

Serial: Utah 6239

The United States of America

2267675

To all to whom these presents shall come, Greeting:

Recorded at Request of *University of Utah*
at \$05.00 M Fee Paid **NOFEE** HAZEL TAGGART CHASE, Recorder Salt Lake County, Utah
By *Lynn Jensen* 1130 Arroyo Blvd, Salt Lake City, Utah 84112
NOV 19 1968
Dep. Date

WHEREAS,

University of Utah

is entitled to a Land Patent pursuant to the Act of Congress of June 14, 1926, 44 Stat. 741, as amended; 43 U.S.C. 869 (1964) for the following described land:

Salt Lake Meridian, Utah

T. 1 S., R. 1 E.,

Tract "D", exclusive of Parcel Nos. 1,
2, 3, 4 and 5;
Tracts "G" and "J".

Containing 593.54 acres;

NOW KNOW YE, that there is, therefore, granted by the UNITED STATES unto the above named University of Utah the land above described for purposes of academic expansion of the University of Utah, for an arboretum, and for highway and utility rights-of-way to serve those purposes; TO HAVE AND TO HOLD the said land with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said University of Utah, its successors and assigns, forever;

EXCEPTING AND RESERVING TO THE UNITED STATES:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States. Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945;
2. All mineral deposits in the land so patented, and to it or persons authorized by it, the right to prospect for, mine and remove such deposits from the same under applicable law and regulations to be established by the Secretary of the Interior;
3. Existing rights-of-way for powerlines, waterlines, sewer lines, storm drains, and all appurtenances thereto, including access roads, as shown on Map No. REFD-1, filed September 27, 1968, constructed by the United States, through, over, or upon the land hereby conveyed, and the right of the United States, its officers, agents, or employees to maintain, operate, repair or improve the same so long as needed or used for or by the United States; and

SUBJECT TO:

1. Those rights for a water reservoir, pipelines, conduits, and appurtenant valve houses, as have been granted to Salt Lake City, a municipal corporation of the State of Utah, by the Acts of Congress of May 29, 1908, 35 Stat. 472, and February 11, 1920, 41 Stat. 406, and by Permit SLC-013053 issued by the Secretary of the Interior on September 2, 1914, under authority of the Act of Congress of February 15, 1901, 31 Stat. 790; 43 U.S.C. 959;
2. A right-of-way for a reservoir and ditch granted by the Secretary of the Interior to Mt. Olivet Cemetery Association by Permit SL-012636, of June 10, 1941, under the Act of February 15, 1901, 31 Stat. 790; 43 U.S.C. 959;

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3. Those rights for gas pipelines and a regulator station as have been granted by the Department of the Army to Mountain Fuel Supply Company by easements designated DA-04-167-Eng-2700, and SFRE-(s)765;
4. Those rights for telephone line purposes as have been granted by the Department of the Army to the Mountain States Telephone and Telegraph Company by lease designated DA-04-167-Eng-2713;
5. Those rights for highway purposes as have been granted by the Department of the Army to the State of Utah, Department of Highways, by easement designated DA-04-167-Eng-2790; and
6. Those rights for oil pipeline purposes, with appurtenant telephone and telegraph lines and an access road, as have been granted by the Department of the Army to the Salt Lake Pipe Line Company by easement designated W04-193-Eng-2711;

all of which are on record in the Land Office of the Bureau of Land Management, Department of the Interior, Salt Lake City, Utah.

AND FURTHER:

1. By accepting this patent, the patentee agrees to convey to the Utah State Division of Parks and Recreation a reasonably compact area in the southeast corner of Tract "D" for park purposes as a contiguous and reasonably compact addition to the Pioneer Monument State Park as set forth by the Utah State Legislature pursuant to Senate Bill 211, passed March 9, 1967. Such a conveyance must be approved in accordance with Federal regulations, 43 CFR 2232.1-2.
2. By accepting this patent, the patentee agrees to replace Fort Douglas firing range facilities now appurtenant to the lands here transferred in a manner acceptable to the Department of the Army. Pending completion and acceptance of such facilities, the Fort Douglas firing range with safety fan and magazine will be subject to military use.
3. By accepting this patent, the patentee agrees to convey to the State of Utah rights-of-way for the proposed Bonneville Scenic Drive if and when requested by competent authority; an interchange on Highway U. S. 40 (Foothill Drive) between Guardsman Way and Sunnyside Avenue; and a road connecting said interchange with said Scenic Drive to be constructed as part of the Salt Lake City and County master plan for roads and streets; and to convey to the United States a right-of-way for an access road off said Scenic Drive, or in its absence from other internal road system, to the southwest corner of Section 2, T. 1 S., R. 1 E., SLM. Such conveyances must be approved in accordance with Federal regulations, 43 CFR 2232.1-2.

This patent is issued under the provision that, if the patentee or its successor, attempts to transfer title to or control over the lands to another or the lands are devoted to a use other than that for which the lands were conveyed, without the consent of the Secretary of the Interior or his delegate,

title shall revert to the United States.

If the patentee or its successor in interest does not comply with provisions of the approved plan of development and management, filed on June 11, August 22, September 19, and October 5, 1968 with the Bureau of Land Management, or with any revision approved by the Secretary of the Interior or his delegate, said Secretary or his delegate, after due notice and opportunity for a hearing, may declare the terms of this grant terminated in whole or in part. The patentee, by acceptance of this patent, agrees for itself and its successor in interest that such declaration shall be conclusive as to the facts found by the Secretary or his delegate and shall, at the option of the Secretary or his delegate, operate to revert in the United States full title to the lands involved in the declaration.

The Secretary or his delegate may in lieu of said forfeiture of title for failure to comply with the approved plan of development and management require the patentee or its successor in interest to pay the United States an amount equal to the difference between the price paid for the land by the patentee prior to issuance of this patent and 50 percent of the fair market value of the patented lands, to be determined by the Secretary or his delegate as of the date of issuance of this patent, plus compound interest computed at four percent beginning on the date this patent is issued.

The grant of the herein described lands is subject to the following reservations, conditions, and limitations:

(1) The patentee or its successor in interest shall comply with and shall not violate any of the terms or provisions of Title VI of the Civil Rights Act of 1964, 78 Stat. 241, and requirements of the regulations, as modified or amended, of the Secretary of the Interior issued pursuant thereto, 43 CFR 17; for the period that the lands conveyed herein are used for the purpose for which the grant was made pursuant to the act cited above, or for another purpose involving the provision of similar services or benefits.

(2) If the patentee or its successor in interest does not comply with the terms or provisions of Title VI of the Civil Rights Act of 1964, and the requirements imposed by the Department of the Interior issued pursuant to that title, during the period during which the property described herein is used for the purpose for which the grant was made pursuant to the act cited above, or for another purpose involving the provision of similar services or benefits, the Secretary of the Interior or his delegate may declare the terms of this grant terminated in whole or in part.

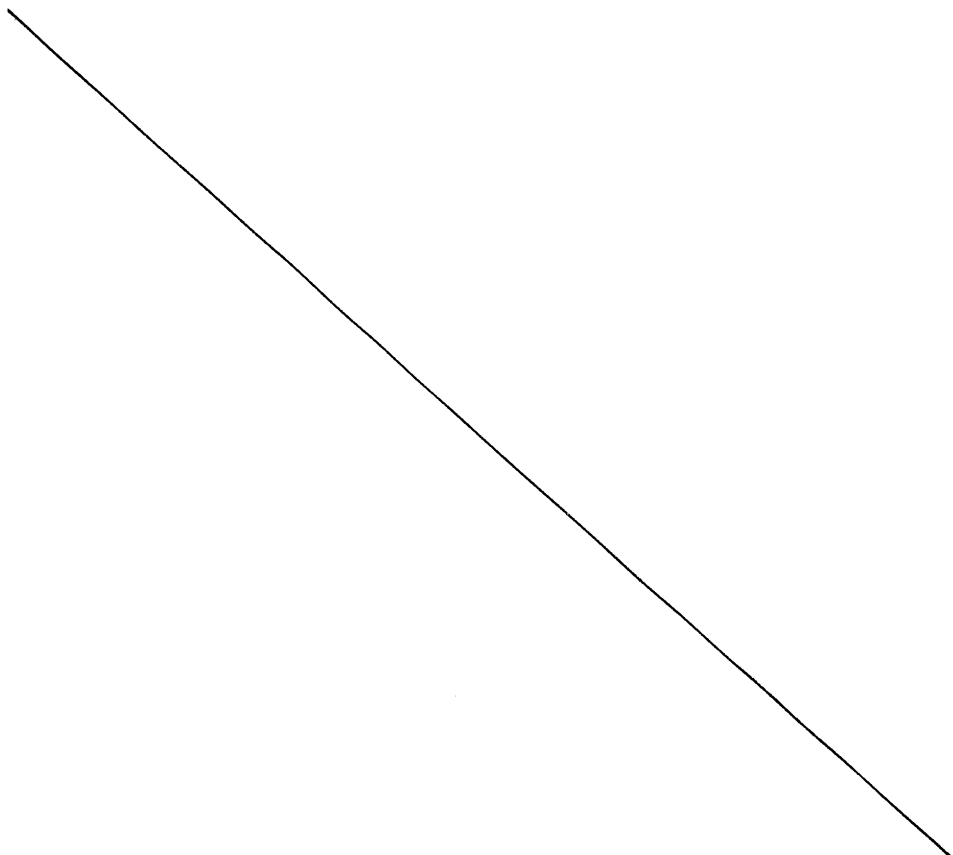
(3) The patentee, by acceptance of this patent, agrees for itself or its successor in interest that a declaration of termination in whole or in part of this grant shall, at the option of the Secretary or his delegate, operate to revert in the United States full title to the lands involved in the declaration.

(4) The United States shall have the right to seek judicial enforcement of the requirements of Title VI of the Civil Rights Act of 1964, and the terms and conditions of the regulations, as modified or amended, of the Secretary of the Interior issued pursuant to said Title VI, in the event of their violation by the patentee.

(5) The patentee or its successor in interest will, upon request of the Secretary of the Interior or his delegate, post and maintain on the property conveyed by this document signs and posters bearing a legend concerning the applicability of Title VI of the Civil Rights Act of 1964 to the area or facility conveyed.

(6) The reservations, conditions, and limitations contained in paragraphs (1) through (5) shall constitute a covenant running with the land, binding on the patentee and its successor in interest for the period for which the land described herein is used for the purpose for which this grant was made, or for another purpose involving the provision of similar services or benefits.

(7) The assurances and covenant required by sections (1)-(6) above shall not apply to ultimate beneficiaries under the program for which this grant is made. "Ultimate beneficiaries" are identified in 43 CFR 17.12(h) (1967 edition).



IN TESTIMONY WHEREOF, the Secretary of the Interior, in accordance with the provisions of the Act of June 17, 1948 (62 Stat. 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Department of the Interior to be hereunto affixed.

GIVEN under my hand, in Salt Lake City, Utah the EIGHTEENTH day of OCTOBER in the year of our Lord one thousand nine hundred and SIXTY-EIGHT and of the Independence of the United States the one hundred and NINETY-THIRD.



By *Leah S. Dale*
Secretary of the Interior