

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE UTAH TRANSIT
AUTHORITY AUTHORIZING THE PETITIONING OF THE UTAH
DEPARTMENT OF TRANSPORTATION TO USE EMINENT DOMAIN FOR THE
ACQUISITION OF PROPERTY NECESSARY FOR THE OGDEN-WEBER
STATE BUS RAPID TRANSIT PROJECT -
Parcels 147, 147:2, 147:E, 147:E2, 147:CE, and 147:CE2**

R2022-01-04

January 12, 2022

WHEREAS, the Utah Transit Authority (the “Authority”) is a large public transit district organized under the laws of the State of Utah and was created to transact and exercise all of the powers provided for in the Utah Limited Purpose Local Government Entities – Local Districts Act and the Utah Public Transit District Act; and

WHEREAS, the Board of Trustees (the “Board”) has approved the project known as the Ogden-Weber State Bus Rapid Transit Transportation Project, UDOT PIN 15906, project no. F-R199(235), to design, construct and operate a Bus Rapid Transit (the “Project”) in Weber County, Utah; and

WHEREAS, the Project is a “public use” pursuant to UTAH CODE §78B-6-501; and

WHEREAS, to complete construction of the Project, certain right-of-way acquisitions have been identified as being necessary to the public use, including property located at 3257 South Harrison Boulevard in Ogden, Utah, consisting of one partial fee acquisition, one perpetual easement, and one temporary construction easement (the “Property”), more particularly described in Exhibit “A”; and

WHEREAS, the Authority’s staff and consultants have made diligent and reasonable efforts to acquire the right-of-way necessary for the Project, including the acquisition of Property, but have been unable to negotiate the acquisition thereof; and

WHEREAS, in order to complete the Project, and to meet budget and scheduling needs, acquisition of the Property needs to move forward through the eminent domain process; and

WHEREAS, Board Policy No. 5.2(III)(A)(1)(c) requires that, prior to acquiring property through eminent domain, the Board approve such action; and

WHEREAS, the property owner was notified in writing of the Authority’s consideration of this Resolution pursuant to UTAH CODE § 78B-6-504.

NOW, THEREFORE, BE IT RESOLVED by the Board of the Authority:

1. That the Board hereby authorizes the Executive Director or his designee(s) to request that the Utah Department of Transportation commence eminent domain proceedings on the Property.
2. That the Board hereby ratifies any and all actions previously taken by the Authority's management, staff, and legal counsel with regard to acquiring the Property.
3. That the corporate seal be attached hereto.

Approved and adopted this 12th day of January 2022.

DocuSigned by:



86E28485ACBE4D0
Carlton Christensen, Chair
Board of Trustees

ATTEST:

DocuSigned by:



8D8A6B67F3AA459
Secretary of the Authority



(Corporate Seal)

Approved as to form:

DocuSigned by:



5E3257B1CF024B9...
Legal Counsel

Exhibit "A"
Property Deeds

WHEN RECORDED, MAIL TO:
Utah Department of Transportation
Right of Way, Fourth Floor
Box 148420
Salt Lake City, Utah 84114-8420

Warranty Deed

Weber County

Affecting Tax ID. No. 05:171:0054
Pin No. 15906
Project No. F-R199(235)
Parcel No. 199:147:2

ROBERT ARGYLE, Grantor, of Ogden, County of Weber, State of Utah, hereby CONVEY AND WARRANT to the UTAH DEPARTMENT OF TRANSPORTATION, Grantee, at 4501 South 2700 West, Salt Lake City, Utah 84119, for the sum of TEN (\$10) Dollars, and other good and valuable considerations, the following described parcel of land in Weber County, State of Utah, to-wit:

An undivided 1.42 percent interest for a parcel of land in fee, being a part of an entire tract of property, situate in the NE1/4 NE1/4 of Section 4, Township 5 North, Range 1 West, Salt Lake Base and Meridian, in Weber County, Utah, for the construction of roadway widening and improvements of Harrison Boulevard, known as Project No. F-R199(235). The boundaries of said parcel of land are described as follows:

Beginning at a point on the west line of Harrison Boulevard and the north line of Bonne Villa Condominiums as recorded February 4, 1998 as Entry No. 1519488 in Book 46 at Page 23 in the office of the Weber County Recorder, said point being 9.90 feet S.00°03'00"W. and 33.45 feet S.65°00'00"W. and 111.71 feet S.00°58'W. from the Northeast Corner of said Section 4, said point also being 459.18 feet S.00°58'00"W. and 50.00 feet N.89°02'00"W. from the Ogden City monument located in the intersection of 32nd Street and Harrison Boulevard, said point also being 49.98 feet perpendicularly distant westerly from the Ogden-WSU Bus Rapid Transit Right of Way control line, opposite Engineer Station 581+08.10, and running thence, along the west line of Harrison Boulevard, S.00°58'00"W. 198.24 feet to the south line of Bonne Villa Condominiums, said point being 49.98 feet perpendicularly distant westerly from said control line opposite Engineer Station 579+09.85; thence, along said south line, N.89°02'00"W. 6.02 feet to a point 56.00 feet perpendicularly distant westerly from said control line opposite Engineer Station 579+09.85; thence N.00°58'00"E. 129.74 feet to a point of curvature with a 747.50-foot radius curve to the left, said point being 56.00 feet perpendicularly distant westerly from said control line opposite Engineer Station 580+39.60; thence northerly 20.35 feet along the arc of said curve (Note: Chord to said

Continued on Page 2

curve bears N.00°11'10"E. 20.35 feet. Central angle equals 01°33'35") to a point 56.28 feet perpendicularly distant westerly from said control line opposite Engineer Station 580+59.94; thence N.07°35'08"W. 4.04 feet to a point 56.88 feet perpendicularly distant westerly from said control line opposite Engineer Station 580+63.94; thence N.02°01'55"W 29.97 feet to a point 58.45 feet perpendicularly distant westerly from said control line opposite Engineer Station 580+93.86; thence N.04°11'01"E. 6.07 feet to a point 58.10 feet perpendicularly distant westerly from said control line opposite Engineer Station 580+99.93; thence N.02°50'52"W. 8.04 feet to the said north line of Bonne Villa Condominiums said point being 58.64 feet perpendicularly distant westerly from said control line opposite Engineer Station 581+07.95; thence, along said north line, East 8.66 feet to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation.

The above described parcel of land contains 1,280 square feet or 0.029 acre.

(Note: The basis of bearing for the above description is S.00°58'00"W. between the Ogden City Monuments located in Harrison Boulevard in the intersections of 32nd Street and 35th Street)

(Note: Rotate all bearings in the above description 00°20'09" clockwise to match project bearings)

STATE OF)
) ss.
COUNTY OF)

ROBERT ARGYLE

On this ____ day of _____, in the year 20__, before me personally appeared ROBERT ARGYLE, who proved on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged to me that he executed the same.

Notary Public

WHEN RECORDED, MAIL TO:
Utah Department of Transportation
Right of Way, Fourth Floor
Box 148420
Salt Lake City, Utah 84114-8420

Warranty Deed

(LIMITED LIABILITY COMPANY)

Affecting Tax ID. No. 05:171:0054
Pin No. 15906
Project No. F-R199(235)
Parcel No. 199:147

HARRISON POINTE HOLDINGS, LLC, a Limited Liability Company, Grantor, hereby CONVEY AND WARRANT to the UTAH DEPARTMENT OF TRANSPORTATION, Grantee, at 4501 South 2700 West, Salt Lake City, Utah 84119, for the sum of TEN (\$10) Dollars, and other good and valuable considerations, the following described parcel of land in Weber County, State of Utah, to-wit:

An undivided 98.58 percent interest for a parcel of land in fee, being a part of an entire tract of property, situate in the NE1/4 NE1/4 of Section 4, Township 5 North, Range 1 West, Salt Lake Base and Meridian, in Weber County, Utah, for the construction of roadway widening and improvements of Harrison Boulevard, known as Project No. F-R199(235). The boundaries of said parcel of land are described as follows:

Beginning at a point on the west line of Harrison Boulevard and the north line of Bonne Villa Condominiums as recorded February 4, 1998 as Entry No. 1519488 in Book 46 at Page 23 in the office of the Weber County Recorder, said point being 9.90 feet S.00°03'00"W. and 33.45 feet S.65°00'00"W. and 111.71 feet S.00°58'W. from the Northeast Corner of said Section 4, said point also being 459.18 feet S.00°58'00"W. and 50.00 feet N.89°02'00"W. from the Ogden City monument located in the intersection of 32nd Street and Harrison Boulevard, said point also being 49.98 feet perpendicularly distant westerly from the Ogden-WSU Bus Rapid Transit Right of Way control line, opposite Engineer Station 581+08.10, and running thence, along the west line of Harrison Boulevard, S.00°58'00"W. 198.24 feet to the south line of Bonne Villa Condominiums, said point being 49.98 feet perpendicularly distant westerly from said control line opposite Engineer Station 579+09.85; thence, along said south line, N.89°02'00"W. 6.02 feet to a point 56.00 feet perpendicularly distant westerly from said control line opposite Engineer Station 579+09.85; thence N.00°58'00"E. 129.74 feet to a point of curvature with a 747.50-foot radius curve to the left, said point being 56.00 feet perpendicularly distant westerly from said control line opposite Engineer Station 580+39.60; thence northerly 20.35 feet along the arc of said curve (Note: Chord to said

Continued on Page 2

curve bears N.00°11'10"E. 20.35 feet. Central angle equals 01°33'35") to a point 56.28 feet perpendicularly distant westerly from said control line opposite Engineer Station 580+59.94; thence N.07°35'08"W. 4.04 feet to a point 56.88 feet perpendicularly distant westerly from said control line opposite Engineer Station 580+63.94; thence N.02°01'55"W 29.97 feet to a point 58.45 feet perpendicularly distant westerly from said control line opposite Engineer Station 580+93.86; thence N.04°11'01"E. 6.07 feet to a point 58.10 feet perpendicularly distant westerly from said control line opposite Engineer Station 580+99.93; thence N.02°50'52"W. 8.04 feet to the said north line of Bonne Villa Condominiums said point being 58.64 feet perpendicularly distant westerly from said control line opposite Engineer Station 581+07.95; thence, along said north line, East 8.66 feet to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation.

The above described parcel of land contains 1,280 square feet or 0.029 acre.

(Note: The basis of bearing for the above description is S.00°58'00"W. between the Ogden City Monuments located in Harrison Boulevard in the intersections of 32nd Street and 35th Street)

(Note: Rotate all bearings in the above description 00°20'09" clockwise to match project bearings)

STATE OF)
) ss. HARRISON POINTE HOLDINGS,
) LLC, A Limited Liability Company
COUNTY OF)

By _____

On this ____ day of _____, in the year 20__, before me personally appeared _____, whose identity is personally known to me (or proven on the basis of satisfactory evidence) and who by me being duly sworn/affirmed, did say that he/she is the _____ of HARRISON POINTE HOLDINGS, LLC, a Limited Liability Company and that said document was signed by him/her on behalf of said HARRISON POINTE HOLDINGS, LLC, a Limited Liability Company by Authority of its _____.

Notary Public

By _____

On this ____ day of _____, in the year 20__, before me personally appeared _____, whose identity is personally known to me (or proven on the basis of satisfactory evidence) and who by me being duly sworn/affirmed, did say that he/she is the _____ of HARRISON POINTE HOLDINGS, LLC, a Limited Liability Company and that said document was signed by him/her on behalf of said HARRISON POINTE HOLDINGS, LLC, a Limited Liability Company by Authority of its _____.

Notary Public

By _____

On this ____ day of _____, in the year 20__, before me personally appeared _____, whose identity is personally known to me (or proven on the basis of satisfactory evidence) and who by me being duly sworn/affirmed, did say that he/she is the _____ of HARRISON POINTE HOLDINGS, LLC, a Limited Liability Company and that said document was signed by him/her on behalf of said HARRISON POINTE HOLDINGS, LLC, a Limited Liability Company by Authority of its _____.

Notary Public

WHEN RECORDED, MAIL TO:
Utah Department of Transportation
Right of Way, Fourth Floor
Box 148420
Salt Lake City, Utah 84114-8420

Easement

Weber County

Tax ID. No. 05:171:0054

Pin No. 15906

Project No. F-R199(235)

Parcel No. 199:147:E2

ROBERT ARGYLE, Grantor, of Ogden, County of Weber, State of Utah, hereby GRANTS AND CONVEYS to the UTAH DEPARTMENT OF TRANSPORTATION, Grantee, at 4501 South 2700 West, Salt Lake City, Utah 84119, for the sum of TEN (\$10.00) Dollars,

A perpetual easement, upon part of an entire tract of property, in the NE1/4 NE1/4 of Section 4, Township 5 North, Range 1 West, Salt Lake Base and Meridian, Weber County, Utah for the purpose of constructing and maintain thereon public utilities and appurtenant parts thereof including, but not limited to ATMS fiber optic conduit, electrical service and transmission lines, culinary and irrigation water facilities, and highway appurtenances including, but not limited to, slopes, street and signal lighting facilities, directional and traffic information signs, incident to the widening and grading of Harrison Boulevard known as Project No. F-R199(235). The boundaries of said perpetual easement are described as follows:

Beginning at a point being 504.62 feet S.00°58'00"W. and 56.71 feet N.89°02'00"W. from the Ogden City monument located in the intersection of 32nd Street and Harrison Boulevard, said point also being 56.69 feet perpendicularly distant westerly from the Ogden-WSU Bus Rapid Transit Right of Way control line, opposite Engineer Station 580+62.66, and running thence S.07°35'08"E. 2.75 feet which point is 56.28 feet perpendicularly distant westerly from the said control line of said project; thence southerly 2.27 feet along the arc of a 747.50-foot radius curve to the left (Note: Chord to said curve bears S.00°30'24"E. 2.27 feet. Central angle equals of 00°10'27"), which point is 56.22 feet perpendicularly distant westerly from the said control line of said project; thence S.89°23'20"W. 5.00 feet; thence N.00°36'40"W. 5.00 feet; thence N.89°23'20"E. 4.67 feet to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation.

The above described perpetual easement contains 25 square feet 0.001 acre.

Continued on Page 2

INDIVIDUAL RW-09 (12-01-03)

(Note: The basis of bearing for the above description is S.00°58'00"W. between the Ogden City Monuments located in Harrison Boulevard in the intersections of 32nd Street and 35th Street)

(Note: Rotate all bearings in the above description 00°20'09" clockwise to match project bearings)

STATE OF)
) ss.
COUNTY OF)

ROBERT ARGYLE

On this ____ day of _____, in the year 20__, before me personally appeared ROBERT ARGYLE, who proved on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged to me that he executed the same.

Notary Public

WHEN RECORDED, MAIL TO:
Utah Department of Transportation
Right of Way, Fourth Floor
Box 148420
Salt Lake City, Utah 84114-8420

Easement

(LIMITED LIABILITY COMPANY)

Weber County

Tax ID. No. 05:171:0054

Pin No. 15906

Project No. F-R199(235)

Parcel No. 199:147:E

HARRISON POINTE HOLDINGS, LLC, a Limited Liability Company, Grantor, hereby GRANTS AND CONVEYS to the UTAH DEPARTMENT OF TRANSPORTATION, Grantee, at 4501 South 2700 West, Salt Lake City, Utah 84119, for the sum of TEN (\$10.00) Dollars,

A perpetual easement, upon part of an entire tract of property, in the NE1/4 NE1/4 of Section 4, Township 5 North, Range 1 West, Salt Lake Base and Meridian, Weber County, Utah for the purpose of constructing and maintain thereon public utilities and appurtenant parts thereof including, but not limited to ATMS fiber optic conduit, electrical service and transmission lines, culinary and irrigation water facilities, and highway appurtenances including, but not limited to, slopes, street and signal lighting facilities, directional and traffic information signs, incident to the widening and grading of Harrison Boulevard known as Project No. F-R199(235). The boundaries of said perpetual easement are described as follows:

Beginning at a point being 504.62 feet S.00°58'00"W. and 56.71 feet N.89°02'00"W. from the Ogden City monument located in the intersection of 32nd Street and Harrison Boulevard, said point also being 56.69 feet perpendicularly distant westerly from the Ogden-WSU Bus Rapid Transit Right of Way control line, opposite Engineer Station 580+62.66, and running thence S.07°35'08"E. 2.75 feet which point is 56.28 feet perpendicularly distant westerly from the said control line of said project; thence southerly 2.27 feet along the arc of a 747.50-foot radius curve to the left (Note: Chord to said curve bears S.00°30'24"E. 2.27 feet. Central angle equals of 00°10'27"), which point is 56.22 feet perpendicularly distant westerly from the said control line of said project; thence S.89°23'20"W. 5.00 feet; thence N.00°36'40"W. 5.00 feet; thence N.89°23'20"E. 4.67 feet to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation.

The above described perpetual easement contains 25 square feet 0.001 acre.

Continued on Page 2

(Note: The basis of bearing for the above description is S.00°58'00"W. between the Ogden City Monuments located in Harrison Boulevard in the intersections of 32nd Street and 35th Street)

(Note: Rotate all bearings in the above description 00°20'09" clockwise to match project bearings)

STATE OF)
) ss. HARRISON POINTE HOLDINGS,
) LLC, A Limited Liability Company
COUNTY OF)

By _____

On this ____ day of _____, in the year 20__, before me personally appeared _____, whose identity is personally known to me (or proven on the basis of satisfactory evidence) and who by me being duly sworn/affirmed, did say that he/she is the _____ of HARRISON POINTE HOLDINGS, LLC, a Limited Liability Company and that said document was signed by him/her on behalf of said HARRISON POINTE HOLDINGS, LLC, a Limited Liability Company by Authority of its _____.

Notary Public

By _____

On this ____ day of _____, in the year 20__, before me personally appeared _____, whose identity is personally known to me (or proven on the basis of satisfactory evidence) and who by me being duly sworn/affirmed, did say that he/she is the _____ of HARRISON POINTE HOLDINGS, LLC, a Limited Liability Company and that said document was signed by him/her on behalf of said HARRISON POINTE HOLDINGS, LLC, a Limited Liability Company by Authority of its _____.

Notary Public

Continued on Page 3

By _____

On this ____ day of _____, in the year 20__, before me personally appeared _____, whose identity is personally known to me (or proven on the basis of satisfactory evidence) and who by me being duly sworn/affirmed, did say that he/she is the _____ of HARRISON POINTE HOLDINGS, LLC, a Limited Liability Company and that said document was signed by him/her on behalf of said HARRISON POINTE HOLDINGS, LLC, a Limited Liability Company by Authority of its _____.

Notary Public

WHEN RECORDED, MAIL TO:
Utah Transit Authority
669 West 200 South
Salt Lake City, Utah 84101

Easement

Weber County

Tax ID. No. 05:171:0054

Pin No. 15906

Project No. F-R199(235)

Parcel No. 199:147:CE2

ROBERT ARGYLE, Grantor, of Ogden, County of Weber, State of Utah, hereby GRANTS AND CONVEYS to the UTAH DEPARTMENT OF TRANSPORTATION, Grantee, at 4501 South 2700 West, Salt Lake City, Utah 84119, for the sum of TEN (\$10.00) Dollars,

A temporary easement, upon part of an entire tract of property, located in the NE1/4 NE1/4 of Section 4, Township 5 North, Range 1 West, Salt Lake Base and Meridian, Weber County, Utah, to facilitate the construction of roadway improvements, side treatments and appurtenant parts thereof and blending slopes, incident to the widening and grading of Harrison Boulevard known as Project No. F-R199(235). This easement shall commence upon the beginning of actual construction on the property and shall continue until project construction on the property is complete, or for three (3) years, whichever first occurs. The easement shall be non-exclusive such that the Grantor may use the property at any time in a manner which does not interfere with construction activities. The boundaries of said temporary easement are described as follows:

Beginning at a point on the north line of Bonne Villa Condominiums as recorded February 4, 1998 as Entry No. 1519488 in Book 46 at Page 23 in the office of the Weber County Recorder, said point also being 459.32 feet S.00°58'00"W. and 58.66 feet N.89°02'00"W. from the Ogden City monument located in the intersection of 32nd Street and Harrison Boulevard, said point also being 58.64 feet perpendicularly distant westerly from the Ogden-WSU Bus Rapid Transit Right of Way control line, opposite Engineer Station 581+07.95, and running thence S.02°50'52"E. 8.04 feet; thence S.04°11'01"W. 6.07 feet; thence S.02°01'55"E. 29.97 feet; thence S.07°35'08"E. 4.04 feet; thence southerly 20.35 feet along the arc of a 747.50-foot non-tangent curve to the left (Note: Chord to said curve bears S.00°11'10"W. 20.35 feet. Central angle equals 01°33'35") to a point of tangency; thence S.00°57'58"W. 129.74 feet, to the south line of said Bonne Villa Condominiums; thence, along said south line, N.89°02'00"W. 27.56 feet; N.00°57'58"E. 5.48 feet; thence N.29°23'54"E. 47.31 feet;

Continued on Page 2

INDIVIDUAL RW-09 (12-01-03)

thence N.00°59'54"E. 58.91 feet; thence N.65°22'49"W. 6.90 feet; thence N.00°57'58"E. 12.82 feet; thence N.61°20'57"E. 7.25 feet; thence N.00°36'38"E. 18.40 feet; thence N.81°56'09"W. 21.35 feet; thence N.01°49'18"W. 39.21 feet; thence N.66°56'16"E. 21.71 feet; thence N.02°50'52"W. 3.80 feet, to the afore said north line of Bonne Villa Condominiums; thence, along said north line, East 6.01 feet to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation.

The above described temporary easement contains 2,631 square feet or 0.060 acre.

(Note: The basis of bearing for the above description is S.00°58'00"W. between the Ogden City Monuments located in Harrison Boulevard in the intersections of 32nd Street and 35th Street)

(Note: Rotate all bearings in the above description 00°20'09" clockwise to match project bearings)

After said roadway improvements, side treatments and appurtenant parts thereof and blending slopes are constructed on the above described part of an entire tract at the expense of Utah Transit Authority, said Utah Transit Authority is thereafter relieved of any further claim or demand for costs, damages or maintenance charges which may accrue against said facilities and appurtenant parts thereof.

STATE OF)
) ss.
COUNTY OF)

ROBERT ARGYLE

On this ____ day of _____, in the year 20__, before me personally appeared ROBERT ARGYLE, who proved on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged to me that he executed the same.

Notary Public

WHEN RECORDED, MAIL TO:
Utah Transit Authority
669 West 200 South
Salt Lake City, Utah 84101

Easement

(LIMITED LIABILITY COMPANY)

Weber County

Tax ID. No. 05:171:0054

Pin No. 15906

Project No. F-R199(235)

Parcel No. 199:147:CE

HARRISON POINTE HOLDINGS, LLC, a Limited Liability Company, Grantor, hereby GRANTS AND CONVEYS to UTAH TRANSIT AUTHORITY, A LARGE PUBLIC TRANSIT DISTRICT ORGANIZED PURSUANT TO THE LAWS OF THE STATE OF UTAH AND ITS ASSIGNS, Grantee, located at 669 West 200 South, Salt Lake City, Utah 84101, for the sum of TEN (\$10.00) Dollars,

A temporary easement, upon part of an entire tract of property, located in the NE1/4 NE1/4 of Section 4, Township 5 North, Range 1 West, Salt Lake Base and Meridian, Weber County, Utah, to facilitate the construction of roadway improvements, side treatments and appurtenant parts thereof and blending slopes, incident to the widening and grading of Harrison Boulevard known as Project No. F-R199(235). This easement shall commence upon the beginning of actual construction on the property and shall continue until project construction on the property is complete, or for three (3) years, whichever first occurs. The easement shall be non-exclusive such that the Grantor may use the property at any time in a manner which does not interfere with construction activities. The boundaries of said temporary easement are described as follows:

Beginning at a point on the north line of Bonne Villa Condominiums as recorded February 4, 1998 as Entry No. 1519488 in Book 46 at Page 23 in the office of the Weber County Recorder, said point also being 459.32 feet S.00°58'00"W. and 58.66 feet N.89°02'00"W. from the Ogden City monument located in the intersection of 32nd Street and Harrison Boulevard, said point also being 58.64 feet perpendicularly distant westerly from the Ogden-WSU Bus Rapid Transit Right of Way control line, opposite Engineer Station 581+07.95, and running thence S.02°50'52"E. 8.04 feet; thence S.04°11'01"W. 6.07 feet; thence S.02°01'55"E. 29.97 feet; thence S.07°35'08"E. 4.04 feet; thence southerly 20.35 feet along the arc of a 747.50-foot non-tangent curve to the left (Note: Chord to said curve bears S.00°11'10"W. 20.35 feet. Central angle equals 01°33'35") to a point of tangency; thence S.00°57'58"W. 129.74 feet, to the

Continued on Page 2

south line of said Bonne Villa Condominiums; thence, along said south line, N.89°02'00"W. 27.56 feet; N.00°57'58"E. 5.48 feet; thence N.29°23'54"E. 47.31 feet; thence N.00°59'54"E. 58.91 feet; thence N.65°22'49"W. 6.90 feet; thence N.00°57'58"E. 12.82 feet; thence N.61°20'57"E. 7.25 feet; thence N.00°36'38"E. 18.40 feet; thence N.81°56'09"W. 21.35 feet; thence N.01°49'18"W. 39.21 feet; thence N.66°56'16"E. 21.71 feet; thence N.02°50'52"W. 3.80 feet, to the afore said north line of Bonne Villa Condominiums; thence, along said north line, East 6.01 feet to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation.

The above described temporary easement contains 2,631 square feet or 0.060 acre.

(Note: The basis of bearing for the above description is S.00°58'00"W. between the Ogden City Monuments located in Harrison Boulevard in the intersections of 32nd Street and 35th Street)

(Note: Rotate all bearings in the above description 00°20'09" clockwise to match project bearings)

After said roadway improvements, side treatments and appurtenant parts thereof and blending slopes are constructed on the above described part of an entire tract at the expense of Utah Transit Authority, said Utah Transit Authority is thereafter relieved of any further claim or demand for costs, damages or maintenance charges which may accrue against said facilities and appurtenant parts thereof.

STATE OF)
) ss.
COUNTY OF)

HARRISON POINTE HOLDINGS,
LLC, A Limited Liability Company

By _____

On this ____ day of _____, in the year 20__, before me personally appeared _____, whose identity is personally known to me (or proven on the basis of satisfactory evidence) and who by me being duly sworn/affirmed, did say that he/she is the _____ of HARRISON POINTE HOLDINGS, LLC, a Limited Liability Company and that said document was signed by him/her on behalf of said HARRISON POINTE HOLDINGS, LLC, a Limited Liability Company by Authority of its _____.

Notary Public

By _____

On this ____ day of _____, in the year 20__, before me personally appeared _____, whose identity is personally known to me (or proven on the basis of satisfactory evidence) and who by me being duly sworn/affirmed, did say that he/she is the _____ of HARRISON POINTE HOLDINGS, LLC, a Limited Liability Company and that said document was signed by him/her on behalf of said HARRISON POINTE HOLDINGS, LLC, a Limited Liability Company by Authority of its _____.

Notary Public

By _____

On this ____ day of _____, in the year 20__, before me personally appeared _____, whose identity is personally known to me (or proven on the basis of satisfactory evidence) and who by me being duly sworn/affirmed, did say that he/she is the _____ of HARRISON POINTE HOLDINGS, LLC, a Limited Liability Company and that said document was signed by him/her on behalf of said HARRISON POINTE HOLDINGS, LLC, a Limited Liability Company by Authority of its _____.

Notary Public