

31301

EASEMENT AND AGREEMENT

THIS AGREEMENT made and entered into this 27 day of September, 1983, by and between OLIVE GILLISPIE HAUETER, also known as OLIVE J. GILLISPIE, hereinafter referred to as the Grantor and PROVO CITY CORPORATION, a municipal corporation of the State of Utah, hereinafter referred to as the Grantee;

W I T N E S S E T H:

THAT WHEREAS, the Grantor and her now deceased husband, WILFORD S. GILLISPIE, on the 13th of April, 1964, granted to the Grantee an easement for the purpose of installing a city culinary water line, which easement was recorded as Entry No. 7299 on May 14, 1964 and is now recorded in Book 973 at Page 62 and 63, and

WHEREAS, the said water line was actually installed in property of the Grantor other than that described, and

WHEREAS, the parties have agreed to substitute a new easement for the old easement.

NOW, THEREFORE, for One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor hereinabove conveys, transfers and sells to Provo City, the Grantee, a permanent easement and right-of-way for the purpose of installing and maintaining therein culinary water lines, and the further right to remove trees, bushes, undergrowth and other obstructions interfering with the location, construction and/or maintenance of said utilities. The right-of-way and easement granted herewith is located in Utah County, State of Utah, more particularly described as:

Permanent 10 Foot Wide Easement

Commencing at a point South 9 degrees 40'40" West 45.44 feet along the East Right-of-Way line of University Avenue, Provo, Utah, from a State R.O.W. Monument at Station 190+00 of said

roadway. The Point of Beginning is North 54.64 feet and East 237.70 feet from the West Quarter Corner of Section 18, T6S, R3E, Salt Lake Meridian; thence North 9 degrees 40'40" East 10.14 feet; thence North 89 degrees 59'10" East 158.83 feet more or less to the West Line of Bigler Estates, Plat A, Utah County, Utah; thence South 2 degrees 56'45" West 10.01 feet; thence South 89 degrees 59'10" West 160.02 feet more or less to the Point of Beginning.

Area equals 0.037 acres.

ALSO: a temporary 15 foot wide construction easement:

Commencing at a point South 9 degrees 40'40" West 35.30 feet along the East Right-of-Way line of University Avenue, Provo, Utah, from a State R.O.W. Monument at Station 190+00 of said Roadway. The point of beginning is North 64.64 feet and east 239.41 feet from the West Quarter Corner of Section 18, T6S, R3E, Salt Lake Meridian; thence North 9 degrees 40'40" East 15.22 feet; thence North 89 degrees 59'10" East 157.05 feet more or less to the west line of Bigler Estates, Plat A, Utah County, Utah; thence South 2 degrees 56'45" West 15.02 feet; thence South 89 degrees 59'10" West 158.83 feet more or less to the Point of Beginning.

Area equals 0.054 Acres.

As consideration of the above, the Grantee city hereby cancels and vacates that certain easement recorded as Entry No. 7299 in 1964, recorded in Book 973 at Pages 62 and 63 across the following described property in Utah County, State of Utah.

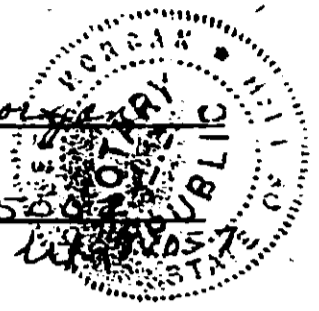
A permanent easement of ten (10) feet from a Provo City culinary water line. The right-of-way to be five (5) feet wide on each side of the following described center line:

Beginning at a point on the east boundary of the D & R G W R.R. right-of-way, which point is also the west boundary of the grantors' property, said

signers of the foregoing instrument, who duly acknowledged to me that she executed the same.

Dolleen Morgan
NOTARY PUBLIC

Residing at: 910 So. 500
Orem, Utah



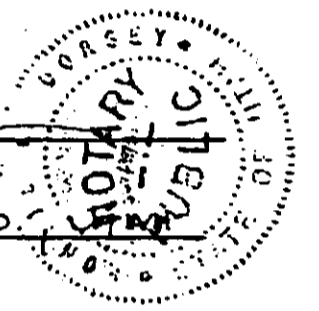
My Commission Expires:
2-9-86

STATE OF UTAH,)
) : ss.
COUNTY OF UTAH.)

On this 27 day of September, 1983, before me a Notary Public in and for the State of Utah, personally appeared James E. Ferguson, who being duly sworn, did say that he is the Mayor of Provo City, a municipal corporation of the State of Utah, and that the foregoing instrument was signed on behalf of said city.

James E. Ferguson
NOTARY PUBLIC

Residing at: Provo



My Commission Expires:
08-07-85

31301

RECORDED AT THE REQUEST OF

Provo City

1983 OCT 13 PM 2:01

UTAH COUNTY CLERK
DEPT. OF COMM. & IND.
SALT LAKE CITY