

When recorded return to:
SLC Public Utilities
1530 South West Temple
Salt Lake City, Utah 84115

RECORDED

7737467
10/12/2000 03:08 PM NO FEE
Book - 8393 Pg - 9272-9275
NANCY WORKMAN
RECORDER, SALT LAKE COUNTY, UTAH
SL CITY RECORDER
BY: ZJM, DEPUTY - WI 4 P.

OCT 04 2000
UTILITY PERMIT
CITY RECORDER

THIS UTILITY PERMIT, made and entered into as of OCT 04 2000 2000,
by and between SALT LAKE CITY CORPORATION, a municipal corporation of the State of
Utah, hereinafter referred to as "CITY", and the STATE OF UTAH acting through its UTAH
DEPARTMENT OF TRANSPORTATION, hereinafter referred to as "UDOT", whose mailing
address is 480 North 2200 West, Bldg. B, Salt Lake City, UT, 84116,

WITNESSETH:

WHEREAS, CITY is the owner of certain real property within which is located its
Jordan and Salt Lake City Canal; and

WHEREAS, UDOT is desirous of obtaining a permit from the **CITY** for using part of
the said **CITY** property for the installation of fiber optic cable, hereinafter referred to as
"FACILITIES" underneath said; and

WHEREAS, CITY is willing to grant a permit for such use; and

NOW THEREFORE, in consideration of the mutual promises and covenants contained
herein, and other good and valuable consideration, the receipt and sufficiency of which are
hereby acknowledged, the parties hereto do hereby agree as follows:

(1). **CITY** hereby grants permission and license to **UDOT** to construct and maintain
FACILITIES within the premises at the locations identified in Exhibit "A", attached hereto and
by this reference made a part hereof, hereinafter referred to as "**PREMISES**".

(2). **CITY** agrees to accept the one-time fee already paid for the execution and delivery of
this utility permit.

(3). **UDOT's** plans, specifications and timetable for installation of said **FACILITIES**,
shall be attached hereto and by this reference made a part hereof, and shall be reviewed for
approval prior to construction by the **CITY's** Director of Public Utilities, hereinafter referred to
as "**DIRECTOR**". No work shall be permitted on the Premises from March 1 through October
15 of each year without the prior written consent of the **CITY**.

(4). **CITY** agrees that steel casings will not be required. All crossings must be bored
beneath the canal at least four and one-half feet (4.5') below the bottom of the flow line.

(5). **UDOT** agrees not to erect any structures other than said **FACILITIES** or make any
other improvements on the said **PREMISES**. **UDOT** agrees to perform all such installation
pursuant to all applicable federal laws or regulations, **CITY** ordinances, Salt Lake County
ordinances and State law. Installation and maintenance of the **FACILITIES** on the **PREMISES**

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shall be at UDOT's sole expense.

(6). UDOT will, at UDOT's sole expense, and within the time and when requested in writing by the CITY, remove, replace or alter the FACILITIES installed by UDOT on the PREMISES.

(7). UDOT agrees that at all times this utility permit shall be subject to any use of the PREMISES the CITY may desire, and CITY shall not be liable to UDOT for any loss of use or damage to UDOT's FACILITIES resulting from such use.

(8). UDOT agrees, upon written notice from DIRECTOR, to repair any damage caused to the PREMISES or its Canal as a result of UDOT's its agents', employees', or invitees' use of this permit. The CITY may, in its discretion, elect to effect such repair of cause the same to be accepted, and UDOT agrees to reimburse to the CITY the reasonable cost and expense of such repairs.

(9). This Utility Permit is subject to revocation by the CITY for any reason and at any time upon the expiration of thirty (30) days prior written notice sent to UDOT at the UDOT's above stated address. Upon receipt of such notice, UDOT shall remove any FACILITIES or improvements from the said PREMISES, restoring the surface of the PREMISES as near as possible to its condition prior to the date hereof.

(10). UDOT agrees to indemnify, hold harmless and defend the CITY, its agents and employees, from and against all claims, mechanics liens, demands, damages, actions, costs and charges, for personal injury or property damage and other liabilities, including attorney's fees, arising out of or by any reason of UDOT's use of said PREMISES or any activities conducted thereon by UDOT, its agents, employees, or invitees.

(11). This permit is not assignable.

(12). Any ambiguity in this Utility Permit shall be construed in favor of the CITY.

(13). **ETHICAL STANDARDS.** UDOT represents that it has not (1) provided an illegal gift or payoff to a City officer or employee or former City officer or employee, or his or her relative or business entity; (2) retained any person to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, other than bona fide employees or bona fide commercial selling agencies for the purpose of securing business; (3) knowingly breached any of the ethical standards set forth in the City's conflict of interest ordinance, Chapter 2.44, Salt Lake City Code; or (4) knowingly influenced, and hereby promises that it will not knowingly influence, a City officer or employee or former City officer or employee to breach any of the ethical standards set forth in the City's conflict of interest ordinance, Chapter 2.44, Salt Lake City Code.

(14). This Utility Permit embodies the entire agreement between the parties and it cannot be changed except through a written instrument signed by both parties.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year herein first above written.

UTAH DEPARTMENT OF TRANSPORTATION

RECOMMENDED FOR APPROVAL:

- 1. By: [Signature] Title: I-15 Project Utilities Administrator Date: 8/8/00
2. By: [Signature] Title: I-15 Project Technical Support Administrator Date: 8/8/00

APPROVED:

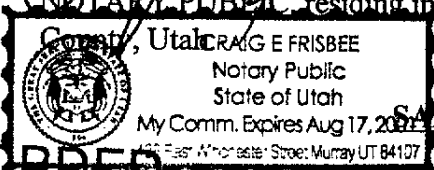
By: [Signature] Title: I-15 Project Deputy Director Date: 8/10/00
APPROVED AS TO FORM Salt Lake City Attorney's Office Date: 10/4/00 By: [Signature]

On the date first above written personally appeared before me, the I-15 Project Deputy Director, who, being by me duly sworn, did sign the foregoing instrument, and further acknowledged to me that said instrument was signed in behalf of said UTAH DEPARTMENT OF TRANSPORTATION.

Witness my hand and official stamp the date in this instrument first above written.

[Signature] NOTARY PUBLIC, residing in Salt Lake County, Utah

My commission expires: 8-17-2000



SALT LAKE CITY CORPORATION

ATTEST AND COUNTERSIGN:

OCT 04 2000 BY: [Signature] Beverly Jones Title: Chief Deputy City Recorder Date: 10-4-00

APPROVED:

By: [Signature] LEROY W. HOOTON Title: Public Utilities Director Date: 9-27-00

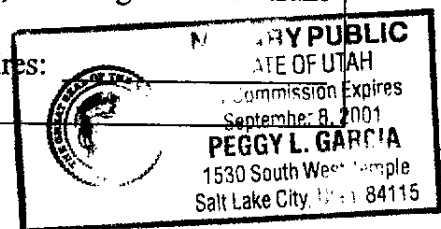
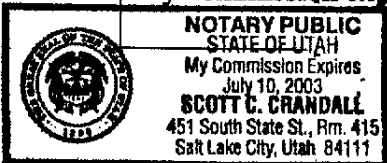


On OCT 04 2000, personally appeared before me Beverly Jones, who, being by me duly sworn, did say that he is the CHIEF DEPUTY CITY RECORDER, of SALT LAKE CITY CORPORATION, and said person acknowledged to me that said corporation executed the same.

[Signature] NOTARY PUBLIC, residing in Salt Lake County, Utah My commission expires: 7-10-05

On 9-27-00, personally appeared before me LEROY W. HOOTON, JR. who, being by me duly sworn, did say that he is the PUBLIC UTILITIES DIRECTOR of SALT LAKE CITY CORPORATION, and said person acknowledged to me that said corporation executed the same.

[Signature] NOTARY PUBLIC, residing in Salt Lake County, Utah My commission expires:



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Potential Location For Permits For Canal Crossings

(Salt Lake City Corporation)

EXHIBIT "A"

Date: 7/27/00
Doc#6542

(Contacts: Madeline Francisco-Galang - 594-6298 ... Malcolm Tomatani - 594-6486)

No.	Description	Type	Resp Owner	Requested over/und/att	Date to Cons existing	Plans Sub	Date Plans OK	Final over/und/att	Const. Final =X	Permit Complitd	Comments
1	1300S-1150E	COM	UDOT	under	existing	06/12/99		Over	X	C,S	(C=conduit installed, S=String pulled, Com=Com wire installed)
2	1700S-1150E	COM	UDOT	under	11/12/98	06/12/99		Under	X	C,S	
3	2100S-1050E	COM	UDOT	under	existing	06/12/99		over	X	C,S	
4	180 Highland	COM	UDOT	Over	05/01/98	06/12/99		over	X	C,S	
5	3300S-1250E	COM	UDOT	Over	07/15/98	06/12/99		over	X	C,S	
6	4500S-1850E	COM	UDOT	Over	06/02/98	06/12/99		Over	X	C,S	
7	Murray Holiday-2000E	COM	UDOT	Over	01/22/99	06/12/99		Over	X	C,S	
8	Highland-5500S	COM	UDOT	Over	existing	06/12/99		Over	X	C,S	
9	5900S-VanWinkle	COM	UDOT	Over	03/11/99	06/12/99		Over	X	C,S	
10	6400S-2000E	COM	UDOT	Over	03/12/99	06/12/99		Over	X	C,S	
11	8200S State	COM	UDOT	under	11/05/98	06/12/99		Under	X	C,S	
12	9000S-E of State St	COM	UDOT	under	existing	06/12/99		Over	X	C, Will Not Be Used	
13	9900S State	COM	UDOT	under	11/15/98	06/12/99		under	X	C,S	
14	10150S State	COM	UDOT	under	existing	06/12/99		Over	X	C,S	
15	10300S State	COM	UDOT	under	existing	06/12/99		Over	X	C,S	
16	10600S State	Power	UDOT	att	07/06/98	06/12/99		att	X	C,S	
17	12300S-110W	COM	UDOT	Under	12/07/98	06/12/99		Under	X	C,S	
18	6300S-2000E	COM	UDOT	Over	07/30/98	06/12/99		Over	X	Will Not be Used	
19	7090S-1300E	COM	UDOT	Over	existing	06/12/99		Over	X	C,S	
20	7240S-900E	COM	UDOT	Over	existing	06/12/99		Over	X	C,S	
21	7720S-700E	COM	UDOT	Over	existing			Over	X	C, Will Not Be Used	
22	State St-N. Temple	COM	UDOT	Over	06/01/98	06/12/99		Over	X	Permit Acquired already - ok as planned - C, S	
23	State St-S. Temple	COM	UDOT	Over	06/02/98			Over	X	Will Not Be Used	
24	300E-S. Temple	COM	UDOT	Over	08/10/98	06/12/99		Over	X	Permit Acquired already - ok as planned - C, S	
25	50S-400E	COM	UDOT	Over	08/03/98	06/12/99		Over	X	Permit Acquired already - ok as planned - C, S	
26	90S-500E	COM	UDOT	Over	07/27/98	06/12/99		Over	X	Permit Acquired already - ok as planned - C, S	
27	9250S State	COM	UDOT	under	11/11/98	06/12/99		Under	X	C,S	
28	9730S State	COM	UDOT	Over	02/12/99	06/12/99		Over	X	C,S	
29	10600S State	COM	UDOT	under	11/19/98	06/12/99		Under	X	C,S	
30	3900S-1700E	COM	UDOT	Over	11/16/98	06/12/99		Over	X	C,S	
31	1300E-6330S	COM	UDOT	att	06/01/99	06/12/99		att	X	C,S	
32	12300S-740E	COM	UDOT	under	12/15/98	06/12/99		Under	X	C,S	
33	1300E-3345S	COM	UDOT	over	01/18/99	06/12/99		Over	X	C,S	

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CO. RECORDER

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