

WHEN RECORDED, RETURN TO:  
G.L. CRITCHFIELD  
CITY ATTORNEY  
MURRAY CITY  
5025 SOUTH STATE STREET, SUITE 106  
MURRAY CITY, UTAH 84107

12892873  
11/27/2018 4:07:00 PM \$26.00  
Book - 10733 Pg - 6180-6188  
ADAM GARDINER  
Recorder, Salt Lake County, UT  
LANDMARK TITLE  
BY: eCASH, DEPUTY - EF 9 P.

AFFIDAVIT

Affects Parcel No. 21-23-426-013  
through 21-23-426-020

STATE OF UTAH                     )  
  )  
COUNTY OF SALT LAKE        )

I Patrick M. Harris (Affiant), of lawful age, first being duly sworn, upon my oath, deposes and says:

- 1. That I am an employee of Ensign Engineering and Land Surveying, acting on behalf of, and with the authority of Wynwood Investments, LC;
- 2. I have personal knowledge of the facts and matters stated herein.
- 3. That the following instrument, through inadvertence, mistake and error, contains an error within the legal description.

Instrument:                     Declaration of Restrictions  
Date of Instrument:       September 4, 2018  
Entry Number:           12872805  
Recorded in Book:       10724  
Recorded at Page:       936-941  
Date Recorded:           October 23, 2018

4. This Affidavit is being filed in the County of Salt Lake County, State of Utah, for correcting the legal description contained within the aforementioned instrument, more specifically, to correct the section listed in the point of beginning.

5. The correct legal description should read as follows:

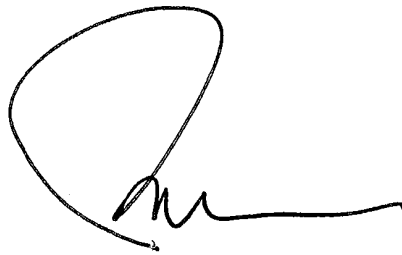
A parcel of land situate in the Southeast Quarter of Section **23**, Township 2 South, Range 1 West, Salt Lake Base and Meridian, being more particularly described as follows:

Commencing South 00°17'58" West 938.62 feet along the East Section line and North 89°42'34" West 626.30 feet from the East Quarter Corner of Section **23**, Township 2 South, Range 1 West, Salt Lake Base and Meridian, and running;

thence South 00°18'00" West 230.88 feet;  
 thence South 11°36'11" West 61.35 feet;  
 thence Westerly 79.46 feet along the arc of a 375.50 feet radius curve to the left (center bears South 11°36'11" West and the chord bears North 84°27'33" West 79.31 feet with a central angle of 12°07'27");  
 thence South 89°28'44" West 593.44 feet;  
 thence North 00°31'16" West 49.00 feet;  
 thence North 89°28'44" East 593.44 feet;  
 thence Easterly 26.47 feet along the arc of a 424.50 feet radius curve to the right (center bears South 00°31'16" East and the chord bears South 88°44'05" East 26.46 feet with a central angle of 03°34'21");  
 thence Northeasterly 25.09 feet along the arc of a 15.50 feet radius curve to the left (center bears North 03°03'05" East and the chord bears North 46°40'33" East 22.44 feet with a central angle of 92°45'05");  
 thence North 00°18'00" East 154.93 feet;  
 thence Northwesterly 24.43 feet along the arc of a 15.50 feet radius curve to the left (center bears North 89°42'00" West and the chord bears North 44°51'00" West 21.98 feet with a central angle of 90°18'00");  
 thence West 669.12 feet;  
 thence North 49.00 feet;  
 thence East 733.96 feet to the point of beginning.

Contains 78,605 square feet or 1.805 acres.

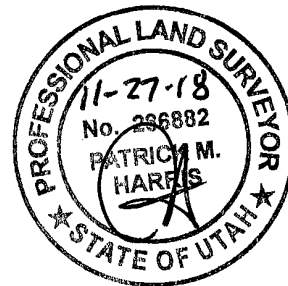
Further Affiant saith not.



\_\_\_\_\_, Affiant  
Patrick M. Harris

**COURTESY RECORDING**

This document is being recorded solely as a courtesy and an accommodation to the parties named therein. LANDMARK TITLE COMPANY hereby expressly disclaims any responsibility or liability for the accuracy or the content thereof.



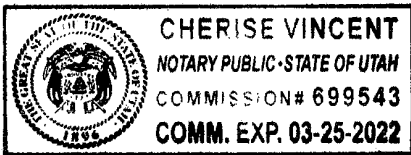
ACKNOWLEDGEMENT BY INDIVIDUAL

STATE OF UTAH                    )  
  )  
COUNTY OF SALT LAKE        )

On this 27 day of November, 2018, before me appeared Pat Harris, personally known to me to be the person who executed the foregoing instrument and being sworn by me stated the that the facts and matters stated therein are true according to the best of his knowledge and belief, and acknowledged to me that he executed the same.

Cherise Vincent  
Notary Public

Print Name: Cherise Vincent  
Commission Expires: 3.25.22



12872805  
10/23/2018 1:25:00 PM \$27.00  
Book - 10724 Pg - 936-941  
ADAM GARDNER  
Recorder, Salt Lake County, UT  
MERIDIAN TITLE  
BY: eCASH, DEPUTY - EF 6 P.

WHEN RECORDED RETURN TO:

G.L. Critchfield  
City Attorney  
Murray City  
5025 South State Street, Suite 106  
Murray City, Utah 84106

THIS SPACE FOR RECORDER'S USE ONLY

### DECLARATION OF RESTRICTIONS

THIS DECLARATION OF RESTRICTIONS is made as of Sept 4, 2018 by Wynwood Investments, LC, a Utah Limited Liability Company ("Declarant").

WHEREAS, Declarant is the owner of certain real property located in the City of Murray, Salt Lake County, Utah, described in Exhibit "A" and depicted in Exhibit "B" attached hereto and incorporated hereby by this reference (hereinafter "Restricted Area"); and

WHEREAS, Declarant has constructed the streets located in the Restricted Area and has buried slag under the streets in the Restricted Area;

WHEREAS, Declarant intends to dedicate the Restricted Area to Murray City;

WHEREAS, the purpose of this Declaration of Restrictions is to notify future owners of the Restricted Area of worker exposure issues related to the slag and to establish restrictions for protection of workers, human health and the environment; and

WHEREAS, Declarant intends that the Declaration of Restrictions shall be a covenant running with the land.

NOW THEREFORE, Declarant declares as follows:

1. Covenant Running with Land. Declarant does hereby covenant and agree to restrict, and does by this instrument intend to restrict, the future use of the Restricted Area as set forth below, by the establishment of this Covenant running with the land.

2. Restrictions Concerning the Restricted Area. The slag contained in the Restricted Area will be demarked using brightly colored Geotextile material and covered with at least two feet of clean fill. The utilities located in the Restricted Area will be placed at least 2 feet above the marker barrier delineating the slag. All materials from future excavations below the marker barriers and all excavated materials that appear to be slag ("Restricted Materials") will require.

working under a Health and Safety Plan (HASP) that meets all EPA and OSHA requirements and is signed by a Certified Industrial Hygienist. Additionally, a Materials Management Plan (MMP) must be submitted to Murray City for review and approval before work may commence. These Plans will be prepared by an individual or firm qualified to address worker safety and the proper handling of the Restricted Material and, if required, the proper, off-site disposal of the Restricted Materials if it cannot be replaced back in the excavation.

The HASP shall require the excavation contractor to be responsible for ensuring that all its employees and any subcontractors utilized for the project have any necessary additional training and/or education required by the Occupational Safety & Health Administration's Hazard Communication Standard (29 CFR 1910.1200) for arsenic and cadmium, and lead and Construction Standard (29 CFR 1926.62) for lead. The HASP should also address the suppression of fugitive dust, and equipment decontamination

The MMP shall require all Restricted Materials to be segregated to prevent mixing with the surface cover and to be: (i) placed back in the excavation (where feasible) below the depth of the marker barriers, compacted as appropriate, and the surface cover replaced at an elevation not less than the original CUP approved depth; or (ii) transported off-site for proper disposal. All Restricted Materials to be transported offsite will require characterization by sampling and laboratory analysis for arsenic, cadmium and lead and any other suspected contaminants prior to off-site transportation and disposal. Characterization of the Restricted Materials will determine the proper disposal methods and type of disposal facility. Restricted Materials that do not contain arsenic, cadmium or lead at levels above EPA action levels are no longer considered to be Restricted Materials and can be used as common fill onsite.

Slag and other Restricted Materials may not be placed within the Groundwater Zone, (defined as 18 inches above expected high water table or top of the capillary fringe as shown through site investigations).

3. Successors and Assigns Bound. Declarant hereby agrees and acknowledges that the Restricted Area shall be held, sold, conveyed, owned and used subject to the applicable terms, conditions and obligations imposed by this Agreement. Such terms, conditions and obligations are a burden and restriction on the use of the Restricted Area, as applicable.

4. Severability. The provisions of the Declaration are severable and the violation of any of the provisions of this Declaration shall not affect any of the other provisions which shall remain in full force and effect.

DECLARANT:

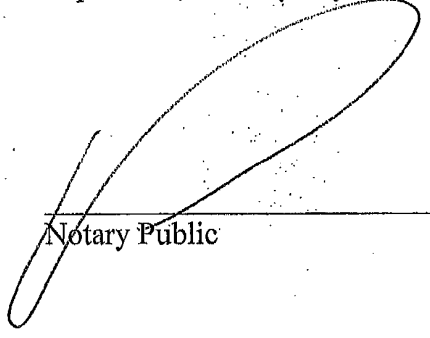
Wynwood Investments, LC,  
a Utah Limited Liability Company

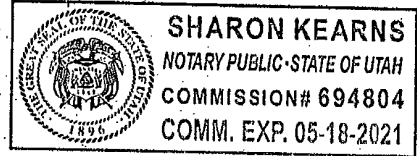
Date: 9-4-19  
By: [Signature]  
Its: Manager

# ACKNOWLEDGEMENT

State of Utah            )  
                                  :SS  
County of Salt Lake    )

The foregoing instrument was acknowledged before me this 4th day of September, 2018 by Bryson Garbett, Manager of Wynwood Investments, LC.

  
\_\_\_\_\_  
Notary Public



**EXHIBIT "A"**

**Legal Description of Restricted Area (Slag Relocation Area)**

A parcel of land situate in the Southeast Quarter of Section 26, Township 2 South, Range 1 West, Salt Lake Base and Meridian, being more particularly described as follows:

Commencing South  $00^{\circ}17'58''$  West 938.62 feet along the East Section line and North  $89^{\circ}42'34''$  West 626.30 feet from the East Quarter Corner of Section 26, Township 2 South, Range 1 West, Salt Lake Base and Meridian, and running;

thence South  $00^{\circ}18'00''$  West 230.88 feet;

thence South  $11^{\circ}36'11''$  West 61.35 feet;

thence Westerly 79.46 feet along the arc of a 375.50 feet radius curve to the left (center bears South  $11^{\circ}36'11''$  West and the chord bears North  $84^{\circ}27'33''$  West 79.31 feet with a central angle of  $12^{\circ}07'27''$ );

thence South  $89^{\circ}28'44''$  West 593.44 feet;

thence North  $00^{\circ}31'16''$  West 49.00 feet;

thence North  $89^{\circ}28'44''$  East 593.44 feet;

thence Easterly 26.47 feet along the arc of a 424.50 feet radius curve to the right (center bears South  $00^{\circ}31'16''$  East and the chord bears South  $88^{\circ}44'05''$  East 26.46 feet with a central angle of  $03^{\circ}34'21''$ );

thence Northeasterly 25.09 feet along the arc of a 15.50 feet radius curve to the left (center bears North  $03^{\circ}03'05''$  East and the chord bears North  $46^{\circ}40'33''$  East 22.44 feet with a central angle of  $92^{\circ}45'05''$ );

thence North  $00^{\circ}18'00''$  East 154.93 feet;

thence Northwesterly 24.43 feet along the arc of a 15.50 feet radius curve to the left (center bears North  $89^{\circ}42'00''$  West and the chord bears North  $44^{\circ}51'00''$  West 21.98 feet with a central angle of  $90^{\circ}18'00''$ );

thence West 669.12 feet;

thence North 49.00 feet;

thence East 733.96 feet to the point of beginning.

Contains 78,605 square feet or 1.805 acres.

21-23-426-013 Through-020

**EXHIBIT "B"**

**Depiction of Restricted Area (Slag Relocation Area)**



**ENSIGN**  
THE STANDARD IN ENGINEERING

SALT LAKE CITY  
1000 WEST 2000 SOUTH  
SALT LAKE CITY, UTAH 84119  
Phone: 801.251.0289

KAYTON  
PO BOX 1567180  
TAYLORVILLE, MO 63044  
Phone: 636.343.2590

CEGAR CITY  
Phone: 435.583.1453

RICHFIELD  
Phone: 435.882.2583

WWW.ENSIGNENGINEERING.COM

CONSISTENT  
SOLUTIONS  
FOR YOUR PROJECT

PHONE 801.251.0289

**WYWOOD SUBDIVISION  
SLAG RELOCATION EXHIBIT**

MURRAY, UTAH

**SLAG  
RELOCATION  
EXHIBIT**

DATE: 10/15/2014  
DRAWN BY: J. HARRIS  
CHECKED BY: J. HARRIS  
APPROVED BY: J. HARRIS

