

**WHEN RECORDED, PLEASE RETURN TO:**

**David J. Smith  
Tuhaye LLC  
P. O. Box 4349  
Park City, UT 84060**

Ent 385913 Bk 1072 Pg 460-482  
Date: 14-JAN-2013 2:29:54PM  
Fee: \$96.00 Check Filed By: JP  
ELIZABETH PALMIER, Recorder  
WASATCH COUNTY CORPORATION  
For: TUHAYE

**Addendum Number 1  
To  
Tuhaye Development Agreement**

This Addendum Number 1 to the Tuhaye Development Agreement ("Addendum") is entered into this 17<sup>th</sup> day of December, 2012, by and between Tuhaye LLC, a Utah limited liability company ("Tuhaye") and Wasatch County, a political subdivision of the State of Utah ("County"). Tuhaye and the County are sometimes collectively referred to as the "Parties". This Addendum is to supplement and modify the Tuhaye Development agreement executed by Tuhaye and the County on May 15, 2003 and recorded at the Wasatch County Recorder on June 4, 2003 as Entry No. 258692, Book 0628, Pages 0438-0512 (the "Development Agreement").

**RECITALS**

- A. This Addendum is intended by the parties hereto to be an addendum to the Development Agreement.
- B. The County, acting pursuant to authority delegated to it under the laws of the State of Utah, and in furtherance of its land use policies, goals, and objectives, ordinances, and regulations, in the exercise of its discretion has elected to approve and enter into this Addendum, modifying and supplementing the Development Agreement.
- C. The Developer engaged Alpine Trails, Inc. to construct trails within the Project (defined below). Due to a requirement related to trails and a trailhead as part of the original approvals for the Project, the Parties wish to enter into this Addendum to memorialize the requirements and timing of the items described herein.
- D. Definitions: Any term or phrase used in this Addendum that has its first letter capitalized shall have that meaning given to it in this section:
  - 1) "County" shall mean Wasatch County and shall include, unless otherwise provided, any and all of the County's agencies, departments, officials, employees or agents.
  - 2) "Developer" shall mean Tuhaye.
  - 3) "Project" shall mean the Property and the development on the Property which is the subject of this Addendum, including all phases or plats regularly approved by the County and any ancillary and additional improvements or endeavors incident to the development of the Project.

- 4) "Home Owners Association" shall mean the Tuhaye Home Owners Association.

Now, therefore, in consideration of the mutual promises, covenants, and provisions set forth herein, the receipt and adequacy of which are hereby acknowledged, the Parties agree as follows:

### AGREEMENT

1. **Construction of the North-South Trail Along the West End of the Project, and the East-West Trail Along the North End of the Project.**
  - 1.1. **Property Affected.** The Property that is subject to the provisions of this Addendum is shown generally on Exhibit A.
  - 1.2. **Trail Construction.** Developer has constructed public trails consisting of a north/south trail along the west end of the Project as well as an east/west trail along the north end of the Project, both as shown on Exhibit B attached hereto (the "Trails"). The Trails have been constructed to the Wasatch County Standards for Backcountry Trails as defined in Chapter 16.38, Appendix 3, Wasatch County Trail Standards and Design Guidelines.
  - 1.3. **Trail Maintenance.** The Developer shall maintain the Trails in all respects until turned over to the Home Owners Association, after which the Home Owners Association shall maintain the Trails in all respects. Developer understands that all the Trails are to tie into a countywide public trail system and connections to Public Trails on adjacent properties will be allowed.
  - 1.4. **Trail Easement.** Tuhaye shall record a Public Trail Easement Agreement in the form of Exhibit "C" attached hereto. The alignment of the Trails may be adjusted from time-to-time as provided under Paragraph 8 of that Easement Agreement. If the Trail adjustment is not within the Public Trail Easement, the easement shall be amended.
  - 1.5. **Trail Signage.** The Trails shall be signed at the intersections of the public/private streets and trails consistent with the signage of the existing trail intersections within the Project and as shown on Exhibit D.
2. **Installation of a Trailhead.**
  - 2.1. **Location.** As part of the master plan approvals for the Project, the Developer is required to coordinate with the west side property owners on the location, development, and construction of a trailhead. The location of the Trailhead will be finalized by the time installation of the Trailhead is to occur, as provided in Section 2.3 below. A potential trailhead location is depicted on Exhibit E attached hereto, but the actual location finalized through said

process may be elsewhere, whether within or outside Developer-owned property. Developer understands that the construction of the Trailhead will be done in a timely manner soon after the conditions in Section 2.3 are met.

- 2.2. **Improvements to the Trailhead.** When installed, the trailhead shall include a hard surface area (which does not have to be asphalt), a kiosk (similar to the depiction on Exhibit F attached hereto) for a trail map printed on coreplast or product of similar durability, and wheelstops.
- 2.3. **Timing and Maintenance of Trailhead.** The County intends that the two Trails will become part of a larger Countywide trail system. The trailhead shall be installed when the Trails become connected to a functioning Countywide "public trail system", and the trailhead shall be maintained by the Developer until turned over to the Home Owners Association (if it is located on Developer-owned property).
- 2.4. **Adjustments.** Developer shall have the right to adjust or alter the location of the trailhead from time-to-time as necessary to accommodate the development of or improvements to any property owned or controlled by the Developer or any affiliate or related party. Any relocation of the Trailhead will be subject to County approval so that the utility of the Trailhead is not materially compromised.

### 3. Updated Notice Parties and Addresses.

- 3.1. The Parties and addresses for notice purposes under Section 12 of the Development Agreement are hereby updated and revised as follows:

If to the County:

Doug Smith  
Wasatch County Planning  
55 South 500 East  
Heber City, UT 84032

With a copy to:

Scott Sweat  
Wasatch County Attorney  
805 West 100 South  
Heber City, UT 84032

If to Developer:

Tuhaye LLC  
P. O. Box 4349  
Park City, UT 84060

With a copy to:

Jeff Levine  
Talisker Corporation  
145 Adelaide St. West, Suite 500  
Toronto, ON Canada M5H 4E5

### 4. Successors and Assigns of Developer.

- 4.1. This Addendum shall be binding on the successors and assigns of Developer, and assignment of the same shall be governed by the applicable provisions in the Development Agreement.

**5. Recordation of This Addendum to the Development Agreement.**

5.1. No later than ten (10) days after the Parties enter into this Addendum, the County Clerk shall cause to be recorded, at Developer's expense, an executed copy of this Addendum in the Official Records of the County of Wasatch.

**6. Covenants to Run With the Property.**

6.1. The provisions of this Addendum shall constitute real covenants, contract and property rights, and equitable servitudes, which shall run with all of the land subject to this Addendum, and the County shall have all the rights and remedies contained in the Development Agreement to ensure performance of these obligations.

**7. Incorporation of Recitals and Introductory Paragraph.**

7.1. The Recitals contained in this Addendum, and the introductory paragraph preceding the Recitals, are hereby incorporated into this Addendum as if fully set forth herein.

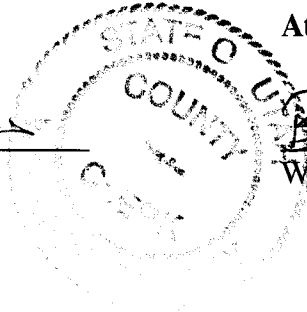
*(The Remainder of this Page Left Intentionally Blank)*

IN WITNESS WHEREOF, this Addendum has been entered into by and between Tuhaye and the County as of the date and year first above written.

WASATCH COUNTY:

Attest:

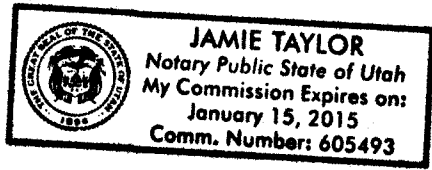
  
Wasatch County Manager




  
Wasatch County Clerk Auditor

STATE OF UTAH )  
                                  SS:  
COUNTY OF WASATCH )

The foregoing instrument was acknowledged before me this 20th day of Dec., 2012, by Mike Davis, who executed the foregoing instrument in his capacity as the Wasatch County Manager and by Brent Titcomb, who executed the foregoing instrument in his capacity as the Wasatch County Clerk Auditor.



  
NOTARY PUBLIC  
Residing at: Wasatch County

My Commission Expires:

1/15/15

**DEVELOPER:**

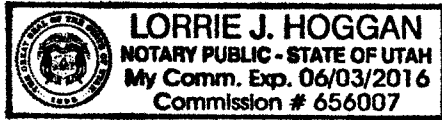
**Tuhaye, LLC, a Utah Limited Liability Company**

By: **Talisker Investments (U.S.) Inc., a  
Utah Corporation**  
Its: **Manager**

*David J. Smith*  
By: *David J. Smith*  
Its: *Authorized Signing Officer*

STATE OF UTAH            )  
  ss:  
COUNTY OF SUMMIT    )

The foregoing instrument was acknowledged before me this *14<sup>th</sup>* day of *December* 2012, by *David J. Smith*, who executed the foregoing instrument in his capacity as the *Authorized Signing Officer* of Talisker Investments (U.S.) Inc., a Utah corporation, Manager of Tuhaye LLC, a Utah limited liability company.



*Lorrie J. Hoggan*  
NOTARY PUBLIC  
Residing at *Alley Way*

My Commission Expires:

*6-3-16*

**Exhibit "A"****(Property Description)****I.**

THAT PROPERTY LOCATED IN SECTIONS 21, 22 AND 23, TOWNSHIP 2 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN, THAT IS 10.00 FEET WIDE, BEING 5.00 FEET ON EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT A POINT 844.65 FEET NORTH 89°19'03" WEST AND 5.81 FEET NORTH 0°40'57" EAST FROM THE NORTH EAST CORNER OF SECTION 25, TOWNSHIP 2 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN, THENCE NORTH 80°10'03" WEST 52.86 FEET; THENCE NORTH 77°34'32" WEST 48.89 FEET; THENCE SOUTH 89°10'23" WEST 45.18 FEET; THENCE SOUTH 73°38'57" WEST 38.13 FEET; THENCE NORTH 56°17'19" WEST 41.75 FEET; THENCE SOUTH 66°22'38" WEST 44.87 FEET; THENCE SOUTH 78°01'16" WEST 31.79 FEET; THENCE NORTH 38°19'18" WEST 52.47 FEET; THENCE NORTH 70°01'52" WEST 56.99 FEET; THENCE SOUTH 42°12'56" WEST 66.23 FEET; THENCE NORTH 67°20'48" WEST 46.65 FEET; THENCE SOUTH 75°10'57" WEST 48.94 FEET; THENCE NORTH 44°22'39" WEST 51.03 FEET; THENCE SOUTH 57°06'19" WEST 76.20 FEET; THENCE NORTH 60°09'56" WEST 42.50 FEET; THENCE NORTH 40°19'33" WEST 35.39 FEET; THENCE SOUTH 24°14'39" WEST 46.17 FEET; THENCE SOUTH 69°49'07" WEST 14.23 FEET; THENCE NORTH 33°09'13" WEST 30.18 FEET; THENCE NORTH 13°42'15" WEST 38.91 FEET TO A POINT ON A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 77°36'27", HAVING A RADIUS OF 200.00 FEET, CHORD BEARS NORTH 52°30'29" WEST FOR 250.66 FEET; THENCE SOUTH 88°41'18" WEST 171.63 FEET; THENCE NORTH 69°00'49" WEST 107.65 FEET; THENCE NORTH 65°41'54" WEST 79.67 FEET; THENCE NORTH 79°25'43" WEST 97.79 FEET; THENCE NORTH 51°12'08" WEST 45.23 FEET; THENCE NORTH 46°12'03" WEST 84.75 FEET; THENCE NORTH 33°50'55" WEST 39.91 FEET; THENCE NORTH 37°50'48" WEST 53.64 FEET; THENCE SOUTH 40°52'42" WEST 44.65 FEET; THENCE SOUTH 48°01'51" EAST 32.26 FEET; THENCE SOUTH 09°13'09" EAST 34.16 FEET; THENCE SOUTH 36°40'10" EAST 92.69 FEET; THENCE SOUTH 32°17'44" EAST 60.19 FEET; THENCE SOUTH 58°14'46" EAST 71.62 FEET; THENCE SOUTH 60°50'45" EAST 86.75 FEET; THENCE SOUTH 56°53'39" EAST 87.59 FEET; THENCE SOUTH 39°29'43" EAST 84.02 FEET; THENCE SOUTH 14°34'41" WEST 22.03 FEET; THENCE SOUTH 49°25'42" WEST 51.75 FEET; THENCE NORTH 12°58'17" WEST 56.89 FEET; THENCE NORTH 53°12'54"

WEST 43.56 FEET; THENCE SOUTH 11°55'32" WEST 29.31 FEET; THENCE SOUTH 46°48'46" WEST 32.01 FEET; THENCE SOUTH 17°55'17" WEST 30.09 FEET; THENCE NORTH 65°52'02" WEST 17.87 FEET; THENCE NORTH 00°45'44" EAST 29.46 FEET; THENCE NORTH 44°40'47" WEST 35.17 FEET; THENCE SOUTH 59°01'52" WEST 41.13 FEET; THENCE SOUTH 31°03'17" WEST 25.53 FEET; THENCE SOUTH 80°27'01" WEST 70.40 FEET; THENCE NORTH 38°21'03" WEST 52.43 FEET; THENCE NORTH 86°51'16" WEST 40.53 FEET; THENCE SOUTH 37°05'19" WEST 16.67 FEET; THENCE SOUTH 87°19'51" WEST 28.45 FEET; THENCE SOUTH 73°14'26" WEST 36.03 FEET; THENCE NORTH 49°29'27" WEST 44.27 FEET; THENCE NORTH 81°57'21" WEST 34.68 FEET; THENCE NORTH 42°38'12" WEST 17.83 FEET; THENCE NORTH 65°11'02" WEST 128.40 FEET TO A POINT ON A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 61°13'46", HAVING A RADIUS OF 100.00 FEET, CHORD BEARS SOUTH 84°12'05" WEST FOR 101.85 FEET; THENCE SOUTH 53°35'12" WEST 72.08 FEET; THENCE NORTH 84°28'31" WEST 49.13 FEET; THENCE SOUTH 70°46'36" WEST 2.15 FEET TO A POINT ON A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 28°17'18", HAVING A RADIUS OF 600.00 FEET, CHORD BEARS SOUTH 84°55'15" WEST FOR 293.23 FEET; THENCE NORTH 80°56'06" WEST 398.17 FEET; THENCE NORTH 70°10'20" WEST 146.01 FEET; THENCE NORTH 46°46'43" WEST 201.55 FEET; THENCE NORTH 62°20'36" WEST 36.31 FEET TO A POINT ON A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 37°25'35", HAVING A RADIUS OF 600.00 FEET, CHORD BEARS NORTH 43°37'48" WEST FOR 385.00 FEET; THENCE NORTH 24°55'01" WEST 4.23 FEET; THENCE NORTH 54°15'54" WEST 134.94 FEET; THENCE NORTH 67°18'05" WEST 111.48 FEET; THENCE NORTH 55°02'02" WEST 55.41 FEET; THENCE NORTH 11°23'21" WEST 121.80 FEET TO A POINT ON A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 71°56'29", HAVING A RADIUS OF 300.00 FEET, CHORD BEARS NORTH 47°21'35" WEST FOR 352.42 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 71°30'54", HAVING A RADIUS OF 625.00 FEET, CHORD BEARS NORTH 47°34'23" WEST FOR 730.45 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 98°20'41", HAVING A RADIUS OF 375.00 FEET, CHORD BEARS NORTH 60°59'16" WEST FOR 567.51 FEET; THENCE SOUTH 69°50'23" WEST 66.10 FEET; THENCE SOUTH 89°31'48" WEST 224.65 FEET; THENCE SOUTH 80°21'08" WEST 127.88 FEET; THENCE NORTH 61°37'24" WEST 158.76 FEET; THENCE NORTH 48°22'53" WEST 46.43 FEET; THENCE NORTH 76°51'50" WEST 61.82 FEET; THENCE NORTH 66°23'43" WEST 143.03 FEET; THENCE NORTH 61°00'31" WEST 33.64 FEET; THENCE NORTH 45°13'07" WEST 40.39 FEET; THENCE NORTH 67°40'35" WEST 34.93 FEET; THENCE NORTH 42°51'20" WEST 29.84 FEET; THENCE NORTH 69°37'17" WEST 41.62 FEET; THENCE NORTH 68°53'09" WEST 37.45 FEET; THENCE SOUTH 88°52'59" WEST 40.53 FEET; THENCE NORTH 61°31'58" WEST 40.55 FEET; THENCE NORTH 78°32'09" WEST 29.31 FEET; THENCE SOUTH 86°29'51" WEST 41.98 FEET; THENCE NORTH 68°57'14" WEST 23.34 FEET; THENCE NORTH



50°55'28" WEST 45.35 FEET; THENCE NORTH 78°48'11" WEST 34.10 FEET; THENCE  
 NORTH 47°19'26" WEST 17.88 FEET; THENCE NORTH 59°33'16" WEST 20.88 FEET;  
 THENCE NORTH 44°02'13" WEST 49.47 FEET; THENCE NORTH 77°59'03" WEST 49.48  
 FEET; THENCE SOUTH 74°38'09" WEST 30.06 FEET; THENCE NORTH 77°05'42" WEST  
 45.29 FEET; THENCE SOUTH 76°57'04" WEST 48.06 FEET; THENCE SOUTH 61°19'54"  
 WEST 31.07 FEET; THENCE SOUTH 88°32'07" WEST 25.43 FEET; THENCE NORTH  
 73°32'08" WEST 29.27 FEET; THENCE NORTH 85°38'33" WEST 42.93 FEET; THENCE  
 NORTH 63°52'13" WEST 70.92 FEET; THENCE NORTH 77°28'05" WEST 40.23 FEET;  
 THENCE SOUTH 84°07'42" WEST 37.58 FEET; THENCE NORTH 65°21'16" WEST 24.53  
 FEET; THENCE SOUTH 66°16'25" WEST 44.71 FEET; THENCE NORTH 86°39'58" WEST  
 36.46 FEET; THENCE SOUTH 53°34'45" WEST 41.30 FEET; THENCE SOUTH 87°21'36"  
 WEST 57.90 FEET; THENCE SOUTH 52°59'21" WEST 43.56 FEET; THENCE NORTH  
 85°51'20" WEST 25.11 FEET; THENCE SOUTH 62°47'35" WEST 28.79 FEET; THENCE  
 SOUTH 55°45'27" WEST 31.53 FEET; THENCE SOUTH 83°28'08" WEST 45.32 FEET TO A  
 POINT ON A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 32°53'40", HAVING  
 A RADIUS OF 30.00 FEET, CHORD BEARS SOUTH 67°01'18" WEST FOR 16.99 FEET;  
 THENCE SOUTH 50°34'28" WEST 30.47 FEET; THENCE SOUTH 75°35'01" WEST 31.50  
 FEET; THENCE SOUTH 52°58'07" WEST 26.59 FEET; THENCE NORTH 89°44'07" WEST  
 34.22 FEET TO A POINT ON A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF  
 34°03'36", HAVING A RADIUS OF 35.00 FEET, CHORD BEARS SOUTH 73°14'05" WEST  
 FOR 20.50 FEET; THENCE SOUTH 56°12'17" WEST 45.75 FEET; THENCE SOUTH  
 77°59'24" WEST 18.92 FEET TO A POINT ON A CURVE TO THE LEFT WITH A  
 CENTRAL ANGLE OF 43°00'47", HAVING A RADIUS OF 35.00 FEET, CHORD BEARS  
 SOUTH 56°29'01" WEST FOR 25.66 FEET; THENCE SOUTH 34°58'38" WEST 89.16 FEET;  
 THENCE SOUTH 50°47'40" WEST 44.84 FEET TO A POINT ON A CURVE TO THE LEFT  
 WITH A CENTRAL ANGLE OF 39°32'43", HAVING A RADIUS OF 75.00 FEET, CHORD  
 BEARS SOUTH 31°01'19" WEST FOR 50.74 FEET; THENCE SOUTH 11°14'57" WEST  
 31.85 FEET; THENCE SOUTH 50°31'54" WEST 32.96 FEET TO A POINT ON A CURVE TO  
 THE LEFT WITH A CENTRAL ANGLE OF 41°57'29", HAVING A RADIUS OF 75.00 FEET,  
 CHORD BEARS SOUTH 29°33'09" WEST FOR 53.70 FEET; THENCE SOUTH 08°34'25"  
 WEST 24.58 FEET; THENCE SOUTH 45°20'41" WEST 46.29 FEET; THENCE SOUTH  
 21°35'22" WEST 7.18 FEET TO A POINT ON A CURVE TO THE RIGHT WITH A  
 CENTRAL ANGLE OF 102°20'45", HAVING A RADIUS OF 85.00 FEET, CHORD BEARS  
 SOUTH 72°45'45" WEST FOR 132.44 FEET; THENCE NORTH 56°03'53" WEST 112.53  
 FEET; THENCE NORTH 31°43'12" WEST 31.21 FEET; THENCE NORTH 74°17'00" WEST  
 23.50 FEET; THENCE NORTH 43°37'04" WEST 11.34 FEET TO A POINT ON A CURVE  
 TO THE LEFT WITH A CENTRAL ANGLE OF 22°21'48", HAVING A RADIUS OF 125.00  
 FEET, CHORD BEARS NORTH 54°47'58" WEST FOR 48.48 FEET; THENCE NORTH  
 65°58'52" WEST 17.83 FEET; THENCE NORTH 50°05'30" WEST 29.59 FEET; THENCE  
 NORTH 69°44'40" WEST 46.30 FEET; THENCE NORTH 46°32'14" WEST 49.12 FEET TO A

POINT ON A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF  $41^{\circ}27'53''$ , HAVING A RADIUS OF 125.00 FEET, CHORD BEARS NORTH  $67^{\circ}16'11''$  WEST FOR 88.50 FEET; THENCE NORTH  $88^{\circ}00'07''$  WEST 47.43 FEET; THENCE NORTH  $62^{\circ}33'10''$  WEST 25.96 FEET TO A POINT ON A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF  $19^{\circ}41'05''$ , HAVING A RADIUS OF 50.00 FEET, CHORD BEARS NORTH  $72^{\circ}23'42''$  WEST FOR 17.09 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF  $79^{\circ}29'40''$ , HAVING A RADIUS OF 50.00 FEET, CHORD BEARS NORTH  $42^{\circ}29'24''$  WEST FOR 63.94 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT WITH A CENTRAL ANGLE OF  $22^{\circ}26'58''$ , HAVING A RADIUS OF 62.00 FEET, CHORD BEARS NORTH  $13^{\circ}58'03''$  WEST FOR 24.14 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF  $46^{\circ}15'10''$ , HAVING A RADIUS OF 62.00 FEET, CHORD BEARS NORTH  $02^{\circ}03'58''$  WEST FOR 48.70 FEET; THENCE NORTH  $21^{\circ}03'37''$  EAST 90.39 TO A POINT ON A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF  $29^{\circ}58'34''$ , HAVING A RADIUS OF 62.00 FEET, CHORD BEARS NORTH  $06^{\circ}04'20''$  EAST FOR 32.07 FEET; THENCE NORTH  $08^{\circ}54'57''$  WEST 49.25 FEET; THENCE NORTH  $06^{\circ}10'34''$  EAST 50.88 FEET; THENCE NORTH  $31^{\circ}16'14''$  EAST 42.24 FEET; THENCE NORTH  $09^{\circ}56'47''$  WEST 44.88 FEET; THENCE NORTH  $03^{\circ}24'17''$  EAST 137.44 FEET; THENCE NORTH  $40^{\circ}57'42''$  EAST 27.24 FEET TO A POINT ON A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF  $83^{\circ}04'34''$ , HAVING A RADIUS OF 62.00 FEET, CHORD BEARS NORTH  $00^{\circ}34'35''$  WEST FOR 82.23 FEET; THENCE NORTH  $42^{\circ}06'52''$  WEST 124.64 FEET; THENCE NORTH  $59^{\circ}00'42''$  WEST 51.00 FEET TO A POINT ON A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF  $80^{\circ}40'00''$ , HAVING A RADIUS OF 62.00 FEET, CHORD BEARS SOUTH  $80^{\circ}39'18''$  WEST FOR 80.26 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF  $20^{\circ}59'19''$ , HAVING A RADIUS OF 100.00 FEET, CHORD BEARS SOUTH  $50^{\circ}48'57''$  WEST FOR 36.43 FEET; THENCE SOUTH  $61^{\circ}18'37''$  WEST 7.48 FEET TO A POINT ON A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF  $12^{\circ}03'55''$ , HAVING A RADIUS OF 100.00 FEET, CHORD BEARS SOUTH  $55^{\circ}16'39''$  WEST FOR 21.02 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF  $35^{\circ}24'12''$ , HAVING A RADIUS OF 100.00 FEET, CHORD BEARS SOUTH  $66^{\circ}56'48''$  WEST FOR 60.81 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT WITH A CENTRAL ANGLE OF  $24^{\circ}54'51''$ , HAVING A RADIUS OF 135.00 FEET, CHORD BEARS SOUTH  $72^{\circ}11'28''$  WEST FOR 58.24 FEET; THENCE SOUTH  $59^{\circ}44'03''$  WEST 97.10 FEET; THENCE NORTH  $78^{\circ}14'51''$  WEST 15.91 FEET TO A POINT ON A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF  $33^{\circ}14'43''$ , HAVING A RADIUS OF 50.00 FEET, CHORD BEARS SOUTH  $85^{\circ}07'48''$  WEST FOR 28.61 FEET; THENCE SOUTH  $68^{\circ}30'26''$  WEST 15.82 FEET; THENCE SOUTH  $87^{\circ}38'03''$  WEST 31.04 FEET TO A POINT ON A CURVE TO THE

LEFT WITH A CENTRAL ANGLE OF 09°58'42", HAVING A RADIUS OF 205.00 FEET, CHORD BEARS SOUTH 82°38'42" WEST FOR 35.66 FEET; THENCE SOUTH 77°39'21" WEST 70.06 FEET; THENCE NORTH 74°23'27" WEST 51.75 FEET TO A POINT ON A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 44°49'39", HAVING A RADIUS OF 135.00 FEET, CHORD BEARS SOUTH 83°11'44" WEST FOR 102.95 FEET; THENCE SOUTH 60°46'54" WEST 21.97 FEET TO A POINT ON A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 45°10'54", HAVING A RADIUS OF 50.00 FEET, CHORD BEARS SOUTH 83°22'22" WEST FOR 38.41 FEET; THENCE NORTH 74°02'11" WEST 116.71 FEET; THENCE NORTH 48°01'47" WEST 18.13 FEET; THENCE NORTH 07°57'58" WEST 26.31 FEET; THENCE NORTH 42°36'00" WEST 97.74 FEET TO A POINT ON A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 72°21'13", HAVING A RADIUS OF 50.00 FEET, CHORD BEARS NORTH 06°25'24" WEST FOR 59.03 FEET; THENCE NORTH 29°45'13" EAST 32.43 FEET; THENCE NORTH 17°25'05" EAST 47.23 FEET TO A POINT ON A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 27°13'52", HAVING A RADIUS OF 30.00 FEET, CHORD BEARS NORTH 31°02'01" EAST FOR 14.12 FEET; THENCE NORTH 44°38'57" EAST 46.90 FEET TO A POINT ON A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 113°36'47", HAVING A RADIUS OF 15.00 FEET, CHORD BEARS NORTH 12°09'26" WEST FOR 25.10 FEET; THENCE NORTH 68°57'50" WEST 17.12 FEET; THENCE NORTH 86°00'06" WEST 25.90 FEET; THENCE NORTH 70°28'26" WEST 38.40 FEET TO A POINT ON A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 17°45'55", HAVING A RADIUS OF 150.00 FEET, CHORD BEARS NORTH 79°21'23" WEST FOR 46.32 FEET; THENCE NORTH 88°14'21" WEST 25.76 FEET TO A POINT ON A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 21°18'03", HAVING A RADIUS OF 75.00 FEET, CHORD BEARS NORTH 77°35'19" WEST FOR 27.72 FEET; THENCE NORTH 66°56'18" WEST 21.09 FEET; THENCE NORTH 76°09'10" WEST 16.11 FEET; THENCE NORTH 84°19'42" WEST 36.89 FEET; THENCE NORTH 62°37'13" WEST 11.56 FEET TO A POINT ON A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 43°59'33", HAVING A RADIUS OF 75.00 FEET, CHORD BEARS NORTH 84°36'59" WEST FOR 56.18 FEET; THENCE SOUTH 73°23'14" WEST 25.18 FEET; THENCE SOUTH 88°14'56" WEST 12.47 FEET; THENCE NORTH 82°30'47" WEST 20.59 FEET TO A POINT ON A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 30°50'19", HAVING A RADIUS OF 45.00 FEET, CHORD BEARS SOUTH 82°04'04" WEST FOR 23.93 FEET; THENCE SOUTH 66°38'54" WEST 23.07 FEET TO A POINT ON A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 31°37'32", HAVING A RADIUS OF 38.00 FEET, CHORD BEARS SOUTH 82°27'40" WEST FOR 20.71 FEET; THENCE NORTH 81°43'34" WEST 15.63 FEET TO A POINT ON A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 25°42'32", HAVING A RADIUS OF 82.00 FEET, CHORD BEARS SOUTH 85°25'11" WEST FOR 36.49 FEET; THENCE SOUTH 72°33'55" WEST 8.53 FEET TO A POINT ON A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 30°51'56", HAVING A RADIUS OF 50.00 FEET, CHORD BEARS SOUTH 87°59'52" WEST FOR 26.61 FEET; THENCE

NORTH 76°34'10" WEST 3.49 FEET TO A POINT ON A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 28°40'08", HAVING A RADIUS OF 83.00 FEET, CHORD BEARS SOUTH 89°05'46" WEST FOR 41.10 FEET; THENCE SOUTH 74°45'43" WEST 5.86 FEET TO A POINT ON A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 32°17'13", HAVING A RADIUS OF 35.00 FEET, CHORD BEARS NORTH 89°05'41" WEST FOR 19.46 FEET; THENCE NORTH 72°57'04" WEST 19.63 FEET TO A POINT ON A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 12°25'00", HAVING A RADIUS OF 300.00 FEET, CHORD BEARS NORTH 79°09'34" WEST FOR 64.89 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 127°15'34", HAVING A RADIUS OF 17.00 FEET, CHORD BEARS NORTH 21°44'17" WEST FOR 30.46 FEET; THENCE NORTH 41°53'30" EAST 26.66 FEET TO A POINT ON A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 49°38'59", HAVING A RADIUS OF 28.00 FEET, CHORD BEARS NORTH 17°04'00" EAST FOR 23.51 FEET; THENCE NORTH 07°45'29" WEST 29.00 FEET; THENCE NORTH 27°23'06" WEST 27.77 FEET TO A POINT ON A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 117°08'41", HAVING A RADIUS OF 20.00 FEET, CHORD BEARS NORTH 85°57'27" WEST FOR 34.13 FEET; THENCE SOUTH 35°28'12" WEST 35.79 FEET; THENCE SOUTH 50°24'16" WEST 70.55 FEET; THENCE NORTH 10°29'57" WEST 10.74 FEET; THENCE NORTH 27°18'56" EAST 19.42 FEET TO A POINT ON A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 155°48'20", HAVING A RADIUS OF 10.50 FEET, CHORD BEARS NORTH 50°35'14" WEST FOR 20.53 FEET; THENCE SOUTH 51°30'36" WEST 66.63 FEET; THENCE SOUTH 79°31'38" WEST 16.59 FEET; THENCE SOUTH 66°58'35" WEST 63.10 FEET; THENCE SOUTH 46°38'20" WEST 129.62 FEET; THENCE SOUTH 36°18'44" WEST 44.57 FEET; THENCE SOUTH 30°39'36" WEST 88.49 FEET; THENCE SOUTH 31°06'04" WEST 41.21 FEET TO A POINT ON A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 162°38'49", HAVING A RADIUS OF 6.00 FEET, CHORD BEARS NORTH 67°34'32" WEST FOR 11.86 FEET; THENCE NORTH 13°44'52" EAST 193.27 FEET; THENCE NORTH 28°50'39" EAST 18.81 FEET; THENCE NORTH 07°36'13" EAST 75.04 FEET; THENCE NORTH 00°26'39" WEST 35.53 FEET TO A POINT ON A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 134°41'31", HAVING A RADIUS OF 30.00 FEET, CHORD BEARS NORTH 67°47'24" WEST FOR 55.37 FEET; THENCE SOUTH 44°51'51" WEST 100.20 FEET; THENCE SOUTH 27°20'50" WEST 139.22 FEET; THENCE SOUTH 69°27'42" WEST 35.25 FEET TO THE POINT OF TREMINUS SAID POINT BEING NORTH 89°23'58" WEST 351.46 FEET AND NORTH 0°35'59" EAST 465.48 FEET FROM THE WEST QUARTER CORNER OF SECTION 22, TOWNSHIP 2 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDAIN.

## II.

THAT PROPERTY LOCATED IN SECTIONS 21, 27 AND 28, TOWNSHIP 2 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN, THAT IS 10.00 FEET WIDE, BEING 5.00' FEET ON EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT A POINT 1440.82 FEET NORTH 89°24'01" WEST AND 148.63 FEET SOUTH 0°35'59" WEST FROM THE WEST QUARTER CORNER OF SECTION 22, TOWNSHIP 2 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 02°39'59" EAST 73.57 FEET; THENCE SOUTH 07°15'58" WEST 79.06 FEET TO A POINT ON A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 34°08'56", HAVING A RADIUS OF 75.00 FEET, CHORD BEARS SOUTH 09°48'29" EAST FOR 44.04 FEET; THENCE SOUTH 26°52'57" EAST 43.32 FEET; THENCE SOUTH 32°49'53" EAST 18.42 FEET; THENCE SOUTH 41°42'19" EAST 12.62 FEET TO A POINT ON A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 48°58'49", HAVING A RADIUS OF 31.00 FEET, CHORD BEARS SOUTH 17°12'55" EAST FOR 25.70 FEET; THENCE SOUTH 07°16'29" WEST 14.93 FEET TO A POINT ON A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 67°18'27", HAVING A RADIUS OF 15.00 FEET, CHORD BEARS SOUTH 26°22'44" EAST FOR 16.63 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 75°38'43", HAVING A RADIUS OF 22.50 FEET, CHORD BEARS SOUTH 22°12'36" EAST FOR 27.59 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 50°00'52", HAVING A RADIUS OF 22.50 FEET, CHORD BEARS SOUTH 09°23'41" EAST FOR 19.02 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 47°07'38", HAVING A RADIUS OF 30.00 FEET, CHORD BEARS SOUTH 10°50'18" EAST FOR 23.99 FEET; THENCE SOUTH 12°43'31" WEST 36.51 FEET; THENCE SOUTH 31°49'47" WEST 52.64 FEET; THENCE SOUTH 38°37'58" WEST 90.47 FEET TO A POINT ON A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 81°18'37", HAVING A RADIUS OF 30.00 FEET, CHORD BEARS SOUTH 02°01'20" EAST FOR 39.09 FEET; THENCE SOUTH 42°40'39" EAST 38.96 FEET TO A POINT ON A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 66°05'40", HAVING A RADIUS OF 35.00 FEET, CHORD BEARS SOUTH 09°37'49" EAST FOR 38.17 FEET; THENCE SOUTH 23°25'01" WEST 25.35 FEET TO A POINT ON A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 141°25'02", HAVING A RADIUS OF 12.00 FEET, CHORD BEARS SOUTH 47°17'30" EAST FOR 22.65 FEET; THENCE NORTH 61°59'58" EAST 33.05 FEET; THENCE NORTH 68°09'01" EAST 41.10 FEET; THENCE NORTH 82°22'28" EAST 66.57 FEET TO A POINT ON A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF

124°19'59", HAVING A RADIUS OF 50.00 FEET, CHORD BEARS SOUTH 35°27'32" EAST FOR 88.43 FEET; THENCE SOUTH 26°42'28" WEST 49.25 FEET; THENCE SOUTH 14°39'52" WEST 20.13 FEET; THENCE SOUTH 03°04'30" WEST 16.61 FEET TO A POINT ON A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 134°08'56", HAVING A RADIUS OF 10.00 FEET, CHORD BEARS SOUTH 63°59'58" EAST FOR 18.42 FEET; THENCE NORTH 48°55'34" EAST 18.66 FEET; THENCE NORTH 80°18'48" EAST 13.56 FEET; THENCE NORTH 60°56'58" EAST 13.03 FEET TO A POINT ON A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 48°44'49", HAVING A RADIUS OF 50.00 FEET, CHORD BEARS NORTH 85°19'22" EAST FOR 41.27 FEET; THENCE SOUTH 70°18'13" EAST 62.97 FEET TO A POINT ON A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 140°08'06", HAVING A RADIUS OF 10.00 FEET, CHORD BEARS SOUTH 00°14'10" EAST FOR 18.80 FEET; THENCE SOUTH 69°49'53" WEST 17.62 FEET; THENCE SOUTH 61°11'46" WEST 33.91 FEET; THENCE SOUTH 26°27'46" WEST 18.02 FEET; THENCE SOUTH 49°31'41" WEST 20.23 FEET TO A POINT ON A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 38°15'54", HAVING A RADIUS OF 30.00 FEET, CHORD BEARS SOUTH 30°23'45" WEST FOR 19.67 FEET; THENCE SOUTH 11°15'48" WEST 33.54 FEET; THENCE SOUTH 03°55'35" WEST 38.28 FEET; THENCE SOUTH 25°44'36" WEST 34.77 FEET; THENCE SOUTH 17°18'24" WEST 47.32 FEET; THENCE SOUTH 05°22'01" EAST 50.98 FEET; THENCE SOUTH 28°43'23" WEST 20.89 FEET TO A POINT ON A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 47°55'47", HAVING A RADIUS OF 30.00 FEET, CHORD BEARS SOUTH 04°45'30" WEST FOR 24.37 FEET; THENCE SOUTH 19°12'24" EAST 9.54 FEET TO A POINT ON A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 38°16'57", HAVING A RADIUS OF 30.00 FEET, CHORD BEARS SOUTH 00°03'55" EAST FOR 19.67 FEET; THENCE SOUTH 19°04'33" WEST 12.93 FEET; THENCE SOUTH 09°23'02" EAST 16.08 FEET; THENCE SOUTH 00°15'17" WEST 16.42 FEET; THENCE SOUTH 06°52'54" WEST 29.60 FEET TO A POINT ON A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 46°06'44", HAVING A RADIUS OF 30.00 FEET, CHORD BEARS SOUTH 16°10'28" EAST FOR 23.50 FEET; THENCE SOUTH 39°13'50" EAST 27.75 FEET; THENCE SOUTH 30°58'00" EAST 16.42 FEET; THENCE SOUTH 46°20'28" EAST 29.23 FEET TO A POINT ON A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 25°47'12", HAVING A RADIUS OF 30.00 FEET, CHORD BEARS SOUTH 33°26'53" EAST FOR 13.39 FEET; THENCE SOUTH 20°33'17" EAST 22.89 FEET TO A POINT ON A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 37°58'22", HAVING A RADIUS OF 30.00 FEET, CHORD BEARS SOUTH 39°32'28" EAST FOR 19.52 FEET; THENCE SOUTH 58°31'39" EAST 14.16 FEET TO A POINT ON A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 48°19'17", HAVING A RADIUS OF 30.00 FEET, CHORD BEARS SOUTH 34°22'01" EAST FOR 24.56 FEET; THENCE SOUTH 10°12'22" EAST 27.67 FEET; THENCE SOUTH 00°31'56" EAST 84.88 FEET TO A POINT ON A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 73°24'36", HAVING A RADIUS OF 30.00 FEET, CHORD BEARS SOUTH 36°10'22" WEST FOR 35.86 FEET; THENCE

SOUTH 72°52'41" WEST 45.62 FEET; THENCE SOUTH 81°18'18" WEST 24.38 FEET;  
 THENCE NORTH 88°39'58" WEST 32.95 FEET; THENCE SOUTH 78°29'44" WEST 37.81  
 FEET TO A POINT ON A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF  
 34°24'02", HAVING A RADIUS OF 50.00 FEET, CHORD BEARS SOUTH 61°17'43" WEST  
 FOR 29.57 FEET; THENCE SOUTH 44°05'42" WEST 26.69 FEET; THENCE SOUTH  
 61°17'33" WEST 75.14 FEET TO A POINT ON A CURVE TO THE LEFT WITH A  
 CENTRAL ANGLE OF 29°53'41", HAVING A RADIUS OF 55.00 FEET, CHORD BEARS  
 SOUTH 46°20'42" WEST FOR 28.37 FEET; THENCE SOUTH 31°23'52" WEST 67.06 FEET;  
 THENCE SOUTH 42°04'35" WEST 48.95 FEET; THENCE SOUTH 49°12'36" WEST 51.41  
 FEET TO A POINT ON A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF  
 55°47'11", HAVING A RADIUS OF 100.00 FEET, CHORD BEARS SOUTH 21°19'01" WEST  
 FOR 93.56 FEET; THENCE SOUTH 06°34'34" EAST 129.33 FEET; THENCE SOUTH  
 12°18'03" WEST 68.88 FEET TO A POINT ON A CURVE TO THE LEFT WITH A  
 CENTRAL ANGLE OF 104°36'12", HAVING A RADIUS OF 58.00 FEET, CHORD BEARS  
 SOUTH 40°00'03" EAST FOR 91.78 FEET; THENCE NORTH 87°41'51" EAST 141.85 FEET  
 TO A POINT ON A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 79°38'21",  
 HAVING A RADIUS OF 87.00 FEET, CHORD BEARS SOUTH 52°28'59" EAST FOR 111.42  
 FEET; THENCE SOUTH 12°39'48" EAST 105.48 FEET TO A POINT ON A CURVE TO THE  
 RIGHT WITH A CENTRAL ANGLE OF 91°15'53", HAVING A RADIUS OF 25.00 FEET,  
 CHORD BEARS SOUTH 32°58'08" WEST FOR 35.74 FEET; THENCE SOUTH 78°36'05"  
 WEST 55.69 FEET; THENCE SOUTH 63°42'53" WEST 120.67 FEET; THENCE SOUTH  
 08°16'34" WEST 56.72 FEET; THENCE SOUTH 27°25'19" WEST 36.76 FEET; THENCE  
 SOUTH 20°31'54" WEST 70.30 FEET; THENCE SOUTH 03°01'46" WEST 103.95 FEET;  
 THENCE SOUTH 77°24'34" WEST 120.98 FEET; THENCE NORTH 80°18'40" WEST 84.91  
 FEET TO A POINT ON A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF  
 75°09'43", HAVING A RADIUS OF 40.00 FEET, CHORD BEARS SOUTH 62°06'29" WEST  
 FOR 48.79 FEET TO THE BEGINNING OF A NON-TANGENT CURVE; SAID CURVE  
 TURNING TO THE RIGHT WITH A CENTRAL ANGLE OF 77°37'48", HAVING A  
 RADIUS OF 40.00 FEET, CHORD BEARS SOUTH 63°20'31" WEST FOR 50.14 FEET;  
 THENCE NORTH 77°50'35" WEST 58.69 FEET TO A POINT ON A CURVE TO THE LEFT  
 WITH A CENTRAL ANGLE OF 83°52'20", HAVING A RADIUS OF 20.00 FEET, CHORD  
 BEARS SOUTH 60°13'15" WEST FOR 26.73 FEET; THENCE SOUTH 18°17'05" WEST  
 105.70 FEET; THENCE SOUTH 45°38'06" WEST 73.89 FEET; THENCE SOUTH 14°34'07"  
 EAST 48.39 FEET; THENCE SOUTH 01°46'49" EAST 93.36 FEET TO A POINT ON A  
 CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 42°03'17", HAVING A RADIUS  
 OF 105.00 FEET, CHORD BEARS SOUTH 22°48'28" EAST FOR 75.35 FEET; THENCE  
 SOUTH 43°50'06" EAST 94.98 FEET TO A POINT ON A CURVE TO THE RIGHT WITH A  
 CENTRAL ANGLE OF 27°39'25", HAVING A RADIUS OF 105.00 FEET, CHORD BEARS  
 SOUTH 30°00'24" EAST FOR 50.19 FEET; THENCE SOUTH 16°10'41" EAST 38.80 FEET;  
 THENCE SOUTH 55°38'11" EAST 30.35 FEET; THENCE SOUTH 61°24'05" EAST 67.53

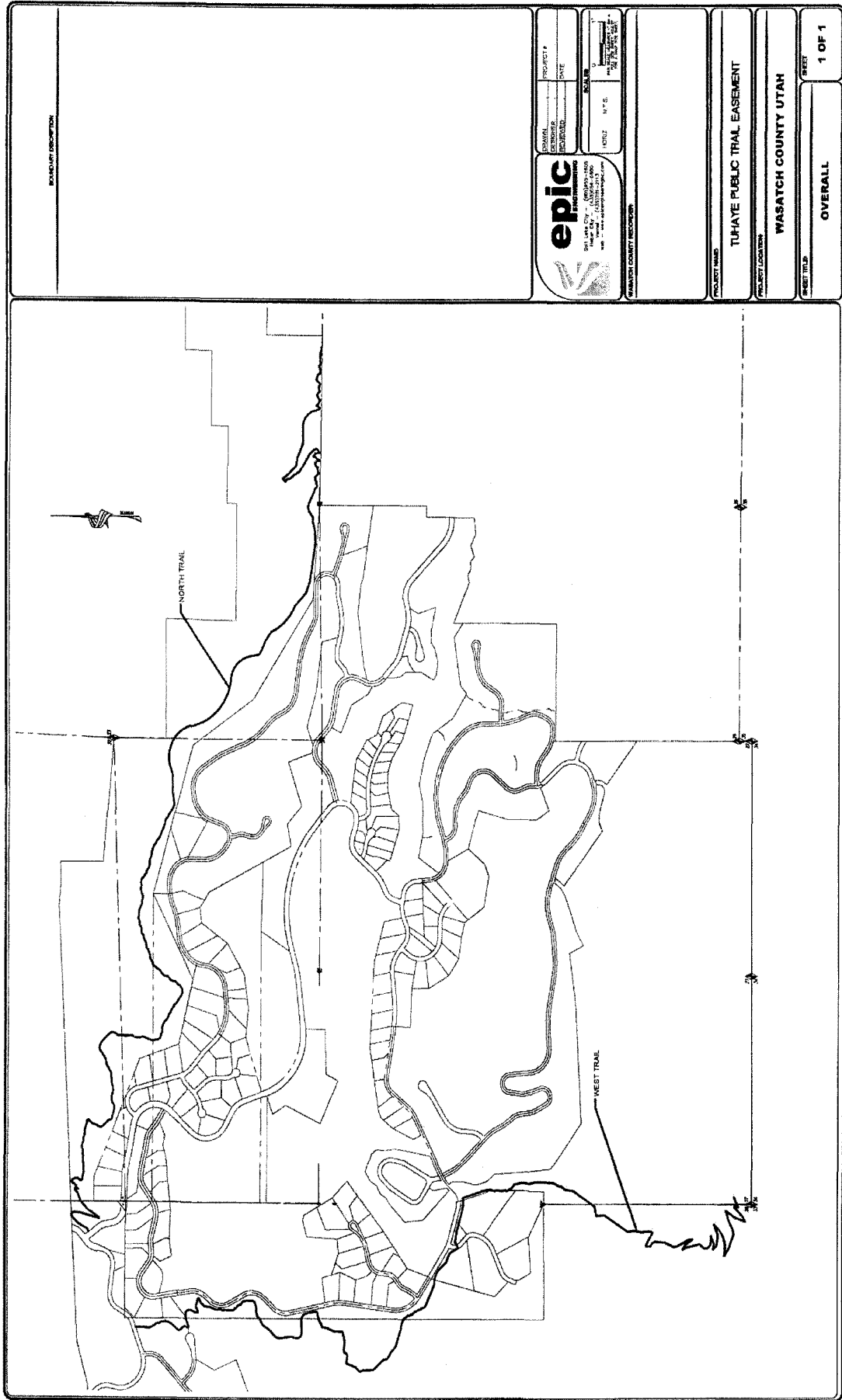
FEET; THENCE SOUTH 45°09'20" EAST 75.81 FEET; THENCE SOUTH 71°46'57" EAST 222.01 FEET; THENCE SOUTH 82°18'11" EAST 32.50 FEET TO A POINT ON A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 70°52'51", HAVING A RADIUS OF 150.00 FEET, CHORD BEARS SOUTH 46°51'45" EAST FOR 173.96 FEET; THENCE SOUTH 11°25'20" EAST 16.50 FEET; THENCE SOUTH 40°33'01" EAST 53.47 FEET; THENCE SOUTH 24°02'17" EAST 138.80 FEET; THENCE SOUTH 56°42'16" EAST 3.90 FEET; THENCE SOUTH 65°20'42" EAST 273.61 FEET; THENCE NORTH 89°53'58" EAST 10.86 FEET TO A POINT ON A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 48°27'01", HAVING A RADIUS OF 250.00 FEET, CHORD BEARS SOUTH 65°52'31" EAST FOR 205.16 FEET; THENCE SOUTH 41°39'01" EAST 88.44 FEET; THENCE SOUTH 66°08'32" EAST 96.83 FEET TO A POINT ON A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 38°44'57", HAVING A RADIUS OF 55.00 FEET, CHORD BEARS SOUTH 46°46'03" EAST FOR 36.49 FEET; THENCE SOUTH 27°23'35" EAST 99.23 FEET; THENCE NORTH 70°08'45" EAST 55.10 FEET; THENCE NORTH 53°24'01" EAST 28.60 FEET; THENCE SOUTH 81°45'15" EAST 110.84 FEET; THENCE SOUTH 73°31'52" EAST 258.68 FEET TO A POINT ON A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 17°47'17", HAVING A RADIUS OF 258.87 FEET, CHORD BEARS SOUTH 82°25'31" EAST FOR 80.05 FEET; THENCE NORTH 88°40'51" EAST 70.26 FEET; THENCE SOUTH 16°40'56" EAST 262.51 FEET; THENCE SOUTH 10°42'39" EAST 103.64 FEET; THENCE SOUTH 22°52'17" WEST 46.11 FEET; THENCE SOUTH 15°25'32" EAST 31.45 FEET; THENCE SOUTH 06°53'28" WEST 79.40 FEET; THENCE SOUTH 21°10'39" EAST 33.23 FEET; THENCE SOUTH 27°08'37" WEST 5.60 FEET TO A POINT ON A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 62°06'32", HAVING A RADIUS OF 45.00 FEET, CHORD BEARS SOUTH 03°54'38" EAST FOR 46.43 FEET; THENCE SOUTH 34°57'54" EAST 48.84 FEET TO A POINT ON A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 37°47'16", HAVING A RADIUS OF 45.00 FEET, CHORD BEARS SOUTH 53°51'32" EAST FOR 29.14 FEET; THENCE SOUTH 72°45'10" EAST 8.68 FEET; THENCE SOUTH 06°40'24" EAST 35.69 FEET; THENCE SOUTH 22°19'31" EAST 4.96 FEET TO A POINT ON A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 29°21'33", HAVING A RADIUS OF 200.00 FEET, CHORD BEARS SOUTH 07°38'44" EAST FOR 101.37 FEET; THENCE SOUTH 07°02'02" WEST 50.33 FEET; THENCE SOUTH 10°11'57" EAST 120.12 FEET; THENCE SOUTH 03°54'36" WEST 201.16 FEET; THENCE SOUTH 27°54'23" WEST 67.57 FEET; THENCE SOUTH 06°51'52" WEST 5.21 FEET TO A POINT ON A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 34°50'23", HAVING A RADIUS OF 125.00 FEET, CHORD BEARS SOUTH 24°17'03" WEST FOR 74.84 FEET; THENCE SOUTH 41°42'15" WEST 18.23 FEET; THENCE SOUTH 08°39'39" WEST 106.48 FEET; THENCE SOUTH 33°25'01" WEST 321.44 FEET; THENCE SOUTH 77°10'59" WEST 114.57 FEET; THENCE SOUTH 04°16'06" EAST 107.04 FEET; THENCE SOUTH 32°28'14" WEST 350.27 FEET; THENCE SOUTH 08°56'42" EAST 80.79 FEET; THENCE SOUTH 09°55'17" WEST 101.20 FEET; THENCE SOUTH 06°09'54" EAST 81.40 FEET; THENCE SOUTH 07°34'00"



WEST 45.02 FEET TO A POINT ON A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 113°28'28", HAVING A RADIUS OF 10.00 FEET, CHORD BEARS SOUTH 64°18'14" WEST FOR 16.72 FEET; THENCE NORTH 58°57'33" WEST 163.69 FEET; THENCE SOUTH 56°37'10" WEST 11.50 FEET; THENCE SOUTH 01°44'20" EAST 53.29 FEET; THENCE SOUTH 51°47'03" EAST 40.40 FEET TO A POINT ON A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 56°48'32", HAVING A RADIUS OF 50.00 FEET, CHORD BEARS SOUTH 23°22'47" EAST FOR 47.57 FEET; THENCE SOUTH 05°01'29" WEST 116.75 FEET; THENCE SOUTH 24°47'09" WEST 127.73 FEET; THENCE SOUTH 12°43'44" EAST 45.02 FEET; THENCE SOUTH 27°45'41" EAST 175.19 FEET; THENCE SOUTH 02°39'02" WEST 37.32 FEET; THENCE NORTH 40°59'00" WEST 27.01 FEET; THENCE NORTH 33°11'52" WEST 84.88 FEET; THENCE NORTH 54°47'05" WEST 61.10 FEET; THENCE SOUTH 28°55'40" WEST 7.94 FEET; THENCE SOUTH 37°28'47" EAST 39.14 FEET; THENCE SOUTH 12°08'30" EAST 182.35 FEET; THENCE SOUTH 40°14'35" WEST 47.18 FEET TO A POINT ON A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 128°44'45", HAVING A RADIUS OF 65.00 FEET, CHORD BEARS SOUTH 24°07'47" EAST FOR 117.21 FEET; THENCE SOUTH 88°30'10" EAST 79.38 FEET; THENCE SOUTH 67°34'34" WEST 99.19 FEET; THENCE NORTH 80°03'01" WEST 68.00 FEET; THENCE SOUTH 42°10'57" EAST 61.94 FEET; THENCE SOUTH 81°25'30" EAST 100.87 FEET TO A POINT ON A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 32°40'57", HAVING A RADIUS OF 95.00 FEET, CHORD BEARS NORTH 82°14'02" EAST FOR 53.46 FEET; THENCE NORTH 65°53'33" EAST 103.59 FEET; THENCE SOUTH 42°09'26" WEST 59.15 FEET TO A POINT ON A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 54°47'01", HAVING A RADIUS OF 300.00 FEET, CHORD BEARS SOUTH 69°32'56" WEST FOR 276.04 FEET; THENCE NORTH 83°03'33" WEST 65.63 FEET; THENCE SOUTH 55°48'41" EAST 96.74 FEET; THENCE SOUTH 68°24'03" EAST 182.12 FEET; THENCE NORTH 74°57'11" EAST 69.70 FEET; THENCE NORTH 61°11'12" EAST 86.43 FEET; THENCE NORTH 70°29'09" EAST 125.80 FEET; THENCE SOUTH 01°56'37" EAST 14.21 FEET; THENCE SOUTH 35°25'44" WEST 119.87 FEET; THENCE SOUTH 19°08'49" WEST 141.99 FEET; THENCE NORTH 59°36'25" EAST 67.35 FEET; THENCE NORTH 44°23'45" EAST 147.60 FEET; THENCE SOUTH 58°30'19" EAST 12.99 FEET; THENCE SOUTH 13°13'05" WEST 48.12 FEET; THENCE, NORTH 63°28'03" EAST 129.43 FEET TO THE POINT OF TERMINUS, SAID POINT BEING NORTH 89°51'00" EAST 82.32 FEET AND NORTH 0°09'00" WEST 218.75 FEET FROM THE SOUTHWEST CORNER OF SECTION 27, TOWNSHIP 2 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDAIN.

**Exhibit "B"**

**(Trail Plan)**



BOUNDARY DESCRIPTION

**epic**  
ENGINEERING

215 S. 1000 W. SUITE 100  
CANYON, UT 84015  
PHONE: 435.734.1100  
WWW.EPICENGINEERING.COM

PROJECT # \_\_\_\_\_ DATE \_\_\_\_\_  
DRAWN BY \_\_\_\_\_ CHECKED BY \_\_\_\_\_  
SCALE: 1" = 40'  
DATE: 10/20/11  
PROJECT NAME: \_\_\_\_\_  
PROJECT LOCATION: \_\_\_\_\_  
SHEET TITLE: \_\_\_\_\_  
SHEET NO.: \_\_\_\_\_ OF \_\_\_\_\_

PROJECT NAME	TUHAYE PUBLIC TRAIL EASEMENT
PROJECT LOCATION	WASATCH COUNTY UTAH
SHEET TITLE	OVERALL
SHEET NO.	1 OF 1

**Exhibit "C"**

**(Form of Public Trail Easement Agreement)**

**WHEN RECORDED, PLEASE RETURN TO:**

**David J. Smith  
Tuhaye LLC  
P. O. Box 4349  
Park City, UT 84060**

**Doug Smith  
Wasatch County Planning  
55 South 500 East  
Heber City, UT 84032**

**PUBLIC TRAIL  
EASEMENT AGREEMENT**

This Public Trail Easement Agreement ("Agreement") is made and entered into as of the date of last execution below by and between Tuhaye LLC, a Utah limited liability company, Tuhaye ELM Inc., a Delaware Corporation, Tuhaye West, Inc. (formerly, Ameagle PC Holdings, Inc.), a Delaware corporation (collectively "Owner"), the State of Utah, acting by and through the Director of the School and Institutional Trust Lands Administration ("SITLA"), and Wasatch County, a Utah political subdivision ("County"). Owner, SITLA and the County are collectively referred to as the "Parties".

WHEREAS, Owner and SITLA are the owners of real property generally referred to geographically as Tuhaye located in Wasatch County, Utah ("Property"); and

WEREAS, County desires, and Owner has constructed, a public recreation trail across the Property, as more particularly described on Exhibit A; and

WHEREAS, the Parties have expressly relied upon the provisions and protections of Utah Code Chapter 14, Title 57 (also referred to as the Utah Limitation of Landowner Liability-Public Recreation Act) in agreeing to grant public trail access over a portion of the Property.

Now therefore, in consideration of Ten Dollars (\$10.00) and the mutual covenants and agreements hereof, the sufficiency and receipt of which are hereby acknowledged, the Parties agree as follows:

1. Owner and SITLA grant to the County, for public use in accordance with this grant, and the Property is hereby burdened by, a perpetual non-exclusive easement for the sole purpose of creating and maintaining a public recreation trail ("Trail") over a portion of the Property, more particularly described on Exhibit A attached hereto.

2. The Parties intend and agree that the use of the Trail shall be for a "Recreational purpose" as defined in Section 57-14-2 of the Utah Code Annotated, and for a "Recreational activity" as defined in Section 78B-4-509 of the Utah Code (also referred to as the "Recreation Land Use Immunity Act").
3. Nothing herein shall constitute the County's waiver of any portion of the Governmental Immunity Act of Utah, the Utah Limitation of Landowner Liability-Public Recreation Act, the Recreation Land Use Immunity Act, or any defense arising thereunder or therefrom.
4. Nothing herein shall constitute the Owner's or SITLA's waiver of any portion of the Utah Limitation of Landowner Liability-Public Recreation Act, the Recreation Land Use Immunity Act, or any defense arising thereunder or therefrom.
5. To the extent permitted by the Utah Constitution and the Governmental Immunity Act of Utah, the Utah Limitation of Landowner Liability – Public Recreation Act, and the Recreation Land Use Immunity Act, the County shall, within the limits of the Utah Governmental Immunity Act, defend and indemnify Owner and SITLA against any liability for damage to life or property arising from the public use of the easement under this Agreement.
6. The maintenance of the trail shall be done consistent with Section 3.1(b)(9) of the Development Agreement between Owner and County dated May 15, 2003 and recorded at the Wasatch County Recorder on June 4, 2003 as Entry No. 258692, Book 0628, Pages 0438-0512.
7. No motorized vehicles shall be allowed to use the Trail except for maintenance or emergency use by the County or those authorized by Owner (including, without limitation, road, street or golf cart path crossings).
8. Owner shall have the right to adjust the alignment of the Trail from time-to-time as necessary to accommodate development of or improvements to any property owned or controlled by Owner or any affiliate or related party, and any such adjustment shall be memorialized by an amendment to this Agreement executed and recorded by Owner.

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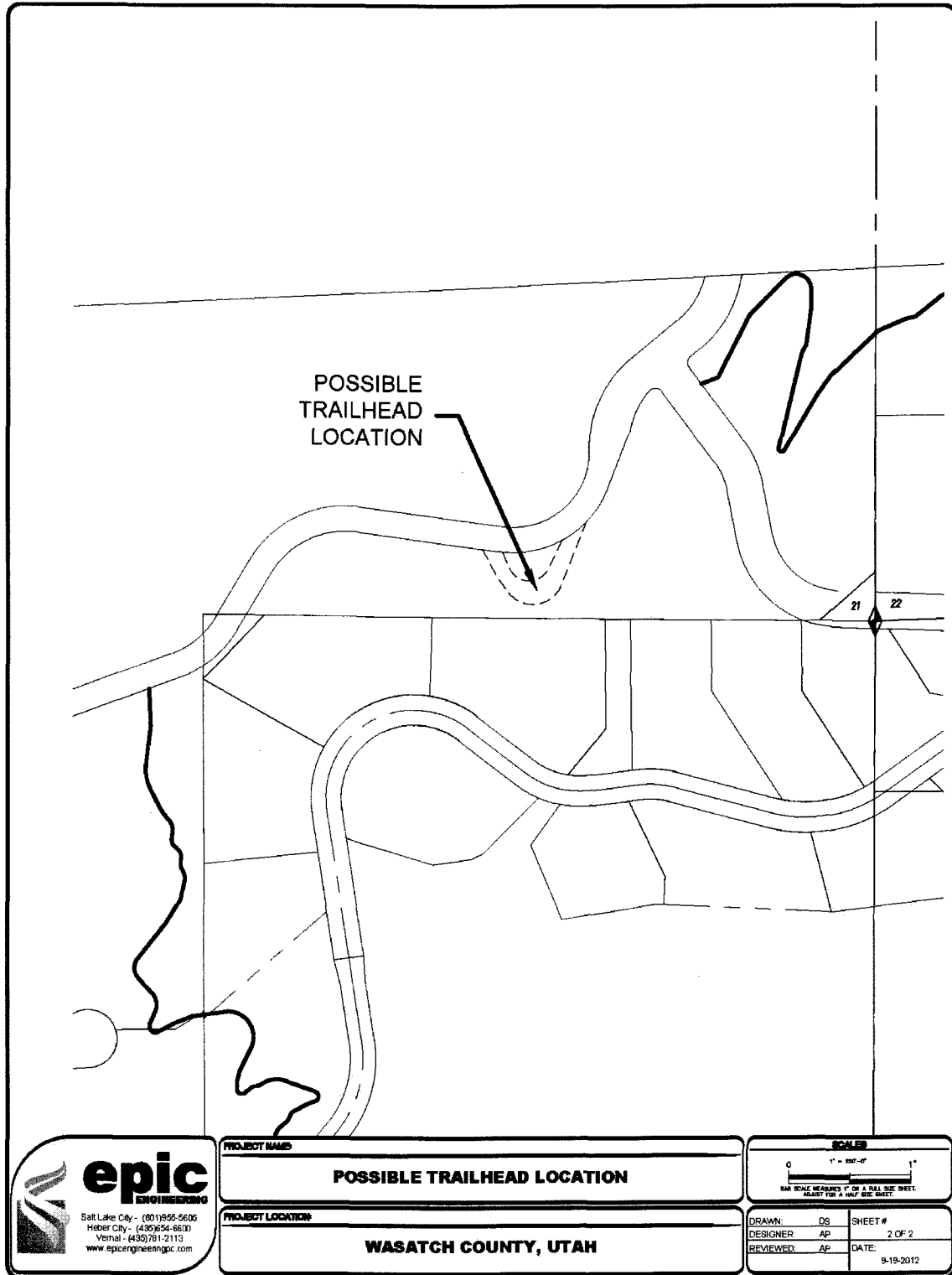
**EXHIBIT "D"**

**Trail Sign**



# Exhibit "E"

## Potential Trailhead Location



**Exhibit "F"**

**Potential Kiosk**

