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12/17/2012 02:55 PM \$0.00  
Book - 10088 Pg - 6508-6521  
GARY W. OTT  
RECORDER, SALT LAKE COUNTY, UTAH  
EDWARD PROBYN JAMES  
1020 E PIONEER RD  
DRAPER UT 84020  
BY: JCR, DEPUTY - WI 14 P.

**AFFIDAVIT OF EDWARD PROBYN JAMES**

**STATE OF UTAH )**

**: ss.**

**County of Salt Lake )**


**BEFORE ME** the undersigned notary, personally appeared Edward Probyn James, planning consultant for the City of Draper, Utah, who, having been first duly sworn by me, did affirm and say as follows:

1. That I, Edward Probyn James am a planning consultant hired by the City of Draper, Utah.
2. I have personal knowledge of all matters set forth in this Affidavit.
3. Larry Johnson Trust, Utah Power & Light, Draper Square LC, and Utah Department of Transportation each own certain real property in Draper City, Salt Lake County, State of Utah, more particularly described respectively as Parcels #3301100014, 3301200004; 3301100019; and 3301100027.
4. The legal descriptions of such Parcels are identified in Exhibit A, which is attached hereto and by this reference made a part hereof. Maps are also attached to identify such Parcels' location and the portion of which is to be included within the Draper FrontRunner Community Development Area (CDA), which was recorded October 10, 2012 as Entry #11489936, Book 10065, Page 4047-4053.
5. Each of the four properties identified in paragraph 3 are split by the Bangerter Highway (State Route 154) right-of-way.
6. Each of the four property owners identified in paragraph 3 has given me either oral or written authorization to record their property's legal descriptions so as to fit the northern portion of their parcels within the Draper FrontRunner Community Development Area (CDA). Such authorization is identified in my letter included as Exhibit B.
7. The purpose of this affidavit is to state, acknowledge and establish that the portions of such parcels lying north of the Bangerter Highway right-of-way shall be included within the Draper FrontRunner CDA and the portions of such parcels lying south of the Bangerter Highway right-of-way shall not be included within the Draper FrontRunner CDA. This division of these parcels is necessary for the County Assessor to properly assess those parcels lying within the CDA for tax increment purposes.
8. No change of property ownership is contemplated or made hereby.

*Affidavit of Edward Probyn James.*

9. Further the affiant sayeth not.

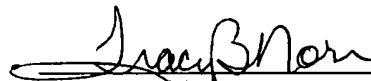
Dated this 17<sup>th</sup> day of December 2012.

  
Edward Probyn James

**NOTARY**

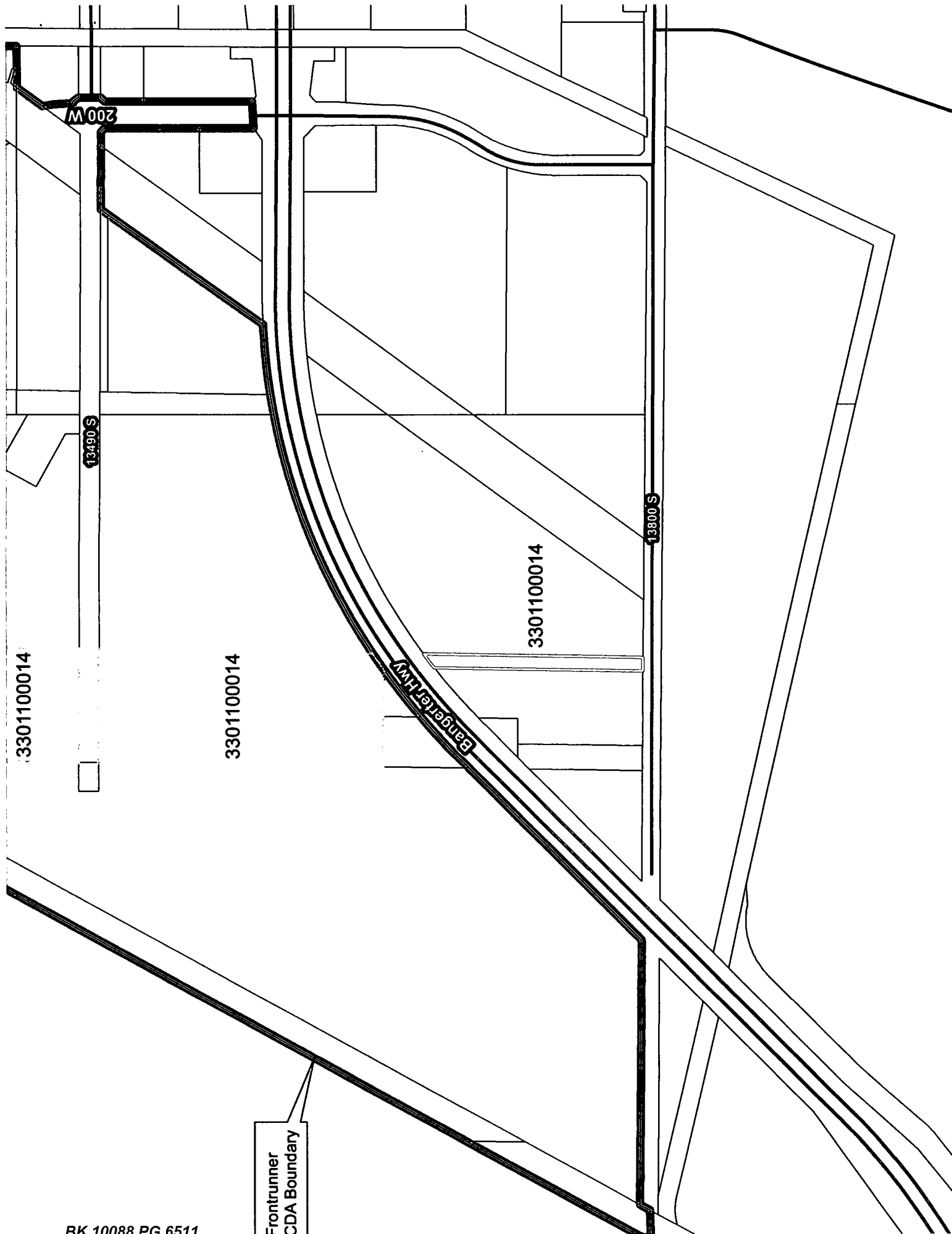
On the 17 day of December, 2012, personally appeared before me Edward Probyn James, who being duly sworn, did say that he is the signer of the foregoing instrument, who duly acknowledged to me that he executed the same for the purposes therein stated.



  
Notary Public

# **EXHIBIT A**

## **Parcel Maps**



PORTION OF 33-01-100-014 in FrontRunner CDA Boundary

COMMENCING at the North quarter corner of Section 1, Township 4 South,  
Range 1 West, Salt Lake Meridian;

Thence South 89°37'14" West 1346.29 feet along section line;

Thence South 00°32'04" West 172.72 feet to the POINT OF BEGINNING;

thence South 89°55'30" East 410.00 feet;

thence South 00°32'04" West 1432.87 feet to the Northerly Right of Way line of  
Bangerter Highway and a point on a non-tangent curve to the left having a radius  
of 2318.55 feet and a chord that bears South 55°07'40" West 74.83 feet;

thence along said curve a distance of 74.83 feet;

thence North 89°55'30" West 349.01 feet;

thence North 00°32'04" East 1475.73 feet to the POINT OF BEGINNING.

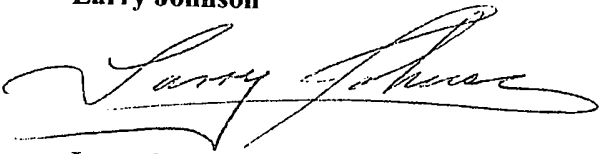
Contains 603708 square feet or 13.859 acres, more or less.

**December 11, 2012**

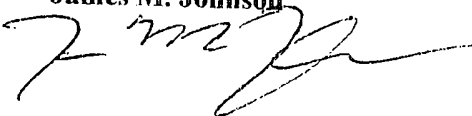
**Larry Johnson & Associates, Inc.**  
7777 South Allen Street  
Midvale, Utah 84047  
801 352-7800

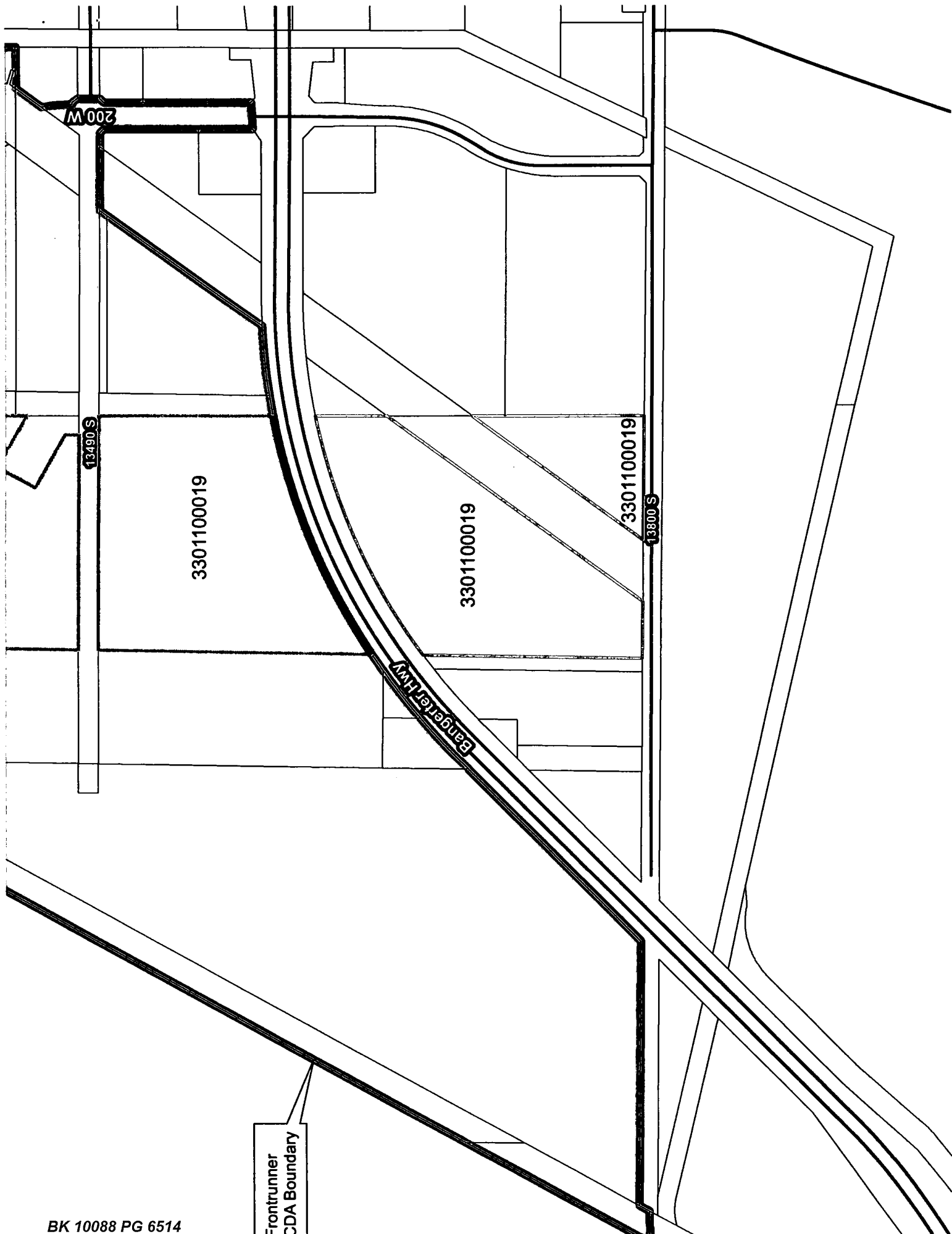
**Larry Johnson & Associates Defined Benefit Pension gives permission for Draper City to separate Parcel No. 33-01-100-014-0000 into 2 separate parcels. The first one located on the North side of Bangerter Highway, and consisting of 13.144 acres in size. The second parcel located on the South side of Bangerter Highway, and consisting of .926 acres in size. Taxes on these two parcels are to remain within Greenbelt for tax purposes.**

**Larry Johnson**

A handwritten signature in black ink, appearing to read "Larry Johnson", written over a horizontal line.

**James M. Johnson**

A handwritten signature in black ink, appearing to read "James M. Johnson", written below the name.



Frontrunner  
CDA Boundary

PORTION OF 33-01-100-019 in FrontRunner CDA Boundary

COMMENCING at the North quarter corner of Section 1, Township 4 South, Range 1 West, Salt Lake Meridian;

Thence South 89°37'14" West 93.78 feet along section line to the POINT OF BEGINNING;

Thence South 00°21'51" East 368.3 feet;

Thence North 60°42'58" West 160.31 feet;

Thence North 28°39'19" East 42.59 feet;

Thence North 61°20'41" West 16.40 feet;

Thence South 28°39'19" West 42.41 feet;

Thence North 60°42'58" West 38.62 feet;

Thence South 28°16'20" West 156.61 feet;

Thence South 61°43'40" East 220.39 feet;

Thence South 00°22'27" East 51.10 feet;

Thence South 89°45'55" West 782.4 feet;

Thence North 0°32'04" East 378.05 feet;

Thence North 89°55'30" West 410 feet;

Thence North 00°32'04" East 172.72 feet;

Thence North 89°37'14" East 1252.51 feet to the POINT OF BEGINNING.

ALSO COMMENCING at the North quarter corner of Section 1, Township 4 South, Range 1 West, Salt Lake Meridian;

thence North 89°58'29" West 93.78 feet along section line;

thence South 00°01'48" West 628.10 feet to the POINT OF BEGINNING;

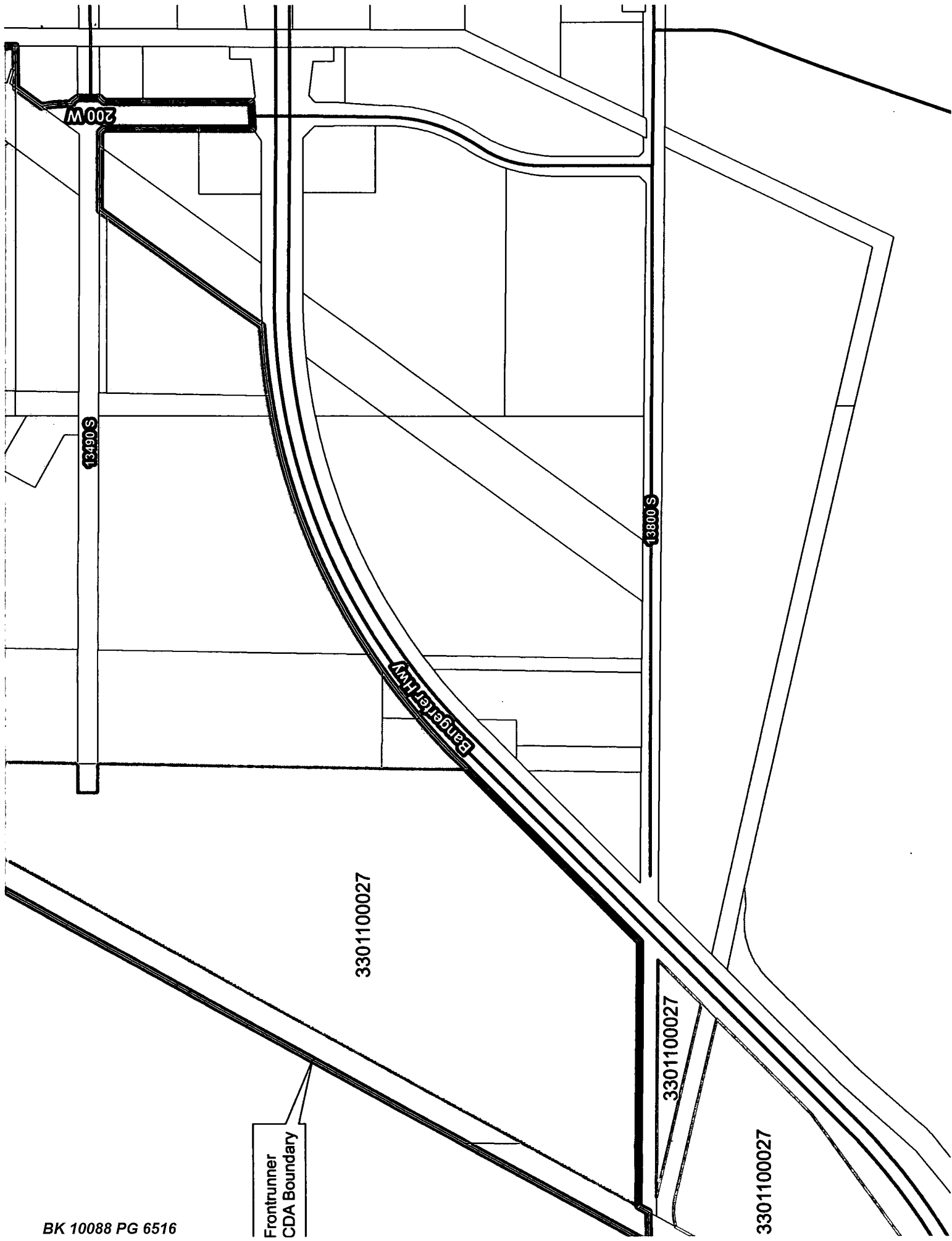
thence South 00°01'50" West 626.31 feet to a point on the north line of Bandgerter Highway and a non-tangent curve to the left having a radius of 2371.58 feet and a chord that bears South 67°49'32" West 937.51 feet;

thence along said north line and said curve a distance of 943.72 feet;

thence North 00°56'21" East 982.81 feet;

thence South 89°49'50" East 852.40 feet to the POINT OF BEGINNING.

Contains 661348 square feet or 15.182 acres, more or less.



PORTION OF 33-01-100-027 in FrontRunner CDA Boundary

COMMENCING at the Northwest corner of Section 1, Township 4 South, Range 1 West, Salt Lake Meridian;

thence South 89°58'34" East 1152.39 feet along section line to the POINT OF BEGINNING;

thence South 89°58'34" East 193.88 feet to the NE corner of the West one-half of the NW quarter of said Section 1;

thence South 00°56'17" West 552.98 feet;

thence North 89°49'27" West 105.99 feet;

thence South 00°10'33" West 72.00 feet;

thence South 89°49'27" East 105.03 feet;

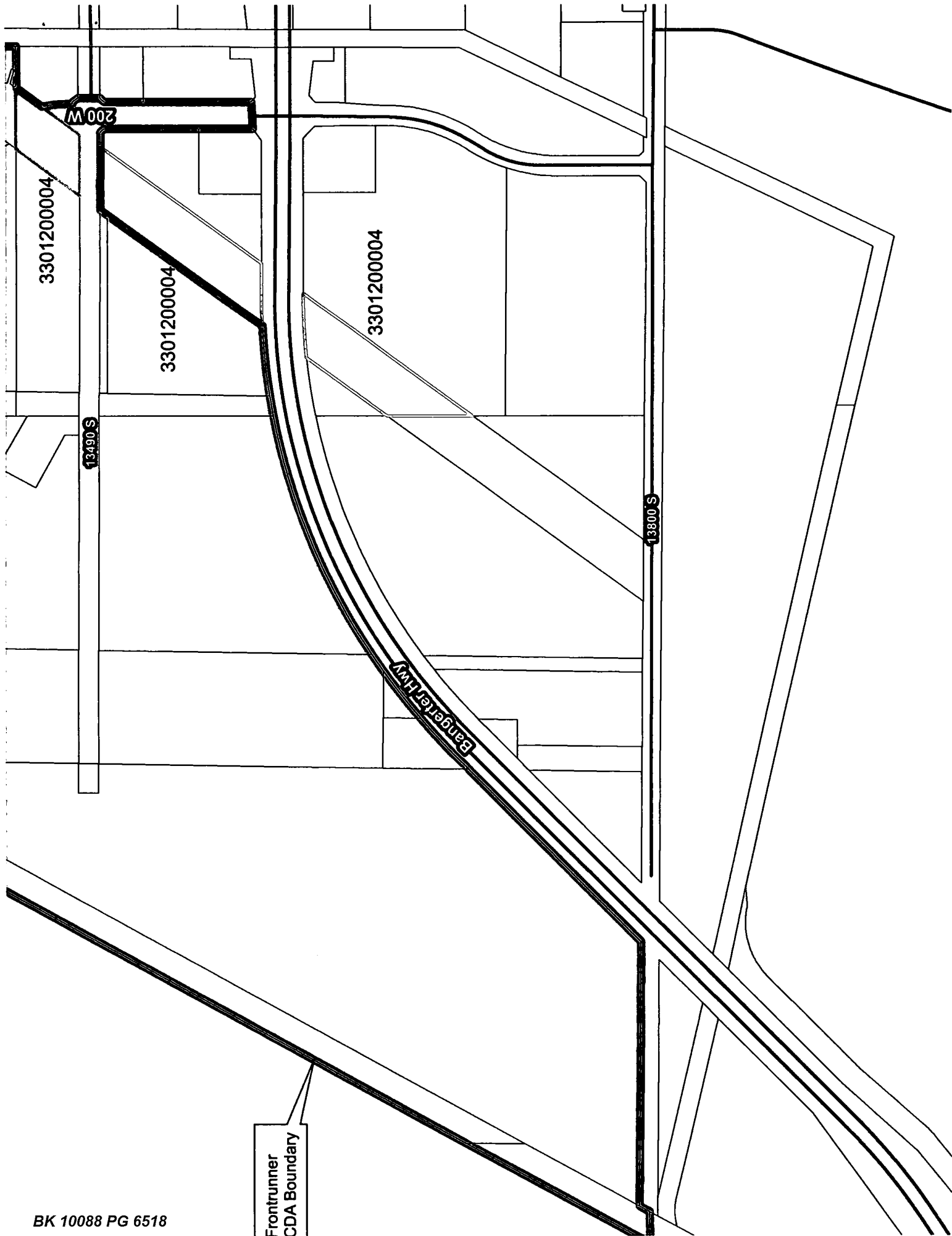
thence South 00°56'17" West 1331.21 feet to the North line of Bangerter Highway;

thence South 45°00'12" West 874.82 feet to a line parallel with and 30 north of quarter section line;

thence North 89°48'48" West 954.80 feet along said parallel line to the easterly line of railroad;

thence North 28°45'51" East 2933.41 feet along said east line to the POINT OF BEGINNING.

Contains 2066884 square feet or 47.449 acres, more or less.



PORTION OF 33-01-200-004 in FrontRunner CDA Boundary

COMMENCING at the Northeast corner of Section 1, Township 4 South, Range 1 West, Salt Lake Meridian;

thence South 329.18 feet;

thence West 1495.66 feet to the POINT OF BEGINNING;

thence South 35°30'09" West 282.00 feet;

thence West 226.53 feet;

thence North 35°30'09" East 282.00 feet;

thence East 226.53 feet to the POINT OF BEGINNING.

Contains 51901 square feet or 1.191 acres, more or less.



**EXHIBIT "B"**

December 17, 2012

Mr. Richmond  
Salt Lake County Recorder's Office  
2100 South State Street, N1600  
Salt Lake City, Utah 84190  
801-468-3498

[krichmond@slco.org](mailto:krichmond@slco.org)

Re: Split parcels in the Draper FrontRunner CDA

As per our conversation this afternoon this letter will certified that I have personally made contact with the property owners listed below and further certify that they all gave permission (either orally or in writing) for Draper City to record legal descriptions for those parcels identified as "split parcels" as a result of the draper FrontRunner being formed.

To further clarify the appropriateness of splitting these four parcels, the following is submitted.

1. At the time UDOT condemned the ROW for the Bangerter Highway, it split through the subject parcels. A legal description would have been submitted to the Salt lake County Recorder's Office to allow a parcel line showing the ROW on the County's parcel Map (See attached parcel maps of each listed parcels).
2. At the time Draper City recorded the Draper FrontRunner CDA on Septemebr 18, 2012 and recorded with your office, on October 10, 2012 at 3 P.M.,Book 10065, Page 4047-4053, a legal description also separated those parcels (See Exhibit B). The CDA boundary was based upon County Recorder parcel lines as a basis for the boundary description of the CDA project area (entirely north of Bangerter Highway).

10220 E. Pioneer Road, Draper, Utah 84020 • 801-576-6338 • [ed.james@draper.ut.us](mailto:ed.james@draper.ut.us)

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The four "split parcels" are all north of the Bangerter Hwy ROW. I received permission from each property owners, in personal meetings, to record a legal description creating assessors parcels north on Bangerter Highway as follows:

Parcel # 3301100014	Owner – Larry Johnson Trust – Approval by letter 12-11-12
Parcel #3301200004	Owner – UP&L , Approval by phone, November 2012- "Cindy". Called on November 16, 2012.
Parcel #3301100019	Owner – Draper Sq, Approval by Mr, Bob Irvine and Scott Irvine on On October 20, 2012 at their off 920 W Wood oak Lane, Suite 200, Murray, Utah.
Parcel #3301100027	Owner – UDOT – Verbal approval from Randy Smith, Manager, Region 2, UDOT on November 16, 2012 at their offices on Redwood Road.

The attached affidavit, as you requested, an affidavit stated forth a recordable document for the items whin this letter.

Sincerely,

Edward Probyn James, AICP, NCARB  
Planning Consultant

Cc: Emily Farmer