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GARY W. OTT  
RECORDER, SALT LAKE COUNTY, UTAH  
NATIONAL TITLE AGCY OF UT INC  
6770 S 900 E #101  
MIDVALE UT 84047  
BY: MMA, DEPUTY - MI 8 P.

**AFTER RECORDING RETURN TO,  
AND MAIL TAX NOTICES TO:**  
Redevelopment Agency of West Valley City  
3600 South Constitution Blvd.  
West Valley City, UT 84119  
Attn: Claire Gilmor, Esq.

#15-1910

Parcel Nos.: 15-33-129-045  
15-33-129-053  
15-33-129-054  
15-33-129-055  
15-33-129-056

### **SPECIAL WARRANTY DEED**

HEARTLAND WEST VALLEY COMMERCIAL LIMITED PARTNERS II, a Utah limited partnership and HEARTLAND WEST VALLEY COMMERCIAL LIMITED PARTNERS, now known as HEARTLAND WEST VALLEY COMMERCIAL LIMITED PARTNERS LLLP, a Minnesota limited liability limited partnership, "Grantors", with an address of c/o Ken Jones, Third Lake Capital, 100 N. Tampa Street, Tampa, FL 33602, hereby CONVEY AND WARRANT against all who claim by, through, or under Grantors, to the REDEVELOPMENT AGENCY OF WEST VALLEY CITY, a body politic of the State of Utah, "Grantee", with an address of 3600 South Constitution Blvd., West Valley City, UT 84119, for the sum of TEN DOLLARS and other good and valuable consideration, the following described tract of land in Salt Lake County, Utah, to wit:

**See Exhibit "A" attached hereto and incorporated herein**

SUBJECT TO (i) all declarations, easements, rights-of-way, restrictions, covenants, and other matters of public record; (ii) all gas, water, and mineral rights of others; (iii) any matters that would be disclosed by an accurate, current survey and inspection of the Property; (iv) current taxes and assessments; and (v) the matters identified and listed on the attached **Exhibit "B"**.

*[Signatures and Acknowledgements Follow]*

WITNESS the hand of said Grantors this 28<sup>th</sup> day of October, 2016.

**GRANTORS:**

**HEARTLAND WEST VALLEY  
COMMERCIAL LIMITED PARTNERS II,**  
a Utah limited partnership

By: Keyhole Land Management Company, LLC  
Its: General Partner

By: [Signature]  
Title: Managing Member

**HEARTLAND WEST VALLEY  
COMMERCIAL LIMITED PARTNERS, LLLP,**  
a Minnesota limited liability limited partnership,  
formerly known as,  
Heartland West Valley Commercial Limited Partners

By: Keyhole Land Management Company, LLC  
Its: General Partner

By: [Signature]  
Title: Managing Member

STATE OF Florida,  
COUNTY OF Hillsborough: ss.

The foregoing instrument was acknowledged before me this 27<sup>th</sup> day of October, 2016, by Kenneth P. Jones, the Managing Member of Keyhole Land Management Company, LLC, a Florida limited liability company, the General Partner of **Heartland West Valley Commercial Limited Partners, II**, a Utah limited partnership.

Keyla Jimenez  
NOTARY PUBLIC  
Residing at: Florida

My Commission Expires:  
12/2/19

STATE OF Florida,  
COUNTY OF Hillsborough: ss.



The foregoing instrument was acknowledged before me this 27<sup>th</sup> day of October, 2016, by Kenneth P. Jones, the Managing Member of Keyhole Land Management Company, LLC, a Florida limited liability company, the General Partner of **Heartland West Valley Commercial Limited Partners, LLLP**, a Minnesota limited liability limited partnership.

Keyla Jimenez  
NOTARY PUBLIC  
Residing at: Florida

My Commission Expires:  
12/2/19



**EXHIBIT A**  
**Legal Description**

**PARCEL 1:**

A part of the Northwest quarter of Section 33, Township 1 South, Range 1 West, Salt Lake Base and Meridian, U.S. Survey:

Beginning at a point which is South 89°53'20" West 330.00 feet along the North line of said Northwest quarter and South 0°00'44" West 48.00 feet from the Northeast corner of said Northwest quarter of Section 33, and running thence South 0°00'44" West 150.952 feet; thence South 89°53'20" West 142.00 feet; thence North 0°00'44" East 150.952 feet; thence North 89°53'20" East 142.00 feet to the point of beginning.

Less and Except that portion taken by that certain Final Judgment of Condemnation and Withdrawal of Funds recorded January 2, 2009 as Entry No. 10590532 in Book 9671 at Page 293 of Official Records.

**PARCEL 2:**

A part of the Northwest quarter of Section 33, Township 1 South, Range 1 West, Salt Lake Base and Meridian, U.S. Survey:

Beginning at a point which is South 89°53'20" West 330.00 feet along the North line of said Northwest quarter and South 0°00'44" West 198.952 feet from the Northeast corner of said Northwest quarter of Section 33, and running thence South 0°00'44" West 29.048 feet; thence North 89°53'20" East 280.00 feet to a point 50.00 feet perpendicularly distant West of the East line of said Northwest quarter; thence South 0°00'44" West 45.95 feet parallel to said East line; thence South 89°53'20" West 422.00 feet; thence North 0°00'44" East 75.00 feet; thence North 89°53'20" East 142.00 feet to the point of beginning.

Less and Except that portion taken by Paragraph 4 of that certain Final Judgment and Order of Condemnation recorded August 7, 2013 as Entry No. 11700067 in Book 10166 at Page 7971 of Official Records.

**PARCEL 3:**

A part of the Northwest quarter of Section 33, Township 1 South, Range 1 West, Salt Lake Base and Meridian, U.S. Survey:

Beginning at a point on the East line of Market Street being 592.00 feet South 89°53'20" West along the section line and 273.95 feet South 0°00'20" West from the Northeast corner of said Northwest quarter of Section 33, and running thence North 89°53'20" East 541.97 feet; thence South 0°00'44" East 46.05 feet; thence North 89°53'20" East 17.00 feet to the West line of 2700 West Street, said West line being 33.00 feet Westerly of and parallel to the East line of said Northwest quarter of Section 33; thence South 0°00'44" West 181.25 feet along said West line; thence South 89°53'20" West 260.00 feet; thence North 0°00'44" East 25.30 feet; thence South 89°53'20" West 276.24 feet to the East line of Market Street at a point in a curve in which the radius point bears North 72°03'36" East; thence along the Easterly line of Market Street as follows: Northwesterly along the arc of a 466.66 foot radius curve to the right 146.16 feet (Long Chord bears North 8°58'02" West 145.57 feet, Central Angle equals 17°56'44") and North 0°00'20" East 58.17 feet to the point of beginning.

Less and Except that portion taken by Paragraph 2 of that certain Final Judgment and Order of Condemnation recorded August 7, 2013 as Entry No. 11700067 in Book 10166 at Page 7971 of Official Records.

**PARCEL 4:**

A part of the Northwest quarter of Section 33, Township 1 South, Range 1 West, Salt Lake Base and Meridian, U.S. Survey:

Beginning at a point on the West line of 2700 West Street being 501.25 feet South 0°00'44" West along the East line of said Northwest quarter and 33.00 feet South 89°53'20" West from the Northeast

corner of said Northwest quarter of Section 33, and running thence South 0°00'44" West 51.845 feet; thence South 89°56'30" West 167.00 feet; thence South 0°00'44" West 52.58 feet; thence South 89°56'30" West 201.91 feet; thence South 0°00'44" West 113.92 feet; thence South 89°56'30" West 130.00 feet to the East line of Market Street; thence along the Easterly line of Market Street as follows: North 0°00'20" East 46.88 feet; Northwesterly along the arc of a 526.66 foot radius curve to the left 183.99 feet (Long Chord bears North 10°00'10" West 183.06 feet, Central Angle equals 20°01'00") and Northwesterly along the arc of a 466.66 foot radius curve to the right 16.87 (Long Chord bears North 18°58'32" West 16.87 feet, Central Angle equals 2°04'16"); thence leaving said Easterly line North 89°53'20" East 276.24 feet; thence South 0°00'44" West 25.30 feet; thence North 89°53'20" East 260.00 feet to the point of beginning.

Less and Except that portion taken by Paragraph 3 of that certain Final Judgment and Order of Condemnation recorded August 7, 2013 as Entry No. 11700067 in Book 10166 at Page 7971 of Official Records.

**PARCEL 5:**

A part of the Northwest quarter of Section 33, Township 1 South, Range 1 West, Salt Lake Base and Meridian, U.S. Survey:

Beginning at a point which is 815.125 feet South 0°00'44" West along the East line of said Northwest quarter and 33.00 feet South 89°56'30" West from the Northeast corner of said Northwest quarter of Section 33, and running thence South 89°56'30" West 167.00 feet; thence North 0°00'44" East 165.00 feet; thence North 89°56'30" East 167.00 feet; thence South 0°00'44" West 165.00 feet to the point of beginning.

Less and Except that portion taken by Paragraph 5 of that certain Final Judgment and Order of Condemnation recorded August 7, 2013 as Entry No. 11700067 in Book 10166 at Page 7971 of Official Records.

Said property is also known by the street address of:

Parcel 1: 2785 West 3500 South, West Valley City, Utah 84119

Parcel 2: 2787 West 3500 South, West Valley City, Utah 84119

Parcel 3: 3550 South Constitution Boulevard, West Valley City, Utah 84119

Parcel 4: 3560 South Constitution Boulevard, West Valley City, Utah 84119

Parcel 5: 3580 South Constitution Boulevard, West Valley City, Utah 84119

**EXHIBIT B**  
**Permitted Exceptions**

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage thereon covered by Commitment For Title Insurance No. 15-1910 BJ (Amendment No. 4) issued by Chicago Title Insurance Company through its agent National Title Agency of Utah, Inc.
2. Easements, liens, encumbrances, or claims thereof, which are not shown by the Public Records.
3. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land, and that is not shown by the Public Records.
4. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.
6. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records. Proceedings by a public agency, which may result in taxes or assessments, or notices of proceedings, whether or not shown by the records of such agency or by the public records.
7. Any service, installation, connection, maintenance or construction charges for sewer, water, electricity or garbage collection or disposal or other utilities unless shown as an existing lien by the Public Records.
8. (Affects Parcel 1)  
General property taxes for the year 2016 have been assessed in the amount of \$8,417.24, and are now due and payable, but will not become delinquent until November 30. Tax Parcel No. 15-33-129-045-0000.  
  
(Affects Parcel 2)  
General property taxes for the year 2016 have been assessed in the amount of \$5,138.05, and are now due and payable, but will not become delinquent until November 30. Tax Parcel No. 15-33-129-053-0000.  
  
(Affects Parcel 3)  
General property taxes for the year 2016 have been assessed in the amount of \$62,459.89, and are now due and payable, but will not become delinquent until November 30. Tax Parcel No. 15-33-129-054-0000.  
  
(Affects Parcel 4)  
General property taxes for the year 2016 have been assessed in the amount of \$30,660.59, and are now due and payable, but will not become delinquent until November 30. Tax Parcel No. 15-33-129-055-0000.  
  
(Affects Parcel 5)  
General property taxes for the year 2016 have been assessed in the amount of \$8,349.53, and are now due and payable, but will not become delinquent until November 30. Tax Parcel No. 15-33-129-056-0000.
9. Any charge upon the land by reason of its inclusion in West Valley City and Granger-Hunter Improvement District.

10. (Affects Parcels 3, 4 and 5)  
An easement over, across or through the land for gas transmission and distribution facilities and incidental purposes, as granted to Mountain Fuel Supply Company, a corporation of the State of Utah, its successors and assigns by Instrument recorded November 20, 1955 as Entry No. 1457919 in Book 1262 at Page 55 of Official Records.
11. (Affects Parcels 2 and 3)  
An easement for telephone and telegraph facilities and incidental purposes, the exact location of which was not disclosed, as created in favor of The Mountain States Telephone and Telegraph Company, its successors and assigns by Instrument recorded December 20, 1956 as Entry No. 1518111 in Book 1376 at Page 171 of Official Records.
12. (Affects Parcels 3, 4 and 5)  
An easement for telephone and telegraph facilities and incidental purposes, the exact location of which was not disclosed, as created in favor of The Mountain States Telephone and Telegraph Company, its successors and assigns by Instrument recorded March 20, 1957 as Entry No. 1530700 in Book 1398 at Page 372 of Official Records.
13. (Affects Parcels 2 and 3)  
A Restrictive Covenant Agreement and Release of Option recorded February 22, 1958 as Entry No. 1571716 in Book 1470 at Page 608 of Official Records.  
  
An Agreement and Release of Restrictive Covenants recorded July 30, 1963 as Entry No. 1935800 in Book 2079 at Page 594 of Official Records.
14. (Affects Parcels 3, 4 and 5)  
An easement for telephone and telegraph facilities and incidental purposes, the exact location of which was not disclosed, as created in favor of The Mountain States Telephone and Telegraph Company, its successors and assigns by Instrument recorded June 20, 1960 as Entry No. 1722214 in Book 1719 at Page 323 of Official Records.
15. (Affects Parcel 1)  
Subject to rights of way as disclosed by that certain Warranty Deed recorded April 17, 1964 as Entry No. 1993382 in Book 2179 at Page 196 of Official Records.
16. (Affects Parcels 2 and 3)  
An easement for telephone and telegraph facilities and incidental purposes, the exact location of which was not disclosed, as created in favor of The Mountain States Telephone and Telegraph Company, a Colorado corporation, its successors, assigns, lessees, licensees and agents by Instrument recorded October 6, 1972 as Entry No. 2490385 in Book 3171 at Page 449 of Official Records.
17. (Affects Parcel 1)  
An easement over, across or through the land for electric transmission and distribution facilities and incidental purposes, as granted to Utah Power & Light Company, a corporation, its successors in interest and assigns by Instrument recorded October 15, 1979 as Entry No. 3350295 in Book 4964 at Page 94 of Official Records.
18. A Notice of Adoption of Redevelopment Plan Entitled "Market Street Neighborhood Development Plan" and Dated September 1, 1987 recorded December 28, 1987 as Entry No. 4567373 in Book 5991 at Page 1517 of Official Records.
19. (Affects Parcel 5)  
An easement over, across or through the land for communication and other facilities and incidental purposes, as granted to Mountain States Telephone and Telegraph Company, a Colorado corporation, its successors, assigns, lessees, licensees and agents by Instrument recorded April 20, 1988 as Entry No. 4612468 in Book 6021 at Page 1521 of Official Records.
20. (Affects Parcel 1)

A Grant of Easements recorded May 25, 1990 as Entry No. 4921417 in Book 6223 at Page 2409 of Official Records.

21. (Affects Parcel 2)  
Subject to a right of way as reserved in that certain Warranty Deed recorded May 25, 1990 as Entry No. 4921418 in Book 6223 at Page 2413 of Official Records.
22. (Affects Parcels 2 and 3)  
A Reciprocal Easement Agreement recorded May 25, 1990 as Entry No. 4921420 in Book 6223 at Page 2441 of Official Records.
23. (Affects Parcel 3)  
A Memorandum of Lease recorded May 25, 1990 as Entry No. 4921425 in Book 6223 at Page 2477 of Official Records.  
  
A Commencement Agreement recorded January 7, 1991 as Entry No. 5009251 in Book 6280 at Page 2974 of Official Records.  
  
An Assignment & Assumption of Lease recorded December 29, 2005 as Entry No. 9597152 in Book 9237 at Page 478 of Official Records.  
  
A Subordination, Non-Disturbance and Attornment Agreement recorded April 26, 2011 as Entry No. 11172384 in Book 9920 at Page 3542 of Official Records.
24. (Affects Parcel 4)  
An unrecorded Lease executed by Hartland West Valley Commercial Limited Partners, a Minnesota limited partnership, as Landlord, and Toys "R" Us, Inc., a Delaware corporation, as Tenant, as disclosed by that certain Memorandum of Lease recorded May 25, 1990 as Entry No. 4921426 in Book 6223 at Page 2488 of Official Records.  
  
A Commencement Agreement recorded January 7, 1991 as Entry No. 5009250 in Book 2969 of Official Records.
25. (Affects all Parcels)  
A Reciprocal Grant of Easements for Access and Parking recorded September 26, 1990 as Entry No. 4970524 in Book 6255 at Page 2405 of Official Records.
26. (Affects Parcels 1, 2 and 5)  
An easement over, across or through the land for gas transmission and distribution facilities and incidental purposes, as granted to Mountain Fuel Supply Company, a corporation of the State of Utah, its successors and assigns by Instrument recorded October 12, 1990 as Entry No. 4976787 in Book 6260 at Page 397 of Official Records.
27. (Affects all Parcels)  
An easement for sewer and water systems and incidental purposes, the exact location of which was not disclosed, as created in favor of Granger-Hunter Improvement District, a political subdivision of the State of Utah by Instrument recorded March 5, 1991 as Entry No. 5034342 in Book 6295 at Page 762 of Official Records.
28. Intentionally deleted.
29. (Affects all Parcels)  
A Declaration of Easements and Covenants recorded November 8, 1994 as Entry No. 5961750 in Book 7051 at Page 1505 of Official Records.  
  
NOTE: Contains a Common Area maintenance assessment clause.
30. (Affects all Parcels)  
A Reciprocal Grant of Easements for Access and Parking recorded September 19, 2001 as Entry

No. 8007018 in Book 8501 at Page 7391 of Official Records.

NOTE: Contains a Common Area maintenance assessment clause.

31. Intentionally deleted.

32. (Affects all Parcels)

A Notice of Adoption of Community Development Project Area Plan Entitled "City Center Community Development Project Area Plan" Dated September 14, 2006 recorded November 6, 2006 as Entry No. 9900007 in Book 9376 at Page 7161 of Official Records.

A Notice of Adoption of Amended Community Development Project Area Plan Entitled "Amended City Center Development Project Area Plan Dated September 14, 2006 (Originally Adopted October 17, 2006 - This Amended Plan Adopted February 6, 2007)" recorded February 22, 2007 as Entry No. 10010994 in Book 9425 at Page 5766 of Official Records.

33. (Affects Parcel 1)

An easement over, across or through the land for public utilities facilities and incidental purposes, as granted to Utah Department of Transportation by Instrument recorded January 2, 2009 as Entry No. 10590532 in Book 9671 at Page 293 of Official Records.

34. Intentionally deleted.

35. (Affects Parcels 2, 3, 4 and 5)

An easement over, across or through the land for electric transmission and distribution facilities and incidental purposes, as granted to PacifiCorp, an Oregon corporation, d/b/a Rocky Mountain Power, its successors and assigns by Instrument recorded August 7, 2013 as Entry No. 11700067 in Book 10166 at Page 7971 of Official Records.