

WHEN RECORDED MAIL TO:  
Southside Gravel, LLC  
1515 W. 2200 S. Suite C  
Salt Lake City, UT 84119

---

Tax ID: 06-023-0-0026 and 06-023-0-0028

### DECLARATION AND NOTICE OF VESTED MINING USE

THIS DECLARATION AND NOTICE OF VESTED MINING USE ("**Declaration**") is made effective as of the 5th day of April, 2016 by Southside Gravel, a Utah limited liability company, and its successors, affiliates, subsidiaries and assigns ("**Southside Gravel**"), with respect to the following:

1. **PROPERTY SUBJECT TO DECLARATION.** Southside Gravel and its affiliates, subsidiaries, and related parent company own or control certain real property including, without limitation, fee estates, leasehold estates, easement estates, undivided mineral interests, rights and leases located in Tooele County, State of Utah as more particularly described on Exhibit A attached hereto and incorporated herein by this reference together with all rights, privileges, easements, tenements, hereditaments, rights of way, leases, licenses and appurtenances that belong or appertain thereto including, without limitation, rights to all minerals, water, water rights and water stock, buildings, structures and other improvements (collectively, the "**Property**"). The location of the Property is generally depicted on the maps attached hereto as Exhibit B and incorporated herein by this reference.
2. **DECLARATION.** Southside Gravel hereby declares the following:
  - (a) Southside Gravel is a mine operator within the meaning of Utah Code Ann. § 17-41-101(9) and operates a mining use within the meaning of Utah Code Ann. § 17-41-101 (12);
  - (b) Southside Gravel mining use on and as to the Property constitutes a vested mining use with the meaning of Utah Code Ann. § 17-41-101(22); and
  - (c) Southside Gravel vested mining use is entitled to all of the rights, benefits and protections under Utah Code Ann. §§ 17-41-402.5, -501, -502 and -503.
3. **PURPOSE.** This declaration is prepared, pursuant to the Utah Code Ann. § 17-41-501(4)(a) for the purposes of recording notification as to the existence of a vested mining use with respect to the Property.
4. **MINING PROTECTION AREA.** The Property is located in a mining protection area pursuant to Utah Code Ann. § 17-41-101(11) and is entitled to all rights, benefits and protections under Utah Code Ann. §§ 17-41-306, -402 and -403.

5. AMENDMENTS AND SUPPLEMENTS. This Declaration and the description of the Property as set forth on Exhibit A and depicted on Exhibit B are not intended to incorporate all of the real property interests owned or controlled by Southside Gravel and its affiliates, subsidiaries, and related parent company that Southside Gravel has the right to include as part of Southside Gravel vested mining use. Southside Gravel, its successors and assigns, hereby reserve the right from time to time to: (a) remove all or portions of the Property from this Declaration and/or the mining protection area; (b) incorporate into this Declaration additional real property interests owned or controlled as of the date of this Declaration by Southside Gravel, its affiliates, subsidiaries, and related parent company; (c) add new land as defined by Utah Code Ann. § 17-41-101(14), and pursuant to Utah Code Ann. § 17-41-502, to this Declaration; and/or (d) correct errors in the legal descriptions for the Property. Any such removal, addition or correction hereunder shall be effective upon recording of an amendment or supplement to this Declaration. Any amendment or supplement to this Declaration to incorporate additional real property interests under subsection 5(b) as part of Southside Gravel vested mining use declared hereunder shall relate back to the date this Declaration is dated.
  
6. RUNS WITH THE LAND. The vested mining use declared hereunder shall run with and bind the land within the Property as provided by Utah Code Ann. § 17-41-501(2), subject to abandonment by Southside Gravel, its successors and assigns, pursuant to Utah Code Ann. § 17-41-503.
  
7. BINDING EFFECT: TERMINATION. The rights benefits and protections set forth in this Declaration shall inure to the benefit of, and be enforceable by Southside Gravel, its successors and assigns; provided, however, that this Declaration may be terminated in whole or part by Southside Gravel, its successors and assigns by an instrument in writing, property executed, acknowledged and filed with the Tooele County Recorder, as applicable.
  
8. ADDITIONAL INFORMATION. Additional information regarding this Declaration may be obtained by contacting the following:

Southside Gravel, LLC  
1515 W. 2200 S. Suite C  
Salt Lake City, UT 84119

Attn: Jay Harwood

(SIGNATURE PAGE FOLLOWS)



**EXHIBIT A  
TO  
DECLARATION AND NOTICE OF VESTED MINING USE**

---

(Legal Description of Property in Tooele County)

The land referred to in the foregoing instrument as the Southside Gravel Property is situated in the State of Utah, County of Tooele, and is more particularly described as follows:

**REAL PROPERTY**

All those certain lots, tracts, pieces, and parcels of land situated in Tooele County, in the State of Utah, bounded and described as follows:

Parcel 1:

Commencing at the West Quarter Corner of Section 32, Township 4 South, Range 5 West, Salt Lake Base and Meridian; thence South 00°42'31" East along the West line of the Southwest Quarter of said Section 32, a distance of 1,202.31 feet; thence North 89°17'52" East, a distance of 1,482.29 feet to the point of beginning; thence North 00°02'16" West, a distance of 2,416.66 feet; thence North 89°57'44" East, a distance of 2,173.35 feet; thence South 04°49'39" West, a distance of 814.05 feet; thence South 00°23'04" East, a distance of 689.87 feet; thence South 89°44'37" West, a distance of 701.98 feet; thence South 56°58'24" West, a distance of 1,676.86 feet to the point of beginning.

Contains: 3,834,736 Square Feet or 88.033 Acres, More or Less

(Tax Parcel No. 06-023-0-0026)

Parcel 2:

Commencing at the West Quarter of Section 32, Township 4 South, Range 5 West, Salt Lake Base and Meridian, said point also being the point of beginning; thence North 01°05'32" East along the West line of the Northwest Quarter of said Section 32, a distance of 1,556.52 feet; thence South 54°21'13" East, a distance of 266.78 feet to a point of a curve to the left having a radius of 900.00 feet and a central angle of 35°41'03"; thence Easterly along the arc a distance of 560.53 feet, (chord bears South 72°11'44" East, a distance of 551.51 feet); thence North 89°57'44" East, a distance of 723.89 feet; thence South 00°02'16" East, a distance of 2,416.66 feet; thence South 56°58'24" West, a distance of 39.34 feet; thence South 00°22'12" West, a distance of 98.36 feet to the South line of the North half of the Southwest Quarter of said Section 32; thence South 89°59'57" West along said South line, a distance of 1,447.31 feet to the West line of the Southwest Quarter of said Section 32; thence North 00°42'29" West along said West line, a distance of 1,303.98 feet to the point of beginning.

Contains: 3,848,834 Square Feet or 88.357 Acres, More or Less.

(Tax Parcel No. 06-023-0-0028)

EXHIBIT B  
TO  
DECLARATION AND NOTICE OF VESTED MINING USE

General Site Characteristics

