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W2452406

E# 2452406 PG 1 OF 8
ERNEST D ROWLEY, WEBER COUNTY RECORDER
31-DEC-09 3:43 PM FEE \$28.00 DEP SC
REC FOR: FOUNDERS TITLE COMPANY - SYRAC
ELECTRONICALLY RECORDED

D-43796

part 05-148-0012

**STORM WATER DRAINAGE AGREEMENT AND
AGREEMENT TO MOVE FIBER OPTIC LINE AND EASEMENT**

This agreement dated December 31, 2009 between Autoliv ASP, Inc. and Air Ind., LLC regarding a Storm Water Drainage System and an Agreement to Move Fiber Optic Line and Easement for the Property located at 3340 South Airport Road in Ogden, Utah (Property).

Whereas contemporaneously with the date of this Agreement Autoliv ASP, Inc. conveyed the Property by Special Warranty Deed (the "Deed") to Air Ind., LLC; and

Whereas Autoliv owns the parcel immediately to the south of the Property (the "Autoliv Property") and

Whereas both parties desire to provide a Storm Water Drainage System, including a detention pond for the benefit of the Property and the Autoliv Property, as referenced in the Deed; and

Whereas the Storm Drainage system, including a detention pond, may be located on the Property or another property owned by a third party; and

Whereas the Deed retains an easement for an existing fiber optic line for the benefit of Autoliv ASP, Inc. and the Autoliv Property.

It is therefore agreed as follows:

1. **Access to use Storm Water Drainage System:** Both the Property and the Autoliv Property shall have access to use the Storm Water Drainage System, and Seller shall seek to obtain any easements as necessary for such use from any third party adjacent property owner.
2. **Cost of Creation of Storm Water Drainage System:** All costs for the initial installation of the Storm Water Drainage System shall be borne by Autoliv ASP, Inc. If the detention pond for the Storm Water Drainage System area which is currently planned to be located on an adjacent property currently owned by a third party requires the use of the Property more than the approximately 8500 square feet currently undeveloped area on the northwest corner of the property then Air Ind., LLC shall be reimbursed by Autoliv ASP, Inc. in the amount of \$4.41 per square foot for each additional foot that is required for the Storm Water Drainage System area.
3. **Maintenance of Storm Water Drainage System:** Maintenance for the Storm Water Drainage System shall be shared equally between Autoliv ASP, Inc. and Air Ind., LLC.
4. **Agreement to Move Fiber Optic Line and Easement:** Upon request by Air Ind., LLC, Autoliv ASP, Inc. agrees to relocate the easement and fiber optic line to a location on the Property as directed by Air Ind., LLC within 60 days of said request. All costs of relocation of the fiber optic line and easement shall be paid by Autoliv ASP, Inc. Following such relocation, if requested by either party, the parties shall record an easement showing the specific location of the relocated fiber optic line.
5. **Successors and Assigns; Further Cooperation:** This Agreement shall be binding upon and inure to the benefit of the parties and their successors and assigns, and future owners of the Property

and the Autoliv Property. The parties shall cooperate in executing any further documentation reasonably necessary to accomplish the actions and obligations described herein.

- 6. **Agreement to Survive Closing and Run with the Land:** All warranties, representations, covenants, obligations and agreements contained in this Contract shall survive the closing hereunder and the transfer and conveyance of the Property and any and all performances hereunder.

IN WITNESS WHEREOF, the parties have executed this STORM WATER DRAINAGE AGREEMENT AND AGREEMENT TO MOVE FIBER OPTIC LINE AND EASEMENT as of the date first written above.

Autoliv ASP, Inc., an Indiana corporation

By: *Michael J. Ward*
 Name: President ASP,
 Title: Michael J. Ward

Air Ind, LLC, a Utah limited liability company

By: _____
 Name: _____
 Title: _____

and the Autoliv Property. The parties shall cooperate in executing any further documentation reasonably necessary to accomplish the actions and obligations described herein.

- 6. **Agreement to Survive Closing and Run with the Land:** All warranties, representations, covenants, obligations and agreements contained in this Contract shall survive the closing hereunder and the transfer and conveyance of the Property and any and all performances hereunder.

IN WITNESS WHEREOF, the parties have executed this STORM WATER DRAINAGE AGREEMENT AND AGREEMENT TO MOVE FIBER OPTIC LINE AND EASEMENT as of the date first written above.

Autoliv ASP, Inc., an Indiana corporation

By: _____

Name: _____

Title: _____

Air Ind, LLC, a Utah limited liability company

By: SW

Name: NEIL WALL

Title: Manager

ACKNOWLEDGEMENTS

STATE OF Utah)

: SS.

COUNTY OF Weber)

On the 31 day of December, 2009, the foregoing Agreement was acknowledged before me by Michael J Ward, in his capacity as President of Autoliv ASP, Inc., an Indiana corporation.

Tina Saunders

Notary Public

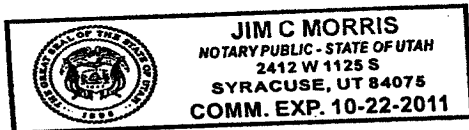


STATE OF UTAH)

: SS.

COUNTY OF Davis)

On the 31st day of DECEMBER, 2009, the foregoing Agreement was acknowledged before me by NEIL J. WALL, in his capacity as MANAGER of Air Ind, LLC., a Utah limited liability company.



Jim C Morris

Notary Public

EXHIBIT A**Legal Description of Autoliv Property**

05-148-0020

A part of the North Half of Section 6, Township 5 North, Range 1 West, Salt Lake Base & Meridian, U.S. Survey:

Beginning at a point 469.35 feet South 0°22'52" West along the Quarter Section Line to the Northwest right of way line of Interstate 15 and 306.26 feet South 20° 11 '47" East along said Northwesterly right of way line from the North Quarter corner of said Section and running thence South 20°11 '47" East 465.75 feet along said Northwesterly right of way line to the Northerly line of the Union Pacific Railroad Property; thence three (3) courses along said Northerly line as follows South 38°50' 12" West 436.31 feet; North 0°22'52" East 85.48 feet and South 38°26'52" West 1275.62 feet; thence North 14° 19'52" East 1760.61 feet; thence South 75°43'44" East 43. 15 feet; thence South 59°35'42" East 81.83 feet; thence North 85°14'32" East 82.63 feet; thence South 75°43'44" East 129.09 feet; thence North 67°36' 18" East 162.0 I feet to the point of beginning

Contains 15.987 Acres

Subject to the Following Parking and Access Easement:

A part of the North Half of Section 6, Township 5 North, Range 1 West, Salt Lake Base & Meridian, U.S. Survey:

Beginning at a point 469.35 feet South 0°22'52" West along the Quarter Section line to the northwesterly right of way line of Interstate 15 and 306.26 feet South 20°11'47" East along said right of way line from the North Quarter corner of said Section and running thence South 20°11 '47" East 53.11 feet along said right of way line to a point on a fence line extended; thence South 71°45'15" West 173.35 feet along said fence line extended and an existing fence line to a building corner; thence North 75°34'46" West 101.61 feet along said building; thence North 15° 11'07" East 4.57 feet; thence North 75°49'33" West 11.64 feet; thence Southwesterly along the arc of a 29.00 foot radius curve to the left a distance of 18.90 feet (long chord bears South 85°30'26" West 18.56 feet); thence South 66°50'24" West 19.91 feet; thence Northwesterly along the arc of 56.25 foot radius curve to the right a distance of 52.32 feet (long chord bears North 86°30'55" West 50.45 feet); thence North 59°52' 13" West 133.73 feet; thence Northwesterly along the arc of a 42.64 foot radius curve to the left a distance of 18.22 feet (long chord bears North 72°06'53" West 18.08 feet); thence North 14°19'52" East 21.04 feet; thence South 75°43'44" East 43.15 feet; thence South 59°35'42" East 117.98 feet; thence Southeasterly along the arc of a 26.25 foot radius curve to the left a distance of 24.06 feet (long chord bears South 85°51 '02" East 23.23 feet); thence North 67°53'36" East 55.47 feet; thence South 75°43'44" East 104.95 feet; thence North 67°36'18" East 162.01 feet to the point of beginning.

EXHIBIT B**Legal Description of Air Ind Property**

05-140-0019

A part of the North Half of Section 6, Township 5 North, Range 1 West, Salt Lake Base & Meridian, U.S. Survey:

Beginning at a point 441.92 feet South 0°22'52" West along the Quarter Section line from the North Quarter corner of said Section and running thence South 0°22'52" West 27.43 feet along said Quarter Section line to the Northwesterly right of way line of Interstate 15: thence South 20°11'47" East 306.26 feet along said right of way line; thence South 67°36'18" West 162.01 feet; thence North 75°43'44" West 129.09 feet; thence South 85°14'32" West 82.63 feet, thence North 59°35'42" West 81.83 feet; thence North 75°43'44" West 43.15 feet; thence North 14°19'52" East 323.29 Feet thence North 22°04'52" East 249.65 feet; thence South 44°05'08" East 232.70 feet; thence South 19°59'08" East 82.84 feet to the point of beginning.

Contains 3.938 Acres

Together with the following Parking and Access Easement:

A part of the North Half of Section 6, Township 5 North, Range 1 West, Salt Lake Base & Meridian, U.S. Survey:

Beginning at a point 469.35 feet South 0°22'52" West along the Quarter Section line to the northwesterly right of way line of Interstate 15 and 306.26 feet South 20°11'47" East along said right of way line from the North Quarter corner of said Section and running thence South 20°11'47" East 53.11 feet along said right of way line to a point on a fence line extended; thence South 71°45'15" West 173.35 feet along said fence line extended and an existing fence line to a building corner; thence North 75°34'46" West 101.61 feet along said building; thence North 15°11'07" East 4.57 feet; thence North 75°49'33" West 11.64 feet; thence Southwesterly along the arc of a 29.00 foot radius curve to the left a distance of 18.90 feet (long chord bears South 85°30'26" West 18.56 feet); thence South 66°50'24" West 19.91 feet; thence Northwesterly along the arc of 56.25 foot radius curve to the right a distance of 52.32 feet (long chord bears North 86°30'55" West 50.45 feet); thence North 59°52'13" West 133.73 feet; thence Northwesterly along the arc of a 42.64 foot radius curve to the left a distance of 18.22 feet (long chord bears North 72°06'53" West 18.08 feet); thence North 14°19'52" East 21.04 feet; thence South 75°43'44" East 43.15 feet; thence South 59°35'42" East 117.98 feet; thence Southeasterly along the arc of a 26.25 foot radius curve to the left a distance of 24.06 feet (long chord bears South 85°51'02" East 23.23 feet); thence North 67°53'36" East 55.47 feet; thence South 75°43'44" East 104.95 feet; thence North 67°36'18" East 162.01 feet to the point of beginning.

EXHIBIT C**Legal Description of Easement Parcel**

A part of the North Half of Section 6, Township 5 North, Range 1 West, Salt Lake Base & Meridian, U.S. Survey:

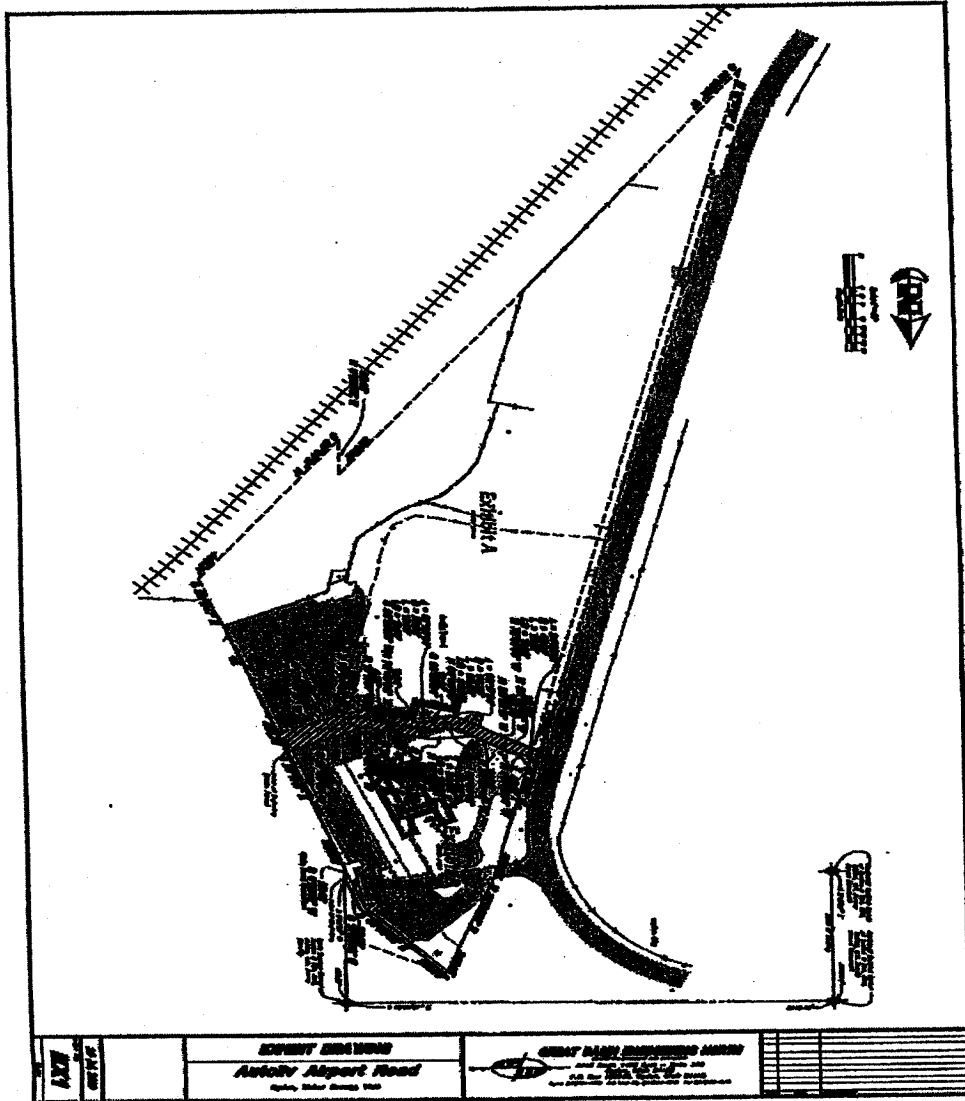
Beginning at a point 469.35 feet South 0°22'52" West along the Quarter Section line to the Northwestern right of way line of Interstate 15 and 306.26 feet South 20°11'47" East along said right of way line from the North Quarter corner of said Section and running thence South 20°11'47" East 53.11 feet along said right of way line to a point on a fence line extended; thence South 71°45'15" West 173.35 feet along said fence line extended and an existing fence line to a building corner; thence North 75°34'46" West 101.61 feet along said building; thence North 15°11'07" East 4.57 feet; thence North 75°49'33" West 11.64 feet; thence Southwesterly along the arc of a 29.00 foot radius curve to the left a distance of 18.90 feet (long chord bears South 85°30'26" West 18.56 feet); thence South 66°50'24" West 19.91 feet; thence Northwesterly along the arc of 56.25 foot radius curve to the right a distance of 52.32 feet (long chord bears North 86°30'55" West 50.45 feet); thence North 59°52'13" West 133.73 feet; thence Northwesterly along the arc of a 42.64 foot radius curve to the left a distance of 18.22 feet (long chord bears North 72°06'53" West 18.08 feet); thence North 14°19'52" East 21.04 feet; thence South 75°43'44" East 43.15 feet; thence South 59°35'42" East 117.98 feet; thence Southeasterly along the arc of a 26.25 foot radius curve to the left a distance of 24.06 feet (long chord bears South 85°51'02" East 23.23 feet); thence North 67°53'36" East 55.47 feet; beginning; thence South 75°43'44" East 104.95 feet; thence North 67°36'18" East 162.01 feet to the point of beginning.

05-148-0020

Contains 18,689 Square Feet
or 0.429 Acre

EXHIBIT D

Site Plan



AX DATE	EXHIBIT D	EXHIBIT D AND PLAN NO. 100-100-100 AS SHOWN ON THE PLAN	[Grid]
	Autoly Airport Road [Small text]		