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21 DECEMBER 93 02:16 PM  
KATIE L. DIXON  
RECORDER, SALT LAKE COUNTY, UTAH  
ELECTRIC LIGHT WAVE / BRUCE BELL  
NO. 4 TRIAD STE 200  
305 W NO TEMPLE SLC, UT 84101  
REC BY: REBECCA GRAY, DEPUTY

**RIGHT OF WAY EASEMENT AGREEMENT**

5690786

THIS AGREEMENT, made this 1ST day of DECEMBER, 19 93, by and between SALT LAKE GARFIELD & WESTERN Rwy. and its successors and assigns (hereinafter "GRANTOR") and CITIZENS UTILITIES COMPANY, a corporation, its subsidiaries including but not limited to Citizens Utilities Rural Company, Inc. and ELECTRIC LIGHTWAVE, INC. and its successors and assigns (hereinafter collectively the "COMPANY"):

WITNESSETH: That the GRANTOR hereby grants and conveys unto the COMPANY, the following property, to wit:

A perpetual right, privilege and easement of 10 feet in width to erect and construct overhead and/or buried electric, telephone, and/or communications facilities including the right and privilege of setting poles and stringing wire and all other matters and things necessary, convenient or expedient in the construction of electric, telephone, and/or communications facilities and the right and privilege at all reasonable times of altering, repairing, maintaining, or removing the whole or any part of said facilities. The GRANTOR may utilize the easement area in any manner which is not inconsistent with the purposes set forth above, provided, however, that the COMPANY shall not be liable to the GRANTOR for death, injury, loss or damage of any kind within the easement area, except that which arises out of the negligence of the COMPANY. Said right, privilege and easement is over, across, upon and under the following described parcels of land, to wit: A CORRIDOR OVER THE SALT LAKE GARFIELD AND WESTERN RAILWAY LOCATED AT TENTH WEST AND SOUTH TEMPLE STREET IN SALT LAKE CITY, UTAH. SAID CORRIDOR RUNNING NORTH AND SOUTH.

PLACEMENT OF SAID OVERHEAD FIBER OPTIC CABLE WILL CONFORM TO SPECIFICATIONS SET FORTH IN EXHIBIT "A", ATTACHED TO AND PART OF THIS AGREEMENT.

Beginning at a point on the north line of South Temple Street which is south 89 degrees 58'36" west 21.09 feet; from the southwest corner of Block 52, Plat "C", Salt Lake City Survey: Thence south 136.04 feet to the south line of South Temple Street; thence south 89 degrees 58'20" west along said south line 10.00 feet; thence north 136.04 feet to the north line of said South Temple Street; thence north 89 degrees 58'36" east along said north line 10.00 feet to the point of beginning. Contains 1,360 square feet, 0.031 acres.

The COMPANY is hereby authorized to permit the installation of wires, fixtures, conduits, pipes or cables of any other company within the boundaries of this easement.

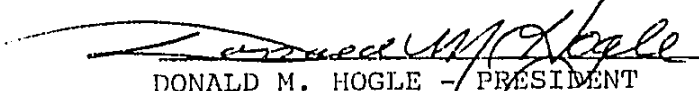
By accepting this easement, the COMPANY agrees to exercise reasonable care to avoid damage to said premises and all property that may at any time be thereon and to restore the property reasonably near its original condition following installation of the facilities.

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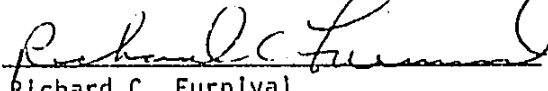
IN WITNESS WHEREOF the GRANTOR has hereunto set his hand and seal the day and year first above written.

Dated DEC. 1, 1993

SALT LAKE GARFIELD & WESTERN RAILWAY CO.



DONALD M. HOGLE - PRESIDENT  
Electric Lightwave, Inc.





Richard C. Furnival

STATE OF UTAH )  
 ) ss.  
 )

This instrument was acknowledged before me this 1ST day of DECEMBER, 1993,  
by DONALD M. HOGLE

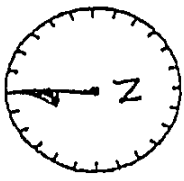
IN WITNESS HEREOF I, C. FERN MACOMB hereunto set my hand and official seal.

  
Notary Public  Notary Public  
C. FERN MACOMB  
C. O. Box 10247  
Salt Lake City, Utah 84116  
My Commission Expires  
March 11, 1994  
State of Utah

My Commission Expires: 3-11-94

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PLACE ARROW INDICATING NORTH DIRECTION RELATIVE TO CROSSING

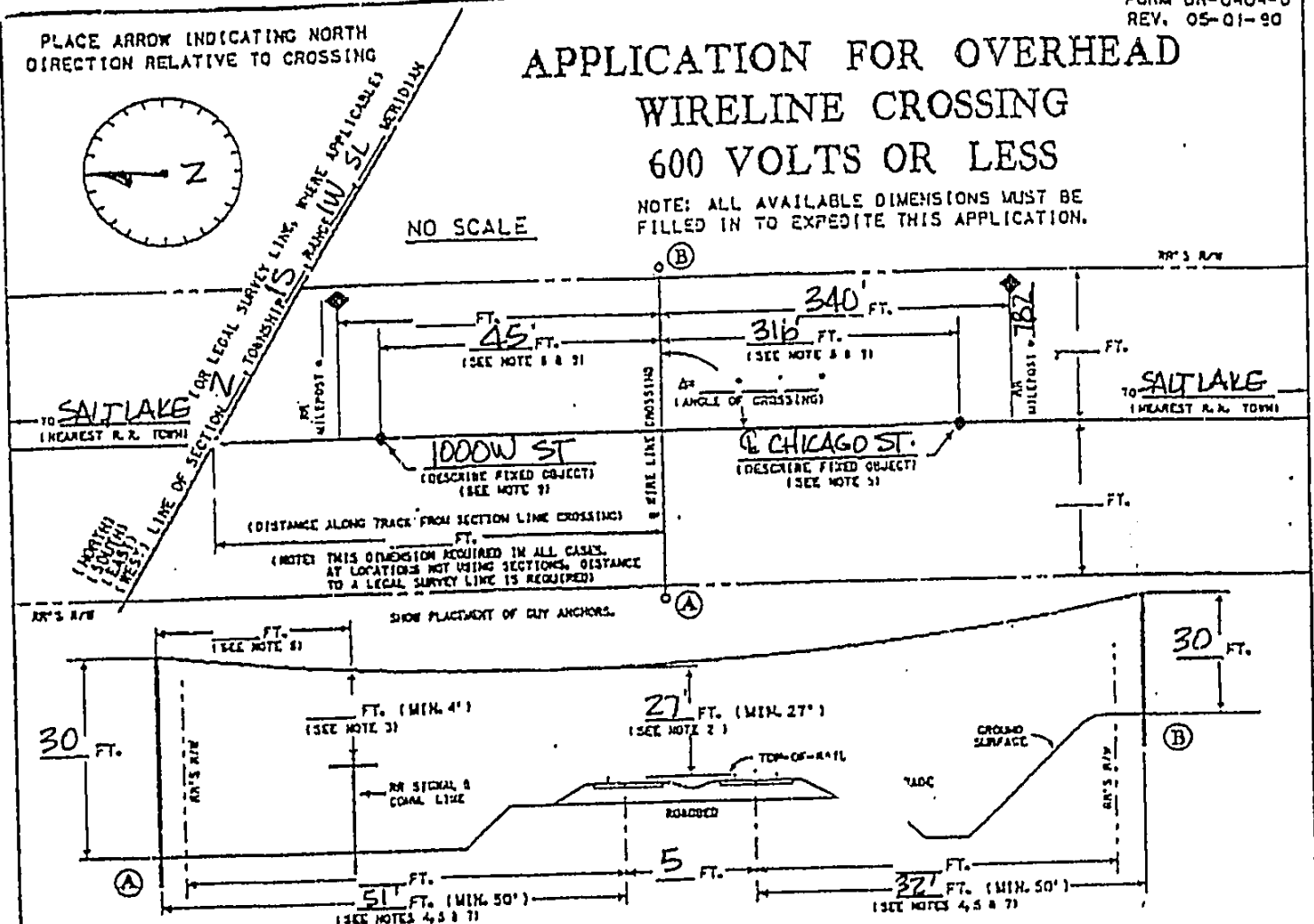


# APPLICATION FOR OVERHEAD WIRELINE CROSSING

## 600 VOLTS OR LESS

NOTE: ALL AVAILABLE DIMENSIONS MUST BE FILLED IN TO EXPEDITE THIS APPLICATION.

NO SCALE



- NOTES:
- 1) ALL HORIZONTAL DISTANCES TO BE MEASURED AT RIGHT ANGLES FROM q OF TRACK, EXCEPT AS NOTED.
  - 2) MINIMUM 27" ABOVE TOP-OF-RAIL CLEARANCE REQUIRED, REFER TO WIRELINE CLEARANCE CHART.
  - 3) MINIMUM 4" CLEARANCE REQUIRED ABOVE SIGNAL AND COMMUNICATION LINES, REFER TO WIRE LINE CLEARANCE CHART.
  - 4) POLES MUST BE LOCATED 50' OUT FROM q OF OUR MAIN, BRANCH, AND RUNNING TRACKS, CTC SIDINGS, AND HEAVY TORAGE SPURS.
  - 5) REGARDLESS OF THE VOLTAGE, UNGUYED POLES SHALL BE LOCATED A MINIMUM DISTANCE FROM q OF ANY TRACK EQUAL TO THE HEIGHT OF POLE ABOVE GROUNDLINE PLUS 10 FEET.
  - 6) POLES (S) (INCLUDING STEEL POLES) MUST BE LOCATED A MINIMUM DISTANCE FROM OUR SIGNAL AND COMMUNICATION LINES EQUAL TO THE HEIGHT OF THE POLE ABOVE GROUNDLINE OR ELSE BE GUYED AT RIGHT ANGLES TO OUR LINES.
  - 7) POLE LOCATION ADJACENT TO INDUSTRY TRACKS MUST PROVIDE AT LEAST 10' CLEARANCE FROM q OF TRACK WHEN MEASURED AT RIGHT ANGLES. IF LOCATED ADJACENT TO CURVE TRACK, THEN SAID CLEARANCE MUST BE INCREASED AT A RATE OF 1-1/2" PER DEGREE OF CURVE TRACK.
  - 8) POWER LINES MUST BE LOCATED A MINIMUM OF 100' FROM THE END OF ANY RAILROAD BRIDGE OR FROM q OF ANY CURVERT.
  - 9) ALLOWABLE FIXED OBJECTS INCLUDE: BACKWALLS OF BRIDGES; q OF ROAD CROSSINGS & OVERHEAD VIADUCTS (GIVE ROAD NAME), OR q OF CURVERTS.

A) IS WIRELINE CROSSING WITHIN DEDICATED STREET? X YES; NOT NO

B) IF YES, NAME OF STREET 1000W. BETWEEN SO. TEMPLE & FOLSOM

C) TYPE WIRE LINE CROSSING: TELEPHONE; TELEVISION X FIBER OPTIC;  
OTHER: \_\_\_\_\_

D) VOLTAGE TO BE CARRIED: \_\_\_\_\_ NO. OF WIRES \_\_\_\_\_

E) CURRENT TO BE CARRIED: \_\_\_\_\_

F) APPLICANT HAS CONTACTED \_\_\_\_\_  
OF U. P. COMMUNICATION DEPARTMENT AND HAS DETERMINED FIBER OPTIC CABLE  
DOES 1 DOES NOT 1 EXIST IN VICINITY OF WORK TO BE PERFORMED.

G) WIRELINE WILL PASS OVER: UNDER UPPER COMMUNICATION OR SIGNAL LINE?  
WHAT IS THE MINIMUM CLEARANCE BETWEEN WIRES? \_\_\_\_\_ FEET.

H) WILL ANY ATTACHMENTS BE MADE TO ANY EXISTING POLES? YES

I) WILL ANY ATTACHMENTS BE MADE TO RAILROAD'S POLES? NO

J) WHAT TYPE OF FACILITY WILL LINE BE SERVING? \_\_\_\_\_

EXHIBIT "A" SM-T-M  
(FOR RAILROAD USE ONLY - DO NOT WRITE IN THIS BOX)

\_\_\_\_\_ PACIFIC RAILROAD CO.

\_\_\_\_\_

M. P. \_\_\_\_\_ E. S. \_\_\_\_\_

OVERHEAD \_\_\_\_\_ CROSSING AT \_\_\_\_\_  
(NAME OF STATION) (COUNT) (STATE)

FOR \_\_\_\_\_ (APPLICANT)

RR FILE NO. \_\_\_\_\_ DATE \_\_\_\_\_

**WARNING**  
IN ALL OCCASIONS, U. P. COMMUNICATIONS DEPARTMENT MUST BE CONTACTED IN ADVANCE OF ANY WORK TO DETERMINE EXISTENCE AND LOCATION OF FIBER OPTIC CABLE. PHONE: 1-800-336-8193

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