

AVIGATION EASEMENT

6002654
01/12/95 2:12 PM ***NO FEE**
NANCY WORKMAN
RECORDER, SALT LAKE COUNTY, UTAH
SL CITY - RECORDER
REC BY: S WEST ,DEPUTY - WI

6002654

Avigation Easement affecting county tax parcel number's
27-06-100-004-0000
27-06-100-005-0000
27-06-100-006-0000
27-06-100-007-0000
27-06-100-008-0000

FAYE THOLEN and RICHARD G. THOLEN, trustees or their successor in trust as trustees of the Faye Tholen Family Trust dated November 22, 1993, as to Parcel 1; MARGARET THOLEN BURGON Trustee of the Margaret Tholen Burgon Trust, as to Parcel 2; THE C. EDSEL and ZETTA THOLEN TRUST, dated the 29th day of June 1992, C. EDSEL, THOLEN and ZETTA THOLEN, TRUSTEE, as to Parcel 3; BEVERLY J. STRODE and ROSS D. STRODE, as to Parcel 4; RAYMOND W. THOLEN, Trustee or his successors in trust as Trustees of the Raymond W. Tholen Family Trust under Agreement dated April 2, 1993, as to Parcel 5. hereinafter referred to as "Grantor" hereby grants and conveys to SALT LAKE CITY CORPORATION, hereinafter referred to as "Grantee", for good and valuable consideration given by the Grantee to the Grantor in the form of Grantee's approval development of Grantor's land by memorializing an existing prescriptive common law avigation associated with the Airport activities of the Salt Lake City Airport II, 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 airspace over the Real Property above a flat plain 4753 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").

Grantor further agrees that the easement and rights hereby granted to the Grantee in and over the Real Property are for the purpose of insuring that the Airspace shall remain free and clear for the flight of an aircraft in landing or taking off at or otherwise using the Salt Lake City Airport II 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 corporation operation 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 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.

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 annoyance as may be inherent in, or may arise or occur from or during the operation of aircraft.

In the event Grantee permits in excess of 400 Aircraft to be based at Salt Lake City Airport II at any time, this easement shall terminate and all rights shall revert to the fee owners of the "Real Property" at the time of termination if Grantor does not restrict the number of such aircraft to 400 or less within 30 days after written notice has been sent by Grantor or its successors in interest notifying Grantee that the number of aircraft based at Salt Lake City Airport II exceeds 400.

WITNESS the hand of Grantor this day of

8K 7086P60603

RIDER TO BE ATTACHED TO AND MADE A PART OF LEGAL DESCRIPTION.

PARCEL NO. 1:

Beginning at the Northwest corner of Section 6, Township 3 South, Range 1 West, Salt Lake Base and Meridian; and running thence South $89^{\circ}47'50''$ East along the Section line of 2341.00 feet to the Westerly right of way line of the Denver and Rio Grande Railroad; thence South $20^{\circ}44'48''$ East along said right of way line 310.93 feet; thence North $89^{\circ}47'50''$ West 2450.72 feet to the West line of Section 6; thence North $0^{\circ}05'00''$ West along said West Section line 290.38 feet to the point of beginning.

PARCEL NO. 2:

Beginning at a point which is South $0^{\circ}05'00''$ East along the Section Line 290.38 feet from the Northwest corner of Section 6, Township 3 South, Range 1 West, Salt Lake Base and Meridian; and running thence South $89^{\circ}47'50''$ East 2450.72 feet to the Westerly right of way line of the Denver and Rio Grande Railroad; thence South $20^{\circ}44'48''$ East along said right of way line 297.64 feet; thence North $89^{\circ}47'50''$ West 2555.75 feet to the West line of Section 6; thence North $0^{\circ}05'00''$ West along said West Section line 277.97 feet to the point of beginning.

PARCEL NO. 3:

Beginning at a point which is South $0^{\circ}05'00''$ East along the Section line 568.35 feet from the Northwest corner of Section 6, Township 3 South, Range 1 West, Salt Lake Base and Meridian; and running thence South $89^{\circ}47'50''$ East 2555.75 feet to the Westerly right of way line of the Denver and Rio Grande Railroad; thence South $20^{\circ}44'48''$ East along said Westerly right to way line 285.90 feet; thence North $89^{\circ}47'50''$ West 2656.64 feet to the West line of Section 6; thence North $0^{\circ}05'00''$ West along said West section line 267.00 feet to the point of beginning.

PARCEL NO. 4:

Beginning at a point which is South $0^{\circ}05'00''$ East along the Section line 835.35 feet from the Northwest corner of Section 6, Township 3 South, Range 1 West, Salt Lake Base and Meridian; and running thence South $89^{\circ}47'50''$ East 2656.64 feet to the Westerly right of way line of the Denver and Rio Grande Railroad; thence South $20^{\circ}44'48''$ East along said Westerly right of way line 275.41 feet; thence North $89^{\circ}47'50''$ West 2753.83 feet to the West line of Section 6; thence North $0^{\circ}05'00''$ West along said West Section line 257.21 feet to the point of beginning.

SEE ATTACHED

BK 7086 PG 0604

EXHIBIT "A" CONT.

File No. 120885

RIDER TO BE ATTACHED TO AND MADE A PART OF LEGAL DESCRIPTION.

PARCEL NO. 5:

Beginning at a point which is South 00°05'00" East along the Section line 1092.56 feet from the Northwest corner of Section 6, Township 3 South, Range 1 West, Salt Lake Base and Meridian; and running thence South 89°47'50" East 2753.83 feet to the Westerly right of way line of the Denver and Rio Grande Railroad; thence South 20°44'48" East along said Westerly right of way line 266.02 feet; thence North 89°47'50" West 2847.70 feet to the West line of Section 6; thence North 00°05'00" West along said West Section line 248.44 feet to the point of beginning.

Situate in Salt Lake County, State of Utah.

BK 7086Pe0605

GRANTOR

ATTACHMENT TO AVIGATION EASEMENT

APPROVED BY, WITNESS MY HAND
THIS 11 DAY OF July, 1994

Faye Tholen
FAYE THOLEN, Trustee

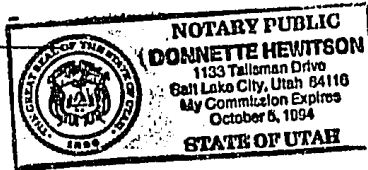
Richard G. Tholen
RICHARD G. THOLEN, Trustee

STATE OF Utah
COUNTY OF Salt Lake

On the 11 day of July, 1994, personally appeared before me FAYE THOLEN and RICHARD G. THOLEN, Trustees of the FAYE THOLEN FAMILY TRUST DATED NOVEMBER 22, 1993 signer(s) of the foregoing instrument, who duly acknowledged to me that (t)he(y) executed the same.

Donnette Hewitson
Notary Public

Commission Expires: 10/5/94
Residing At: 360, 248



BK 7086PG0606

GRANTOR

ATTACHMENT TO AVIGATION EASEMENT

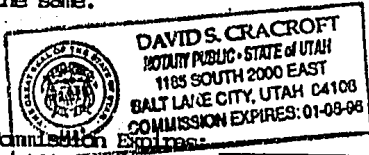
APPROVED BY, WITNESS MY HAND THIS
10 DAY OF July, 1994

Margaret Tholen Burgon
MARGARET THOLEN BURGON, trustee

STATE OF UTAH

COUNTY OF SALT LAKE

On the 10th day of July, 1994, personally appeared before me MARGARET THOLEN BURGON, trustee of the MARGARET THOLEN BURGON TRUST the signer(s) of the foregoing instrument, who duly acknowledged to me that (t)he(y) executed the same.



David S. Cracroft
Notary Public

Commission Expires: _____
Residing At: _____

BK 7086PS0607

GRANTOR

ATTACHMENT TO AVIGATION EASEMENT

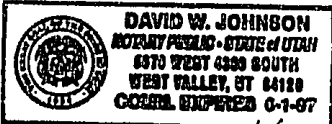
APPROVED BY, WITNESS MY HAND
THIS 13TH DAY OF JULY, 1994

 (Trustee)
RAYMOND W. THOLEN, Trustee

STATE OF UTAH

COUNTY OF SALT LAKE

On the 13TH day of JULY, 1994, personally appeared before me
RAYMOND W. THOLEN, Trustee of the RAYMOND W. THOLEN FAMILY TRUST, dated April 2,
1993
signer(s) of the foregoing instrument, who duly acknowledged to me that (t)he(y)
executed the same.



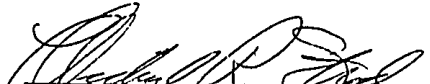

Notary Public


Commission Expires: 01/01/97
Residing At: Salt Lake County, UTAH

BK 7086Pg0608

ATTACHMENT TO AVIGATION EASEMENT

APPROVED BY, WITNESS MY HAND THIS 16th DAY OF July, 1994.



BEVERLY J. STRODE by MICHAEL STRODE
her attorney in fact

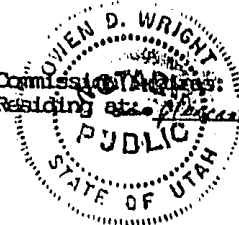

ROSS D. STRODE by MICHAEL STRODE
his attorney in fact

STATE OF UTAH

COUNTY OF SALT LAKE

On the 16th day of July, 1994, personally appeared before me
Michael Strode, who being duly sworn or affirmed did say that
(s)he is the attorney-in-fact of BEVERLY J. STRODE, and that said instrument was
signed in behalf of said grantor by authority, and said
acknowledged to me that (s)he, as such
attorney-in-fact, executed the same.


Notary Public


Commission Expires: 14 Aug 95
Residing at: Placent Grove, UT
PUBLIC
STATE OF UTAH

BK 7086PC0609

GRANTOR

ATTACHMENT TO AVIGATION EASEMENT

APPROVED BY WITNESS MY HAND THIS
14th DAY OF JULY, 1994

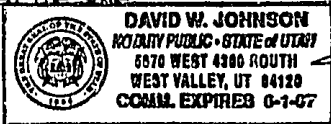
C. Edsel Tholen
C. EDEL THOLEN, Trustee

Zetta Tholen
ZETTA THOLEN, Trustee

STATE OF UTAH

COUNTY OF SALT LAKE

On the 14th day of JULY, 19 94, personally appeared before me C. EDEL THOLEN and ZETTA THOLEN as trustees of the C. EDEL AND ZETTA THOLEN TRUST, dated June 29, 1992, signer(s) of the foregoing instrument, who duly acknowledged to me that (t)he(y) executed the same.



[Signature]
Notary Public

Commission Expires: 06-01-94
Residing At: SALT LAKE COUNTY, UTAH

BK 7086PG 0610

EXHIBIT "B"

16.08.030 Salt Lake City Airport II—
Master plan—Boundaries
described.

The exterior boundaries of Salt Lake City Airport II are particularly described as follows:

Beginning N 7°22'49" E 50.00 feet from the Southeast corner of Section 30, Township 2 South, Range 1 West, Salt Lake Base & Meridian, said point of beginning being Station 92 + 36.66 North 13 + 24.99 East of the Airport Grid System (AGS); thence N 82°41'31" W 169.62 feet; thence N 7°26'20" E 16.21 feet to the fence corner; thence N 7°26'20" E 337.93 feet to the fence corner; thence N 82°32'45" W 349.48 feet to the fence corner; thence S 7°35'58" W 337.67 feet to the fence corner; thence S 7°35'58" W 17.36 feet; thence N 82°41'31" W 54.60 feet to a point 75 feet left of Engineer's Station 501 + 87.6 UDOT Project #S-6 of the New Bingham Highway Project; thence westerly 115.03 feet along the arc of a 3894.8 foot radius curve to the left (chord bears N 89°54'31" W 115.03 feet) to a point 75 feet left of Engineer's Station 500 + 74.8 of said Project #S-6; thence N 82°28'48" W 1951.86 feet to a point N 7°22'59" E 33.0 feet from the South quarter corner of said Section 30; thence N 82°28'35" W 363.48 feet; thence N 0°06'30" E 5335.05 feet; thence N 7°29'40" E 5253.51 feet; thence S 82°25'19" E 2258.43 feet; thence S 7°22'56" W 2609.21 feet; thence S 82°26'24" E 864.23 feet; thence South 2669.45 feet; thence S 82°25'57" E 203.58 feet to the Northeast corner of said Section 30; thence S 7°22'55" W 2659.16 feet to the quarter corner; thence S 7°22'49" W 2609.11 feet to the point of beginning and containing 32,168,993 sq. ft. (738.4985 acres); and

Beginning N 7°22'59" E 64.55 feet from the South quarter corner of Section 30, Township 2 South, Range 1 West, Salt Lake Base & Meridian (said point of beginning is at Station 95 + 96.68 North 12 + 91.09 West of the AGS); thence N 82°28'36" W 359.59 feet; thence N 0°01'21" E 1764.92 feet; thence N 89°58'03" E 840.41 feet; thence S 0°00'32" E 706.79 feet; thence S 44°52'57"

W 13.79 feet; thence S 44°50'31" E 264.06 feet; thence S 0°08'23" E 996.32 feet; thence N 82°28'36" W 669.38 feet to beginning and containing 1,721,428 sq. ft. (39.5185 acres); and

Beginning at a point on the West line of 4560 West Street which bears N 82°28'35" W 425.83 feet and N 0°06'30" E 818.46 feet from the South quarter corner of Section 30, Township 2 South, Range 1 West, Salt Lake Base & Meridian. Said point of beginning at Station 104 + 06.88 North 17 + 20.00 West of the Airport Grid System (AGS); thence N 0°06'30" E 1001.84 feet; thence N 89°58'03" W 759.90 feet to the East railroad right-of-way line; thence S 13°13'51" W 636.78 feet; thence southerly 387.22 feet along the arc of a 2814.93 foot radius curve to the left (chord bears S 9°17'24" W 386.92 feet); thence S 89°58'03" E 966.21 feet to the point of beginning and containing 874,825 sq. ft. (20.0832 acres); and

Beginning N 07°22'49" E 50.00 feet from the Southwest Corner of Section 29 Township 2 South, Range 1 West, Salt Lake Base & Meridian (said point being Station 92 + 36.66 N 13 + 24.99 E of the Airport Grid System); thence N 07°22'49" E 2609.11 feet to the quarter corner; thence N 07°22'55" E 1088.46 feet; thence South 3729.33 feet to the North line of 7800 South Street; thence N 82°31'01" W 479.09 feet to beginning and containing 885,771 sq. ft. (20.335 acres) more or less; and

Beginning S 07°49'41" W 33.00 feet from the Northeast corner of the Northwest quarter of the Northeast quarter of Section 31, Township 2 South, Range 1 West, Salt Lake Base & Meridian (said point of beginning being Station 93 + 27.17 North 0 + 05.10 East of the AGS); thence N 82°28'48" W 800.19 feet; thence S 07°50'00" W 443.06 feet to a point 75 feet left of Engineers Station 485 + 72.58 of UDOT Project S-6 (Bingham Highway) at a point N 66°14'50" E 63.18, chord bearing and distance from the right-of-way marker; thence northeasterly 882.15 feet along the arc of a 3894.8 foot radius curve to the right (chord bears N 73°12'03" E 880.28); thence N 07°49'41" E 80.53 to beginning and containing 194,834 sq. ft. (4.4728 acres); and

Beginning N 82°22'23" W 33.00 feet from the East quarter corner of Section 31, Township 2

BK 7086PG0611

South, Range 1 West, Salt Lake Base & Meridian, being at Station 66 + 05.89 North 9 + 30.71 E of the Airport Grid System; thence N 82°22'23" W 2608.27 feet to the center of said section; thence N 07°50'06" E 1302.46 feet to the one-sixteenth corner; thence S 82°25'36" E 564.78 feet to an existing iron pin; thence N 07°48'43" E 695.61 feet to an existing iron pin 60 feet right of Engineer's Station 485 + 42.3 of UDOT Project S-6 of the New Bingham Highway at a point N 66°01'13" E 31.20 feet, chord bearing and distance from the right-of-way marker; thence northeasterly 1169.89 feet along the arc of a 3759.80 foot radius curve to the right (chord bears N 75°10'20" E 1165.175 feet), to a point 60 feet right of Engineer's Station 497 + 30.84 of said highway project (said point also bears S 5°42'11" E 3.06 feet from an existing aluminum cap); thence S 05°42'11" E 982.52 feet to an existing aluminum cap; thence N 82°51'18" W 35.70 feet to an existing iron pin; thence S 07°47'49" W 545.17 to an existing iron pin; thence S 82°35'11" E 587.07 feet to an existing rebar with cap #8069; thence S 07°39'32" W 103.02 feet to the point of intersection of the existing fence projected West; thence S 82°08'10" E 186.31 feet; thence S 07°49'16" W 840.51 feet to the point of beginning and containing 4,268,958 sq. ft. (98.0018 acres).

Total airport property 920.9098 acres (Ord. 56-94 § 1, 1994; prior code § 2-17-3)

BK 7086 PG 06 12