6966729 09:53 AM 05/19/98 28.00 HANCY WORKMAN RECORDER, SALT LAKE COUNTY, UTAH LEGACY LAND TITLE REC BY:V VEGA DEPUTY - WI

### **SPECIAL WARRANTY DEED**

SALT LAKE CITY CORPORATION, a municipal corporation of the State of Utah, whose mailing address is 451 South State Street, Room 245, Salt Lake City, Utah 84111, as "GRANTOR", hereby specially conveys and warrants against acts of itself and none other, to BOYER AIRPORT CENTER, L.C., whose mailing address is 127 South 500 East, Suite 100, Salt Lake City, Utah 84102, as "GRANTEE," for the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, all of its interest in the following described tract of land situated in Salt Lake County, State of Utah, to-wit:

> Legal Description Attached Hereto As Exhibit "A".... (Affecting Sidwell No. 08-28-200-003 and 08-28-400-009.)

RESERVING an easement for avigation retained by the grantor as set forth on Exhibit "B" attached hereto and made a part hereof

SUBJECT TO all existing rights-of-way and easements of all public utilities or private third parties of any and every description now located on, in, under or over the confines of the above described property, and the rights of entry thereon for the purposes of obtaining, altering, replacing, removing, repairing or rerouting said utilities and all of them. said utilities and all of them.

WITNESS the hand of said Grantor this

MAY 1 2 1998

Mayor

CITY REGORDE

ATTEST AND COUNTERSIGN:

APPROVED AS TO FORM Lake City Attorney's Office

STATE OF UTAH

) ss.

)

County of Salt Lake

The foregoing instrument was acknowledged before me this day of MAY 1 2 1998 Christine Meeker by DEEDEE CORRADINI and , in their capacities as

Mayor and Deputy City Recorder, respectively, SALT CORPORATION, a municipal corporation of the State of Utah.

NOTARY PUBLIC STATE OF UTAH CRANDALL

NOTARY PUBLIC, Residing in ✓Salt Lake County, Utah

of

BK7980P6242

#### **EXHIBIT "A" TO SPECIAL WARRANTY DEED**

#### LEGAL DESCRIPTION

BEGINNING AT A POINT THAT IS ON THE WEST RIGHT-OF-WAY AND N/A LINE OF UTAH DEPARTMENT OF TRANSPORTATION PROJECT NO. 1-215-9(6)297, A POINT THAT IS SOUTH 89 DEGREES 51' 18" WEST 309.25 FEET FROM THE NORTHEAST CORNER OF SECTON 28, TIN, RIW, SALT LAKE BASE AND MERIDIAN: THENCE SOUTH ALONG THE WEST RIGHT-OF-WAY/N/A LINE THE FOLLOWING FIVE COURSES, SOUTH 00 DEGREES 41' 49" EAST 30.27 FEET; THENCE SOUTH 00 DEGREES 41' 49" EAST 1206.28 FEET TO A RIGHT-OF-WAY MARKER; THENCE SOUTH 00 DEGREES 41'53" EAST 540.83 FEET TO A RIGHT-OF-WAY MARKER; THENCE SOUTH 00 DEGREES 44' 11" EAST 1000.10 FEET TO A RIGHT-OF-WAY MARKER: THENCE SOUTH 04 DEGREES 52' 05" WEST 699.29 FEET; THENCE NORTH 89 DEGREES 51' 50" WEST 974.30 FEET TO THE EAST RIGHT-OF-WAY LINE OF 2200 WEST STREET; THENCE NORTH 00 DEGREES 02' 38" EAST 3469.19 FEET ALONG THE EAST RIGHT-OF-WAY OF 2200 WEST STREET TO A POINT OF INTERSECTION WITH ON THE NORTH LINE OF SECTION 28, T1N, R1W; THENCE NORTH 89 DEGREES 51' 07" EAST 996.51 FEET ALONG THE NORTH LINE OF SECTION 28 TO THE POINT OF BEGINNING, CONTAINING 80.69 ACRES, MORE OF LESS.

LESS AND EXCEPTING THEREFROM THAT CERTAIN
PROPERTY CONVEYED TO UTAH POWER AND LIGHT COMPANY BY
A QUIT CLAIM DEED RECORDED MAY 12, 1987 AS ENTRY NO.
4455573 IN BOOK 5916 AT PAGE 2506. SAID PROPERTY MORE
PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

A TRACT OF LAND SITUATED IN THE NORTH 1/2 OF THE NORTHEAST '4 OF SECTION 28, TOWNSHIP 1 NORTH, RANGE 1 WEST, SALT LAKE MERIDIAN, DESCRIBED AS FOLLOWS: REFERENCE, SURVEY PLAT BY J.H. ISAACSON L.S. 775, J.N. 1585.

BEGINNING AT A POINT NORTH 89 DEGREES 57' 22" WEST 307.00 FEET AND SOUTH 0 DEGREES 02' 38" WEST 16.50 FEET FROM THE NORTHEAST CORNER OF SECTION 28, TOWNSHIP 1 NORTH, RANGE 1 WEST, SALT LAKE MERIDIAN, (SAID POINT OF BEGINNING ALSO BEING A FOUND HUB AND TACK FROM SALT LAKE CITY AIRPORT GRID SYSTEM AT STATION 148+19.47 NORTH AND 10+43.74 EAST) RUNNING THENCE SOUTH 0 DEGREES 27' 30" EAST 30.00 FEET ALONG THE EAST BOUNDARY LINE OF SAID LAND, THENCE SOUTH 89 DEGREES 12' 45" WEST 1009.95 FEET TO THE EAST BOUNDARY LINE OF SAID LINE OF 2200 WEST STREET THENCE NORTH 0 DEGREES 02' 38" EAST 44.65 FEET ALONG SAID WEST BOUNDARY LINE TO A POINT WHICH IS 16.5 FEET SOUTH OF THE NORTH LINE OF SAID SECTION 28, THENCE SOUTH 89 DEGREES 57' 22" EAST 1009.58 FEET BEING PARALLEL TO AND 16.5 FEET PERPENDICULARLY DISTANT SOUTH FROM THE NORTH LINE OF SAID SECTION 28, TO THE POINT OF BEGINNING.

## EXHIBIT "B" TO SPECIAL WARRANTY DEED AVIGATION EASEMENT

SALT LAKE CITY CORPORATION, hereinafter referred to as "Grantor," retains a perpetual and assignable easement in the airspace above and over the parcel of land described in the Special Warranty Deed to which this exhibit is an attachment, 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, and all other aeronautical activities therein. 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 the flat plain 4,377 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").

The easement and rights hereby retained by Grantor are 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 City International Airport Land Use Policy Plan dated August, 1982, as amended from time to time, which may be obtained from the Salt Lake City Airport Authority (hereinafter referred to as the "Plan"), or the equivalent to 65 LDN or 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 the 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 portions of the Real 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 level authorized for said portions. 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. –

The easement and rights hereby retained by Grantor 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 landing at or taking off from or otherwise using the Salt Lake City International Airport described in Attachment "1" 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 Grantor, its successors, assigns, guests, invitees, including any and all persons, firms or corporations operating aircraft to or from the Airport. In perpetuity, 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 on the Real Property, and the same 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.

The Grantee in the Special Warranty Deed to which this exhibit is an attachment 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.

Said Grantee further agrees that all structures to be constructed on the Real Property shall provide and maintain applicable sound attenuation ordinance requirements to insulate occupants from noise to mitigate any adverse impact from aircraft noise.

# ATTACHMENT 1 Salt Lake City International Airport Boundary Description

Beginning at a point 806.03 feet North 00°02'38" East 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 South 89°58'38" West 340.71 feet along said right-of-way line; thence South 00°02'38" West 805.75 feet to the south line of Section 33; thence North 89°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, Township 1 South, Range 1 West); thence South 00°11'26" East 2,290.43 feet to the northerly right-of-way of the Western Pacific Railroad main-line siding; thence South 77°49'01 West 581.95 feet; thence South 00°12'04" East 238 feet, more or less, to the 1/4 section line; thence South 89°57'09" West 185 feet, more or less; thence North 00°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°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, Township 1 South, Range 1 West); thence South 77°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 & Western Railroad; thence South 77°33' West 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°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, Township 1 South, Range 1 West); thence South 78°00'55" West 238 feet, more or less, to the westerly highway right-of-way and non-access line of U.D.O.T. project No. 1-80-3(5)116; thence North 01°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 01°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°24'21" West); thence North 63°47'38" West 1,084.09 feet; thence North 55°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°35'12" West); thence northwesterly 246.45 feet along said curve; thence North 57°07'49" West 100.52 feet; thence North 57°27'53" West 328.82 feet; thence North 57°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 North 58°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 04°58'32" West 4,445.67 feet to the north line of Section 31, Township 1 North, Range 1 West; 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, Township 1 North, Range 1 West; thence East 10,560 feet to the northeast corner of Section 17, Township 1 North, Range 1 West; thence South 5,280 feet to the northwest corner of Section 21, Township 1 North, Range 1 West; 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°58'38" West 1,254 feet, more or less, along said right-of-way line to the point of beginning;

And beginning at a point 660 feet West and 792 feet North of the South 1/4 corner of Section 16, Township 1 North, Range 1 West, Salt Lake Base and Meridian; running thence North 198 feet; thence East 660 feet; thence North 33 feet; thence East 165 feet; thence South 264 feet; thence West 165 feet; thence North 33 feet; thence West 660 feet to the point of beginning;

And beginning at a point 660 feet West and 990 feet North of the South 1/4 corner of Section 16, Township 1 North, Range 1 West, Salt Lake Base and Meridian; running thence North 519.75 feet; thence East 660 feet; thence South 189.75 feet; thence East 165 feet; thence South 297 feet; thence West 165 feet; thence South 33 feet; thence West 660 feet to the point of beginning;

And beginning at the South Quarter Corner of Section 16; Township 1 North, Range 1 West, Salt Lake Base and Meridian; running thence West 660 feet along the South line of said section; thence North 792 feet; thence East 660 feet; thence South 792 feet to the point of beginning;

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And beginning at a point 660 feet West and 792 feet North of the South Quarter Corner Section 16, Township 1 North, Range 1 West, Salt Lake Base and Meridian; running thence North 198 feet; thence East 660 feet; thence North 33 feet; thence East 165 feet; thence South 264 feet; thence West 165 feet; thence North 33 feet; thence West 660 feet to the point of beginning;

And beginning in the South line of the Northeast quarter of Section 6 at a point 470.36 feet West from the East quarter corner of said Section 6; thence West 1205.35 feet along said South line; thence North 25°05'47" West 265.54 feet; and thence North 25°25'49" West 100.52 feet; thence Northwesterly 1287.85 feet along the arc of a 2894.79 foot radius curve to the left to the North line of the Southwest quarter Northeast quarter of said Section 6 (Note: Tangent to said curve at its point of beginning bears North 26°05'48" West); thence East 83.57 feet along said North line to the Southwesterly right-of-way and non-access line of the freeway known as Project No. 80-3; thence South 55°55'36" East 436.08 feet; thence South 63°47'38" East 1084.09 feet to a point on a 1672.95 foot radius curve to the right; thence Southeasterly 971.37 feet along the arc of said curve to the point of beginning. (Note: Tangent to said curve at its point of beginning bears South 67°40'25" East);

And beginning in the south line of the Northeast quarter of said Section 6 at a point approximately 1741.94 feet West from the East quarter corner of said Section 6; thence West 903.79 feet, more or less, to the West line of the Northeast quarter of said Section 6; thence North 1254.38 feet along said West line to a point on a 2834.79 foot radius curve to the right; thence Southeasterly 1220.69 feet along the arc of said curve (Note: Tangent to said curve at its point of beginning bears South 50°46'08" East); thence South 25°25'43" East 99.48 feet; thence South 25°05'47" East 237.49 feet to the point of beginning;

And beginning at the Northwest corner of the Southeast quarter of Section 16, Township 1 North, Range 1 West, Salt Lake Base and Meridian, said point being the center of Section 16; thence East 165 feet; thence South 1320 feet; thence West 165 feet; thence North 1320 feet to the point of beginning.

Contains 6,822.59 acres, more or less (excluding the highway right-of-way).