

BACKMAN & BACKMAN

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By F. E. Backman Doc.

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Ref: 632-264-21-24

AGREEMENT FOR RIGHT OF WAY

THIS AGREEMENT made this 31 day of May, A.D. 1944, between CHARLES F. COLES and LILLIAN H. COLES, his wife, herein called First Parties, and WINNIFRED ROSE NEEBEKER, HAZEL ROSE KIRK and SARAH E. ROSE, herein called Second Parties, at Salt Lake City, Utah.

WITNESSETH:

WHEREAS, first parties own the following tract of land, to-wit: Beginning 16 rods South and 6 rods West from the Northeast corner of Lot 2, Block 150, Plat "A", Salt Lake City Survey, and running thence South 6 rods, thence West 32 feet, thence North 6 rods, thence East 32 feet, to the point of beginning, upon which is located a residence building known as No. 233 Fern Avenue, Salt Lake City, Utah; and

WHEREAS, the second parties own the following tract of land, to-wit: Beginning 16 rods South and 4 rods West from the Northeast corner of Lot 2, Block, Plat and Survey aforesaid, and running thence South 6 rods, thence West 33 feet, thence North 6 rods, thence East 33 feet, to the point of beginning, upon which is located a residence building known as No. 229 Fern Avenue, Salt Lake City, Utah; and

WHEREAS, said parties desire to create and establish a joint and perpetual right of way upon and over the land hereinafter described for the mutual use and benefit of the two tracts of land above described.

THEREFORE, in consideration of the sum of One Dollar by each party to the other paid, receipt whereof is hereby acknowledged, and of the mutual conveyances herein contained, the said first parties hereby Quit Claim to the second parties a perpetual right of way over and upon that part of the land first herein-above described contained within the limits of said right of way; and the second parties hereby Quit Claim and convey to the First parties a perpetual right of way over and upon that part of the land secondly herein-above described contained within the limits of said right of way; both of said tracts so conveyed to form and become a joint right of way to be used in connection with and for the use and benefit of and as appurtenant to both of said tracts of land hereinbefore described, but upon the condition that said right of way shall be kept clean, usable and free from obstruction, and that same shall be used in such manner as will not unnecessarily interfere with nor obstruct the use of same by either of the respective owners thereof, at all times hereafter; and the respective owners of said tracts shall be equally liable and responsible for the care, repair and proper use of said right of way; and which said right of way is particularly described as follows:

Beginning at a point 16 rods South and 6 rods West from the Northeast corner of Lot 2, Block 150, Plat "A", Salt Lake City Survey, and running thence West 2 feet 2 inches, more or less to a line running North and South coincident with the East line of the building numbered 233 Fern Avenue above mentioned; thence South along said line 80 feet; thence East 7 feet 8 inches more or less to a line running North and South coincident with the West line of the building numbered 229 Fern Avenue above mentioned; thence North along said last mentioned line 80 feet; thence West 5 feet 6 inches, to the point of beginning.

WITNESS the hands of the parties hereto this, the day and year first above written.

SIGNED IN PRESENCE OF:

Richard H. Backman

(over)

Charles F. Coles

Lillian H. Coles,

First Parties