EASEMENTS FOR GENEVA PROPERTY

ISSUE

The town of Vineyard is requesting easements on property owned by Utah Valley University for the purpose of building roads and installing water, sewer and storm water lines. Granting of easements requires the approval of the Board of Trustees.

BACKGROUND

Utah Valley University purchased 100 acres of property on the old Geneva Steel site for the purpose of building intramural fields and future use. The Town of Vineyard, through an RDA, is in the process of building roads and installing utilities for use of this property. Utah Valley University will be able to access and better utilize this property when these improvements are made. To complete these improvements and to improve the ability of Utah Valley University to utilize this property, the Town of Vineyard needs the following easements;

1. Dedication of Right of Way, this is to build the road
2. Permanent Easement, this is to install the water, sewer and storm water lines.
3. Temporary Construction easement, this is to be able to access the property during construction. This easement will be vacated after construction.

An attachment to this request shows the requested easements.

RECOMMENDATION

The Utah Valley University administration recommends that the Board of Trustees approve the easements to Vineyard Town for the construction of the improvements.
PERMANENT EASEMENT

Utah Valley University (Grantors), of the County of Utah and State of Utah, and entity of the State of Utah, for and in consideration of ten Dollars ($10.00) and other good and valuable consideration, receipt of which is hereby acknowledged, and pursuant to the authority given by the member(s) of said companies, hereby represent that Grantors own the fee simple title to and grant and convey to Vineyard Town, a Utah municipal corporation, (Grantee), a permanent easement for the purpose of constructing, maintaining and operating water, storm drain and sewer pipelines on, over and through the following described real estate:

See attached legal description.

situated in the County of Utah, State of Utah. The above-described real estate and improvements located thereon are herein referred to as the “premises.”

Grantors shall have and retains all rights to use and occupy the premises and access to Grantors’ remaining property, except as herein expressly granted; provided, however, Grantors’ use and occupation of the premises may not interfere with Grantee’s use of the premises for the purposes herein described.

This permanent easement is made, executed and delivered pursuant to a resolution duly adopted at a meeting of the members of the said limited liability companies held on the day of , 2012.

Grantors, without limiting the interest above granted and conveyed, acknowledges that upon payment of the agreed consideration, all claims arising out of the above acquisition have been settled, including without limitation, any diminution in value to any remaining property of the Grantor caused by opening, improving, and using the premises for highway purposes. This acknowledgment does not waive any claim for trespass or negligence against the Grantee or Grantee’s agents which may cause damage to Grantors’ remaining property.

This grant shall constitute a covenant, which runs with the land, and shall be binding upon the legal representatives, successors and assigns of Grantor.

Utah Valley University,
An entity of the State of Utah,

Val L Peterson, Vice President - VP Finance and Administration of Utah Valley University
State of Utah )
County of Salt Lake ) ss.

The forgoing instrument was acknowledged before me the ___ day of ___________2012, by Val L Peterson, Vice President - VP Finance and Administration of Utah Valley University, for and on behalf of said Grantor.

WITNESS may hand and official stamp the date in this certificate first above written:

________________________________________
Notary Public
20' Offsite Easement # 1

Beginning at a point which is North 2,786.86 feet and East 2,664.57 feet from the West Quarter Corner of Section 17, Township 6 South, Range 2 East, Salt Lake Base & Meridian; thence North 60°06’42” East 30.00 feet; thence South 29°53’18” East 118.05 feet; thence North 89°26’14” East 1,156.70 feet; thence North 84°54’39” East 2.40 feet; thence South 00°33’46” East 20.06 feet; thence South 84°54’39” West 1.61 feet; thence South 89°26’14” West 1,169.20 feet; thence North 29°53’18” West 109.75 feet; thence South 60°06’42” West 10.00 feet; thence North 29°53’18” West 20.00 feet to the point of beginning.

Area = 0.596 Acres (25,977.15 Sq. Ft.)

10' Public Utility Easement # 1

Beginning at a point which is North 2,719.84 feet and East 3,908.36 feet from the West Quarter Corner of Section 17, Township 6 South, Range 2 East, Salt Lake Base & Meridian; thence North 00°33’46” West 10.00 feet to a point of curvature; thence along the arc of a 5.00 foot radius curve to the left 7.85 feet through a central angle of 90°00’11”, the chord of which bears North 44°26’09” East 7.07 feet; thence North 00°33’57” West 94.55 feet to a point of curvature; thence along the arc of a 123.00 foot radius curve to the right 16.30 feet through a central angle of 07°35’41”, the chord of which bears North 03°13’53” East 16.29 feet; thence North 07°01’44” East 77.52 feet to a point of curvature; thence along the arc of a 77.00 foot radius curve to the left 10.21 feet through a central angle of 07°35’41”, the chord of which bears North 03°13’53” East 10.20 feet; thence North 00°33’57” West 773.72 feet to a point of curvature; thence along the arc of a 791.00 foot radius curve to the left 713.79 feet through a central angle of 51°42’11”, the chord of which bears North 26°25’02” West 689.82 feet; thence North 52°16’08” West 320.41 feet to a point of curvature; thence along the arc of a 909.00 foot radius curve to the right 702.33 feet through a central angle of 44°16’08”, the chord of which bears North 30°08’04” West 684.99 feet; thence North 08°00’00” West 175.33 feet; thence North 51°31’15” West 17.81 feet to a point of curvature; thence along the arc of a 7,912.50 foot radius curve to the right 14.57 feet through a central angle of 00°06’20”, the chord of which bears North 85°08’06” East 14.57 feet; thence South 51°31’15” East 15.56 feet; thence South 08°00’00” East 76.16 feet; thence South 82°00’00” West 3.00 feet; thence South 08°00’00” East 100.00 feet to a point of curvature; thence along the arc of a 899.00 foot radius curve to the left 694.60 feet through a central angle of 44°16’08”, the chord of which bears South 30°08’04” East 677.45 feet; thence South 52°16’08” East 320.41 feet to a point of curvature; thence along the arc of a 801.00 foot radius curve to the right 722.81 feet through a central angle of 51°42’11”, the chord of which bears South 26°25’02” East 698.54 feet; thence South 00°33’57” East 773.72 feet to a point of curvature; thence along the arc of a 87.00 foot radius curve to the right 11.53 feet through a central angle of 07°35’41”, the chord of which bears South 03°13’53” West 11.52 feet; thence South 07°01’44” West 77.52 feet to a point of curvature; thence along the arc of a 113.00 foot radius curve to the left 14.98 feet through a central angle of 07°35’41”, the chord of which bears South 03°13’53” West 14.97 feet; thence South 00°33’57” East 94.55 feet to a point of curvature; thence along
the arc of a 15.00 foot radius curve to the right 23.56 feet through a central angle of 90°00′11″, the chord of which bears South 44°26′09″ West 21.21 feet to the point of beginning.

Area = 0.675 Acres (29,403.46 Sq. Ft.)

30′ Offsite Easement # 1

Beginning at a point which is North 4,829.66 feet and East 1,435.64 feet from the West Quarter Corner of Section 17, Township 6 South, Range 2 East, Salt Lake Base & Meridian; thence North 30°04′07″ West 53.92 feet; thence North 74°47′25″ East 316.61 feet; thence North 55°13′17″ East 423.77 feet to a point of curvature; thence along the arc of a 7,947.50 foot radius curve to the right 122.15 feet through a central angle of 00°52′50″, the chord of which bears North 78°54′20″ East 122.15 feet to a point of curvature; thence along the arc of a 8,746.96 foot radius curve to the right 223.53 feet through a central angle of 01°27′51″, the chord of which bears North 81°26′01″ East 223.52 feet to a point of curvature; thence along the arc of a 7,942.50 foot radius curve to the right 554.60 feet through a central angle of 04°00′03″, the chord of which bears North 82°57′29″ East 554.49 feet, thence South 51°31′15″ East 43.66 feet to a point of curvature; thence along the arc of a 7,912.50 foot radius curve to the left 584.48 feet through a central angle of 04°13′56″, the chord of which bears South 83°04′18″ West 584.35 feet to a point of curvature; thence along the arc of a 8,716.96 foot radius curve to the left 222.72 feet through a central angle of 01°27′50″, the chord of which bears South 81°26′09″ West 222.71 feet to a point of curvature; thence along the arc of a 7,917.50 foot radius curve to the left 115.17 feet through a central angle of 00°50′00″, the chord of which bears South 78°55′36″ West 115.17 feet; thence South 55°13′17″ West 422.77 feet; thence South 74°47′25″ West 224.46 feet; thence South 59°57′12″ West 86.37 feet to the point of beginning.

Area = 1.159 Acres (50,482.24 Sq. Ft.)
When recorded return to:  
Vineyard town  
240 East Gammon Rd.  
Vineyard, UT 84058

DEDICATION OF RIGHT OF WAY

Utah Valley University (Grantors), of the County of Utah and State of Utah, and entity of the State of Utah, for and in consideration of ten Dollars ($10.00) and other good and valuable consideration, receipt of which is hereby acknowledged, grants, conveys, and dedicates to the Town of Vineyard, a Utah Municipal Corporation, (Grantee), a perpetual easement over the property described below for the purpose of a highway right of way:

See attached legal description.

situated in the County of Utah, State of Utah. The above-described real estate and improvements located thereon are herein referred to as the “premises.”

Grantors further grant to Grantee, the right to permit others to use or operate, install, maintain, alter, repair, replace, renew, improve and remove other facilities and structures, including but not limited to, underground water and sewer lines, communication lines, fiber optics, wire, or other means of electricity, voice data, video, digitized information, pipes and conduits, upon and beneath the surface of the said premises, and overhead wires, cables, and poles of other structures for the support of such facilities and structures on said premises.

This deed of dedication is made, executed and delivered pursuant to a resolution duly adopted at a meeting of the members of the said limited liability companies held on the day of , 2012.

Grantors, without limiting the interest above granted and conveyed, acknowledges that upon payment of the agreed consideration, all claims arising out of the above acquisition have been settled, including without limitation, any diminution in value to any remaining property of Grantors caused by the opening, improving and using the premises for highway purposes. This acknowledgment does not waive any claim for trespass or negligence against the Grantee or Grantee’s agents which may cause damage to the Grantors’ remaining property.

IN WITNESS WHEREOF, said Grantors, Utah Valley University has cause this instrument to be executed by its proper officer thereunto duly authorized, this _____ day of __________________, 2012.
Utah Valley University,
An entity of the State of Utah,

Val L Peterson, Vice President - VP Finance and
Administration of Utah Valley University

State of Utah       )
) ss.
County of Salt Lake )

The forgoing instrument was acknowledged before me the ___ day of ______________
2012, by Val L Peterson, Vice President - VP Finance and Administration of Utah Valley
University, for and on behalf of said Grantor.

WITNESS may hand and official stamp the date in this certificate first above written:

Notary Public
Mill Road Right-of-Way Description

Beginning at a point which is North 2,680.41 feet and East 3,908.75 feet from the West Quarter Corner of Section 17, Township 6 South, Range 2 East, Salt Lake Base & Meridian; thence North 00°33’46” West 39.43 feet to a point of curvature; thence along the arc of a 15.00 foot radius curve to the left 23.56 feet through a central angle of 90°00’11”, the chord of which bears North 44°26’09” East 21.21 feet; thence North 00°33’57” West 94.55 feet to a point of curvature; thence along the arc of a 113.00 foot radius curve to the right 14.98 feet through a central angle of 07°35’41”, the chord of which bears North 03°13’53” East 14.97 feet; thence North 07°01’44” East 77.52 feet to a point of curvature; thence along the arc of a 87.00 foot radius curve to the right 11.53 feet through a central angle of 07°35’41”, the chord of which bears North 03°13’53” East 11.52 feet; thence North 00°33’57” West 773.72 feet to a point of curvature; thence along the arc of a 801.00 foot radius curve to the left 722.81 feet through a central angle of 51°42’11”, the chord of which bears North 26°25’02” West 698.54 feet; thence North 52°16’08” West 320.41 feet to a point of curvature; thence along the arc of a 899.00 foot radius curve to the right 694.60 feet through a central angle of 44°16’08”, the chord of which bears North 30°08’04” West 677.45 feet; thence North 08°00’00” West 100.00 feet; thence North 82°00’00” East 49.00 feet; thence South 08°00’00” East 100.00 feet to a point of curvature; thence along the arc of a 850.00 foot radius curve to the left 656.74 feet through a central angle of 44°16’08”, the chord of which bears South 30°08’04” East 640.53 feet; thence South 52°16’08” East 320.41 feet to a point of curvature; thence along the arc of a 850.00 foot radius curve to the right 767.03 feet through a central angle of 51°42’11”, the chord of which bears South 26°25’02” East 741.27 feet; thence South 00°33’57” East 1,025.98 feet; thence South 89°26’03” West 76.00 feet to the point of beginning.

Area = 3.295 Acres (143,539.54 Sq. Ft.)
TEMPORARY CONSTRUCTION EASEMENT

Utah Valley University (Grantors), of the County of Utah and State of Utah, and entity of the State of Utah, for and in consideration of ten Dollars ($10.00) and other good and valuable consideration, receipt of which is hereby acknowledged, and pursuant to the authority given by the member(s) of said company, hereby represents that Grantors owns the fee simple title to and grant and convey to the Town of Vineyard, a Utah municipal corporation, (Grantee), a temporary construction easement for the purpose of constructing a public roadway and other public appurtenances thereto, on, over, and through the following described real estate:

See attached legal description.

situated in the County of Utah, State of Utah. The above-described real estate and improvements located thereon are herein referred to as the “premises.”

The right, easement and privilege granted herein shall terminate two year from the execution of this document, or on the completion of the proposed project, whichever is the sooner.

This temporary easement is made, executed and delivered pursuant to a resolution duly adopted at a meeting of the members of the said limited liability companies held on the day of , 2012.

Grantors shall have and retain all rights to use and occupy the premises and access to Grantors’ remaining property, except as herein expressly granted; provided, however, that Grantors’ use and occupation of the premises may not interfere with Grantee’s use of the premises for the purposes herein described.

Grantors, without limiting the interest above granted and conveyed, acknowledges that upon payment of the agreed consideration, all claims arising out of the above acquisition have been settled, including without limitation, any diminution in value to any remaining property of the Grantor caused by the opening, improving and using the premises for highway purposes. This acknowledgment does not waive any claim for trespass or negligence against the Grantee or Grantee’s agents which may cause damage to the Grantor’s remaining property.

This grant shall constitute a covenant, which runs with the land, and shall be binding upon the legal representative, successors and assigns of Grantors.
Utah Valley University,
An entity of the State of Utah,

Val L Peterson, Vice President - VP Finance and Administration of Utah Valley University

State of Utah
County of Salt Lake

The forgoing instrument was acknowledged before me the ___ day of _____________ 2012, by Val L Peterson, Vice President - VP Finance and Administration of Utah Valley University, for and on behalf of said Grantor.

WITNESS may hand and official stamp the date in this certificate first above written:

__________________________
Notary Public
50' Temporary Construction Easement # 1

Beginning at a point which is North 2,786.86 feet and East 2,664.57 feet from the West Quarter Corner of Section 17, Township 6 South, Range 2 East, Salt Lake Base & Meridian; thence South 29°53'18" East 20.00 feet; thence North 60°06'42" East 10.00 feet; thence South 29°53'18" East 109.75 feet; thence North 89°26'14" East 1,169.20 feet; thence North 84°54'39" East 1.61 feet; thence South 00°33'46" East 10.56 feet; thence South 89°26'03" West 1,222.25 feet; thence North 29°53'18" West 113.71 feet; thence North 60°06'42" East 30.00 feet to the point of beginning.

Area = 0.423 Acres (18,410.49 Sq. Ft.)

50' Temporary Construction Easement # 2

Beginning at a point which is North 2,719.84 feet and East 3,908.36 feet from the West Quarter Corner of Section 17, Township 6 South, Range 2 East, Salt Lake Base & Meridian; thence South 00°33'46" East 8.81 feet; thence South 84°54'39" West 2.40 feet; thence South 89°26'14" West 32.60 feet; thence North 00°33'57" West 118.55 feet to a point of curvature; thence along the arc of a 163.00 foot radius curve to the right 21.61 feet through a central angle of 07°35'41", the chord of which bears North 03°13'53" East 21.59 feet; thence North 07°01'44" East 77.52 feet to a point of curvature; thence along the arc of a 37.00 foot radius curve to the left 4.90 feet through a central angle of 07°35'41", the chord of which bears North 03°13'53" East 4.90 feet; thence North 00°33'57" West 773.72 feet to a point of curvature; thence along the arc of a 751.00 foot radius curve to the left 677.69 feet through a central angle of 51°42'11", the chord of which bears North 26°25'02" West 654.93 feet; thence North 52°16'08" West 320.41 feet to a point of curvature; thence along the arc of a 949.00 foot radius curve to the right 733.23 feet through a central angle of 44°16'08", the chord of which bears North 30°08'04" West 715.13 feet; thence North 08°00'00" West 139.62 feet to a point of curvature; thence along the arc of a 7,862.50 foot radius curve to the right 53.08 feet through a central angle of 00°23'12", the chord of which bears North 85°05'34" East 53.08 feet; thence South 08°00'00" East 36.76 feet; thence South 82°00'00" West 3.00 feet; thence South 08°00'00" East 100.00 feet to a point of curvature; thence along the arc of a 899.00 foot radius curve to the left 694.60 feet through a central angle of 44°16'08", the chord of which bears South 30°08'04" East 677.45 feet; thence South 52°16'08" East 320.41 feet to a point of curvature; thence along the arc of a 801.00 foot radius curve to the right 722.81 feet through a central angle of 51°42'11", the chord of which bears South 26°25'02" East 698.54 feet; thence South 00°33'57" West 773.72 feet to a point of curvature; thence along the arc of a 87.00 foot radius curve to the right 11.53 feet through a central angle of 07°35'41", the chord of which bears South 03°13'53" West 11.52 feet; thence South 07°01'44" West 77.52 feet to a point of curvature; thence along the arc of a 113.00 foot radius curve to the left 14.98 feet through a central angle of 07°35'41", the chord of which bears South 03°13'53" West 14.97 feet; thence South 00°33'57" East 94.55 feet to a point of curvature; thence along the arc of a 15.00 foot radius curve to the right 23.56 feet through a central angle of 90°00'11", the chord of which bears South 44°26'09" West 21.21 feet to the point of beginning.

Area = 3.292 Acres (143,386.47 Sq. Ft.)
50' Temporary Construction Easement # 3

Beginning at a point which is North 4,829.66 feet and East 1,435.64 feet from the West Quarter Corner of Section 17, Township 6 South, Range 2 East, Salt Lake Base & Meridian; thence North 59°57'12" East 86.37 feet; thence North 74°47'25" East 224.46 feet; thence North 55°13'17" East 422.77 feet to a point of curvature; thence along the arc of a 7,917.50 foot radius curve to the right 115.17 feet through a central angle of 00°50'00", the chord of which bears North 78°55'36" East 115.17 feet to a point of curvature; thence along the arc of a 8,716.96 foot radius curve to the right 222.72 feet through a central angle of 01°27'50", the chord of which bears North 81°26'09" East 222.71 feet to a point of curvature; thence along the arc of a 7,912.50 foot radius curve to the right 584.48 feet through a central angle of 04°13'56", the chord of which bears North 83°04'18" East 584.35 feet; thence South 51°31'15" East 15.56 feet; thence South 08°00'00" East 39.40 feet to a point of curvature; thence along the arc of a 7,862.50 foot radius curve to the left 594.84 feet through a central angle of 04°20'05", the chord of which bears South 83°07'08" West 594.69 feet to a point of curvature; thence along the arc of a 8,666.96 foot radius curve to the left 222.38 feet through a central angle of 01°27'49", the chord of which bears South 81°26'22" West 222.37 feet to a point of curvature; thence along the arc of a 7,867.50 foot radius curve to the left 103.56 feet through a central angle of 00°45'15", the chord of which bears South 78°57'43" West 103.56 feet; thence South 55°13'17" West 421.07 feet; thence South 74°47'25" West 226.58 feet; thence South 59°57'12" West 79.87 feet; thence North 30°04'07" West 50.00 feet to the point of beginning.

Area = 1.901 Acres (82,792.87 Sq. Ft.)

50' Temporary Construction Easement # 3

Beginning at a point which is North 4,829.66 feet and East 1,435.64 feet from the West Quarter Corner of Section 17, Township 6 South, Range 2 East, Salt Lake Base & Meridian; thence North 59°57'12" East 86.37 feet; thence North 74°47'25" East 224.46 feet; thence North 55°13'17" East 422.77 feet to a point of curvature; thence along the arc of a 7,917.50 foot radius curve to the right 115.17 feet through a central angle of 00°50'00", the chord of which bears North 78°55'36" East 115.17 feet to a point of curvature; thence along the arc of a 8,716.96 foot radius curve to the right 222.72 feet through a central angle of 04°13'56", the chord of which bears North 83°04'18" East 584.35 feet; thence South 51°31'15" East 15.56 feet; thence South 08°00'00" East 39.40 feet to a point of curvature; thence along the arc of a 7,862.50 foot radius curve to the left 594.84 feet through a central angle of 04°20'05", the chord of which bears South 83°07'08" West 594.69 feet to a point of curvature; thence along the arc of a 8,666.96 foot radius curve to the left 222.38 feet through a central angle of 01°27'49", the chord of which bears South 81°26'22" West 222.37 feet to a point of curvature; thence along the arc of a 7,867.50 foot radius curve to the left 103.56 feet through a central angle of 00°45'15", the chord of which bears South 78°57'43" West 103.56 feet; thence South 55°13'17" West 421.07 feet; thence South 74°47'25" West 226.58 feet; thence South 59°57'12" West 79.87 feet; thence North 30°04'07" West 50.00 feet to the point of beginning.

Area = 1.901 Acres (82,792.87 Sq. Ft.)