) feet to said Right of Way, and the property owners on the South conveying fifteen (15) feet to said Right of Way, and

WHEREAS, all parties are desirous of creating said Right of Way, so that all of said parties may have the beneficial use of said Right of Way,

NOW THEREFORE, in consideration of the premises and the mutual covenants and agreements, the parties hereto agree as follows:

1. The Party of the First Part are the owners or have an interest in the following described real property located in Salt Lake County, State of Utah:

Beginning at a point North 0°02'30" West along the Section line 166.32 feet from the Southwest corner of Section 36, Township 1 South, Range 1 West, Salt Lake Base and Meridian, and running thence North 0°02'30" West 506.78 feet; thence North 87°29'30" East 285.15 feet; thence South 86°20'30" East 365.81 feet; thence South 7°57'30" East 109.30 feet; thence North 86 24'30" East 15.04 feet; thence South 0°02'30" East 388.12 feet; thence South 89°57'30" West 680.00 feet to the point of beginning.

and said Party of the First Part hereby convey for the purpose of a Right of Way the South fifteen (15) feet of the above described

BOOK 5359 PAGE 268

property, to be used as a Right of Way for the use and benefit of all parties to this Agreement.

2. The Party of the Second Part are the owners or have an interest in the following described real property located in Salt Lake County, State of Utah:

Beginning at a point on the West line of 500 West Street at the Northeast corner of Lot 12, Block 12, Ten Acre Plat "A", Big Field Survey, said point being located South 0° 10' East 1181.4 feet and North 89° 54' 15" West 33 feet from a Salt Lake County Monument located at the intersection of 500 West Street and 3900 South Street; thence North 89° 54' 15" West 660.0 feet; thence South 406.74 feet; thence South 89° 48' 20" East 661.19 feet to a point on the West line of 500 West Street; thence along said West line North 0° 10' West 407.88 feet to the point of beginning.

and said Party of the Second Part hereby convey for the purpose of a Right of Way the South fifteen (15) feet of the above described property, to be used as a Right of Way for the use and benefit of all parties to this Agreement.

3. The Party of the Third Part is the owner of the following described real property located in Salt Lake County, State of Utah:

Beginning South 0° 10' East 407.88 feet and North 89° 48' 20" West 600 feet from the Northeast corner of Lot 12, Block 12, Ten Acre Plat "A", Big Field Survey, and running thence North 89° 48' 20" West 61.19 feet; thence West 680 feet; thence South 0° 10' East 166.32 feet to the Southwest corner of Section 36, Township 1 South, Range 1 West, Salt Lake Meridian; thence South 89° 54' 15" East 741.19 feet; thence North 0° 10' West 166.32 feet, more or less, to the point of beginning.

and said Party of the Third Part hereby conveys for the purpose of a Right of Way the North fifteen (15) feet of the above described property, to be used as a Right of Way for the use and benefit of all parties to this Agreement.

4. The Party of the Fourth Part are the owners or have an interest in the following described real property located in Salt Lake County, State of Utah:

Beginning at a point on the West line of 500 West Street South 0° 10' East 407.88 feet from the Northeast corner of Lot 12, Block 12, Ten Acre Plat "A", Big Field Survey, said point also being South 0° 10' East 1589.28 feet and North 89° 54' 15" West 33 feet from a Salt Lake County Monument located at the intersection of 500 West Street and 3900 South Street; thence North 89° 48' 20" West 600 feet; thence South 0° 10' East 166.32 feet; thence South 89° 54' 15" East 600 feet to the Southeast corner of Lot 12, Block 12, Ten Acre Plat "A", Big Field Survey; thence along the West line of 500 West Street North 0° 10' West 166.32 feet to the point of beginning.

and said Party of the Fourth Part hereby convey for the purpose of a Right of Way the North fifteen (15) feet of the above described

property, to be used as a Right of Way for the use and benefit of all parties to this Agreement.

5. All of the undersigned hereby acknowledge and agree that the property conveyed for Right of Way purpose shall not be interfered with or in any way obstructed, and that all parties to this Agreement shall have the benefits and use of the entire Right of Way, said Right of Way being thirty (30) feet in width and running the entire lengths of all of the above described properties.

The parties of the First Part also owners of the following described real property in Salt Lake County, State of Utah:

Beginning at a point North 0°02'30" West along the Section line 165.00 feet from the Southwest corner of Section 36, Township 1 South, Range 1 West, Salt Lake Base and Meridian, and running thence South 89°57'30" West 173.07 feet to East right of way line of SIXTH WEST STREET (700 West); thence North 0°02'30" West along said East right of way line 500.65 feet; thence North 87°29'30" East 173.23 feet; thence South 0°02'30" East 508.110 feet to the point of beginning.

are desirous of using said Right of Way and are hereby granted that Right by the parties of this agreement.

IN WITNESS WHEREOF, the parties have set their hands the day and year first above written.

PARTY OF THE FIRST PART:

Henning Hoj
HENNING HOJ

Larry V. Lunt
LARRY V. LUNT

Reed C. Oliver
REED C. OLIVER

Margy W. Oliver
MARGY W. OLIVER

PARTY OF THE SECOND PART:

E. Keith Fuller, Jr.
E. KEITH FULLER, JR.

Marilyn Fuller
MARILYN FULLER

Mark B. Garff
MARK B. GARFF CONSTRUCTION COMPANY,
a Utah Corporation

Edwin C. Shipp
EDWIN C. SHIPP

Leila P. Shipp
LEILA P. SHIPP

Attest
Mark N. Bampf
Secretary

BOOK 5359 PAGE 270

PARTY OF THE THIRD PART:

John Brady
JO ANN BRADY, formerly known as
JO ANN FULLER HENDERSON

PARTY OF THE FOURTH PART:

T & C LEASING CORPORATION
a Utah corporation

by: Clayton Christensen
President

Mac R. Reber
MAC R. REBER

Ione H. Reber
IONE H. REBER

GOLDEN TRANSPORTATION INCORPORATED,
a Nebraska corporation

by: Mac R. Reber
President

OVERLAND THRIFT AND LOAN,
a Utah corporation

by: Paul J. Anderson
President

FIRST SECURITY STATE BANK,
a Utah corporation

by: H.S. Kerler

Attest:

Amisa Christensen
Secretary

Attest:

Clayton Christensen
Secretary

Attest:

Steph Fournier
Secretary

Attest:

Wendy Record
Assistant Secretary

STATE OF UTAH)
: ss.
County of Salt Lake)

On the 5th day of April, 1982, personally appeared before me HENNING HOJ, LARRY V. LUNT, REED C. OLIVER, and MARGY W. OLIVER, Party of the First Part, the signers of the within instrument, who duly acknowledged to me that they executed the same.

My commission expires: 7-1-84 Notary Public
Residing at: Murray, Utah

STATE OF UTAH)
: ss.
County of Salt Lake)

On the 5th day of April, 1982, personally appeared before me Mark B. Garff and Mark R. Garff, who being by me duly sworn did say, each for himself, that he, the said Mark B. Garff is the president of MARK B. GARFF CONSTRUCTION, a Utah Corporation, Party of the Second Part, and he, the said Mark R. Garff is the secretary of said corporation, and that the within and foregoing instrument was signed in behalf of said corporation by authority of a resolution of its board of directors and that the seal affixed is the seal of said corporation.

My commission expires: JANUARY 6, 1985 Notary Public
Residing at: Salt Lake City

STATE OF UTAH)
: ss.
County of Salt Lake)

On the 5th day of April, 1982, personally appeared before me E. KEITH FULLER, JR., MARILYN FULLER, EDWIN C. SHIPP, and LEILA P. SHIPP, Party of the Second Part, the signers of the within instrument, who duly acknowledged to me that they executed the same.

My commission expires: JANUARY 6, 1985 Notary Public
Residing at: Salt Lake City

STATE OF UTAH)
: ss.
County of Salt Lake)

On the 31st day of MARCH 1982, personally appeared before me JO ANN BRADY, formerly known as JO ANN FULLER HENDERSON, Party of the Third Part, the signer of the within instrument, who duly acknowledged to me that she executed the same.

My commission expires: 6-10-82 Notary Public
Residing at: SALT LAKE CITY, UTAH

STATE OF UTAH)
: ss.
County of Salt Lake)

On the 13th day of APRIL, 1982, personally appeared before me GARY R. CHRISTENSEN and TAMKA CHRISTENSEN, who being by me duly sworn did say, each for himself, that he, the said GARY R. CHRISTENSEN is the president of T & C LEASING CORPORATION, a Utah corporation, and he, the said TAMKA CHRISTENSEN, is the secretary of said corporation, and that the within and foregoing instrument was signed in behalf of said corporation by authority of a resolution of its board of directors and that the seal affixed is the seal of said corporation.

My commission expires: 6-10-82 Notary Public
Residing at: SALT LAKE CITY, UTAH

BOOK 5359 PAGE 272

STATE OF UTAH)
 :ss.
 County of Salt Lake)

X On the 30 day of March, 1982, personally appeared before me
 MAC R. REBER and IONE H. REBER, Party of the Fourth Part, the signers of the
 within instrument, who duly acknowledged to me that they executed the same.

My commission expires: Feb 16, 1983 Residing at: Salt Lake
 Notary Public Susan Smith

STATE OF UTAH)
 :ss.
 County of Salt Lake)

X On the 30 day of March, 1982, personally appeared before me
 Mac Reber and William J. Trueson, who being by me
 duly sworn did say, each for himself, that he, the said Mac Reber
 is the president of GOLDEN TRANSPORTATION INCORPORATED, a ** corporation, and he
 the said William J. Trueson is the secretary of said corporation, and that
 the within and foregoing instrument was signed in behalf of said corporation by
 authority of a resolution of its board of directors and that the seal affixed is
 the seal of said corporation.
 **Nebraska

My commission expires: Feb 16, 1983 Residing at: Salt Lake
 Notary Public Susan Smith

STATE OF UTAH)
 :ss.
 County of Salt Lake)

On the 5 day of April, 1982, personally appeared before me
 Grant Ungerman and Steve Facer, who being by me
 duly sworn did say, each for himself, that he, the said Grant Ungerman
 is the president of OVERLAND THRIFT AND LOAN, a Utah corporation, and he, the said
 Steve Facer is the secretary of said corporation, and that the
 within and foregoing instrument was signed in behalf of said corporation by authority
 of a resolution of its board of directors and that the seal affixed is the seal of
 said corporation.

My commission expires: 3-12-84 Residing at: Salt Lake City Utah
 Notary Public John DePina

STATE OF UTAH)
 :ss.
 County of Salt Lake)

On the 1st day of April, 1982, personally appeared before me
 H. S. Kesler and _____, who being by
 me duly sworn did say, each for himself, that he, the said _____
 is the is the Vice President of FIRST SECURITY STATE BANK, a Utah
 corporation, and he, the said H. S. Kesler, is the
 Vice President of said corporation, and that the within and foregoing
 instrument was signed in behalf of said corporation by authority of a resolution
 of its board of directors and that the seal affixed is the seal of said corporation.

My commission expires: January 3, 1984 Residing at: Salt Lake City, Utah
 Notary Public Ida E. Zimmerman

BOOK 5359 PAGE 273

APR 11 11 52 AM '82
REG. OF
SALT LAKE COUNTY
UTAH
KATHLEEN STANON
RECORDED
SALT LAKE COUNTY, UT
JTH
\$ REPUBLICAN FORM
REG. OF
2596 Hollingsworth Lane
SFC
Syllr