



ENT 113746:2019 PG 1 of 5  
 JEFFERY SMITH  
 UTAH COUNTY RECORDER  
 2019 Nov 01 1:41 pm FEE 0.00 BY MA  
 RECORDED FOR UDOT

WHEN RECORDED MAIL TO:  
 Utah Department of Transportation  
 Right of Way – 4<sup>th</sup> Floor  
 4501 South 2700 West  
 BOX 148420  
 Salt Lake City UT 84119-8420

**PERMANENT EASEMENT**  
 UTAH COUNTY

Tax ID No. N/A  
 Pin No.:10810  
 Project No.:S-R399(139)  
 Parcel No.:R-399:4:X

THIS Permanent Easement is made as of the 30<sup>th</sup> day of October, 2019, between UNION PACIFIC RAILROAD COMPANY, a Delaware corporation, 1400 Douglas Street, Omaha, Nebraska 68179 ("Grantor"), and UTAH DEPARTMENT OF TRANSPORTATION, a political subdivision of the State of Utah, at 4501 South 2700 West, Salt Lake City, Utah 84114 ("Grantee").

The Grantor for and in consideration of Eighty Six Thousand Dollars (\$86,000.00) to it paid by Grantee, the receipt whereof is hereby confessed and acknowledged, does hereby grant unto Grantee, and unto its successors and assigns an EASEMENT, on, across and over the property (hereinafter the "Property") situated in Utah County, State of Utah, as more particularly described in **Exhibit A**, hereto attached and hereby made a part hereof, together with the right of ingress and egress to and from the Property for the purpose of exercising the rights herein granted for the purpose of constructing, using, maintaining, repairing and renewing an at-grade public highway crossing for Highway SR-176 at Grantor's Milepost 760.09 (USDOT No. 806944V) on Grantor's Provo Industrial Lead.

The Easement granted herein is for highway purposes only. Without any limitation of the foregoing, this grant does not include the right to install utilities of any nature, including, without limitation, fiber optic, cable television, electrical, gas or liquid distribution, and telephone lines.

RESERVING, however, unto the Grantor, its successors and assigns, the right to construct at any and all times and to maintain railroad tracks, track appurtenances, fiber optic or signal lines and facilities, pipe, telephone, and electric pole and wire lines, over, under and across the Property, but in such a way as to not interfere with Grantee's use of the Property for the purposes specified in this Easement; it being understood that the rights so reserved unto Grantor, its successors and assigns, are retained along with the general right of Grantor, its successors and assigns, to the use of the Property for any purpose not inconsistent with Grantee's use of the Property, for the purposes herein defined, including, but not limited to any and all general railroad purposes.

Pin No.:10810  
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The parties entered into a separate Construction and Maintenance Agreement dated 10/27/2016 for the highway project.

This Easement is also made SUBJECT to all outstanding leases, licenses and other outstanding rights, including, but not limited to, those for pipe, telephone, electric and fiber optic lines and the right of renewals and extensions of the same, and subject also to all conditions, limitation, restrictions, encumbrances, reservations or interests of any person which may affect the Property, whether recorded or unrecorded.

This Easement is also limited to such rights as Grantor may have in the Property and is granted without warranty, express or implied. No damages shall be recoverable from Grantor because of any dispossession of Grantee or because of failure of, or defect in, Grantor's title.

It is expressly made a condition of this Easement that if Grantee, its successors or assigns, shall abandon the Property or any portion of the Property pursuant to Utah Code Ann. Section 72-5-105, for the purposes of this Easement, the rights herein granted shall cease and terminate with respect to the portion of the Property so abandoned, and the title to the Property shall be freed from the burden of this Easement.

Pin No.:10810  
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ACKNOWLEDGEMENT

STATE OF NEBRASKA )

Daniel A. Leis  
Senior Director of Real Estate  
DANIEL A. LEIS

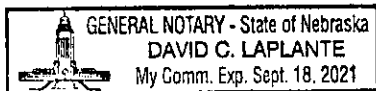
) ss.

COUNTY OF DOUGLAS )

Ben Kobat  
Assistant Secretary

On this 18<sup>th</sup> day of October, 2019, before me, David C. LaPlante Notary Public in and for said County and State, personally appeared Dan Leis and Ben Kobat who are the General Director of Real Estate and the Assistant Secretary, respectively, of Union Pacific Railroad Company, a Delaware corporation, and who are personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to in the within instrument, and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

WITNESS my hand and official stamp



David C. LaPlante  
Notary Public

Pin No.:10810  
Project No.:S-R399(139)  
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**IN WITNESS WHEREOF**, said UTAH DEPARTMENT OF TRANSPORTATION has caused this instrument to be executed this 30<sup>th</sup> day of October, A.D. 20 19, by its Director of Right of Way.

STATE OF UTAH                    )  
  ) ss.  
COUNTY OF SALT LAKE        )

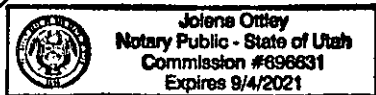
UTAH DEPARTMENT OF TRANSPORTATION

By *Charles Stormont*  
Charles Stormont, Director of Right of Way

On the date first above written personally appeared before me, Charles Stormont, who, being by me duly sworn, did say that he is the Director of Right of Way, and he further acknowledged to me that said instrument was signed by him in behalf of said UTAH DEPARTMENT OF TRANSPORTATION.

**WITNESS** my hand and official stamp the date in this certificate first above written.

*Jolene Ottley*



**EXHIBIT "A"**

PIN No.10810  
Project No. S-R399(139)

Parcel No. R399:4:X

DESCRIPTION OF THAT PORTION OF THE UNION PACIFIC RAILROAD COMPANY RIGHT OF WAY REQUIRED FOR THE CONSTRUCTION OF AN AT-GRADE RAILROAD CROSSING AND APPURTENANT PARTS THEREOF INCIDENT TO THE CONSTRUCTION OF THE VINEYARD CONNECTOR KNOWN AS PROJECT NO. S-R399(139), IN UTAH COUNTY, UTAH.

A parcel of land situate in the SE1/4 NE1/4 and the NE1/4 SE1/4 of Section 8, T.6S., R.2E., S.L.B.&M., Utah County, State of Utah. The boundaries of said parcel of land are described as follows:

Beginning at a point in the existing easterly right of way line the Union Pacific Railroad at a point 33.00 feet perpendicularly distant easterly from the centerline of the track, said point being 2600.47 feet N.0°47'43"W along the Section line and 216.38 feet WEST from the southeast corner of said Section 8; and running thence WEST 16.40 feet; thence N.71°14'29"W. 55.61 feet; thence N.89°31'18"W. 67.70 feet to the existing westerly right of way line the Union Pacific Railroad at a point 100.00 feet perpendicularly distant westerly from the centerline of the track; thence N.07°46'55"W. 38.36 feet along said westerly right of way line parallel with said centerline of track to the north line of the SE1/4 of said Section 8; thence N.89°27'50"E. 67.54 feet along said north line to the existing westerly right of way line of the Union Pacific Railroad at a point 33.00 feet perpendicularly distant westerly from the centerline of the track, thence N.07°46'55"W. 142.37 feet along said westerly right of way line; parallel with said centerline of track; thence N.80°28'49"E. 66.03 feet to the existing easterly right of way line the Union Pacific Railroad at a point 33.00 feet perpendicularly distant easterly from the centerline of the track; thence S.07°46'55"E. 211.01 feet along said easterly right of way line parallel with said centerline of track to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation.

The above described part of an entire tract contains 15,724 square feet in area or 0.361 acre.

Prepared by DJH 6/24/2015 (Horrocks Engineers) 1<sup>st</sup> Supplemental  
Revised by DJH 10/29/2015 (Horrocks Engineers)  
Revised by DJH 12/08/2015 (Horrocks Engineers)