



RECORDING REQUESTED BY: UDOT Tax ID No. N/A  
And When Recorded Mail to:

Parcel No. 399:101  
Project No. S-R399(269)  
PIN No. 15138

Utah Department of Transportation  
Right of Way – Fourth Floor  
4501 South 2700 West  
Box 148420  
Salt Lake City, UT 84119-8420

ENT 27444:2020 PG 1 of 4  
JEFFERY SMITH  
UTAH COUNTY RECORDER  
2020 Mar 03 11:15 am FEE 0.00 BY NA  
RECORDED FOR UDOT

**AERIAL EASEMENT**

THIS Aerial Easement is made as of the 18<sup>th</sup> day of February, 2020, 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, 4501 South 2700 West, Salt Lake City, Utah 84114 ("Grantee").

The Grantor for and in consideration of the sum of \$177,400, 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 AERIAL EASEMENT, on, along 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, widening, maintaining, repairing and renewing an overpass grade separation structure that will carry highway traffic over Grantor's railroad trackage and property at Grantor's Milepost 706.09 (DOT No. 973813Y) on Grantor's Provo Subdivision.

The Aerial Easement herein granted is for highway and related appurtenances. Without any limitation of the foregoing, this grant does not include the right to install any non-Grantee owned 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 inconsistent with Grantee's use of the Property, for the purposes herein defined, including, but not limited to any and all general railroad purposes.

This Aerial Easement is also made SUBJECT to the terms and conditions contained in the separate Construction and Maintenance Agreement dated January 19<sup>th</sup> 2020, as signed by Grantor and the Utah Department of Transportation, and 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.

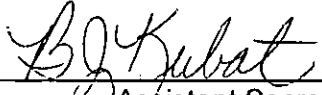
This Aerial Easement is also limited to such rights as Grantor may have in the Property and is granted without warranty, express or implied. No damages will be recoverable from Grantor because of any dispossession of Grantee or because of failure of, or defect in, Grantor's title.

It is expressly made a condition of this Aerial 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.

IN WITNESS WHEREOF, Grantor has caused this deed to be duly executed as of the date first herein written.

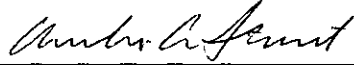
Attest:

UNION PACIFIC RAILROAD COMPANY

  
\_\_\_\_\_  
Assistant Secretary  
(Seal)

  
\_\_\_\_\_  
Title: DANIEL A. LEIS  
GENERAL DIRECTOR REAL ESTATE

UTAH DEPARTMENT  
OF TRANSPORTATION

  
\_\_\_\_\_  
By: Charles A. Stormont,  
Director of Right-of-Way

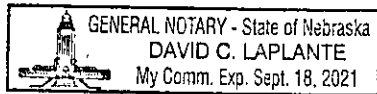
ACKNOWLEDGMENT

STATE OF NEBRASKA )  
( ) ss.  
COUNTY OF DOUGLAS )

On January 29<sup>th</sup>, 2020, before me, a Notary Public in and for said County and State, personally appeared Daniel Laiss and Beverly Kobat who are the General Director 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 acknowledge 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 the behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seal.

David C. Laplante  
Notary Public



(Seal)

ACKNOWLEDGMENT

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

The foregoing instrument was acknowledged on this 18<sup>th</sup> day of February 2020, before me, Notary Public Jolene Ottley duly commissioned, qualified and acting, within and for said County and State, by Charles A. Sterment to me personally known, who stated that he/she is the Director of Right of Way of State of Utah, Department of Transportation, and that he/she is duly authorized in his/her capacity to execute the foregoing instrument for and in the name of said entity, and further stated and acknowledged that he/she had so signed, executed and delivered said foregoing instrument for the consideration, uses and purposes therein mentioned and set forth.

Jolene Ottley  
Notary Public

My Commission Expires:

9/4/2021



# Exhibit A

## LEGAL DESCRIPTION for AERIAL EASEMENT

Pin No. 15138  
Project No. S-R399(269)  
Parcel No. 399:101:EX

DESCRIPTION OF THAT PORTION OF THE UNION PACIFIC RAILROAD COMPANY  
RIGHT-OF-WAY REQUIRED FOR THE CONSTRUCTION OF A PEDESTRIAN  
OVERPASS INCIDENT TO THE CONSTRUCTION OF A PEDESTRIAN BRIDGE  
KNOWN AS PROJECT No. S-R399(269)

A perpetual easement, upon part of an entire tract of property, situate in the NE1/4 SW1/4 and the NW1/4 SE1/4 of Section 21, Township 6 South, Range 2 East, Salt Lake Base and Meridian in Utah County, Utah. The boundaries of said perpetual easement are described as follows:

Beginning at a point in the southwesterly right of way line of said Union Pacific Railroad Company at Mile Post 706.15 (Provo Sub), and Mile Post 757.72 (Provo Ind. Ld.), which point is 3919.17 feet S.00°40'55"E. along the quarter section line and 164.89 feet S.89°19'05"W. from the North Quarter Corner of said Section 21, said point is also 25.00 feet radially distant southeasterly from the Utah Valley University Pedestrian Bridge Right of Way Control Line opposite engineer station 1+70.26; and running thence along said southwesterly right of way line of Union Pacific Railroad Company N.29°58'26"W. 50.04 feet to the beginning of a 2425.00 foot radius non-tangent curve to the right; thence northeasterly along the arc of said curve concentric with control line 182.64 feet through a delta of 04°18'55" (Note: Chord to said curve bears N.64°32'54"E. for a distance of 182.60 feet) to the northeasterly right of way line of Union Pacific Railroad Company; thence S.28°49'17"E. 50.24 feet coincident with said northeasterly right of way line to the beginning of a 2375.00 foot radius non-tangent curve to the left; thence southwesterly along the arc of said curve concentric with control line 181.65 feet through a delta of 04°22'56" (Note: Chord to said curve bears S.64°37'54"W. for a distance of 181.61 feet) to the point of beginning. The above described perpetual easement contains 0.209 acres, more or less.

Prepared By: Psomas (TM)  
Checked By: Psomas (CEA)  
Date: 1/16/2019