

When Recorded Return to:
SLC Public Utilities
1530 South West Temple
Salt Lake City, Utah 84115

6883492
03/05/98 1:30 PM**NO FEE**
NANCY WORKMAN
RECORDER, SALT LAKE COUNTY, UTAH
SL CITY PUBLIC UTILITIES
REC BY:V ASHBY ,DEPUTY

RECORDED

UTILITY PERMIT

FEB 12 1998

THIS UTILITY PERMIT is made and entered into as of CITY RECORDER, by and between SALT LAKE CITY CORPORATION, a municipal corporation of the State of Utah ("City"), and US WEST COMMUNICATIONS, INC., a Colorado Corporation, whose mailing address is 250 Bell Plaza, Salt Lake City, Utah 84047 ("Permittee").

WITNESSETH:

WHEREAS, City is the owner of certain real property within which is located its East Jordan Canal; and

WHEREAS, Permittee is desirous of obtaining a permit from the City for using part of the said canal property for the installation of a communication line and conduit ("facilities"), across or underneath said Canal property at approximately 2300 East and Cottonwood Lane (5600 South); and

WHEREAS, City is willing to grant a permit for such use:

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto do hereby agree as follows:

1. City hereby grants permission and license to Permittee for a ten year period, subject to renewal by Permittee for an additional 10 year period to install and maintain said facilities within the premises described in Exhibit "A", attached hereto and by this reference made a part hereof (the "Premises").

2. Permittee agrees to pay to the City the sum of three hundred and fifty dollars (\$350.00) for the execution and delivery of this utility permit. Upon renewal by Permittee for an additional 10 year period the Permittee will pay the then applicable fee to the City.

3. Prior to any installation, the Permittee's plans, specifications and timetable for installation of said facilities shall be submitted to and must be approved by the City's Director of Public Utilities ("Director") before any work thereon may commence. Permittee will make any changes in such plans, specifications or timetable as and when requested by said Director.

4. Permittee agrees not to erect any other structure other than said facilities or make any other improvements on the said Premises without the prior written consent of the City. Permittee agrees to perform all such installation pursuant to all applicable federal laws or regulations, City ordinances, Salt Lake County and State law. Installation and maintenance of the facilities on the Premises shall be at Permittee's sole expense.

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5. Permittee will, at Permittee's sole expense, and within the time and when requested in writing by the City, remove, replace or alter the facilities installed by Permittee on the Premises.

6. Permittee agrees that at all times this utility permit shall be subject to any use of the Premises the City may desire, and City shall not be liable to Permittee for any loss of use or damage to Permittee's facilities resulting from such use.

7. Permittee agrees, upon written notice from City's Director, to repair any damage caused to the Premises or its Canal as a result of Permittee's its/his agents', employees', or invitees' use of this permit.

8. This Utility Permit is subject to revocation by the City for any reason and at any time upon the expiration of thirty (30) days prior written notice sent to Permittee at the Permittee's above stated address. Upon receipt of such notice, Permittee shall remove any improvements from the said Premises, restoring the surface of the Premises as near as possible to its condition prior to the date hereof.

9. Permittee agrees to indemnify, hold harmless and defend the City, its agents and employees, from and against all claims, mechanics liens, demands, damages, actions, costs and charges, for personal injury or property damage and other liabilities, including attorney's fees, arising out of or by any reason of Permittee's use of said premises or any activities conducted thereon by Permittee, his/her/its agents, employees, invitees or trespassers.

10. This permit is not assignable.

11. Any ambiguity in this Utility Permit shall be construed in favor of the City.

12. This Utility Permit embodies the entire agreement between the parties and it cannot be changed except through a written instrument signed by both parties.

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

RECORDED

FEB 12 1998

CITY RECORDER

SALT LAKE CITY CORPORATION

By L. Noy W. Hooton
PUBLIC UTILITIES DIRECTOR

ACKNOWLEDGE AND COUNTERSIGNED:

[Signature]
CHIEF DEPUTY CITY RECORDER

APPROVED AS TO FORM
Salt Lake City Attorney's Office

Date

2/11/98
By Chris Bullock



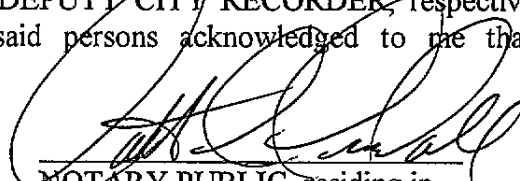
US WEST COMMUNICATIONS, INC.

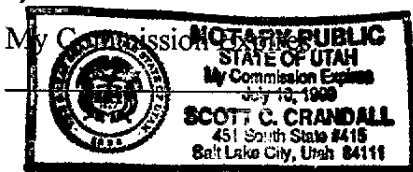
[Signature]
2 RIGHTS OF WAY MANAGER

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

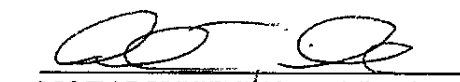
On FEB 12 1998, personally appeared before me LEROY W. HOOTON, JR. and S. R. Kivett, who, being by me duly sworn, did say that they are the PUBLIC UTILITIES DIRECTOR and CHIEF DEPUTY CITY RECORDER, respectively, of SALT LAKE CITY CORPORATION, and said persons acknowledged to me that said corporation executed the same.


NOTARY PUBLIC, residing in
Salt Lake County, Utah



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

On the 6th day of January, ¹⁹⁹⁸~~1996~~, personally appeared before me Daniel P. Haley, who, being by me duly sworn, did say that he is the R.O.W. manager respectively, of US WEST COMMUNICATIONS, INC., a Colorado Corporation, and that the foregoing instrument was signed in behalf of said company by authority of a resolution of its board of directors; and said person acknowledged to me that said Corporation executed the same.


NOTARY PUBLIC, residing in
~~Salt Lake County, Utah~~
Jefferson County, Colorado

My Commission Expires:
My Commission Expires 06-18-1999

EXHIBIT "A"

UTILITY PERMIT FOR U.S. WEST ABOUT 5600 SOUTH COTTONWOOD LANE FOR 4"
PIPE UNDER THE EAST JORDAN CANAL EXTENSION.

DESCRIPTION

A 10 foot Utility Permit 5 feet on each side of the following described centerline for construction and maintenance of a buried power cable: Beginning at a point on the West Right-of-Way Line of the East Jordan Canal Extension as recorded in Book 11-D Page 475 Entry Number 437526 in the Salt Lake County Records Office, said point being 1017.41 feet North and 658.57 feet West from the Center of Section 15, Township 2 South, Range 1 East, Salt Lake Base and Meridian running thence North 86° 29' 15" East 24.75 feet, to the west line of Lot 22, Cottonwood Eastates subdivision being a part of the North Half of said Section 15. Contains 0.0057 acres.

Prepared By Ray Eastman and Jack Bollwinkel

Date December 16, 1997

Checked By JAB 12-16-97 R.E. 12-16-97

Typed By Ray Eastman

Proofread By JAB

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