

19214

RIGHT OF WAY DEED

THIS INDENTURE, made this 16<sup>th</sup> day of October, 1973, between THE MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY, a Colorado corporation (herein called "GRANTOR") and AUTOMOTIVE PRODUCTS CORPORATION, a Utah corporation (herein called "GRANTEE");

W I T N E S S E T H:

WHEREAS, GRANTOR is the owner in fee of a substantial part of the East One Half of Block 29, Plat B, Provo City Survey, Utah County, Utah, and is engaged in the construction of certain improvements on its properties consisting of an addition to its existing telephone building and other related improvements; and

WHEREAS, GRANTEE is the owner of a parcel of property located in the West One Half of the aforesaid Block 29, Plat B, Provo City Survey, Utah County, Utah (herein called "GRANTEE'S PREMISES") more particularly described as follows:

Lot 3, Block 29, Plat B, excluding therefrom a parcel of property heretofore sold and conveyed to The Mountain States Telephone and Telegraph Company and described as follows:

Commencing at the Southeast Corner of Lot 3, Block 29, Plat "B", Provo City Survey of Building Lots, and running thence North along the East line of said Lot 3 a distance of 31.70 feet, more or less, to the South face of a wall of an existing brick building; thence West along the South face of said wall 33.00 feet; thence South 31.70 feet, more or less, to the South line of said Lot 3; thence East along said South lot line 33.00 feet to the point of beginning;

and

WHEREAS, GRANTEE'S premises have been served by a one rod right of way to First East Street over and across property owned by the GRANTOR; and

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WHEREAS, GRANTEE has relinquished and conveyed to GRANTOR all of GRANTEE'S right, title and interest in and to the said one rod right of way to First East Street as more particularly appears from the Partial Relinquishment of Right of Way executed and delivered by GRANTEE contemporaneously herewith; and

WHEREAS, it is necessary to provide GRANTEE with substitute access to GRANTEE'S PREMISES and the parties have agreed that the GRANTOR shall convey to the GRANTEE a right of way one rod in width extending North to Second North Street from an existing right of way owned by GRANTEE;

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, the GRANTOR hereby quit-claims to the GRANTEE a perpetual non-exclusive easement for roadway purposes to provide ingress and egress from Second North Street to the GRANTEE'S PREMISES over and across the following described tract of land:

Commencing at the intersection of the South line of Second North Street and the West line of an existing right of way, which point is the Northwest corner of Lot 6, Block 29, Plat B, Provo City Survey, and running thence South 12 rods more or less to the Southwest corner of Lot 7 of said Block 29; thence East 2 rods, thence North 30°00' West 33 feet to the East line of said 1 rod right of way thence North 169.42 feet more or less to the North line of said Block 29, thence West 1 rod to the point of beginning.

GRANTOR further agrees with GRANTEE that in the event the aforesaid easement be closed for any reason (excluding however, temporary interruption of use for construction purposes) that GRANTOR shall provide to GRANTEE a substitute right of way not less than one rod in width providing access to GRANTEE'S PREMISES to and from Second North Street or First East Street. In the event it be necessary to provide such substitute right of way, GRANTOR shall determine the location thereof based upon circumstances then existing.

IN WITNESS WHEREOF, GRANTOR has caused this instrument to be executed by its officers duly authorized the day and year first above written.

THE MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY

By W. C. [Signature]  
Its Vice President



[Signature]  
Assistant Secretary

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STATE OF COLORADO )  
CITY AND ) ss.  
COUNTY OF DENVER )

On the 16th day of October, 1973, personally appeared before me W. O. JACOBS, who being by me duly sworn, did say that he is the Vice President-Operations of THE MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY, and that said instrument was signed on behalf of said corporation by authority of its Bylaws, and said W. O. Jacobs duly acknowledged to me that said corporation executed the same.

My Commission expires July 24, 1976



*Janelle R. Schroeder*  
Notary Public  
Residing at Denver, Colorado

*855-91-2100  
Denver, Colorado*

1973 OCT 23 PM 3:13  
SIGNED BY: J. R. SCHROEDER  
NOTARY PUBLIC  
STATE OF COLORADO  
FR. 10/23/73  
ADR. 10/23/73  
T. 10/23/73  
S. 10/23/73

*Automated Transcripts Corp.*

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