

WHEN RECORDED, MAIL TO:  
Utah Department of Transportation  
4501 South 2700 West  
P.O. Box 148420  
Salt Lake City, UT 84114-8420

3284802  
BK 7580 PG 1007

E 3284802 B 7580 P 1007-1025  
RICHARD T. MAUGHAN  
DAVIS COUNTY, UTAH RECORDER  
8/21/2020 10:47:00 AM  
FEE \$0.00 Pgs: 19  
DEP eCASH REC'D FOR COTTONWOOD TITLE INS



## Utah Department of Transportation Right of Entry and Occupancy Agreement

Project No: S-0089(406)398 Parcel No.(s): 565K:2C, 565K:2E, 565K:C, 565K:E, 565K:S

Pin No: 13821 Job/Proj No: 72194 Project Location: US-89; Farmington to I-84  
County of Property: DAVIS Tax ID / Sidwell No: 11-020-0008  
Property Address: Approx 2700 East Gentile St LAYTON UT, 84040  
Owner's Address: 485 S. Whitesides Street, Layton, UT, 84041  
Owner's Home Phone: Owner's Work Phone: (801)698-3702  
Owner / Grantor (s): Holmes Creek Irrigation Company  
Grantee: Utah Department of Transportation (UDOT)/The Department

### Acquiring Entity: Utah Department of Transportation (UDOT)

### For the subject property described in the attached deed (Exhibit A).

This Right of Entry and Occupancy Agreement ("Agreement") is entered between Holmes Creek Irrigation Company ("Property Owners") and Utah Department of Transportation (UDOT).

Property Owners hereby grant to UDOT, its contractors, permittees, and assigns, including but not limited to, utilities and their contractors, the right to occupy and commence construction or other necessary activity on the property sought to be acquired/occupied with this Agreement, and to do whatever construction, relocation of utilities, and other work as may be required in furtherance of the state transportation project, located on the property described in attached Exhibit A. This Agreement is made in anticipation of a possible condemnation action by UDOT and is intended to provide for the entry and occupancy of the property pending further negotiations or the filing and pursuit of condemnation proceedings and possible alternative informal proceedings as provided for in this Agreement. Property Owners understand that, by executing this Agreement, Property Owners have waived and abandoned all defenses to the acquisition of the property.

The sum of \$779,000.00 (the "Deposit") will be paid into escrow, a non-interest bearing account, at a title company for the benefit of Property Owners as consideration for entering into this Agreement. UDOT will be responsible for the expenses of the escrow account. This amount paid into escrow shall be deducted from a final settlement, award of arbitration, or other determination of just compensation in an eminent domain action should one be pursued to acquire the property that is determined to be necessary for the project. The amount paid will be for the purposes of this Agreement only, and will not be admissible as evidence in any subsequent process used to establish the value of the property or the amount of compensation that may be due to the Property Owners. Property taxes will be the responsibility of the Property Owners until transfer of the deed(s) to UDOT.

The parties to this Agreement understand that a title report may indicate that other third parties may have a claim to part of the proceeds being paid by UDOT to the Property Owners under this Agreement. UDOT will have the right to approve the release of the Deposit from Escrow to Property Owners and to require a conveyance of the subject property from the Property Owners to UDOT prior to the release. It is not the intent of the Agreement to properly assess potential third-party claims. In the event it is later determined that part of the Deposit should properly be paid to other third parties, then UDOT will have the right to require that the third parties participate in the release of the Deposit or the Deposit will be applied to any remaining liens. In the event that UDOT desires to obtain title insurance in connection with the release of the deposit, UDOT will pay the premiums for the title coverage.

This Agreement is granted without prejudice to the rights of the Property Owners, pending any settlement, to contest the amount of compensation to be paid the Property Owners for the property described in Exhibit A. If

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Owner / Grantor (s): Holmes Creek Irrigation Company  
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a satisfactory settlement can not be agreed upon, UDOT will, upon notice from the Property Owners that the amount of compensation offered and/or other proposed settlement terms are not acceptable, or at its own election, proceed to commence and diligently prosecute a condemnation proceeding in the appropriate court for a judicial determination of such compensation. If requested to do so by the Property Owners, UDOT will, prior to commencing a condemnation proceeding, enter into a mediation or arbitration procedure provided for in the Utah Code Annotated 78B-6-522 and 13-43-204 through the Office of the Property Rights Ombudsman.

If the Property Owner uses the property for a residence, business, or farming operation and is required to move as a result of UDOT's acquisition of the property, the Property Owners may be entitled to relocation assistance and/or payments as a displaced person. The relocation assistance and payment are available as a matter of right and subject to federal and state law if the Property Owners are displaced by the acquisition of this property and are not conditional upon the Property Owners signing this Right of Entry and Occupancy Agreement.

The effective date of the Right Of Entry and Occupancy Agreement shall be the date this Agreement is executed by the Property Owners, as shown below, and that date shall be the date of value for fair market valuation purposes in the context of settlement negotiations, arbitration, or an eminent domain proceeding, should one be necessary, unless the Property Owners have been previously served with a summons in regard to this property acquisition or the parties have otherwise agreed in writing to a different date for purposes of valuation. It is understood that, according to state law, any additional compensation that is ordered to be paid to the Property Owners for the acquisition of the property will include interest at an annual rate of 8 % on any additional compensation that is determined to be payable to the Property Owners over and above that paid with this Agreement, calculated from the date of entry upon the property.

**Exhibits:**

*[Signatures and Acknowledgments to Follow Immediately]*

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Owner's Home Phone: Owner's Work Phone: (801)698-3702
Owner / Grantor (s): Holmes Creek Irrigation Company
Grantee: Utah Department of Transportation (UDOT)/The Department

SIGNATURE PAGE
TO
UTAH DEPARTMENT OF TRANSPORTATION
RIGHT OF ENTRY AND OCCUPANCY AGREEMENT

DATED this 28 day of July, 2020

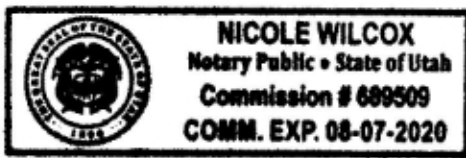
Alton Fisher (signature) Property Owner
Property Owner
Property Owner
Property Owner

STATE OF UTAH
County of Davis

On the 28 day of July, 2020, personally appeared before me
Alton Fisher the signer(s) of the Agreement set forth above,
who duly acknowledged to me that they executed the same.

Nicole Wilcox (signature)
NOTARY PUBLIC

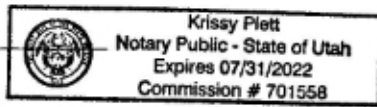
DATED this 5th day of August, 2020
Charles A. Stomart (signature)
UDOT Director / Deputy Director of Right of Way



STATE OF UTAH
County of Salt Lake

On the 5 day of August, 2020, personally appeared before me
Charles A. Stomart the signer(s) of this Agreement for UDOT
who duly acknowledged to me that they executed the same.

Krissey Plett (signature)
NOTARY PUBLIC



WHEN RECORDED, MAIL TO:  
Layton City  
437 N. Wasatch Dr.  
Layton, Utah 84041

Utah Department of Transportation  
Right of Way, Fourth Floor  
Box 148420  
Salt Lake City, Utah 84114-8420

## Warranty Deed

(CORPORATION)

Davis County

Tax ID. 11-020-0008

PIN No. 13821

Project No. S-0089(406)398

Parcel No. 0089:565K:2C

Holmes Creek Irrigation Company, a corporation of the State of Utah, Grantor, hereby CONVEY AND WARRANT to Layton City, Grantee, 437 North Wasatch Drive, Layton, Utah 84041, for the sum of TEN (\$10.00) Dollars, and other good and valuable considerations, the following described parcel of land in Davis County, State of Utah, to-wit:

A parcel of land in fee, being part of an entire tract of property, situate in the SE1/4 NE1/4 Section 23, Township 4 North, Range 1 West, Salt Lake Base and Meridian, for the widening of existing US-89, known as Project No. S-0089(406)398. The boundaries of said parcel of land are described as follows:

Beginning at a point in the southerly right of way line of Woodridge Drive of said Project, which point is 459.83 feet West along the Quarter Section line and 377.93 feet North from the East Quarter corner of said Section 23, at a point 31.00 feet radially distant southerly from the Woodridge Drive right of way control line of said Project, opposite Engineers Station 494+82.44; thence S.09°49'29"E. 23.60 feet to a point 53.26 feet radially distant southerly from the Woodridge Drive right of way control line of said Project, opposite Engineers Station 494+73.87; thence S.30°10'46"E. 64.87 feet to a point of curvature of a non-tangent curve to the left with a radius of 261.00 feet at a point 118.13 feet radially distant southerly from the Woodridge Drive right of way control line of said Project, opposite Engineers Station 494+74.53; thence southwesterly along said curve with an arc length of 153.97 feet, chord bears S.51°30'49"W. 151.75 feet to a point 111.31 feet radially distant southerly from the Woodridge Drive right of way control line of said Project, opposite Engineers Station 492+76.49; thence N.46°47'36"W. 80.62 feet to said southerly right of way line at a point of curvature of a non-tangent curve to the right with a radius of 469.00 feet; thence northeasterly along said curve with an arc length of 185.37 feet, chord

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PIN No. 13821  
Project No. S-0089(406)398  
Parcel No. 0089:565K:2C

bears N.49°55'15"E. 184.16 feet to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation.

The above described parcel of land contains 13,526 square feet in area or 0.311 acre.

(Note: Rotate above bearings 00°10'14" clockwise to equal Highway bearings)



WHEN RECORDED, MAIL TO:  
Utah Department of Transportation  
Right of Way, Fourth Floor  
Box 148420  
Salt Lake City, Utah 84114-8420

## Easement

(CORPORATION)

Davis County

Tax ID No. 11-020-0008

PIN No. 13821

Project No. S-0089(406)398

Parcel No. 0089:565K:2E

Holmes Creek Irrigation Company, a corporation of the State of Utah, Grantor, hereby GRANTS AND CONVEYS to the UTAH DEPARTMENT OF TRANSPORTATION, Grantee, at 4501 South 2700 West, Salt Lake City, Utah 84114, for the sum of TEN (\$10.00), Dollars, and other good and valuable considerations, the following described easements in Davis County, State of Utah, to-wit:

Two temporary easements upon part of an entire tract of property, situate in the NE1/4 NE1/4 and the SE1/4 NE1/4 of Section 23, Township 4 North, Range 1 West, Salt Lake Base and Meridian, in Davis County, Utah, for the purpose of constructing drainage facilities and appurtenant parts thereof to facilitate the widening of existing US-89, known as Project No. S-0089(406)398. This easement shall commence upon the beginning of actual construction on the property and shall continue only until project construction on the property is complete, or for three (3) years, whichever first occurs. The easement shall be non-exclusive such that the Grantor may use the property at any time in a manner which does not interfere with construction activities. The boundaries of said part of an entire tract are described as follows:

Beginning in the northerly boundary line of said entire tract at a point 50.64 feet radially distant easterly from the Gentile Street right of way control line of said Project, opposite approximate Engineers Station 502+35.35, which point is 1288.53 feet N.89°44'59"W (Record West) along the Section line from the Northeast Corner of said Section 23; and running thence S.89°44'59"E. 19.44 feet along said northerly boundary line; thence S.39°15'51"E. 226.03 feet to a point 244.44 feet perpendicularly distant easterly from the Gentile Street right of way control line of said Project, opposite Engineers Station 500+19.45; thence S.50°44'57"W. 50.02 feet to a point 204.23 feet perpendicularly distant easterly from the Gentile Street right of way control line of said Project, opposite approximate Engineers Station 499+89.72; thence N.39°15'37"W. 245.50 feet to the

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Parcel No. 0089:565K:2E

westerly boundary line of said entire tract; thence N.00°25'37"E. 16.79 feet along said westerly boundary line to the northerly boundary line of said entire tract; thence S.89°44'59"E. 5.55 feet along said northerly boundary line; thence S.39°15'51"E. 204.89 feet; thence S.50°44'57"W. 5.98 feet; thence S.39°15'03"E. 40.00 feet; thence N.50°44'57"E. 32.00 feet; thence N.39°15'03"W. 40.00 feet; thence S.50°44'57"W. 6.02 feet; thence N.39°15'51"W. 188.40 feet to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation.

The above described part of an entire tract contains 7,005 square feet in area or 0.161 acre.

Also

Beginning at a point, which point is 497.77 feet West along the Quarter Section line and 450.64 feet North from the East Quarter corner of said Section 23; and running thence N.85°25'41"W. 153.76 feet; thence N.40°02'14"W. 88.00 feet to a point 236.00 feet radially distant easterly from the Woodridge Drive right of way control line of said Project, opposite Engineers Station 493+84.00; thence N.48°47'35"E. 41.32 feet; thence N.42°20'05"W. 105.43 feet to a point 343.00 feet radially distant easterly from the Woodridge Drive right of way control line of said Project, opposite Engineers Station 494+06.00; thence N.46°50'13"E. 40.89 feet to a point 348.00 feet radially distant easterly from the Woodridge Drive right of way control line of said Project, opposite Engineers Station 494+30.00; thence S.45°57'24"E. 306.03 feet to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation.

The above described part of an entire tract contains 18,334 square feet in area or 0.421 acre.

The above combined described parts of an entire tract contain 25,339 square feet in area or 0.582 acre.

(Note: Rotate above bearings 00°10'14" clockwise to equal Highway bearings)



**IN WITNESS WHEREOF**, said Holmes Creek Irrigation Company has caused this instrument to be executed by its proper officers thereunto duly authorized, this \_\_\_\_ day of \_\_\_\_\_, A.D. 20 \_\_\_\_.

STATE OF \_\_\_\_\_ ) Holmes Creek Irrigation Company  
 ) ss.  
COUNTY OF \_\_\_\_\_ )  
By \_\_\_\_\_

On the date first above written personally appeared before me, \_\_\_\_\_, who, being by me duly sworn, says that he is the \_\_\_\_\_ of Holmes Creek Irrigation Company, a corporation, and that the within and foregoing instrument was signed in behalf of said corporation by authority of \_\_\_\_\_, and said \_\_\_\_\_ acknowledged to me that said corporation executed the same.

**WITNESS** my hand and official stamp the date in this certificate first above written:

\_\_\_\_\_  
Notary Public

WHEN RECORDED, MAIL TO:  
Layton City  
437 N. Wasatch Dr.  
Layton, Utah 84041

Utah Department of Transportation  
Right of Way, Fourth Floor  
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Salt Lake City, Utah 84114-8420

## Warranty Deed

(CORPORATION)

Davis County

Tax ID. 11-020-0008

PIN No. 13821

Project No. S-0089(406)398

Parcel No. 0089:565K:C

Holmes Creek Irrigation Company, a corporation of the State of Utah, Grantor, hereby CONVEYS AND WARRANTS to Layton City, Grantee, 437 North Wasatch Drive, Layton, Utah 84041, for the sum of TEN (\$10.00) Dollars, and other good and valuable considerations, the following described parcel of land in Davis County, State of Utah, to-wit:

A parcel of land in fee, being part of an entire tract of property, situate in the SE1/4 NE1/4 Section 23, Township 4 North, Range 1 West, Salt Lake Base and Meridian, for the widening of existing US-89, known as Project No. S-0089(406)398. The boundaries of said parcel of land are described as follows:

Beginning at a point in the southerly boundary line of said entire tract at a point 31.00 feet radially distant easterly from the Woodridge Drive right of way control line of said Project, opposite approximate Engineers Station 489+83.45, which point is 702.02 feet West along the Quarter Section line from the East Quarter corner of said Section 23; and running thence West 62.14 feet along said southerly boundary line to a point of curvature of a non-tangent curve to the right with a radius of 531.00 feet at a point 31.00 feet radially distant westerly from the Woodridge Drive right of way control line of said Project, opposite approximate Engineers Station 489+79.30; thence northeasterly along said curve with an arc length of 746.38 feet, concentric with said right of way control line, chord bears N.43°51'22"E. 686.44 feet to the westerly boundary line of Woodridge Estates No. 2 Subdivision, recorded March 30, 1977 as Entry No. 457572 in Book 642 at Page 146 in the office of the Davis County Recorder at a point 31.00 feet radially distant northerly from the Woodridge Drive right of way control line of said Project, opposite approximate Engineers Station 496+82.11; thence along said westerly boundary line of said Woodridge Estates No. 2 the following two (2) courses and distances: (1) S.01°42'53"E. (Record S.01°56'00"E.) 58.38 feet; (2) thence S.09°16'30"W. (Record S.09°03'23"W.)

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3.94 feet to a point of curvature of a non-tangent curve to the left with a radius of 469.00 feet at a point 31.00 feet radially distant southerly from the Woodridge Drive right of way control line of said Project, opposite approximate Engineers Station 496+76.50; thence southwesterly along said curve with an arc length of 650.08 feet, concentric with said right of way control line, chord bears S.43°46'19"W. 599.27 feet to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation.

The above described parcel of land contains 43,312 square feet in area or 0.994 acre.

(Note: Rotate above bearings 00°10'14" clockwise to equal Highway bearings)

**IN WITNESS WHEREOF**, said \_\_\_\_\_ has caused this instrument to be executed by its proper officers thereunto duly authorized, this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20 \_\_\_\_.

STATE OF \_\_\_\_\_ )  
  ) ss. Holmes Creek Irrigation Company  
COUNTY OF \_\_\_\_\_ )  
  
By \_\_\_\_\_

On the date first above written personally appeared before me, \_\_\_\_\_, who, being by me duly sworn, says that he is the \_\_\_\_\_ of \_\_\_\_\_ Holmes Creek Irrigation Company \_\_\_\_\_, a corporation, and that the within and foregoing instrument was signed in behalf of said corporation by authority of \_\_\_\_\_, and said \_\_\_\_\_ acknowledged to me that said corporation executed the same.

**WITNESS** my hand and official stamp the date in this certificate first above written:

\_\_\_\_\_  
Notary Public

WHEN RECORDED, MAIL TO:  
Utah Department of Transportation  
Right of Way, Fourth Floor  
Box 148420  
Salt Lake City, Utah 84114-8420

## Easement

(CORPORATION)  
Davis County

Tax ID No. 11-020-0008  
PIN No. 13821  
Project No. S-0089(406)398  
Parcel No. 0089:565K:E

Holmes Creek Irrigation Company, a corporation of the State of Utah, Grantor, hereby GRANTS AND CONVEYS to the UTAH DEPARTMENT OF TRANSPORTATION, Grantee, at 4501 South 2700 West, Salt Lake City, Utah 84114, for the sum of TEN (\$10.00) Dollars, and other good and valuable considerations, the following described easement in Davis County, State of Utah, to-wit:

Two perpetual easements upon part of an entire tract of property, situate in the NE1/4 NE1/4 of Section 23, Township 4 North, Range 1 West, Salt Lake Base and Meridian, in Davis County, Utah, for the purpose of constructing (reconstructing) and maintaining thereon roadway facilities, overhead and buried utilities and appurtenant parts thereof including, but not limited to fiber optics, lighting facilities, communication cables, storm drains, irrigation ditches and pipes, water lines, sewer lines, gas lines, and highway appurtenances including but not limited to slopes and traffic signs necessary for the widening of the existing highway US-89, known as Project No. S-0089(406)398. This easement includes the right to construct, maintain, and continue the existence of said cut and/or fill slopes in the same grade and slope ratio as constructed by Grantee. This easement shall run with the real property and shall be binding upon the Grantor, successors, heirs and assigns, and includes and conveys all rights of Grantor to change the vertical distance or grade of said cut and/or fill slopes. The boundaries of said part of an entire tract are described as follows:

Beginning in the northerly boundary line of said entire tract at a point 50.64 feet radially distant easterly from the Gentile Street right of way control line of said Project, opposite approximate Engineers Station 502+35.35, which point is 1288.53 feet N.89°44'59"W (Record West) along the Section line from the Northeast Corner of said Section 23; and running; thence S.39°15'51"E. 188.40 feet; thence N.50°44'57"E. 6.02 feet;

thence S.39°15'03"E. 40.00 feet to a point 231.27 feet perpendicularly distant easterly from the Gentile Street right of way control line of said Project, opposite Engineers Station 500+22.15; thence S.50°44'57"W. 32.00 feet to a point 205.54 feet perpendicularly distant easterly from the Gentile Street right of way control line of said Project, opposite Engineers Station 500+03.13; thence N.39°15'03"W. 40.00 feet; thence N.50°44'57"E. 5.98 feet; thence N.39°15'51"W. 204.89 feet; to the northerly boundary line of said entire tract; thence S.89°44'59"E. (Record East) 25.92 feet along said northerly boundary line to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation.

The above described part of an entire tract contains 5,212 square feet in area or 0.120 acre.

Also

Beginning at a point in the southerly boundary line of said entire tract at a point 31.00 feet radially distant westerly from the Woodridge Drive right of way control line of said Project, opposite approximate Engineers Station 489+79.30, which point is 764.16 feet West along the Quarter Section line from the East Quarter corner of said Section 23; and running thence West 10.02 feet along said southerly boundary line to a point of curvature of a non-tangent curve to the right with a radius of 541.00 feet at a point 41.00 feet radially distant westerly from the Woodridge Drive right of way control line of said Project, opposite approximate Engineers Station 489+78.72; thence northerly along said curve with an arc length of 213.45 feet, concentric with said right of way control line, chord bears N.14°49'29"E. 212.07 feet; thence N.33°08'01"W. 210.61 feet to a point 230.00 feet radially distant westerly from the Woodridge Drive right of way control line of said Project, opposite Engineers Station 492+50.00; thence N.38°37'06"E. 102.12 feet to a point 230.00 feet radially distant westerly from the Woodridge Drive right of way control line of said Project, opposite Engineers Station 492+20.00; thence N.89°10'25"E. 120.26 feet; thence S.85°25'41"E. 153.76 feet to a point of curvature of a non-tangent curve to the right with a radius of 551.00 feet; thence easterly along said curve with an arc length of 219.77 feet, concentric with said right of way control line, chord bears N.72°50'55"E. 218.32 feet to the westerly boundary line of Woodridge Estates No. 2 Subdivision, recorded March 30, 1977 as Entry No. 457572 in Book 642 at Page 146 in the office of the Davis County Recorder at a point 51.00 feet radially distant northerly from the Woodridge Drive right of way control line of said Project, opposite approximate Engineers Station 496+83.43; thence S.01°42'53"E. 20.05 feet along said westerly boundary line of said Woodridge Estates

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Parcel No. 0089:565K:E

No. 2 to the northerly right of way line of Woodridge Drive of said Project at a point of curvature of a non-tangent curve to the left with a radius of 531.00 feet; thence southwesterly along said curve with an arc length of 746.38 feet, along said northerly right of way line, chord bears S.43°51'22"W. 686.44 feet to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation.

The above described part of an entire tract contains 51,527 square feet in area or 1.183 acres.

The above combined described parts of an entire tract contain 56,739 square feet in area or 1.303 acres.

(Note: Rotate above bearings 00°10'14" clockwise to equal Highway bearings)

**IN WITNESS WHEREOF**, said Holmes Creek Irrigation Company has caused this instrument to be executed by its proper officers thereunto duly authorized, this \_\_\_\_ day of \_\_\_\_\_, A.D. 20 \_\_\_\_.

STATE OF \_\_\_\_\_ ) Holmes Creek Irrigation Company  
 ) ss.  
COUNTY OF \_\_\_\_\_ )  
By \_\_\_\_\_

On the date first above written personally appeared before me, \_\_\_\_\_, who, being by me duly sworn, says that he is the \_\_\_\_\_ of Holmes Creek Irrigation Company, a corporation, and that the within and foregoing instrument was signed in behalf of said corporation by authority of \_\_\_\_\_, and said \_\_\_\_\_ acknowledged to me that said corporation executed the same.

**WITNESS** my hand and official stamp the date in this certificate first above written:

\_\_\_\_\_  
Notary Public



When recorded mail to:  
Utah Department of Transportation  
Right of Way, Fourth Floor  
Box 148420  
Salt Lake City, Utah 84114-8420

## Warranty Deed

(CORPORATION)

Davis County

Tax ID. 11-020-0008

PIN No. 13821

Project No. S-0089(406)398

Parcel No. 0089:565K:S

Holmes Creek Irrigation Company, a corporation of the State of Utah, Grantor, hereby CONVEY AND WARRANT to the UTAH DEPARTMENT OF TRANSPORTATION, Grantee, at 4501 South 2700 West, Salt Lake City, Utah 84114, for the sum of TEN (\$10.00) Dollars, and other good and valuable considerations, the following described tract of land in Davis County, State of Utah, to-wit:

A tract of land in fee, being part of an entire tract of property, situate in the SE1/4 NE1/4 Section 23, Township 4 North, Range 1 West, Salt Lake Base and Meridian. The boundaries of said tract of land are described as follows:

Beginning at the Southeast corner of said entire tract, which point is 514.40 feet West, more or less, along the Quarter Section line from the East Quarter corner of said Section 23; and running thence West 187.62 feet along the southerly boundary line to a point of curvature of a non-tangent curve to the right with a radius of 469.00 feet; thence northerly along said curve with an arc length of 282.69 feet, concentric with the Woodridge Drive right of way control line of US-89, known as Project No. S-0089(406)398, chord bears N.21°19'50"E. 278.43 feet; thence S.46°47'36"E. 80.62 feet to a point of curvature of a non-tangent curve to the right with a radius of 261.00 feet; thence northeasterly along said curve with an arc length of 153.99 feet, concentric with said right of way control line, chord bears N.51°30'49"E. 151.77 feet; thence N.30°10'46"W. 64.87 feet; thence N.09°49'29"W. 23.60 feet to a point of curvature of a non-tangent curve to the right with a radius of 469.00 feet; thence northeasterly along said curve with an arc length of 182.02 feet, concentric with said right of way control line, chord bears N.72°21'43"E. 180.88 feet to the westerly boundary line of Woodridge Estates No. 2 Subdivision, recorded August 19, 1977 as Entry No. 748538 in Book 678 at Page 351 in the office of the Davis County Recorder; thence S.09°16'30"W. (Record S.09°03'23"W.) 275.77 feet along said westerly boundary line of said Woodridge Estates No. 2; thence N.88°10'00"W. 216.96 feet; thence

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S.11°35'00"E. 171.00 feet to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation.

The above described parcel of land contains 74,628 square feet in area or 1.713 acres.

(Note: Rotate above bearings 00°10'14" clockwise to equal Highway bearings)

**IN WITNESS WHEREOF**, said           Holmes Creek Irrigation Company           has caused this instrument to be executed by its proper officers thereunto duly authorized, this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20 \_\_\_\_.

STATE OF \_\_\_\_\_ )           Holmes Creek Irrigation Company            
                                  ) ss.  
COUNTY OF \_\_\_\_\_ )  
  
By \_\_\_\_\_

On the date first above written personally appeared before me, \_\_\_\_\_, who, being by me duly sworn, says that he is the \_\_\_\_\_ of           Holmes Creek Irrigation Company          , a corporation, and that the within and foregoing instrument was signed in behalf of said corporation by authority of \_\_\_\_\_, and said \_\_\_\_\_ acknowledged to me that said corporation executed the same.

**WITNESS** my hand and official stamp the date in this certificate first above written:

\_\_\_\_\_  
Notary Public