

5965
EASEMENT AGREEMENT

This agreement made and entered into this 1st day of March, 1973, by and between Spanish Fork City, a municipal corporation of the State of Utah, hereinafter called City and Valley Asphalt Inc., a Utah corporation, hereinafter called Valley Asphalt.

Whereas the city has title to that real property located in Utah County, State of Utah, described as follows:

Parcel 1

Right of Way (50.0 Feet)

Commencing at a point in the West line of Delmonte Road, which point is North 304.580 feet and East 2318.032 feet (based on the Utah State Coordinate System, Central Zone) from the West Quarter Corner of Section 25, Township 8 South, Range 2 East, Salt Lake Base and Meridian; thence North 68° 43' 60" West 1071.569 feet to a fence line; thence North 0° 21' 46" East along said fence line 53.523 feet; thence South 68° 43' 60" East 1007.970 feet to the West Boundary Line of Delmonte Road; thence South 37° 34' 30" East 96.637 feet to the point of beginning. Area: 1.193 acre.

And Whereas Valley Asphalt desires an easement for foot and vehicular passage across parcel 1 for ingress and egress to the following described property:

Parcel 2

Commencing at a point which point is the intersection point of the center line of a ditch and East boundary line Mill Road, which point is North 360.686 feet and East 444.906 feet (based on the Utah State Coordinate System Central Zone, from the West Quarter Corner of Section 25, Township 8 South, Range 2 East, Salt Lake Base and Meridian. Thence along said Mill Road boundary as follows. North 12° 42' 21" West 103.700 feet, thence North 18° 45' 03" West 340.217 feet, thence North 21° 19' 33" West 789.371 feet, thence North 74° 57' 27" East 430.765 feet, thence North 1° 21' 11" West 17.401 feet to a fence line, thence North 89° 31' 21" East along said fence line and extended fence line 884.304 feet to and extended fence line, thence South 0° 21' 46" West along said extended fence line and fence line 1221.106 feet to the center line of a ditch, thence along said ditch center line as follows. North 38° 06' 4" West 50.856 feet, thence North 63° 36' 5" West 442.248 feet,

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thence South 82° 38' 27" West,
thence 71.467 feet,
thence South 31° 03' 32" West 122.657 feet,
thence South 62° 50' 08" West 59.081 feet,
thence South 43° 15' 11" West 155.777 feet, South 61° 43' 9"
West 114.565 feet,
thence South 87° 56' 26" West 51.058 feet to the point of beginning.
Area: 28.366 acres.

Now, therefore, it is hereby agreed as follows:

1. The City does hereby grant, assign and set over to Valley Asphalt or their assigns a right of way for foot and vehicular traffic over parcel 1 as described above, expressly reserving to the city or their assigns the right to the joint use of said right of way.

2. The right of way herein granted shall be for a term of ten years from date hereof unless terminated in the manner hereinafter set forth:

A. This right of way shall terminate by the failure of Valley Asphalt to use the same for a period of one year.

B. The right of way may be terminated by the city giving written notice to Valley Asphalt within the said ten years, said written notice to be given at least one year prior to the effective date of the notice and further, provided that the city sells the property overwhich the right of way passes.

3. It is mutually agreed that the city shall have the right to the use of the land overwhich the right of way passes for ingress to and egress from city owned property adjacent Northerly and Southerly to the right of way property herein set forth.

Dated this 15 day of March, 1973.



Timothy Moran
SPANISH FORK CITY
TIMOTHY MORAN, MAYOR

Levi U. Barber
LEVI U. BARBER
SPANISH FORK CITY RECORDER

Richard M. Johnson
VALLEY ASPHALT, INC.
, President

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STATE OF UTAH)
: 58
COUNTY OF UTAH)

On the 22 day of March, 1973, personally appeared before me Richard M. Sumsion, who being by me duly sworn did say that he, the said Richard M. Sumsion, is the President of Valley Asphalt, Inc., and that the foregoing instrument was signed in behalf of said Corporation by authority of its Resolution of its Board of Directors and the said Richard M. Sumsion duly acknowledged to me that said Corporation executed the same and that the seal affixed is the seal of said Corporation.

Richard M. Sumsion
NOTARY PUBLIC

My Commission expires: 2-27-74

Residing: 50 Park, Ut



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PROVO ABSTRACT CO.

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UTAH CO. REC'D. FILED
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R. REC'D. FILED

CENTRAL BANK & TRUST CO.

202 S. Main

Richard M. Sumsion
President
Valley Asphalt, Inc.

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