

3680064

FENCE AND USE AGREEMENT

70
Edna Zimmerman
Hypene Harrison

REC'D
DEP
JUN 1 9 36 AM '92
Kirtley, McLaughlin, Beckwith

530 So. 300 E. #
Salt Lake City, UT 84111
KATIE L. DEKON
RECORDER
SALT LAKE COUNTY,
UTAH

CORPORATION OF THE PRESIDENT OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah Corporation Sole, hereinafter referred to as "Church", and ELEANOR S. ZIMMERMAN and CLIFFORD JOHN ZIMMERMAN, as Trustees of the Eleanor Grace Stephenson Zimmerman Family Living Trust, hereinafter referred to as "Zimmerman", hereby agree as follows:

WHEREAS, Zimmerman has a right-of-way over the property described in Exhibit "A" attached hereto and incorporated herein by reference, (the fee title of which is in the Church);

WHEREAS, the Church is the owner of the real property immediately to the North of said right-of-way;

WHEREAS, the Church desires to erect a barrier fence along the North line of said right-of-way from the West end of Zimmerman's building to Plum Alley;

WHEREAS, the parties acknowledge that construction of the fence exactly on the North right-of-way line will make truck access to Zimmerman's loading dock difficult;

WHEREAS, the Church is willing to locate the fence slightly off the line in order to accommodate Zimmerman's trucks.

IT IS THEREFORE AGREED THAT:

The Church will construct its fence slightly off the North line of the right-of-way. The parties hereby acknowledge that the fence is for the regulation of parking only and is not intended to describe or mark the boundary line between the Church parcel and Zimmerman's right-of-way. Zimmerman agrees that its use of any part of the Church's property is with the Church's express permission and that said permission may be revoked and the fence moved to the boundary line at any time. The parties agree that any use by Zimmerman of any Church property shall not be considered adverse and shall not expand Zimmerman's right-of-way. Zimmerman agrees to repair

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damage to the Church's fence or property caused by trucks delivering to the store.

EXECUTED this 14th day of May, 1982..

CORPORATION OF THE PRESIDENT OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole

By: Fred A Baker
Authorized Agent

ELEANOR GRACE STEPHENSON FAMILY LIVING TRUST

By: Eleanor S. Zimmerman
Eleanor S. Zimmerman
Trustee

By: Clifford John Zimmerman
Clifford John Zimmerman
Trustee

STATE OF UTAH)
: ss
COUNTY OF SALT LAKE)

On this 14th day of May, 1982, personally appeared before me Fred A. Baker, personally known to me to be the Authorized Agent of the Corporation of the President of The Church of Jesus Christ of Latter-day Saints, who acknowledged to me that he signed the foregoing instrument as Authorized Agent for the Corporation of the President of The Church of Jesus Christ of Latter-day Saints, and that the seal impressed on the within instrument is the seal of said corporation, and the said Fred A. Baker acknowledged to me that the said Corporation executed the same.

My commission expires:
October 9, 1982

Evelyn E. Halladay
Notary Public in and for the State of Utah

STATE OF UTAH)
: ss
COUNTY OF)

On this 13th day of March, 1982, personally appeared before me Eleanor S. Zimmerman and Clifford John Zimmerman, who being by me duly sworn did say, that they signed the foregoing instrument as Trustees for the Eleanor Grace Stephenson Family Living Trust, and that the within and foregoing instrument was signed in behalf of said Trust, and the said Eleanor S. Zimmerman and Clifford John Zimmerman each duly acknowledge to me that said Trust executed the same.

My commission expires:

4-1-84

Shirley Montgomery
Notary Public in and for the State of Utah
Residing at: Sandy, Utah

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EXHIBIT "A"

BEGINNING at a point located 38.78 feet South $0^{\circ}03'21''$ West, along the East block line, and North $89^{\circ}51'15''$ West 201.69 feet from the Northeast corner of Lot 1, Block 70, Plat "A", Salt Lake City Survey, and running thence North $89^{\circ}51'15''$ West 33.31 feet to the East right-of-way line of Plum Alley; thence South $0^{\circ}03'21''$ West 72.319 feet along said East right-of-way line; thence South $89^{\circ}51'50''$ East 53.50 feet; thence North $0^{\circ}03'21''$ East 11.62 feet; thence North $89^{\circ}52'48''$ West 14.16 feet to an overhead ramp; thence along the Eastern projection of said overhead ramp along a 46.00 feet curve to the left 33.92 feet (long chord bears North $10^{\circ}25'12''$ West 33.158 ft.); thence North $0^{\circ}03'21''$ East 28.10 feet to the point of BEGINNING.

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