

When recorded, send notice to:
Kassidy J. Wallin
Parr Brown Gee & Loveless
101 S. 200 E., Suite 700
Salt Lake City, Utah 84111

Parcel Nos. 08-26-426-009, 08-
26-277-002, 08-26-277-003, 08-
26-261-008, 08-26-276-005, and
08-26-207-010

Declaration and Notice of Vested Critical Infrastructure Materials Use

Utah Code §§ 10-9a-902(4) and 17-27a-1002(4)

THIS DECLARATION AND NOTICE OF VESTED CRITICAL INFRASTRUCTURE MATERIALS USE (“**Declaration**”) is made as of the date below by the undersigned critical infrastructure materials operator (the term “critical infrastructure materials operator” includes any natural person, corporation, association, partnership, receiver, trustee, executor, administrator, guardian, fiduciary, agent, or other organization or representative, either public or private, including a successor, assign, subsidiary, related parent company that: (a) owns, controls, or manages a critical infrastructure materials use; and (b) has produced commercial quantities of critical infrastructure materials from the critical infrastructure materials use) (the “**Declarant**”) of the real property legally described on Exhibit A attached hereto and incorporated herein by this reference (the “**Property**”).

Pursuant to Utah Code §§ 10-9a-902(4) and 17-27a-1002(4), the undersigned Declarants hereby provide notice of a vested critical infrastructure materials use on the Property as follows:

A. This Declaration is intended to be a declaration of a vested critical infrastructure materials use on the Property in accordance with Utah Code §§ 10-9a-902(4) and 17-27a-1002(4), as amended.

B. Declarant owns or controls the Property including, without limitation, the surface and subsurface estates, mineral estates, fee estates, leasehold estates, easement estates, undivided interests, and other mineral interests, rights, and leases comprising the Property, together with all rights, privileges, easements, tenements, hereditaments, rights of way, leases, licenses, and appurtenances that belong or appertain thereto including, without limitation, rights to minerals, water, water rights and water stock, buildings, structures, and other improvements.

C. A vested critical infrastructure materials use, as defined in Utah Code §§ 10-9a-901(8) and 17-27a-1001(8), presently exists on the Property.

D. The Property has been continuously used or held for use for critical infrastructure materials use.

E. Declarant qualifies as a “critical infrastructure materials operator” under Utah Code §§ 10-9a-901(5) and 17-27a-1001(5) because Declarant is a natural person, corporation, association, partnership, receiver, trustee, executor, administrator, guardian, fiduciary, agent, or other organization or representative, either public or private, including a successor, assign, affiliate, subsidiary, and related parent company, that (a) owns, controls, or manages a critical infrastructure materials use; and (b) has produced and continues to produce commercial quantities of critical infrastructure materials from the critical infrastructure materials use.

F. The Property is or may become part of a critical infrastructure materials protection area, and as such, is or may become entitled to all rights, benefits, and protections under Utah Code, Title 17, Chapter 41.

G. Pursuant to Utah Code §§ 10-9a-902(3) and 17-27a-1002(3), the present or future boundary of Declarant’s critical infrastructure materials use does not limit (a) the scope of the Declarant’s vested critical infrastructure materials rights, or (b) the protection provided under Utah law for a critical infrastructure materials protection area.

H. The Property was owned or controlled by Declarant before May 7, 2025. Therefore, notwithstanding a political subdivision’s prohibition, restriction, or other limitation on a critical infrastructure materials use adopted after the establishment of Declarant’s critical infrastructure materials use, and with respect to Declarant’s existing legal use (as defined in Utah Code §§ 10-9a-901(6) and 17-27a-1001(6)), Declarant holds the vested right to: (a) progress, extend, enlarge, grow, or expand the vested critical infrastructure materials use to any portion of the Property; (b) expand the vested critical infrastructure materials use to any new land that is contiguous land to the Property; (c) use, operate, construct, reconstruct, restore, extend, expand, maintain, repair, alter, substitute, modernize, upgrade, and replace equipment, processes, facilities, and buildings on any portion of the Property; (d) increase production or volume, alter the method of extracting or processing, stockpile or hold in reserve critical infrastructure materials, recycle, batch and mix concrete and asphalt, and extract or process a different or additional critical infrastructure material than previously extracted or processed on any portion of the Property; and (e) discontinue, suspend, terminate, deactivate, or continue and reactivate, temporarily or permanently, all or any part of the critical infrastructure materials use.

I. This Declaration and the description of the Property set forth in Exhibit A are not intended to incorporate all of the real property interests owned or controlled by Declarant that Declarant has the right to include as part of Declarant’s vested critical infrastructure materials use.

J. Declarant hereby reserves the right from time to time to: (a) remove all or portions of the Property from this Declaration and/or the critical infrastructure materials protection area; (b) incorporate into this Declaration additional real property interests owned or controlled by Declarants; (c) add new land to this Declaration; and/or (d) correct errors in the legal descriptions for the Property. Any such removal, addition, or correction hereunder shall be effective upon recording of an amendment or supplement to this Declaration. Any amendment or supplement to this Declaration to incorporate additional real property interests under subsection

(b) of this paragraph as part of Declarant's vested critical infrastructure materials use declared hereunder shall relate back to the date this Declaration is recorded.

K. The vested critical infrastructure materials use declared hereunder shall run with and bind the land within the Property as provided by Utah Code §§ 10-9a-902(2)(a) and 17-27a-1002(2)(a), subject only to express abandonment by written declaration according to Utah Code §§ 10-9a-905 and 17-27a-1005.

L. Pursuant to Utah Code §§ 10-9a-902(2)(b) and 17-27a-1002(b), Declarant's vested critical infrastructure materials use declared hereunder may be changed to another critical infrastructure materials use without losing its status as a vested critical infrastructure materials use.

M. This Declaration may be signed in counterparts. Declarant has reviewed and understands this Declaration and the underlying facts and agree that, to the best of Declarant's knowledge, the Declaration is correct.

DECLARANT

GRANITE CONSTRUCTION COMPANY

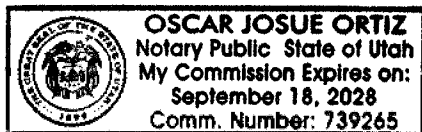


By: Jason Klaumann
Its: Vice President, Regional Manager

STATE OF Utah)
COUNTY OF Salt Lake) : ss.

On the 5th day of September, 2025, Jason Klaumann appeared before me who duly acknowledged and executed the above instrument in the capacity so stated.

(seal)





Notary Public

EXHIBIT A
to Declaration of Vested Critical Infrastructure Materials Use
“WARM SPRINGS”

The “Property” referred to in the foregoing instrument is located in **Salt Lake County**, Utah, within the municipal boundaries of **Salt Lake City**, and is more particularly described as follows:

Parcel No. 08-26-426-009 (825 N AND 995 N WARM SPRINGS RD):

BEG AT THE SE COR OF LOT 1, BLK 107, PLAT C, SLC SUR; S 0°00'55" E 63.92 FT; N 89°59'29" W 373.16 FT; N 30°36'26" W 74.27 FT; S 89°59'32" E 200.95 FT; N 80°52'44" W 225 FT; N 27°00'03" W 502.14 FT; N 26°12'03" W 344.40 FT; N 26°55'22" W 134.93 FT; N 25°56'58" W 255.64 FT; NW'LY ALG 2769.90 FT RADIUS CURVE TO R, 331.63 FT (CHD N 20°47'13" W); S 89°59'34" E 0.39 FT; N 0°36'49" E 132.11 FT; S 89°59'34" E 107.83 FT; S 72°47'54" E 181.44 FT; N 89°55'28" E 310.64 FT; S 0°00'55" E 78.92 FT; S 89°59'34" E 43.95 FT; S 17°18'57" E 691.36 FT; S 22°37'46" E 143.03 FT; S 17°18' E 666.64 FT; SE'LY ALG 2259 FT RADIUS CURVE TO R, 23.85 FT (CHD S 9°13'31" E); S 89°59'32" E 2.33 FT TO BEG.

Parcel No. 08-26-277-002 (999 N WARM SPRINGS RD):

BEG 35 FT E FR SE COR BLK 65, KINNEY & GOURLAYS IMPROVED CITY PLAT; S 64 FT; E 38.3 FT; S 16°53'32" E 71.07 FT; E 36.29 FT; N 17°17'52" W 138.26 FT M OR L; W 44 FT M OR L TO BEG.

Parcel No. 08-26-277-003 (1059 N AND 1065 N WARM SPRINGS RD):

BEG N 89°59'29" W 1204.5 FT & N 1648 FT FR CENTERLINE INTERSECTION MONUMENT OF 800 NORTH & 700 WEST STREETS; N'LY 138.61 FT ALONG A 2769.9 FT RADIUS CURVE TO R (CHD N 13°04'52" W 138.6 FT); S 89°59'34" E 39.33 FT; N'LY 17.72 FT ALONG A 2769.9 FT RADIUS CURVE TO R (CHD N 11°32'27" W 17.72 FT); N 89°59'34" W 39.30 FT; N'LY 252.98 FT ALONG A 2769.9 FT RADIUS CURVE TO R (CHD N 08°39'53" W 252.89 FT); S 89°59'34" E 38.97 FT; N'LY 15.08 FT ALONG A 2769.9 FT RADIUS CURVE R (CHD N 05°57'55" W 15.08 FT); N 89°59'34" W 38.95 FT; N 04°49'07" W 108.11 FT; N 00°00'55" W 27.27 FT; S 89°59'34" E 406 FT; SE'LY 144.82 FT ALONG A 119.81 FT RADIUS CURVE TO R (CHD S 55°21'55" E 136.16 FT); S 20°44'15" E 527.44 FT; S 69°35'15" E 10.82 FT; S 00°00'55" E 31.15 FT; S 89°55'28" W 310.64 FT; N 72°47'54" W 181.44 FT; N 89°59'34" W 147.35 FT TO BEG. 7.45 AC M OR L 5197-0002

Parcel No. 08-26-261-008 (1085 N WARM SPRINGS RD):

BEG N 89°59'29" W 1204.5 FT & N 1648 FT FR CENTERLINE INTERSECTION MONUMENT OF 800 NORTH & 700 WEST STREETS; N'LY 138.61 FT ALONG A 2769.9 FT RADIUS CURVE TO R (CHD N 13°04'52" W 138.6 FT); S 89°59'34" E 39.33 FT; N'LY 17.72 FT ALONG A 2769.9 FT RADIUS CURVE TO R (CHD N 11°32'27" W 17.72 FT); N 89°59'34" W 39.30 FT; N'LY 252.98 FT ALONG A 2769.9 FT RADIUS CURVE TO R (CHD N 08°39'53" W 252.89 FT); S 89°59'34" E 38.97 FT; N'LY 15.08 FT ALONG A 2769.9 FT RADIUS CURVE R (CHD N 05°57'55" W 15.08 FT); N 89°59'34" W 38.95 FT; N 04°49'07"

W 108.11 FT; N 00°00'55" W 27.27 FT; W 38.99 FT M OR L; S'LY 560.07 FT M OR L ALG CURVE TO L; E 38.12 FT M OR L TO BEG. BEING IN SW NE SEC 26, T 1N, R 1W, SLM. 0.50 AC. M OR L. 5478-0857 5789-0814 7472-713

Parcel No. 08-26-276-005 (1126 N AND 1130 N WARM SPRINGS RD):

BEG S 89°59'34" E 16 FT FR NW COR BLK 60, KINNEY & GOURLEY'S IMPROVED CITY PLAT, SAID POINT BEING N 89°59'29" W 1316.85 FT & N 2550.37 FT FR CENTERLINE INTERSECTION MONUMENT OF 800 NORTH & 700 WEST STREETS; N 06°54'48" W 50.36 FT; N 03°54'49" W 145.25 FT; N 00°00'26" E 205.10 FT; S 89°59'34" E 170.17 FT; S 29°20'37" E 401.55 FT; S 29°20'45" E 57.36 FT; S 29°13'15" E 343.57 FT; N 89°59'34" W 415 FT; NW'LY 183.84 FT ALONG A 121.15 FT RADIUS CURVE TO R (CHD N 46°31'15" W 166.70 FT); N 03°03'00" W 35.17 FT; N 03°25'46" W 150.29 FT TO BEG. 5.62 AC M OR L. 8112-2596,2602 8131-0998 8261-3032 8266-2254

Parcel No. 08-26-207-010 (1200 N WARM SPRINGS RD):

BEG N 00°00'55" W 125 FT FR SE COR LOT 1, BLK 42, KINNEY & GOURLEY'S IMPROVED CITY PLAT, SAID POINT BEING N 89°59'29" W 1369.67 FT & N 3145.38 FT FR CENTERLINE INTERSECTION MONUMENT OF 800 NORTH & 700 WEST STREETS; S 89°59'34" E 97.39 FT; S 29°20'37" E 143.41 FT; N 89°59'34" W 152.63 FT; N'LY 71.60 FT ALONG A 2641.64 FT RADIUS CURVE TO L (CHD N 12°06'33" W 71.59 FT); N 00°00'55" W 55 FT TO BEG. 0.37 AC M OR L. 4169-0227