

Recording Requested by:

When Recorded Mail to:

5E36-27-1W

391

368843

GRANT OF EASEMENT  
FROM  
WOODS CROSS CITY  
TO  
C & W MANHATTAN ASSOCIATES  
A Limited Partnership  
For Right-of-Way.

Woods Cross City, a Municipal Corporation, hereinafter referred to as "City", for valuable consideration, and in further consideration of the covenants and conditions herein contained and to be kept and performed by Grantee, does hereby grant to C & W Manhattan Associates, a limited partnership, having its principal office at 3431 West Alabama, Houston, Texas 77027, hereinafter referred to as "Grantee", an easement over the real property situate in Woods Cross City of Davis County, State of Utah, more particularly described in Exhibit "A", attached hereto and by reference made a part hereof, for the purpose of a surface right-of-way for the ingress and egress of motor vehicles to serve adjacent real property more particularly described in Exhibit "B" attached hereto and by reference made a part hereof.

This easement is granted and shall continue so long as Grantee (its Grantees, Lessees, Sub-Lessees and Assigns) uses the subject real property for the exclusive use of motor vehicles ingress and egress to said adjacent property and for no other use, and for so long as Grantee agrees, upon request of City, to restrict or remove immediately any and all motor vehicles from the real property described in Exhibit "A", in order to provide access to City, and its agents, for the purpose of traffic control and maintenance, and for so long as Grantee uses the easement in accordance with City standards and regulations.

The motor vehicle easement shall be constructed and maintained of asphalt with curb and gutter, in accordance with City standards and shall be maintained in good repair by the City at its sole cost and expense.

The Grantee agrees to pay the City the sum of ONE DOLLAR (\$1.00) per year for this easement on or before the 1st day of January, 1973 and on or before the 1st day of each year thereafter until said easement expires.

Recorded at request of LAND TITLE COMPANY, ORDER N.C. Fee Paid \$6.50  
Date AUG 18 1972 10:30 AM MARGUERITE S. BOURNE Recorder, Davis County  
By *[Signature]* Deputy, Book 496 Page 391

- Abstracted
- Indexed
- Entered
- Blotted
- On Marsh
- Compared

**392** It is understood the City may dedicate the subject property as a public street to serve the adjacent property and for other public uses and in such event this Grant of Easement is terminated.


In the event that subsequent to conveyance of this easement to Grantee, the Grantee, or successor in interest, shall default in or violate its obligations with respect to the covenant and conditions hereinabove set forth, after written demand by City so to do, then City shall have the right to commence action to reenter and take possession of the subject real property and to terminate, and revert in City, the easement conveyed by this deed to Grantee, it being the intent of this provision, that the conveyance of the easement to Grantee shall be made upon a condition subsequent to the effect that in the event of any default, failure, or other action or inaction by Grantee as hereinabove set forth, failure on the part of Grantee to remedy, end, or abrogate such default, failure, violation, or other action or inaction, within a reasonable period, City at its option may declare a termination in favor of City of the title, and of all the rights and interest in and to the property conveyed by this deed of easement to Grantee, and may commence action in a court of competent jurisdiction to declare such termination and forfeiture and to seek reversion of all title and all rights and interests of Grantee, and any assigns or successors in interest to any in the subject real property to City.

IN WITNESS WHEREOF, the City has executed this instrument the 17 day of May, 1972.

ATTEST:

  
Noel J. Galloway, City Recorder

WOODS CROSS CITY, a Municipal Corporation

By   
Noel J. Williams, Mayor

APPROVED AS TO FORM:

  
City Attorney

STATE OF UTAH )  
: ss  
COUNTY OF DAVIS )

393

On this 17 day of Aug, 1972, before me, the undersigned, a Notary Public in and for said County of Davis, personally appeared Noal J. Williams, known to me to be the Mayor of Woods Cross City, the municipal corporation that executed the within instrument, and also known to me to be the person who executed it on behalf of said municipal corporation therein named, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, in the City of Woods Cross in said County of Davis, the day and year in this certificate first above written.

  
Notary Public

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



EXHIBIT "A"

394

WOODS CROSS CITY RIGHT OF WAY

RIGHT OF WAY FOR INGRESS & EGRESS - across the Woods Cross City Property: BEGIN at the Southwest corner of the K Mart Property & the North line of the abandoned portion of 2600 South Street (Woods Cross City Property) and running thence  $S0^{\circ}08'W$  33.00 feet; thence  $S 15^{\circ}54'E$  34.34 feet to the State Road access R/W and the South line of the Woods Cross City property; thence  $S89^{\circ}52'E$  41.62 feet along said South line; thence  $N15^{\circ}54'W$  34.34 feet; thence  $N0^{\circ}08'E$  33.00 feet to the South line of the K Mart Property; thence  $N89^{\circ}52'W$  41.62 feet along said South line to the P.O.B.

## WOODS CROSS CITY RIGHT OF WAY

BEGIN at a point which is given as 199.00 feet North  
 of the Southeast Corner of Lot 9, Section 36, Township  
 2 North, Range 1 West, Salt Lake Base and Meridian,  
 (corner not in place) and South 117.60 feet, more or  
 less, to the Westerly R/W line of the former Bambrugger  
 Railroad, and running thence S26°44'W 68.74 feet along  
 said Westerly line to a point on the North line of a  
 State Highway which is N89°52'W 246.02 feet; and North  
 0°08'E 53.00 feet from a Davis County Monument marking  
 the center line intersection of Highway 91 and 2600  
 South Street; thence N89°52'W 167.23 feet to a point  
 of tangency with a 689.62 foot radius curve to the left;  
 thence along said curve for an arc distance of 166.49  
 feet; thence N89°52'W 319.33 feet along the North line  
 of the existing 2600 South Street; thence N0°43'28"W  
 194.35 feet; thence S89°44'W 189.36 feet to the Easterly  
 R/W line of the existing access road; thence N17°12'32"E  
 199.99 feet along said Easterly line to a point of tangency  
 with a 2754.93 foot radius curve to the right; thence along  
 said curve for an arc distance of 287.16 feet; thence East  
 715.96 feet; thence South 574.00 feet to the P.O.B. Cont.  
 11.338 acres.

JE 36.7 N-1 W