

E 2301006 B 4354 P 1043-1052
RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
08/27/2007 02:28 PM
FEE \$0.00 Pgs: 10
DEP RTT REC'D FOR UTAH TRANSIT AUTHORITY

When Recorded Mail To:

Sandra Allen
168 North 1950 West 1st Floor
Salt Lake City UT 84116

In the Matter of:
Utah Transit Authority
Surface Passenger Rail Transportation Corridor
Davis County

Second Amendment to Agreement, Grant of Access to DEQ, and
Covenants Not to Sue Utah Transit Authority

Pertains to that certain property described in Exhibits "4" and "5"
incorporated herein by this reference.

STATE OF UTAH
DEPARTMENT OF ENVIRONMENTAL QUALITY

<p>IN THE MATTER OF:</p> <p>UTAH TRANSIT AUTHORITY Surface Passenger Rail Transportation Corridor</p>	<p>SECOND AMENDMENT TO AGREEMENT, GRANT OF ACCESS TO DEQ AND COVENANTS NOT TO SUE UTAH TRANSIT AUTHORITY</p>
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I. AMENDMENT

This Second Amendment to Agreement, Grant of Access to DEQ and Covenants Not To Sue Utah Transit Authority (the "Second Amendment") amends the Amendment to Agreement, Grant of Access to DEQ, and Covenants Not to Sue Utah Transit Authority (the "Amendment to Agreement") recorded in Davis County on October 3, 2005, as Entry 2110746 Book 3883, Pages 775-801, which amended the Agreement, Grant of Access to DEQ and Covenant Not to Sue Utah Transit, recorded in Davis County on April 16, 2002, as Entry 1746062, book 3026, Pages 292-337 (the "Agreement"). This Second Amendment amends the Agreement by incorporating into the Agreement Exhibit "4," constituting the legal description and site map depicting property to be acquired by Utah Transit Authority ("UTA") from General Electric Company (the "G.E. Property") and Exhibit "5" constituting the legal description and site map depicting property to be acquired from the Bonnie Bettilyon Barry Trust (the "Bettilyon Property"). The site maps depict additions to the UTA commuter/light rail right-of-way generally described in the Amended Exhibit "3" attached to The Amendment to Agreement. Exhibit "3" is not attached to this Second Amendment, but has been maintained in both hard copy and compact disc form by the State of Utah, Department of Environmental Quality with the recorded Amendment to Agreement.

II. THE AGREEMENT

Except as set forth above, the terms of The Agreement and Amendment To Agreement are unchanged and remain in full force and effect and are binding on, and grant rights to, the parties hereto as set forth in the Agreement and Amendment to Agreement.

III. PURPOSE


In 2002, when UTA was completing the purchase of the Property for the construction of its commuter/light rail right-of-way from the Union Pacific Railroad ("UPRR"), the best available description of properties that UTA was purchasing from UPRR, and were therefore included within the purview of The Agreement, were generally found by UPRR Railroad Valuation Maps and/or mile posts, not by a final survey. The UPRR Valuation Maps describe property in pictorial terms and in a scale that made definition of property lines difficult for the design and construction of facilities such as UTA's commuter/light rail system.

Since the execution of The Agreement, and the Amendment To Agreement UTA has continued to progress with the design of its commuter/light rail system. Ongoing design required that UTA acquire additional slivers of property from UPRR, as described in the Amendment to Agreement.

UTA has completed its engineering design of the commuter/light rail track alignment within the UTA corridor in Davis County. Such survey has shown that some properties in addition to the right-of-way acquired from UPRR are necessary to properly align the UTA commuter/light rail tracks within the right-of-way. Exhibit "4" and Exhibit "5" describe additional slivers of Property to be acquired by UTA for the construction of its commuter/light rail system in Davis County.

IT IS SO AGREED:

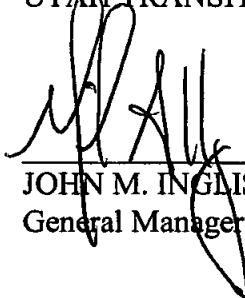
STATE OF UTAH, DEPARTMENT OF ENVIRONMENTAL QUALITY BY:



DIANNE R. NIELSON, Ph.D.
Executive Director


Dated: 5/22/06

UTAH TRANSIT AUTHORITY:



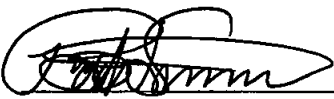
AGM
JOHN M. ENGLISH
General Manager

Dated: 6/2/06



KENNETH D. MONTAGUE, JR.
Director of Finance and Administration

Dated: 6/1/06

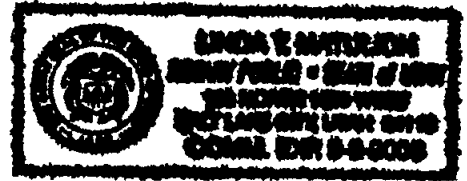


BART W. SIMMONS, ESQ.
General Counsel's Office
Utah Transit Authority

Dated: 6-1-06

ACKNOWLEDGMENTS

STATE OF UTAH)
 : ss.
COUNTY OF Salt Lake)



On May 22, 2006, before me, Dianne B. Nielsen, personally appeared Dianne R. Nielsen, Ph.D., personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person or the entity on behalf of which the person acted executed the instrument.

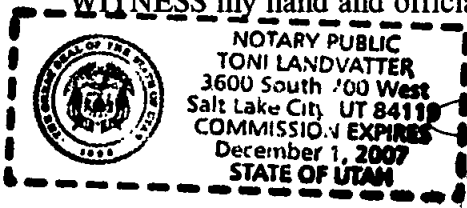
WITNESS my hand and official seal.

Dianne B. Nielsen
Notary Public

STATE OF UTAH)
 : ss
COUNTY OF Salt Lake)

On 6/27/06, 2006, before me, Toni Landvatter, personally appeared Michael Allegro ~~John M. English~~, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person or the entity on behalf of which the person acted executed the instrument.


WITNESS my hand and official seal.

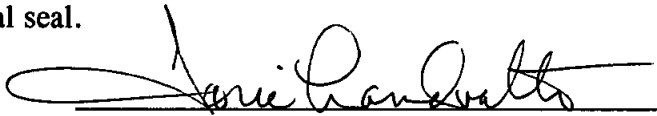


Toni Landvatter
Notary Public

STATE OF UTAH)
 : ss
COUNTY OF Salt Lake)

On June 1, 2006, before me, Toni Landvatter, personally appeared Kenneth D. Montague, Jr., personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person or the entity on behalf of which the person acted executed the instrument.

WITNESS my hand and official seal.

NOTARY PUBLIC
TONI LANDVATTER
3600 South 700 West
Salt Lake City, UT 84119
COMMISSION EXPIRES
December 1, 2007
STATE OF UTAH


Notary Public

STATE OF UTAH)
 : ss
COUNTY OF Salt Lake)

On June 1, 2006, before me, Toni Landvatter, personally appeared Bart W. Simmons, Esq. personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person or the entity on behalf of which the person acted executed the instrument.

WITNESS my hand and official seal.


NOTARY PUBLIC
TONI LANDVATTER
3600 South 700 West
Salt Lake City, UT 84119
COMMISSION EXPIRES
December 1, 2007
STATE OF UTAH

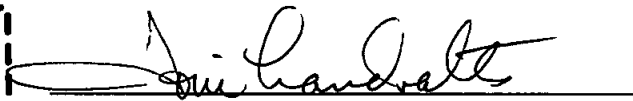

Notary Public

EXHIBIT "4"

Parcel #06-094-0023

BEG AT A PT 14.02 FT S & 9.94 FT W FR NW COR OF SEC 1-1N-R1W SLM AS SET BY DAVIS CO SURVEY SEPT 1961 & N 89°52' E 13.62 FT FR SD NW COR; TH N 14°34' E 603.76 FT; TH S 89°52' W 201.52 FT TO A PT OF 35.34 FT RAD CURVE TO LEFT; TH 27.76 FT AROUND CURVE TO A PT OF 50 FT RAD REVERSE CURVE TO RIGHT; TH 117.82 FT AROUND CURVE TO THE TRUE POB; TH CONTINUING ALG SD CURVE 117.80 FT TO A PT OF A 35.34 FT RAD REVERSE CURVE TO LEFT; TH 27.76 FT AROUND CURVE TO A PT OF TANGENCY; TH N 89°52' E 214.64 FT; TH N 14°34' E 559.35 FT TO A PT 16 FT S'LY MEASURED AT RIGHT ANGLES FR CENTER LN OF OSL SPUR TRACK; TH N 88°54' W 137.35 FT PARALLEL TO & 16 FT S'LY MEASURED AT RIGHT ANGLES TO SD SPUR TRACK TO A PT OF 271.94 FT RAD CURVE TO LEFT; TH 292.89 FT AROUND CURVE PARALLEL & 16 FT S'LY MEASURED AT RIGHT ANGLES TO SD TRACK; TH S 14°34' W 445.44 FT PARALLEL TO & 50 FT E'LY MEASURED AT RIGHT ANGLES FR CENTER LINE OF OSL RR CO. WESTBOUND MAIN LINE TRACK; TH N 89°52' E 26.02 FT TO POB. CONT. 4.114 ACRES.

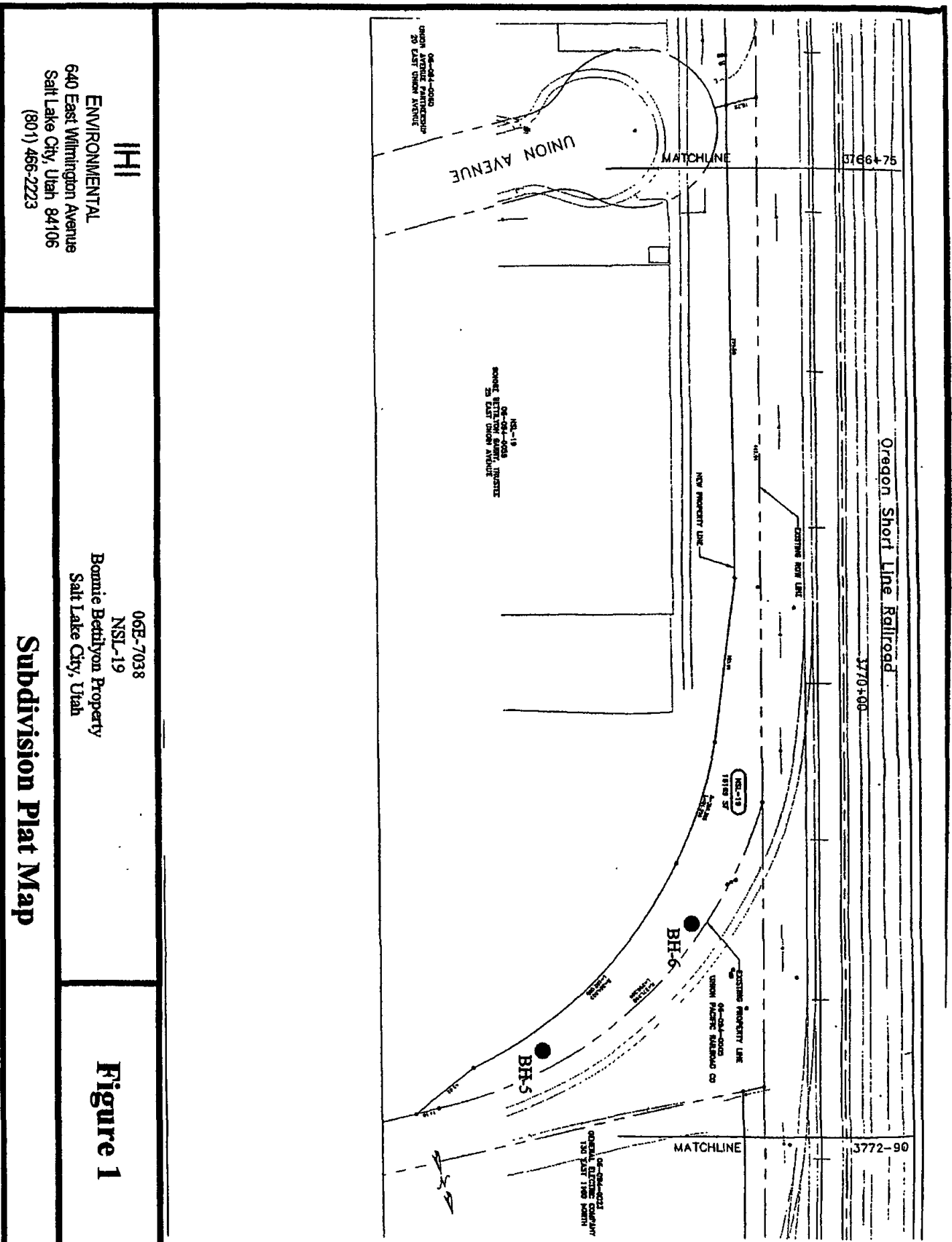
EXHIBIT "5"

Parcel #06-094-0059

A PARCEL OF LAND IN FEE FOR THE "WEBER COUNTY TO SALT LAKE COMMUTER RAIL", A UTAH TRANSIT AUTHORITY PROJECT, BEING PART OF THE GRANTOR'S PROPERTY DEFINED IN THAT CERTAIN WARRANTY DEED, RECORDED APRIL 12, 1971, AS ENTRY 349834, BOOK 453, PAGE 642, AND SITUATE IN THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 2 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY RIGHT OF WAY LINE OF THE OREGON SHORT LINE RAILROAD, AND AT THE SOUTHWEST CORNER OF GRANTOR'S PROPERTY, AND NORTH 87°55'32" WEST 256.33 FEET ALONG THE SECTION LINE TO SAID EASTERLY RIGHT OF WAY LINE AND NORTH 14°38'16" EAST 1203.42 FEET ALONG SAID EASTERLY RIGHT OF WAY LINE FROM THE SOUTHWEST CORNER OF SAID SECTION 36, AS SET BY THE DAVIS COUNTY SURVEYOR ON SEPTEMBER 25, 1961; THENCE NORTH 14°38'16" EAST 687.82 FEET ALONG SAID EASTERLY RIGHT OF WAY LINE TO THE SOUTH LINE OF 1100 NORTH STREET; THENCE SOUTH 89°52'39" EAST 39.19 FEET ALONG SAID SOUTH LINE; THENCE SOUTH 14°38'16" WEST 28.53 FEET; THENCE NORTH 75°21'44" WEST 23.73 FEET; THENCE SOUTH 15°10'51" WEST 331.82 FEET; THENCE SOUTH 14°22'12" WEST 334.31 FEET TO THE GRANTOR'S SOUTH PROPERTY LINE; THENCE NORTH 88°44'39" WEST 12.98 FEET ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PART OF THE GRANTOR'S PROPERTY CONTAINS 9068 SQUARE FEET OR 0.208 ACRES



IHI
ENVIRONMENTAL
 640 East Wilmington Avenue
 Salt Lake City, Utah 84106
 (801) 466-2223

06E-7038
 NSL-19
 Bonnie Bethlyon Property
 Salt Lake City, Utah

Subdivision Plat Map

Figure 1