

84-55

84-24-27-120

670646

RIGHT OF WAY EASEMENT FOR  
MILL CREEK CHANNEL REALIGNMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, receipt of which is hereby acknowledged, the undersigned PHILLIPS PETROLEUM COMPANY, a Delaware corporation with an office at Bartlesville, Oklahoma, hereinafter referred to as "Grantor", does hereby grant unto DAVIS COUNTY, UTAH, hereinafter referred to as "Grantee", its successors and assigns, an easement and right of way for the construction, maintenance, operation, repair and replacement of a channel for the realignment and relocation of Mill Creek, over and across the following described real property and premises situated in the County of Davis, State of Utah, to-wit:

As shown on Exhibit "A", attached hereto and by this reference made a part hereof,

together with all rights of ingress and egress necessary or convenient for the full and complete use, occupation and enjoyment of the easement hereby granted and all rights and privileges incident thereto, including the right to cut and remove timber, trees, brush, overhanging branches and other obstructions which may injure or interfere with Grantee's use, occupation or enjoyment of this easement.

Grantee agrees to pay for any damages to said premises above described arising out of the exercise of the rights herein granted. Grantee agrees to indemnify and hold Grantor harmless of and from any liability for damages of whatsoever kind whether to persons or property arising out of or in connection with the exercise of Grantee of those rights granted herein.

Grantee further agrees to vacate and relinquish any and all claims of any nature whatsoever it has or may have to the existing Mill Creek as it is bounded by that property described as Phillips Petroleum Company's Woods Cross Refinery, including but not limited to the underlying bed, channel and flood plain.

Grantee further agrees, at Grantor's expense, to remove and relocate said channel to an alternate location, or locations, designated and furnished by Grantor upon Grantor's premises at any time upon ninety (90) days' notice in writing from Grantor to Grantee.

Grantor specifically reserves unto itself such rights to the use and enjoyment of said Mill Creek and its water as Grantor possessed prior to the realignment and relocation.

Platted ☐ Abstracted ☐  
On Margin ☐ Indexed ☐ Entered ☒  
Compared ☐

The easement, rights and rights of way granted herein shall continue so long as the same shall be used for the purposes above mentioned, and upon termination hereof, Grantee shall remove all of its property from said premises above described.

The terms, covenants and provisions hereof shall extend to and be binding upon Grantor and Grantee and their assigns and successors in interest.

EXECUTED this 14<sup>th</sup> day of February, 19 84.

PHILLIPS PETROLEUM COMPANY

By

[Signature]  
Attorney-in-Fact

STATE OF OKLAHOMA )  
 ) SS.  
COUNTY OF WASHINGTON

14<sup>th</sup> The foregoing instrument was acknowledged before me this day of February, 1984, by [Signature] Attorney-in-Fact for PHILLIPS PETROLEUM COMPANY, a corporation.

Witness my hand and official seal.

My commission expires:

12-4-84

[Signature]  
Notary Public

DAVIS COUNTY, UTAH

WITNESS:

By

[Signature]  
Chairman, Board of County  
Commissioners

[Signature]  
County Clerk  
Davis County, Utah

DAVIS COUNTY, UTAH

WITNESS:

By

[Signature]  
Commissioner

[Signature]  
County Clerk  
Davis County, Utah

1162

ACKNOWLEDGEMENT

STATE OF UTAH       )  
                              )  
COUNTY OF DAVIS    )

On the 1st day of March, A.D. 1984, personally  
appeared before me Glen E. Saunders, and  
Harold J. Tippetts, who being by me duly sworn, did say that  
they are the Chairman and Commissioner of Davis County, Utah, and  
that said instrument was signed on behalf of said county by  
authority of ordinance, resolution, rule or regulation, and said  
Glen E. Saunders and Harold J. Tippetts  
acknowledged to me that said county executed the same.

  
Notary Public

My commission expires:  
11-05-84

Exhibit A to Right-of-Way  
Easement for Mill Creek  
Channel Realignment  
Rev. 1, February 24, 1984

1163

Plat No. 06-038-0062  
06-038-0063

Name: Phillips Petroleum Co.

28-24  
06-038-0063  
A strip of land 66 feet in width described as follows:  
Beginning at a point on the grantor's East boundary which is 1693 feet North and 238.6 feet West of the South Quarter Corner of Section 24, T2N, R1W, SLB&M (said point also being 13.85 chains South and 36.35 chains East and 20.87 feet South of the West Quarter Corner of said Section 24); and running thence South 66.59 feet along the grantor's east boundary; thence S82°22'W 1460.92 feet, more or less, to the easterly right-of-way line of the D.&R.G.W. Railroad; thence N09°12'05"E 68.96 feet along said right-of-way; thence N82°22'E 1449.3 feet to the point of beginning. Containing 2.21 acres, more or less.

Plat No. 06-039-0025

Name: Phillips Petroleum Co.

28-24  
06-039-0025  
A strip of land 66 feet in width, described as follows:  
Beginning at a point on the grantor's West boundary, said point being South 104.5 feet from the grantor's Northwest property corner, said property corner being described as being 1796.1 feet North and 198 feet West from the South Quarter Corner of Section 24, Township 2 North, Range 1 West, Salt Lake Base and Meridian; and running thence S88°22'E 834.28 feet, more or less, to the westerly right-of-way line of the Union Pacific Railroad; thence S20°27'30"W 69.77 feet along said right-of-way line; thence N88°22'W 809.9 feet to the grantor's West boundary; thence North 66.03 feet along said boundary to the point of beginning. Containing 1.25 acres, more or less.

Plat No. 06-039-0029

Name: Phillips Petroleum Co.

28-24  
06-039-0029  
A strip of land 66 feet in width described as follows:  
Beginning at a point on the grantor's south boundary, said point being 642.27 feet North and 617.47 feet East from the South Quarter Corner of Section 24, T2N, R1W, SLB&M; and running thence N02°54'E 792.86 feet to the Easterly right-of-way line of the Union Pacific Railroad and the grantor's west boundary; thence N19°14'E 92.10 feet along said right-of-way and boundary; thence N20°27'30"E 132.92 feet along said right-of-way and boundary; thence S02°54'W 1004.63 feet to the grantor's south boundary; thence West 66.08 feet along said boundary to the point of beginning. Containing 1.36 acres.