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ERNEST D ROWLEY, WEBER COUNTY RECORDER
13-SEP-13 2:44 PM FEE \$1.00 DEP SGC
REC FOR: WEBER COUNTY CLERK/AUDITOR
Ogden, Utah

Ordinance 2013-21

August 13, 2013

The Board of County Commissioners (the "Commission") of Weber County, Utah (the "County"), met in regular session on August 13, 2013, in Ogden City, Utah, at 10:00 a.m. with the following members of the Commission present:

Kerry W. Gibson
Jan M. Zogmaister
Matthew G Bell

Chair - *excused*
Commissioner
Commissioner

Also present:
Christopher F. Allred
Ricky Hatch

Deputy County attorney
County Clerk/Auditor

Absent: *Kerry W. Gibson*

After the meeting had been duly called to order and after other matters not pertinent to this Resolution had been discussed, the Clerk/Auditor presented to the Commission a Certificate of Compliance with Open Meeting Law with respect to this August 13, 2013, meeting, a copy of which is attached hereto as Exhibit A.

The Chair then noted that the Commission is now convened in this meeting for the purpose, among other things, to adopt an ordinance levying an assessment (the "Ordinance") for the Summit Mountain Assessment Area (the "Assessment Area"). The following Ordinance was then introduced in writing, was fully discussed, and pursuant to motion duly made by Commissioner Bell and seconded by Commissioner Zogmaister, adopted by the following vote:

AYE: *Bell*
Zogmaister

NAY: *Ø*

The Ordinance was then signed by the Chair in open meeting and recorded in the official records of Weber County, Utah. The Ordinance is as follows:

ORDINANCE NO. 2013-21

AN ORDINANCE CONFIRMING THE ASSESSMENT LIST AND LEVYING AN ASSESSMENT AGAINST CERTAIN PROPERTIES IN THE SUMMIT MOUNTAIN ASSESSMENT AREA (THE "ASSESSMENT AREA") TO FINANCE THE COSTS OF ACQUIRING, CONSTRUCTING AND INSTALLING ROAD IMPROVEMENTS, WATER IMPROVEMENTS, SEWER IMPROVEMENTS, AND RELATED IMPROVEMENTS, AND TO COMPLETE SAID IMPROVEMENTS IN A PROPER AND WORKMANLIKE MANNER (COLLECTIVELY, THE "IMPROVEMENTS"); ESTABLISHING A RESERVE FUND; PROVIDING FOR CERTAIN REMEDIES UPON DEFAULT IN THE PAYMENT OF ASSESSMENTS; ESTABLISHING THE EFFECTIVE DATE OF THIS ORDINANCE; AND RELATED MATTERS.

WHEREAS, the Board of County Commissioners (the "Commission") of Weber County, Utah (the "County"), pursuant to the Assessment Area Act, Title 11 Chapter 42, Utah Code Annotated 1953, as amended (the "Act"), and pursuant to a resolution adopted on August 6, 2013 (the "Designation Resolution"), designated the Assessment Area after having obtained from the owner of all properties (collectively, the "Owner") to be assessed within the Assessment Area an executed Acknowledgement, Waiver and Consent (the "Waiver and Consent") in the form attached to the Designation Resolution; and

WHEREAS, the Commission has now determined the total estimated cost of the Improvements and desires to assess the properties, and have prepared an assessment list of the assessments to be levied to finance the cost of the Improvements; and

WHEREAS, the Commission now desires to confirm the assessment list and to levy said assessments in accordance with this assessment ordinance:

NOW THEREFORE, BE IT ORDAINED BY THE COUNTY COMMISSION OF WEBER COUNTY, UTAH:

Section 1. Determination of Costs of the Improvements. The Commission has determined that the estimated acquisition and construction costs of the Improvements within the Assessment Area, including overhead costs and capitalized interest, is \$17,935,000 all of which shall be levied against the properties benefited within the Assessment Area.

Section 2. Approval of Assessment List; Findings. The Commission confirms and adopts the assessment list for the Assessment Area, a copy of which is attached hereto as Exhibit B and incorporated herein by reference (the "Assessment

List"). The Commission has determined that the assessments are levied according to the benefits to be derived by each property within the Assessment Area and in any case the Owner has consented to such methodology as provided in Section 11-42-409(6).

Section 3. Levy of Assessments. The Commission does hereby levy an assessment against each parcel of property identified in the Assessment List. Said assessments levied upon each parcel of property therein described shall be in the amount set forth in the Assessment List. The assessments are levied upon each parcel of property in the Assessment Area in accordance with the benefit received from the Improvements and in any case the Owner has consented to such methodology as provided in Section 11-42-409(6).

Section 4. Amount of Total Assessments. The assessments do not exceed in the aggregate the sum of: (a) the estimated contract price of the Improvements; (b) the acquisition price of the Improvements; (c) the reasonable cost of (i) utility services, maintenance, and operation to the extent permitted by the Act and (ii) labor, materials, or equipment supplied by the County, if any; (d) the price or estimated price of purchasing property; (e) overhead costs not to exceed fifteen percent (15%) of the sum of (a), (b), and (c); (f) an amount for contingencies of not more than ten percent (10%) of the sum of (a) and (c); (g) estimated interest on interim warrants and bond anticipation notes issued to finance the Improvements; and (h) an amount sufficient to fund a reserve fund.

Section 5. Method and Rate. Inasmuch as the assessed property has yet to be subdivided as contemplated for development, the Assessment is levied by zones and against all of the area in each of the zones of the Assessment Area. Each of the benefited properties will be assessed within the Assessment Area under an equivalent residential unit ("ERU") type method of assessment as follows:

<u>Zone</u>	<u>Improvements</u>	<u>Assessment</u>	<u>Minimum ERU</u>	<u>Assessment Per ERU</u>
1	Road, Water and Sewer	\$3,072,614.03	137	\$22,427.84
2	Road, Water and Sewer	1,794,227.17	80	22,427.84
3	Road, Water and Sewer	2,354,923.16	105	22,427.84
4	Road, Water and Sewer	3,476,315.14	155	22,427.84
5	Road, Water and Sewer	1,166,247.66	52	22,427.84
6	Road	2,577,780.40	200	12,888.90
7	Road	2,557,780.40	200	12,888.90
8	Road	915,112.04	71	12,888.90

Section 6. Payment of Assessments.

(a) The County Commission hereby determines that the Improvements have a useful life of not less than twenty (20) years, and have elected to have the assessments paid over a period of not more than twenty (20) years from the effective date of this Ordinance. As permitted, by Section 11-42-411 of the Act, no assessment payments are required to be paid during the period from the date

hereof to (but not including) July 15, 2015. Assessment payments shall be payable as to principal and interest thereon annually on each July 15 beginning July 15, 2015, such that the aggregate annual assessment payments shall be in substantially equal amounts, subject, however, to adjustment as a result of prepayment of assessments. Interest on the unpaid balance of the assessments shall accrue at the same rate or rates as shall be borne by the assessment bonds anticipated to be issued by the County for the Assessment Area (the "Assessment Bonds"), plus an annual administration cost incurred by the County, of three tenths of one percent of the total principal balance of the unpaid assessment, but not to exceed \$30,000 for any one year.

(b) The County Commission will collect the assessment by directly billing the property owner, rather than inclusion on a property tax notice. The bill for each assessment payment shall be sent prior to May 1 of each year, commencing May 1, 2015.

(c) All unpaid installments of an assessment levied against any piece of property may be paid prior to the dates on which they become due, but any such prepayment must include an additional amount equal to the interest which would accrue on the assessment to the next succeeding date on which interest is payable on the Assessment Bonds plus such additional amount as, in the opinion of the County Treasurer, is necessary to assure the availability of money to pay interest on the Assessment Bonds as interest becomes due and payable, plus any premiums required to redeem the Assessment Bonds on their first available call date.

(d) The property assessed has yet to be subdivided as anticipated for development. At such time as all or any portion of the property assessed hereunder is subdivided into smaller parcels as evidenced by a subdivision plat approved at the sole discretion of the Commission and recorded in the Weber County Recorder's office, the Commission may elect, appropriately at its sole discretion, to allocate the assessment balance of the previously undivided property within a zone to said smaller parcels on a proportionate basis based on ERU allocated to said smaller parcels by adopting an amendment to this Ordinance approving such allocation. The required annual assessment payments for each smaller parcel shall be based on ERU allocated by the County to said smaller parcel, so that the aggregate total of all of the annual assessment installments for all of the smaller parcels within a zone will equal the total annual assessment for the previously undivided property in such zone. When an assessment lien is perfected for each of the smaller parcels in a zone, the total assessment levied against the previously undivided property in such zone will be released, having been replaced by the aggregate of the assessments allocated to each of the smaller parcels. In the event that the ERU's for any subdivided parcels do not at least equal the amount of ERU's allocated to the previously undivided property, the owner shall be required to prepay the amount of the assessment for all of the eliminated ERU's or this assessment ordinance shall be amended to require that

the subdivided parcels shall be assessed at a higher amount to cover any potential shortfall, all within the sole discretion of the County.

A release of the new assessment lien for any subdivided parcel will be delivered by the County at the time the assessment balance for such subdivided parcel is paid in full.

(e) Following subdivision of the assessed property and allocation of the assessments, if prepayment of an assessment prior to the assessment payment date, or any part thereof, arises out of a need of the property owner to clear the assessment lien from a portion (the "Release Parcel") of an assessed parcel (the "Assessed Parcel"), the assessment lien on the Release Parcel may be released by the County, as follows:

(i) The property owner shall submit the legal description of the Release Parcel which shall include the total ERU allocated by the County to the Release Parcel.

(ii) The property owner shall prepay an assessment applicable to the Release Parcel calculated by the County Treasurer as follows: the amount of the prepayment calculated pursuant to Section 6(c) herein for the entire Assessed Parcel less any previously paid regularly scheduled payments multiplied by the percentage calculated by dividing the ERU of the Release Parcel by the total ERU of the entire Assessed Parcel.

(iii) The partial release of lien upon payment of the prepayment amount determined under subparagraph (ii) above shall not be permitted, except as otherwise provided in this paragraph, if the fair market value of the ERU of the Assessed Parcel, after release of the Release Parcel, is less than three times the sum of (A) the remaining unpaid assessment on such Assessed Parcel, plus (B) any other unpaid assessment liens on such Assessed Parcel. In determining the value of the ERU of the Assessed Parcel, the County Treasurer of the County is entitled to, but need not rely on, credible evidence or documentation presented by the owner of said parcel. If the County Treasurer determines that the proposed partial release does not comply with the requirements of this paragraph, such partial release may still be permitted if the owner prepays a larger portion of the assessment in order to clear the assessment lien from the Release Parcel, all as determined by said Treasurer.

(iv) Prepayments of assessments shall be applied as provided in the indenture of trust under which the Assessment Bonds are issued (the "Indenture"). As prepayments are paid and applied against the payment of the Assessment applicable to the Release Parcel, the Release Parcel may be released from the lien of the assessment in accordance with this subparagraph (e), and the original assessments levied against the remaining Assessed Parcel shall remain unpaid.

(f) At the time of subdivision of the assessed property, the County may amend this ordinance, including to revise the boundaries of the zones in order to permit the development of the assessed property and to enhance the security provided to the holders of the Bonds.

Section 7. Default in Payment. If a default occurs in the payment of any assessment when due, the County Treasurer, on behalf of the Commission, may declare the unpaid amount to be immediately due and payable and subject to collection as provided herein. In addition, the County Treasurer, on behalf of the Commission, may accelerate payment of the total unpaid balance of the assessment and declare the whole of the unpaid principal and interest then due to be immediately due and payable. Interest shall accrue and be paid on all amounts declared to be delinquent or accelerated and immediately due and payable at the same rate of interest as are applied to delinquent real property taxes for the year in which the assessment payment becomes delinquent (the "Delinquent Rate"). In addition to interest charges at the Delinquent Rate, costs of collection, as approved by the County Treasurer on behalf of the Commission, including, without limitation, attorneys' fees, trustee's fees, and court costs, incurred by the County or required by law shall be charged and paid on all amounts declared to be delinquent or accelerated and immediately due and payable.

Upon any default, the County Treasurer shall give notice in writing of the default to the owner of the property in default as shown by the last available completed real property assessment rolls of the County. Notice shall be effective upon deposit of the notice in the U.S. Mail, postage prepaid, and addressed to the owner as shown on the last completed real property assessment rolls of the County. The notice shall provide for a period of thirty (30) days in which the owner shall pay the installments then due and owing, after which the County Treasurer, on behalf of the County, may immediately initiate a sale of the property as provided in Title 59, Chapter 2, Part 13, Utah Code Annotated 1953, as amended or sell the property pursuant to Section 11-42-502(1)(c) and related pertinent provisions of the Act, in the manner provided for actions to foreclose trust deeds. In accordance with Section 11-42-502 of the Act, the Commission shall designate a qualified trustee to carry out such foreclosure, and said trustee shall be deemed to have a power of sale and all other rights, power, and authority necessary to legally and lawfully foreclose the lien for delinquent assessments. If for any reason the trustee cannot perform the powers and responsibilities herein provided, it may appoint, with the consent of the County, a qualified trustee to serve as trustee. If at the sale no person or entity shall bid and pay the County the amount due on the assessment plus interest and costs, the property shall be deemed sold to the County for these amounts. The County shall be permitted to bid at the sale. So long as the County retains ownership of the property, it shall pay all delinquent assessment installments and all assessment installments that become due, including the interest on them and shall be entitled to use amounts on deposit in the various accounts of the Reserve Fund for such purpose.

The remedies provided herein for the collection of assessments and the enforcement of liens shall be deemed and construed to be cumulative and the use of any one method or means or remedy of collection or enforcement available at law or in equity shall not deprive the County or the trustee on behalf of the County, of the use of any

other method or means. The amounts of accrued interest and all costs of collection, trustee's fees, attorneys' fees, and costs, shall be added to the amount of the assessment up to, and including, the date of foreclosure sale.

Section 8. Remedy of Default. If prior to the final date payment may be legally made under a final sale or foreclosure of property to collect delinquent assessments, or prior to the end of the three month reinstatement period provided by Section 57-1-31 in the event the collection is enforced through the method of foreclosing trust deeds, the property owner pays the full amount of all unpaid installments of principal and interest which are past due and delinquent with interest on such installments at the rate or rates set forth in Section 6 herein to the payment date, plus all trustee's fees, attorneys' fees, and other costs of collection, the assessment of said owner shall be restored and the default removed, and thereafter the owner shall have the right to make the payments in installments as if the default had not occurred. Any payment made to cure a default shall be applied first, to the payment of attorneys' fees and other costs incurred as a result of such default; second, to interest charged on past due installments, as set forth above; third, to the interest portion of all past due assessments; and last, to the payment of outstanding principal.

Section 9. Lien of Assessment. An assessment or any part or installment of it, any interest accruing and the penalties, trustee's fees, attorneys' fees, and other costs of collection shall constitute a lien against the property upon which the assessment is levied on the effective date of this Ordinance. Said lien shall be superior to the lien of any trust deed, mortgage, mechanic's, or materialman's lien, or other encumbrance and shall be equal to and on a parity with the lien for general property taxes. The lien shall apply without interruption, change in priority, or alteration in any manner to any reduced payment obligations and shall continue until the assessment, reduced payment obligations, and any interest, penalties, and costs on it are paid, notwithstanding any sale of the property for or on account of a delinquent general property tax, special tax, or other assessment or the issuance of a tax deed, an assignment of interest by the County or a sheriff's certificate of sale or deed.

Section 10. Reserve Fund. The County does hereby establish a reserve fund (the "Reserve Fund") in lieu of funding a special improvement guaranty fund, as additional security for the Assessment Bonds. The Reserve Fund shall consist of four accounts—a bond funded debt service reserve account (the "Bond Funded Reserve Account"), a developer funded debt service reserve account (the "Developer Funded Reserve Account"), a development funded debt service reserve account (the "Development Funded Reserve Account") and a capitalized interest account (the "Capitalized Interest Account").

(a) The Bond Funded Reserve Account shall be initially funded from proceeds of the Assessment Bonds in an amount not to exceed the least of (a) ten percent (10%) of the proceeds of the Assessment Bonds determined on the basis of its initial purchase price to the public, (b) the maximum aggregate annual debt service requirement during any bond fund year for the Assessment Bonds, and (c)

125% of the average aggregate annual debt service requirement for the Assessment Bonds (the "Bond Funded Reserve Requirement").

(b) The Developer Funded Reserve Account shall be initially funded from a deposit by the Owner prior to the issuance of the Assessment Bonds, in an amount equal to the Bond Funded Reserve Requirement (the "Developer Funded Reserve Requirement").

(c) The Development Funded Reserve Account shall be funded over time from deposits by the Owners as required by the Development Agreement between the County and the Owner upon certain requests for building permits within the Assessment Area and shall be limited to an amount equal to one-half of the Bond Funded Reserve Requirement (the "Development Funded Reserve Requirement").

(d) The Capitalized Interest Account shall be funded with the proceeds from the Assessment Bonds to pay interest on the Assessment Bonds during construction of the Improvements until July 15, 2015.

(e) The cost of initially funding the Bond Funded Reserve Account and the Capitalized Interest Account is included in the assessments of the property in the Assessment Area.

(f) The Bond Funded Reserve Requirement may be adjusted as property owners prepay their assessments in full and the Developer Funded Reserve Requirement and the Development Funded Reserve Requirement may be adjusted as the amount of the Assessment Bonds is reduced, all as provided in the Indenture.

(g) The moneys on deposit in the Bond Funded Reserve Account shall, upon the final payment of the Assessment Bonds, be applied to the final assessment payment obligation of the assessed properties. If the amounts on deposit in the Bond Funded Reserve Account exceed the final assessment obligation, any excess amounts shall be paid by the County to the owners whose properties were subject to the final assessment payment obligation, as an excess assessment payment. Moneys released from the Developer Funded Reserve Account and the Development Funded Reserve Account shall be returned to the original Owners or as otherwise directed by the original Owners.

(h) In the event insufficient assessments are collected by the County to make the debt service payments on the Assessment Bonds, the County shall draw on the Reserve Fund (other than the Capitalized Interest Account) to make up such deficiency, in the following order:

- (i) The Development Funded Reserve Account;
- (ii) The Developer Funded Reserve Account; and

(iii) The Bond Funded Reserve Account.

(i) Amounts recovered by exercise of any of the remedies provided herein or otherwise from delinquent assessments (and not needed to pay amounts coming due on the Assessment Bonds) shall be used to replenish amounts drawn from the Reserve Fund (other than the Capitalized Interest Account) to pay the Assessment Bonds, in the following order:

(i) The Bond Funded Reserve Account and if there is no deficiency therein to reimburse the County for amounts advanced by it for such purpose;

(ii) The Developer Funded Reserve Account; and

(iii) The Development Funded Reserve Account.

(j) In the event the amount on deposit in the Bond Funded Reserve Account is less than the Bond Funded Reserve Requirement, adjusted from time to time, the County shall replenish the Bond Funded Reserve Account as provided in the Indenture, including by any of the methods provided in Section 11-42-701(1)(b) of the Act. The County is under no obligation to replenish the Developer Funded Reserve Account or the Development Funded Reserve Account from such methods. Any amounts advanced by the County as provided above for the replenishment of the Bond Funded Reserve Account may be reimbursed, with interest at a rate of 8.0% per annum, from moneys received from foreclosure or otherwise from delinquent properties.

Section 11. Investment Earnings. Except as otherwise provided in the Indenture, all investment earnings on the Reserve Fund shall be maintained in said Fund and applied in the same manner as the other moneys on deposit therein as provided in the Indenture.

Section 12. Contestability. No assessment shall be declared invalid or set aside, in whole or in part, in consequence of any error or irregularity which does not go to the equity or justice of the assessment or proceeding. Any party who has not waived his objections to the same as provided by statute may commence a civil action in the court with jurisdiction in Weber County against the County to enjoin the levy or collection of the assessment or to set aside and declare unlawful this Ordinance.

Such action must be commenced and summons must be served on the County not later than thirty (30) days after the effective date of this Ordinance. This action shall be the exclusive remedy of any aggrieved party. No court shall entertain any complaint which the party was authorized to make by statute but did not timely make or any complaint that does not go to the equity or justice of the assessment or proceeding.

After the expiration of the thirty (30) day period provided in this section:

(a) The Assessment Bonds and any refunding bonds to be issued against the Assessment Area and the assessments levied in the Assessment Area shall become incontestable as to all persons who have not commenced the action and served a summons as provided for in this section; and

(b) No suit to enjoin the issuance or payment of the Assessment Bonds or refunding bonds, the levy, collection, or enforcement of the assessments, or in any other manner attacking or questioning the legality of the Assessment Bonds or refunding bonds or assessments may be instituted in this state, and no court shall have authority to inquire into these matters.

Section 13. Notice to Property Owners. The County Treasurer is hereby authorized and directed to give notice of assessment by certified mail to the property owners in the Assessment Area. Said notice shall, among other things, state the amount of the assessment and the terms of payment. A copy of the form of notice of assessment is available for examination upon request at the office of the Clerk/Auditor.

Section 14. All Necessary Action Approved. The officials of the County are hereby authorized and directed to take all action necessary and appropriate to effectuate the provisions of this Ordinance.

Section 15. Repeal of Conflicting Provisions. All ordinances or parts thereof in conflict with this Ordinance are hereby repealed.

Section 16. Publication of Ordinance. Immediately after its adoption, this Ordinance shall be signed by the Chair and Clerk/Auditor and shall be recorded in the ordinance book kept for that purpose. This Ordinance shall be published once in the Standard Examiner, a newspaper published and having general circulation in the County, and shall take effect immediately upon its passage and approval and publication as required by law. A copy of this Ordinance shall also be posted on the Utah Public Notice Website (<http://pmn.utah.gov>).

PASSED AND APPROVED by the Board of County Commissioner, this August 13, 2013.

By: Jan M. Zimmerman
Chair

ATTEST:

By: Ricky D. Hatch
Clerk/Auditor

Thereupon the County Treasurer was authorized and directed to give notice of assessment by certified mail to the property owners in the Assessment Area.

After the transaction of other business not pertinent to the foregoing matter, the meeting was on motion duly made, seconded, and carried, adjourned.

By: *Jane M. Zimmerman*
Chair

ATTEST:

By: *Ricky D. Kato*
Clerk/Auditor

STATE OF UTAH)
 : ss.
COUNTY OF WEBER)

I, Ricky Hatch, the duly appointed, qualified, and acting Clerk/Auditor of Weber County, Utah, do hereby certify that the above and foregoing is a full, true, and correct copy of the record of proceedings had by the County Commission of Weber County, Utah, at its meeting held on August 13, 2013, insofar as the same relates to or concerns the Summit Mountain Assessment Area (the "Assessment Area") as the same appears of record in my office.

I further certify that the Ordinance levying the assessments was recorded by me in the official records of Weber County, Utah, on 9/13, 2013.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of Weber County, Utah, this 9/13, 2013.

(SEAL)



By: Ricky D. Hatch
Clerk/Auditor

STATE OF UTAH)
 weber : ss.
COUNTY OF ~~SUMMIT~~)

AFFIDAVIT OF MAILING
NOTICE OF ASSESSMENT

I, John Bond, the duly appointed, qualified, and acting Treasurer of Weber County, Utah, do hereby certify that on Sept 12, 2013, I caused a Notice of Assessment to be mailed to each property owner whose property will be assessed within the Summit Mountain Assessment Area (the "Assessment Area") by United States certified mail, postage prepaid, at the last known address of such owner.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of Weber County, Utah, this Sept 12, 2013.

(SEAL)

By: *John Bond*
 Treasurer

SPECIAL ASSESSMENT PAYMENT NOTICE

Summit Mountain Assessment Area

September 12, 2013

Office of the Treasurer
Weber County
2380 Washington Blvd.
Ogden, Utah 84401

Amount of Assessment: \$17,670,000

TO: Mr. Tom Jolley Summit Mountain Holding Group, L.L.C.
3923 North Wolf Creek Drive
Eden, Utah 84310

LEGAL DESCRIPTION OF PROPERTY: See Attached

Our records indicate that you are the owner of record on the tax rolls of Weber County of property located within the boundaries of the Summit Mountain Assessment Area. As you are aware, this property is subject to an assessment with repayments in annual installments for eighteen (18) years.

The assessment represents your property's proportionate share of the cost of the improvements which is repayable in eighteen (18) annual installments of Principal plus Interest. The annual installments will be due on July 15 of each year beginning July 15, 2015, until the obligation is paid in full.

In relation to this assessment it is important for you to know the following:

1. You are required to pay your assessment amount in annual assessment payments and you will be charged interest thereon equal to the rate or rates of interest on the assessment bonds to be issued by the County to finance the improvements, plus an annual administration cost incurred by the County, of three tenths of one percent of the total principal balance of the unpaid assessment, but not to exceed \$30,000 for any one year.

2. If payment of any installment is not made on or before the due date each year, the County may (a) declare the unpaid amount delinquent, immediately due, and subject to collection; and (b) provide for the sale of property assessed.

3. Interest shall accrue and be paid on all amounts declared to be delinquent or accelerated and immediately due and payable at the same rate or rates of interest as are applied to delinquent real property taxes for the year in which the payment became

delinquent. All costs of collection, as approved by the Treasurer on behalf of the County, including without limitation, attorneys' fees, trustee's fees and court costs, incurred by the County or required by law shall be charged and paid on all amounts declared to be delinquent or accelerated and immediately due and payable.

4. Persons in default on installment payments may be restored the right to pay in installments under the provisions of Section 11-42-505, Utah Code Annotated 1953, as amended.

If you no longer own this property, this office should be advised immediately.

Sincerely,



Treasurer

EXHIBIT "A"

NOTE: The following legal description is intended to describe only property lying within Weber County, Utah, with title to said property held by SUMMIT MOUNTAIN HOLDING GROUP, L.L.C., a Utah Limited Liability Company. Any property determined to be located within Cache County or held by any person or entity other than Summit Mountain Holding Group, LLC, is specifically excepted from this description.

Legal Description

Beginning at the West Quarter Corner of Section 6, Township 7 North, Range 2 East, Salt Lake Base and Meridian; and running thence South $86^{\circ}12'00''$ East along the Center Section Line of said Section 6, 2,114.40 feet to the Weber County Line between Weber and Cache Counties; thence along said County Line South $32^{\circ}04'40''$ East 430.30 feet to the most Northerly Corner of Powder Ridge Condominiums Phase 1 Amended as Recorded in the Office of the Weber County Recorder; thence along the Westerly Line of said Powder Ridge Condominium Plat the following Five (5) Courses: 1) South $57^{\circ}57'32''$ West 266.13 feet, 2) southerly along a 402.11 foot radius non-tangent curve to the right, (chord bears South $20^{\circ}37'26''$ East a distance of 159.99 feet), through a central angle of $22^{\circ}57'00''$, a distance of 161.07 feet, 3) South $09^{\circ}08'56''$ East 310.95 feet, 4) southerly along a 1,667.00 foot radius tangent curve to the left, (chord bears South $14^{\circ}06'10''$ East a distance of 287.90 feet), through a central angle of $09^{\circ}54'28''$, a distance of 288.26 feet and 5) South $19^{\circ}03'23''$ East 235.48 feet; thence southerly along a 133.00 foot radius tangent curve to the right, (chord bears South $10^{\circ}05'26''$ West a distance of 129.56 feet), through a central angle of $58^{\circ}17'38''$, a distance of 135.32 feet; thence South $61^{\circ}56'18''$ East 141.24 feet; thence North $77^{\circ}13'09''$ East 197.50 feet; thence North $42^{\circ}42'42''$ East 695.92 feet to the County Line; thence along said County Line the Following Eight (8) Courses: 1) South $47^{\circ}03'40''$ East 477.42 feet, 2) South $76^{\circ}31'40''$ East 1,156.25 feet, 3) North $72^{\circ}56'20''$ East 2,236.46 feet, 4) South $83^{\circ}59'38''$ East 300.00 feet, 5) South $44^{\circ}11'33''$ East 390.61 feet, 6) South $85^{\circ}40'38''$ East 1,023.04 feet, 7) North $51^{\circ}00'04''$ East 1,073.77 feet, and 8) North $64^{\circ}33'56''$ East 1,295.49 feet to the East Line of Section 5, Township and range aforementioned; thence South $00^{\circ}36'15''$ East 2,678.66 feet to the Southeast Corner of said Section 5; thence South $00^{\circ}35'31''$ East along the East Line of Section 8, Township and Range aforementioned 5,539.71 feet to the Southeast Corner of said Section 8; thence North $89^{\circ}07'47''$ West along the South Line of said Section 8, 2,676.30 feet to the South Quarter Corner of said Section 8; thence North $88^{\circ}43'17''$ West along said South Line 2,749.68 feet to the Southwest Corner of said Section 8; thence North $86^{\circ}23'27''$ West along the South Line of Section 7, Township and Range Aforementioned 1,310.82 feet to the East Sixteenth Corner of Sections 18 and 7, Township and Range aforementioned; thence North $04^{\circ}19'32''$ West 866.76 feet; thence West 2460.69 feet; thence south $02^{\circ}20'05''$ East 659.64 feet; thence North $84^{\circ}07'08''$ West along the South Line of said Section 7, 1,197.28 feet to the Southwest Corner of said Section 7; thence North $00^{\circ}07'53''$ West along the West Section Line 2,681.50 feet to the West Quarter Corner of said Section 7; thence North $00^{\circ}17'05''$ West along said West Line 2,688.55 feet to the Northwest Corner of said Section 7; thence North $00^{\circ}23'20''$ East along the West line of said Section 6, 2,673.92 feet to the point of beginning.

Less and excepting that portion deeded to Weber State College as described in that certain Quit-Claim Deed recorded December 31, 1990, as entry number 1128104, at book 1592, page 1024 in the records of the Weber County Recorder.

Also less and excepting a private road dedicated November 24, 1982 as Entry No. 868457 in Plat Book 24 at pages 80, 81 and 82 of Weber County records.

23-012-0030, 0054, 0052, 0029, 0032, 0118, 0069

EXHIBIT "A" (CONTINUED)

NOTE: The individual tax parcel numbers and parcel descriptions that comprise the foregoing assessment area description are as follows:

PARCEL W-16: (23-012-0029) ✓

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 7 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY, LYING SOUTHWESTERLY OF THE WEBER CACHE COUNTY LINE.

PARCEL W-17: (23-012-0030) ✓

ALL OF LOTS 6 AND 7, AND THAT PART OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 7 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY, LYING SOUTH OF THE WEBER-CACHE COUNTY LINE (40-21).

EXCEPT THAT PART DEEDED IN BOOK 1405-215 AND 1405-217.

ALSO EXCEPT PRIVATE ROAD (24-80,81,82).

PARCEL W-18: (23-012-0032) ✓

ALL OF SECTION 8, TOWNSHIP 7 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY.

PARCEL W-23: (23-012-0052) ✓

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 7 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY, LYING SOUTH OF THE WEBER-CACHE COUNTY LINE.

PARCEL W-24: (23-012-0054) ✓

THAT PART OF THE FOLLOWING PROPERTY LYING SOUTHWESTERLY OF THE WEBER-CACHE COUNTY LINE (40-21).

THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 7 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY.

EXCEPT THAT PART DEEDED IN BOOK 1405-215.

ALSO EXCEPT THAT PART DEEDED TO WEBER STATE COLLEGE (1592-1024).

SUBJECT TO 50 FOOT RIGHT OF WAY 25 FEET EACH SIDE OF THE FOLLOWING CENTER LINE:

BEGINNING AT A POINT OF THE NORTHERLY LINE OF THE ABOVE DESCRIBED PRIVATE ROAD, SAID POINT BEING NORTH 0°57'08" EAST ALONG THE SECTION LINE 1216.92 FEET AND WEST 2186.87 FEET FROM THE SOUTHEAST CORNER OF SAID SECTION 6; THENCE

PROOF OF PUBLICATION

Attached to this page is the Proof of Publication, indicating by the affidavit of the publisher that the said Ordinance levying the assessments which was contained in the Ordinance adopted by the County Commission on August 13, 2013, was published one time in the Standard Examiner.

A copy of this Ordinance was also posted on the Utah Public Notice Website (<http://pmn.utah.gov>) maintained in accordance with Utah Code Section 45-1-101 and will remain so posted for at least 21 days as required by Section 11-42-404(2)(ii) of the Act.

EXHIBIT A

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, Ricky Hatch, the undersigned Clerk/Auditor of Weber County, Utah (the "County"), do hereby certify, according to the records of the County in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-2-202, Utah Code Annotated, 1953, as amended, I gave not less than twenty-four (24) hours public notice of the agenda, date, time, and place of the August 13, 2013, public meeting held by the County as follows:

(a) By causing a Notice, in the form attached hereto as Schedule 1, to be posted at the County's principal offices on August 9, 2013, at least twenty-four (24) hours prior to the convening of the meeting, said Notice having continuously remained so posted and available for public inspection until the completion of the meeting; and

(b) By causing a copy of such Notice, in the form attached hereto as Schedule A, to be delivered to the Ogden Standard Examiner on August 9, 2013, at least twenty-four (24) hours prior to the convening of the meeting; and

(c) By causing a copy of such Notice, to be posted on the Utah Public Notice Website (<http://pmn.utah.gov>).

IN WITNESS WHEREOF, I have hereunto subscribed by official signature this August 13, 2013.

By: Ricky D. Hatch
Clerk/Auditor

SCHEDULE 1
NOTICE OF MEETING

EH 2655504 PG 23 OF 36

**NOTICE OF A REGULAR COMMISSION MEETING OF THE
BOARD OF COUNTY COMMISSIONERS OF WEBER COUNTY, UTAH**

PUBLIC NOTICE is hereby given that the Board of Commissioners of Weber County, Utah will hold a regular commission meeting in the Commission Chambers of the Weber Center, 2380 Washington Boulevard, Ogden, Utah, commencing at 10:00 a.m. on Tuesday, the 13th day of August 2013.

The agenda for the meeting consists of the following:

- A. **Welcome** - Commissioner Zogmaister
- B. **Pledge of Allegiance** – Roger Brunker
- C. **Thought of the Day** - Commissioner Zogmaister
- D. **Consent Items**
 - 1. Request for approval of Purchase Orders in the amount \$156,931.55.
 - 2. Request for approval of Warrants #300491-#300681 in the amount of \$579,568.21.
 - 3. Request for approval of minutes for the meeting held on August 6, 2013.
 - 4. Request for approval to schedule a public hearing for September 17, 2013 at 10:00 a.m. for a legislative amendment to the Ogden Valley General Plan; Ogden Valley Pathway Master Plan and Master Plan Map.
 - 5. Request from the USU Extension Services for approval to surplus kitchen chairs.
 - 6. Request for approval of a contract by and between Weber County and the State of Utah/Parsons Brinkerhoff, Inc. for consultant services to assist in construction and engineering of SR-158. This is for a time extension on Contract C2011-1-37, 2013-162, C2012-220.
 - 7. Request for approval of new business licenses.
- E. **Action**
 - 1. Request to approve a final reading of a new Animal Control Ordinance and associated changes to the County Fee Ordinance.
Presenters: Chad Ferrin and Reed Richards
 - 2. CONSIDERATION FOR ADOPTION OF AN ORDINANCE CONFIRMING THE ASSESSMENT LIST AND LEVYING AN ASSESSMENT AGAINST CERTAIN PROPERTIES IN THE SUMMIT MOUNTAIN ASSESSMENT AREA (THE "ASSESSMENT AREA") TO FINANCE THE COSTS OF ACQUIRING, CONSTRUCTING AND INSTALLING ROAD IMPROVEMENTS, WATER IMPROVEMENTS, SEWER IMPROVEMENTS, AND RELATED IMPROVEMENTS, AND TO COMPLETE SAID IMPROVEMENTS IN A PROPER AND WORKMANLIKE MANNER (COLLECTIVELY, THE "IMPROVEMENTS"); ESTABLISHING A RESERVE FUND; PROVIDING FOR CERTAIN REMEDIES UPON DEFAULT IN THE PAYMENT OF ASSESSMENTS; ESTABLISHING THE EFFECTIVE DATE OF THIS ORDINANCE; AND RELATED MATTERS.
Presenter: Blake Wade
 - 3. Request for approval of a contract by and between Weber County and Hales Engineering for the traffic study of Combe Road.
Presenter: Jared Andersen
 - 4. Request for approval of a contract by and between Weber County and ProBuild Construction, Inc. for the construction of the Hidden Lake Water Project.
Presenter: Dana Shuler

5. Request for approval of a contract by and between Weber County and Zions First National Bank, dba, Zions Bank Public Finance to develop/update Impact Fee Facilities Plan (IFFP) and Impact Fee Analysis (IFA).
Presenter: Chad Meyerhoffer
6. Request for approval of a contract by and between Weber County and Lamar A. Mabey & Associates, Inc. to do administrative compensation estimates and property acquisition per UDOT requirements.
Presenter: Michael Tuttle
7. Request for approval of a contract by and between Weber County and the State of Utah/CRS Engineers for additional design, utility and Right of Way work on Old Snow Basin Road.
Presenter: Jared Anderson
8. Request for approval of a contract by and between Weber County and Weber County 4-H Department for the State 4-H Western Horse Show to be held at the Golden Spike Event Center on September 26-28, 2013 and September 25-27, 2014.
Presenter: James Harvey
9. Request for approval of a contract by and between Weber County and Heritage Ranch for the Heritage Classic to be held at the Golden Spike Event Center on the following dates:
August 29, 2013 – September 2, 2013
August 28, 2014 – September 1, 2014
Presenter: James Harvey

F. **Assign Pledge of Allegiance and Thought of the Day for Tuesday, August 20, 2013 at 10:00 a.m**

G. **Public Comments**

H. **Adjourn**

CERTIFICATE OF POSTING

The undersigned, duly appointed Administrative Coordinator in the County Commission Office does hereby certify that the above Notice and Agenda were posted as required by law this 9th day of August 2013.

Shelly Halacy

In compliance with the Americans with Disabilities Act, persons needing auxiliary services for these meetings should call the Weber County Commission Office at 399-8406 at least 24 hours prior to the meeting

EXHIBIT B

ASSESSMENT LIST

Inasmuch as the assessed property has yet to be subdivided as contemplated for development, the Assessment is levied by zones and against all of the area in each of the zones of the Assessment Area as follows:

<u>Zone</u>	<u>Improvements</u>	<u>Estimated Assessment</u>	<u>Minimum ERU</u>	<u>Estimated Assessment Per ERU</u>
1	Road, Water and Sewer	\$3,072,614.03	137	\$22,427.84
2	Road, Water and Sewer	1,794,227.17	80	22,427.84
3	Road, Water and Sewer	2,354,923.16	105	22,427.84
4	Road, Water and Sewer	3,476,315.14	155	22,427.84
5	Road, Water and Sewer	1,166,247.66	52	22,427.84
6	Road	2,577,780.40	200	12,888.90
7	Road	2,557,780.40	200	12,888.90
8	Road	915,112.04	71	12,888.90

Each Zone is more particularly described as follows:

ASSESSMENT AREA ZONE 1

23-012-0052 Ft 0118 Ft 0030 Ft 0054 Ft 0069 Ft 0032 Ft
 BEGINNING AT A POINT THAT IS SOUTH 01°09'02" WEST 2,468.42 FEET ALONG THE SECTION LINE AND EAST 2,031.16 FROM THE WEST QUARTER CORNER OF SECTION 5, TOWNSHIP 7 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN; RUNNING THENCE SOUTH 22°00'21" WEST 196.22 FEET; THENCE SOUTH 34°42'50" WEST 437.67 FEET; THENCE WEST 2,083.16 FEET; THENCE SOUTH 1,436.09 FEET; THENCE SOUTH 66°02'10" WEST 565.69 FEET; THENCE SOUTH 83°57'59" WEST 1,323.75 FEET; THENCE SOUTH 86°23'26" WEST 870.31 FEET; THENCE SOUTH 68°56'15" WEST 919.23 FEET; THENCE NORTH 01°29'36" EAST 623.17 FEET; THENCE NORTH 68°02'54" WEST 644.85 FEET; THENCE SOUTH 41°58'40" WEST 296.34 FEET; THENCE NORTH 88°30'24" WEST 233.06 FEET TO THE WEST SECTION LINE OF SECTION 7, TOWNSHIP 7 NORTH, RANGE 2 EAST; THENCE NORTH 00°17'05" WEST ALONG SAID WEST SECTION LINE 2207.66 FEET TO THE NORTHWEST CORNER OF SAID SECTION 7; THENCE NORTH 26°21'06" EAST 669.33 FEET; THENCE NORTH 40°27'50" EAST 792.62 FEET; THENCE SOUTH 71°00'44" EAST 524.76 FEET; THENCE SOUTH 65°29'59" EAST 363.54 FEET; THENCE SOUTH 81°24'28" EAST 567.61 FEET TO THE SOUTHERLY LINE OF SUMMIT PASS; THENCE ALONG SAID SOUTHERLY LINE OF SUMMIT PASS THE FOLLOWING FORTY-THREE (43) COURSES: 1) SOUTHEASTERLY ALONG A 213.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT, (CHORD BEARS SOUTH 26°23'17" EAST A DISTANCE OF 232.86 FEET), THROUGH A CENTRAL ANGLE OF 66°16'20", A DISTANCE OF 246.37 FEET, 2) SOUTH 59°31'27" EAST 20.07 FEET; 3) EASTERLY ALONG A 215.83 FOOT RADIUS TANGENT CURVE TO THE LEFT, (CHORD BEARS SOUTH 75°11'37" EAST A DISTANCE OF 116.58 FEET), THROUGH A CENTRAL ANGLE OF 31°20'18", A DISTANCE OF 118.05 FEET, 4) NORTH 89°08'14" EAST 27.32 FEET, 5) EASTERLY ALONG A 483.21 FOOT RADIUS TANGENT CURVE TO THE LEFT, (CHORD BEARS NORTH 82°46'27" EAST A DISTANCE OF 107.11 FEET), THROUGH A CENTRAL ANGLE

OF 12°43'35", A DISTANCE OF 107.33 FEET, 6) NORTH 76°24'39" EAST 166.99 FEET, 7) EASTERLY ALONG A 147.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT,(CHORD BEARS SOUTH 80°40'01" EAST A DISTANCE OF 114.51 FEET), THROUGH A CENTRAL ANGLE OF 45°50'39", A DISTANCE OF 117.62 FEET, 8) SOUTH 57°44'42" EAST 14.03 FEET, 9) EASTERLY ALONG A 383.00 FOOT RADIUS TANGENT CURVE TO THE LEFT,(CHORD BEARS SOUTH 78°01'21" EAST A DISTANCE OF 265.47 FEET), THROUGH A CENTRAL ANGLE OF 40°33'19", A DISTANCE OF 271.10 FEET, 10) NORTH 81°42'00" EAST 53.97 FEET, 11) EASTERLY ALONG A 418.71 FOOT RADIUS TANGENT CURVE TO THE RIGHT,(CHORD BEARS NORTH 88°04'31" EAST A DISTANCE OF 92.99 FEET), THROUGH A CENTRAL ANGLE OF 12°45'03", A DISTANCE OF 93.18 FEET, 12) SOUTH 85°32'57" EAST 56.26 FEET, 13) EASTERLY ALONG A 733.00 FOOT RADIUS TANGENT CURVE TO THE LEFT,(CHORD BEARS NORTH 81°41'37" EAST A DISTANCE OF 323.72 FEET), THROUGH A CENTRAL ANGLE OF 25°30'52", A DISTANCE OF 326.41 FEET, 14) NORTH 68°56'11" EAST 94.64 FEET, 15) EASTERLY ALONG A 167.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT,(CHORD BEARS NORTH 85°01'33" EAST A DISTANCE OF 92.56 FEET), THROUGH A CENTRAL ANGLE OF 32°10'44", A DISTANCE OF 93.79 FEET, 16) SOUTH 78°53'05" EAST 41.36 FEET, 17) EASTERLY ALONG A 283.00 FOOT RADIUS TANGENT CURVE TO THE LEFT,(CHORD BEARS NORTH 86°13'07" EAST A DISTANCE OF 145.50 FEET), THROUGH A CENTRAL ANGLE OF 29°47'36", A DISTANCE OF 147.16 FEET, 18) NORTH 71°19'19" EAST 174.07 FEET, 19) EASTERLY ALONG A 967.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT,(CHORD BEARS NORTH 76°42'19" EAST A DISTANCE OF 181.44 FEET), THROUGH A CENTRAL ANGLE OF 10°45'58", A DISTANCE OF 181.70 FEET, 20) NORTH 82°05'18" EAST 101.93 FEET, 21) EASTERLY ALONG A 393.15 FOOT RADIUS TANGENT CURVE TO THE RIGHT,(CHORD BEARS NORTH 88°48'39" EAST A DISTANCE OF 92.04 FEET), THROUGH A CENTRAL ANGLE OF 13°26'42", A DISTANCE OF 92.26 FEET, 22) SOUTH 84°28'01" EAST 114.11 FEET, 23) EASTERLY ALONG A 3,056.76 FOOT RADIUS TANGENT CURVE TO THE LEFT,(CHORD BEARS SOUTH 85°24'51" EAST A DISTANCE OF 101.09 FEET), THROUGH A CENTRAL ANGLE OF 01°53'41", A DISTANCE OF 101.09 FEET, 24) SOUTH 86°21'42" EAST 297.63 FEET, 25) EASTERLY ALONG A 300.82 FOOT RADIUS TANGENT CURVE TO THE LEFT,(CHORD BEARS NORTH 82°56'30" EAST A DISTANCE OF 111.67 FEET), THROUGH A CENTRAL ANGLE OF 21°23'37", A DISTANCE OF 112.32 FEET, 26) NORTH 72°14'41" EAST 103.92 FEET, 27) EASTERLY ALONG A 267.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT,(CHORD BEARS NORTH 88°38'49" EAST A DISTANCE OF 150.79 FEET), THROUGH A CENTRAL ANGLE OF 32°48'14", A DISTANCE OF 152.87 FEET, 28) SOUTH 74°57'04" EAST 46.14 FEET, 29) EASTERLY ALONG A 483.00 FOOT RADIUS TANGENT CURVE TO THE LEFT,(CHORD BEARS SOUTH 88°17'33" EAST A DISTANCE OF 222.90 FEET), THROUGH A CENTRAL ANGLE OF 26°40'57", A DISTANCE OF 224.93 FEET, 30) NORTH 78°21'59" EAST 163.17 FEET, 31) EASTERLY ALONG A 467.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT,(CHORD BEARS NORTH 87°57'27" EAST A DISTANCE OF 155.62 FEET), THROUGH A CENTRAL ANGLE OF 19°10'57", A DISTANCE OF 156.35 FEET, 32) SOUTH 82°27'04" EAST 241.01 FEET, 33) EASTERLY ALONG A 467.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT,(CHORD BEARS SOUTH 76°12'08" EAST A DISTANCE OF 101.66 FEET), THROUGH A CENTRAL ANGLE OF 12°29'53", A DISTANCE OF 101.87 FEET, 34) SOUTH 69°57'12" EAST 128.40 FEET, 35) EASTERLY ALONG A 333.00 FOOT RADIUS TANGENT CURVE TO THE LEFT,(CHORD BEARS SOUTH 81°03'41" EAST A DISTANCE OF 128.31 FEET), THROUGH A CENTRAL ANGLE OF 22°12'58", A DISTANCE OF 129.12 FEET, 36) NORTH 87°49'50" EAST 231.14 FEET, 37) EASTERLY ALONG A 367.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT,(CHORD BEARS SOUTH 70°02'50" EAST A DISTANCE OF 276.41 FEET), THROUGH A CENTRAL ANGLE OF 44°14'39", A DISTANCE OF 283.40 FEET, 38) SOUTH 47°55'31" EAST 81.02 FEET; 39) SOUTHEASTERLY ALONG A 567.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT,(CHORD BEARS SOUTH 36°08'41" EAST A DISTANCE OF 231.52 FEET), THROUGH A CENTRAL ANGLE OF 23°33'40", A DISTANCE OF 233.16 FEET, 40) SOUTH 24°21'51" EAST 113.52 FEET, 41) SOUTHERLY ALONG A 567.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT,(CHORD BEARS SOUTH 15°29'46" EAST A DISTANCE OF 174.82 FEET), THROUGH A CENTRAL ANGLE OF 17°44'11", A DISTANCE OF 175.52 FEET, 42) SOUTH 06°37'40" EAST 118.34 FEET, 43) SOUTHERLY ALONG A 603.42 FOOT RADIUS TANGENT CURVE TO THE

LEFT,(CHORD BEARS SOUTH 06°55'18" EAST A DISTANCE OF 6.19 FEET), THROUGH A CENTRAL ANGLE OF 00°35'15", A DISTANCE OF 6.19 FEET; THENCE SOUTH 83°22'20" WEST 385.15 FEET TO THE POINT OF BEGINNING.

CONTAINING 406.208 ACRES.

TOGETHER WITH (AREA 2)

23-012-0032 pt 0029 pt 0052 pt 0054 pt

BEGINNING AT A POINT THAT IS ON THE WEBER/CACHE COUNTY LINE, SAID POINT ALSO BEING SOUTH 01°09'02" WEST 1150.80 FEET ALONG THE SECTION LINE AND EAST 798.94 FEET, FROM THE WEST QUARTER CORNER OF SECTION 5, TOWNSHIP 7 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN; RUNNING; THENCE SOUTH 02°47'31" EAST 55.90 FEET; THENCE SOUTH 44°55'24" EAST 113.68 FEET; THENCE SOUTH 04°47'44" EAST 154.04 FEET; THENCE SOUTH 83°04'32" EAST 367.66 FEET; THENCE NORTH 89°26'39" EAST 381.79 FEET; THENCE NORTH 83°08'05" EAST 309.86 FEET; THENCE SOUTH 82°18'33" EAST 415.15 FEET; THENCE SOUTH 49°18'31" EAST 210.20 FEET; THENCE SOUTH 30°26'35" EAST 270.66 FEET; THENCE SOUTH 62°09'42" EAST 391.77 FEET; THENCE SOUTH 62°09'42" EAST 1,191.29 FEET; THENCE SOUTH 240.39 FEET; THENCE EAST 455.19 FEET; THENCE SOUTH 35°01'14" WEST 550.33 FEET; THENCE NORTHWESTERLY ALONG A 455.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT,(CHORD BEARS NORTH 64°45'19" WEST A DISTANCE OF 244.33 FEET), THROUGH A CENTRAL ANGLE OF 31°08'57", A DISTANCE OF 247.36 FEET; THENCE SOUTH 09°40'13" WEST 25.00 FEET; THENCE WESTERLY ALONG A 430.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT,(CHORD BEARS NORTH 87°04'17" WEST A DISTANCE OF 100.96 FEET), THROUGH A CENTRAL ANGLE OF 13°28'59", A DISTANCE OF 101.19 FEET; THENCE SOUTH 86°11'14" WEST 193.22 FEET; THENCE WESTERLY ALONG A 570.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT,(CHORD BEARS NORTH 88°46'32" WEST A DISTANCE OF 100.10 FEET), THROUGH A CENTRAL ANGLE OF 10°04'29", A DISTANCE OF 100.23 FEET; THENCE SOUTH 06°15'42" WEST 147.00 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF SUMMIT PASS; THENCE ALONG SAID NORTHERLY LINE THE FOLLOWING THIRTY-TWO (32) COURSES: 1) NORTH 83°44'18" WEST 166.47 FEET, 2) NORTHWESTERLY ALONG A 367.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT,(CHORD BEARS NORTH 66°06'41" WEST A DISTANCE OF 222.27 FEET), THROUGH A CENTRAL ANGLE OF 35°15'14", A DISTANCE OF 225.81 FEET, 3) NORTH 48°29'04" WEST 89.38 FEET, 4) NORTHWESTERLY ALONG A 433.00 FOOT RADIUS TANGENT CURVE TO THE LEFT,(CHORD BEARS NORTH 57°28'49" WEST A DISTANCE OF 135.41 FEET), THROUGH A CENTRAL ANGLE OF 17°59'29", A DISTANCE OF 135.97 FEET, 5) NORTH 66°28'34" WEST 225.95 FEET, 6) NORTHWESTERLY ALONG A 367.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT,(CHORD BEARS NORTH 54°25'37" WEST A DISTANCE OF 153.22 FEET), THROUGH A CENTRAL ANGLE OF 24°05'53", A DISTANCE OF 154.36 FEET, 7) NORTH 42°22'41" WEST 79.01 FEET, 8) NORTHWESTERLY ALONG A 367.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT,(CHORD BEARS NORTH 29°31'31" WEST A DISTANCE OF 163.28 FEET), THROUGH A CENTRAL ANGLE OF 25°42'21", A DISTANCE OF 164.65 FEET, 9) NORTH 16°40'20" WEST 261.55 FEET, 10) NORTHERLY ALONG A 537.42 FOOT RADIUS TANGENT CURVE TO THE RIGHT,(CHORD BEARS NORTH 11°39'00" WEST A DISTANCE OF 94.09 FEET), THROUGH A CENTRAL ANGLE OF 10°02'40", A DISTANCE OF 94.21 FEET, 11) NORTH 06°37'40" WEST 118.34 FEET, 12) NORTHERLY ALONG A 633.00 FOOT RADIUS TANGENT CURVE TO THE LEFT,(CHORD BEARS NORTH 15°29'46" WEST A DISTANCE OF 195.17 FEET), THROUGH A CENTRAL ANGLE OF 17°44'11", A DISTANCE OF 195.95 FEET, 13) NORTH 24°21'51" WEST 113.52 FEET, 14) NORTHWESTERLY ALONG A 633.00 FOOT RADIUS TANGENT CURVE TO THE LEFT,(CHORD BEARS NORTH 36°08'41" WEST A DISTANCE OF 258.47 FEET), THROUGH A CENTRAL ANGLE OF 23°33'40", A DISTANCE OF 260.30 FEET, 15) NORTH 47°55'31" WEST 81.02 FEET, 16) WESTERLY ALONG A 433.00 FOOT RADIUS TANGENT CURVE TO THE LEFT,(CHORD BEARS NORTH 70°02'50" WEST A DISTANCE OF 326.12 FEET), THROUGH A CENTRAL ANGLE OF 44°14'39", A DISTANCE OF 334.37 FEET, 17) SOUTH 87°49'50" WEST 231.14 FEET, 18) WESTERLY ALONG A 267.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT,(CHORD BEARS

NORTH 81°03'41" WEST A DISTANCE OF 102.88 FEET), THROUGH A CENTRAL ANGLE OF 22°12'58", A DISTANCE OF 103.53 FEET, 19) NORTH 69°57'12" WEST 128.40 FEET, 20) WESTERLY ALONG A 533.00 FOOT RADIUS TANGENT CURVE TO THE LEFT,(CHORD BEARS NORTH 76°12'08" WEST A DISTANCE OF 116.03 FEET), THROUGH A CENTRAL ANGLE OF 12°29'53", A DISTANCE OF 116.26 FEET, 21) NORTH 82°27'04" WEST 241.01 FEET, 22) WESTERLY ALONG A 533.00 FOOT RADIUS TANGENT CURVE TO THE LEFT,(CHORD BEARS SOUTH 87°57'27" WEST A DISTANCE OF 177.61 FEET), THROUGH A CENTRAL ANGLE OF 19°10'57", A DISTANCE OF 178.45 FEET, 23) SOUTH 78°21'59" WEST 163.17 FEET, 24) WESTERLY ALONG A 417.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT,(CHORD BEARS NORTH 88°17'33" WEST A DISTANCE OF 192.44 FEET), THROUGH A CENTRAL ANGLE OF 26°40'57", A DISTANCE OF 194.19 FEET, 25) NORTH 74°57'04" WEST 46.14 FEET, 26) WESTERLY ALONG A 333.00 FOOT RADIUS TANGENT CURVE TO THE LEFT,(CHORD BEARS NORTH 84°06'02" WEST A DISTANCE OF 105.90 FEET), THROUGH A CENTRAL ANGLE OF 18°17'56", A DISTANCE OF 106.35 FEET, 27) WESTERLY ALONG A 333.00 FOOT RADIUS COMPOUND CURVE TO THE LEFT,(CHORD BEARS SOUTH 79°29'51" WEST A DISTANCE OF 84.08 FEET), THROUGH A CENTRAL ANGLE OF 14°30'18", A DISTANCE OF 84.30 FEET, 28) SOUTH 72°14'41" WEST 103.92 FEET, 29) WESTERLY ALONG A 234.82 FOOT RADIUS TANGENT CURVE TO THE RIGHT,(CHORD BEARS SOUTH 82°56'30" WEST A DISTANCE OF 87.17 FEET), THROUGH A CENTRAL ANGLE OF 21°23'37", A DISTANCE OF 87.68 FEET, 30) NORTH 86°21'42" WEST 297.63 FEET, 31) WESTERLY ALONG A 2,990.76 FOOT RADIUS TANGENT CURVE TO THE RIGHT,(CHORD BEARS NORTH 85°24'51" WEST A DISTANCE OF 98.90 FEET), THROUGH A CENTRAL ANGLE OF 01°53'41", A DISTANCE OF 98.91 FEET AND 32) NORTH 84°28'01" WEST 105.46 FEET; THENCE NORTH 22°03'15" EAST 56.99 FEET TO SAID WEBER COUNTY LINE; THENCE SOUTH 76°31'40" EAST ALONG SAID COUNTY LINE 52.04 FEET; THENCE NORTH 72°56'20" EAST ALONG SAID COUNTY LINE 1213.14 FEET THE POINT OF BEGINNING.

CONTAINING 52.597 ACRES.

TOGETHER WITH (AREA 3) 23-012-0032_{PT} 0052_{PT}

BEGINNING AT A POINT THAT IS SOUTH 01°09'02" WEST 2,468.42 FEET ALONG THE SECTION LINE AND EAST 2,031.16 FEET, FROM THE WEST QUARTER CORNER OF SECTION 5, TOWNSHIP 7 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN; RUNNING THENCE NORTH 83°22'20" EAST 385.15 FEET TO THE SOUTHWESTERLY RIGHT OF WAY LINE OF SUMMIT PASS; THENCE ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE OF SUMMIT PASS THE FOLLOWING TEN (10) COURSES: 1) SOUTHERLY ALONG A 603.42 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT,(CHORD BEARS SOUTH 11°56'38" EAST A DISTANCE OF 99.48 FEET), THROUGH A CENTRAL ANGLE OF 09°27'25", A DISTANCE OF 99.60 FEET, 2) SOUTH 16°40'20" EAST 261.55 FEET, 3) SOUTHEASTERLY ALONG A 433.00 FOOT RADIUS TANGENT CURVE TO THE LEFT,(CHORD BEARS SOUTH 29°31'31" EAST A DISTANCE OF 192.64 FEET), THROUGH A CENTRAL ANGLE OF 25°42'21", A DISTANCE OF 194.27 FEET, 4) SOUTH 42°22'41" EAST 79.01 FEET, 5) SOUTHEASTERLY ALONG A 433.00 FOOT RADIUS TANGENT CURVE TO THE LEFT,(CHORD BEARS SOUTH 54°25'37" EAST A DISTANCE OF 180.78 FEET), THROUGH A CENTRAL ANGLE OF 24°05'53", A DISTANCE OF 182.11 FEET, 6) SOUTH 66°28'34" EAST 225.95 FEET, 7) SOUTHEASTERLY ALONG A 367.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT,(CHORD BEARS SOUTH 57°28'49" EAST A DISTANCE OF 114.77 FEET), THROUGH A CENTRAL ANGLE OF 17°59'29", A DISTANCE OF 115.24 FEET, 8) SOUTH 48°29'04" EAST 89.38 FEET, 9) SOUTHEASTERLY ALONG A 433.00 FOOT RADIUS TANGENT CURVE TO THE LEFT,(CHORD BEARS SOUTH 66°06'41" EAST A DISTANCE OF 262.24 FEET), THROUGH A CENTRAL ANGLE OF 35°15'14", A DISTANCE OF 266.42 FEET AND 10) SOUTH 83°44'18" EAST 160.34 FEET; THENCE SOUTH 01°26'03" WEST 47.96 FEET; THENCE EASTERLY ALONG A 482.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT,(CHORD BEARS SOUTH 83°43'36" EAST A DISTANCE OF 203.87 FEET), THROUGH A CENTRAL ANGLE

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OF 24°25'07", A DISTANCE OF 205.42 FEET; THENCE NORTH 84°03'51" EAST 138.80 FEET; THENCE EASTERLY ALONG A 143.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT,(CHORD BEARS NORTH 89°51'47" EAST A DISTANCE OF 28.90 FEET), THROUGH A CENTRAL ANGLE OF 11°35'53", A DISTANCE OF 28.95 FEET; THENCE NORTH 05°39'44" EAST 64.51 FEET TO SAID SOUTHWESTERLY RIGHT OF WAY LINE; THENCE ALONG SAID RIGHT OF WAY LINE THE FOLLOWING TWO (2) COURSES: 1) SOUTHEASTERLY ALONG A 217.00 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT,(CHORD BEARS SOUTH 31°41'30" EAST A DISTANCE OF 341.83 FEET), THROUGH A CENTRAL ANGLE OF 103°55'47", A DISTANCE OF 393.62 FEET AND 2) SOUTH 20°16'24" WEST 37.40 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF SPRING PARK ROAD; THENCE ALONG SAID RIGHT OF WAY LINE OF SPRING PARK ROAD THE FOLLOWING TWENTY-THREE (23) COURSES: 1) WESTERLY ALONG A 93.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT,(CHORD BEARS SOUTH 86°35'01" WEST A DISTANCE OF 37.32 FEET), THROUGH A CENTRAL ANGLE OF 23°09'03", A DISTANCE OF 37.58 FEET, 2) SOUTHWESTERLY ALONG A 93.00 FOOT RADIUS COMPOUND CURVE TO THE LEFT,(CHORD BEARS SOUTH 67°29'35" WEST A DISTANCE OF 24.33 FEET), THROUGH A CENTRAL ANGLE OF 15°01'49", A DISTANCE OF 24.40 FEET, 3) SOUTH 59°58'41" WEST 28.58 FEET, 4) SOUTH 59°58'41" WEST 23.81 FEET, 5) WESTERLY ALONG A 102.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT,(CHORD BEARS NORTH 86°21'09" WEST A DISTANCE OF 113.10 FEET), THROUGH A CENTRAL ANGLE OF 67°20'21", A DISTANCE OF 119.88 FEET, 6) NORTH 52°40'58" WEST 59.72 FEET, 7) NORTHWESTERLY ALONG A 268.00 FOOT RADIUS TANGENT CURVE TO THE LEFT,(CHORD BEARS NORTH 65°16'53" WEST A DISTANCE OF 116.91 FEET), THROUGH A CENTRAL ANGLE OF 25°11'49", A DISTANCE OF 117.86 FEET, 8) NORTH 77°52'47" WEST 144.40 FEET, 9) WESTERLY ALONG A 268.00 FOOT RADIUS TANGENT CURVE TO THE LEFT,(CHORD BEARS SOUTH 89°14'55" WEST A DISTANCE OF 119.40 FEET), THROUGH A CENTRAL ANGLE OF 25°44'36", A DISTANCE OF 120.41 FEET, 10) SOUTH 76°22'37" WEST 117.26 FEET, 11) WESTERLY ALONG A 232.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT,(CHORD BEARS SOUTH 88°58'58" WEST A DISTANCE OF 101.27 FEET), THROUGH A CENTRAL ANGLE OF 25°12'43", A DISTANCE OF 102.09 FEET, 12) NORTH 78°24'40" WEST 7.67 FEET, 13) NORTHWESTERLY ALONG A 18.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT,(CHORD BEARS NORTH 50°04'54" WEST A DISTANCE OF 17.08 FEET), THROUGH A CENTRAL ANGLE OF 56°39'33", A DISTANCE OF 17.80 FEET, 14) SOUTHERLY ALONG A 47.50 FOOT RADIUS REVERSE CURVE TO THE LEFT,(CHORD BEARS SOUTH 11°35'20" WEST A DISTANCE OF 52.21 FEET), THROUGH A CENTRAL ANGLE OF 293°19'06", A DISTANCE OF 243.17 FEET, 15) EASTERLY ALONG A 18.00 FOOT RADIUS REVERSE CURVE TO THE RIGHT,(CHORD BEARS NORTH 73°15'33" EAST A DISTANCE OF 17.08 FEET), THROUGH A CENTRAL ANGLE OF 56°39'33", A DISTANCE OF 17.80 FEET, 16) SOUTH 78°24'40" EAST 7.68 FEET, 17) SOUTHEASTERLY ALONG A 268.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT,(CHORD BEARS NORTH 88°59'01" EAST A DISTANCE OF 116.98 FEET), THROUGH A CENTRAL ANGLE OF 25°12'47", A DISTANCE OF 117.93 FEET, 18) NORTH 76°22'37" EAST 117.26 FEET, 19) EASTERLY ALONG A 232.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT,(CHORD BEARS NORTH 89°14'55" EAST A DISTANCE OF 103.36 FEET), THROUGH A CENTRAL ANGLE OF 25°44'36", A DISTANCE OF 104.24 FEET, 20) SOUTH 77°52'47" EAST 144.40 FEET, 21) SOUTHEASTERLY ALONG A 232.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT,(CHORD BEARS SOUTH 65°16'53" EAST A DISTANCE OF 101.21 FEET), THROUGH A CENTRAL ANGLE OF 25°11'49", A DISTANCE OF 102.03 FEET, 22) SOUTH 52°40'58" EAST 59.72 FEET AND 23) SOUTHEASTERLY ALONG A 138.00 FOOT RADIUS TANGENT CURVE TO THE LEFT,(CHORD BEARS SOUTH 62°13'30" EAST A DISTANCE OF 45.75 FEET), THROUGH A CENTRAL ANGLE OF 19°05'03", A DISTANCE OF 45.97 FEET; THENCE SOUTH 18°13'59" WEST 71.30 FEET; THENCE WEST 41.88 FEET; THENCE SOUTH 414.03 FEET; THENCE SOUTH 29°11'14" WEST 337.79 FEET; THENCE NORTH 88°18'57" WEST 1,941.65 FEET; THENCE NORTH 14°02'38" EAST 1,143.47 FEET; THENCE NORTH 35°56'05" WEST 538.55 FEET; THENCE NORTH 34°42'50" EAST 437.67 FEET; THENCE NORTH 22°00'21" EAST 196.22 FEET TO THE POINT OF BEGINNING.

CONTAINING 71.796 ACRES

DMWEST #9802546 v3

TOGETHER WITH (AREA 4)

23-012-0032 pt

BEGINNING AT A POINT THAT IS ON THE EASTERLY RIGHT OF WAY LINE OF SUMMIT PASS, SAID POINT BEING SOUTH 01°09'02" WEST 3425.04 FEET ALONG THE SECTION LINE AND ITS EXTENSION, AND EAST 4122.33 FEET FROM THE WEST QUARTER CORNER OF SECTION 5, TOWNSHIP 7 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN; RUNNING THENCE NORTH 43°58'09" EAST 153.63 FEET; THENCE SOUTH 46°01'51" EAST 43.00 FEET; THENCE SOUTHERLY ALONG A 23.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT,(CHORD BEARS SOUTH 01°01'52" EAST A DISTANCE OF 32.53 FEET), THROUGH A CENTRAL ANGLE OF 90°00'01", 36.13 FEET; THENCE SOUTH 46°01'51" EAST 34.34 FEET; THENCE NORTH 43°58'09" EAST 40.00 FEET; THENCE SOUTH 83°27'23" EAST 77.29 FEET; THENCE SOUTH 53°50'59" EAST 246.81 FEET; THENCE SOUTH 05°42'44" EAST 21.86 FEET; THENCE SOUTH 05°42'44" EAST 141.88 FEET; THENCE SOUTH 59°58'58" WEST 65.49 FEET; THENCE SOUTH 13°45'23" WEST 123.76 FEET; THENCE SOUTH 59°58'58" WEST 5.57 FEET; THENCE SOUTH 30°01'02" EAST 37.31 FEET; THENCE SOUTH 59°58'58" WEST 36.00 FEET; THENCE NORTH 30°01'02" WEST 126.68 FEET; THENCE NORTHWESTERLY ALONG A 343.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT,(CHORD BEARS NORTH 21°30'10" WEST A DISTANCE OF 101.57 FEET), THROUGH A CENTRAL ANGLE OF 17°01'43", 101.94 FEET; THENCE SOUTH 85°44'00" WEST 87.02 FEET; THENCE SOUTHERLY ALONG A 218.00 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT,(CHORD BEARS SOUTH 10°22'29" WEST A DISTANCE OF 74.77 FEET), THROUGH A CENTRAL ANGLE OF 19°44'57", 75.14 FEET; THENCE SOUTH 20°14'58" WEST 79.14 FEET; THENCE SOUTHWESTERLY ALONG A 58.50 FOOT RADIUS TANGENT CURVE TO THE RIGHT,(CHORD BEARS SOUTH 65°14'58" WEST A DISTANCE OF 82.73 FEET), THROUGH A CENTRAL ANGLE OF 90°00'00", 91.89 FEET; THENCE NORTH 69°45'02" WEST 36.55 FEET TO SAID EASTERLY RIGHT OF WAY LINE OF SUMMIT PASS; THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE THE FOLLOWING TWO (2) COURSES: 1) NORTH 20°16'24" EAST 132.23 FEET, 2) NORTHERLY ALONG A 283.00 FOOT RADIUS TANGENT CURVE TO THE LEFT,(CHORD BEARS NORTH 02°28'52" EAST A DISTANCE OF 172.95 FEET), THROUGH A CENTRAL ANGLE OF 35°35'04", 175.76 FEET; THENCE NORTH 85°44'00" EAST 52.01 FEET; THENCE NORTHERLY ALONG A 118.00 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT,(CHORD BEARS NORTH 15°18'44" EAST A DISTANCE OF 78.73 FEET), THROUGH A CENTRAL ANGLE OF 38°58'23", 80.26 FEET; THENCE NORTH 34°47'56" EAST 6.10 FEET; THENCE NORTHERLY ALONG A 23.00 FOOT RADIUS TANGENT CURVE TO THE LEFT,(CHORD BEARS NORTH 05°36'59" WEST A DISTANCE OF 29.82 FEET), THROUGH A CENTRAL ANGLE OF 80°49'44" 32.45 FEET; THENCE NORTH 46°01'51" WEST 69.78 FEET; THENCE WESTERLY ALONG A 23.00 FOOT RADIUS TANGENT CURVE TO THE LEFT,(CHORD BEARS SOUTH 88°58'09" WEST A DISTANCE OF 32.53 FEET), THROUGH A CENTRAL ANGLE OF 90°00'00", 36.13 FEET; THENCE SOUTH 43°58'09" WEST 71.63 FEET TO SAID EASTERLY RIGHT OF WAY LINE OF SUMMIT PASS; THENCE NORTHWESTERLY ALONG A 283.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT,(CHORD BEARS NORTH 46°01'51" WEST A DISTANCE OF 50.00 FEET), THROUGH A CENTRAL ANGLE OF 10°08'10", ALONG SAID EASTERLY RIGHT OF WAY LINE 50.07 FEET TO THE POINT OF BEGINNING.

CONTAINING 3.175 ACRES

ASSESSMENT AREA ZONE 2

23-012-0032 pt

Beginning at a point that is North 87°49'19" East 1,720.98 feet along the Section Line and South 1,078.26 feet from the North Quarter Corner of Section 8, Township 7 North, Range 2 East, Salt Lake Base and Meridian; running thence South 11°36'52" West 318.28 feet; thence South 41°14'00" West 271.05 feet; thence West 333.69 feet; thence North 414.03 feet; thence East 41.88 feet; thence North 18°13'59" East 71.30 feet; thence

easterly along a 138.00 foot radius non-tangent curve to the left,(chord bears North 84°06'20" East a distance of 112.82 feet), through a central angle of 48°15'18", a distance of 116.22 feet; thence North 59°58'41" East 52.40 feet; thence northeasterly along a 57.00 foot radius curve to the right,(chord bears North 67°29'35" East a distance of 14.91 feet), through a central angle of 15°01'49", a distance of 14.95 feet; thence easterly along a 18.00 foot radius compound curve to the right,(chord bears South 82°33'44" East a distance of 13.74 feet), through a central angle of 44°51'32", a distance of 14.09 feet; thence South 69°43'36" East 66.00 feet; thence South 20°16'24" West 53.49 feet; thence South 69°45'02" East 36.55 feet; thence northeasterly along a 58.50 foot radius curve to the left,(chord bears North 65°14'58" East a distance of 82.73 feet), through a central angle of 90°00'00", a distance of 91.89 feet; thence North 20°14'58" East 79.14 feet; thence northerly along a 218.00 foot radius curve to the left,(chord bears North 10°22'29" East a distance of 74.77 feet), through a central angle of 19°44'57", a distance of 75.14 feet; thence North 85°44'00" East 87.02 feet; thence southeasterly along a 343.00 foot radius non-tangent curve to the left,(chord bears South 21°30'10" East a distance of 101.57 feet), through a central angle of 17°01'43", a distance of 101.94 feet; thence South 30°01'02" East 19.16 feet; to the point of beginning.

containing 5.754 acres.

Together with (Area 2): 23-012-0032 Pt

Beginning at a point that is North 87°49'19" East 2,217.07 feet along the Section Line and South 3,109.20 feet from the North Quarter Corner of Section 8, Township 7 North, Range 2 East, Salt Lake Base and Meridian; running thence South 71°20'40" East 566.40 feet to the East Section Line of said Section 8; thence South 00°35'31" East along said East Line 2,230.06 feet to the Southeast Corner of said Section 8; thence North 89°07'47" West 2,676.30 feet along the South Section Line of said Section 8 to the South Quarter Corner of said Section 8; thence continuing along said South Line North 88°43'17" West 1,265.25 feet; thence North 1,897.52 feet; thence North 71°23'48" East 1,394.06 feet; thence East 2,060.02 feet to the point of beginning.

containing 206.752 acres

ASSESSMENT AREA ZONE 3

23-012-0032 Pt

Beginning at a point that is North 87°49'19" East 1,720.98 feet along the Section Line and South 1,078.26 feet from the North Quarter Corner of Section 8, Township 7 North, Range 2 East, Salt Lake Base and Meridian; running thence South 30°01'02" East 107.52 feet; thence North 59°58'58" East 36.00 feet; thence North 30°01'02" West 37.31 feet; thence North 59°58'58" East 5.57 feet; thence North 13°45'23" East 123.76 feet; thence North 59°58'58" East 65.49 feet; thence North 05°42'44" West 163.74 feet; thence East 237.12 feet; thence South 1,140.37 feet; thence North 73°27'46" West 486.98 feet; thence South 33°06'49" West 199.30 feet; thence North 80°23'47" West 384.16 feet; thence

North 313.08 feet; thence East 333.69 feet; thence North $41^{\circ}14'00''$ East 271.05 feet; thence North $11^{\circ}36'52''$ East 318.28 feet to the Point of Beginning. containing 13.625 acres.

ASSESSMENT AREA ZONE 4

23-012-0032 Pt

Beginning at a point that is North $87^{\circ}49'19''$ East 1523.19 feet along the Section Line and South 1963.52 feet from the North Quarter Corner of Section 8, Township 7 North, Range 2 East, Salt Lake Base and Meridian; running thence South $18^{\circ}02'51''$ West 403.30 feet; thence North $87^{\circ}32'52''$ West 171.30 feet; thence South $66^{\circ}55'29''$ West 504.93 feet; thence North 662.68 feet; thence South $88^{\circ}18'57''$ East 217.21 feet; thence North $29^{\circ}11'14''$ East 337.79 feet; thence South 313.08 feet; thence South $80^{\circ}23'47''$ East 384.16 feet to the Point of Beginning. containing 8.682 acres.

ASSESSMENT AREA ZONE 5

23-012-0032 Pt

Beginning at a point that is North $87^{\circ}49'19''$ East 1523.19 feet along the Section Line and South 1963.52 feet from the North Quarter Corner of Section 8, Township 7 North, Range 2 East, Salt Lake Base and Meridian; running thence North $33^{\circ}06'49''$ East 199.30 feet; thence South $73^{\circ}27'46''$ East 486.98 feet; thence North 252.82 feet; thence East 637.97 feet; thence South $00^{\circ}35'31''$ East 943.83 feet; thence West 822.65 feet; thence North $62^{\circ}01'44''$ West 595.25 feet; thence North $18^{\circ}02'51''$ East 403.30 feet to the Point of Beginning.

containing 23.607 acres.

ASSESSMENT AREA ZONE 6

23-012-0032 Pt

Beginning at a point that is North $87^{\circ}49'19''$ East 762.02 feet along the Section Line and South 1,845.94 feet from the North Quarter Corner of Section 8, Township 7 North, Range 2 East, Salt Lake Base and Meridian; running thence South 662.68 feet; thence West 456.75 feet; thence South $58^{\circ}40'47''$ West 1,012.40 feet; thence North 1,227.81 feet; thence South $88^{\circ}18'57''$ East 1,322.19 feet to the Point of Beginning. containing or 25.920 acres.

ASSESSMENT AREA ZONE 7

23-012-0032 Pt

Beginning at a point that is North $87^{\circ}49'19''$ East 762.02 feet along the Section Line and South 2,508.62 feet from the North Quarter Corner of Section 8, Township 7 North, Range 2 East, Salt Lake Base and Meridian; running thence North $66^{\circ}55'29''$ East 504.93 feet; thence South $87^{\circ}32'52''$ East 171.30 feet; thence South $62^{\circ}01'44''$ East 595.25 feet; thence East 822.65 feet to the East Line of said Section 8; thence South $00^{\circ}35'31''$ East

637.88 feet along said East Line; thence North 71°20'40" West 566.40 feet; thence West 1,454.00 feet; thence North 545.28 feet to the Point of Beginning.

containing 26.733 acres.

ASSESSMENT AREA ZONE 8

23-012-0118_{PT} 0032_{PT}

Beginning at a point that is North 87°49'19" East 762.02 feet along the Section Line and South 2,508.62 feet from the North Quarter Corner of Section 8, Township 7 North, Range 2 East, Salt Lake Base and Meridian; running thence South 545.28 feet; thence West 606.02 feet; thence South 71°23'48" West 1,394.06 feet; thence South 1,897.52 feet to the South Line of said Section 8; thence North 88°43'17" West along said South Line 1,484.43 feet to the Southwest Corner of said Section 8; thence North 86°23'27" West 1,310.82 feet along the South Section Line of Section 7, Township and Range Aforesaid, to the East 1/16 Corner of Sections 7 and 18, Township and Range Aforesaid; thence North 04°19'32" West 866.76 feet; thence West 2,059.39 feet; thence North 991.03 feet; thence North 57°51'12" East 733.52 feet; thence East 4,901.61 feet; thence North 58°40'47" East 1,012.40 feet; thence East 456.75 feet to the point of beginning.

containing 232.136 acres

The boundary description for the foregoing Assessment Area Zones 1-8 is in the aggregate more particularly described as follows:

NOTE: The following legal description is intended to describe only property lying within **Weber County, Utah**, with title to said property held by **SUMMIT MOUNTAIN HOLDING GROUP, L.L.C., a Utah Limited Liability Company**. Any property determined to be located within Cache County or held by any person or entity other than Summit Mountain Holding Group, LLC, is specifically excepted from this description.

Legal Description

Beginning at the West Quarter Corner of Section 6, Township 7 North, Range 2 East, Salt Lake Base and Meridian; and running thence South 86°12'00" East along the Center Section Line of said Section 6, 2,114.40 feet to the Weber County Line between Weber and Cache Counties; thence along said County Line South 32°04'40" East 430.30 feet to the most Northerly Corner of Powder Ridge Condominiums Phase 1 Amended as Recorded in the Office of the Weber County Recorder; thence along the Westerly Line of said Powder Ridge Condominium Plat the following Five (5) Courses: 1) South 57°57'32" West 266.13 feet, 2) southerly along a 402.11 foot radius non-tangent curve to the right,(chord bears South 20°37'26" East a distance of 159.99 feet), through a central angle of 22°57'00"; a distance of 161.07 feet, 3) South 09°08'56" East 310.95 feet, 4) southerly along a 1,667.00 foot radius tangent curve to the left,(chord bears South

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23-012-0030, 005A, 0052, 0029, 0032, 0118, 0069

14°06'10" East a distance of 287.90 feet), through a central angle of 09°54'28", a distance of 288.26 feet and 5) South 19°03'23" East 235.48 feet; thence southerly along a 133.00 foot radius tangent curve to the right, (chord bears South 10°05'26" West a distance of 129.56 feet), through a central angle of 58°17'38", a distance of 135.32 feet; thence South 61°56'18" East 141.24 feet; thence North 77°13'09" East 197.50 feet; thence North 42°42'42" East 695.92 feet to the County Line; thence along said County Line the Following Eight (8) Courses: 1) South 47°03'40" East 477.42 feet, 2) South 76°31'40" East 1,156.25 feet, 3) North 72°56'20" East 2,236.46 feet, 4) South 83°59'38" East 300.00 feet, 5) South 44°11'33" East 390.61 feet, 6) South 85°40'38" East 1,023.04 feet, 7) North 51°00'04" East 1,073.77 feet, and 8) North 64°33'56" East 1,295.49 feet to the East Line of Section 5, Township and range aforementioned; thence South 00°36'15" East 2,678.66 feet to the Southeast Corner of said Section 5; thence South 00°35'31" East along the East Line of Section 8, Township and Range aforementioned 5,539.71 feet to the Southeast Corner of said Section 8; thence North 89°07'47" West along the South Line of said Section 8, 2,676.30 feet to the South Quarter Corner of said Section 8; thence North 88°43'17" West along said South Line 2,749.68 feet to the Southwest Corner of said Section 8; thence North 86°23'27" West along the South Line of Section 7, Township and Range Aforementioned 1,310.82 feet to the ~~West~~ ^{SALT} Sixteenth Corner of Sections 18 ^{EPR} and 7, Township and Range aforementioned; thence North 04°19'32" West 866.76 feet; ⁹⁻¹¹⁻²⁰¹³ thence West 2460.69 feet; thence south 02°20'05" East 659.64 feet; thence North 84°07'08" West along the South Line of said Section 7, 1,197.28 feet to the Southwest Corner of said Section 7; thence North 00°07'53" West along the West Section Line 2,681.50 feet to the West Quarter Corner of said Section 7; thence North 00°17'05" West along said West Line 2,688.55 feet to the Northwest Corner of said Section 7; thence North 00°23'20" East along the West line of said Section 6, 2,673.92 feet to the point of beginning.

Less and excepting that portion deeded to Weber State College as described in that certain Quit-Claim Deed recorded December 31, 1990, as entry number 1128104, at book 1592, page 1024 in the records of the Weber County Recorder.

Also less and excepting a private road dedicated November 24, 1982 as Entry No. 868457 in Plat Book 24 at pages 80, 81 and 82 of Weber County records.

NOTE: The individual tax parcel numbers and parcel descriptions that comprise the foregoing assessment area description are as follows:

PARCEL W-16: (23-012-0029) *ds.*

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 7 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY, LYING SOUTHWESTERLY OF THE WEBER CACHE COUNTY LINE.

PARCEL W-17: (23-012-0030) *ds.*

ALL OF LOTS 6 AND 7, AND THAT PART OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 7 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY, LYING SOUTH OF THE WEBER-CACHE COUNTY LINE (40-21).

EXCEPT THAT PART DEEDED IN BOOK 1405-215 AND 1405-217.

ALSO EXCEPT PRIVATE ROAD (24-80,81,82).

PARCEL W-18: (23-012-0032) *15.*

ALL OF SECTION 8, TOWNSHIP 7 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY.

PARCEL W-23: (23-012-0052) *15.*

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 7 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY, LYING SOUTH OF THE WEBER-CACHE COUNTY LINE.

PARCEL W-24: (23-012-0054) *15.*

THAT PART OF THE FOLLOWING PROPERTY LYING SOUTHWESTERLY OF THE WEBER-CACHE COUNTY LINE (40-21).

THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 7 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY.

EXCEPT THAT PART DEEDED IN BOOK 1405-215.

ALSO EXCEPT THAT PART DEEDED TO WEBER STATE COLLEGE (1592-1024).

SUBJECT TO 50 FOOT RIGHT OF WAY 25 FEET EACH SIDE OF THE FOLLOWING CENTER LINE:

BEGINNING AT A POINT OF THE NORTHERLY LINE OF THE ABOVE DESCRIBED PRIVATE ROAD, SAID POINT BEING NORTH 0D57'08" EAST ALONG THE SECTION LINE 1216.92 FEET AND WEST 2186.87 FEET FROM THE SOUTHEAST CORNER OF SAID SECTION 6; THENCE NORTH 87D33'51" EAST 254.12 FEET TO A POINT ON THE ARC OF A 900.00 FOOT RADIUS CURVE, THE CENTER OF WHICH BEARS NORTH 2D26'09" WEST; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 17D00' A DISTANCE OF 267.04 FEET; THENCE NORTH 70D33'51" EAST 185.00 FEET TO A POINT ON THE ARC OF A

700.00 FOOT RADIUS CURVE, THE CENTER OF WHICH BEARS NORTH 19D26'09" WEST; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 21D34'46" A DISTANCE OF 263.64 FEET; THENCE NORTH 21D51'21" EAST 317.07 FEET.

PARCEL W-26: (23-012-0069) *125.*

THE WEST ONE-HALF OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 7 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY.

PARCEL W-27: (23-012-0118) *125.*

ALL OF SECTION 7, TOWNSHIP 7 NORTH, RANGE 2 EAST, SALT LAKE BASE & MERIDIAN.

EXCEPT THE WEST HALF OF THE NORTHWEST QUARTER.

ALSO EXCEPT THE FOLLOWING DESCRIBED PARCEL:

PART OF THE NORTH HALF OF SECTION 18 AND THE SOUTH HALF OF SECTION 7, TOWNSHIP 7 NORTH, RANGE 2 EAST, SALT LAKE BASE & MERIDIAN U.S. SURVEY; BEGINNING AT A POINT 1320 FEET WEST ALONG THE EAST WEST CENTER LINE FROM THE EAST CORNER OF SECTION 18 TO THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 18, RUNNING THENCE NORTH ALONG THE CENTER LINE OF SAID NORTHEAST QUARTER 3520.00 FEET TO THE POINT 880 FEET NORTH OF THE SOUTH LINE OF SECTION 7; THENCE WEST 2640 FEET, THENCE SOUTH 3520 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 18, THENCE EAST ALONG THE EAST-WEST CENTER LINE OF SECTION 18, 2640.00 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.