

15-18-100-018

COVER

5378018
23 NOVEMBER 92 08:10 AM
KATIE L. DIXON
RECORDER, SALT LAKE COUNTY, UTAH
SL CITY RECORDER
REC BY: DOROTHY SINFIELD, DEPUTY
SLC-SICLA
3/19/85

Dorothy Sinfield
Dorothy Sinfield

5378018

After recording, return to:
Salt Lake City Recorder

AVIGATION EASEMENT

Golden Alliance Investors

hereinafter referred to as "Grantor" hereby grants and conveys to SALT LAKE CITY CORPORATION, hereinafter referred to as "Grantee", for good and valuable consideration extended by the Grantee to the Grantor, in the form of Grantee's approval of development of Grantor's land by memorializing an existing prescriptive common law avigation easement associated with the existing aircraft activities in and around the Salt Lake City International Airport, the receipt and sufficiency of which are hereby acknowledged, a perpetual and assignable easement in the airspace above 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 airspace over the Real Property. The airspace shall mean that space above the Real Property which is above the height limit established for the Salt Lake City International Airport by the Revised Ordinances of Salt Lake City, which for the Real Property is that space above a flat plain 4526 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").

Said easement is granted under the condition that civil aircraft yearly average noise level does not exceed 75 LDN for Zone B and 65 LDN for Zone C as those zones are described in Figure 3-1 of the Salt Lake International Airport Land Use Policy Plan dated August, 1982, (a copy of Figure 3-1 of said Plan is attached hereto as Exhibit B and by reference incorporated herein), or the equivalent to 65 LDC and 75 LDN, as appropriate, if a designation other than LDN is adopted by the U.S. Federal Government and is recognized as the generally accepted environmental noise descriptor, in which case the alternate equivalent designation shall apply. Zone A, as described in said Plan, shall not be restricted to any maximum yearly average noise level. During any period the maximum yearly average noise level was exceeded on any particular property by civil aircraft within Zone B or Zone C, this easement shall be inoperative solely with respect to the levels of noise exceeding the maximum levels authorized above for said property. However, on all other portions of the property where it cannot be proven that the authorized noise levels have been exceeded, this easement shall remain in full force and effect.

Grantor further agrees that the easement and rights hereby granted to the Grantee in the Airspace above and over the Real Property are for the purpose of insuring that the Airspace shall remain free and clear for the flight of aircraft in landing at or taking off from or otherwise using the Salt Lake City International Airport described in Exhibit C 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,

BK6559FC1226

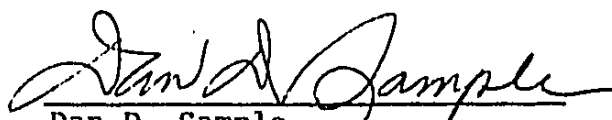
guests, invitees, including any and all persons, firms or corporations operating aircraft to or from the Airport, in perpetuity Said easement, together with all things which may be alleged to be incidental to or to result from the use and enjoyment of said easement, shall run with the land and be binding upon and enforceable against all successors in right, title or interest to said Real Property and shall be unlimited as to frequency.

Grantor agrees that it, its heirs, successors and assigns shall not hereafter 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, subject to the noise limitations described above.

Grantor further agrees that all structures to be constructed on Grantor's Real Property described on Exhibit A shall provide and maintain applicable sound attenuation ordinance requirements to insulate occupants from noise to mitigate any adverse impact from aircraft noise.

Grantor acknowledges that Grantor has signed and granted this easement with the height of the easement unspecified and blank. Grantor agrees that grantee may fill in the blank at the elevation required by regulation and accepts that interlineation as part of the grant of easement without grantors further signature or approval.

WITNESS the hand of Grantor this 16th day of May, 198⁹¹


Dan D. Sample
Golden Alliance Investors
General Partner

ATTEST:


TITLE:
Executive Secretary

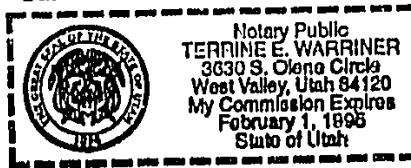
STATE OF UTAH)
)ss.
County of Salt Lake)

On the 16th day of May, 198⁹¹, personally appeared
before me Dan D. Sample, the
signer(s) of the foregoing instrument, who dully acknowledged to me that
they executed the same.

Terrine E. Warriner
NOTARY PUBLIC, residing in
Salt Lake County, Utah

My Commission Expires:

2-1-95



(individual acknowledgement)

ACKNOWLEDGEMENT

STATE OF UTAH)
)ss.
County of Salt Lake)

On this _____ day of _____, 198_ A.D., personally appeared before me, the undersigned Notary Public in and for said County of Salt Lake in said State of Utah, _____, who being by me duly sworn, deposed and said _____ is the _____ of _____, a Utah Corporation, that the above Avigation Easement was signed by _____ and duly acknowledged to me that the foregoing instrument was signed in behalf of said corporation by authority of a resolution of its board of directors, and said officers acknowledged to me that said corporation. executed the same.

NOTARY PUBLIC, residing in
Salt Lake County, Utah

My Commission Expires:

(corporation acknowledgement)

BK6559Pg1229

ACKNOWLEDGEMENT

STATE OF UTAH)
)ss.
County of Salt Lake)

On this _____ day of _____, 198_ A.D., personally appeared before me, the undersigned Notary Public in and for said County of Salt Lake in said State of Utah, _____ and _____, who being by me duly sworn, deposed and said _____ they are _____ and _____, respectively of a Utah Partnership, and that the above Avigation Easement was signed by them and duly acknowledged to me that the foregoing instrument was signed in behalf of said partnership by authority therein vested, and said partners acknowledged to me that said partnership executed the same.

NOTARY PUBLIC, residing in
Salt Lake County, Utah

My Commission Expires:

(partnership acknowledgement)

EXHIBIT "A"

The following description is the Grantor's Real Property situated in Salt Lake County, commonly referred to as Subdivision.

Description: (Tax Parcel No. 15-18-100-018)

PARCEL 1:

All of Lot 7, Centennial Industrial Park, Phase V, Salt Lake City, Salt Lake County, Utah, the plat which was recorded on August 03, 1979, as Entry No. 3316753, records of said County, and also a parcel of land adjoining said Lot 7 being in the West half (W 1/2) of Section 18, Township 1 South, Range 1 West of the Salt Lake Base Meridian, said parcel being more particularly described as follows:

Beginning at the southwest corner of said Lot 7; thence along the westerly prolongation of the southerly line of said Lot 7, South 89°52'37" West 175.00 feet; thence parallel with the westerly line of said Lot 7, North 00°07'23" West 300.00 feet to a point on the westerly prolongation of the northerly line of said Lot 7; thence along said westerly prolongation, North 89°52'37" East 175.00 feet to the northwest corner of said Lot 7; thence along the westerly line of said Lot 7, South 00°07'23" East 300.00 feet to the point of beginning.

PARCEL 2:

A parcel of land situate in the West half (W 1/2) of Section 18, Township 1 South, Range 1 West of the Salt Lake Base and Meridian, Salt Lake City, Salt Lake County, Utah, said parcel also being a portion of Lot 14, Centennial Industrial Park, Phase V, recorded August 03, 1979, as Entry No. 3316753, records of said County, bounded and described as follows:

Beginning at the most Northerly corner of said Lot 14, said corner being the most Northerly corner of a parcel of land conveyed by Union Pacific Land Resources Corporation to Los Angeles and Salt Lake Railroad Company, by Quitclaim Deed dated March 21, 1980, said corner also being the beginning of a non-tangent curve, concave Southwesterly, to which point a radial line bears North 62°50'05" East 459.28 feet; thence along the Westerly boundary of said conveyed parcel and along the Westerly line of said Lot 14, the following (2) courses: (1) Southeasterly, along said curve,

BK 6559FC 1231

SCHEDULE A

through a central angle of 27°02'32", 216.77 feet;
(2) South 0°07'23" East 729.97 feet to the Southwest corner of said conveyed parcel; thence along the Southerly line of said conveyed parcel, North 89°52'37" East 231.50 feet to a Westerly corner of a parcel of land conveyed by Union Pacific Land Resources Corporation to Wheeler Machinery Company, by Warranty Deed, dated April 11, 1980; thence along the boundary of said conveyed parcel, the following two (2) courses: (1) South 45°07'23" East 231.26 feet; (2) South 0°07'23" East 102.98 feet to a point on a non-tangent curve, concave Easterly to which point a radial line bears North 0°07'23" West 70.00 feet, said point also being on the boundary of said Lot 14; thence along the boundary of said Lot 14, the following four (4) courses: (1) Southerly, along said curve, through a central angle of 136°11'16" 166.39 feet to the beginning of a reverse curve, concave Southwesterly, having a radius of 60.00 feet; (2) Southeasterly, along said curve, through a central angle of 46°11'13" 48.37 feet; (3) South 0°07'23" East 523.19 feet; (4) South 89°52'37" West 365.00 feet to the Southwest corner of said Lot 14; thence along the Westerly prolongation of the Southerly line of said Lot 14, South 89°52'37" West 175.00 feet; thence parallel with the Westerly line of said Lot 14, North 0°07'23" West 1253.48 feet; thence North 10°55'48" East 650.88 feet to the point of beginning.

Subject to the rights of Union Pacific over any portion lying within the railroad right of way.

Subject to a non-exclusive right to a perpetual easement described as follows:

A strip of land forty (40.0) feet in width being a portion of Lot 14, Centennial Industrial Park, Phase V, Salt Lake City, Salt Lake County, Utah, Recorded No. 3316753 on August 03, 1979, in the Office of Recorder of said County, said strip of land being all of that land lying between lines parallel with and 20.0 feet distant each side of the following described centerline, and said centerline prolonged:

SCHEDULE A

Beginning at a point on a curve, at a Northerly terminus of 4490 West Street, from which point the center of said curve bears South $0^{\circ}07'23''$ East, a distance of 70.0 feet; thence North $0^{\circ}07'23''$ West, along said centerline prolonged Northerly, a distance of 102.98 feet; thence North $45^{\circ}07'23''$ West, a distance of 231.26 feet, to a point that is 231.5 feet distant Easterly measured at right angles from the Westerly line of said Lot 14; thence continuing North $45^{\circ}07'23''$ West, a distance of 20.0 feet to a point that is beyond the limits of the strip of land described.

SALT LAKE INTERNATIONAL AIRPORT

BOUNDARY DESCRIPTION

Beginning at a point 806.03 feet N. $0^{\circ} 02' 38''$ E. of the South 1/4 corner of Section 33, Township 1 North, Range 1 West, Salt Lake Base and Meridian, said point being on the Northerly right-of-way line of North Temple Street, and running thence S. $89^{\circ} 58' 38''$ W. 340.71 feet along said right-of-way line; thence S. $0^{\circ} 02' 38''$ W. 805.75 feet to the South line of Section 33, thence N. $89^{\circ} 58' 33''$ E. 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, T.1S., R.1W.); thence S. $0^{\circ} 11' 26''$ E. 2,290.43 feet to the northerly right-of-way of the Western Pacific Railroad main line siding; thence S. $77^{\circ} 49' 01''$ W. 581.95 feet; thence S. $0^{\circ} 12' 04''$ E. 238 feet, more or less, to the 1/4 section line; thence S. $89^{\circ} 57' 09''$ W. 188 feet, more or less; thence N. $0^{\circ} 12' 04''$ W. 197 feet, more or less, to the northerly right-of-way line of the Western Pacific Railroad main line siding; thence S. $77^{\circ} 49' 01''$ W. 1,932.50 feet to the west line of said Section 4 (said line is also the east line of Section 5, T.1S., R.1W.); thence S. $77^{\circ} 49' 01''$ W. 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 S. $78^{\circ} 00' 55''$ W. 1,343

feet, more or less, to the west line of said Section 5 (said line is also the east line of Section 6, T.1S., R.1W.); thence S. $78^{\circ} 00' 55''$ W. 238 feet, more or less, to the westerly highway right-of-way and non-access line of UDOT Project #I-80-3(5)116; thence N. $1^{\circ} 25' 59''$ W. 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 N. $1^{\circ} 50' 34''$ W.); 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 N. $34^{\circ} 24' 21''$ W.); thence N. $63^{\circ} 47' 38''$ W. 1,084.09 feet; thence N. $55^{\circ} 55' 36''$ W. 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 N. $51^{\circ} 35' 12''$ W.); thence Northwesterly 246.45 feet along said curve; thence N. $57^{\circ} 07' 49''$ W. 100.52 feet; thence N. $57^{\circ} 27' 53''$ W. 328.82 feet; thence N. $57^{\circ} 47' 59''$ W. 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 N. $58^{\circ} 28' 02''$ W.); 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 N. $4^{\circ} 58' 32''$ W. 4,445.67 feet to the north line of Section 31, T.1N., R.1W.; 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, T.1N., R.1W.; thence East 10,560 feet to the northeast corner of Section 17, T.1N., R.1W.; thence South 5,280 feet to the northwest corner of Section 21, T.1N., R.1W.; thence East

BK6559pc1235

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 S. 89° 58' 38" W. 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.)

BY: G. Larry Jones

CHECKED: Michael F. Widdison

ACCOUNT NO: 19-A-1

DATE: October 29, 1982 (Revised)

BK6559pc1236