

RESOLUTION NO. 10-06-2009

A RESOLUTION REQUIRING NEW DEVELOPMENT TO PAY FOR SECONDARY WATERLINE IMPROVEMENTS, INSTALLED PREVIOUSLY BY THE DAVIS & WEBER COUNTIES CANAL CO. IN ADVANCE FOR THE DEVELOPMENT.

WHEREAS, the Davis and Weber Counties Canal Company (hereinafter referred to as the "Company") has or will install a new secondary water line along or near the Hooper Canal from the West Point Secondary Water Reservoir to 300 North Street; and

WHEREAS, consistent with the City's policy and Section 16.05.100 of the West Point Municipal Code, the City has determined that new development should pay its proportional share of the costs of the secondary waterline that specifically benefit development activity within the City; and

WHEREAS, the City has calculated the costs of those improvements, based on the methods outlined in said section 16.05.100 and desires to impose, by resolution, those costs on future development; and

WHEREAS, the City Council of West Point City deems it to be in the best interest of the citizens of West Point City, to pass this resolution, requiring that those costs attributable to new development, be properly assessed to new development.

NOW, THEREFORE, BE IT RESOLVED, FOUND AND ORDERED, by the City Council of West Point City as follows:

1. The payback for improvements agreement, identified as Attachment "A" to this resolution, which is attached hereto and incorporated by this reference, is hereby approved.
2. That the owners of those properties, identified in Attachment "A" that have been benefited by the installation of the secondary waterline, be assessed their proportional share of the costs of said waterline as provided in Attachment "A" to this resolution.
3. That, pursuant to Section 16.05.100 of the West Point Municipal Code, the payment of these costs become a condition precedent to any development approval or permit requested or applied for.

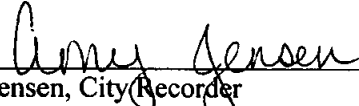
4. That a copy of this resolution be recorded upon each parcel of property identified in Attachment "A", to be assessed their proportional share of the costs of the secondary waterline, only when development occurs on the property, as identified in Attachment "A", which is attached hereto and incorporated herein by this reference.

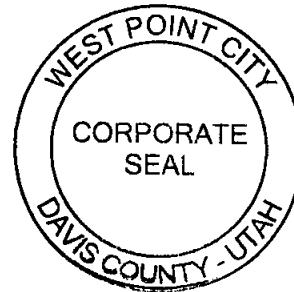
PASSED AND ADOPTED this 6th Day of October, 2009.

WEST POINT CITY,
A Municipal Corporation

By: 
Erik Craythorne, Mayor

ATTEST:


Amy Jensen, City Recorder



ATTACHMENT A

WEST POINT CITY PAYBACK FOR IMPROVEMENTS AGREEMENT

This agreement made and entered into this 6 day of Oct. 2009, by and between West Point City, a municipal corporation of the State of Utah, hereafter referred to as "City" and the Davis and Weber Counties Canal Company, hereafter referred to as "Developer."

WITNESSETH

WHEREAS, the Developer has agreed to contribute funds and/or resources necessary to construct infrastructure of a type and in a location specified by EXHIBIT A attached to and made part of this agreement; and

WHEREAS, the City's engineer has determined said contribution to value One Hundred Three Thousand Six Hundred Forty Three dollars (\$103,643) at the time of the signing of this agreement; and

WHEREAS, the City has determined that said contribution represents an investment on the part of the Developer in excess of that which the City would, under normal circumstances, require of the Developer; and

WHEREAS, the City has determined that future developers shall benefit from the Developer's willingness to install this infrastructure at the Developer's own expense and that the costs relative to such infrastructure should inevitably and ultimately be born by those developers who will benefit from this infrastructure as specified by EXHIBIT B attached to and made part of this agreement; and

WHEREAS, the City Council did, on March 17, 2009 pass Ordinance 03-17-2009 amending West Point Revised Code 16.05.100, including a provision which empowers the City to negotiate with developers their participation in infrastructure development and collect from future developers the rightful share of the costs associated with said infrastructure development;

NOW THEREFORE THE PARTIES AGREE TO THE FOLLOWING STIPULATIONS

SECTION ONE: INSTALLATION OF INFRASTRUCTURE

The developer agrees to install in a timetable agreeable to the City and the Developer, infrastructure as described in EXHIBIT A.

SECTION TWO: ASSESSMENT OF INFRASTRUCTURE VALUE

Notwithstanding the developer's costs associated with the installation of infrastructure as described in this agreement, and in accordance with WRC 16.05.100, the City's engineer shall determine the amount due, in accordance with the methodology set forth in WRC 16.05.100, at times and in circumstances when future developments as specified in

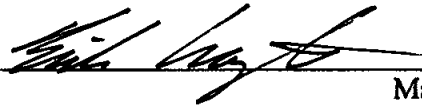
EXHIBIT B impacts or will likely utilize the infrastructure described in EXHIBIT A. That infrastructure assessment will constitute the amount to which the Developer is entitled.

SECTION THREE: COLLECTION AND DISBURSEMENT

The City shall not allow development of property impacting the infrastructure described in EXHIBIT A until the developer of such property, as specified in EXHIBIT B, pays to the City in full obligation for infrastructure costs associated with that developer's impact on the infrastructure, as determined by the City's engineer.

Upon payment of costs set-fourth in this section, the City shall immediately reimburse to the Developer those funds collected. The City shall not be responsible for the reimbursement of any funds not collected.

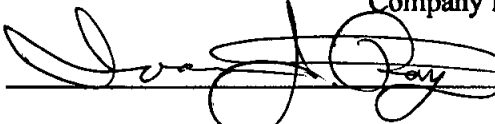
West Point City

 Mayor

Developer

DAVIS & WEBER COUNTIES CANAL COMPANY

Company Name

 By

MANAGER

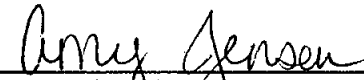
Title

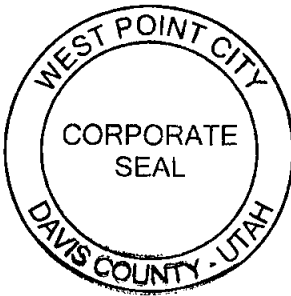
ATTEST:

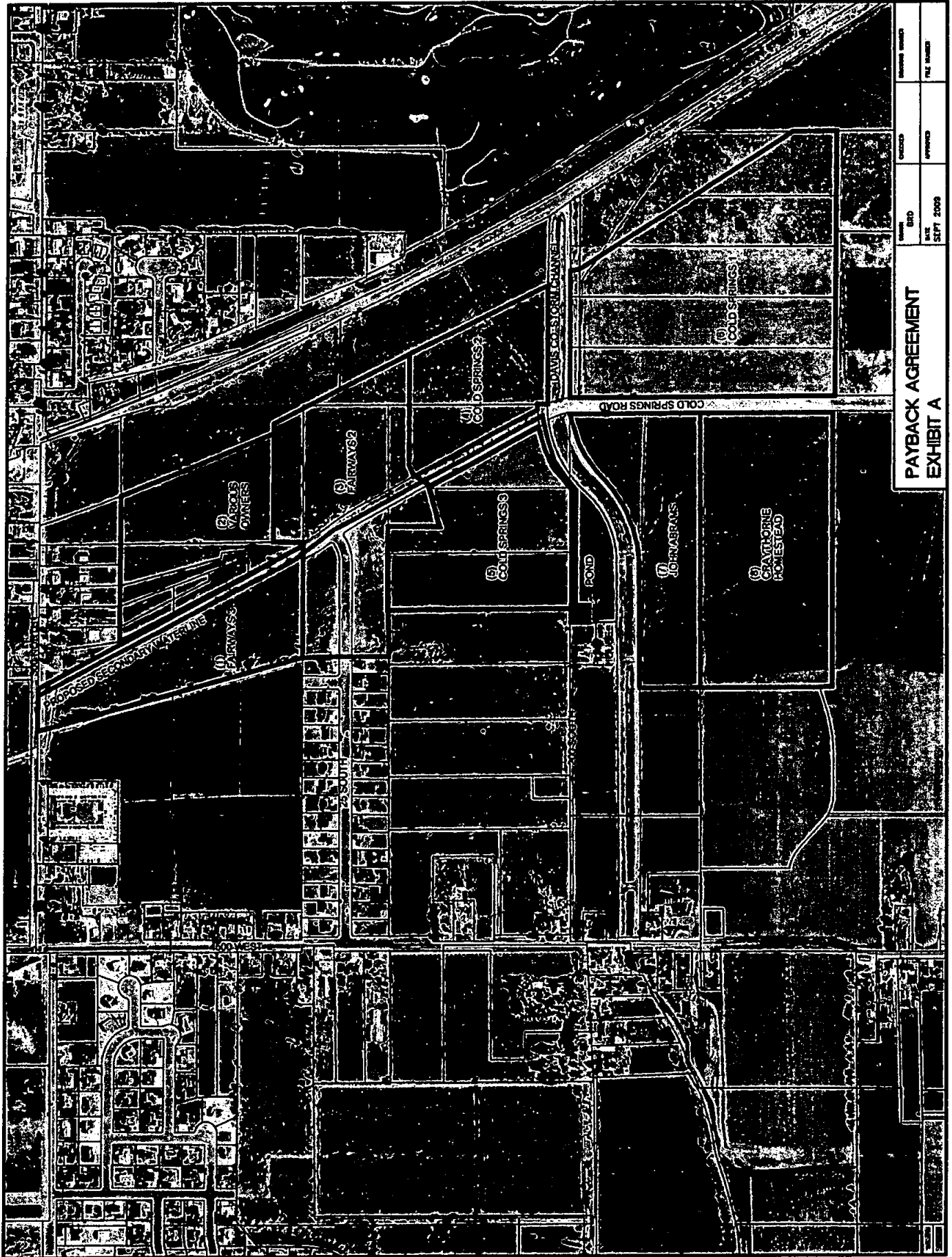
Address for Giving Notices

138 WEST 1300 NORTH

SUNSET, UTAH 84015


West Point City Recorder





**PAYBACK AGREEMENT
EXHIBIT A**

DATE	DATE	DATE	DATE
2000	2000	2000	2000
SEPT	SEPT	SEPT	SEPT
2000	2000	2000	2000

EXHIBIT B**Cold Spring Road Secondary Water Line Payback Agreement**

ID #	NAME	OWNER	PARCEL ID'S	ACRES	WEIGHT	EFFECTIVE ACRES	PERCENT OF TOTAL	Cost
1	Fairways 3	Jim E. Burt	12-043-0081	11.3	100%	11.3	12.1%	\$12,526
2	N/A	Various Owners	12-043-0061, 12-043-0006, 12-043-0088, 12-043-0013, 12-043-0098, 12-043-0062, 12-043-0011	11.8	100%	11.8	12.6%	\$13,080
3	Fairways 2	Burt Investment Company LLC	12-043-0089, 12-043-0083, 12-043-0091, 12-043-93, 12-043-0092, 12-043-0090, 12-037-0093	17.1	100%	17.1	18.3%	\$18,955
4	Cold Springs 2	First National Bank of Layton	12-043-0095, 12-037-0091	9.0	100%	9.0	9.6%	\$9,976
5	Cold Springs 3	First National Bank of Layton	12-043-0094, 12-043-0085, 12-043-0037	13.4	100%	13.4	14.3%	\$14,854
6	Cold Springs 1	First National Bank of Layton	12-039-0036, 12-039-0028, 12-039-0031, 12-039-0035, 12-039-0022, 12-039-0037, 12-039-0038, 12-039-0039	30.0	50%	15.0	16.0%	\$16,627
7	N/A	John Abrams	12-045-0046	11.8	50%	5.9	6.3%	\$6,540
8	Craythorne Homestead	Craythorne	12-045-0047	20.0	50%	10.0	10.7%	\$11,085
				124.4		93.5	100.0%	\$103,643

EXHIBIT C**Cost Estimate**

The projects listed below are three subdivisions constructed in West Point City within the past few years. The cost per foot for installation of an 8" waterline was determined for each subdivision and an average of the three projects was used as the basis for the cost of the proposed pipe in the payback agreement.

Crystal Creek Ph. 3**Secondary Water**

F&I 8" C-900	1465 LF	\$12.96	\$18,986.40
Connect to existing 8" main	2 EA	\$189.00	\$378.00
Plug and block 8" main with air-vac	2 EA	\$787.00	\$1,574.00
Loop 8" waterline under storm drain	2	\$1,312.00	\$2,624.00
F&I 8" gate valve w/ collar	4 EA	\$900.00	\$3,600.00
F&I single service	1 EA	\$358.00	\$358.00
F&I double service	11 LS	\$565.00	\$6,215.00
			\$33,735.40
	Price per foot		\$23.03

Yale Crest Towns**Secondary Water**

8" C-800 PVC	3,067 LF	\$11.51	\$35,301.17
Connect 8" to 8" Main	1 EA	\$192.00	\$192.00
Connect 8" to Existing 8" Main, Live Tap, 3000 W.	1 EA	\$2,493.00	\$2,493.00
Plug End of 8" Main with Air-vac	2 EA	\$1,074.00	\$2,148.00
4" Drain	3 EA	\$1,145.00	\$3,435.00
8" Gate Valve and Box with Collar	10 EA	\$1,104.00	\$11,040.00
Single Service to Property	15 EA	\$489.00	\$7,335.00
Double Service to Property	5 EA	\$728.00	\$3,640.00
Street Crossing and Asphalt Patch, 3000 West	1 EA	\$2,255.00	\$2,255.00
	SUBTOTAL		\$67,839.17
	Price per foot		\$22.12

Bison Point**Secondary Water**

8" C-900 DR18	1040 LF	\$19.94	\$20,737.60
8" Tie In	2 EA	\$700.00	\$1,400.00
Temporary Blowoff	2 EA	\$430.00	\$860.00
Air Vac	1 EA	\$1,042.00	\$1,042.00
PSI Test	1 EA	\$750.00	\$750.00
Double Lateral	8 EA	\$568.00	\$4,544.00
1" Single Lateral	1 EA	\$461.00	\$461.00
Obstructions	0 EA	\$150.00	\$0.00
8" Gate Valve	5 EA	\$1,083.00	\$5,415.00
Fittings w/Block	2 EA	\$425.00	\$850.00
4" Drain w/Gate Valve	1 EA	\$1,170.00	\$1,170.00
Concrete Valve Box Collar	3 EA	\$305.00	\$915.00
	Subtotal		\$38,144.60
	Price per foot		\$36.68

Average Price Per Foot**\$27.27****D&W Project**

8" C-900 PVC	3,800 LF	\$27.27	<u>\$103,643.91</u>
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Date: 2/2/2010

Davis County Utah - Legal Description
Serial Number: 12-043-0081

Page 1 of 1

Mailing Address
153 NORTH 4950 WEST

WEST POINT, UT 8401500000

Acres

11.29000

Deleted Date

Owner Names

Burt, Jim E

BEG AT A PT ON THE SEC LN, SD PT BEING LOCATED S 89°43'18" E ALG THE SEC LN 1072.307 FT FR THE N 1/4 COR OF SEC 6-T4N-R2W, SLM, & RUN TH S 89°43'18" E ALG SD SEC LN 201.95 FT TO THE EXTENSION OF THE E'LY LN OF THE HWID, TH S 27°59'32" E TO & ALG SD E'LY LN 1481.097 FT; TH S 89°58'56" W TO & ALG THE EXTENSION OF FAIRWAYS BEYOND THE BLUFF PHASE 1, 550.134 FT; TH N 14°50'46" W ALG AN OLD WIRE FENCE 1354.18 FT TO THE SEC LN & THE POB. CONT 11.29 ACRES

Date: 2/2/2010

Davis County Utah - Legal Description

Page 1 of 1

Serial Number: 12-043-0061

Mailing Address
CMR 425 BOX 69

APO, AE 090950000

Acres	Deleted Date
0.53000	

Owner Names

Huntsman, Susan A

BEG AT A PT ALG THE SEC LINE S 89°43' E 1274.32 FT & S 27°59'32" E 454.14 FT FR THE NW COR OF THE NE1/4 SEC 6-T4N-R2W, SLM;
TH S 89°43' E (DEED READS W) 92.40 FT; TH S 26°50'05" E 291.38 FT TO A PT ON THE S LINE OF HWID, TH W 85.73 FT; TH N 27°59'32" W
294.45 FT TO THE POB. CONT. 0.53 ACRES

Date: 2/2/2010

Page 1 of 1

Davis County Utah - Legal Description

Serial Number: 12-043-0006Mailing Address
4197 WEST 300 NORTH

WEST POINT, UT 8401500000

Acres

1.41000

Deleted Date**Owner Names**

Duersch, Leslie R.

Duersch, Karen S.

Situs Address

4197 W 300 North West Point 84015-

BEG AT APT ALG SEC LN S 89°43'E 1576.29 FT FR THE NW COR OF THE NE 1/4 OF SEC 6-T4N-R2W, SLM; & RUN TH S 89°43' E 100 FT ALG THE SEC LN; TH S 0°30'50" E 400 FT; TH S 20°17'12" E 277.20 FT, M/L, TO THE S LN OF HWID; TH W 64.60 FT ALG SD S LN; TH N 26°50'05" W 291.38 FT; TH N 0°30'50" W 400 FT TO THE POB. CONT. 1.41 ACRES

Date: 2/2/2010

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Davis County Utah - Legal Description

Serial Number: 12-043-0088

Mailing Address
4177 WEST 300 NORTH

WEST POINT, UT 840156903

Acres

Deleted Date

0.93000

Owner Names

Cammack, Earl M Jr -- Tr

Cammack, Sharon H -- Tr

Cammack Family Trust 12/04/2006

BEG AT A PT ALG THE SEC LINE S 89°43' E 1274.32 FT & S 27°59'32" E 454.14 FT & S 89°43' E 192.4 FT FR THE NW COR OF THE NE 1/4 OF SEC 6-T4N-R2W, SLM & RUN TH S 89°43' E 100 FT TO THE NW COR OF PPTY CONVEYED IN BK 704, PG 684 & S 14°40'45" E 514.47 FT; TH E 23 FT; TH S 6°09'38" E 140.16 FT; TH W 33 FT TO THE SE COR OF PPTY CONVEYED IN BK 670, PG 79; TH N 20°17'33" W 679.62 FT, M/L TO THE POB. CONT. 0.93 ACRES

Date: 2/2/2010

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Davis County Utah - Legal Description

Serial Number: 12-043-0013

Mailing Address
4157 WEST 300 NORTH

WEST POINT, UT 8401500000

Acres

2.24000

Deleted Date

Owner Names

Leatherwood, William M -- Jt

Leatherwood, Marilyn A

BEG AT A PT ALG SEC LN S 89°43' E 1274.32 FT & S 27°59'32" E 454.14 FT & S 89°43' E 292.40 FT FR NW COR OF NE 1/4 OF SEC 6-T4N-R2W; SLM: RUN TH S 89°43' E 200 FT; TH S 0°30'50" E 902.56 FT; TH N 88°57'52" W 19.66 FT; TH N 27°59'32" W 311.45 FT; TH E 121.76 FT; TH N 6°09'38" W 140.16 FT; TH W 23 FT; TH N 14°40'45" W 514.47 FT TO POB. CONT 2.24 ACRES

Date: 2/2/2010

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Davis County Utah - Legal Description

Serial Number: 12-043-0098

Mailing Address
668 NORTH 4000 WEST

WEST POINT, UT 840150000

Acres

6.67000

Deleted Date

Owner Names

M&c Thurgood Family Trust 11/20/2001

Thurgood, Carol -- Tr

BEG 10.0 CHAINS W & 400 FT S FR NE COR OF SEC 6-T4N-R2W, SLM; S 260.0 FT; E 327.51 FT, M/L, TO THE WLY LINE OF PPTY CONV IN WARRANTY DEED RECORDED 02/06/2009 AS E# 2421823 BK 4708 PG 706; TH NWLY 278.16 FT ALG THE ARC OF A 14164.00 FT RADIUS CURVE TO THE RIGHT (LC BEARS N 20°18'49" W 277.14 FT); TH W 235.48 FT TO THE POB. CONT. 1.59 ACRES ALSO: BEG AT A PT N 00°00'58" W ALG SEC LINE 1304.59 FT & N 89°37'39" W 13.32 FT & N 25°53'58" W 165.32 FT & N 89°40'00" W 42.68 FT FR THE W 1/4 COR OF SEC 5-T4N-R2W, SLB&M, SD PT BEING ON THE W LINE OF PPTY CONV IN WARRANTY DEED RECORDED 02/06/2009 AS E# 2421823 BK 4708 PG 706 & RUN TH S 89°58'56" W 528.24 FT; TH N 513.70 FT; TH E 327.51 FT; TH SE'LY 533.37 FT ALG THE ARC OF A 14164.00 FT RADIUS CURVE TO THE RIGHT (LC BEARS S 21°59'17" E 534.59 FT) TO THE POB. CONT. 5.08 ACRES TOTAL ACREAGE 6.67 ACRES (NOTE: THIS REMAINING LEGAL WAS WRITTEN IN THE DAVIS COUNTY RECORDER'S OFFICE FOR I.D. PURPOSES. IT DOES NOT REFLECT A SURVEY OF THE PROPERTY.)

Date: 2/2/2010

Page 1 of 1

Davis County Utah - Legal Description
Serial Number: 12-043-0062

Mailing Address
CMR 425 BOX 69

APO, AE 090950000

Acres

0.82000

Deleted Date

Owner Names

Huntsman, Susan A

BEG AT A PT ALG THE SEC LINE S 89°43' E 1274.32 FT & S 27°59'32" E 748.59 FT FR THE NW COR OF THE NE 1/4 SEC 6 T4N-R2W, SLM;
SD PT BEING ON THE S LINE OF HWID & RUN TH E 85.73 FT; TH S 26°50'05" E 201.09 FT; TH E 40 FT; TH S 20°17'33" E 211.62 FT; TH W
88.76 FT; TH N 27°59'32" W 418.55 FT TO THE POB. CONT. 0.82 ACRES

Date: 2/2/2010

Page 1 of 1

Davis County Utah - Legal Description

Serial Number: 12-043-0011Mailing Address
4197 WEST 300 NORTH

WEST POINT, UT 8401500000

Acres

0.28000

Deleted Date**Owner Names**

Duersch, Leslie R.

Duersch, Karen S.

BEG AT APT ALG SEC LN S 89°43'E 1274.32 FT & S 27°59'32"E 454.15 FT & S 89°43' E 92.40 FT & S 26°50'05" E 291.38 FT FR THE NW COR OF THE NE 1/4 OF SEC 6-T4N-R2W, SLM; SD PT BEING ON THE S LN OF THE HWID; RUN TH E 64.60 FT ALG SD S LN; TH S 20°17'33" E 190.8 FT; TH W 40 FT; TH N 26°50'05" W 201.09 FT TO THE POB. CONT. 0.28 ACRES

Date: 2/2/2010

Page 1 of 1

Davis County Utah - Legal Description

Serial Number: 12-043-0089

Mailing Address
CREDIT MANAGEMENT DEPT
PO BOX 30709

SALT LAKE CITY, UT 841300709

Acres

2.16000

Deleted Date

Owner Names

Zions First National Bank

BEG AT THE SE COR OF LOT 115, FAIRWAYS BEYOND THE BLUFF PHASE 1 CLUSTER SUB; SD PT BEING S 00°06'59" W 1500.58 FT ALG THE 1/4 SEC LINE & N 89°47'30" E 1426.75 FT FR THE N 1/4 COR OF SEC 6-T4N-R2W, SLM, & RUN TH N 00°06'59" E 181.37 FT; TH N 89°58'56" E 474.96 FT TO THE WLY LINE OF COLD SPRINGS ROAD & EXT TO THE N'LY LINE OF 25 SOUTH STR, DEDICATED 10/05/2007, E# 2311639 BK 4382 PG 1058, FILE# 741, TH ALG SD DEDICATED ROAD 4 COURSES AS FOLLOWS: S 27°59'32" E 20.18 FT, SE'LY ALG THE ARC OF A 1038.00 FT RAD CURVE TO THE LEFT 134.74 FT (LC BEARS S 31°42'40" E 134.65 FT), SW'LY ALG THE ARC OF A 15.00 FT RAD CURVE TO THE RIGHT 24.28 FT (LC BEARS S 10°56'10" W 21.71 FT), SW'LY ALG THE ARC OF A 170.00 FT RAD CURVE TO THE RIGHT 96.69 FT (LC BEARS S 73°35'44" W 95.39 FT) & S 89°53'21" W 454.85 FT, TH S 89°53'13" W 5.29 FT TO THE POB. CONT 2.16 ACRES (NOTE: THIS REMAINING LEGAL WAS WRITTEN IN THE DAVIS COUNTY RECORDER'S OFFICE FOR I.D. PURPOSES. IT DOES NOT REFLECT A SURVEY OF THE PROPERTY.)

Date: 2/2/2010

Davis County Utah - Legal Description

Page 1 of 1

Serial Number: 12-043-0083Mailing Address
153 NORTH 4950 WEST

WEST POINT, UT 8401500000

Acres

2.04000

Deleted Date

12/31/2009

Owner Names

Burt Investments Llc

BEG AT A PT WH IS LOC N 00°00'58" W ALG SEC LN 1304.59 FT & W 14.32 FT FR THE W 1/4 COR OF SEC 5-T4N-R2W, SLB&M, & RUN TH S 89°58'56" W 641.72 FT, TH N 00°31'08" W 146.30 FT, TH N 89°58'56" E 570.92 FT, TH S 26°15'02" E 163.09 FT TO THE POB. CONT 2.04 ACRES

Date: 2/2/2010

Page 1 of 1

Davis County Utah - Legal Description
Serial Number: 12-043-0091Mailing Address
153 NORTH 4950 WEST

WEST POINT, UT 84015

Acres

5.07000

Deleted Date

12/31/2009

Owner Names

Burt Investment Company Llc

BEG AT A PT BEING S 00°06'59" W 1319.21 FT ALG THE 1/4 SEC LN & N 89°47'30" E 1982.29 FT FR THE N 1/4 COR OF SEC 6-T4N-R2W, SLM, & RUN TH N 89°58'56" E 664.48 FT; TH S 00°00'29" E 418.68 FT; TH S 89°47'30" W 404.52 FT TO THE E'LY LN OF COLD SPRINGS ROAD, DEDICATED 10/05/2007, E# 2311639 BK 4382 PG 1058, FILE# 741, TH ALG SD DEDICATED ROAD 3 COURSES AS FOLLOWS: N 28°01'11" W 163.03 FT, NW'LY ALG THE ARC OF A 1033.00 FT RAD CURVE TO THE LEFT 178.39 FT (LC BEARS N 32°58'01" W 178.16 FT) & NW'LY ALG THE ARC OF A 967.00 FT RAD CURVE TO THE RIGHT 149.84 FT (LC BEARS N 33°28'30" W 149.69 FT) TO THE POB. CONT 5.07 ACRES (NOTE: THIS REMAINING LEGAL WAS WRITTEN IN THE DAVIS COUNTY RECORDER'S OFFICE FOR I.D. PURPOSES. IT DOES NOT REFLECT A SURVEY OF THE PROPERTY.)

Date: 2/2/2010

Page 1 of 1

Davis County Utah - Legal Description**Serial Number: 12-043-0093**Mailing Address
153 NORTH 4950 WEST

WEST POINT, UT 84015

Acres

0.93000

Deleted Date

12/31/2009

Owner Names

Burt Investment Company Lic

BEG AT A PT ON SEC LN, SD PT BEING LOC N 00°00'58" W 782.25 FT ALG SD SEC LN FR THE E 1/4 COR OF SEC 6-T4N-R2W, SLB&M, & RUN; TH N 89°43'50" W 290.23 FT; TH S 61°39'25" W 56.16 FT TO THE E'LY LN OF COLD SPRINGS ROAD, DEDICATED 10/05/2007, E# 2311639 BK 4382 PG 1058, FILE# 741, TH ALG SD LN N 28°01'11" W 144.16 FT; TH N 89°45'27" E 404.52 FT TO THE SD SEC LN; TH S 00°00'58" E 104.68 FT ALG SD SEC LN TO THE POB. CONT. 0.93 ACRES (NOTE: THIS REMAINING LEGAL WAS WRITTEN IN THE DAVIS COUNTY RECORDER'S OFFICE FOR I.D. PURPOSES. IT DOES NOT REFLECT A SURVEY OF THE PROPERTY.)

Date: 2/2/2010

Page 1 of 1

Davis County Utah - Legal Description**Serial Number: 12-043-0092**Mailing Address
153 NORTH 4950 WEST

WEST POINT, UT 84015

Acres

0.78000

Deleted Date

12/31/2009

Owner Names

Burt Investment Company Llc

BEG AT A PT ON SEC LN, SD PT BEING LOC N 00°00'58" W 886.93 FT ALG SD SEC LN & S 89°45'27" W 491.53 FT FR THE E 1/4 COR OF SEC 6-T4N-R2W, SLB&M; SD PT ALSO BEING ON THE WLY LN OF COLD SPRINGS ROAD, DEDICATED 10/05/2007, E# 2311639 BK 4382 PG 1058, FILE# 741 & RUN TH ALG SD ROAD S 28°01'11" E 227.47 FT; TH S 75°53'18" W 207.55 FT; TH N 00°00'00" E 249.15 FT; TH N 89°45'27" E 94.05 FT TO THE SD WLY LN TO THE POB. CONT 0.78 ACRES (NOTE: THIS REMAINING LEGAL WAS WRITTEN IN THE DAVIS COUNTY RECORDER'S OFFICE FOR I.D. PURPOSES. IT DOES NOT REFLECT A SURVEY OF THE PROPERTY.)

Date: 2/2/2010

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Davis County Utah - Legal Description

Serial Number: 12-043-0090

Mailing Address
153 NORTH 4950 WEST

WEST POINT, UT 84015

Acres	Deleted Date
2.83000	12/31/2009

Owner Names

Burt Investment Company Llc

BEG AT THE SE COR OF LOT 116, FAIRWAYS BEYOND THE BLUFF PHASE 1 CLUSTER SUB, SD PT BEING S 00°06'59" W 1741.94 FT ALG THE 1/4 SEC LN & N 89°47'30" E 1432.04 FT ALG THE S LN OF FAIRWAYS BEYOND THE BLUFF PHASE 1 CLUSTER SUB FR THE N 1/4 COR OF SEC 6-T4N-R2W, SLM, & RUN TH N 00°06'59" E 181.36 FT TO THE S'LY LN OF 25 SOUTH STR & EXT TO THE W'LY LN OF COLD SPRINGS ROAD, DEDICATED 10/05/2007, E# 2311639 BK 4382 PG 1058, FILE# 741, TH ALG SD DEDICATED ROAD 5 COURSES AS FOLLOWS: N 89°53'21" E 455.09 FT, NE'LY ALG THE ARC OF A 230.00 FT RAD CURVE TO THE LEFT 136.60 FT (LC BEARS N 72°52'28" E 134.60 FT), SW'LY ALG THE ARC OF A 15.00 FT RAD CURVE TO THE RIGHT 23.28 FT (LC BEARS S 79°40'53" E 21.01 FT), SE'LY ALG THE ARC OF A 962.00 FT RAD CURVE TO THE RIGHT 120.94 FT (LC BEARS S 31°37'16" E 120.86 FT) & S 28°01'11" E 122.36 FT; TH S 89°47'30" W 724.52 FT TO THE POB. CONT 2.83 ACRES (NOTE: THIS REMAINING LEGAL WAS WRITTEN IN THE DAVIS COUNTY RECORDER'S OFFICE FOR I.D. PURPOSES. IT DOES NOT REFLECT A SURVEY OF THE PROPERTY.)

Date: 2/2/2010

Page 1 of 1

Davis County Utah - Legal Description

Serial Number: 12-037-0093Mailing Address
153 NORTH 4950 WEST

WEST POINT, UT 840150000

Acres

0.72900

Deleted Date

12/31/2009

Owner Names

Burt Investment Company Llc

BEING A PART OF THE NW 1/4 OF SEC 5-T4N-R2W, SLM DESC AS FOLLOWS: BEG AT A PT ON THE W LINE OF SD SEC 5, SD PT BEING N 00°00'58" W 782.25 FT FR THE SW COR OF THE NW 1/4 OF SD SEC 5 & RUN TH N 00°00'28" W ALG THE W LINE OF THE SD NW 1/4 OF SD SEC 5, 493.28 FT, M/L, TO A PT ON THE S LINE OF PPTY CONV IN SWD RECORDED AUG 4, 2006 AS ENTRY 2190339 BK 4089 PG 1482; TH ALG SD LINE S 26°15'02" E 145.20 FT; TH S 26°15'05" E 385.74 FT; TH N 89°43'50" W 243.72 FT TO THE POB. CONT. 0.729 ACRES (NOTE: THIS REMAINING LEGAL WAS WRITTEN IN THE DAVIS COUNTY RECORDER'S OFFICE FOR I.D. PURPOSES. IT DOES NOT REFLECT A SURVEY OF THE PROPERTY.)

Date: 2/2/2010

Page 1 of 1

Davis County Utah - Legal Description**Serial Number: 12-043-0095**

Mailing Address
ATTN: DAVE JONES
1601 NORTH HILLFIELD ROAD

LAYTON, UT 840410000

Acres

2.69000

Deleted Date

Owner Names

First National Bank Of Layton

PART OF THE N 1/2 OF SEC 6-T4N-R2W, SLM: BEG AT A PT N 0°00'29" W 156.00 FT FR THE E 1/4 COR OF SD SEC 6, SD PT IS ON THE ARC OF A 606.00 FT RAD CURVE, TH ALG THE ARC OF SD CURVE 24.43 FT (LC BEARS S 89°01'09" W 24.42 FT) TO THE E'LY LINE OF COLD SPRINGS ROAD, DEDICATED 10/05/2007, E# 2311639 BK 4382 PG 1058, FILE# 741, TH ALG SD LINE N 28°01'11" W 672.45 FT; TH N 61°39'25" E 56.16 FT; TH S 89°43'50" E 290.23 FT; TH ALG AN EXISTING FENCE S 0°00'29" E 626.24 FT TO THE POB. CONT. 2.69 ACRES TOGETHER WITH & SUBJ TO A DESC R/W. (NOTE: THIS REMAINING LEGAL WAS WRITTEN IN THE DAVIS COUNTY RECORDER'S OFFICE FOR I.D. PURPOSES. IT DOES NOT REFLECT A SURVEY OF THE PROPERTY.)

Date: 2/2/2010

Page 1 of 1

Davis County Utah - Legal Description

Serial Number: 12-037-0091

Mailing Address
ATTN: DAVE JONES
1601 NORTH HILLFIELD ROAD

LAYTON, UT 840410000

Acres

6.31200

Deleted Date

Owner Names

First National Bank Of Layton

BEG AT A PT ON SEC LINE, SD PT BEING LOC N 00°00'58" W ALG SEC LINE 113.16 FT FR THE W 1/4 COR OF SEC 5-T4N-R2W, SLB&M, & RUN TH N 00°00'58" W ALG SEC LINE 669.09 FT; TH S 89°43'50" E 243.72 FT; TH S 26°15'05" E 750.37 (FT); TH N 89°48'53" W 572.07 FT TO THE E'LY LINE OF COLD SPRINGS ROAD, DEDICATED 10/05/2007, E# 2311639 BK 4382 PG 1058, FILE# 741, TH ALG SD LINE NWLY ALG THE ARC OF A 362.00 FT RAD CURVE 8.04 FT (LC BEARS N 22°02'53" W 8.04 FT) TO THE SEC LINE & THE POB. CONT. 6.312 ACRES (NOTE: THIS REMAINING LEGAL WAS WRITTEN IN THE DAVIS COUNTY RECORDER'S OFFICE FOR I.D. PURPOSES. IT DOES NOT REFLECT A SURVEY OF THE PROPERTY.)

Date: 2/2/2010

Page 1 of 1

Davis County Utah - Legal Description**Serial Number: 12-043-0094**

Mailing Address
ATTN: DAVE JONES
1601 NORTH HILLFIELD ROAD

LAYTON, UT 840410000

Acres

2.38000

Deleted Date

Owner Names

First National Bank Of Layton

PART OF THE N 1/2 OF SEC 6-T4N-R2W, SLM: BEG AT A PT N 0°00'29" W 156.00 FT & S 85°30'28" W 97.40 FT FR THE E 1/4 COR OF SD SEC 6, SD PT IS ON THE ARC OF A 606.00 FT RAD CURVE, TH ALG THE ARC OF SD CURVE 329.17 FT (LC BEARS S 65°08'06" W 335.02 FT), TH N 0°15'34" W 677.59 FT TO THE S LINE OF PPTY CONV IN SWD RECORDED DEC 13, 2006 AS E# 2227425 BK 4178 PG 487; TH N 75°53'18" E 21.44 FT ALG SD PPTY TO THE WLY LINE OF COLD SPRINGS ROAD, DEDICATED 10/05/2007, E# 2311639 BK 4382 PG 1058, FILE# 741, TH ALG SD LINE S 28°01'11" E 616.37 FT TO THE POB. CONT. 2.38 ACRES TOGETHER WITH & SUBJ TO A DESC R/W. (NOTE: THIS REMAINING LEGAL WAS WRITTEN IN THE DAVIS COUNTY RECORDER'S OFFICE FOR I.D. PURPOSES. IT DOES NOT REFLECT A SURVEY OF THE PROPERTY.)

Date: 2/2/2010

Page 1 of 1

Davis County Utah - Legal Description**Serial Number: 12-043-0085**

Mailing Address
ATTN: DAVE JONES
1601 NORTH HILLFIELD ROAD

LAYTON, UT 840410000

Acres

5.43420

Deleted Date

Owner Names

First National Bank Of Layton

PART OF THE N,1/2 OF SEC 6-T4N-R2W, SLM: BEG AT A PT S 89°46'33" W 409.15 FT ALG THE 1/4 SEC LINE FR THE E 1/4 COR OF SD SEC 6; TH S 89°46'33" W 304.09 FT; TH N 0°15'34" W 886.69 FT TO AN EXISTING FENCE; TH ALG SD FENCE N 89°45'26" E 179.13 FT TO N LINE OF PPTY CONV IN SWD RECORDED DEC 13, 2006 AS E# 2227425 BK 4178 PG 487; TH S 00°00'00" W 249.15 FT ALG W LINE OF SD PPTY; TH N 75°53'18" W 186.11 FT; TH S 0°15'34" E 677.59 FT TO A PT ON THE ARC OF A 606.00 FT RAD CURVE TO THE LEFT 11.52 FT (LC BEARS S 48°16'10" W 11.52 FT) TO THE POB. CONT. 5.4342 ACRES. TOGETHER WITH & SUBJ TO A DESC R/W. (NOTE: THIS REMAINING LEGAL WAS WRITTEN IN THE DAVIS COUNTY RECORDER'S OFFICE FOR I.D. PURPOSES. IT DOES NOT REFLECT A SURVEY OF THE PROPERTY.)

Date: 2/2/2010

Page 1 of 1

Davis County Utah - Legal Description
Serial Number: 12-043-0039

Mailing Address
ATTN: DAVE JONES
1601 NORTH HILLFIELD ROAD

LAYTON, UT 840410000

Acres

5.49000

Deleted Date

Owner Names

First National Bank Of Layton

PART OF THE N 1/2 OF SEC 6-T4N-R2W, SLM; PARCEL 11: BEG AT A PT S 89°46'33" W 713.24 FT ALG THE 1/4 SEC LINE FR THE E 1/4 COR OF SD SEC 6; TH S 89°46'33" W 269.99 FT; TH N 0°15'34" W 886.60 FT TO AN EXISTING FENCE; TH ALG SD FENCE N 89°45'26" E 269.99 FT; TH S 0°15'34" E 886.69 FT TO THE POB. CONT. 5.49 ACRES. TOGETHER WITH & SUBJ TO A DESCRIBED R/W

Date: 2/2/2010

Page 1 of 1

Davis County Utah - Legal Description**Serial Number: 12-039-0036**Mailing Address
3016 WEST 300 NORTH

WEST POINT, UT 8401500000

Acres

0.25750

Deleted Date

Owner Names

West Point City

BEG AT THE W 1/4 COR OF SEC 5-T4N-R2W, SLM; TH S 0°04'56" W 46.00 FT ALG THE SEC LN & S 89°48'32" E 33.00 FT; TH S 89°48'32" E 239.25 FT; TH ALG THE E'LY LN OF COLD SPRINGS ROAD, DEDICATED 10/05/2007, E# 2311639 BK 4382 PG 1058, FILE# 741, 2 COURSES AS FOLLOWS: N 0°11'47" W 11.35 FT & NWLY ALG THE ARC OF A 362.00 FT RAD CURVE TO THE LEFT 34.73 FT (LC BEARS N 1°15'15" W 34.73 FT) TO THE 1/4 SEC LN; TH N 89°48'32" W 239.25 FT ALG THE 1/4 SEC LN TO THE POB. CONT. 0.2575 ACRES (NOTE: THIS REMAINING LEGAL WAS WRITTEN IN THE DAVIS COUNTY RECORDER'S OFFICE FOR I.D. PURPOSES. IT DOES NOT REFLECT A SURVEY OF THE PROPERTY.)

Date: 2/2/2010

Page 1 of 1

Davis County Utah - Legal Description
Serial Number: 12-039-0028

Mailing Address
3016 WEST 300 NORTH

WEST POINT, UT 8401500000

Acres

0.25920

Deleted Date

Owner Names

West Point City

BEG AT A PT S 89°48'32" E 272.25 FT ALG THE 1/4 SEC LN FR THE W 1/4 COR OF SEC 5-T4N-R2W, SLM; TH S 0°04'56" W 46.00 FT; TH S 89°48'32" E 245.41 FT; TH N 0°04'56" E 46.00 FT TO THE 1/4 SEC LN; TH N 89°48'32" W 245.41 FT TO THE POB. CONT. 0.2592 ACRES

Date: 2/2/2010

Page 1 of 1

Davis County Utah - Legal Description

Serial Number: 12-039-0031

Mailing Address
3016 WEST 300 NORTH

WEST POINT, UT 8401500000

Acres

0.25920

Deleted Date

Owner Names

West Point City

BEG AT A PT S 89°48'32" E 517.66 FT ALG THE 1/4 SEC LN FR THE W 1/4 COR OF SEC 5-T4N-R2W, SLM; TH S 89°48'32" E 245.44 FT; TH S 0°04'56" W 46.00 FT; TH N 89°48'32" W 245.44 FT; TH N 0°04'56" E 46.00 FT TO THE POB. CONT. 0.2592 ACRES

Date: 2/2/2010

Page 1 of 1

Davis County Utah - Legal Description
Serial Number: 12-039-0035

Mailing Address
ATTN: DAVE JONES
1601 NORTH HILLFIELD ROAD

LAYTON, UT 840410000

Acres

6.97000

Deleted Date

Owner Names

First National Bank Of Layton

PART OF THE SW 1/4 OF SEC 5-T4N-R2W, SLM; BEG AT A PT S 0°04'56" W 46.00 FT ALG THE SEC LINE & S 89°48'32" E 33.00 FT FR THE W 1/4 COR OF SD SEC 5; TH S 89°48'32" E 239.25 FT; TH S 0°04'56" W 1269.38 FT TO AN EXISTING FENCE; TH ALG SD FENCE N 89°50'03" W 239.25 FT TO THE E LINE OF COLD SPRINGS ROAD, DEDICATED 10/05/2007, E# 2311639 BK 4382 PG 1058, FILE# 741; TH N 0°04'56" E 1269.50 FT TO THE POB. CONT 6.97 ACRES (NOTE: THIS REMAINING LEGAL WAS WRITTEN IN THE DAVIS COUNTY RECORDER'S OFFICE FOR I.D. PURPOSES. IT DOES NOT REFLECT A SURVEY OF THE PROPERTY.)

Date: 2/2/2010

Davis County Utah - Legal Description
Serial Number: 12-039-0022

Page 1 of 1

Mailing Address
ATTN: DAVE JONES
1601 NORTH HILLFIELD ROAD

LAYTON, UT 840410000

Acres

7.15000

Deleted Date

Owner Names

First National Bank Of Layton

PT OF THE SW 1/4 OF SEC 5-T4N-R2W SLM; BEG AT A PT S 0°04'56" W 46.00 FT & S 89°48'32" E 272.25 FT FR THE W 1/4 COR OF SD SEC 5; TH S 89°48'32" E 245.41 FT; TH S 0°04'56" W 1269.27 FT TO AN EXISTING FENCE; TH ALG SD FENCE N 89°50'03" W 245.41 FT; TH N 0°04'56" E 1269.38 FT TO THE POB. CONT. 7.15 ACRES

Date: 2/2/2010

Page 1 of 1

Davis County Utah - Legal Description
Serial Number: 12-039-0037

Mailing Address
ATTN: DAVE JONES
1601 NORTH HILLFIELD ROAD

LAYTON, UT 840410000

Acres

6.93000

Deleted Date

Owner Names

First National Bank Of Layton

PART OF THE SW 1/4 OF SEC 5-T4N-R2W, SLM; PARCEL16: BEG AT A PT S 0°04'56" W 46.00 FT & S 89°48'32" E 517.66 FT FR THE W 1/4 COR OF SD SEC 5; TH S 89°48'32" E 135.17 FT, M/L, TO THE WLY LINE OF PPTY CONV IN WARRANTY DEED RECORDED 07/15/2008 AS E# 2379569 BK 4574 PG 212; TH ALG SD LINE THE FOLLOWING COURSE & DIST S 31°52'39" W 208.08 FT; TH S 0°04'56" W 1092.83 FT TO AN EXISTING FENCE; TH ALG SD FENCE N 89°50'03" W 245.44 FT; TH N 0°04'56" E 1269.27 FT TO THE POB. CONT. 6.93 ACRES
(NOTE: THIS REMAINING LEGAL WAS WRITTEN IN THE DAVIS COUNTY RECORDER'S OFFICE FOR I.D. PURPOSES. IT DOES NOT REFLECT A SURVEY OF THE PROPERTY.)

Date: 2/2/2010

Page 1 of 1

Davis County Utah - Legal Description

Serial Number: 12-039-0038

Mailing Address

ATTN: DAVE JONES

1601 NORTH HILLFIELD ROAD

LAYTON, UT 840410000

Acres

5.08000

Deleted Date

Owner Names

First National Bank Of Layton

PART OF THE SW 1/4 OF SEC 5-T4N-R2W, SLM; PARCEL 17: BEG AT A PT S 0°04'56" W 46.00 FT & S 89°48'32" E 763.10 FT & S 0°04'56" W 176.33 FT FR THE W 1/4 COR OF SD SEC 5; SD PT BEING ON THE WLY LINE OF PPTY CONV IN WARRANTY DEED RECORDED 07/15/2008 AS E# 2379569 BK 4574 PG 212; TH ALG SD LINE S 31°52'39" E 458.61 FT; TH S 0°04'56" W 700.36 FT TO AN EXISTING FENCE; TH ALG SD FENCE N 89°50'03" W 245.52 FT; TH N 0°04'56" E 1092.83 FT TO THE POB. CONT. 5.08 ACRES (NOTE: THIS REMAINING LEGAL WAS WRITTEN IN THE DAVIS COUNTY RECORDER'S OFFICE FOR I.D. PURPOSES. IT DOES NOT REFLECT A SURVEY OF THE PROPERTY.)

Date: 2/2/2010

Page 1 of 1

Davis County Utah - Legal Description
Serial Number: 12-039-0039

Mailing Address
ATTN: DAVE JONES
1601 NORTH HILLFIELD ROAD

LAYTON, UT 840410000

Acres

2.98400

Deleted Date

Owner Names

First National Bank Of Layton

PART OF THE SW 1/4 OF SEC 5-T4N-R2W, SLM; PARCEL 18: BEG AT A PT S 0°04'56" W 46.00 FT S 89°48'32" E 1005.56 FT & S 0°04'56" W 563.61 FT FR THE W 1/4 COR OF SD SEC 5; SD PT BEING ON THE WLY LINE OF PPTY CONV IN WARRANTY DEED RECORDED 07/15/2008 AS E# 2379569 BK 4574 PG 212; TH ALG SD LINE THE FOLLOWING COURSE & DIST S 31°52'39" E 577.61 FT TO AN EXISTING FENCE; TH ALG SD FENCE S 0°06'45" E 230.45 FT TO AN EXISTING FENCE; TH ALG SD FENCE N 89°50'03" W 305.37 FT; TH N 0°04'56" E 700.36 FT TO THE POB. CONT. 2.984 ACRES (NOTE: THIS REMAINING LEGAL WAS WRITTEN IN THE DAVIS COUNTY RECORDER'S OFFICE FOR I.D. PURPOSES. IT DOES NOT REFLECT A SURVEY OF THE PROPERTY.)

Date: 2/2/2010

Page 1 of 1

Davis County Utah - Legal Description
Serial Number: 12-045-0046Mailing Address
321 SOUTH 4500 WEST

WEST POINT, UT 8401500000

Acres

16.09000

Deleted Date

Owner Names

Abrams, John Dahl -- Tr

Abrams, Lorraine M -- Tr

Family Trust Of John Dahl Abrams And Lorraine M Abrams 03/07/2005

BEG AT A PT 2640.0 FT E & 38.00 FT W FR THE NW COR OF THE SE 1/4 OF SEC 6-T4N-R2W, SLM; & RUN TH S 637.02 FT, M/L, ALG THE WLY LINE OF COLD SPRINGS ROAD, DEDICATED 10/05/2007, E# 2311639 BK 4382 PG 1058, FILE# 741 TO A PT ON BNDRY LINE AGMT RECORDED 02/06/2009 AS E# 2421857 BK 4708 PG 892; TH ALG SD LINE S 89°48'31" W 1942.00 FT, M/L, TH N 300.56 FT TO THE S LINE OF DAVIS COUNTY PPTY; TH N 89°37'24" E 1229.69 FT TO A 560.0 FT RAD CURVE TO THE LEFT WITH A CENTRAL ANGLE 48°31'38"; TH ALG THE ARC OF SD CURVE 481.66 FT (LC BEARS N 65°21'35" E 460.25 FT) TO A PT OF REVERSE CURVE TO THE RIGHT; SD CURVE HAS 450.0 FT RAD WITH A CENTRAL ANGLE OF 36°34'32"; TH ALG THE ARC OF SD CURVE TO THE RIGHT A DIST OF 287.26 FT (LC BEARS N 59°23'02" E 282.41 FT) TH LEAVING SD CURVE & RUN E 49.97 FT TO THE POB. CONT. 16.09 ACRES (NOTE: THIS REMAINING LEGAL WAS WRITTEN IN THE DAVIS COUNTY RECORDER'S OFFICE FOR I.D. PURPOSES. IT DOES NOT REFLECT A SURVEY OF THE PROPERTY.)

Date: 2/2/2010

Page 1 of 1

Davis County Utah - Legal Description
Serial Number: 12-045-0047Mailing Address
1599 MELANIE LANE

SYRACUSE, UT 8407500000

Acres

49.59000

Deleted Date**Owner Names**

Craythorn, Arnold E -- Tr
Arnold E Craythorn Trust -- 1/2 Int
Trudice M Craythorn Trust -- 1/2 Int
Craythorn, Trudice M -- Tr

BEG 672 FT N & 38.00 FT W FR SE COR SEC 6-T4N-R2W, SLM: TH N 1318.17 FT, M/L, ALG THE W'LY LINE OF COLD SPRINGS ROAD, DEDICATED 10/05/2007, E# 2311639 BK 4382 PG 1058, FILE# 741 TO A PT ON BNDRY LINE AGMT RECORDED 02/06/2009 AS E# 2421857 BK 4708 PG 892; TH ALG SD LINE S 89°48'31" W 1330.50 FT TO THE E LINE OF PPTY CONV IN WARRANTY DEED RECORDED 03/27/2008 AS E# 2352236 BK 4499 PG 192; TH ALG SD PPTY THE FOLLOWING FIVE COURSES & DISTANCES: S 0°06'07" W 583.97 FT & S 71°47'17" W 95.87 FT & SW'LY ALG THE ARC OF A 779.88 FT RAD CURVE TO THE RIGHT A DIST OF 247.89 FT (LC BEARS S 80°53'38" W 246.85 FT) & W 180.88 FT & NW'LY ALG THE ARC OF A 200.00 FT RAD CURVE TO THE RIGHT A DIST OF 100.65 FT (LC BEARS N 75°33'28" W 99.95 FT); TH S 684.31 FT; TH E 1942.00 FT TO POB. CONT. 49.59 ACRES (NOTE: THIS REMAINING LEGAL WAS WRITTEN IN THE DAVIS COUNTY RECORDER'S OFFICE FOR I.D. PURPOSES. IT DOES NOT REFLECT A SURVEY OF THE PROPERTY.)