

RIGHT OF WAY CONTRACT

Partial Acquisition

Project No:	FP140001	Parcel No.(s):	3750:076C
Project Location	Surplus Levee Deficiency Rehabilitation Project		
County of Property	Salt Lake County	Tax ID / Sidwell No:	15-15-253-010
Property Address:	1523 W. Van Buren Circle, Salt Lake City, Utah 84104		
Owner / Grantor (s):	Barbara E. Smith and Dennis L. Smith		
Owner's Address:	1523 W. Van Buren Circle, Salt Lake City, Utah 84104		
Owner's Home Phone	801-973-6172	Owner's Email	besmith58@msn.com

IN CONSIDERATION of the foregoing and other consideration hereinafter set forth, it is mutually agreed by the parties as follows:

The Grantor hereby agrees to convey and sell by Quit Claim deed a portion of the property located at 1523 W. Van Buren Circle, Salt Lake City, Utah, 84104, which portion is more particularly described on Exhibit A hereto (the "Property"), to Salt Lake County, a body corporate and politic of the State of Utah (hereinafter "County"), for the amount of \$35,200.00. This contract is to be returned to Salt Lake County Real Estate Office, 2001 South State Street S3-110, Salt Lake City, UT 84190.

1. Upon signing this Right of Way contract, Grantor consents to allow Salt Lake County, its contractors, permittees, and assigns, the right to immediately occupy and commence construction or other necessary activity (such as any necessary testing (such as environmental or geotechnical), surveying, or other due diligence) on the Property, including.
2. Grantor shall leave the Property in the same condition as it was when this contract was signed. No work, improvement, or alteration will be done to the Property other than what is provided for in this agreement. Grantor agrees to maintain the Property until County takes possession. Owner agrees not to sell the Property to anyone else, or to enter into any contract that will affect the use of the Property when County takes possession.
3. Grantor agrees to transfer the Property free of all debris and hazardous materials (including paint or other household products).
4. All fixtures and improvements are to remain with the Property, including landscaping, retaining walls, fences, etc.
5. Closing shall occur on or before November 30, 2019, at Salt Lake County's offices or, at the option of Salt Lake County, at the offices of a title company selected by Salt Lake County. The Property will be conveyed from Grantor to Salt Lake County by Quit Claim Deed, free of all liens and encumbrances except recorded easements. Salt Lake County may, at its expense, acquire a policy of title insurance. Salt Lake County shall pay routine closing costs and escrow fees, if any. Grantor agrees to pay any and all taxes assessed against the Property to the date of Closing. Salt Lake County will not pay brokerage or legal fees.
6. Grantor understands and agrees that County will not accept delivery of the Quit Claim Deed from the Right of Way Agent, and will not take ownership of the Property, unless and until County is satisfied with (a) the status of title to the Property, and (b) the physical and environmental condition of the Property.
7. Grantor bears all risk of loss or damage to the Property until Closing.
8. Grantor understands that at Closing, at its discretion, County may pay the full amount of \$35,200.00 directly to Grantor. **In that event, it is Grantor's responsibility to understand and fulfill any obligations to lienholders, mortgagees, or others who may have an interest in the Property or the proceeds from its sale.** Grantor shall indemnify and hold harmless the County from and against any and all claims, demands and actions, including costs, from lienholders or lessees of the Property. At the option of County, the transaction may be handled through a title and escrow company selected by County and at County expense, in which event at closing, the title company will disburse funds to lienholders, mortgagees or others having an interest in the Property, with the remainder of the purchase price paid to Grantor.
9. Grantor is aware that Utah Code Ann. § 78B-6-520.3 provides that in certain circumstances, the seller of property, which is being acquired for a particular public use, is entitled to receive an offer to repurchase the property at the same price that the seller received, before the property can be put to a different use. Grantor waives any right under Utah Code Ann. § 78B-6-520.3 that Grantor may have to repurchase the property

10. Grantor acknowledges and accepts the percent of ownership listed below and agrees that the portion of the total selling price received will correspond with the respective percent of ownership.
11. This Right of Way Contract contains the entire agreement between Grantor and County, and it shall be governed by the laws of the State of Utah. The undersigned represent and warrant that he/she/they have authority to sign on behalf of Grantor.
12. This Contract may be signed in counterparts by use of counterpart signature pages, and each counterpart signature page shall constitute a part of this Contract as if all Grantors signed on the same page.

Grantor understands and acknowledges that this Contract is not binding until approved by the Salt Lake County Real Estate Manager and the Salt Lake County Mayor or Designee.

IN WITNESS WHEREOF, the parties have executed this Contract as of this the 3 day of Oct, 2019.

Owner/Grantor Barbara L. Smith 10/3/2019
Owner/Grantor Date Percent

Date	Percent
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 Brandi Davenport, Realtor ~~(Brandi Realtors)~~ *Davenport Consulting* 10-3-19

Date

 Salt Lake County Real Estate Manager 10-25-2019

Date

Date _____

Date: 10/15/2019

WHEN RECORDED RETURN TO:
Salt Lake County Real Estate
2001 South State Street, Suite S3-110
Salt Lake City, Utah 84114-3300

Space above for County Recorder's use

QUITCLAIM DEED
Individual(s)

Real Estate Parcel No.: **3750:076C**
Tax Serial No. 15-15-253-010
County Project No.: **FP140001**
Surveyor WO: **SU20160226**

BARBARA E. SMITH AND DENNIS L. SMITH, wife and husband as joint tenants, GRANTOR(s), hereby Quitclaim(s) to SALT LAKE COUNTY, a body corporate and politic of the State of Utah, GRANTEE, for the sum of Ten Dollars (\$10.00) and other valuable consideration, the following described parcel of real property in Salt Lake County, Utah, to wit:

(SEE EXHIBIT A)

IN WITNESS WHEREOF, GRANTOR has caused this Quitclaim Deed to be signed this 03 day of October, 20 19.

STATE OF UTAH)
)ss.
COUNTY OF SALT LAKE)

By: Barbara E. Smith
BARBARA E. SMITH
By: _____
DENNIS L. SMITH

On the date first above written personally appeared before me, Barbara E. Smith and Dennis L. Smith, wife and husband as joint tenants, the signer(s) of the within instrument, who duly acknowledged to me that he/she/they executed the same.

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

Notary Public Brandi Davenport
My Commission Expires: 5-18-2023
Residing in: Sandy UT



(EXHIBIT A)

A parcel of land being part of three entire tracts described in a Warranty Deed recorded November 28, 2016 as Entry No. 12420943 in Book 10504, at Page 2578 in the Office of the Salt Lake County Recorder. Said parcel of land is located in the Northeast Quarter of Section 15, Township 1 South, Range 1 West, Salt Lake Base and Meridian, and is described as follows:

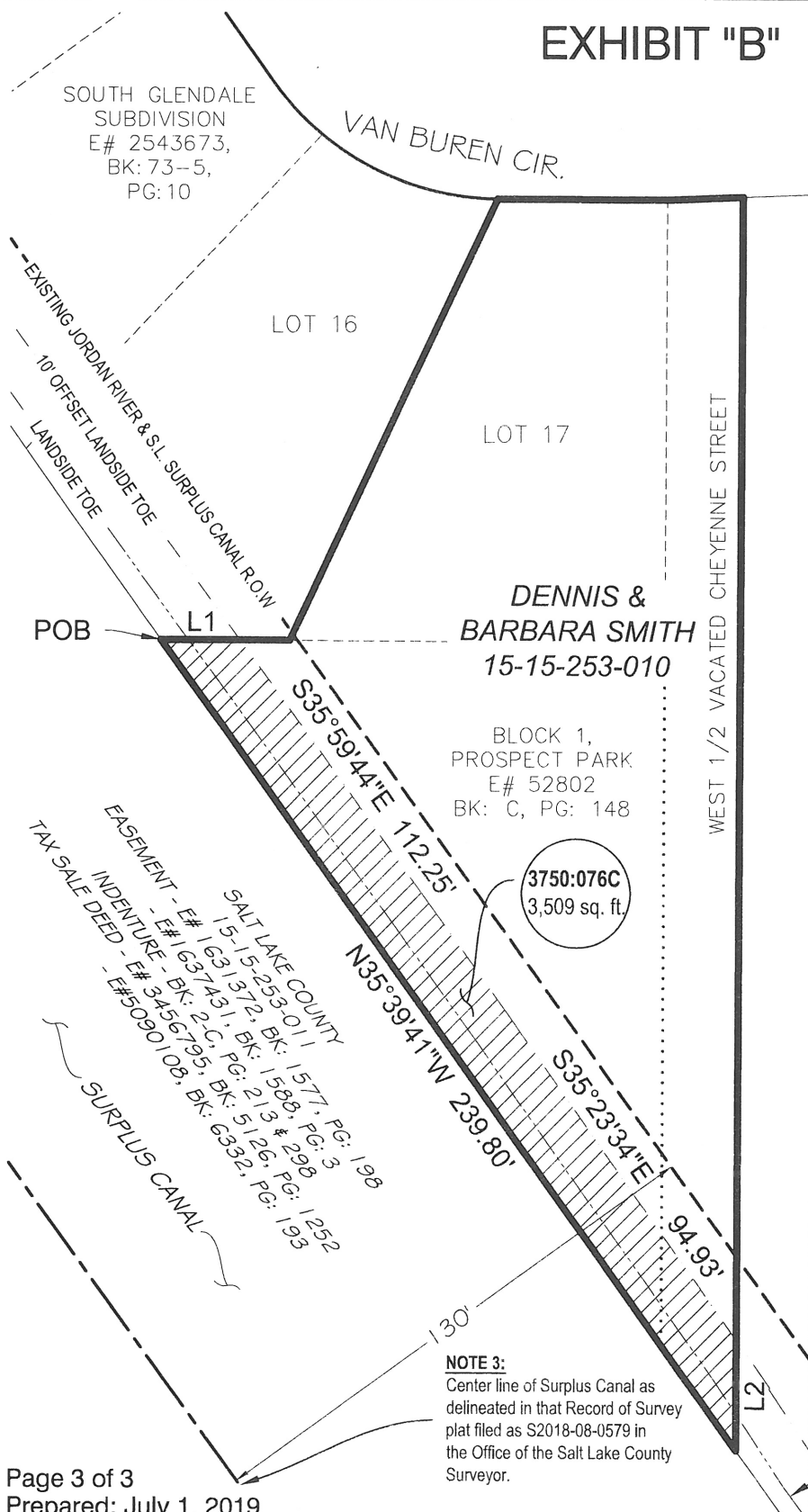
Beginning at the southerly corner of Lot 16 of South Glendale Subdivision recorded May 31, 1973 as Entry No. 2543673 in Book 73-5 of Plats, at Page 10 in the Office of said Recorder, said point also being 31.01 feet N. 89°49'59" W. (Record = S. 89°55'56" W.) from the southwesterly corner of Lot 17 in said Subdivision; thence S. 89°49'59" E. (Record = N. 89°55'56" E.) 18.92 feet along the southerly line of said Lot 16 to the ten (10.00) foot offset line of the landside toe, as located by field survey, of the Jordan River & Salt Lake Surplus Canal Levee as defined in those As-Constructed Jordan River and Surplus Canal Levee Construction and Channel Improvement plans created by the Corps of Engineers, U.S. Army referenced as Spec No. 2493 and File No. JO-4-52 dated May 11, 1961 and as shown on that certain Surplus Canal Centerline Survey plat filed as No. S2018-08-0579 in the office of the Salt Lake County Surveyor; thence Southeasterly along said ten (10.00) foot offset line the following two (2) courses: 1) S. 35°59'44" E. 112.25 feet; 2) S. 35°23'34" E. 94.93 feet to an easterly boundary line of said entire tract; thence S. 00°10'01" W. (Record = South 0°04'04" West) 26.57 feet along said easterly boundary line to the southerly corner of said entire tract; thence N. 35°39'41" W. 239.80 feet (Record = North 35°53'46" West 265.175 feet) along the southwesterly boundary line of said entire tract to the **Point of Beginning**.

The above-described parcel of land contains 3,509 square feet in area or 0.081 acre more or less.

EXHIBIT "B": By this reference, made a part hereof,

BASIS OF BEARING: S. 89°49'59" E. along the Section line between the North Quarter and the Northeast Quarter of said Section 15, Township 1 South, Range 1 West, Salt Lake Base and Meridian.

EXHIBIT "B"



LINE TABLE		
LINE #	LENGTH	BEARING
L1	18.92	S89° 49' 59"E
L2	26.57	S0° 10' 01"W

LEGEND

- LOT LINE
- TRACT BOUNDARY
- CENTERLINE OF SURPLUS CANAL
- ADJACENT PARCEL
- PARCEL LINE
- ////// QUITCLAIM AREA - 3750:076C

MICHAEL R. WEILER
LIVING TRUST
15-15-277-001



0' 20' 40'

Scale in Feet
1"=40'

NOTE 1:

Northeasterly right-of-way line of the As-Constructed Jordan River and Surplus Canal Levee Construction and Channel Improvement Plans created by the Corps of Engineers, U.S. Army referenced as Spec. No. 2493 and File No. JO-4-52 dated May 11, 1961.
See Record of Survey Plat S2018-08-0579

NOTE 2:

Caldwell Richards & Sorenson Engineers (CRS) established the landside toe location using field survey methods in June 2019.

NOTE 3:

Center line of Surplus Canal as delineated in that Record of Survey plat filed as S2018-08-0579 in the Office of the Salt Lake County Surveyor.

Page 3 of 3
Prepared: July 1, 2019



DENNIS & BARBARA SMITH
JORDAN RIVER & SURPLUS CANAL
Quitclaim Deed - 3750:076C

Prepared for:

S.L. Co. Flood Control Engineering

NE 1/4, Sec. 15, T.1S, R.1W, S.L.B.&M.

Work Order No. SU20160226 Real Estate No. 3750:076

Prepared by the Office of:

Reid J. Demman, P.L.S.
Salt Lake County Surveyor

2001 S. State St. #N1-400
Salt Lake City, Utah 84114-4575
(385) 468-8240

WHEN RECORDED, MAIL TO:

Salt Lake County Real Estate Office
2001 South State Street S3-110
Salt Lake City, UT 84101

**Affidavit – Death of Joint Tenant
(Individual)
Salt Lake County**

Affecting Tax ID No. 15-15-253-010
Parcel: 3750:076C

BARBARA E. SMITH, of legal age and in every way competent, being first duly sworn, deposes and says:

That she knows of her own personal knowledge that DENNIS L. SMITH, the decedent mentioned in the attached Certificate of Death, is the same person as DENNIS L. SMITH, named as her husband, one of the parties in that certain Warranty Deed, recorded in the official records of the Salt Lake County Recorder's Office, conveying the following described property situated in the County of Salt Lake, State of Utah, described as follows:

LOT 17, SOUTH GLENDALE SUB. ALSO COM AT SE COR LOT 17, SD SUB; S 89°55'56" W 122.12 FT TO E'LY LINE OF SURPLUS CANAL; S 35°53'46" E 234 FT, M OR L; N 0°04'04" W 194 FT, M OR L TO BEG. ALSO COM AT NE COR LOT 17, SD SUB; S 0°04'04" E 275.61 FT; S 35°53'46" E 31.18 FT; N 0°04'04" W 301.63 FT; S 87°34'44" W 18.27 FT TO BEG. 3827-29 3849-490 5749-769,771

Tax Parcel No: 15-15-253-010

BARBARA E. SMITH

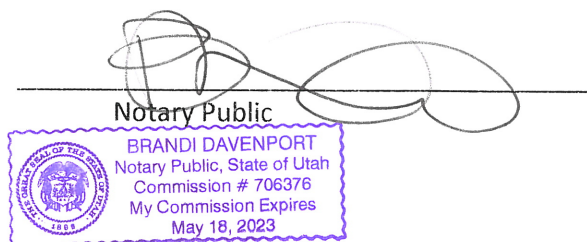
STATE OF UTAH)
)SS.
County of Salt Lake)

On 04/3 2019, before me, the undersigned Notary Public, personally appeared Barbara E. Smith, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same her authorized capacity and that by her signature on the instrument the person or the entity upon behalf of which person acted, executed the instrument.

WITNESS my hand and official seal.

My Commission Expires:

5-18-2023



WHEN RECORDED RETURN TO:

Barbara E. Smith
1523 W. Van Buren Circle
Salt Lake City, Utah 84104

APPROVED AS TO FORM

~~District Attorney's Office~~

Space above for County Recorder's use

By: R. Christopher Preston
Attorney

R. CHRISTOPHER PRESTON

Date: 10/15/2019

QUITCLAIM DEED
Salt Lake County

Parcel No.: **3750:076Q**
Tax Serial No. **15-15-253-010**
County Project No.: **FP140001**
Surveyor WO: **SU20160226**

SALT LAKE COUNTY, a body corporate and politic of the State of Utah, GRANTOR, hereby Quitclaim(s) to Barbara E. Smith, GRANTEE, for the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the following described parcel of real property in Salt Lake County, Utah, to wit:

(SEE EXHIBIT A)

IN WITNESS WHEREOF, GRANTOR has caused this Quitclaim Deed to be signed and its official seal to be affixed hereto by its duly authorized officer this _____ day of _____, 20 _____.

SALT LAKE COUNTY

STATE OF UTAH)
)ss.
COUNTY OF SALT LAKE)

By: _____
MAYOR or DESIGNEE
By: _____
COUNTY CLERK

On this ____ day of _____, 20____, personally appeared before me _____, who being duly sworn, did say that __he is the _____ of Salt Lake County, Office of Mayor, and that the foregoing instrument was signed on behalf of Salt Lake County, by authority of law.

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

Notary Public _____
My Commission Expires: _____
Residing in: _____

Acknowledgement Continued on Following Page

Parcel No.: **3750:076Q**
Tax Serial No. 15-15-253-010
County Project No.: **FP140001**
Surveyor WO: SU20160226

Acknowledgement Continued from Previous Page

On this ____ day of _____, 20____, personally appeared before me _____,
who being duly sworn, did say that __he is the CLERK_of Salt Lake County and that the foregoing
instrument was signed by him/her on behalf of Salt Lake County, by authority of a resolution of the SALT
LAKE COUNTY COUNCIL

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

Notary Public _____

My Commission Expires: _____

Residing in: _____

(EXHIBIT A)

A parcel of land being part of an entire tract defined in those As-Constructed Jordan River and Surplus Canal Levee Construction and Channel Improvement plans created by the Corps of Engineers, U.S. Army referenced as Spec No. 2493 and File No. JO-4-52 dated May 11, 1961 and as shown on that certain Surplus Canal Centerline Survey plat filed as No. S2018-08-0579 in the office of the Salt Lake County Surveyor. Said parcel of land is located in the Northeast Quarter of Section 15, Township 1 South, Range 1 West, Salt Lake Base and Meridian, and is described as follows:

Beginning at the intersection of the southerly line of Lot 16, South Glendale Subdivision recorded May 31, 1973 as Entry No. 2543673 in Book 73-5 of Plats, at Page 10 in the Office of the Salt Lake County Recorder with the ten (10) foot offset line of the landside toe, as located by field survey, of said Jordan River & Salt Lake Surplus Canal Levee which is 18.92 feet S. 89°49'59" E. (Record = N. 89°55'56" E.) along said southerly line from the southerly corner of said Lot 16, said point also being 12.09 feet N. 89°49'59" W. (Record = S. 89°55'56" W.) from the southwesterly corner of Lot 17 in said Subdivision; thence S. 89°49'59" E. (Record = N. 89°55'56" E.) 12.09 feet along said southerly line to the southwesterly corner of Lot 17 of said South Glendale Subdivision; thence N. 25°16'50" E. (Record = N. 25°02'45" E.) 1.74 feet along the northwesterly line of said Lot 17, to the northeasterly right of way line of said As-Constructed Jordan River and Surplus Canal Levee Construction and Channel Improvement plans; thence S. 35°49'38" E. (Record = S. 35°53'46" E.) 184.82 feet along said northeasterly line to the easterly boundary line of a parcel of land described in that Warranty Deed recorded November 28, 2016 as Entry No. 12420943 in Book 10504, at Page 2578 in the Office of said Recorder; thence S. 00°10'01" W. (Record = South 0°04'04" East) 19.89 feet along said easterly boundary line to said ten (10) foot offset line of the landside toe of the Jordan River & Salt Lake Surplus Canal Levee; thence Northwesterly along said ten (10) foot offset line the following two (2) courses: 1) N. 35°23'34" W. 94.93 feet; 2) N. 35°59'44" W. 112.25 feet to the **Point of Beginning**.

The above-described parcel of land contains 2,186 square feet in area or 0.050 acre, more or less.

EXHIBIT "B": By this reference, made a part hereof.

BASIS OF BEARING: S. 89°49'59" E. along the Section line between the North Quarter and the Northeast Quarter of said Section 15, Township 1 South, Range 1 West, Salt Lake Base and Meridian.

EXHIBIT "B"

SOUTH GLENDALE
SUBDIVISION
E# 2543673,
BK: 73-5,
PG: 10

VAN BUREN CIR.

VAN BUREN AVE.

LOT 16

LOT 17

WEST 1/2 VACATED CHEYENNE STREET

LINE TABLE		
LINE #	LENGTH	BEARING
L1	12.09	S89° 49' 59"E
L2	1.74	N25° 16' 50"E
L3	19.89	S0° 10' 01"W

LEGEND

- LOT LINE
- TRACT BOUNDARY
- - - CENTERLINE OF SURPLUS CANAL
- ADJACENT PARCEL
- PARCEL LINE
- ////// QUITCLAIM AREA - 3750:076Q

**DENNIS &
BARBARA SMITH**
15-15-253-010

BLOCK 1,
PROSPECT PARK
E# 52802
BK: C, PG: 148

MICHAEL R. WEILER
LIVING TRUST
15-15-277-001



0' 20' 40'
Scale in Feet
1"=40'

NOTE 1:
Northeasterly right-of-way line of the As-Constructed Jordan River and Surplus Canal Levee Construction and Channel Improvement Plans created by the Corps of Engineers, U.S. Army referenced as Spec. No. 2493 and File No. JO-4-52 dated May 11, 1961.
See Record of Survey Plat S2018-08-0579

NOTE 2:
Caldwell Richards & Sorenson Engineers (CRS) established the landside toe location using field survey methods in June 2019.

NOTE 3:
Center line of Surplus Canal as delineated in that Record of Survey plat filed as S2018-08-0579 in the Office of the Salt Lake County Surveyor.

3750:076Q
2,186 sq. ft.

SALT LAKE COUNTY
15-15-253-011
EASEMENT - E# 1631372, BK: 1577, PG: 198
INDENTURE - E# 1637431, BK: 1588, PG: 3
TAX SALE DEED - E# 3456795, BK: 5126, PG: 1252
SURPLUS CANAL

Page 4 of 4
Prepared: July 1, 2019



SALT LAKE COUNTY
JORDAN RIVER & SURPLUS CANAL
Quitclaim Deed - 3750:076Q

Prepared for:
S.L. Co. Flood Control Engineering

NE 1/4, Sec. 15, T.1S, R.1W, S.L.B.&M.
Work Order No. SU20160226 Real Estate No. 3750:076

Prepared by the Office of:
Reid J. Demman, P.L.S.
Salt Lake County Surveyor

2001 S. State St. #N1-400
Salt Lake City, Utah 84114-4575
(385) 468-8240

STATE OF UTAH
CERTIFICATION OF VITAL RECORD

CERTIFICATE OF DEATH

State File Number: 2019011312

Dennis Lowell Smith

DECEDENT INFORMATION

Date of Death:	July 29, 2019	Time of Death:	03:15
City of Death:	Salt Lake City	County of Death:	Salt Lake
Age:	74	Date of Birth:	February 9, 1945
Place of Birth:	Salt Lake City, Utah	Sex:	Male
Armed Services:	No	Marital Status:	Married
Spouse's Name:	Barbara Nelson	Usual Occupation:	Substation Foreman
Industry/Business:	Electrical	Education:	Some College but No Degree
Residence:	Salt Lake City, Utah	Parent or Father:	Gerald Bernell Smith
Parent or Mother:	Merle Bird	Facility Type:	Home
Facility or Address:	1523 West Van Buren Circle		

INFORMANT INFORMATION

Name:	Barbara Smith	Relationship:	Wife
Mailing Address:	1523 West Van Buren Circle, Salt Lake City, Utah 84104		

DISPOSITION INFORMATION

Method of Disposition: Cremation
Place of Disposition: Cremation Center of Utah, Lindon, Utah
Date of Disposition: August 2, 2019

FUNERAL HOME INFORMATION

Funeral Home: Serenity Funeral Home
Address: 12278 South Lone Peak Parkway, Suite #103, Draper, Utah 84020
Funeral Director: Beau Warenski

MEDICAL CERTIFICATION

Medical Professional: Anna C Beck MD, 6949 South High Tech Drive, Midvale, Utah 84047

CAUSE OF DEATH

Anterior Cerebral Artery Ischemic Stroke
Due to (or as a consequence of): Hypertension
Due to (or as a consequence of): Malnutrition
Other significant conditions: Dementia
Tobacco Use: Non-user
Medical Examiner Contacted: Yes Autopsy Performed: No Manner of Death: Natural

Date Registered: August 1, 2019

Date Issued: August 1, 2019

This is an exact reproduction of the facts registered in the Utah State Office of Vital Records and Statistics. Security features of this official document include: High Resolution Border, V & R images in top cycloids, and microtext. This document displays the date, seal, and signature of the Utah State Registrar of Vital Records and Statistics.

Richard J. Oborn

Richard J. Oborn, MPA
State Registrar
Rev. 1/16



065855113

Gary L. Edwards

Gary L. Edwards
Director/Health Officer
County/District Health
Department

