

Project No. NF-033-1(1)  
Parcel No. 1  
Ref. U-164(4)

DEPARTMENT OF THE ARMY  
EASEMENT FOR ROAD OR STREET

*Salt Lake,  
19-1478*

ON FORT DOUGLAS MILITARY RESERVATION, UTAH

**2812532**

DA-04-167-Eng-2790  
1963 MAR 13 PM 2 19

THE SECRETARY OF THE ARMY, under and by virtue of the authority vested in him by Title 10, United States Code, Section 2668 hereby grants to the State of Utah, Department of Highways

hereinafter designated as the grantee, an easement for a right-of-way for a road or street over, across, in, and upon lands of the United States ~~described as follows:~~ described in Exhibit "A", attached hereto and made a part hereof.

Recorded MAY 10 1976 at 1152 m.  
Request of Utah Department of Transportation  
KATIE L. DIXON, Recorder  
Salt Lake County, Utah  
\$ No Fee By Russell Peterson Deputy  
REF. \_\_\_\_\_

~~as shown in red on Exhibit attached hereto and made a part hereof.~~

THIS EASEMENT is granted subject to the following provisions and conditions:

1. The construction, use, and maintenance of said road or street, including culverts and other drainage facilities, shall be performed without cost or expense to the United States, under the general supervision and subject to the approval of the officer having immediate jurisdiction over said premises.
2. The grantee shall at all times maintain said road or street in good condition and shall promptly make all repairs thereto needed to preserve a smooth-surface highway.
3. Any property of the United States damaged or destroyed by the grantee incident to the use and occupation of the said premises shall be promptly repaired or replaced by the grantee to the satisfaction of the said officer, or in lieu of such repair or replacement the grantee shall, if so required by said officer, pay to the United States money in an amount sufficient to compensate for the loss sustained by the United States by reason of damages to or destruction of Government property.
4. The use and occupation of said lands of the United States for the purposes authorized by this instrument shall be subject to such rules and regulations as the said officer may prescribe from time to time in order to properly protect the interests of the United States.
5. The United States shall in no case be liable for any damages or injuries to the said road or street which may be caused by or result from any operations undertaken by the Government, and no claim or right to compensation shall accrue from such damages or injuries.

04 JUN 1976

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STATE OF UTAH

6. The United States reserves the right to make such connections between the road or street herein authorized and roads and streets on said lands as the Chief of Engineers may from time to time consider necessary, and also reserves to itself rights-of-way for all purposes across, over, and/or under the right-of-way hereby granted; provided, however, that such rights shall be used in a manner that will not create unnecessary interference with the use and enjoyment by the grantee of said right-of-way for highway purposes.

7. It is to be understood that this instrument is effective only insofar as the rights of the United States in the property over which the said road or street is to be extended are concerned, and that the grantee shall obtain such permission as may be necessary on account of any other existing rights.

8. All or any part of such right-of-way herein granted may be terminated by the Secretary of the Army for failure to comply with any or all of the terms or conditions of this grant, or for non-use for a two-year period or abandonment of rights granted herein.

9. It is understood that the provisions of Conditions Nos. 1 and 5, supra, shall not abrogate or interfere with any agreements or commitments made or entered into between the grantee and any other agency of the United States with regard to financial aid to the grantee in connection with the construction, maintenance, or repair of the road or street described herein.

10. The United States shall not be responsible for damages to property or injuries to persons which may arise from or be incident to the use and occupation of the said premises, nor for damages to the property of the grantee, or for injuries to the person of the grantee (if an individual), nor for damages to the property or injuries to the person of the grantee's officers, agents, servants, or employees, or others who may be on said premises at their invitation or the invitation of any one of them, arising from or incident to governmental activities, and the grantee shall hold the United States harmless from any and all such claims.

11. The United States shall not be responsible for damages to property or injuries to persons which may arise from or be incident to the construction, maintenance, and use of said road or street.

12. The following items were deleted and/or added prior to the execution of this easement:

a. "described as follows:" and "as shown in red on exhibit attached hereto and made a part hereof" in the granting clause deleted.

This easement is not subject to Title 10, United States Code, Section 2662.

IN WITNESS WHEREOF I have hereunto set my hand this *thirteenth* day of *March* 19*63*

U. S. GOVERNMENT PRINTING OFFICE 10-78035-1

APPROVED AS TO FORM AND CONTENT

*C. J. Burton*

STATE OF UTAH  
DEPARTMENT OF HIGHWAYS

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*76 Sid*

Description of Property for Road Easement at Fort Douglas Military  
Reservation, Utah  
1963 MAR 13 PM 2 19

A parcel of land situated in the NW $\frac{1}{4}$  of Section 10, T. 1 S.,  
R. 1 E., S.L.M., the boundaries of which are described as follows:

Beginning at the intersection of the easterly right of way line of  
the existing State Highway and the South boundary line of the  
Fort Douglas US Military Reservation which point is 58.16 ft.  
N. 89° 59' 50" E. and 58.2 ft. North from the City Monument of  
the intersection of 21st East Street and Sunnyside Avenue,  
Salt Lake City Survey, said point being also 4774.27 ft. East  
from the southeast corner of the property granted to the Mt.  
Olivet Cemetery Association from the original Camp Douglas  
property; thence N. 89° 59' 50" E. 168.16 ft.; thence N.  
56° 20' 43" W. 196.0 ft.; thence N. 40° 49' 30" W. 43.61 ft.;  
thence N. 30° 31' W. 170.20 ft.; thence N. 38° 06' 41" W.  
60.53 ft.; thence S. 30° 31' E. 134.7 ft., to a point of tangency  
with a 623.69 foot radius curve to the right; thence Southeasterly  
234.93 ft. along the arc of said 623.69 foot radius curve to  
the point of beginning, containing 0.301 Acre.

Exhibit "A" to Easement No. DA-04-167-Eng-2790

U. S. ARMY ENGINEER DISTRICT, SACRAMENTO  
CORPS OF ENGINEERS

FEDERAL & COURTS BLDG., 650 CAPITOL AVE.  
P. O. BOX 1739, SACRAMENTO 8, CALIFORNIA

ADDRESS REPLY TO  
DISTRICT ENGINEER

REFER TO SPKRM

24 October 1963

Utah State Department of Highways  
State Office Building  
Salt Lake City 14, Utah

DEPT. OF HIGHWAYS

ATTN: Mr. C. Taylor Burton  
Director of Highways

Re: Fort Douglas, Utah; Easement No.  
DA-04-167-Eng-2790

Gentlemen:

Reference is made to our SPKRM letter of 7 June 1963, which inclosed an executed copy of Easement No. DA-04-167-Eng-2790 granting the State of Utah a right-of-way for a right turn lane at Sunnyside Avenue at Foothill Boulevard on Fort Douglas, Utah. This easement was granted under Public Law 87-852 approved 23 October 1962 (76 Stat. 1129) and the delegation of authority from the Secretary of Defense (Department of Defense Directive 5160.43, 12 January 1963). The purpose of PL 87-852 is to authorize retroceding jurisdiction to state and local governments through granting an easement transferring responsibility for public roads crossing military reservations.

On 14 May 1963 our higher authority requested that the recommendation of the using service be obtained and the concurrence of the State of Utah in the retrocession of jurisdiction be also ascertained. On 26 September 1963 the Commanding General, Sixth U. S. Army, Presidio of San Francisco, California, concurred in the retrocession of jurisdiction to the State of Utah for the 0.301 acre of land involved in Easement No. DA-04-167-Eng-2790.

Information is requested if the State of Utah will accept jurisdiction. This information is required so that we may advise our higher authority by the established suspense date of 1 November 1963.

If you have any questions, please contact Mr. W. Wright Henderson of our Management and Disposal Branch. His telephone number is 449-3192.

Sincerely yours,

*Creed B. Card*

CREED B. CARD  
Chief, Real Estate Division

Mr. Henderson

Mr. Burton	INIT	ACT
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