

When recorded return to:  
Utah Department of Environmental Quality  
Division of Environmental Response and Remediation  
Attention: Voluntary Program Coordinator  
Post Office Box 144840  
Salt Lake City, Utah 84114-4840  
MNT# 79856

**RE: Kings First Stop Auto Repair and Tom Randall Distributing Company Voluntary Cleanup Program Site (VCP #C089) located at 127, 137 & 143 South Main Street, Layton, Davis County, Utah. (Tax ID # 11-061-0029, 11-061-0157, and 11-061-0158).**

## CERTIFICATE OF COMPLETION

### 1. Compliance with Terms of Voluntary Cleanup Program

The Executive Director of the Utah Department of Environmental Quality ("DEQ"), through her undersigned designee below, has determined that North Utah Holdings, LLC, and Layton City, hereinafter referred to as "Applicant," have completed a DEQ supervised voluntary cleanup of the real property described in Attachment A ("Property or "Site"), in accordance with sections 19-8-108 and 19-8-110 of the Utah Code Annotated and the Voluntary Cleanup Agreement entered into on October 25, 2016 and amended on March 28, 2019. The Applicant is granted this Certificate of Completion ("COC") pursuant to section 19-8-111, subject to the conditions set forth in Section 3 below.

### 2. Acknowledgment of Protection from Liability

This COC acknowledges protection from liability provided by section 19-8-113 of the Utah Code Ann. to an Applicant who is not responsible for the contamination under the provisions listed in subsection 19-8-113(1)(b) at the time the Applicant applies to enter into a Voluntary Cleanup Agreement, and to future owners who acquire the Property covered by this COC, and to lenders who make loans secured by the Property covered by the COC.

As set forth in section 19-8-113, this release of liability is not available to an owner or lender who was originally responsible for contamination, or to an owner or lender who changes the land use from the use specified in Section 3 of the COC, if the changed use or uses may reasonably be expected to result in increased risks to human health or the environment, or to an owner or lender who causes further contamination on the Property. Also, there is no release from liability if the COC is obtained by fraud, misrepresentation, or the knowing failure to disclose material information.

Finally, protection from liability is limited to contamination identified in the documents related to the investigation and cleanup of the Property.

### **3. Specified Land Use for Certificate of Completion**

This COC applies only to activities conducted under the Voluntary Cleanup Program (VCP) and does not apply to activities under the Underground Storage Tank Act.

The following reported releases are specifically excluded from the COC: King's First Stop Auto Repair, Facility No. 3000161, Releases: HNL, JTB, KQA, KYY, and LUW; and Tom Randall Distributing, Facility No. 3000154, Releases: KYZ and LWB.

Under the VCP, the future use of the Property can be residential with no environmental restrictions except groundwater will not be accessed via wells, pits or sump for drinking water, bathing and/or irrigation purposes. However, the overall future use of the Property shall comply with restrictions required by the management of the aforementioned Releases.

#### **Residential land use:**

The residential exposure scenario as described in the Risk Assessment Guidance for Superfund, Volume I, Human Health Evaluation, Parts A and B shall be applicable. The residential exposure scenario is defined as exposure of adults to incidental inhalation, ingestion, and dermal contact to hazardous constituents for a duration of 30 years at a frequency of 350 days a year.

### **4. Unavailability of Release of Liability**

Use of the Property that is not consistent with Section 3 including failure to comply with provisions of this COC shall constitute a change in land use expected to result in increased risks to human health and the environment making the release of liability in Section 2 above unavailable.

### **5. Amended Certificate of Completion**

There is no expectation that this COC will be amended so long as contaminated soils, above levels protective for unrestricted land use, remain on the Site from the work conducted under the Underground Storage Tank Program.

### **6. Availability of Records**

All documents discussed in this COC are on file and may be reviewed at the DEQ/Division of Environmental Response and Remediation ("DERR") office located at 195 North 1950 West, Salt Lake City, Utah. The documents can also be viewed online using the DEQ EZ-Search utility at <http://eqedocs.utah.gov/>.

**7. Final Signature for Certificate of Completion for Kings First Stop Auto Repair and Tom Randall Distributing Company Voluntary Cleanup Program Site**

Dated this 1<sup>st</sup> day of December 2022.

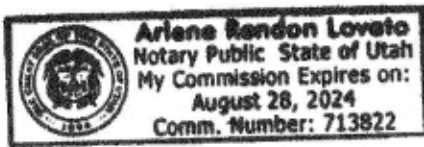
Brent H. Everett  
Brent H. Everett, Director  
Division of Environmental Response and Remediation  
And Authorized Representative of the  
Executive Director of the Utah  
Department of Environmental Quality

STATE OF UTAH )

:ss.

COUNTY OF DAVIS )

On this 1<sup>st</sup> day of December, 2022, personally appeared before me, Brent H. Everett who duly acknowledged that he signed the above Certificate of Completion as an authorized representative of the Executive Director of the Utah Department of Environmental Quality.



Ariana Rendon Lovato  
NOTARY PUBLIC

Residing At: SL County

My Commission Expires Aug. 28, 2024

Attachment A: Legal Property Description

**ATTACHMENT A**

**KINGS FIRST STOP AUTO REPAIR AND TOM  
RANDALL DISTRIBUTING COMPANY  
Legal Property Description**

### Legal Description

The civic addresses for the subject property include 127, 137, and 143 South Main Street in the city of Layton, Davis County, Utah (84041).

The Davis County Assessor identifies the subject property by the following Assessor Parcel Numbers (APNs): 11-061-0029, 11-061-1057, and 11-061-0158.

A summarized legal description of the subject property is given as follows:

- Beginning on a point on the East line of Highway 91 north  $89^{\circ}27'20''$  West 1473.12 (1459.80) feet and South 727.24 (740.74) feet from the north quarter corner of Section 28, Township 4 North, Range 1 West, Salt Lake Base and Meridian US Survey; thence North  $25^{\circ}25'00''$  West 159.47 feet along the East Line of Highway 91; thence North  $76^{\circ}33'00''$  East 136.00 feet; thence South  $19^{\circ}51'55''$  East 157.19 feet; thence South  $76^{\circ}39'00''$  West 120.50 feet to the Point of Beginning (Containing 0.46 acres).

(APN: 11-061-0158 / 127 South Main Street)

- Beginning on the East line of Highway 91 at a point 1528.22 feet West and 5.82.82 feet South of the Northeast corner of the Northwest quarter of Section 28, Township 4 North, Range 1 West, Salt Lake Base and Meridian, in the City of Layton; and running thence North  $76^{\circ}33'$ , East 171.21 feet; thence South  $1^{\circ}56'$  East 119.95 feet; thence South  $76^{\circ}36'$  West 137.85 feet; thence North  $19^{\circ}51'55''$  West 113.97 feet more or less to the Point of Beginning (0.42 acres). Also, Beginning 1476.71 feet West; 691.22 feet South and North  $76^{\circ}33'$  East 120.50 feet from the Northeast corner of the Northwest quarter of Section 28, Township 4 North, Range 1 West, Salt Lake Base and Meridian; thence South  $76^{\circ}39'$  West 235.92 feet; thence North  $76^{\circ}36'$  East 137.85 feet; thence South  $1^{\circ}55'$  East 55 feet; thence South  $76^{\circ}39'$  West 235.92 feet; thence North  $25^{\circ}25''$  West 15.53 feet; thence North  $76^{\circ}33'$  East 120.50 feet; thence North  $19^{\circ}51'55''$  East 120.50 feet; thence North  $19^{\circ}51'55''$  West 43.22 feet to the Point of Beginning for 0.19 acres. (Containing combined 0.61 acres)

(APN:11-061-0157 / 137 South Main Street)

- Beginning on East line of Highway 91 at a point which South  $25^{\circ}25'$  East 55 feet from a point also on East line of said Highway 91, 1476.71 feet West, 691.22 feet South from Northeast corner of the Northwest quarter of Section 28, Township 4 North, Range 1 West, Salt Lake Base and Meridian; thence South  $25^{\circ}25'$  East 75 feet; thence North  $76^{\circ}39'$  East 205.42 feet; thence North  $1^{\circ}55'$  West 74.95 feet; thence South  $76^{\circ}39'$  West 240 feet more or less to the Point of Beginning (Containing 0.36 acres).

(APN: 11-061-0029 / 143 South Main Street)