

119009

AGREEMENT AMENDING GRANT OF RIGHT OF WAY

SEP 19-47-1W

This agreement made this 3rd day of August, 1951, between WELDEN C. ROBERTS and MARY B. ROBERTS, Grantors, and SALT LAKE PIPE LINE COMPANY, Grantee, WITNESSETH,

WHEREAS, by instrument dated July 18, 1949, recorded August 5, 1949, in Book 5 at Page 323 of the Official Records of Davis County, Utah, Grantors did grant to Grantee a right of way across a certain parcel of land in said Davis County, to which recorded instrument reference is hereby made for all particulars, and

WHEREAS, said recorded grant of right of way provides, among other things, that Grantors may use and enjoy the premises described therein provided that Grantors shall not construct or maintain the whole or any part of any structure on said strip of land, or in any manner impair or interfere with the present or prospective exercise of any of the rights therein granted, and

WHEREAS, Grantors are constructing an earth-banked reservoir for the purpose of storing irrigation waters, and

WHEREAS, a portion of said reservoir lies over and across a portion of said right of way and a pipe line of Grantee installed therein, and

WHEREAS, Grantee considers that the installation of said reservoir may impair or interfere in part with the present or prospective exercise of its rights under the terms of said right of way grant, but is willing to permit the installation of said reservoir under the terms and conditions herein set forth.

NOW, THEREFORE, between the parties, for such purposes, it is hereby agreed as follows:-

1. If, in the judgment of Grantee it becomes necessary or desirable for Grantee to enter upon the premises at a time when water in said reservoir would impair or interfere with such entry, Grantors will either immediately drain, or permit Grantee to drain said reservoir.

2. If, at any future times Grantee desires to install additional facilities within its said right of way as provided for in said right of way grant, and, if at such future times the circumstances and conditions with respect to said reservoir are such that it would be more practical to install said facilities around said reservoir rather than within the existing right of way, Grantors hereby grant to Grantee, under the same terms and conditions as set forth in said recorded instrument, a right of way across the land described in said recorded instrument, along a route to be selected by Grantee which will afford a practical connection with the right of way now existing, and which will, insofar as the boundaries of said described land will permit, provide a right of way around said reservoir.

All terms and conditions of said original grant, except as herein modified, shall remain in full force and effect.

IN WITNESS WHEREOF, these presents are signed as of the day and year first above written.

ATTEST:

Secretary (Signature and Seal)

SALT LAKE PIPE LINE COMPANY

By (Signature) President

Welden C. Roberts (Signature)