

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

10/12/2000 03:08 PM NO FEE
Book - 8393 Pg - 9264-9267
NANCY WORKMAN
RECORDER, SALT LAKE COUNTY, UTAH
SL CITY RECORDER
BY: ZJM, DEPUTY - WI 4 P.

RECORDED

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,

7737465

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: 7-24-00
- 2. By: [Signature]
Title: I-15 Project Technical Support Administrator
Date: 7/27/00

APPROVED:

By: [Signature]
Title: I-15 Project Deputy Director
Date: 7/28/00

APPROVED AS TO VALIDITY
Salt Lake City July 28, 2000
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.

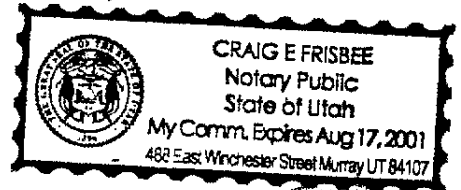
[Signature]
NOTARY PUBLIC, residing in Salt Lake County, Utah

My commission expires: August 17, 2001

RECORDED

OCT 04 2000

SALT LAKE CITY CORPORATION



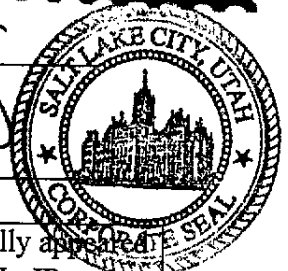
ATTEST AND COUNTERSIGN:

CITY RECORDER

By: [Signature]
Title: ~~Chief~~ Deputy City Recorder
Date: 10-4-00

APPROVED:

By: [Signature]
Title: Public Utilities Director
Date: 9.27.00

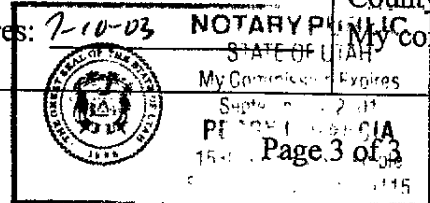
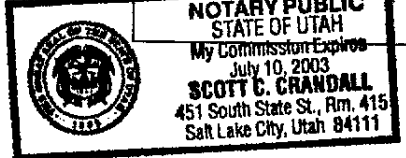


On OCT 04 2000, personally appeared before me Beverly Jones who, being by me duly sworn, did say that he is the ~~Chief~~ DEPUTY CITY RECORDER, of SALT LAKE CITY CORPORATION, and said person acknowledged to me that said corporation executed the same.
[Signature]
NOTARY PUBLIC, residing in Salt Lake County, Utah

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: 7-10-03

My commission expires: _____



BK8393PG9266

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 COM/POW | Resp Owner | Requested over/und/att | Date to Cons existing | Plans Sub Date | Date Plans OK | Final over/und/att | Const. Final =X | Permit Compltd | Comments (C=conduit installed, S=String pulled, Com=Com wire installed) |
|-----|-----------------------|-----------------|---------------|---------------------------|-----------------------------|-------------------|------------------|-----------------------|--------------------|-------------------|--|
| 1 | 1300S-1150E | COM | UDOT | under | existing | 06/12/99 | | Over | X | | C,S |
| 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 | 06/01/98 | 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 Holladay-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 | | | 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 | Under | | | | | | | Will Not be Used |
| 19 | 7090S-1300E | COM | UDOT | Over | 07/30/98 | 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 | 10900S State | COM | UDOT | under | 11/19/98 | 06/12/99 | | Under | X | | C,S |
| 30 | 3900S-1700E | COM | UDOT | Over | 11/18/98 | 06/12/99 | | Over | X | | C,S |
| 31 | 1300E-6330S | COM | UDOT | att | 06/01/99 | 06/12/99 | | att | X | | |
| 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 |

HIGHLIGHTED AREA-POOR COPY
CO. RECORDER

BK 8393 PG 9267