

D70900

RECORD ONLY AGAINST THE PROPERTY DESCRIBED IN EXHIBIT "A" HERETO

RECORDED AT THE REQUEST OF AND AFTER RECORDING, PLEASE RETURN TO:

2450

4608167  
08 APRIL 88 03:12 PM  
KATIE L. DIXON  
RECORDER, SALT LAKE COUNTY, UTAH  
ASSOCIATED TITLE  
REC BY: BEVERLY CARTER , DEPUTY

4608167

Robert C. Hyde, Esq.  
185 South State, Suite 700  
Salt Lake City, Utah 84111

DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS

This Declaration of Protective Covenants, Conditions and Restrictions (herein the "Declaration") is made this 30th day of March, 1988 by Hercules Incorporated, a Delaware corporation duly qualified to do business in the State of Utah (herein the "Declarant"), and is accepted, adopted and covenanted to by West Valley City, a body politic of the State of Utah.

Recitals:

A. Declarant is the owner in fee of real property in Salt Lake County, State of Utah, more particularly described on Exhibit "A" attached hereto and by this reference made a part hereof (hereinafter the "Property").

B. It is contemplated that Declarant will convey the Property to West Valley City soon after the recordation of this Declaration.

C. It is contemplated that following recordation of this Declaration and conveyance of the Property to West Valley City and its successors and assigns, that the Property will be developed with elements of industrial, commercial, and recreational uses in compliance with the covenants and restrictions of this Declaration.

D. Declarant desires to provide for the preservation of the intended uses of the Property and to subject the Property to the covenants, conditions and restrictions hereinafter set forth.

NOW, THEREFORE, the Property is hereby made subject to the following protective covenants, conditions and restrictions:

1. Governmental Compliance. No portion of the Property shall be altered, constructed upon, occupied, or used in any manner or for any purpose which is in any way in violation of any applicable existing or future ordinances, laws, regulations and standards, of any governmental entity having jurisdiction

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over the use and occupancy of all or any portion of the Property, including, without limiting the generality of the foregoing, any and all ordinances, rules, regulations and policies pertaining to over-pressure zones.

2. Permitted Uses. Subject to compliance with the restrictions and provisions of paragraph 1 above, all portions of the Property shall be used only for industrial and commercial purposes and uses, as the same may be commonly defined by existing standards in the business community; provided however, that portions of the Property may be used for a golf course and other recreational uses.

3. Specific Disallowed Uses. Subject to, and without limiting the generality of, the provisions and restrictions set forth in paragraphs 1 and 2 above, and notwithstanding anything to the contrary herein, no portion of the Property shall be:

(a) used or occupied, either temporarily or permanently, for any residential use of any kind or nature. Residential use shall be defined broadly herein to include, but shall not be limited to, any use of the Property by individuals or families for purposes of personal living, dwelling, or overnight accommodations, whether such uses are in single family residences, apartments, duplexes, or other multiple residential dwellings, trailers, trailer parks, camping sites, motels, hotels, or any other dwelling use of any kind; or

(b) used for churches, schools (whether private or public), or hospitals, or any similar or related uses.

4. Construction Restrictions. Any use of and construction on any portion of the Property, in addition to complying with the restrictions and provisions of paragraphs 1, 2, and 3 above, shall be done in compliance with the provisions, restrictions, and requirements of the construction standards and glass requirements of Chapter 15.14 of the Salt Lake County Ordinances as the same exist on the date of this Declaration as specifically described in Exhibit "B" attached hereto. It is the intent of Declarant that such standards and requirements as set forth in Exhibit "B" constitute perpetual standards and restrictions binding upon the Property regardless of any future amendment to such ordinance by Salt Lake County, it being Declarant's intent to incorporate into this Declaration the restrictions, standards, requirements and provisions now described in Exhibit "B," and not to incorporate herein any ordinance (as it may be amended through time) of Salt Lake County.

5. Covenants to Run with the Land. This Declaration and all of the provisions hereof shall constitute covenants running with the land, or equitable servitudes, and shall be binding upon the Declarant, and all assigns and successors in interest who hereafter acquire any interest in any portion of the

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Property, and their respective grantees, transferees, heirs, deposeses, personal representatives, successors and assigns. Each owner or occupant of any portion of the Property shall comply with, and all interests in all portions of the Property shall be subject to, the terms of this Declaration and the provisions of any rules, regulations, agreements, instruments, and determinations contemplated by this Declaration. By acquiring any interest in any portion of the Property, the party acquiring such interest consents to and agrees to be bound by each and every provision of this Declaration.

6. Benefit and Enforcement. It is intended that the provisions and restrictions set forth in this Declaration will, and hereby do, benefit, at a minimum, each and every owner of any interest (whether fee owner, tenant, lender, or otherwise) in any portion of the Property, or in any portion of that certain real property described in Exhibit "C" attached hereto and incorporated herein by this reference (herein the "Benefitted Property"). Compliance with the covenants, conditions, restrictions and reservations set forth in this Declaration may be enforced through appropriate action by the fee owner of the Benefitted Property, its successors and assigns, or any lessee of the Benefitted Property to which such right is assigned. Said parties in interest shall have the right to enforce the provisions and restrictions of this Declaration by injunction or other lawful procedure, and/or shall be entitled to recover damages resulting from any violation hereof, including reimbursement of any and all legal fees, costs, and expenses incurred by such person in enforcing their rights hereunder.

7. Duration. The covenants and restrictions of this Declaration shall remain in full force and effect from the date this Declaration is filed for record with the office of the Salt Lake County Recorder, until a Notice of Termination is duly executed and recorded whereby all owners of a fee interest in the Benefitted Property agree to terminate this Declaration. In the event there are more than four individuals or entities then owning fee title to different portions of the Benefitted Property, then only a 75% affirmative vote of the fee owners shall be required to terminate this Declaration. Where any portion of the Benefitted Property is owned jointly by more than one person or entity, such joint owners shall be deemed to be one owner for purposes of this paragraph.

8. Partial Invalidity. The invalidation of any one of the restrictions or provisions of this Declaration or the failure to enforce any of the covenants, conditions and restrictions at any time of this Declaration, shall in no event affect or act to waive or invalidate any of the other restrictions and provisions of this Declaration, nor be deemed a waiver of the rights subsequently to enforce the covenants, conditions and restrictions hereof.

9. Miscellaneous. This Declaration shall be governed by and construed in accordance with the laws of the State of Utah. The provisions and restrictions of this Declaration shall be broadly construed and interpreted so as to accomplish the intents and purposes of this Declaration.

EXECUTED the day and year first above written.

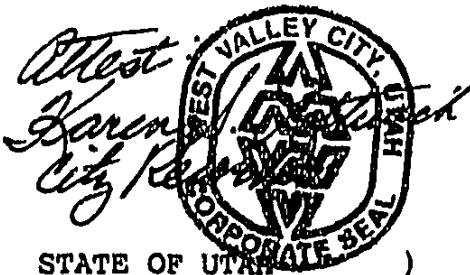
HERCULES INCORPORATED,  
a Delaware Corporation

By D. E. Thompson  
Its Bacchus Works Manager

The undersigned, West Valley City, hereby accepts as binding and enforceable upon it, its successors and assigns, the foregoing Declaration of Protective Covenants, Conditions and Restrictions.

EXECUTED this 30th day of March, 1988.

WEST VALLEY CITY, a body  
corporate



By Brent A. Acker  
Its MAYOR

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

On the 30th day of March, 1988, personally appeared before me D. E. Thompson, who being by me duly sworn, did say that he is the Manager of HERCULES INCORPORATED, that said instrument was signed in behalf of said corporation by authority of a resolution of its board of directors, and said D. E. Thompson acknowledged to me that said corporation executed the same.

My Commission Expires: 7-1-89  
DEBRA H. NEAL  
NOTARY PUBLIC  
STATE OF UTAH  
281:10

Debra H. Neal  
NOTARY PUBLIC  
Residing at: 6595 West 3500 South  
West Valley City, Utah 84120

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EXHIBIT "A"

The following described parcels of real property situated in Salt Lake County, State of Utah:

PARCEL A

Beginning at the West Quarter Corner of Section 14, Township 2 South, Range 2 West, Salt Lake Meridian; thence along the West line of the Northwest Quarter of said Section 14, North 00°06'00" West 1335.721 feet to the 40 acre line; thence along said 40 acre line South 89°40'29" East 344.804 feet to the West right-of-way line of the Kennecott Copper Corporation Railroad, as recorded in the Salt Lake County Recorder's office, entry No. 1045942, Book 481, page 276; thence along the West right-of-way line of said Railroad South 11°19'00" West 1188.520 feet to the beginning of a 11519.200 foot radius curve to the left, bearing to radius point being South 78°41'00" East; thence along the arc of said curve 690.265 feet through a central angle of 03°26'00"; thence North 82°07'00" West 15.000 feet to the beginning of a 11534.200 foot radius curve to the left, bearing to radius point being South 82°07'00" East; thence along the arc of said curve 704.584 feet through a central angle of 03°30'00"; thence South 85°37'00" East 15.000 feet to the beginning of a 11519.200 foot radius curve to the left, bearing to radius point being South 85°37'00" East; thence along the arc of said curve 473.528 feet through a central angle of 02°21'19"; thence North 87°58'00" West 50.000 feet to the beginning of a 11569.200 foot radius curve to the left, bearing to radius point being South 87°58'19" East; thence along the arc of said curve 362.391 feet through a central angle of 01°47'41"; thence South 00°14'00" West 375.527 feet; thence West 200.101 feet; thence South 197.811 feet; thence North 89°37'23" West 2184.960 feet; thence North 00°05'30" West 2617.587 feet to the East-west center section line of Section 15, Township 2 South, Range 2 West; thence along said center section line South 89°41'38" East 2555.390 feet more or less to the point of beginning. Containing 6,702,955.04 square feet or 153.88 acres more or less. Basis of bearing being the West line of the Northwest Quarter of section 14, Township 2 South, Range 2 West, Salt Lake Meridian, which has a bearing of North 00°06'00" West.

PARCEL B

Beginning at a point North 00°06'00" West 1335.721 feet along the West line of the Northwest Quarter of Section 14, Township 2 south, Range 2 West Salt Lake Meridian and South 89°40'29" East 446.672 feet along the 40 acre line from the West Quarter Corner of said Section 14 to the point of beginning. Said point of beginning also being a point on the East right-of-way line of the Kennecott Copper Corporation Railroad as recorded in the office of the County Recorder, entry No. 1045942, Book 481, page 276; thence continuing along said 40 acre line South 89°40'29" East 887.019 feet; thence South 00°06'39" East 1016.996 feet; thence North 89°56'30" West 991.319 feet; thence North 11°19'00" East 34.105 feet; thence North 78°41'00" West 100.000 feet to the East right-of-way line of said Kennecott Copper Corporation Railroad; thence along said East right-of-way line North 11°19'00" East 987.147 feet more or less to the point of beginning. Containing 1,004,816.34 square feet or 23.08 acres more or less. Basis of bearing being the West line of the Northwest Quarter of section 14, Township 2 South, Range 2 West, Salt Lake Base and Meridian, which has a bearing of North 00°06'00" West.

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HERCULES, INC.

PARCEL "C"

Part of North Half of Section 11

BEGINNING at a point that is North 00°01'59" West 12.035 feet along the Section Line and North 89°53'23" West 53.000 feet from the East Quarter Corner of Section 11, Township 2 South, Range 2 West, Salt Lake Base and Meridian; thence North 89°53'23" West 2608.158 feet parallel to the South line of the Northeast Quarter of Section 11 to the West line of the Northeast Quarter; thence South 00°00'49" West 12.035 feet to the Center of Section 11; thence North 89°53'23" West 2664.236 feet to the West Quarter Corner of Section 11; thence North 00°07'02" East 2624.038 feet along the Section Line to the Northwest Corner of Section 11; thence North 89°51'25" East 1871.498 feet along the Section Line; thence South 00°00'41" West 1316.156 feet to the North line of the South half of Northwest Quarter of Section 11; thence North 89°59'01" East 787.948 feet to the Northeast Corner of the South half of the Northwest Quarter of Section 11; thence North 00°00'49" East 1284.900 feet along the East line of the Northwest Quarter of Section to the South right-of-way line of 4700 South; thence North 89°51'11" East 1063.288 feet to the West line of the UP&L property; thence South 00°04'37" West 1602.746 feet along said West line; thence South 89°53'23" East 160.00 feet to the East line of UP&L property; thence North 00°04'37" East 1603.464 feet to the South right-of-way line of 4700 South Street; thence North 89°51'11" East 1402.763 feet to the West right-of-way line of 5600 West Street; thence South 00°01'59" East 408.209 feet to the North line of F.C. Stangl, III property; thence North 89°50'59" East 33.00 feet to the Section line; thence South 00°01'59" East 551.633 feet along the Section line; thence South 89°50'59" West 33.00 feet to the West right-of-way line of 5600 West Street; thence South 00°01'59" East 155.46 feet to the North line of the LDS Church property; thence North 89°53'23" West 497.00 feet; thence South 00°01'59" East 494.464 feet; thence South 89°53'23" East 477.00 feet to the West right-of-way line (53 feet) of 5600 West; thence South 00°01'59" East 992.793 feet to the point of beginning. Contains 281.921 Acres. Basis of bearing is from the Southeast Corner to the East Quarter Corner of Section 11, which is North 00°02'00" West.

HERCULES, INC.

PARCEL "D"

Part of the Southeast Quarter of Section 11

BEGINNING at the East Quarter Corner of Section 11, Township 2 South, Range 2 West, Salt Lake Base and Meridian; and running thence South 00°02'00" East 403.290 feet along the Section Line; thence North 89°53'23" West 645.000 feet; thence North 00°02'00" West 403.290 feet to the Quarter Section Line; thence South 89°53'23" East 645.000 feet along the Quarter Section Line to the point of beginning. Contains 5.271 Acres, including 5600 West right-of-way. Basis of bearing is from the Southeast Corner to the East Quarter Corner of section 11, which is North 00°02'00" West.

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HERCULES, INC.  
PARCEL "E"

Parts of the Southeast Quarter of Section 11

BEGINNING at a point that is South 00°02'00" East 465.299 feet along the Section line from the East Quarter Corner of Section 11, Township 2 South, Range 2 West, Salt Lake Base and Meridian; thence South 00°02'00" East 1129.349 feet along the Section line; thence North 89°39'43" West 753.001 feet; thence South 00°02'00" East 1053.010 feet to the Section line; thence North 89°39'43" West 512.133 feet along the Section line; thence North 00°00'40" West 53.001 feet to the North right-of-way line of 5400 South; thence North 89°39'43" West 180.765 feet to the UP&L property; thence North 00°02'33" West 1267.975 feet along the East line of UP&L property; thence North 89°46'30" West 48.73 feet; thence North 00°02'33" West 1320.836 feet to the North line of the Southeast Quarter; thence South 89°53'23" East 50.00 feet; thence South 00°02'00" East 599.987 feet; thence South 89°53'23" East 800.00 feet; thence North 00°02'00" West 134.71 feet; thence South 89°53'23" East 645.00 feet to the point of beginning. Contains 52.945 Acres. Basis of bearing is from the Southeast Corner to the East Quarter Corner of Section 11, which is North 00°02'00" West.

HERCULES, INC.  
PARCEL "F"

Part of the Southeast Quarter of Section 11

BEGINNING at a point that is North 00°04'18" East 333.00 feet from the South Quarter Corner of Section 11, Township 2 South, Range 2 West, Salt Lake Base and Meridian; thence North 00°04'18" East 984.507 feet; thence North 89°51'34" West 1.337 feet to the West line of the Southeast Quarter; thence North 00°00'49" East 719.538 feet; thence South 89°53'23" East 920.027 feet; thence South 00°04'18" West 1987.694 feet to the North right-of-way line of 5400 South; thence North 89°39'43" West 723.905 feet; thence North 00°15'28" East 232.990 feet to a point of a 60.00 foot radius curve to the right (bearing to the center of curve bears North 39°13'38" East); thence Northwest (orly 53.828 feet along the arc of said curve; thence North 89°39'43" West 172.60 feet to the point of beginning. Contains 40.643 Acres. Basis of bearing is from the Southeast Corner to the East Quarter Corner of Section 11, which is North 00°02'00" West.

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HERCULES, INC.

PARCEL "G"

Partial Reconveyance

Part of the Southwest Quarter of Section 11

BEGINNING at a point that is North 00°04'15" East 1361.800 feet (Deed - North 00°05'07" East 1361.800 feet) along the Section Line from the Southwest Corner of Section 11, Township 2 South, Range 2 West, Salt Lake Base and Meridian; thence North 00°04'15" East 930.940 feet (Deed - North 00°05'07" East 930.940 Feet) along the Section Line to the West Line of the Kennacott Copper Corporation right-of-way and a point of a 3759.80 foot curve to the right (bearing to the center of curve bears South 56°29'58" West (Deed - South 56°30'40" West); thence Southeasterly 1038.901 feet (Deed - 1038.895 feet) along the arc of said curve through a central angle of 15°49'54"; thence North 89°36'06" West 448.379 feet (Deed - North 89°35'27" West 448.424 feet) to the point of beginning. Contains 5.360 Acres. Basis of bearing is from the Southeast to the East Quarter Corner, which is North 00°02'00" West.



EXHIBIT "B"

[Salt Lake County Ordinance]

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APPENDIX B

ORDINANCE NO. 1012

DATE Aug 31, 1987

AN ORDINANCE AMENDING TITLE 15 OF THE SALT LAKE COUNTY CODE OF ORDINANCES 1986 BY ADDING CHAPTER 15.14 ENTITLED CONSTRUCTION STANDARDS IN OVERPRESSURE AREA.

SECTION I. Title 15 of the Salt Lake County Code of Ordinances 1986 is amended by adding Chapter 15.14 entitled Construction Requirements in Overpressure Area to read as follows:

Chapter 15.14

CONSTRUCTION STANDARDS IN OVERPRESSURE AREA

Sections:

- 15.14.010 Definition
- 15.14.020 Purpose
- 15.14.030 Applicability of Standards
- 15.14.040 Standards
- 15.14.050 Glass requirements

Section 15.14.010. Definition. The term "overpressure area" shall mean the 0.2 and greater overpressure area surrounding the Hercules Bacchus Works Property located south of 4100 South and west of 6400 West, Salt Lake County as shown on the map entitled "Overpressure Map" located in the County Planning Office at 2001 South State Street, which map is adopted as part of this ordinance and incorporated herein by reference.

Section 15.14.020. Purpose. Property within the overpressure area may be subject to significant overpressure

waves and fragments in the event of an accidental explosion of energized materials which are manufactured, stored, or handled. In order to provide for the health, safety and welfare of residents within the overpressure area, this ordinance provides construction standards for all property located within such area. These standards are required for development that is permitted within the overpressure area under Resolution No. 1491, adopted by the Board of County Commissioners on April 29, 1987, limiting development within the overpressure area during the pending master plan study for such area. Additional construction standards may be implemented as a result of that study.

15.14.030. Applicability of Standards. The standards herein shall be applicable to all new construction requiring a building permit within the overpressure area. Such construction shall include new buildings and/or modification or additions to existing buildings.

15.14.040. Standards.

(A) Commercial and industrial buildings where permitted in the 0.2, 0.3, 0.4, and 0.5 PSI overpressure areas must:

(1) be certified by a licensed structural engineer that the proposed structures are designed to withstand the wind loads of the overpressure area in which they are located on all exterior vertical and horizontal surfaces;

(2) Conform to the glass standards contained in Section 15.14.050.

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(B) Residential buildings where permitted in the 0.2, 0.3, 0.4 and 0.5 PSI overpressure areas must:

(1) be designed where feasible with windowless walls or minimum glass surfaces facing towards the center of the overpressure area. Where possible, the garage or carport should be placed on the side of the building facing the center of the overpressure area;

(2) shall conform to the glass standards contained in Section 15.14.050;

(3) be certified by a licensed structural engineer that the proposed structures are designed to withstand the wind loads of the overpressure area in which they are located on all exterior vertical and horizontal surfaces.

15.14.050. Glass requirements. (A) The window pane size requirements in the overpressure area shall be as follows:

<u>Overpressure</u>	<u>Maximum size of window pane</u>
Greater than 0.51 PSI	7.0 Sq. Ft.
0.41 to 0.50 PSI	9.0 Sq. Ft.
0.31 to 0.40 PSI	11.0 Sq. Ft.
0.26 to 0.30 PSI	14.0 Sq. Ft.
0.20 to 0.25 PSI	17.5 Sq. Ft.

B. Additional requirements:

1. All windows shall be doubled glazed.
2. Each layer of glass shall be a minimum thickness of one-eighth inch.
3. The size of pane is measured between mullions.
4. Each building located in the overpressure area must be designed where feasible to minimize

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the amount of glass facing the center of the overpressure area.

5. Maximum width of any window pane shall be four (4) feet.

C. The overpressure areas referred to in this section are based on an explosion of twenty thousand pounds of TNT equivalent for areas number one, two, and three, and sixty five thousand pounds of TNT equivalent for area number four. The approximate centers of the overpressure areas are:

Area #1 - 2,500 feet west of 7200 West Street, and 1,700 feet south of 4100 South Street.

Area #2 - 2,000 feet west of 6400 West Street, and 2,400 feet north of 5400 South Street.

Area #3 - 1,800 feet east of Highway 111, and 2,800 feet north of 5400 South Street.

Area #4 - 3,900 feet west of Highway 111, and 4,100 feet north of 5400 South Street.

D. Any deviations from the standards of paragraphs A and B shall be in compliance with and governed by the standards in Tables No. 54-A and 54-B of the 1985 edition of the Uniform Building Code.

SECTION II. In the opinion of the Board of County Commissioners it is necessary for the immediate preservation of the peace, health, safety, and welfare of the County and the inhabitants thereof that this ordinance shall be effective immediately upon publication in one issue of a newspaper published in and having general circulation in Salt Lake County.


APPROVED and ADOPTED this 31<sup>st</sup> day of Aug.

1987.

BOARD OF SALT LAKE COUNTY  
COMMISSIONERS

By:   
BART BARKER, Chairman

ATTEST:

  
H. DIXON HINDLEY,  
Salt Lake County Clerk  
(jp/150+)

Commissioner Barker Voting "aye"  
Commissioner Watson Voting "aye"  
Commissioner Stewart Voting "aye"

RECORDED  
INDEXED  
BY - H. Jones  
DATE - 8/31/87

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EXHIBIT "C"

[Benefitted Property]

Beginning at the Northeast Corner of Section 4, Township 2 South, Range 2 West, Salt Lake Base and Meridian; thence South  $00^{\circ}17'27''$  East 5280.63 feet along the Section Line to the Southeast Corner of Section 4, Township 2 South, Range 2 West; thence South  $89^{\circ}40'12''$  East 2639.60 feet along the Section Line to the North Quarter Corner of Section 10, Township 2 South, Range 2 West; thence North  $89^{\circ}42'23''$  East 2655.05 feet along the Section Line to the Northeast Corner of Section 10, Township 2 South, Range 2 West; thence South  $00^{\circ}05'30''$  West 5248.80 feet to the Southeast Corner of Section 10, Township 2 South, Range 2 West, Salt Lake Base and Meridian; thence North  $89^{\circ}42'42''$  West 2620.45 feet to the South Quarter Corner of Section 10, Township 2 South, Range 2 West, Salt Lake Base and Meridian; thence North  $89^{\circ}46'57''$  West 2625.00 feet to the Southeast Corner of Section 9, Township 2 South, Range 2 West, Salt Lake Base and Meridian; thence North  $89^{\circ}45'27''$  West 5377.50 feet to the Southwest Corner of Section 9, Township 2 South, Range 2 West, Salt Lake Base and Meridian; thence North  $00^{\circ}24'02''$  West 2200 feet, more or less to the South right-of-way of Highway U-111; thence Northwesterly 840 feet, more or less, along said South right-of-way to the North Line of the Southeast Quarter of Section 8, Township 2 South, Range 2 West, Salt Lake Base and Meridian; thence North  $89^{\circ}10'12''$  West 1513.60 feet, more or less to a point 162.00 feet West of the East Line of Lot 2; thence North  $00^{\circ}33'58''$  East 2613.19 feet to the North Line of Section 8; thence South  $89^{\circ}11'43''$  East 1040 feet, more or less, to the West line of a road; thence Northwesterly 5230 feet, more or less, to a point that is Southwesterly 642 feet from the North Quarter Corner of Section 5, Township 2 South, Range 2 West, Salt Lake Base and Meridian; thence South  $89^{\circ}52'00''$  East 2663.90 feet to the Northeast Corner of Section 5, thence South  $89^{\circ}47'13''$  East 2652.91 feet to the North Quarter Corner of Section 4, Township 2 South, Range 2 West, Salt Lake Base and Meridian; thence South  $89^{\circ}50'33''$  East 2669.82 feet to the point of beginning, and the Northeast Corner of Section 4, Township 2 South, Range 2 West, Salt Lake Base and Meridian.