

1349671

Recorded NOV 4 1953 at 9:44 a. m.  
Request of Ray Guinness Nebaker  
Fee Paid. Harold Thorpe Chase,  
Recorder, Salt Lake County, Utah  
\$ 3.00 By RR Leggett Deputy  
Book 1043 Page 32 Ref. 921 Kearns Bldg

C O N S E N T   A N D   W A I V E R

For and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration paid by HANSEN HOMES, INC., a corporation, to PRUDENTIAL FEDERAL SAVINGS AND LOAN ASSOCIATION, a corporation, receipt of such payment by the latter being hereby acknowledged, said Prudential Savings and Loan Association does hereby consent to the granting by said Hansen Homes, Inc. of an easement, commonly called a smoke easement, to American Smelting and Refining Company, a corporation, upon and over the land in Salt Lake County, State of Utah, described as follows:

Lots 20 to 39 inclusive of LAKE RIDGE SUBDIVISION, according to the plat thereof on file in the records of the County Recorder of Salt Lake County, State of Utah.

And said Prudential Federal Savings and Loan Association does hereby waive any objections it might have to the imposition of said easement upon the lands hereinabove described and agrees for the benefit of said American Smelting and Refining Company that said easement shall operate and have effect as though executed by Hansen Homes, Inc., and recorded prior in date to those certain mortgages executed by Hansen Homes, Inc., on May 26, 1953, in favor of said Prudential Federal Savings and Loan Association on said Lots 25 to 34 inclusive, of said Lake Ridge Subdivision, and recorded on May 29, 1953, in Book 1010 at pages 616 to 643, inclusive, and on October 26, 1953, on said lots 20 to 25 inclusive and 35 to 39 inclusive of said Lake Ridge Subdivision and recorded October 30, 1953 in Book 1044 at pages 92, 94, 96, 98, 100, 102, 104, 106, 108 and 110 respectively of Official Records.

Said easement is specifically referred to and described as follows.

GRANT OF EASEMENT

HANSEN HOMES, INC., a corporation of the State of Utah, Grantor, hereby represents that it is the owner, free and clear of all encumbrances, of that certain parcel of land lying in Salt Lake County, State of Utah, and particularly described as follows:

All of the Lake Ridge Subdivision, consisting of Lots 1 to 91, inclusive, which is located in the West half of Section 28, Township 1 South, Range 2 West, Salt Lake Base and Meridian.

For and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, Grantor hereby grants to American Smelting and Refining Company, a corporation of the State of New Jersey, and to Kennecott Copper Corporation, a corporation of the State of New York, and to Western Phosphates, Inc., a corporation of the State of Delaware, and to their, and each of their successors and assigns, a perpetual easement and right to at any and all times discharge over and upon the above described land through the medium of the air, such dust, smoke, fumes, cinders, or other matter as may be released or thrown off by or in the course of the operation of any and all smelters, plants, refineries, or other industrial installations now or hereafter constructed, maintained, or operated by American Smelting and Refining Company, Kennecott Copper Corporation or Western Phosphates, Inc., their successors and assigns, within the counties of Salt Lake or Tooele, State of Utah.

Grantor agrees that the right and easement hereby granted shall be perpetual and permanent, and that the Grantor, its successors and assigns, will not in the future make or assert any claim, directly or indirectly, against American Smelting and Refining Company, Kennecott Copper Corporation or Western Phosphates, Inc., their and each of their successors and assigns, by reason of the discharge over or upon said land of dust, smoke, fumes, cinders or other matter which may be released or thrown off by or in the course of the operation of any smelting plant, concentrating plant, refinery or other industrial installation operated or maintained by American Smelting and Refining Company, or Kennecott Copper Corporation, or Western Phosphates, Inc., their successors or assigns, within the counties of Salt Lake or Tooele, State of Utah, as said counties are now established.

Grantees, in the enjoyment of the easement hereby granted, shall have the right at reasonable times, and from time to time, to go upon the property covered hereby for the purpose of observing and inspecting vegetation, animals and personal property not located in any dwelling.

This easement and right is strictly excepted and reserved unto the American Smelting and Refining Company, Kennecott Copper Corporation, Western Phosphates, Inc., and their, and each of their, successors and assigns, and is intended to attach to and adhere to the land and be binding upon the Grantor, its successors and assigns.

IN WITNESS WHEREOF, the Grantor has caused this Grant of Easement to be executed by its duly authorized officers the 30 day of October, 1953.

HANSEN HOMES, INC.

By N. H. Hansen  
GRANTOR

Attest:

Angeline W. Hansen  
Secretary

IN WITNESS WHEREOF, Prudential Federal Savings and Loan

Association has caused this Consent and Waiver to be executed by its duly authorized officers the 4<sup>th</sup> day of November, 1953.

PRUDENTIAL FEDERAL SAVINGS AND LOAN ASSOCIATION

By Robert E. Doidge  
its

H. M. Calvert  
Secretary  
Treasurer

STATE OF UTAH )  
COUNTY OF SALT LAKE ) s.

On the 4<sup>th</sup> day of November, 1953, personally appeared before me Robert E. Doidge and H. M. Calvert, who being by me first duly sworn on oath did say: That they are Vice President and Treasurer of Prudential Federal Savings and Loan Association, and the foregoing Consent and Waiver was signed in behalf of said corporation by resolution of its Board of Directors, and the said Robert E. Doidge and H. M. Calvert acknowledged to me that said corporation executed the same.

William S. Doolittle Notary Public  
residing at Salt Lake City, Utah 4/6/54