

When Recorded Return to:

Ent 475199 Bk 1284 Pg 683-704
Date: 03-MAR-2020 3:18:39PM
Fee: \$88.00 Check Filed By: TC
PEGGY FOY SULSER, Recorder
WASATCH COUNTY CORPORATION
For: RICHARDS BRANDT MILLER NELSON

**AMENDMENT TO MODERATE INCOME HOUSING AGREEMENT
FOR MAYFLOWER MARINA AND LAKESIDE NORTH**

This Amendment to Moderate Income Housing Agreement for Mayflower Marina and Lakeside-North Areas (this “**Amendment**”), effective as of the 19 day of February, 2020, (the “**Effective Date**”) by and between Wasatch County, a political subdivision of the State of Utah (the “**County**”) and Stichting Mayflower Mountain Fonds, a Netherlands association, and Stichting Mayflower Recreational Fonds, a Netherlands association (hereinafter collectively “**Mayflower**”), and Jordanelle Land Investors, LLC, a Utah limited liability company (hereinafter “**JLI**”). Mayflower’s successors in interest as to the projects described in Exhibit A below, include, but may not be limited to, Sundance Burbidge JVI LLC, Mayflower Lakeside Townhomes South, LLC, Mayflower Lakeside Village LLC, Mayflower Lakeside Village South LLC, and JLI’s successors in interest as to the projects described in Exhibit A below, include, but are not limited to Skyridge LLC (for each Developer, their respective successors are “**Successors**”). Mayflower and JLI may be referred to hereinafter collectively as “**Developers**”. ‘Mayflower’ and ‘JLI’ as used shall include their respective successors in interest, transferees and assigns, including, where applicable, assignments to successors in interest or assignees of Mayflower’s or JLI’s rights and obligations under this Agreement. Each party may be individually referred to as “**Party**” or collectively as the “**Parties**.”

RECITALS

A. WHEREAS, the Parties entered into that certain January 26, 2018 Moderate Income Housing Agreement - for Mayflower Marina and Lakeside North recorded on January 30, 2018 as Entry No. 447879 in Book 1213 at Page 1683-1711 (the “**First Agreement**”);

B. WHEREAS, the Parties entered into that certain January 26, 2018 Moderate Income Housing Agreement - Corrected for Mayflower Marina and Lakeside North recorded on September 26, 2018 as Entry No. 456366 in Book 1234 at Page 1159-1178 (the “**Corrected Agreement**”);

C. WHEREAS, the Lakeside North Master Plan Development Agreement dated January 18, 2018 recorded on January 30, 2018 as Entry No. 456366 Bk 1213 at Page 1632-1682 included as Exhibit F a place for an Affordable Housing Agreement which was not attached;

D. WHEREAS, the Lakeside North Master Plan Development Agreement dated January 18, 2018 recorded on January 30, 2018 as Entry No. 456366 Bk 1213 at Page 1632-1682 (“**Lakeside MDA 1**”) included as Exhibit F an Affordable Housing Agreement which was not complete;

E. WHEREAS, the First Amendment to Lakeside North Master Plan Development Agreement dated May 17, 2019 was recorded on May 17, 2019 as Entry No. 463725 BK 1252 at Page 973-995 (“Lakeside MDA 2”);

F. WHEREAS, the Mayflower Marina-East Master Plan Development Agreement dated September 24, 2018 was recorded on September 26, 2018 as Entry No. 456367 BK 1234 at Page 1179-1245 (“Marina East MDA”), which included as Exhibit D the Corrected Agreement,

G. WHEREAS, JLI, their Successors, and County agree that the Corrected Agreement, as amended by this Amendment, is the Exhibit F to the Lakeside MDA 1 as amended by Lakeside MDA 2;

H. WHEREAS, Mayflower, their Successors, and the County agree that the Corrected Agreement, as amended by this Amendment, is the Exhibit D to the Marina East MDA;

I. WHEREAS, Mayflower and its Successors in interest are the owner of a large parcel of land located near the Jordanelle Reservoir in Wasatch County consisting of approximately 141.2 acres (“**Marina**”). The County and Mayflower have since separated Marina into Marina-East and Marina-West for development and entitlement purposes. JLI and its Successors in interest are the owner of a large parcel of land also located near the Jordanelle Reservoir in Wasatch County consisting of approximately 670 acres (“**Lakeside-North**”). Together, Lakeside-North, Marina-East and Marina-West are sometimes referred to herein as the “Projects.” The legal descriptions of the two (2) Projects are attached hereto as Exhibit A;

J. WHEREAS, pursuant the Agreement, Developers are required to provide Affordable Housing Units (the “**Affordable Housing Obligation**”);

K. WHEREAS, pursuant to Section 2 of the Agreement the Parties agreed upon an Affordable Housing Obligation Parcel (“**AHOP**”) wherein Developer shall concentrate their respective Affordable Housing Obligations;

L. WHEREAS, pursuant to Section 2(b)(1) of the Agreement, within two (2) years of submitting to the County for processing and approval a Preliminary Site Plan for Lakeside North, Marina-East or Marina-West, Developers are also required to submit to the County, for processing and approval, a Preliminary Site Plan and Preliminary Plat for the entire AHOP.

M. WHEREAS, pursuant to Section 2(b)(2) of the Agreement, within two (2) years of the County’s approval of the Final Site Plan and Final Plat for the first phase and each subsequent phase on Lakeside North, JLI shall commence construction of the AHOP infrastructure necessary to service the affordable housing units attributable to that phase; and, within three (3) years of the County’s approval of the Final Site Plan and Final Plat for the first phase and each subsequent phase on Lakeside North, JLI shall commence construction of the affordable units attributable to that phase.

N. WHEREAS, pursuant to Section 2(b)(2) of the Agreement, within two (2) years of the County’s approval of the Final Site Plan and Final Plat for the first phase and each subsequent

phase on Marina-East or Marina-West, Mayflower shall commence construction of the AHOP infrastructure necessary to service the affordable housing units attributable to that phase; and, within three (3) years of the County's approval of the Final Site Plan and Final Plat for the first phase and each subsequent phase on Marina East or Marina-West, as applicable, Mayflower shall commence construction of the Affordable Units attributable to that Project's phase.

O. WHEREAS, pursuant to Section 2(b)(3) of the Agreement, should JLI or Mayflower fail to meet any of their aforementioned respective infrastructure or construction deadlines, the County may withhold approval of the Final Site Plan and Final Plat for subsequent phases on Lakeside North as to JLI, or, as to Mayflower, Marina-East or Marina-West as applicable, pending compliance with said deadlines; provided however, that the County may not withhold any such approval for a Lakeside North, Marina-East or Marina-West phase pending compliance with a deadline required of either of the other two (2) Projects.

P. WHEREAS, pursuant to Section 2(b)(2) of the Agreement, Developer may request that the County Council extend the aforementioned deadlines as is set forth herein;

Q. WHEREAS, in order to fulfill Developer's obligations as outlined in the Agreement, Developers are desirous of requesting that the deadlines be extended; and

R. WHEREAS, the County has agreed to allow Developer additional time to fulfill the obligations of the Agreement.

NOW THEREFORE, in consideration of the mutual promises, covenants, provisions set forth herein, the receipt and adequacy of which are hereby acknowledged, the Parties agree as follows:

AGREEMENT

1. **Amendment to Section 2(b)(1) of Agreement.** Section 2(b)(1) of the Agreement is hereby deleted in its entirety and replaced with the following:

(1) Within two (2) years of the County's approval of the Final Site Plan and Final Plat for the first phase on Lakeside North, Marina-East or Marina-West, which occurred on February 19, 2019, Developers shall submit to the County, for processing and approval, a Preliminary Site Plan and Preliminary Plat for the entire AHOP.

2. **Amendment to Section 2(b)(2) of Agreement.** Section 2(b)(2) of the Agreement is hereby deleted in its entirety and replaced with the following:

2) Within four (4) years of the County's approval of the Final Site Plan and Final Plat for the first phase and each subsequent phase on Lakeside North (allowable first phase maximum of 173 ERUs), JLI shall commence construction of the AHOP infrastructure necessary to service the affordable housing units attributable to that phase. Within five (5) of the County's approval of the Final Site Plan and Final Plat for the first phase and each subsequent phase on Lakeside North, JLI shall commence construction of the Affordable Units attributable to that phase.

Similarly, within four (4) years of the County's approval of the Final Site Plan and Final Plat for the first phase and each subsequent phase on Marina-East (allowable first phase maximum of 159 ERUs) or Marina-West (allowable first phase pending), Mayflower shall commence construction of the AHOP infrastructure necessary to service the affordable housing units attributable to that phase. Within five (5) years of the County's approval of the Final Site Plan and Final Plat for the first phase and each subsequent phase on Marina East or Marina-West, as applicable, Mayflower shall commence construction of the Affordable Units attributable to that Project's phase.

Developers may approach the County Council for extensions of these deadlines, which the County Council may accept or deny in its sole and absolute discretion. To the extent this Section 2(b)(2) conflicts with Section 2(b)(4), Section 2(b)(4) shall apply.

3. **Development Agreements.** WHEREAS, JLI and County agree that the Corrected Agreement, as modified by this Amendment, is the Exhibit F to the Lakeside MDA 1 as amended by Lakeside MDA 2. Mayflower and the County agree that the Corrected Agreement, as amended by this Amendment, is the Exhibit D to the Marina East MDA;

4. **Successors.** The Successors hereby agree to this Amendment as it applies to their property, to the extent they own property in Exhibit A.

5. **Effectiveness.** The Parties acknowledge and agree that except as modified by this Amendment, all other terms and conditions of the Agreement shall remain unchanged, and further that the provisions of the Agreement, as modified herein are hereby ratified and shall remain in full force and effect. In the event of any conflict between the Agreement and this Amendment, the provisions of this Amendment shall govern and control. This Amendment may be executed and delivered by facsimile and portable document format and/or in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

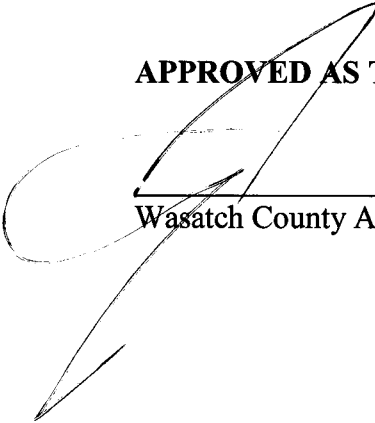
IN WITNESS WHEREOF, the Amendment has been executed as of the date and year first written above.

WASATCH COUNTY:

APPROVED AS TO FORM:



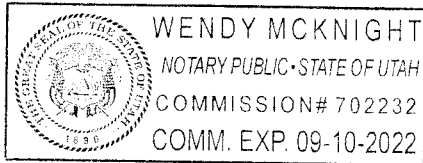
Mike Davis, County Manager



Wasatch County Attorney

STATE OF UTAH)
 :SS
COUNTY OF WASATCH)

The foregoing instrument was acknowledged before me this 2 day of 03, 2020, by Mike Davis who executed the foregoing instrument on behalf of Wasatch County in his capacity as County Manager.





NOTARY PUBLIC

[Balance of page left intentionally blank, Mayflower and JLI Signatures on following pages]

[Mayflower Signature Block and Acknowledgement]

Stichting Mayflower Mountain Fonds,
a Netherlands association

By: [Signature]
Stichting Beheer Mayflower Project, a
Netherlands association

Its: Manager

By: CRAIG C. COBURN

Title: Attorney-in-Fact

Stichting Mayflower Recreational Fonds,
a Netherlands association

By: [Signature]
Stichting Beheer Mayflower Project, a
Netherlands association

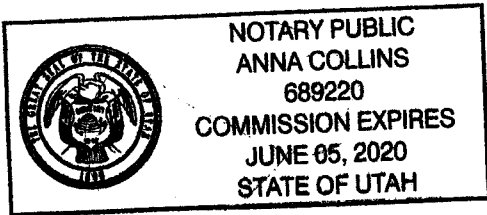
Its: Manager

By: CRAIG C. COBURN

Title: Attorney-in-Fact

STATE OF UTAH)
)
) :SS
COUNTY OF Salt Lake

The foregoing instrument was acknowledged before me this 21st day of February, 2020, by Craig C. Coburn, who executed the foregoing instrument in his capacity as the Attorney-in-Fact of Stichting Beheer Mayflower Project, a Netherlands association, Manager of Stichting Mayflower Mountain Fonds, a Netherlands association and Stichting Mayflower Recreational Fonds, a Netherland association.



Anna Collins
NOTARY PUBLIC

[Balance of page left intentionally blank, JLI Signatures to follow on next page]

[JLI Signature Block and Acknowledgement]

JORDANELLE LAND INVESTORS, LLC, a
Utah limited liability company



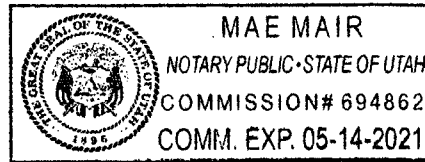
By: Steven D. Fellows
Its: Manager

STATE OF UTAH)
 :SS
COUNTY OF Summit)

The foregoing instrument was acknowledged before me this 21st day of February, 2020, by Steven D. Fellows, who executed the foregoing instrument in his capacity as the Manager of Jordanelle Land Investors, LLC, a Utah limited liability company.



NOTARY PUBLIC



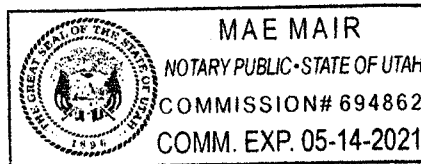
Skyridge LLC, a Utah limited liability company

Tyler Alder
By: Manager
Its: Manager

STATE OF UTAH)
) :ss
COUNTY OF Summit)

The foregoing instrument was acknowledged before me this 21st day of February, 2020, by Tyler Alder, who executed the foregoing instrument in his capacity as the Manager of Skyridge LLC, a Utah limited liability company.

Mae Mair
NOTARY PUBLIC



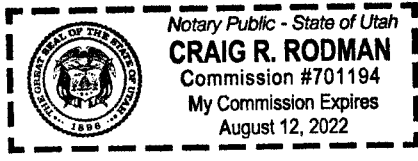
Sundance Burbidge JVI LLC, a Utah limited liability company

By: [Signature]
Its: Manager

STATE OF UTAH)
 :SS
COUNTY OF Summit)

The foregoing instrument was acknowledged before me this 24 day of FEB, 2020, by LEE BURBIDGE, who executed the foregoing instrument in his capacity as the Manager of Sundance Burbidge JVI LLC, a Utah limited liability company.

[Signature]
NOTARY PUBLIC



Mayflower Lakeside Townhomes South, LLC,
a Utah limited liability company

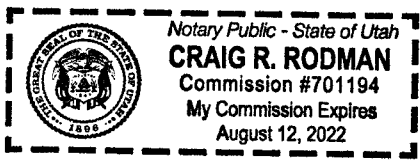
By: Lee Burbridge
Its: Manager

STATE OF UTAH)
 :SS
COUNTY OF Summit)

The foregoing instrument was acknowledged before me this 24 day of FEB., 2020, by LEE BURBRIDGE, who executed the foregoing instrument in his capacity as the Manager of Mayflower Lakeside Townhomes South, LLC, a Utah limited liability company.

[Signature]

NOTARY PUBLIC



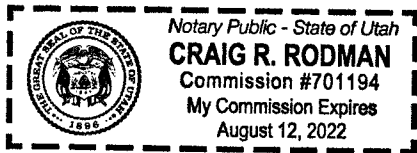
Mayflower Lakeside Village LLC, a Utah
limited liability company

By: [Signature]
Its: Manager

STATE OF UTAH)
 :SS
COUNTY OF SUMMIT)

The foregoing instrument was acknowledged before me this 21 day of FEB., 2020, by LEE BURBIDGE, who executed the foregoing instrument in his capacity as the Manager of Mayflower Lakeside Village LLC, a Utah limited liability company.

[Signature]



NOTARY PUBLIC

Mayflower Lakeside Village South LLC, a
Utah limited liability company

By: [Signature]
Its: Manager

STATE OF UTAH)
 :SS
COUNTY OF SUMMIT)

The foregoing instrument was acknowledged before me this 24 day of FEB, 2020, by LEE R. RIDGE, who executed the foregoing instrument in his capacity as the Manager of Mayflower Lakeside South Village LLC,, a Utah limited liability company.

[Signature]

NOTARY PUBLIC

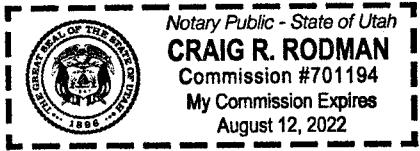


EXHIBIT A

Legal Description of Property

LAKESIDE-NORTH

Parcel 1

The Northeast quarter; the East half of the Southeast quarter; the East half of the East half of the West half of the Southeast quarter; and the East half of the West half of the East half of the West half of the Southeast quarter of Section 12, Township 2 South Range 4 East, Salt Lake Base and Meridian.

EXCEPTING THEREFROM THE FOLLOWING:

Exception Parcel No. 1:

Those portions of the above described Parcel 1 lying within Summit County.

Wasatch County Tax Serial Number: OWC-0005-0.

Wasatch County Tax Parcel Number: 00-0007-1204.

Parcel 2

5 strips of land lying within the East half of Section 13, Township 2 South Range 4 East, Salt Lake Base and Meridian, being more particularly described as follows:

- a) A strip of land 100.0 feet wide situate in the East half of Section 13, Township 2 South Range 4 East of the Salt Lake Meridian in Wasatch County, Utah, said strip being 50.0 feet on each side, measured at right angles and/or radially, from the hereinafter described centerline of abandoned main track of the Ontario Branch of the Union Pacific Railroad Company, as formerly constructed and operated, and extending in a general Southwesterly and Southeasterly direction from the East line to the South line of said Section.
- b) Two strips of land each 75.0 feet wide situate in the Southeast quarter of the Northeast quarter of Section 13, Township 2 South Range 4 East of the Salt Lake Base and Meridian in Wasatch County, Utah, said strips lying between lines 50.0 and 125.0 feet on each side, measured at right angles and/or radially, from the hereinafter described centerline of abandoned main track of the Ontario Branch of the Union Pacific Railroad Company, as formerly constructed and operated, and extending Southwesterly from a straight line drawn at right angles through said centerline at a point thereon that is 985.7 feet distant Southwesterly, measured along said centerline, from the East line of said Section to a straight line drawn radially through said centerline at a point thereon that is 1185.7 feet distant Southwesterly, measured along said centerline, from said East line of Section.
- c) Two strips of land each 125.0 feet wide situate in the South half of the Southeast quarter of Section 13, Township 2 South Range 4 East of the Salt Lake Base and Meridian in Wasatch County, Utah, said strips lying between lines 50.0 and 175.0 feet on each side, measured at right angles and/or radially, from the hereinafter described centerline of abandoned main track of the Ontario Branch of the Union Pacific Railroad Company, as formerly constructed and operated, and extending Southwesterly and Southeasterly from a straight line drawn radially through said centerline at a point thereon that is 3386.2 feet distant Southwesterly, measured along said centerline, from the East line of said Section to the South line of said Section.

Said centerline of the abandoned main track referred to above, and referenced hereafter as the **“CENTERLINE OF ABANDONED MAIN TRACK OF THE ONTARIO BRANCH OF THE UNION PACIFIC RAILROAD COMPANY, AS FORMERLY CONSTRUCTED AND OPERATED”**, is described as follows:

Commencing at a point on the West line of Section 6, Township 2 South Range 5 East, Salt Lake Base and Meridian, that is 60.6 feet distant North, measured along said West line, from the West quarter corner thereof; thence Easterly along a non-tangent curve, concave Southerly, with a radius of 573.69 feet and a line which is tangent to the beginning of said curve forms an angle of 32°36' from North to Northeast with said West line of Section, a distance of 1225.1 feet; thence Southeasterly along a straight line tangent to the end of the last described curve, a distance of 1164.4 feet to the beginning of a tangent curve concave Northeasterly, having a radius of 1432.69 feet; thence Southeasterly along said curve, a distance of 500.0 feet; thence Southeasterly along a straight line tangent to the end of the last described curve, a distance of 542.6 feet to the beginning of a tangent curve, concave Southwesterly, having a radius of 716.78 feet; thence Southeasterly along said curve, a distance of 300.8 feet to the True Point of Beginning of the centerline hereby being described; thence Southeasterly along a straight line tangent to the end of the last described curve, a distance of 282.4 feet to the beginning of a tangent curve concave Northeasterly, having a radius of 955.37 feet; thence Southeasterly along said curve, a distance of 300.3 feet; thence Southeasterly along a straight line tangent to the end of the last described curve, a distance of 217.5 feet to the beginning of a tangent curve concave Southwesterly, having a radius of 716.78 feet; thence Southeasterly along said curve, a distance of 513.5 feet; thence Southerly along a straight line tangent to the end of the last described curve, a distance of 426.3 feet to the beginning of a tangent curve concave Northeasterly, having a radius of 955.37 feet; thence Southeasterly along said curve, a distance of 541.9 feet; thence Southeasterly along a straight line tangent to the end of the last described curve, a distance of 228.6 feet to the beginning of a tangent curve concave Westerly, having a radius of 573.69 feet; thence Southerly along said curve, a distance of 932.5 feet; thence Southwesterly along a straight line tangent to the end of the last described curve, a distance of 195.1 feet to the beginning of a tangent curve concave Southeasterly, having a radius of 573.69 feet; thence Southwesterly along said curve, a distance of 475.2 feet; thence Southwesterly along a straight line tangent to the end of the last described curve, a distance of 161.8 feet to the beginning of a tangent curve concave Northwesterly, having a radius of 955.37 feet; thence Southwesterly along said curve, a distance of 357.8 feet; thence Southwesterly along a straight line tangent to the end of the last described curve, a distance of 124.6 feet to the beginning of a tangent curve concave Southeasterly, having a radius of 955.37 feet; thence Southwesterly along said curve, a distance of 341.9 feet; thence Southwesterly along a straight line tangent to the end of the last described curve, a distance of 314.4 feet to the beginning of a tangent curve concave Northwesterly, having a radius of 819.02 feet; thence Southwesterly along said curve, a distance of 369.0 feet; thence Southwesterly along a straight line tangent to the end of the last described curve, a distance of 333.0 feet to the beginning of a tangent curve concave Southeasterly, having a radius of 573.69 feet; thence Southwesterly along said curve, a distance of 399.5 feet; thence Southwesterly along a straight line tangent to the end of the last described curve, a distance of 79.5 feet to the beginning of a tangent curve concave Northwesterly, having a radius of 573.69 feet; thence Southwesterly along said curve, a distance of 165.6 feet to a point on the South line of Section 7, Township 2 South, Range 5 East, Salt Lake Base and Meridian, that is 1279.4 feet, more or less, distant East, measured along said South line, from the Southwest corner thereof; thence continuing Southwesterly along the remainder of said curve, a distance of 501.6 feet; thence Southwesterly along a straight line tangent to the end of the last described curve, a distance of 47.0 feet to the beginning of a tangent curve concave Southeasterly, having a radius of 573.69 feet; thence Southwesterly along said curve, a distance of 358.7 feet; thence Southwesterly along a straight line tangent to the end of the last described curve, a distance of 212.3 feet to the beginning of a tangent curve

concave Northwesterly, having a radius of 1910.08 feet; thence Southwesterly along said curve, a distance of 416.7 feet; thence Southwesterly along a straight line tangent to the end of the last described curve, a distance of 170.7 feet to the beginning of a tangent curve concave Southeasterly, having a radius of 1432.69 feet; thence Southwesterly along said curve, a distance of 138.8 feet to a point on the West line of Section 18, Township 2 South Range 5 East, Salt Lake Base and Meridian, that is 1324.7 feet distant South, measured along said West line, from the Northwest corner thereof; thence continuing Southwesterly along the remainder of said curve, a distance of 189.5 feet; thence Southwesterly along a straight line tangent to the end of the last described curve, a distance of 950.5 feet to the beginning of a tangent curve concave Southeasterly, having a radius of 955.37 feet; thence Southwesterly along said curve, a distance of 296.4 feet; thence Southwesterly along a straight line tangent to the end of the last described curve, a distance of 247.4 feet to the beginning of a tangent curve concave Easterly, having a radius of 955.37 feet; thence Southerly along said curve, a distance of 400.0 feet; thence Southeasterly along a straight line tangent to the end of the last described curve, a distance of 276.8 feet to the beginning of a tangent curve concave Northwesterly, having a radius of 573.69 feet; thence Southwesterly along said curve, a distance of 677.0 feet; thence Southwesterly along a straight line tangent to the end of the last described curve, a distance of 276.6 feet to the beginning of a tangent curve concave Easterly, having a radius of 573.69 feet; thence Southerly along said curve, a distance of 1151.0 feet; thence Southeasterly along a straight line tangent to the end of the last described curve, a distance of 183.8 feet to the beginning of a tangent curve concave Southwesterly, having a radius of 575.60 feet; thence Southeasterly along said curve, a distance of 169.2 feet to a point on the North line of Section 24, Township 2 South, Range 4 East, Salt Lake Base and Meridian that is 1596.3 feet Easterly, measured along said North line, from the North quarter corner of said Section; thence continuing Southeasterly along the remainder of said curve, a distance of 417.8 feet to a point beyond the strips of land hereinabove described.

Wasatch County Tax Serial Number: OWC-0010-4.

Wasatch County Tax Parcel Number: 00-0013-1453.

Parcel 3

Those portions of Section 13, Township 2 South Range 4 East, Salt Lake Base and Meridian lying West of the Westerly lines of the 5 strips of land described above as Parcel 2.

EXCEPTING THEREFROM THE FOLLOWING:

Exception Parcel No. 2:

All of East Park Plat No. 1, according to the official plat thereof, recorded July 28, 1966 as Entry No. 89132 in Book 55 at Page 336 of the official records in the office of the Wasatch County Recorder.

Exception Parcel No. 3:

All of East Park Plat II, according to the official plat thereof, recorded November 2, 1966 as Entry No. 89491 in Book 56 at Page 242 of the official records in the office of the Wasatch County Recorder.

Exception Parcel No. 4:

Beginning at a point which is South 88°51'36" East 697.125 feet from the Northwest corner of Section 13, Township 2 South Range 4 East, Salt Lake Base and Meridian; and running thence South 02°43'57" East 926.974 feet; thence East 230.00 feet; thence North 47°50' East 600.00 feet; thence North 36°59'19" West 647.868 feet; thence North 88°51'36" West 330.0 feet to the point of beginning.

Exception Parcel No. 5:

Beginning at a point South 88°48' East 1570 feet and South 01°00' West 80.00 feet, from the Northwest corner of Section 13, Township 2 South Range 4 East, Salt Lake Base and Meridian; running thence South 67°45' East 1043.55 feet; thence South 22°15' West 417.42 feet; thence North 67°45' West 1043.55 feet; thence North 22°15' East 417.42 feet to the point of beginning.

Exception Parcel No. 6:

Beginning at the Northwest corner of Lot 251, East Park, Plat II, said point also being South 88°51'36" East 1027.125 feet and South 35°59'19" East 647.868 feet from the Northwest corner of Section 13, Township 2 South Range 4 East, Salt Lake Base & Meridian; and running thence South 34°42'09" East 140.363 feet; thence South 15°00'00" West 363.00 feet; thence South 67°45' East 878.87 feet; thence North 22°30'23" East 424.92 feet; thence North 20°00' East 44.34 feet; thence North 67°45' West 1098.55 feet; thence South 36°59'19" East 65.24 feet to the point of beginning.

Exception Parcel No. 7:

Beginning at the Northeast corner of Lot 246, East Park, Plat II, a subdivision, a part of Section 13, Township 2 South Range 4 East, Salt Lake Base and Meridian; and running thence South 25°11'51" West 204.88 feet; thence South 18°23'00" West 166.300 feet; thence South 51°54' East 105.37 feet; thence South 2°33'16" East 164.184 feet; thence North 66°14'06" East 142.90 feet; thence South 83°20' East 109.04 feet; thence North 44°29' East 161.00 feet; thence North 37°41'35" East 245.58 feet; thence North 44°29' East 110.00 feet; thence South 42°28'18" East 182.08 feet; thence North 34°04'38" East 248.00 feet; thence North 22°30'23" East 54.67 feet; thence North 67°45' West 878.87 feet; thence South 15°00' West 87.00 feet; thence South 51°30' West 100.00 feet; thence South 31°18'05" East 196.345 feet to the point of beginning.

Exception Parcel No. 8:

Beginning at the Northeast corner of Lot 246, East Park, Plat II, a subdivision, a part of Section 13, Township 2 South Range 4 East, Salt Lake Base and Meridian; and running thence South 25°11'51" West 204.88 feet; thence South 18°23'00" West 166.300 feet; thence South 51°54' East 105.37 feet; thence South 2°33'16" East 164.184 feet; thence North 66°14'06" East 242.26 feet; thence South 83°06'27" East 109.23 feet; thence North 44°29' East 161.00 feet; thence North 37°41'35" East 245.58 feet; thence North 44°29' East 110.00 feet; thence South 40°14'19" East 190.35 feet; thence North 34°04'08" East 248.00 feet; thence North 73°19'39" West 73.69 feet; thence North 67°45' West 878.87 feet; thence South 15°00' West 87.00 feet; thence South 51°30' West 99.97 feet; thence South 31°18'50" East 196.307 feet to the point of beginning.

Exception Parcel No. 9:

BEGINNING at the Northeast Corner of Lot 123, East Park Plat #1, as recorded in the office of the Wasatch County Recorder, and running thence; North 65°58'06" East 100 feet, more or less, to the Northwest Corner of Lot 249, East Park Plat #2, as recorded in the office of the Wasatch County Recorder, and running thence South 30°32' East 220.00 feet thence; Westerly 99.64 feet to the Southeast Corner of the aforesaid Lot 123, thence; North 30°48' West 240.00 feet to the point of beginning.

Exception Parcel No. 10:

Beginning at a point which is North 66°14'06" East 100 feet from the Northeast corner of Lot 249 East Park Plat #2; thence North 66°14'16" East 52.3 feet; thence South 83°20' East 60 feet; thence South 30°32' East 220 feet, more or less, to the North line of Lot 254, East Park Plat #2, thence South 70°39'19"

West along said North line 100 feet, more or less, to a point which is South 30°32' East from the point of beginning; thence North 30°32' West 230 feet, more or less, to the point of beginning.

Exception Parcel No. 11:

BEGINNING at the most Northerly corner of Lot 253, East Park Plat No. 2, according to the official plat thereof, recorded November 2, 1966 as Entry No. 89492 in Book 56 at Page No. 244 of the official records in the office of the Wasatch County Recorder; and running thence North 41°13'44" West 210.00 feet; thence North 44° 29' East 110.00 feet; thence South 40°14'19" East 190.35 feet; thence South 56°56' East 474.50 feet; thence South 45°15' West 235.29 feet; thence North 41°13'44" West 443.33 feet to the point of beginning.

Exception Parcel No. 12:

Beginning North 34°04'38" East 110 feet from the Northerly corner of Lot 253, East Park Subdivision, Plat 2, Section 13, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence North 34°04'38" East 248 feet; thence South 45° East 511.87 feet; thence South 45°15' West 145.39 feet; thence North 56°56' West 474.5 feet to the place of beginning.

Exception Parcel No. 13:

Beginning at the Northeast corner of the South half of the Southwest quarter of the Northeast quarter of Section 13, Township 2 South Range 4 East; running thence North 168 feet; thence West 650 feet; thence South 168 feet; thence East 650 feet to the point of beginning.

Exception Parcel No. 14:

The South half of the Southwest quarter of the Northeast quarter of Section 13, Township 2 South Range 4 East.

Exception Parcel No. 15:

Beginning at the Northeast corner of Lot 256, East Park, Plat 2, Sheet 2, a recorded subdivision, being a part of Section 13, Township 2 South Range 4 East, Salt Lake Base and Meridian, said point also being North 2163.47 feet and West 3690.05 feet from the Southeast corner of aforesaid Section 13; and running thence South 60°30'00" East 1855.54 feet; thence North 29°30'00" East 457.45 feet; thence North 60°30'00" West 2062.18 feet; thence South 20°57'00" East 225.00 feet; thence South 23°28'34" West 315.919 feet to the point of beginning.

Exception Parcel No. 16:

Beginning at the Northeast corner of Lot 256, East Park, Plat 2, Sheet 2, a recorded subdivision, being a part of Section 13, Township 2 South Range 4 East, Salt Lake Base and Meridian, said point also being North 2163.47 feet and West 3690.05 feet from the Southeast corner of aforesaid Section 13; and running thence South 60°30' East 1856.21 feet; thence South 29°30' West 465.00 feet; thence North 60°30' West 938.21 feet; thence North 66°42'51" West 776.31 feet; thence North 11°58'25" East 269.934 feet; thence North 16°56'29" East 298.776 feet to the point of beginning.

Exception Parcel No. 17:

Beginning North 89°10'25" East 1540.84 feet from the Southwest corner of Section 13, Township 2 South Range 4 East, Salt Lake Meridian; thence North 26° West 729.12 feet; thence North 89°10'25" East 1469.51 feet; thence South 45°49'35" East 585.48 feet; thence South 00°49'35" East 246 feet; thence South 89°10'25" West 1573.37 feet to the point of beginning.

Exception Parcel No. 18:

Beginning North 89°10'25" East 328.20 feet from the Southwest corner of Section 13, Township 2 South, Range 4 East, Salt Lake Base and Meridian; thence North 02°56'05" West 358.604 feet; thence North 72°24' East 306.231 feet, more or less, to the Westerly boundary line of East Park, Plat II, according to the official plat thereof, as recorded in the office of the Wasatch County Recorder, Wasatch County, Utah, as re-traced; thence along the subdivision boundary line the following four courses: 1) South 54° East 110 feet; 2) thence North 87°22'42" East 205.2 feet; 3) thence East 169.2 feet; 4) thence North 159.6 feet; thence leaving said subdivision boundary line North 35° East 88 feet; thence North 13°25' West 98.81 feet; thence North 80°12'06" East 95.84 feet; thence South 56°00' East 70.00 feet; thence South 83°28'48" East 170.32 feet; thence North 16°52'26" East 61.64 feet; thence South 84°47'13" East 134.39 feet; thence South 15°46'21" West 366.64 feet; thence South 26°00' East 397.80 feet; thence South 89°10'25" West 1211.68 feet, more or less, to the point of beginning.

Exception Parcel No. 19:

Beginning at a point on the South line of Section 13, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point being North 87°23'04" East 1617.10 feet from the Southwest corner of said Section 13 (brass cap); thence North 26°00'00" West a distance of 340.416 feet; thence North 15°46'21" East a distance of 366.640 feet; thence North 84°47'13" West a distance of 134.390 feet; thence North 16°52'26" East a distance of 2.132 feet; thence North 89°10'25" East a distance of 880.956 feet; thence South 00°49'35" East a distance of 653.504 feet; thence South 87°23'04" West along said South line as shown on that certain East Park Subdivision re-tracement survey filing no. OWC-024-013-3-0541, filing date August 28, 1996, by Richard K. Johanson, a distance of 708.243 feet to the point of beginning.

Exception Parcel No. 20:

Beginning at a point North 87°23'04" East 1237.305 feet and North 654.688 feet from the Southwest corner of Section 13, (Brass Cap), Township 2 South Range 4 East, Salt Lake Base and Meridian; thence South 56°00'00" East, a distance of 10.718 feet; thence South 83°28'48" East, a distance of 170.320 feet; thence North 16°52'26" East, a distance of 61.640 feet; thence North 16°52'26" East, a distance of 2.132 feet; thence South 89°10'25" West, a distance of 212.551 feet; thence South 26°00'00" East, a distance of 36.301 feet to the point of beginning.

Exception Parcel No. 21:

Beginning North 1523.32 feet and East 427.14 feet from the Southwest corner of Section 13, Township 2 South Range 4 East, Salt Lake Base and Meridian; and running thence North 12°07' West 273.01 feet; thence South 57°19'41" East 350.32 feet; thence South 71°52' West 299.30 feet to the point of beginning.

Exception Parcel No. 22:

Beginning at a point on the South line of Section 13, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point being North 87°23'04" East 2626.95 feet from the Southwest corner of said Section 13; and South 87°23'04" West 301.609 feet along said South line as shown on that certain East Park Subdivision re-tracement survey filing no. OWC-024-013-3-0541, filing date August 28, 1996, by Richard K. Johanson; thence along said South line of Section 13, North 87°23'04" East 301.609 feet; thence South 89°08'20" East 488.71 feet; thence North 00°49'35" West 244.483 feet; thence North 45°49'35" West 585.48 feet; thence South 89°10'25" West 376 feet; thence South 00°49'35" East 653.504 feet to the point of beginning.

Wasatch County Tax Serial Number: OWC -0010-0.

Wasatch County Tax Parcel Number: 00-0007-1253.

Parcel 4

A strip of land 100.0 feet wide situate in the Southeast quarter of the Northwest quarter and the Southwest quarter of Section 7, in Township 2 South Range 5 East, of the Salt Lake Meridian, in Wasatch County, Utah, said strip being 50.0 feet on each side, measured at right angles and/or radially, on each side of the hereinbefore described "**CENTERLINE OF ABANDONED MAIN TRACK OF THE ONTARIO BRANCH OF THE UNION PACIFIC RAILROAD COMPANY, AS FORMERLY CONSTRUCTED AND OPERATED**", and extending in a general Southwesterly direction from the North-South centerline of said Section 7.

Wasatch County Tax Serial Number: OWC-0075-1.

Wasatch County Tax Parcel Number: 00-0013-1487.

Parcel 5

All of Section 7, Township 2 South Range 5 East, Salt Lake Base and Meridian, which lies Westerly of a line which is 50 feet distant Westerly (measured radially) from the above referenced centerline.

EXCEPTING FROM THE ABOVE DESCRIBED PARCELS 4 AND 5, ALL THOSE PORTIONS LYING WITHIN THE FOLLOWING:

Exception Parcel No. 23:

Beginning at a point North 89°05'35" East along a section line 606.15 feet; from the Southwest corner of Section 6, Township 2 South Range 5 East, Salt Lake Base and Meridian; and running thence North 89°05'35" East along said section line 1300.00 feet; thence South 40°00' West 1325.52 feet to the boundary line of Summit County and Wasatch County; thence North 21°48' West along said boundary line 790.93 feet; thence North 30°36'30" West along said boundary line 302.63 feet to the point of beginning.

Exception Parcel No. 24:

Beginning at a point North 89°05'35" East along a section line 2156.48 feet from the Northwest corner of Section 7, Township 2 South Range 5 East, Salt Lake Base and Meridian; and running thence North 89°05'35" East along said Section line 349.13 feet to a point on the West right-of-way line of the Union Pacific Railroad, said point also being on a curve to the left, the radius point of which is North 53°10' East 1150.00 feet; thence Southeasterly along the arc of said curve and West right-of-way line 45.05 feet to the

point of tangency; thence South 39°04'40" East along said West right-of-way line 100.045 feet to a point of a 1000.00 foot radius curve to the right; the radius point of which is South 50°55'20" West 950.00 feet; thence Southeasterly along the arc of said curve and West right-of-way line 689.28 feet to a point of tangency; thence South 2°29'38" West along said West right-of-way line 249.835 feet to a point of a 1150.00 foot radius curve to the left, the radius point of which is South 87°30'22" East 1150.00 feet; thence Southeasterly along the arc of said curve and West right-of-way line 121.76 feet; thence West 85.14 feet; to a line of power poles; thence North 28°10' West along a line of power poles 135.68 feet; thence North 26°14' West along a line of power poles 1114.32 feet to the point of beginning.

Exception Parcel No. 25:

Those portions of the above described Parcel 5 lying within Summit County.

Wasatch County Tax Serial Number: OWC-0075-0.

Wasatch County Tax Parcel Number: 00-0007-2012.

Parcel 6

A strip of land 100.0 feet wide situate in the West half of the Northwest quarter of Section 18, all in Township 2 South Range 5 East of the Salt Lake Meridian in Wasatch County, Utah, said strip being 50.0 feet on each side, measured at right angles and/or radially, on each side of the hereinbefore described **“CENTERLINE OF ABANDONED MAIN TRACK OF THE ONTARIO BRANCH OF THE UNION PACIFIC RAILROAD COMPANY, AS FORMERLY CONSTRUCTED AND OPERATED”**, and extending in a general Southwesterly direction from the North-South centerline of said Section 7 to the West line of said West half of the Northwest quarter of Section 18.

Wasatch County Tax Serial Number: OWC-0103-1.

Wasatch County Tax Parcel Number: 00-0013-1495.

Parcel 7

Those portions of Government Lot 1, Section 18, Township 2 South Range 5 East, Salt Lake Base and Meridian; lying North and West of Parcel 6 as described above.

Wasatch County Tax Serial Number: OWC-0103-0.

Wasatch County Tax Parcel Number: 00-0007-2301.

* * *

MARINAMarina-East

Beginning at a point 810.46 feet East and 350.83 feet South from the Southwest corner of Section 19, Township 2 South, Range 5 East, Salt Lake Base and Meridian and running thence South 32°00'00" East 253.04 feet to the arc of a 440.87 foot radius curve to the left; thence along the arc of said 440.87 foot radius curve 301.63 feet (chord bears South 51°36'00" East 295.78 feet); thence South 71°12'00" East 240.23 feet to the arc of a 440.67 foot radius curve to the left; thence along the arc of said 440.67 foot radius curve 240.84 feet (chord bears South 86°51'00" East 237.86 feet); thence North 77°30'00" East 15.42 feet; thence North 00°29'20" West 443.89 feet; thence North 89°45'37" East 662.19 feet; thence North 00°14'23" West 500.33 feet; thence South 89°45'02" West 661.31 feet; thence North 00°18'21" West 1127.16 feet; thence South 65°02'58" West 351.80 feet; thence South 71°27'44" West 199.06 feet; thence South 80°20'58" West 296.83 feet; thence South 53°42'04" West 262.34 feet; thence South 17°06'35" West 47.38 feet; thence South 04°03'02" West 66.43 feet to the arc of a non-tangent 167.00 foot radius curve to the right; thence along the arc of said 167.00 foot radius curve 215.72 feet (chord bears South 41°16'56" East 201.03); thence South 04°16'36" East 71.60 feet to the arc of a 583.00 foot radius curve to the left; thence along the arc of said 583.00 foot radius curve 431.30 feet (chord bears South 25°28'13" East 421.35 feet); thence South 46°39'50" East 111.02 feet to the arc of a 167.00 foot radius curve to the right; thence along the arc of said 167.00 foot radius curve 302.59 feet (chord bears South 05°14'37" West 262.86); thence South 57°09'03" West 214.74 feet to the point of beginning.

Containing: 93.059 acres, more or less.

Marina-West

(Excluding Tailings)

Beginning at a point 570.40 feet East and 268.60 feet South from the Southwest corner of Section 19, Township 2 South, Range 5 East, Salt Lake Base and Meridian, and running thence South 32°00'00" East 524.71 feet to the arc of a 600.87 foot radius curve to the left; thence along the arc of said 600.87 foot radius curve 411.10 feet (chord bears South 51°36'01" East 403.13 feet); thence South 71°12'00" East 240.23 feet to the arc of a 600.87 foot radius curve to the left; thence along the arc of said 600.87 foot radius curve 308.89 feet (chord bears South 85°55'37" East 305.50 feet); thence North 00°12'49" West 8.29 feet; thence North 89°42'52" East 329.23 feet; thence South 00°16'20" East 500.06 feet; thence South 89°52'36" West 332.10 feet; thence South 73°00'12" West 347.00 feet; thence North 45°12'07" West 141.30 feet; thence South 89°45'08" West 621.05 feet; thence South 00°13'41" East 162.03 feet; thence North 00°11'02" East 330.72 feet; thence North 89°48'58" West 330.00 feet; thence South 00°14'57" West 103.17 feet; thence North 87°08'23" West 155.56 feet; thence North 36°22'35" West 61.67 feet; thence North 40°08'41" East 108.36 feet; thence North 62°55'55" East 92.84 feet; thence North 22°29'34" West 26.03 feet; thence North 07°12'59" East 104.01 feet; thence North 44°47'48" East 102.14 feet; thence North 74°24'25" East 61.61 feet; thence North 05°58'30" East 52.41 feet; thence North 41°12'12" East 87.26 feet; thence South 84°05'50" East 49.57 feet to the arc of a 1063.10 foot radius curve to right; thence along the arc of said 1063.10 foot radius curve 107.04 feet (chord bears North 06°23'45" East 107.00 feet); thence North 09°16'49" East 93.04 feet to the arc of a 18.00 foot radius curve to the left 27.31 feet (chord bears North 34°11'18" West 24.77 feet); thence North 77°39'25" West 246.83 feet to the arc of a 205.00 foot radius curve to the right; thence along the arc of said 205.00 foot radius curve 49.62 feet (chord bears North 70°43'21" West 49.50 feet); thence North 11°55'04" East 180.46 feet; thence North 72°58'13" East 633.20 feet to the point of beginning.

Containing 37.55 acres more or less.