

**After recording, return to:
Salt Lake City Department of Airports
Planning and Environment
P.O. Box 145550
Salt Lake City, Utah 84114-5550**

**13075246
9/16/2019 4:05:00 PM \$40.00
Book - 10831 Pg - 4676-4682
RASHELLE HOBBS
Recorder, Salt Lake County, UT
SNELL & WILMER
BY: eCASH, DEPUTY - EF 7 P.**

AVIGATION EASEMENT

Parcel number: 07-26-100-010-4001.

NWQ, LLC (“Grantor”) quitclaims to SALT LAKE CITY CORPORATION (“Grantee”), for good and valuable consideration given by the Grantee to the Grantor, the receipt and sufficiency of which are hereby acknowledged, a perpetual easement, subject to the provisions and obligations set forth herein, in the airspace above and over the parcel of land described in Exhibit “A” (the “Real Property”), for the free and unrestricted passage of aircraft of any and all kinds in, through, across, and about the airspace over the Real Property, and all other aeronautical activities therein. The airspace shall mean that space above the Real Property that is above the height limit established for the Salt Lake City International Airport by the Salt Lake City Code, which for the Real Property is that space above the flat plain 4.377.4' feet mean sea level, as determined by U.S.G.S. datum coterminous with the boundaries of the Real Property (the “Airspace”).

This easement is granted under the condition that the civil aircraft yearly average noise level does not exceed 75 LDN for Zone B and 65 LDN for Zone C as those zones are described in Figure 3-1 of the Salt Lake City International Airport Land Use Policy Plan dated August, 1982, as amended from time to time, which may be obtained from the Salt Lake City Department of Airports (the “Plan”), or the equivalent to 65 LDN or 75 LDN, as appropriate, if a designation other than LDN is adopted by the U.S. Federal Government and is recognized as the generally accepted environmental noise descriptor. Zone A, as described in the Plan, shall not be restricted to any maximum yearly average noise level. This easement shall not be in effect during any period

the maximum yearly average noise level is exceeded by civil aircraft in Zone B or Zone C. However, on all other portions of the Real Property where it cannot be proven that the maximum noise levels have been exceeded, this easement shall remain in full force and effect. For purposes of this Avigation Easement, the parties agree that the Real Property is located solely within airport influential Zone C, in accordance to Salt Lake City Code § 21A.34.040.

Grantor further agrees that this easement and the rights hereby granted to the Grantee are for the purpose of insuring that the Airspace remains free and clear for the flight of aircraft landing at, taking off from, or otherwise using the Salt Lake City International Airport described in Exhibit "B" (the "Airport"). This easement and the rights appertaining thereto are for the benefit of Grantee, its successors, assigns, guests, and invitees, including any and all persons, firms or corporations operating aircraft to or from the Airport. This easement and the burden thereof, together with all things that may be alleged to be incidental to or to result from the use and enjoyment of this easement, constitute permanent and perpetual burdens and servient non-estate interests on and in the Real Property, and run with the land and are binding upon and enforceable against all successors in right, title, or interest to the Real Property and are unlimited as to frequency.

Grantor and its successors and assigns shall not hereafter erect or permit the erection or growth of any object within the Airspace. This easement grants the right of flight for the passage of aircraft in the Airspace, together with the right to cause or create, or permit or allow to be caused or created in the Airspace, and within, above and adjacent to the Real Property, such annoyances as may be inherent in, or may arise or occur from or during, the operation of aircraft subject to the noise limitations described above.

EXHIBIT "A"

Legal Description of the Real Property

The following legal description is the Real Property situated in Salt Lake County, Utah:

A PARCEL OF LAND LOCATED IN PORTIONS OF THE SOUTHWEST, SOUTHEAST AND NORTHEAST QUARTERS OF SECTION 27 AND THE SOUTHWEST QUARTER OF SECTION 26, AND THE SOUTHEAST QUARTER OF SECTION 28 AND THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 1 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 27; THENCE SOUTH 0°18'07" WEST 2031.363 FEET; THENCE SOUTH 89°47'12" EAST 1968.732 FEET; THENCE SOUTH 0°12'48" WEST 269.610 FEET; THENCE NORTH 89°47'09" WEST 303.021 FEET; THENCE SOUTH 0°03'32" WEST 439.010 FEET; THENCE NORTH 89°47'11" WEST 1668.050 FEET; THENCE NORTH 0°14'04" EAST 98.995 FEET; THENCE NORTH 89°50'40" WEST 1196.445 FEET; THENCE NORTH 0°09'38" EAST 50.987 FEET; THENCE NORTH 89°50'44" WEST 1446.542 FEET; THENCE NORTH 89°50'11" WEST 2562.630 FEET; THENCE NORTH 0°08'33" EAST 249.930 FEET TO A POINT OF CURVATURE; THENCE 808.707 FEET ALONG A TANGENT 6075 FOOT RADIUS CURVE TO THE LEFT (CHORD BEARS NORTH 3°40'16" WEST 808.110 FEET); THENCE NORTH 7°29'05" WEST 217.210 TO A POINT OF CURVATURE; THENCE 788.742 FEET ALONG A TANGENT 5924.796 FOOT RADIUS CURVE TO THE RIGHT (CHORD BEARS NORTH 03°40'16" WEST 788.160 FEET); THENCE NORTH 0°08'33" EAST 530.992; THENCE SOUTH 89°45'06" EAST 56.721 FEET TO THE WEST QUARTER OF SAID SECTION 27; THENCE SOUTH 89°51'09" EAST 2646.088 FEET TO THE CENTER QUARTER CORNER OF SAID SECTION 27; THENCE SOUTH 89°51'16" EAST 1322.662 FEET; THENCE NORTH 0°16'02" EAST 1535.518 FEET; THENCE SOUTH 57°28'01" EAST 1564.675 FEET TO THE EAST LINE OF SAID SECTION 27; THENCE SOUTH 0°18'01" WEST 697.412 FEET TO THE POINT OF BEGINNING.

For reference purposes only: (Tax Parcel No. 07-26-100-010-4001)

EXHIBIT "B"

Salt Lake City International Airport Boundary Description

Beginning at a point 806.03 feet N. $0^{\circ}02'38''$ E. of the South 1/4 corner of Section 33, Township 1 North, Range 1 West, Salt Lake Base and Meridian, said point being on the northerly right-of-way line of North Temple Street, and running thence S. $89^{\circ}58'38''$ W. 340.71 feet along said right-of-way line; thence S. $0^{\circ}02'38''$ W. 805.75 feet to the south line of Section 33; thence N. $89^{\circ}58'33''$ E. 340.71 feet along said section line to the south 1/4 corner of Section 33 (said 1/4 corner is also the north 1/4 corner of Section 4, T.1 S., R.1 W.); thence S. $0^{\circ}11'26''$ E. 2,290.43 feet to the northerly right-of-way of the Western Pacific Railroad main-line siding; thence S. $77^{\circ}49'01''$ W. 581.95 feet; thence S. $0^{\circ}12'04''$ E. 238 feet, more or less, to the 1/4 section line; thence S. $89^{\circ}57'09''$ W. 185 feet, more or less; thence N. $0^{\circ}12'04''$ W. 197 feet, more or less, to the northerly right-of-way line of the Western Pacific Railroad main-line siding; thence S. $77^{\circ}49'01''$ W. 1,932.50 feet to the west line of said Section 4 (said line is also the east line of Section 5, T.1 S., R.1 W.); thence S. $77^{\circ}49'01''$ W. 230.26 feet to a point on a 3,852.83 foot radius curve to the left, said point also being on the northerly right-of-way line of the relocated Salt Lake Garfield & Western Railroad; thence South $77^{\circ}33'$ West 397.14 feet along said curve to a point 116 feet perpendicularly distant northwesterly to the Western Pacific Railroad main-line track; thence southwesterly and parallel to said railroad track 3,459 feet, more or less; thence S. $78^{\circ}00'55''$ W. 1,343 feet, more or less, to the west line of said Section 5, (said line is also the east line of Section 6, T.1 S., R.1 W.); thence S. $78^{\circ}00'55''$ W. 238 feet, more or less, to the westerly highway right-of-way and nonaccess line of U.D.O.T. project No. 1-80-3(5)116; thence N. $1^{\circ}25'59''$ W. 622 feet, more or less, along said right-of-way line to a point on a 1,527.89 foot radius curve to the left (note: Tangent to said curve at its point of beginning bears N. $1^{\circ}50'34''$ W.); thence northwesterly 769.68 feet along said curve to the North line of the NE 1/4 SE 1/4 of said Section 6; thence northwesterly 971.37 feet along the arc of a 1,672.95 foot radius curve to the left (note: Tangent to said curve at its point of beginning bears N. $34^{\circ}24'21''$ W.); thence N. $63^{\circ}47'38''$ W. 1,084.09 feet; thence N. $55^{\circ}55'36''$ W. 436.08 feet; thence west 83.57 feet to a point on a 2,894.79 foot radius curve to the left (note: Tangent to said curve at its point of beginning bears N. $51^{\circ}35'12''$ W.); thence northwesterly 246.45 feet along said curve; thence N. $57^{\circ}07'49''$ W. 100.52 feet; thence N. $57^{\circ}27'53''$ W. 328.82 feet; thence N. $57^{\circ}47'59''$ W. 200.79 feet to a point on a 5,759.58 foot radius curve to the left (note: Tangent to said curve at its point of beginning N. $58^{\circ}28'02''$ W.); thence northwesterly 640 feet, more or less, along said curve; thence North 545 feet more or less, to the north section line of said Section 6; thence North 850.50 feet; thence East 46.47 feet; thence N. $4^{\circ}58'32''$ W. 4,445.67 feet to the north line of Section 31, T.1 N., R.1 W.; thence West 1,009.82 feet along said line to the northwest corner of said Section 31; thence North 15,840 feet to the northwest corner of Section 18, T.1 N., R.1 W.; thence East 10,560 feet to the northeast corner of Section 17, T.1 N., R.1 W.; thence South 5,280 feet to the northwest corner of Section 21, T.1 N., R.1 W.; thence East 2,640.0 feet; thence South 660.0 feet; thence East 1,320.0 feet; thence South 14,374.25 feet to the northerly right-of-way line of North Temple Street; thence S. $89^{\circ}58'38''$ W. 1,254 feet, more or less, along said right-of-way line to the point of beginning;

And beginning at a point 660 feet West and 792 feet North of the South 1/4 corner of Section 16, T.1 N., R.1 W., Salt Lake Base and Meridian; running thence North 198 feet; thence

East 660 feet; thence North 33 feet; thence East 165 feet; thence South 264 feet; thence West 165 feet; thence North 33 feet; thence West 660 feet to the point of beginning;

And beginning at a point 660 feet West and 990 feet North of the South 1/4 corner of Section 16, T.1 N., R.1 W., Salt Lake Base and Meridian; running thence North 519.75 feet; thence East 660 feet; thence South 189.75 feet; thence East 165 feet; thence South 297 feet; thence West 165 feet; thence South 33 feet; thence West 660 feet to the point of beginning;

And beginning at the South Quarter Corner of Section 16; Township 1 North, Range 1 West, Salt Lake Base and Meridian; running thence West 660 feet along the South line of said section; thence North 792 feet; thence East 660 feet; thence South 792 feet to the point of beginning;

And beginning at a point 660 feet West and 792 feet North of the South Quarter Corner Section 16, Township 1 North, Range 1 West, Salt Lake Base and Meridian; running thence North 198 feet; thence East 660 feet; thence North 33 feet; thence East 165 feet; thence South 264 feet; thence West 165 feet; thence North 33 feet; thence West 660 feet to the point of beginning;

And beginning in the South line of the Northeast quarter of Section 6 at a point 470.36 feet West from the East quarter corner of said Section 6; thence West 1205.35 feet along said South line; thence North $25^{\circ}05'47''$ West 265.54 feet; and thence N. $25^{\circ}25'49''$ West 100.52 feet; thence Northwesterly 1287.85 feet along the arc of a 2894.79 foot radius curve to the left to the North line of the Southwest quarter Northeast quarter of said Section 6 (Note: Tangent to said curve at its point of beginning bears North $26^{\circ}05'48''$ West); thence East 83.57 feet along said North line to the Southwesterly right-of-way and no-access line of the freeway known as Project No. 80-3; thence South $55^{\circ}55'36''$ East 436.08 feet; thence South $63^{\circ}47'38''$ East 1084.09 feet to a point on a 1672.95 foot radius curve to the right; thence Southeasterly 971.37 feet along the arc of said curve to the point of beginning. (Note: Tangent to said curve at its point of beginning bears South $67^{\circ}40'25''$ East);

And beginning in the south line of the Northeast quarter of said Section 6 at a point approximately 1741.94 feet West from the East quarter corner of said Section 6; thence West 903.79 feet, more or less, to the West line of the Northeast quarter of said Section 6; thence North 1254.38 feet along said West line to a point on a 2834.79 foot radius curve to the right; thence Southeasterly 1220.69 feet along the arc of said curve (Note: Tangent to said curve at its point of beginning bears South $50^{\circ}46'08''$ East); thence South $25^{\circ}25'43''$ East 99.48 feet; thence South $25^{\circ}05'47''$ East 237.49 feet to the point of beginning;

And beginning at the Northwest corner of the Southeast quarter of Section 16, Township 1 North, Range 1 West, Salt Lake Base and Meridian, said point being the center of Section 16; thence East 165 feet; thence South 1320 feet; thence West 165 feet; thence North 1320 feet to the point of beginning.

Contains 6,822.59 acres, more or less (excluding the highway R.O.W.).

OWNERSHIP CERTIFICATE

Without limitation, the undersigned hereby represents to Salt Lake City Corporation that it constitutes all of the owners of the Real Property bearing Salt Lake County Tax Parcel Number 07-26-100-010-4001, as described in Exhibit A, as of the date set forth below, and further represent and agree as follows:

It has full capacity to execute this Avigation Easement and make a binding conveyance thereof, and knows of no other acts in addition to the execution of this Avigation Easement necessary to make a valid and binding conveyance of the same.

It will not transfer any interest in the Real Property before the recording of this Avigation Easement by Salt Lake City Corporation without providing prior written notice to the City.

There is no other person or entity having any rights or interests with respect to the Real Property whose consent or conveyance is necessary to make this Avigation Easement fully enforceable against the Real Property with respect to all parties.

After the recording of this Avigation Easement, it will use best efforts to obtain the consent or conveyance of any party with rights or interests created before that time which may be necessary to make this Avigation Easement fully enforceable against the Real Property with respect to all parties.

Date: September 13, 2019

Record Owner of Salt Lake County Tax Parcel
Number 07-26-100-010-4001

NWQ, LLC,
a Utah limited liability company

By: 

Name: Lance Bullen

Title: Authorized Manager