

When Recorded Return To:

Utah Department of Environmental Quality  
Division of Environmental Response and Remediation  
Attention: Voluntary Program Coordinator  
168 North 1950 West  
Salt Lake City, Utah 84116

7851726  
03/26/2001 10:58 AM NO FEE  
Book - 8437 Pg - 4956-4968  
GARY W. OTT  
RECORDER, SALT LAKE COUNTY, UTAH  
UT ST-ENVIRONMENTAL QUALITY  
BY: ZJM, DEPUTY - MA 13 P.

RE: Bonneville Center Voluntary Cleanup

**AMENDED AND RESTATED  
CERTIFICATE OF COMPLETION**

This Amended and Restated Certificate of Completion amends and restates a Certificate of Completion issued to Zions Securities Corporation on March 22, 2000 by the Utah Department of Environmental Quality ("UDEQ") following completion of its Bonneville Center Voluntary Cleanup.

1. Compliance with Terms of Voluntary Cleanup Program

The Executive Director of Utah Department of Environmental Quality, through her designee below, has determined that the applicant (Zions Securities Corporation) has completed the Voluntary Cleanup Program in accordance with sections 19-8-108 and 19-8-110 of the Utah Code and the Voluntary Cleanup Agreement entered into on July 27, 1998, and that the applicant and Marketfare Foods, Inc. (Co-Applicant) are entitled to receive this Amended Certificate of Completion pursuant to section 19-8-111 of the Utah Code, subject to the conditions set forth in paragraph 3 below.

2. Acknowledgment of Protection From Liability

This Amended Certificate of Completion acknowledges protection of liability provided by Section 19-8-113 of the Utah Code to future property owners who obtain any portion of the 208.32 acre parcel located at 5600 West Amelia Earhart Drive, Salt Lake City, Utah, as described more fully in Exhibit A attached hereto, and to lenders who make loans secured by the Zion Securities Property covered by this Certificate of Completion. In addition, this Amended Certificate of Completion also acknowledges protection of liability provided by Section 19-8-113 of the Utah Code to future owners of and lenders who make loans secured by Lots 6, 7 and 8 of Plat 6 of the Salt Lake International Center that are currently owned by Marketfare Foods, Inc., as described more specifically in the Attachment to Exhibit B (the "Marketfare Property"), relating to any liability that may arise from or be in any way related to the dissolved arsenic detected in the groundwater beneath the Marketfare Property, to the extent such conditions arise as a result of migration from the Zions Securities Property. A map exhibiting the dissolved arsenic concentrations in the groundwater beneath the Marketfare Property is

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attached hereto as Exhibit B. Together the Zions Securities Property and the Marketfare Property are hereinafter collectively referred to as the "Property." As set forth in Section 19-8-113, this release of liability is not available to an owner or lender who was originally responsible for a release of contamination, or to an owner or lender who changes the land use from the use specified in this Amended Certificate of Completion if the changed use or uses may reasonably be expected to result in increased risks to human health or the environment or to an owner or lender who causes further releases on the Property covered by this Amended Certificate of Completion.

### 3. Specified Land Use

The Property covered by this Amended Certificate of Completion is expected to be used for commercial or light industrial purposes and shall not be used for residential purposes. The Property use shall comply with the Site Management Plan ("SMP") dated February 10, 2000 on file with the Utah Department of Environmental Quality, Division of Environmental Response and Remediation. The SMP among other things requires:

- a. Continuous monitoring of groundwater, the submission of sampling results to the Utah Department of Environmental Quality, Division of Environmental Response and Remediation for review;
- b. Non-use and non-access to groundwater from the shallow aquifer located beneath the Property via wells, pits, sumps, or other means for the purpose of irrigation, drinking or bathing;
- c. Compliance with the groundwater use contingency plan contained in the SMP if groundwater from the shallow aquifer located beneath properties downgradient of the Property is accessed via wells, pits, sumps or other means for the purpose of drinking or bathing;
- d. Continued reimbursement to the Utah Department of Environmental Quality for its oversight of the SMP and review of groundwater sampling results submitted thereunder, and;
- e. Continued consent to access by the Utah Department of Environmental Quality to monitor compliance with the SMP.

### 4. Unavailability of Release of Liability

Failure to comply with the SMP shall constitute a change in land use expected to result in increased risks to human health and the environment making the release of liability unavailable as described in paragraph 2 above.

### 5. Second Amended Certificate of Completion

Upon completion of the SMP, the Applicant and Co-Applicant, future owners or lenders may request the Utah Department of Environmental Quality record a second amended Certificate of Completion to delete compliance with the SMP as a condition of land use.

UDEQ would like to commend Zions Securities Corporation's proactive approach to returning the Property to beneficial use.

Dated this 7 day of Feb, ~~2000~~ <sup>2001</sup>.

Kent P. Gray  
Kent P. Gray  
Authorized Representative of the  
Executive Director  
Utah Department of Environmental Quality

STATE OF UTAH                    )  
  ss:  
COUNTY OF Salt Lake )

On this 7 day of February, 2001, personally appeared before me, Kent P. Gray who duly acknowledged that he signed the above Amended Certification of Completion as an authorized representative of the Executive Director of the Utah Department of Environmental Quality.

Mary Charlene Lamph

NOTARY PUBLIC

Residing at: Salt Lake City

My Commission Expires Dec. 15, 2003



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**EXHIBIT A**

**LEGAL DESCRIPTION OF ZIONS SECURITIES PROPERTY**

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EXHIBIT A  
To  
DECLARATION

Legal Description

That certain real property located in Salt Lake County, State of Utah, described as follows:

Property "A" (BDC Property)

Parcel 1 (Easterly of Apollo Road):

Part of the Southwest Quarter of Section 35, Township 1 North, Range 2 West, Salt Lake Base & Meridian, being more particularly described as follows:

Beginning at the intersection of the South line of Amelia Earhart Drive with the West line of 5600 West Street, which point is 60.13 feet South 00°02'12" West along the monument line of said 5600 West Street and 110.00 feet North 89°57'48" West from the centerline monument marking the intersection of said monument line of 5600 West Street and the monument line of Amelia Earhart Drive (the basis of bearing being North 89°58'28" East 2581.73 feet along the Section line between the Salt Lake County Monuments found marking the North Quarter corner and the Northeast corner of said Section 35), and running thence South 00°02'12" West 680.03 feet along said West line of 5600 West Street; thence South 02°33'10" West 680.13 feet along said line to the Northerly right-of-way line of Interstate 80; thence along said Northerly right-of-way line the following five courses: South 32°12'46" West 242.86 feet; and South 73°18'21" West 276.67 feet; and South 65°05'01" West 295.34 feet; and South 75°44'02" West 626.42 feet; and South 87°36'53" West 215.13 feet to the Easterly line of the Interstate 80 frontage road (Apollo Road); thence along said line the following five courses: North 58°45'43" East 1178.16 feet to the point of curvature with a 333.00 foot radius curve to the left; and Northeasterly 344.52 feet along the arc of said curve through a central angle of 59°16'39"; and North 00°30'56" West 388.64 feet to the point of curvature with a 717.00 foot radius curve to the right; and Northerly 202.44 feet along the arc of said curve through a central angle of 16°10'37"; and North 15°39'41" East 273.12 feet to the point of curvature with a 30.00 foot radius curve to the right; thence Northeasterly 44.53 feet along the arc of said curve through a central angle of 85°02'57", to said South line of Amelia Earhart Drive and a point of reverse curvature with a 700.00 foot radius curve to the left; thence Easterly 131.25 feet along said South line of Amelia Earhart Drive and along the arc of said curve through a central angle of 10°44'36"; thence North 89°58'02" East 196.83 feet along said South line to the point of beginning.

Parcel 2 (Westerly of Apollo Road).

Beginning at the intersection of the centerline of the Salt Lake, Garfield & Western Railroad easement and the West line of John Glenn Road (6070 West), which point is 490.27 feet South 89°58'51" West along the Section line and 1388.86 feet South 00°02'54" West from the North Quarter corner of Section 35, Township 1 North, Range 2 West, Salt Lake Base & Meridian (the basis of bearing being North 89°58'28" East 2581.73 feet along the Section line between the Salt Lake County Monuments found marking the North Quarter corner and the Northeast corner of said Section 35), and running thence South 00°02'54" West 524.37 feet along said West line of John Glenn Road to the Southwest corner of Salt Lake International Center Plat 6, as recorded in the Office of the Salt Lake County Recorder; thence South 89°57'06" East 66.00 feet to a point of non-

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(Property "A" continued)

tangency with a 30.00 foot radius curve to the right (radius point bears South 89°57'06" East); thence Northeasterly 47.09 feet along the arc of said curve through a central angle of 89°55'51" (chord bears North 45°00'49" East 42.40 feet), to the Southerly line of Amelia Earhart Drive; thence along said line for the following three courses: North 89°58'45" East 1164.19 feet to the point of curvature with a 910.00 foot radius curve to the right; and Southeasterly 714.45 feet along the arc of said curve through a central angle of 44°59'01"; and South 41°54'50" East 185.16 feet to the point of curvature with a 30.00 foot radius curve to the right; thence Southerly 45.49 feet along the arc of said curve through a central angle of 86°52'36"; thence South 45°04'33" East 66.00 feet to the point of non-tangency with a 30.00 foot radius curve to the right (radius point bears South 45°02'14" East); thence Easterly 47.12 feet along the arc of said curve through a central angle of 90°00'00" (chord bears North 89°57'46" East 42.43 feet), to said Southerly line of Amelia Earhart Drive; thence South 45°02'14" East 296.91 feet along said line to the point of curvature with a 700.00 foot radius curve to the right; thence Southeasterly 297.50 feet along said line and along the arc of said curve through a central angle of 24°21'03", to the point of reverse curvature with a 30.00 foot radius curve to the right; thence Southeasterly 44.53 feet along the arc of said curve through a central angle of 85°02'57", to the Westerly line of the I-80 frontage road (Apollo Road); thence along said line the following seven courses: South 15°39'41" West 275.12 feet to the point of curvature with a 785.00 foot radius curve to the left; and Southerly 221.07 feet along the arc of said curve through a central angle of 16°10'37"; and South 00°30'56" East 388.64 feet to the point of curvature with a 267.00 foot radius curve to the right; and Southwesterly 276.23 feet along the arc of said curve through a central angle of 59°16'39"; and South 58°45'43" West 972.83 feet; and South 72°23'41" West 6.00 feet to a point of non-tangency with a 945.34 foot radius curve to the right (radius point bears North 27°35'14" West); thence Southwesterly 441.32 feet along the arc of said curve through a central angle of 26°44'51" (chord bears South 75°47'12" West 437.32 feet) to the Northerly right-of-way line of Interstate 80; thence along said line the following seven courses: South 89°09'38" West 436.09 feet to the point of curvature with an 1876.92 foot radius curve to the right; and Westerly 449.31 feet along the arc of said curve through a central angle of 13°42'57"; and North 70°34'18" West 174.71 feet; and North 76°45'11" West 41.44 feet; and North 73°19'11" West 123.37 feet; and North 86°38'17" West 343.65 feet; and South 89°58'07" West 362.55 feet to the centerline of said Salt Lake, Garfield & Western Railroad easement; thence North 00°05'35" West 617.97 feet along said line; thence South 61°51'57" East 26.02 feet; thence South 79°05'24" East 27.57 feet to the Easterly line of said Salt Lake, Garfield & Western Railroad easement; thence North 00°05'35" West 1760.25 feet along said line to the point of curvature with a 530.00 foot radius curve to the right; thence Northeasterly 307.86 feet along said line and along the arc of said curve through a central angle of 54°54'07"; thence North 00°02'41" West 59.89 feet to the centerline of said Salt Lake, Garfield & Western Railroad easement and a point of non-tangency on a 580.00 foot radius curve to the right (radius point bears South 31°47'03" East); thence Northeasterly 319.58 feet along the arc of said curve and said centerline through a central angle of 31°54'13" (chord bears North 74°00'03" East 315.56 feet); thence North 89°47'10" East 234.42 feet along said centerline to the point of beginning.

Contains 181.808 acres, more or less.

Property "B" (Property Reserve, Inc. Property)

Part of the Northwest Quarter of Section 35, Township 1 North, Range 2 West, Salt Lake Base & Meridian, being more particularly described as follows:

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(Property "B" continued)

Beginning at a point on the West line of John Glenn Road (6070 West), which point is 490.27 feet South 89°58'51" West along the Section line and 66.00 feet South 00°02'54" West from the North Quarter corner of Section 35, Township 1 North, Range 2 West, Salt Lake Base & Meridian (the basis of bearing being North 89°58'28" East 2581.73 feet along the Section line between the Salt Lake County Monuments found marking the North Quarter corner and the Northeast corner of said Section 35), and running thence South 00°02'54" West 1322.86 feet along said West line of John Glenn Road to the centerline of the Salt Lake, Garfield & Western Railroad right of way; thence South 89°47'10" West 234.42 feet along said centerline to the point of curvature with a 580.00 foot radius curve to the left; thence Southwesterly 319.58 feet along the arc of said curve and said centerline through a central angle of 31°34'13" to the West line of the Little Goggin Drain Easement; thence North 00°02'41" West 1410.52 feet along said line; thence North 89°58'51" East 539.97 feet to the point of beginning

Contains 16.570 acres, more or less.

The above-referenced legal descriptions include, among other property, Bonneville Center Plat A and Amended Lots 3 and 4 Bonneville Center Plat A according to the plats thereof on file with the Salt Lake County Recorder's Office.

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Exhibit A - Page 3

~~BK 7596 PG 2676~~

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EXHIBIT B  
To  
DECLARATION

Site Plan

See attached one-page drawing entitled Bonneville Center Masterplan,  
January, 1997

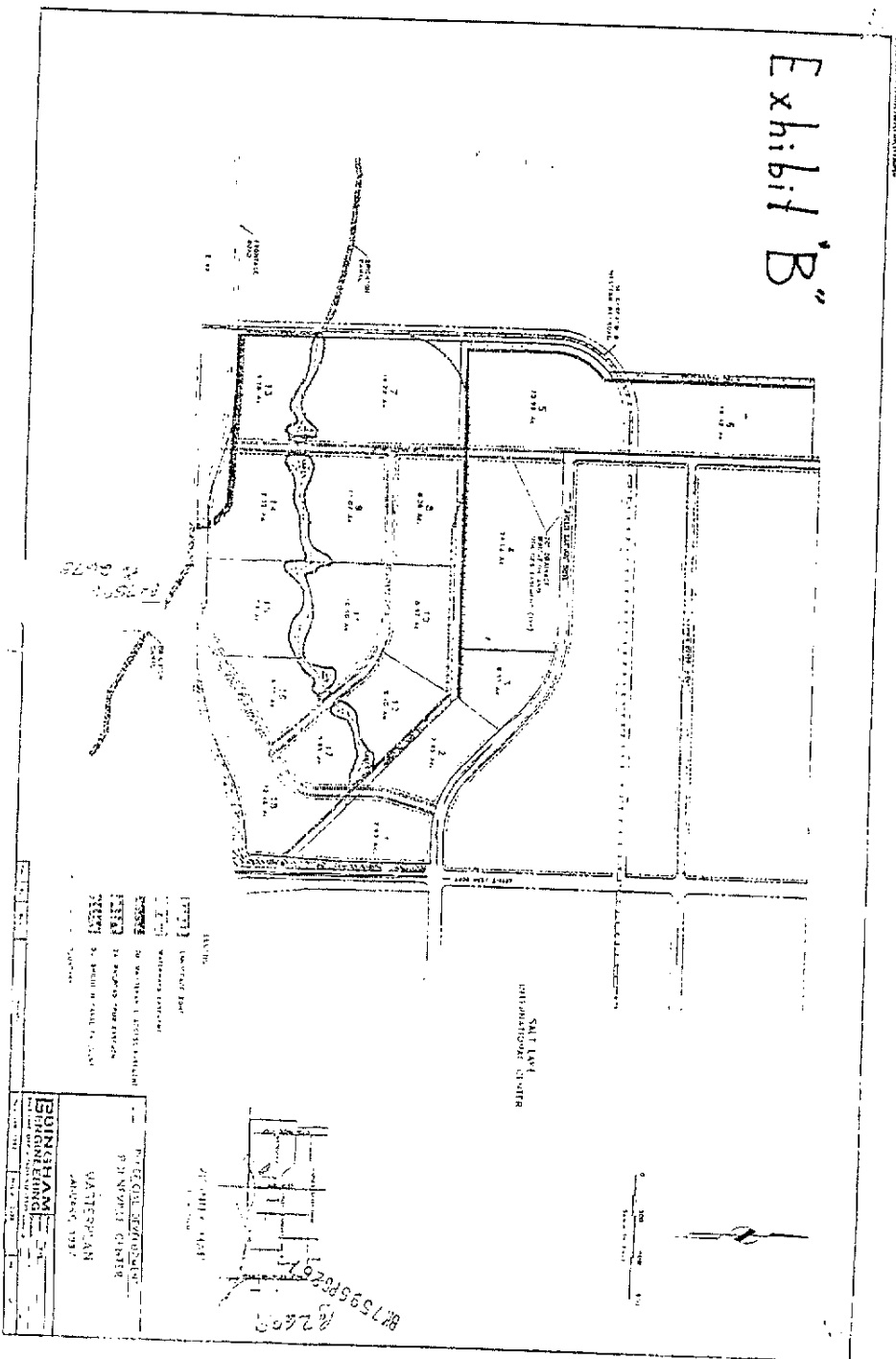
~~BK7595PC2677~~

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# Exhibit "B"



3K8437P64964

**Bonneville Center - Tax Serial Numbers**

07-35-252-004-0000 5843 W. Amelia Earhart Dr.

07-35-252-005-0000 5843 W. Amelia Earhart Dr.

07-35-400-004-0000 5625 W. Amelia Earhart Dr.

07-35-400-005-0000 225 N. 5600 West

07-35-400-007-0000 225 N. 5600 West

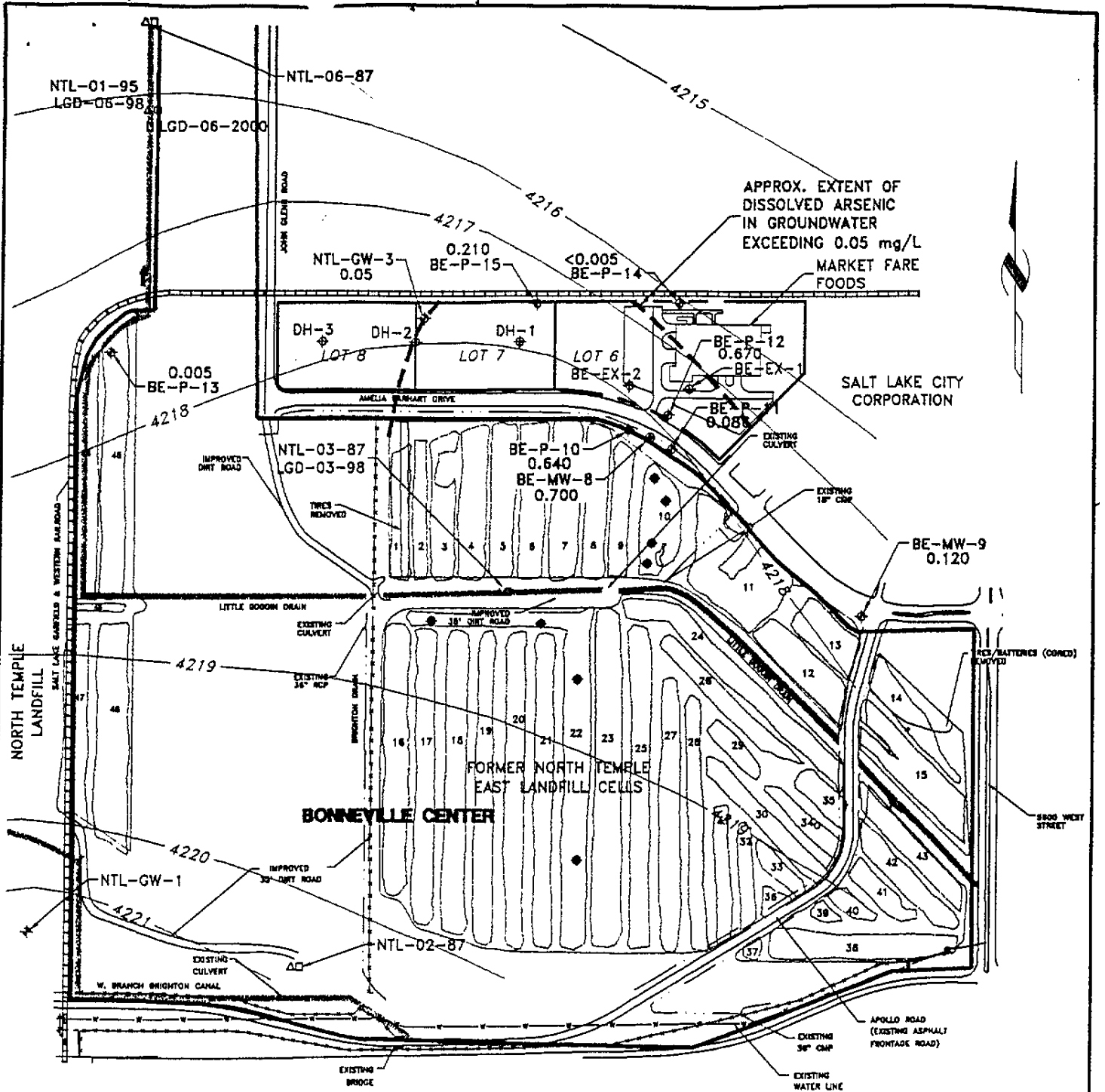
07-35-426-001-0000 5665 W. Amelia Earhart Dr.

07-35-426-003-0000 6045 W. Amelia Earhart Dr.

07-35-426-004-0000 5665 W. Amelia Earhart Dr.

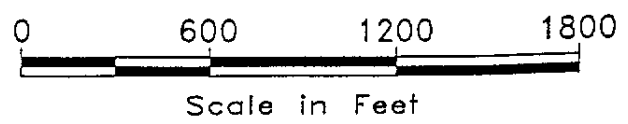
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**EXHIBIT B**  
**MAP DEPICTING CONTAMINATION BENEATH**  
**MARKETFARE PROPERTY**



**LEGEND**

- FORMER LANDFILL CELLS
- ⊕ EXPLORATORY SAMPLING LOCATIONS (TEMPORARY)
- ◆ SOIL SAMPLING LOCATIONS (ARSENIC) (DEC. 1, 1998)
- ⊕ PROJECT GROUNDWATER MONITOR WELLS
- BE-MW-8 SMP MONITOR WELLS
- — — — — PROPERTY BOUNDARY
- 4218 — GROUNDWATER CONTOURS (NOVEMBER 9, 2000)
- 0.210 DISSOLVED ARSENIC CONCENTRATIONS IN GROUNDWATER, mg/L (AUGUST 23, 2000)
- △ SEDIMENT SAMPLE



LeBoeuf, Lamb, Greene, & MacRae	
MARKETFARE FOODS LOTS 6, 7, & 8	
SITE MAP	
<p><b>BINGHAM ENVIRONMENTAL</b> SALT LAKE CITY - (801) 532-2230</p>	<p>FIGURE 1</p>

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## ATTACHMENT TO EXHIBIT B

The contamination in the groundwater beneath the Marketfare Foods, Inc. property (the "Property") is depicted on Exhibit B to which this Attachment is affixed. The legal description of the Marketfare Property is as follows:

All of Lots 6, 7 and 8 all of which are located in the Salt Lake International Center Plat 6, an industrial subdivision, according to the official plat thereof, recorded as Entry No. 3205333, in Book 7812, at Page 321, Records of the Salt Lake County Recorder.

The tax identification numbers for the Marketfare Foods, Inc., parcels affected by the COC are as follows:

### PLAT 6

Lot 6 -	#07-35-276-001
Lot 7 -	#07-35-251-002
Lot 8 -	#07-35-100-004