

4103599

AVIGATION EASEMENT

B.D.T. & L., a Utah Partnership; B.D.T. & L. Development II, a Utah General Partnership; First Federal Savings and Loan Association of Salt Lake City, Utah, a Utah Corporation; Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints, a Utah Corporation; Zions First National Bank, National Association; Prowswood, Incorporated, a Utah Corporation; Golder Parkway LTD., a Utah ~~General~~ ^{Joint Venture} Partnership by Golder Development Corporation, General Partner; Ivory and Company, a Utah Limited Partnership by Cooley Investment Company, a Utah Limited Partnership and one of the General Partners of Ivory and Company, Vernon E. Cooley, Sole General Partner; Western Devcor Inc., an Arizona Corporation; and Jack Ellefsen, an individual; and Guardian Title Company of Utah, as Trustee; hereinafter referred to as "Grantors" hereby grant and convey to SALT LAKE CITY CORPORATION, hereinafter referred to as "Grantee", for good and valuable consideration given by the Grantee to the Grantors in the form of Grantee's approval development of Grantor's land by memorializing an existing prescriptive common law avigation associated with the existing Airport activities of the Salt Lake City International Airport, the receipt and sufficiency of which are hereby acknowledged, a perpetual and assignable easement in and over the parcel of land described in Exhibit "A", attached hereto and by this reference incorporated herein, hereinafter referred to as the "Real Property", for the free and unrestricted passage of aircraft of any and all kinds now or hereafter developed for the purpose of transporting persons or property through the air, in, through, across and about the

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WITNESSED AND SIGNED

 BY J. Leary
 DATE 4/25/85

airspace over the Real Property above a flat plain 4376 feet mean sea level, as determined by U.S.G.S. datum coterminous with the boundaries of the Real Property (hereinafter referred to as the "Airspace").

Grantors further agree that the easement and rights hereby granted to the Grantee in and over the Real Property are for the otherwise using the Salt Lake City International Airport described in Exhibit "B" attached hereto and by this reference incorporated herein, (hereinafter referred to as "Airport"). Said easement, and the rights appertaining thereto shall be for the benefit of Grantee, its successors, assigns, guests, invitees, including any and all persons, firms or corporations operating aircraft to or from the Airport. Said easement and the burden thereof, together with all things which may be alleged to be incidental to or to result from the use and enjoyment of said easement, shall constitute permanent burdens and servient tenements of the Real Property and such burdens and tenements shall run with the land and be binding upon and enforceable against all successors in right, title or interest to said Real Property and shall be unlimited as to frequency.

Grantors agree that it, its heirs, successors and assigns shall not hereinafter erect, or permit the erection or growth of any object within the Airspace. This easement grants the right of flight for the passage of aircraft in the Airspace, together with the right to cause or create, or permit or allow to be caused or created in the Airspace and within, above and adjacent to the Real Property, such annoyances as may be inherent in, or may arise or

occur from or during the operation of aircraft.

WITNESS the hand of Grantors this 21st day of May, 1985.

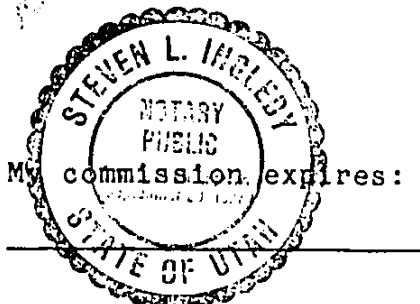
ZIONS FIRST NATIONAL BANK

By: [Signature]

Its: [Signature]

STATE OF UTAH)
 : ss.
COUNTY OF SALT LAKE)

On the 21st day of May, 1985, personally appeared before me R. Kay Poulsen who being by me duly sworn did say that he is Vice President of Zions First National Bank and that the foregoing instrument was signed in behalf of said corporation by authority of a resolution of its board of directors and said R. Kay Poulsen acknowledged to me that said corporation executed the same.



[Signature]
Notary Public

Residing In: Salt Lake County, Utah

B.D.T. & L. DEVELOPMENT

By:

Jerry Lawrence
Partner

By:

Don Black
Partner

STATE OF UTAH)
:ss.
COUNTY OF SALT LAKE)

On the 9th day of May, 1985, personally appeared before me Jerry Lawrence and Don Black who being duly sworn did say that they are partners in B.D.T. & L. Development and that the foregoing instrument was signed in behalf of said partnership and said Jerry Lawrence and Don Black acknowledged to me that said partnership executed the same.



Barbara Calton
Notary Public

My commission expires:

October 12, 1986

Residing in: Salt Lake

B.D.T. & L. DEVELOPMENT II, a
Utah General Partnership

BY: *[Signature]*

Its: *[Signature]*

STATE OF UTAH)
 : SS
COUNTY OF SALT LAKE)

On the 9th day of May, 1965, personally
appeared before me *Jerry K. Lawrence* who being
duly sworn did say, that he is *Utah General Partner*
of B.D.T. & L. Development II, a Utah General Partnership and that
the foregoing instrument was signed in behalf of said partnership.



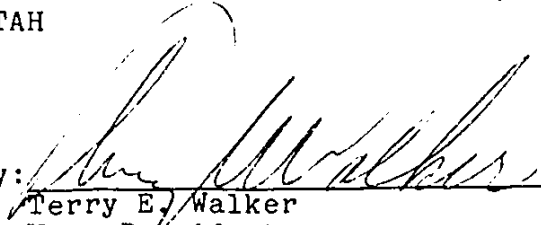
Barbara Patton
NOTARY PUBLIC
Residing in: *Salt Lake*

My commission expires:

October 12 1986

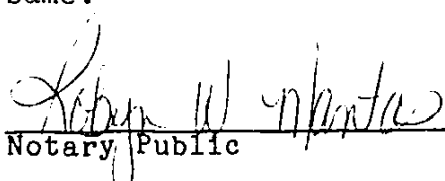
BOOK 5666 PAGE 1803

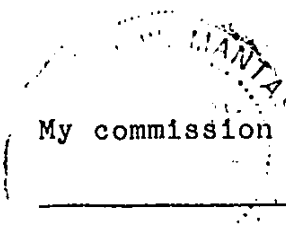
FIRST FEDERAL SAVINGS AND LOAN
ASSOCIATION OF SALT LAKE CITY,
UTAH

By: 
Terry E. Walker
Vice President

STATE OF UTAH)
 : ss.
COUNTY OF SALT LAKE)

On the 7th day of May, 1985, personally appeared before me Terry E. Walker who being duly sworn did say that he is Vice President of First Federal Savings and Loan Association of Salt Lake City, Utah and that the foregoing instrument was signed in behalf of said corporation by authority of a resolution of its board of directors and said Terry E. Walker acknowledged to me that said corporation executed the same.


Notary Public

 My commission expires: 7/20/87

Residing in: Salt Lake City, Utah

CORPORATION OF THE PRESIDING
BISHOP OF THE CHURCH OF JESUS
CHRIST OF LATTER-DAY SAINTS

By: *R. C. Edgley*

Authorized Agent

STATE OF UTAH)
) ss.
COUNTY OF SALT LAKE)

On the 17th day of May, 1985, personally
appeared before me *R. C. Edgley* who being duly
sworn did say that he is the Authorized Agent for the Corporation
of the Presiding Bishop of the Church of Jesus Christ of
Latter-day Saints, a Utah Corporation, sole and that the foregoing
instrument was signed in behalf of said corporation by authority
of a resolution of its board of directors and said
R. C. Edgley acknowledged to me that said
corporation executed the same.

Harmon R. Provand
Notary Public

My commission expires:

June 16, 1985

Residing in: *Salt Lake County*

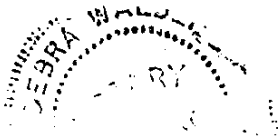
THE PROSWOOD CORPORATION

By: *Alan J. Hood*

Its: *VICE PRES.*

STATE OF UTAH)
COUNTY OF SALT LAKE) :ss.

On the 21st day of May, 1985 personally
appeared before me Alan J. Hood who being duly
sworn did say that he is Vice President of the
Prowswood Corporation (formerly Prowswood Inc.,) and that the
foregoing instrument was signed in behalf of said corporation by
authority of a resolution of its board of directors and said
Alan J. Hood acknowledged to me that said
corporation executed the same.



Alberta Walden
Notary Public

My commission expires:

11-5-88

Residing in: SLC, Utah

GOLDER PARKWAY LTD., A UTAH
LIMITED PARTNERSHIP BY
GOLDER DEVELOPMENT CORPORATION,
GENERAL PARTNER

By William E. Fallon
William E. Fallon
President

STATE OF UTAH)
 : ss.
COUNTY OF SALT LAKE)

On the 24th day of June, 1985, personally appeared before me William E. Fallon who being duly sworn did say that he is President of Golder Development Corporation which is a General Partner of Golder Parkway LTD., a Utah Limited Partnership and that the foregoing instrument was signed in behalf of said partnership and said William E. Fallon acknowledged to me that said partnership executed the same.



Patricia Kammerer
Notary Public

Residing in: Salt Lake County, Utah

My commission expires:

11/1/87

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IVORY AND COMPANY, A Utah
Limited Partnership

By: COOLEY INVESTMENT COMPANY,
a Utah Limited Partnership and one
of the General Partners of Ivory
and Company.

By: *Vernon E. Cooley*
Vernon E. Cooley
Sole General Partner

STATE OF UTAH)
 : ss
COUNTY OF SALT LAKE)

On the 11 day of April, 1984 personally appeared
before me Vernon E. Cooley, who being by me duly sworn did say
that he is the Sole General Partner of Cooley Investment Company,
a Utah Limited Partnership and one of the General Partners of
Ivory and Company, a Utah Limited Partnership and that the
foregoing instrument was signed in behalf of said partnerships and
said Vernon E. Cooley acknowledged to me that said partnerships
executed the same.

Myllis J. Smith
NOTARY PUBLIC
Residing in: *1111 111*

My commission expires



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WESTERN DEVCOR, INC., an
Arizona Corporation

By: *Lynn Redding*

Lynn Redding
Vice President

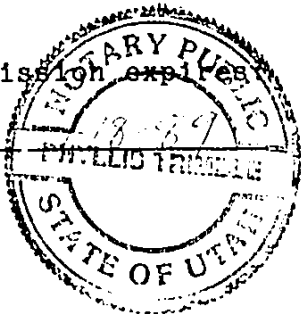
STATE OF UTAH)
 : ss
COUNTY OF SALT LAKE)

On the 7 day of May, 1985, personally
appeared before me Lynn Redding, who being by me duly sworn did
say that he is the Vice President of Western Devcor, Inc., an
Arizona Corporation, and that the foregoing instrument was signed
in behalf of said corporation by authority of a resolution of its
board of directors and said Lynn Redding acknowledged to me that
said corporation executed the same.

Phillip L. Fumble
NOTARY PUBLIC

Residing in: *MC, UT*

My commission expires



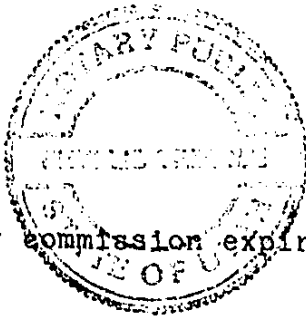
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JACK ELLEFSEN

Jack Ellefsen

STATE OF UTAH)
 : ss
COUNTY OF SALT LAKE)

On the 8 day of May, 1985, personally appeared before me Jack Ellefsen, an individual, who acknowledged to me that he signed the foregoing instrument.



My commission expires:

118 57

Theresa J. Lumb
NOTARY PUBLIC

Residing in: 110 111

GUARDIAN TITLE COMPANY, AS
TRUSTEE

By: Douglas W. Curlis
Its: Per.

STATE OF UTAH)
 :33.
COUNTY OF SALT LAKE)

On the 22nd day of May, 1985 personally appeared before me Douglas W. Curlis, who being by me duly sworn did say, that he, the said Douglas W. Curlis, is the President of Guardian Title Company, Trustee, and that the within and foregoing instrument was signed in behalf of said corporation by authority of a resolution of its board of directors and said Douglas W. Curlis duly acknowledged to me that said corporation executed the same.

John B. Erickson
Notary Public

Residing in: Salt Lake City, Utah

My commission expires: 10/26/86

EXHIBIT "A"

A Parcel of land located in the Northwest 1/4 of Section 27 and the Southwest 1/4 of Section 22, Township 1 North, Range 1 West, Salt Lake Base and Meridian and being more particularly described as follows:

Beginning at the southeast corner of Lot 1, Westpointe Plat A, Amended No. 1, said point lying North $89^{\circ} 43' 57''$ East 1319.99 feet from the northwest corner of said Section 27 and running thence North $0^{\circ} 16' 03''$ West 101.74 feet to a point on the south right-of-way line of Morton Drive; thence following said right-of-way line North $89^{\circ} 43' 57''$ East 50.00 feet to the point of tangency on a 347.61 foot radius curve to the right (central angle = $90^{\circ} 17' 18''$); thence Southeasterly 547.77 feet to the right; thence South $0^{\circ} 01' 15''$ West 66.00 feet; thence South $89^{\circ} 58' 45''$ East 66.00 feet; to a point on the south right-of-way line of 1300 North; thence along said right-of-way line South $89^{\circ} 58' 45''$ East 450.64 feet; thence South $0^{\circ} 01' 15''$ West 379.01 feet; thence North $89^{\circ} 57' 21''$ West 155.46 feet; thence South $0^{\circ} 02' 39''$ West 8.33 feet; thence North $89^{\circ} 57' 21''$ West 313.63 feet; thence North $77^{\circ} 25' 06''$ West 66.00 feet; thence North $79^{\circ} 44' 15''$ West 695.80 feet; thence North $0^{\circ} 16' 03''$ West 559.16 feet; thence North $89^{\circ} 43' 57''$ East 305.56 feet to the point of beginning, containing 14.96 acres.

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SALT LAKE INTERNATIONAL AIRPORT
BOUNDARY DESCRIPTION

Beginning at a point 806.03 feet North $0^{\circ} 02'38''$ East of the South $1/4$ corner of Section 33, T1N, R1W, SLB & M, said point being on the Northerly right-of-way line of North Temple Street, and running thence South $89^{\circ} 58'38''$ West 340.71 feet along said right-of-way line; thence South $0^{\circ} 02'38''$ West 805.75 feet to the South line of Section 33, thence North $89^{\circ} 58'33''$ East 340.71 feet along said section line to the South $1/4$ corner of Section 33 (said $1/4$ corner is also the North $1/4$ corner of Section 4, T1S, R1W); thence South $0^{\circ} 11'26''$ East 2,290.43 feet to the northerly right-of-way of the Western Pacific Railroad main line siding; thence South $77^{\circ} 49'01''$ West 581.95 feet; thence South $0^{\circ} 12'04''$ East 238 feet, more or less, to the $1/4$ section line; thence South $89^{\circ} 57'09''$ West 188 feet, more or less; thence North $0^{\circ} 12'04''$ West 197 feet, more or less, to the northerly right-of-way line of the Western Pacific Railroad main line siding; thence South $77^{\circ} 49'01''$ West 1,932.50 feet to the west line of said Section 4 (said line is also the east line of Section 5, T1S, R1W); thence South $77^{\circ} 49'01''$ West 230.26 feet to a point on a 3,852.83 foot radius curve to the left, said point also being on the northerly right-of-way line of the relocated Salt Lake Garfield and Western Railroad; thence Southwesterly 397.14 feet along said curve to a point 116 feet perpendicularly distant northwesterly to the Western Pacific Railroad main line track; thence Southwesterly and parallel to said railroad track 3,459 feet, more or less, thence South $78^{\circ} 00'55''$ West 1,343 feet, more or less, to the west line of said Section 5 (said line is also the east line of Section 6, T1S, R1W); thence South $78^{\circ} 00'55''$ West 238 feet, more or less, to the westerly highway right-of-way and non-access line of UDOT Project #1-80-3(5)116; thence North $1^{\circ} 25'59''$ West 622 feet, more or less, along said right-of-way line to a point on a 1,527.89 foot radius curve to the left (Note: Tangent to said curve at its point of beginning bears North $1^{\circ} 50'34''$ West); thence Northwesterly 769.68 feet along said curve to the north line of the NE $1/4$ SE $1/4$ of said Section 6; thence Northwesterly 971.37 feet along the arc of a 1,672.95 foot radius curve to the left (Note: Tangent to said curve at its point

of beginning bears North $34^{\circ} 24'21''$ West); thence North $63^{\circ} 47'38''$ West 1,084.09 feet; thence North $55^{\circ} 55'36''$ West 436.08 feet; thence West 83.57 feet to a point on a 2,894.79 foot radius curve to the left (Note: Tangent to said curve at its point of beginning bears North $51^{\circ} 35'12''$ West); thence Northwesterly 246.45 feet along said curve; thence North $57^{\circ} 07'49''$ West 100.52 feet; thence North $57^{\circ} 27'53''$ West 328.82 feet; thence North $57^{\circ} 47'59''$ West 200.79 feet to a point on a 5,759.58 foot radius curve to the left (Note: Tangent to said curve at its point of beginning bears North $58^{\circ} 28'02''$ West); thence Northwesterly 640 feet, more or less, along said curve; thence North 545 feet more or less, to the north section line of said Section 6; thence North 850.50 feet; thence East 46.47 feet; thence North $4^{\circ} 58'32''$ West 4,445.67 feet to the north line of Section 31, T1N, R1W; thence West 1,009.82 feet along said line to the northwest corner of said Section 31; thence North 15,840 feet to the northwest corner of Section 18, T1N, R1W; thence East 10,560 feet to the northeast corner of Section 17, T1N, R1W; thence South 5,280 feet to the northwest corner of Section 21, T1N, R1W; thence East 2,640.0 feet; thence South 660.0 feet; thence East 1,320.0 feet; thence South 14,374.25 feet to the northerly right-of-way line of North Temple Street; thence South $89^{\circ} 58'38''$ West 1,254 feet, more or less, along said right-of-way line to the point of beginning.

Contains 6,732 acres, more or less. (Excluding the Highway R.O.W)

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1.0 Fee
KATHY L. BAUM
REGISTER
SALT LAKE COUNTY,
UTAH
JUN 27 2 33 PM '85
SALT LAKE CITY
REC'D OF
SEP
Dennis K. Kato
Penni Koto
805