

## EASEMENT

SMITH CANNING COMPANY

to

OREGON SHORT LINE RAILROAD COMPANY

Right of way for Spur Track

at

Clearfield, Utah

THIS INDENTURE, made this 16 day of March, A. D. 1936, between the SMITH CANNING COMPANY, a corporation of the State of Utah, Grantor, and the OREGON SHORT LINE RAILROAD COMPANY, a corporation of the State of Utah, Grantee,

WITNESSETH, THAT the said grantor, for the sum of ONE AND NO/100 DOLLARS (\$1.00) hereby grants and conveys unto the said grantee, and to its successors and assigns, an easement to the sole and exclusive use, for a right of way for its spur track of the following described land in Davis County, Utah, to-wit:

A strip of land thirty-two (32) feet wide, being sixteen (16) feet on each side of the center line of said spur track, extending from the North boundary line of said grantor's property Southeasterly for a distance of two hundred forty (240) feet, measured along said center line of track; also a strip of land seventeen (17) feet wide, being eight and five-tenths (8.5) feet on each side of said center line of spur track, extending from a point in said center line of spur track, two hundred forty (240) feet distant Southeasterly measured along the said center line of spur track from the North boundary line of said grantor's property, for a distance of one hundred fifty-nine (159) feet, to the end of said spur track. The location of said center line of spur track upon the said grantor's property in the Northeast quarter of the Southeast quarter ( $NE\frac{1}{4}$   $SE\frac{1}{4}$ ) of Section Two (2), Township Four (4) North, Range Two (2) West of the Salt Lake Meridian, being more particularly described as follows:

Beginning at a point in the North boundary line of said grantor's property, said point being eight hundred twenty-five and sixty-six hundredths (825.66) feet South and six hundred forty-six (646) feet, more or less, West of the East quarter section corner of said Section Two (2); thence running Southeasterly along a curve to the left with a radius of four hundred sixty-four and two-tenths (464.2) feet, for a distance of two hundred forty (240) feet, to a point where the above described right of way changes in width from thirty-two (32) feet to seventeen (17) feet; thence continuing Easterly along said curve to the left, for a distance of eighty-eight (88) feet; thence East for a distance of seventy-one (71) feet, to the end of said spur track.

The above described strips of land containing in all twenty four hundredths (0.24) of an acre, more or less.

This conveyance is given to provide a right of way for the construction, operation and maintenance of the aforesaid spur track, and if at any time the said spur track, or any portion thereof, shall be removed from the above described land, then and in that event this conveyance shall become null and void and of no effect between the parties hereto, or their successors or assigns, as to such trackage so removed.

IN WITNESS WHEREOF, the grantor has caused these presents to be executed by its President and Secretary, thereunto duly authorized, and its corporate seal to be affixed the day and year first above written.

ATTEST:

LaVora S. Wood  
Secretary



SMITH CANNING COMPANY

By Albert T. Smith  
President

Approved as to Form & Execution  
Geo H. Smith  
General Soliciter

STATE OF UTAH )  
County of Davis )<sup>ss.</sup>

On the 16 day of March, 1936, before me, a Notary Public in and for said County, personally appeared Albert T. Smith, to me personally known to be the President of SMITH CANNING COMPANY, who being duly sworn did say that the seal affixed to the foregoing instrument is the corporate seal of said corporation, and that said instrument was signed, sealed and executed in behalf of said corporation by authority duly conferred according to law, and acknowledged to me said instrument to be the free act and deed of said corporation.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year first in this, my certificate, written.

My Commission Expires:

June 28 1939



Leroy B. Smith

Notary Public

Residing at Sunset, Utah

Recorded April 4th, 1936, at 9:20 A. M.

Abstracted 4/237

Ruby M. Mair County Recorder.

No. 62380

AFFIDAVIT

STATE OF UTAH, )  
COUNTY OF DAVIS )<sup>ss.</sup>

Henry W. Stahle, being first duly sworn upon his oath deposes and says: That he is a citizen of the United States, over the age of twenty-one years; that his post office address and residence is Bountiful, Davis County, Utah:

That the Hannah M. Boynton, grantee, in that certain Deed, recorded in Book "R" of Deeds, page 242, office of the County Recorder of Davis County, Utah, is the same identical person as the Hannah Maria Boynton, a Decree of Distribution in whose estate is recorded in Book "B" of Decrees, page 156, office of the County Recorder of Davis County, Utah.

Affiant further says, that Charlotte A. Crosby was a daughter of Hannah Maria Boynton, deceased, that John K. Crosby, Jr., Ella Crosby, Ernest Crosby, Eva Crosby, and Clyde Crosby, were her children, and John K. Crosby was her husband. That the said Charlotte A. Crosby died on November 9, 1894 and her mother, Hannah Maria Boynton died September 22, 1899. That the children of the said Charlotte A. Crosby inherited directly from their grandmother, and the said John K. Crosby, the husband, took no share, as shown by the Decree of Distribution in the estate of Hannah Maria Boynton, deceased, recorded in Book "B" of Decrees, page 156, office of the County Recorder of Davis County, Utah.

Affiant further says that the said Ella Crosby Schofield, one of the grantors in the Quit-Claim Deed recorded in Book "1-F" of Deeds, page 165, office of the County Recorder of Davis County, Utah, is the same person as the Ella Crosby, named as one of the distributees in the Decree of Distribution in the estate of Hannah Maria