

3012893

CANAL CROSSING AGREEMENT

DOCUMENT

SIR NO. 341

AUDIT NO. \_\_\_\_\_

WHEREAS, Union Pacific Land Resources Corporation, a corporation of the State of Nebraska (hereinafter referred to as "Corporation"), is the owner of record of certain real property in Section 17, Township 1 South, Range 1 West of the Salt Lake Base and Meridian, described as follows:

Beginning at the Southeast corner of CENTENNIAL INDUSTRIAL PARK PHASE I, being a point on the North right of way line of the State Road Commission, said point is North 89°44'20" East 1472.04 feet and North 0°09'56" East 498.49 feet from the South Quarter Corner of Section 17, Township 1 South, Range 1 West, Salt Lake Base and Meridian; thence North 0°09'56" East along the East line of said Centennial Industrial Park Phase 1, 1332.387 feet; thence South 89°50'04" East 20.00 feet; thence North 0°09'56" East 60.00 feet; thence North 89°50'04" West 20.00 feet; thence North 0°09'56" East 920.30 feet, to the Northeast corner of said Phase 1; thence North 89°59' East 1298.57 feet; thence South 0°09'38" West 1910.71 feet to said North right of way line; thence along said North line the following courses and distances: South 89°44'20" West 362.844 feet to the beginning of a 507.47 foot radius curve to the left, (radius point is South 0°15'40" East 507.47 feet); thence Southwesterly along the arc of said curve, 309.26 feet; thence South 54°49'20" West 304.14 feet to the beginning of a 686.20 foot radius curve to the right; (radius point is North 35°10'40" West 686.20 feet); thence Southwesterly along the arc of said curve 323.44 feet; thence South 81°49'42" West 101.65 feet to the point of beginning; and,

WHEREAS, Brighton and North Point Irrigation Canal Company, a corporation of the State of Utah (hereinafter referred to as "Irrigation Co."), is the owner of the Brighton and North Point Irrigation Canal, which traverses the said property owned by Corporation, the centerline of which is described as follows:

#10 20 Main 8/10/01

Recorded OCT 25 1977

Request of

*Union Pacific Land Resources Corporation*

KATHY LYON, President  
Salt Lake County, Utah

8/850

Legality

*William R. Bennett*  
Attorney at Law  
Salt Lake City, Utah

W.R.F.

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DUPLICATE ORIGINAL *Corporation* COPY

Beginning at a point on the west line of Centennial Industrial Park, Phase II, from which point the northwest corner of said subdivision bears N. 0° 09' 56" E., a distance of 390.0 feet;

thence S. 61° 28' 04" E., a distance of 1475.87 feet, more or less, to the east line of said subdivision; and,

WHEREAS, Corporation has filed with Salt Lake City Corporation a Subdivision Plat Dedication for Centennial Industrial Park, Phase II street and utility development, a copy of which is attached herewith as Exhibit "A", and by this reference made a part hereof; and,

WHEREAS, Corporation desires the consent of Irrigation Co. to build a private road and utility crossing across the Brighton and North Point Irrigation Canal in said Phase II, as surveyed and platted on Exhibit "A"; and,

WHEREAS, Irrigation Co. is willing to give such consent subject to certain conditions;

NOW THEREFORE, in consideration of the terms and conditions herein contained, the parties agree as follows:

1. Corporation hereby agrees that any crossing of the Brighton and North Point Irrigation Canal in said Phase II, shall be confined to one private crossing and said crossing shall be established only in accordance with the following conditions:
  - (a) Said private road crossing will be not greater than 50 feet wide;
  - (b) Said crossing will be constructed as a bridge

which spans said irrigation canal in such a manner that the profile and section of the said canal, existing as of the time of construction of said bridge, will be undisturbed and that said bridge will have a minimum of five feet clearance above the flow line of said canal at the lowest point of clearance;

(c) As an alternate to (b), said crossing may be constructed by installing a 12-foot-wide clear span reinforced concrete box-type structure, the bottom, side walls and deck of which will consist of concrete with the bottom installed to the elevation required by Irrigation Co. properly related to the flow line of said irrigation canal existing as of the time of construction of said structure and a minimum clear height of five feet from the flow line of said canal.

2. In doing any construction as contemplated hereunder, Corporation agrees to carry out such construction in a manner and at times which will cause no interruption in the flow of irrigation water in the canal and to indemnify and hold harmless the Irrigation Co. from any damages or claims which might arise as a result of said construction work. Corporation also agrees that said private road and utility crossing will not

limit the Irrigation Co's right of access along the said canal banks which access is for operation, maintenance and repair of said canal and that the Irrigation Co. shall have such right of access around the approaches to said crossing as well as the right to cross said canal via said crossing.

3. Nothing herein contained shall be construed to abrogate any right of the Irrigation Co. to review and approve detail drawings of said road crossing structures and/or lateral side drains; Provided, however, that such approval shall not be unreasonably withheld.

4. In consideration of the covenants and agreements made herein by Corporation, the Irrigation Co. does hereby grant to Corporation a perpetual right to construct and thereafter operate and maintain the private road and utility crossing described herein.

This agreement shall be binding upon and inure to the benefit of the parties hereto, their successors and assigns.



IN WITNESS WHEREOF, the parties have executed this agreement in duplicate this 23rd day of September, 1977.

Attest

J. J. Muschick  
Assistant Secretary

UNION PACIFIC LAND RESOURCES CORPORATION

By A. J. Hansen  
Vice President

Attest

Burgie E. Bond  
Its Witness

BRIGHTON AND NORTH POINT IRRIGATION COMPANY


By Carl R. Child  
Its President

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STATE OF NEBRASKA)  
: ss  
COUNTY OF DOUGLAS)

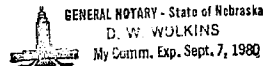
On this 23rd day of September, 19 77,  
before me, a Notary Public in and for said County, personally  
appeared H. F. Hansen, to me personally known to  
be Vice President of UNION PACIFIC LAND RESOURCES CORPORATION,  
who being duly sworn did say that the seal affixed to the foregoing  
instrument is the corporate seal of said corporation, and that  
said instrument was signed, sealed, and executed in behalf of  
said corporation by authority duly conferred by its By-Laws,  
and acknowledged to me said instrument to be the free act and  
deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and  
affixed my official seal the day and year first in this, my  
certificate, written.

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

Residing at Douglas County, Nebraska

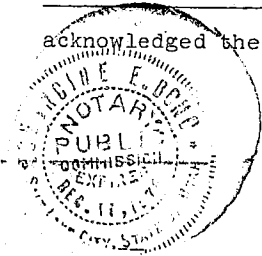
My Commission Expires:  
September 7, 1980



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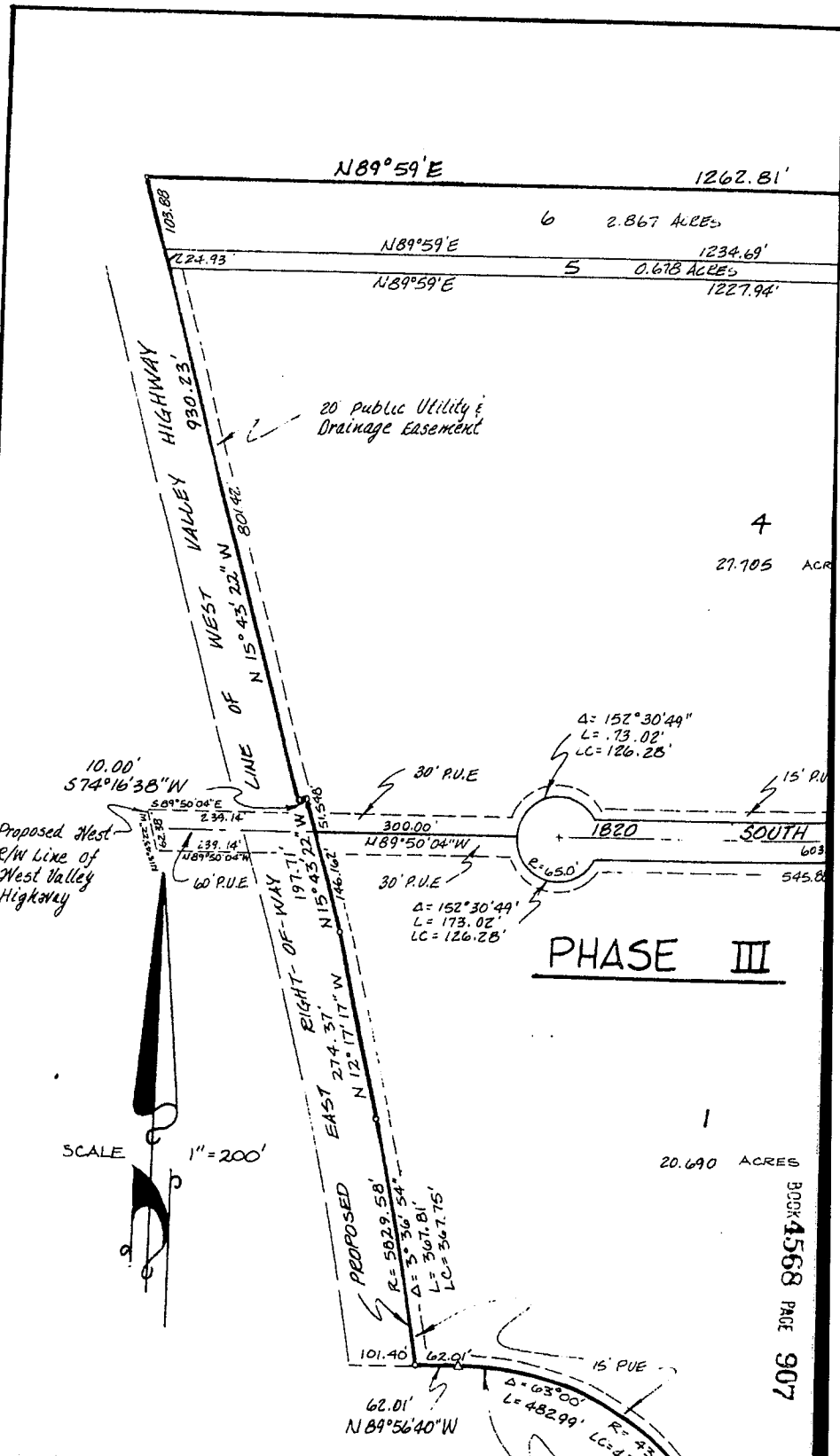
STATE OF UTAH            )  
                                  : ss.  
County of Salt Lake )

On the 23<sup>rd</sup> day of September, 1977, personally appeared  
before me Carl R. Child, who being  
duly sworn, did say that he is the President of the Brighton &  
North Point Irrigation Company and that the attached Canal Crossing  
Agreement was signed on behalf of said corporation by authority  
of its Board of Directors and said Carl R. Child  
acknowledged to me that said corporation  
acknowledged the same.



Eugene E. Bond  
Notary Public  
Residing at Salt Lake County, Utah

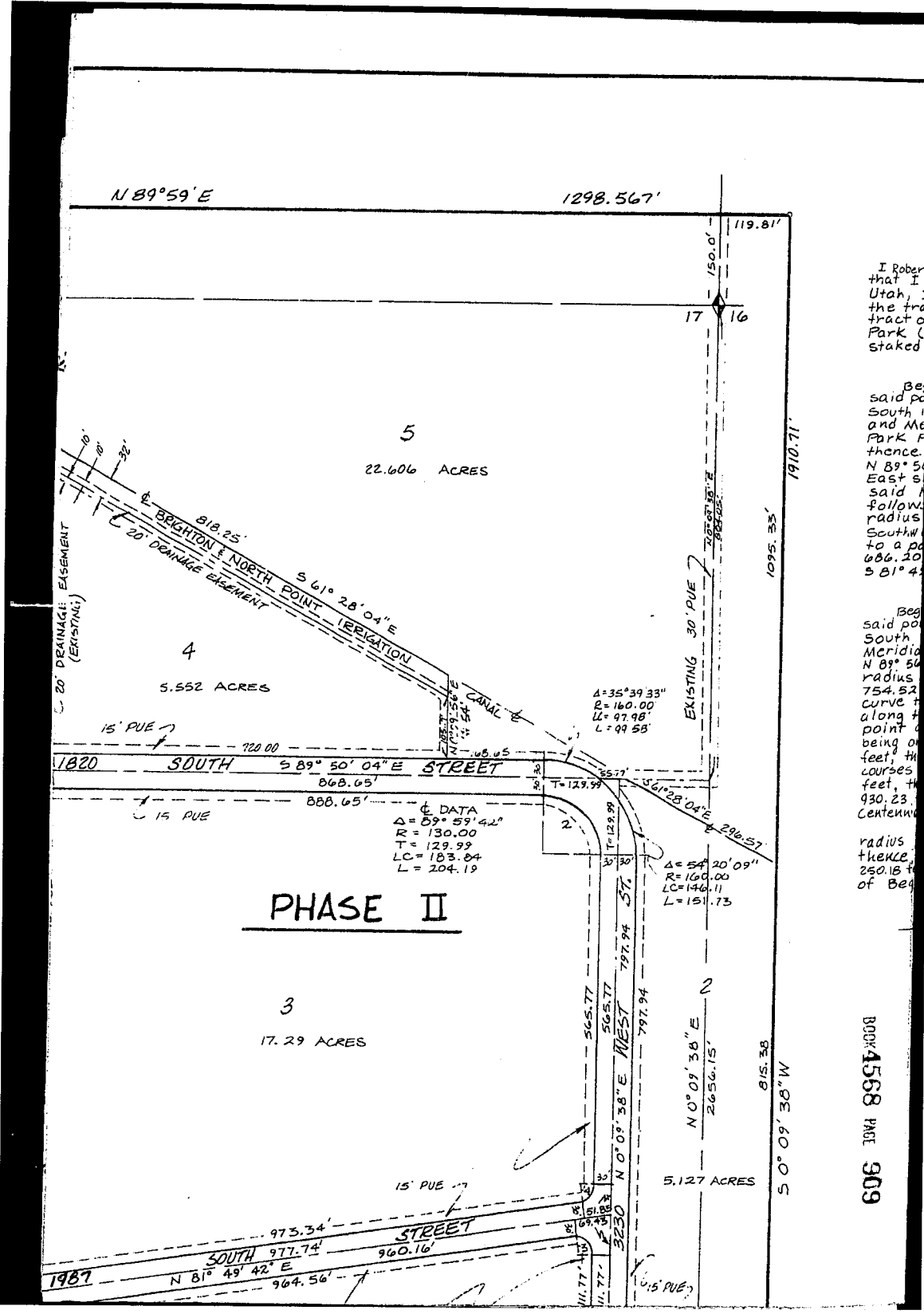
My Commission Expires:  
Dec. 11, 1978



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N 89° 59' E

1298.567'

5  
22.606 ACRES

4  
5.552 ACRES

**PHASE II**

3  
17.29 ACRES

DATA  
 $\Delta = 09^\circ 59' 42''$   
 $R = 130.00$   
 $T = 129.99$   
 $LC = 183.84$   
 $L = 204.19$

$\Delta = 35^\circ 39' 33''$   
 $R = 160.00$   
 $L = 99.55'$

$\Delta = 54^\circ 20' 09''$   
 $R = 160.00$   
 $LC = 146.11$   
 $L = 151.73$

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20' DRAINAGE EASEMENT (EXISTING)

15' PUE

15' PUE

15' PUE

EXISTING 30' PUE

N 0° 09' 38" E

5.127 ACRES

1987

SOUTH STREET

STREET

15' PUE

# CENTENNIAL INDUSTRIAL PARK

## SURVEYOR'S CERTIFICATE

I, James do hereby certify that I am a Registered Utah Land Surveyor, and hold Certificate No. 1555 as prescribed under the laws of the State of Utah. I further certify that by authority of the owners, I have made a survey of that land shown on this plat and described below, and have shown, and set out land into lots and streets to be known hereafter as Centennial Industrial Phase II and Phase III and that same has been correctly surveyed and on the ground as shown on this plat.

### PHASE II

Beginning at a point on the North Right-of-way line of the State Road Commission, thence N 89° 44' 20" E 1472.041 feet and N 0° 09' 56" E 798.494 feet from the 1/4 Corner of Section 17, Township 1 South, Range 1 West, Salt Lake Base and Meridian. Running thence N 0° 09' 56" E along the East side of Centennial Industrial Phase I 1332.387 feet; thence S 89° 50' 04" E 20.55 feet; thence N 0° 09' 56" E 60.03 feet; thence S 89° 50' 04" W 20.55 feet; thence N 0° 09' 56" E 920.30 feet; thence leaving said North Right-of-way line, thence along said North line five courses as follows: thence N 89° 59' E 1298.567 feet; thence S 0° 09' 58" W 307.47 feet to the East Right-of-way line; thence along said North line five courses as follows: thence S 89° 44' 20" W 362.844 feet to a point of a 507.47 foot radius curve to the left, radius point is S 0° 15' 40" E 507.47 feet; thence S 89° 44' 20" W 362.844 feet to a point of a 507.47 foot radius curve to the left, radius point is S 0° 15' 40" E 507.47 feet; thence S 89° 44' 20" W 362.844 feet to a point of a 507.47 foot radius curve to the right, radius point is N 55° 00' 00" W 362.844 feet; thence Southwesterly along said arc 323.44 feet; thence S 89° 44' 20" W 101.65 feet to the point of beginning. Contains 61.434 Acres

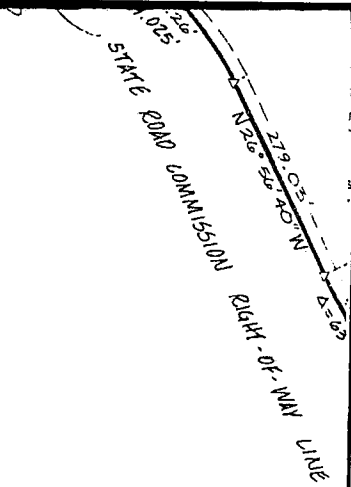
### PHASE III

Beginning at a point on the North Right-of-way line of the State Road Commission, thence S 89° 44' 20" W 1239.029 feet and N 0° 09' 56" E 251.379 feet from the 1/4 Corner of Section 17, Township 1 South, Range 1 West, Salt Lake Base and Meridian, running thence Westerly along said North line five courses as follows: thence S 89° 44' 20" W 80.61 feet to a point of a 686.20 foot radius curve to the right, radius point is N 00° 03' 20" E 686.20 feet; thence Northwesterly along said arc 439.26 feet; thence N 26° 56' 40" W 279.03 feet to a point of a 439.26 foot radius curve to the left, radius point is S 63° 03' 20" W 439.26 feet; thence Northwesterly along said arc 482.99 feet; thence N 89° 56' 40" W 62.01 feet to a point on the East Right-of-way line. At the Proposed West Valley Highway, said point is a 5829.58 foot radius curve to the left, radius point is S 80° 35' 05" W 5829.58 feet; thence Northwesterly along the east line of said Proposed West Valley Highway five courses as follows: thence Northwesterly along said arc 367.81 feet; thence N 12° 17' 17" W 274.37 feet; thence N 15° 43' 22" W 197.71 feet; thence S 74° 16' 38" W 10.00 feet; thence N 15° 43' 22" W 197.71 feet; thence along said East line N 89° 59' E 1262.81 feet to the West line of Centennial Industrial Park Phase I; thence S 0° 01' E along said West line, thence S 0° 01' E 124.00 feet to a point of a 459.276 foot radius curve to the right, radius point is S 00° 01' E 459.276 feet; thence Southeasterly along said arc 722.89 feet; thence S 0° 09' 56" W 1222.092 feet; thence N 89° 50' 04" W 30.00 feet; thence S 0° 09' 56" W 1222.092 feet; thence S 89° 50' 04" E 30.00 feet; thence S 0° 09' 56" W 519.69 feet to the Point of Beginning. Contains 64.626 Acres

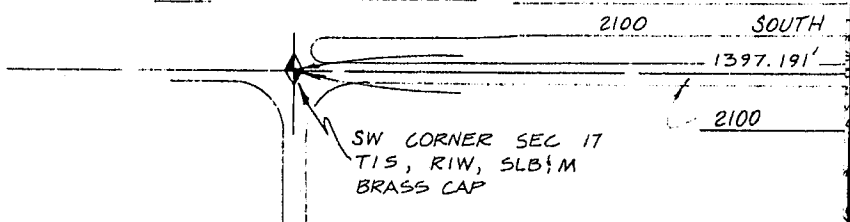
June 20, 1977  
DATE

James  
SURVEYOR

NO.	CURVE DATA
1	$\Delta = 90^{\circ} 00'$ R = 30.0 L = 47.12 LC = 42.43
2	$\Delta = 89^{\circ} 59' 42''$ R = 100.00 L = 157.07 LC = 141.42
3	$\Delta = 98^{\circ} 19' 56''$ R = 30.0 L = 51.49 LC = 45.40
4	$\Delta = 81^{\circ} 40' 04''$ R = 30.0 L = 42.76 LC = 39.23
5	$\Delta = 89^{\circ} 34' 42''$ R = 30.0 L = 46.90 LC = 42.27
6	$\Delta = 90^{\circ} 25' 18''$ R = 30.0 L = 47.34 LC = 42.58
7	$\Delta = 95^{\circ} 14' 46''$ R = 30.00 L = 39.87 LC = 44.32

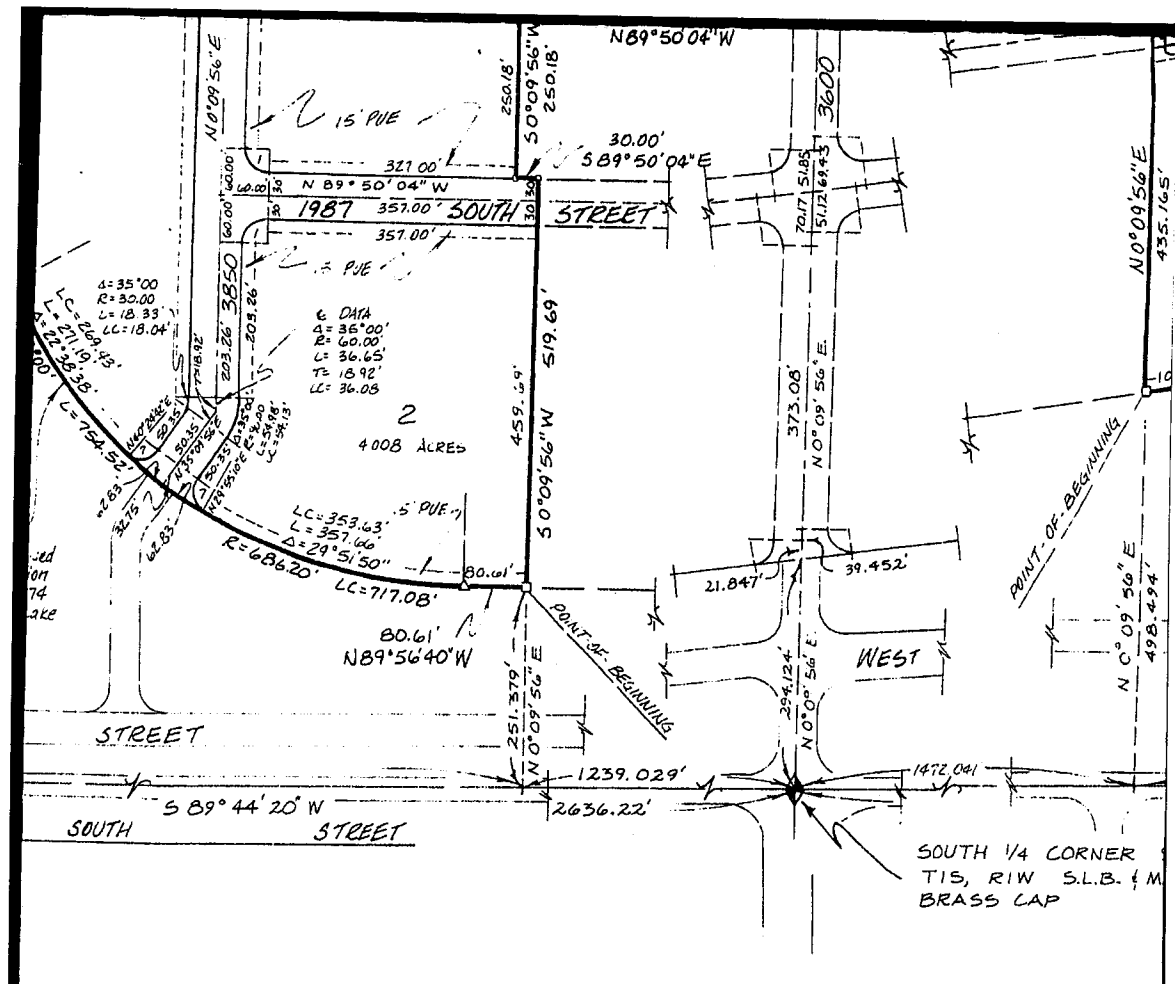


NOTE:  
Access to 2100 South Street or  
pursuant to a judgement on stipulated  
Civil No. 211116 entered April 9, 19  
By Judge Marcellus L. Snow, Salt  
County third district court.



NOTE:  
All lots have  
Utilities East  
Lot lines (3)  
otherwise n

		<b>BUSH &amp; GUDGELL INC.</b> <b>ENGINEERS - SURVEYORS</b> 555 SOUTH 3RD EAST ST. SALT LAKE CITY, UTAH 84111 364-7775 B & G 29525 RBA	BOOK 4568 PAGE 911
3	9-7-77 M.B. Adding Notes		
2	9-2-77 M.B. Adding Cul-de-sac		
1	8-3-77 M.B. Adding Notes		
No.	REVISION		



15.00 foot Public  
 ment (PUE) on front  
 street lines), unless  
 noted.

NOTE:  
 □ Phase I Boundary Brass Caps  
 △ Found Highway Right-of-Way Marker

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PLANNING DIRECTOR  
 APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_  
 197\_\_\_\_ BY THE  
 SALT LAKE CITY PLANNING  
 COMMISSION  
 \_\_\_\_\_  
 PLANNING DIRECTOR

APPROVAL AS TO FORM  
 APPROVED AS TO FORM THIS \_\_\_\_\_  
 DAY OF \_\_\_\_\_ 197\_\_\_\_  
 \_\_\_\_\_  
 SALT LAKE CITY ATTORNEY



OWNER'S DEDICATION

By all men by these presents; that the undersigned owners of the herein described tract of land, having caused the same to be subdivided into lots and blocks to be hereafter known as Centennial Industrial Park (Phase 2 and Phase 3) as shown by the plat and certificate of survey hereunto attached, do hereby dedicate to the use of the public forever all streets, alleys, and public easements as shown thereon.  
and this 31st day of August, 1977

UNION PACIFIC LAND RESOURCES CORPORATION

J. Weisbeck  
ASSISTANT SECRETARY

H. F. Hansen  
VICE-PRESIDENT



ACKNOWLEDGEMENT

OF NEBRASKA )  
OF DOUGLAS ) SS

This 31st day of August, 1977 before me, a NOTARY PUBLIC for said County, personally appeared H.F. Hansen, personally known to be Vice-President of the Union Pacific Land Resources Corporation, who being duly sworn did say that the seal affixed to the foregoing instrument is the corporate seal of said corporation, and that said instrument was signed, sealed, and executed in behalf of said corporation by authority conferred by its by-laws, and acknowledged to me said instrument to be the act and deed of said corporation.  
In witness whereof, I have hereunto set my hand and affixed my official seal this day and year first in this, my certificate, written.

Commission expires: September 7, 1980  
in: Bellevue, Nebraska

D. W. Wolkins  
NOTARY PUBLIC

**CENTENNIAL INDUSTRIAL PARK  
PHASE II & PHASE III** SALT LAKE CITY

DIVISION LOCATED IN SECTION 16, SECTION 17, & SECTION 18,  
RANGE 1 SOUTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN  
SALT LAKE CITY, UTAH

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PERMISSION APPROVAL  
BY THE BOARD OF SALT LAKE CITY  
AND THE CITY ENGINEER WHO  
TO APPROVE THIS \_\_\_\_\_ DAY OF  
1977  
\_\_\_\_\_  
MAYOR

NUMBER \_\_\_\_\_  
ACCOUNT \_\_\_\_\_  
DRAWING \_\_\_\_\_

**EXHIBIT "A"**