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RICHARD T. MAUGHAN  
DAVIS COUNTY, UTAH RECORDER  
6/1/2020 11:41:00 AM  
FEE \$0.00 Pgs: 16  
DEP eCASH REC'D FOR COTTONWOOD TITLE INS

WHEN RECORDED MAIL TO:

Utah Department of Transportation  
4501 South 2700 West  
Salt Lake City, UT 84414-8420

File No.: 117847-JCP

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

In Reference to Tax ID Number(s):

09-086-0097

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



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

Project No: S-0089(406)398 Parcel No.(s): 636, 636:2E, 636:E

Pin No: 13821 Job/Proj No: 72194 Project Location: US-89; Farmington to I-84

County of Property: DAVIS Tax ID / Sidwell No: 09-086-0097

Property Address: 1869 US-89 LAYTON UT, 84040

Owner's Address: 2253 South Scenic Drive, SALT LAKE CITY, UT, 84109

Owner's Home Phone: (801)608-7974 Owner's Work Phone:

Owner / Grantor (s): Mark C. Chen and Priscilla A. Chen as Trustees, or the successor trustees, of The Chen Family Trust, dated the 29th day of June, 2006

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 Mark C. Chen and Priscilla A. Chen as Trustees, or the successor trustees, of The Chen Family Trust, dated the 29th day of June, 2006 ("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 \$182,400.00 (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

Project No: S-0089(406)398 Parcel No.(s): 636, 636:2E, 636:E

Pin No: 13821 Job/Proj No: 72194 Project Location: US-89; Farmington to I-84  
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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:** Exhibit A

*[Signatures and Acknowledgments to Follow Immediately]*

Additional Term: UDOT agrees that access to the driveway on Owner's remainder land shall be maintained at all times. Portions of such access may be impacted as construction and reconstruction of the area around the driveway occurs, but at all times, some portion of the driveway shall remain accessible by a passenger vehicle.

Project No: S-0089(406)398 Parcel No.(s): 636, 636.2E, 636.E

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Grantee: Utah Department of Transportation (UDOT)/The Department

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

DATED this 6<sup>th</sup> day of May, 2020

Mark C. Chen  
Property Owner

Priscilla A. Chen  
Property Owner

Property Owner

Property Owner

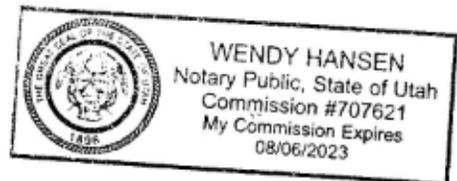
STATE OF UTAH

County of Salt Lake

On the 6<sup>th</sup> day of May, 2020, personally appeared before me

PRISCILLA A. CHEN & MARK CHO CHEN the signer(s) of the Agreement set forth above,  
who duly acknowledged to me that they executed the same.

Wendy Hansen  
NOTARY PUBLIC



DATED this 30<sup>th</sup> day of April, 2020

Charles A. Stormont  
UDOT Director / Deputy Director of Right of Way

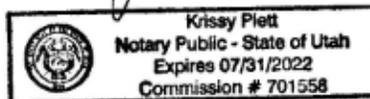
STATE OF UTAH

County of Salt Lake

On the 30 day of April, 2020, personally appeared before me

Charles A. Stormont the signer(s) of this Agreement for UDOT  
who duly acknowledged to me that they executed the same.

Krissy Platt  
NOTARY PUBLIC



# Exhibit A

636

636:E

636:2E

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

## Warranty Deed

(TRUSTEE)

Davis County

Tax ID. No. 09-086-0097

PIN No. 13821

Project No. S-0089(406)398

Parcel No. 0089:636

Mark C. Chen and Priscilla A. Chen as Trustees, or the successor trustees, of The Chen Family Trust, dated the 29th day of June, 2006 Grantors, of Layton, County of Davis, State of Utah, hereby CONVEYS AND WARRANTS 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 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 NE1/4 NE1/4 of Section 14, 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 the intersection of the northerly boundary line of said entire tract and the existing westerly right of way line of US-89, which point is 545.00 feet S.00°06'40"E. along the Section line and 0.41 feet West and 92.33 feet S.01°29'00"W. from the Northeast corner of said Section 14; and running thence along said existing westerly right of way line the following three (3) courses and distances: (1) S.01°29'00"W. 167.74 feet; (2) thence N.89°40'20"W. 10.00 feet; (3) thence S.01°29'00"W. 75.00 feet to the southerly boundary line of said entire tract; thence N.89°40'20"W. 58.68 feet along said southerly boundary line to a point 139.50 feet perpendicularly distant westerly from the US-89 right of way control line of said Project, opposite approximate Engineers Station 1320+40.29; thence N.01°24'49"E. 221.30 feet, parallel with said right of way control line, to the northerly boundary line of said entire tract at a point 139.50 feet perpendicularly distant westerly from the US-89 right of way control line of said Project, opposite approximate Engineers Station 1322+61.59; thence N.73°10'00"E. 72.62 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 parcel of land contains 15,216 square feet in area or 0.349 acre.

(Note: Rotate above bearings 00°21'01" clockwise to equal Highway bearings)

WITNESS, the hand of said Grantor, this \_\_\_\_ day of \_\_\_\_\_, A.D. 20 \_\_\_\_.

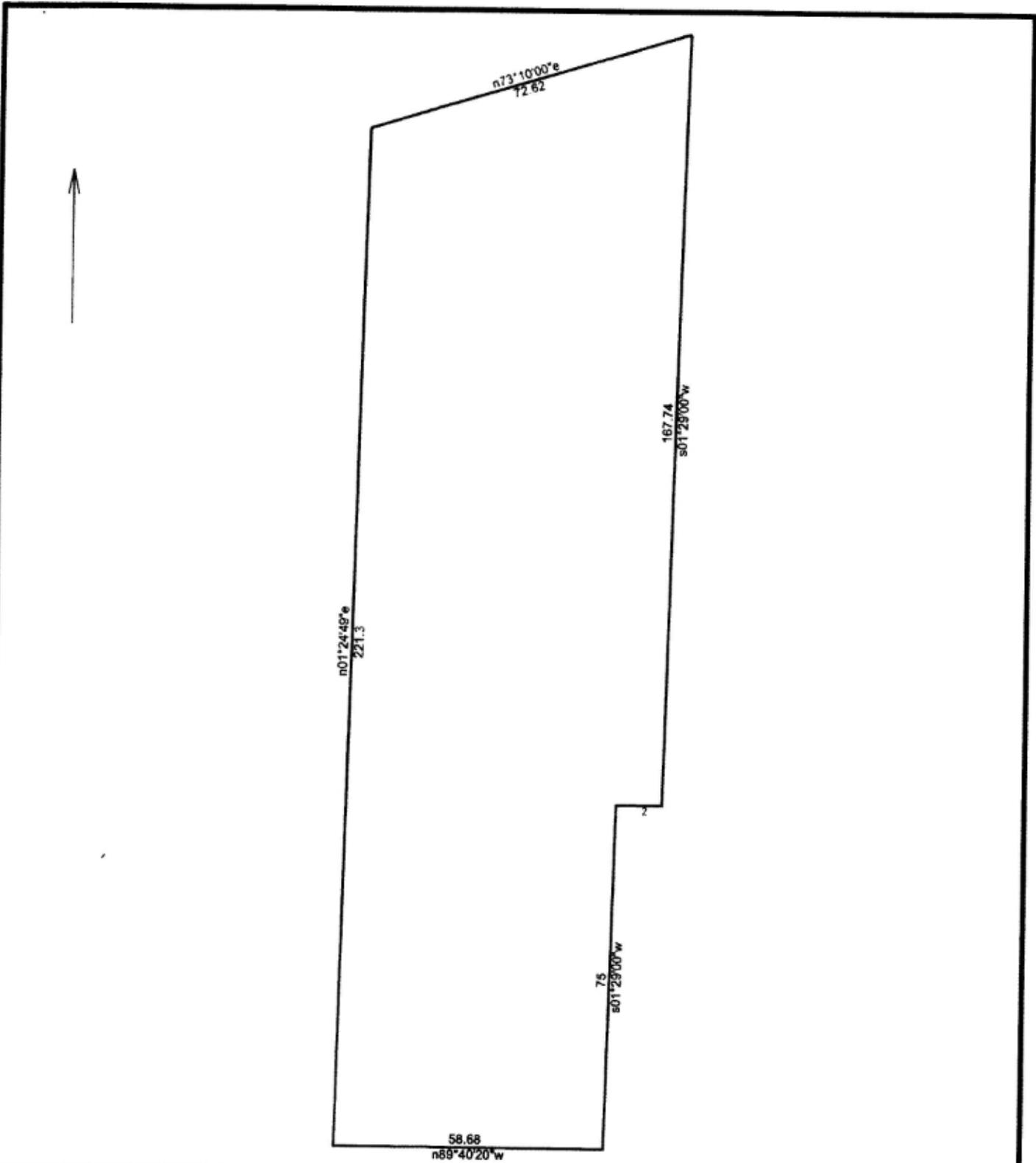
STATE OF )  
 ) ss.  
COUNTY OF )

\_\_\_\_\_  
Mark C. Chen, Trustee

\_\_\_\_\_  
Priscilla A. Chen, Trustee

On the date first above written personally appeared before me, Mark C. Chen and Priscilla A. Chen as Trustees, or the successor trustees, of The Chen Family Trust, dated the 29th day of June, 2006 who, being by me duly sworn, acknowledged to me that they signed the within and foregoing instrument in accordance with the authority as Trustees given under the instrument creating said Trust, and that as Trustees they executed the same.

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



13821\_S-0089(406)398\_19P\_636\_DeedPlot

8/8/2019

Scale: 1 inch= 28 feet

File: 13821\_S-0089(406)398\_19P\_636\_DeedPlot.ndp

Tract 1: 0.3493 Acres (15216 Sq. Feet), Closure: n58.4532w 0.01 ft. (1/98876), Perimeter=605 ft.

- 01 s01.2900w 167.74
- 02 n89.4020w 10
- 03 s01.2900w 75
- 04 n89.4020w 58.68
- 05 n01.2449e 221.3
- 06 n73.1000e 72.62

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

## Easement

(TRUSTEE)

Davis County

Tax ID No. 09-086-0097

PIN No. 13821

Project No. S-0089(406)398

Parcel No. 0089:636:E

Mark C. Chen and Priscilla A. Chen as Trustees, or the successor trustees, of The Chen Family Trust, dated the 29th day of June, 2006, Grantors, of Layton, County of Davis, State of Utah, 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:

A perpetual easement, upon part of an entire tract of property situate in the NE1/4 NE1/4 of Section 14, Township 4 North, Range 1 West, Salt Lake Base and Meridian, 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 at the intersection of the southerly boundary line of said entire tract and the westerly right of way line of a frontage road of said Project, which point is 545.00 feet S.00°06'40"E. along the Section line and 0.41 feet West and 92.33 feet S.01°29'00"W. and

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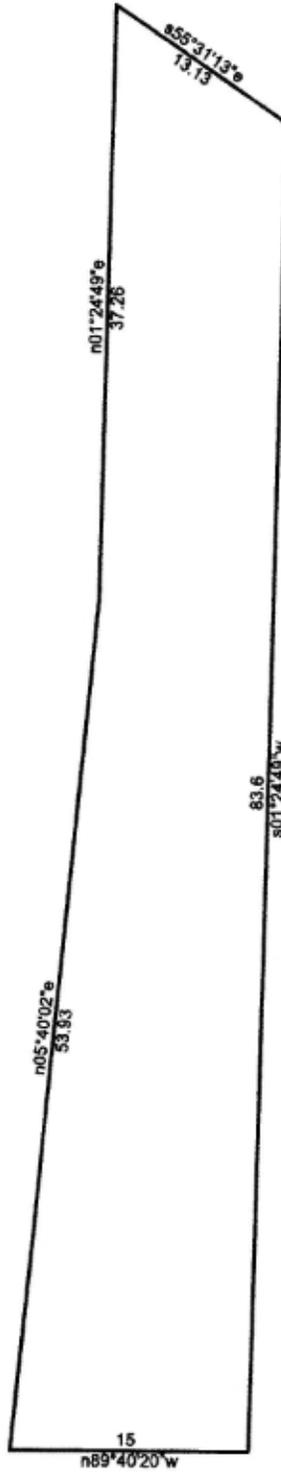
PIN No. 13821  
Project No. S-0089(406)398  
Parcel No. 0089:636:E

72.62 feet S.73°10'00"W. and S.01°24'49"W. 221.30 feet from the Northeast corner of said Section 14; and running thence N.89°40'20"W. 15.00 feet along said southerly boundary line to a point 154.50 feet perpendicularly distant westerly from the US-89 right of way control line of said Project, opposite approximate Engineers Station 1320+40.01; thence N.05°40'02"E. 53.93 feet; thence N.01°24'49"E. 37.26 feet, parallel with said right of way control line, to a point 150.50 feet perpendicularly distant westerly from the US-89 right of way control line of said Project, opposite Engineers Station 1321+31.05; thence S.55°31'13"E. 13.13 feet to said westerly frontage road right of way line; thence S.01°24'49"W. 83.60 feet along said westerly frontage road right of way line, parallel with said right of way control 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 1,068 square feet in area or 0.025 acre.

(Note: Rotate above bearings 00°21'01" clockwise to equal Highway bearings)





13821\_S-0089(406)398\_19P\_636\_E\_DeedPlot

8/8/2019

Scale: 1 inch= 11 feet

File: 13821\_S-0089(406)398\_19P\_636\_E\_DeedPlot.ndp

Tract 1: 0.0245 Acres (1068 Sq. Feet), Closure: n41.5459w 0.01 ft. (1/22312), Perimeter=203 ft.

- 01 n89.4020w 15
- 02 n05.4002e 53.93
- 03 n01.2449e 37.26
- 04 s55.3113e 13.13
- 05 s01.2449w 83.6

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

## Easement

(TRUSTEE)

Davis County

Tax ID No. 09-086-0097

PIN No. 13821

Project No. S-0089(406)398

Parcel No. 0089:636:2E

Mark C. Chen and Priscilla A. Chen as Trustees, or the successor trustees, of The Chen Family Trust, dated the 29th day of June, 2006, Grantors, of Layton, County of Davis, State of Utah, 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:

A temporary easement, upon part of an entire tract of property situate in the NE1/4 NE1/4 of Section 14, 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. 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 at the intersection of the northerly boundary line of said entire tract and the westerly right of way line of a frontage road of said Project, which point is 545.00 feet S.00°06'40"E. along the Section line and 0.41 feet West and 92.33 feet S.01°29'00"W. and 72.62 feet S.73°10'00"W. from the Northeast corner of said Section 14; and running thence S.01°24'49"W. 137.70 feet along said westerly frontage road right of way line, parallel with the US-89 right of way control line of said Project; thence N.55°31'13"W. 13.13 feet to a point 150.50 feet perpendicularly distant westerly from the US-89 right of way control line of said Project, opposite Engineers Station 1321+31.05; thence N.01°24'49"E. 93.49 feet, parallel with said right of way control line; thence N.88°35'11"W.

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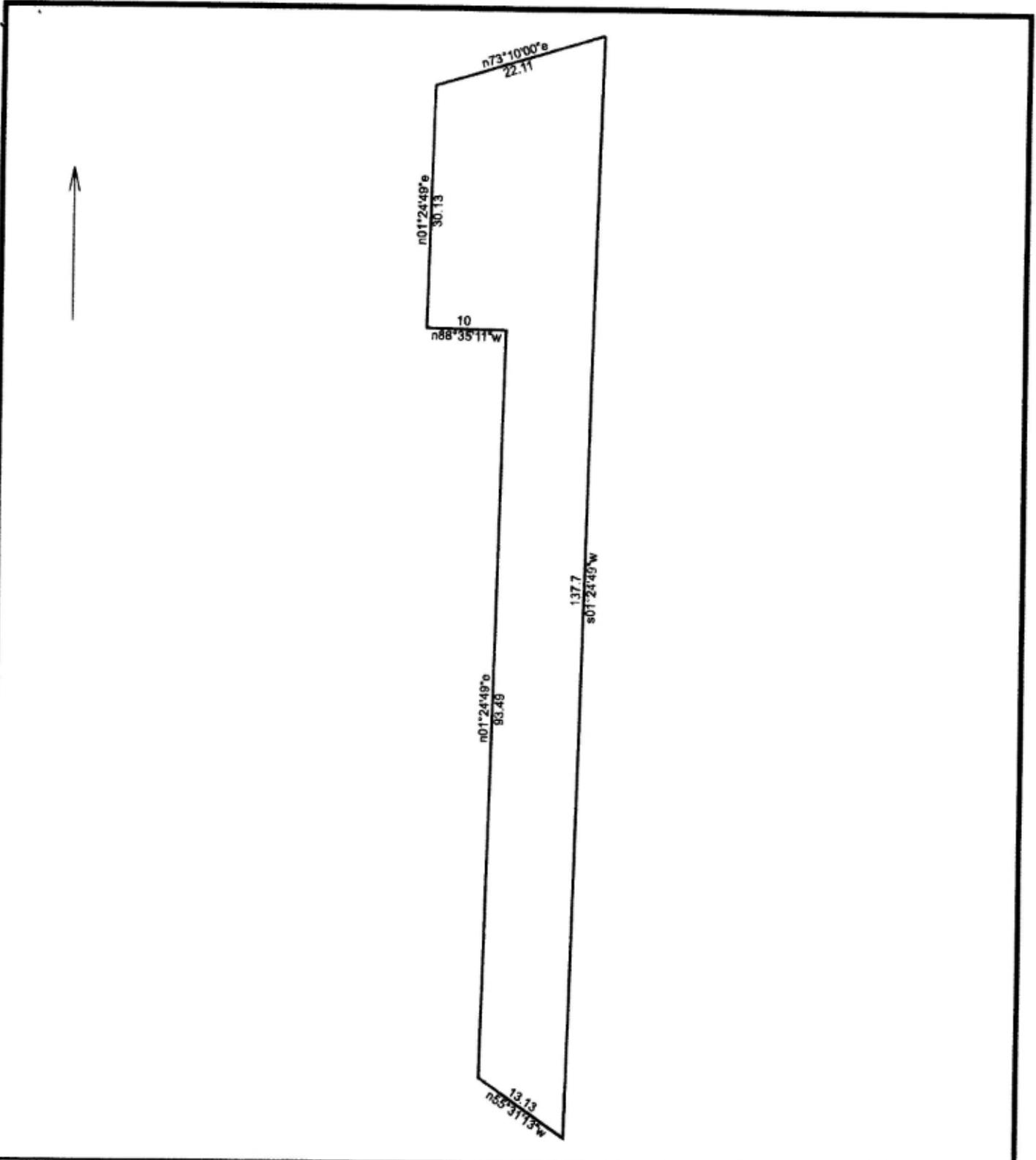
PIN No. 13821  
Project No. S-0089(406)398  
Parcel No. 0089:636:2E

10.00 feet; thence N.01°24'49"E. 30.13 feet, parallel with said right of way control line, to the northerly boundary line of said entire tract at a point 160.50 feet perpendicularly distant westerly from the US-89 right of way control line of said Project, opposite approximate Engineers Station 1322+54.67; thence N.73°10'00"E. 22.11 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 1,773 square feet in area or 0.041 acre.

(Note: Rotate above bearings 00°21'01" clockwise to equal Highway bearings)





13821\_S-0089(406)398\_19P\_636\_2E\_DeedPlot

8/8/2019

Scale: 1 inch= 16 feet

File: 13821\_S-0089(406)398\_19P\_636\_2E\_DeedPlot.ndp

Tract 1: 0.0407 Acres (1773 Sq. Feet), Closure: s36.3515e 0.01 ft. (1/35817), Perimeter=307 ft.

- 01 s01.2449w 137.7
- 02 n55.3113w 13.13
- 03 n01.2449e 93.49
- 04 n88.3511w 10
- 05 n01.2449e 30.13
- 06 n73.1000e 22.11