

**RECORDING REQUESTED BY
AND WHEN RECORDED MAIL
DEED AND TAX NOTICES TO:**

VP Daybreak Devco LLC
11248 Kestrel Rise Road, Suite 201
South Jordan, Utah 84009
Attention: Scott R. Kaufmann
File #1936849JM
Tax Parcel Nos.: 36 - 34 - 100 - 109

13082585
9/25/2019 10:21:00 AM \$40.00
Book - 10835 Pg - 7420-7424
RASHELLE HOBBS
Recorder, Salt Lake County, UT
OLD REPUBLIC TITLE DRAPER/OREM
BY: eCASH, DEPUTY - EF 5 P.

SPECIAL WARRANTY DEED

VP DAYBREAK INVESTMENTS LLC, a Delaware limited liability company, with its principal office at 11248 Kestrel Rise Road, Suite 201, South Jordan, County of Salt Lake, State of Utah 84009 ("**Grantor**"), for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) paid to Grantor and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby **CONVEY and WARRANT** against all who claim by, through or under the Grantor to **VP DAYBREAK DEVCO LLC**, a Delaware limited liability company, with its principal office at 11248 Kestrel Rise Road, Suite 201, South Jordan, County of Salt Lake, State of Utah 84009 ("**Grantee**"), certain land being more particularly described in Exhibit A attached hereto and incorporated herein by reference (the "**Land**"), together with (i) all improvements, if any, located thereon, (ii) any and all rights, privileges and easements appurtenant to the Land, and (iii) all right, title and interest of Grantor (if any) in, to and under adjoining streets, rights of way and easements, **SUBJECT TO** all matters of record and all other matters reasonably identifiable from an inspection or survey of the Land.

[Signatures on Next Page]

IN WITNESS WHEREOF, Grantor has caused its duly authorized representative to execute this instrument as of the date hereinafter written.

DATED: Sep. 16, 2019 GRANTOR:

VP DAYBREAK INVESTMENTS LLC,
a Delaware limited liability company

By: DAYBREAK COMMUNITIES LLC,
a Delaware limited liability company
Its: Project Manager

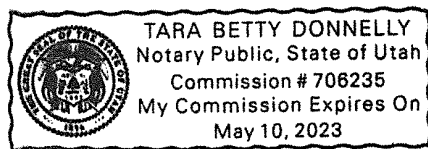
By: Ty McCutcheon
Name: Ty McCutcheon
Title: President & CEO

ACKNOWLEDGMENT

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

On Sep. 16, 2019, personally appeared before me, a Notary Public, Ty McCutcheon, the President & CEO of DAYBREAK COMMUNITIES LLC, a Delaware limited liability company, the Project Manager of VP DAYBREAK INVESTMENTS LLC, a Delaware limited liability company, personally known or proved to me to be the person whose name is subscribed to the above instrument who acknowledged to me that he executed the above instrument on behalf of VP DAYBREAK INVESTMENTS LLC, a Delaware limited liability company.

WITNESS my hand and official Seal.



[SEAL]

Tara Betty Donnelly
Notary Public in and for said State
My commission expires: May 10, 2023

**EXHIBIT A
TO SPECIAL WARRANTY DEED**

Legal Description

Legal description of land dedicated as future road rights of way pursuant to East Town Center Roadway Dedication Plat in Lieu of Condemnation Amending Lot T3 of the Kennecott Master Subdivision #1 Amended, recorded August 28, 2019 in the Official Records of Salt Lake County, Utah as Instrument # 3061698, in Book 2019, Page 238, and described as follows:

Beginning at a Westerly Corner of the Daybreak Lake Avenue East subdivision, said point also being on the Westerly Line of Lot T3 of the Kennecott Master Subdivision #1 Amended, said point lies North 89°56'03" West 9881.986 feet along the Daybreak Baseline South (Being South 89°56'03" East 21225.293 feet between the Southwest Corner of Section 22, T3S, R2W and the Southeast Corner of Section 19, T3S, R1W) and North 3275.287 from the Southeast Corner of said Section 19, Township 3 South, Range 1 West, Salt Lake Base and Meridian, said point also being South 00°00'12" West 2010.765' feet along the Section Line and North 90°00'00" East 759.433' feet from the Northwest Corner of Section 24, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along said Lot T3 North 37°29'42" West 1247.558 feet to the West Line of the Northwest Quarter of said Section 24; thence along said West Line North 00°00'12" East 90.770 feet; thence North 33°40'19" West 1117.454 feet to a Northerly Line of said Lot T3; thence along said Lot T3 the following (2) courses: 1) North 89°58'54" East 619.610 feet; 2) North 00°02'52" East 867.985 feet to the Southerly right-of-way line of South Jordan Parkway; thence along said Southerly right-of-way line North 53°27'06" East 154.478 feet to a Right-of-Way Quitclaim Deed recorded as Entry No. 10429973 in Book 9607 at Page 4745 in the Office of the Salt Lake County Recorder and a point on a 1263.500 foot radius non tangent curve to the left, (radius bears North 55°06'21" East, Chord: South 35°43'17" East 36.477 feet); thence along said Right-of-Way Quitclaim Deed the following (2) courses: 1) along the arc of said curve 36.478 feet through a central angle of 01°39'15"; 2) South 36°32'54" East 2727.926 feet to a Northerly Corner of said Daybreak Lake Avenue East; thence along said Daybreak Lake Avenue East South 53°27'06" West 1258.834 feet to the point of beginning.

Less and excepting all of Parcels A through D (inclusive) as described as follows:

Less and Except Parcel A

Beginning at a point that lies North 89°56'03" West 10738.496 feet along the Daybreak Baseline South (Being South 89°56'03" East 21225.293 feet between the Southwest Corner of Section 22, T3S, R2W and the Southeast Corner of Section 19, T3S, R1W) and North 4500.702 feet from the Southeast Corner of Section 19, Township 3 South, Range 1 West, Salt Lake Base and Meridian and running thence North 33°40'19" West 942.252 feet to a Northerly Line of Lot T3 of the Kennecott Master Subdivision #1 Amended; thence along said Lot T3 the following (2) courses: 1) North 89°58'54" East 619.610 feet; 2) North 00°02'52" East 867.985 feet to the Southerly right-of-way line of South Jordan Parkway; thence along said Southerly right-of-way line North 53°27'06" East 154.478 feet to a Right-of-Way Quitclaim Deed recorded as Entry No. 10429973 in Book 9607 at Page 4745 in the Office of the Salt Lake County Recorder and a point on a 1263.500 foot radius non tangent curve to the left, (radius bears North 55°06'21" East, Chord: South 35°43'17" East 36.477 feet); thence along said Right-of-Way Quitclaim Deed the following (2) courses: 1) along the arc of said curve 36.478 feet through a central angle of 01°39'15"; 2) South 36°32'54" East 909.355 feet; thence South 53°27'06" West 63.352 feet; thence South 56°36'58" West 127.043 feet; thence South 31°27'06" West 881.722 feet; thence South 53°27'06" West 208.870 feet to the point of beginning.

Property contains 20.061 acres.

Also Less and excepting therefrom the following:

Beginning North 00°02'52" East 129.27 feet and South 89°57'07" East 506.13 feet from the Southwest Corner of Section 13, Township 3 South, Range 2 West, Salt Lake Base and Meridian, and running thence North 53°27'06" East 52.000 feet; thence South 36°32'54" East 27.000 feet; thence South 53°27'06" West 52.000 feet; thence North 36°32'54" West 27.000 feet to the point of beginning.

Property contains 0.032 acres, 1404 s.f.

Net property contains 20.029 acres

Less and Except Parcel B

Beginning at a point on the Westerly Line of Lot T3 of the Kennecott Master Subdivision #1 Amended, said point lies North 89°56'03" West 10506.588 feet along the Daybreak Baseline South (Being South 89°56'03" East 21225.293 feet between the Southwest Corner of Section 22, T3S, R2W and the Southeast Corner of Section 19, T3S, R1W) and North 4088.717 feet from the Southeast Corner of Section 19, Township 3 South, Range 1 West, Salt Lake Base and Meridian and running thence along said Lot T3 North 37°29'42" West 221.418 feet to the West Line of the Northwest Quarter of said Section 24; thence along said West Line North 00°00'12" East 90.770 feet; thence North 33°40'19" West 135.151 feet; thence North 53°27'06" East 218.655 feet; thence North 31°27'06" East 880.569 feet; thence North 56°36'58" East 119.219 feet; thence North 53°27'06" East 64.457 feet to a Right-of-Way Quitclaim Deed recorded as Entry No. 10429973 in Book 9607 at Page 4745 in the Office of the Salt Lake County Recorder; thence along said Right-of-Way Quitclaim Deed South 36°32'54" East 594.572 feet; thence South 53°27'06" West 487.905 feet; thence South 31°27'06" West 421.776 feet; thence South 53°27'06" West 396.814 feet to the point of beginning.

Property contains 14.360 acres.

Less and Except Parcel C

Beginning at a point on the Westerly Line of Lot T3 of the Kennecott Master Subdivision #1 Amended, said point lies North 89°56'03" West 10252.121 feet along the Daybreak Baseline South (Being South 89°56'03" East 21225.293 feet between the Southwest Corner of Section 22, T3S, R2W and the Southeast Corner of Section 19, T3S, R1W) and North 3757.319 feet from the Southeast Corner of Section 19, Township 3 South, Range 1 West, Salt Lake Base and Meridian and running thence along said Westerly Line North 37°29'42" West 378.052 feet; thence North 53°27'06" East 403.929 feet; thence North 31°27'06" East 421.776 feet; thence North 53°27'06" East 480.130 feet to a Right-of-Way Quitclaim Deed recorded as Entry No. 10429973 in Book 9607 at Page 4745 in the Office of the Salt Lake County Recorder; thence along said Right-of-Way Quitclaim Deed South 36°32'54" East 536.000 feet; thence South 53°27'06" West 1268.877 feet to the point of beginning.

Property contains 13.489 acres.

Less and Except Parcel D

Beginning at a Westerly Corner of the Daybreak Lake Avenue East subdivision, said point also being on the Westerly Line of Lot T3 of the Kennecott Master Subdivision #1 Amended, said point lies North 89°56'03" West 9881.986 feet along the Daybreak Baseline South (Being South 89°56'03" East 21225.293 feet between the Southwest Corner of Section 22, T3S, R2W and the Southeast Corner of Section 19, T3S, R1W) and North 3275.287 feet from the Southeast Corner of Section 19, Township 3

South, Range 1 West, Salt Lake Base and Meridian and running thence along said Lot T3 North 37°29'42" West 568.077 feet; thence North 53°27'06" East 1268.217 feet to a Right-of-Way Quitclaim Deed recorded as Entry No. 10429973 in Book 9607 at Page 4745 in the Office of the Salt Lake County Recorder; thence along said Right-of-Way Quitclaim Deed South 36°32'54" East 568.000 feet to a Northerly Corner of said Daybreak Lake Avenue East; thence along said Daybreak Lake Avenue East South 53°27'06" West 1258.834 feet to the point of beginning.

Property contains 16.476 acres.

Net Property contains 3.541 acres.

**RECORDING REQUESTED BY
AND WHEN RECORDED MAIL
DEED AND TAX NOTICES TO:**

13393940
9/15/2020 2:22:00 PM \$40.00
Book - 11019 Pg - 700-706
RASHELLE HOBBS
Recorder, Salt Lake County, UT
OLD REPUBLIC TITLE DRAPER/OREM
BY: eCASH, DEPUTY - EF 7 P.

VP Daybreak Devco LLC
11248 Kestrel Rise Road, Suite 201
South Jordan, Utah 84009
Attention: Scott R. Kaufmann

(Tax Parcel Nos. 26-23-201-002; 26-24-101-001; 26-13-355-001; 26-24-155-001; 26-24-301-004; 26-24-376-016; 26-24-400-023; and 26-24-400-024)

2048884HM

SPECIAL WARRANTY DEED

Effective as of September 15, 2020, **VP DAYBREAK INVESTCO 8 LLC**, a Utah limited liability company, with its principal office at 11248 Kestrel Rise Road, Suite 201, South Jordan, County of Salt Lake, State of Utah 84009 ("**Grantor**"), for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) paid to Grantor and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby **CONVEY and WARRANT** against all who claim by, through or under the Grantor to **VP DAYBREAK DEVCO LLC**, a Delaware limited liability company, with its principal office at 11248 Kestrel Rise Road, Suite 201, South Jordan, County of Salt Lake, State of Utah 84009 ("**Grantee**"), certain land being more particularly described in Exhibit A attached hereto and incorporated herein by reference (the "**Land**"), together with (i) all improvements, if any, located thereon, (ii) any and all rights, privileges and easements appurtenant to the Land, and (iii) all right, title and interest of Grantor (if any) in, to and under adjoining streets, rights of way and easements, **SUBJECT TO** all reservations contained in this Deed and all encumbrances of record, all building codes and other applicable laws, ordinances and governmental regulations affecting the Land and all other matters reasonably identifiable from an inspection or survey of the Land.

Grantor hereby retains and reserves (i) all oil, gas and minerals under or appurtenant to the Land, together with all rights to use or extract the same, except that Grantor shall not have the right to enter upon or disturb the first 500 feet below the surface of the Land to use or extract the same, and (ii) all water flowing or located under, within, or over, and all water rights or water shares in any way connected or associated with or appurtenant to, the Land; together with all rights to use or extract the same, except that Grantor shall not have the right to enter upon or disturb the first 500 feet below the surface of the Land to use or extract the same, nor shall the Grantor have the right to use the surface of the Land in connection with the rights reserved herein.

Grantor and Grantee agree that the provisions of Paragraph 10 of Exhibit B to that certain Deed dated October 16, 2002 from Kennecott Utah Copper Corporation, as grantor, to OM Enterprises Company, as grantee, recorded in the Official Records of Salt Lake County as Instrument No. 8442505, including, without limitation, the "Well Prohibition Covenant" [which prohibits drilling of water wells on the land] and the "Subsequent Transfer Covenant" [which requires that the Well Prohibition Covenant be inserted in all future deeds for such land] (as such terms are defined in such Paragraph 10), are hereby incorporated into this Deed and shall be binding on Grantee, its successors and assigns.

Grantor reserves the exclusive right to construct and operate, and to authorize the construction and operation, of commercial cellular, microwave and other wireless communication towers, antennas and related facilities ("Commercial Wireless Facilities") within the Daybreak master planned community, as legally described in that certain Community Charter for Daybreak recorded on February 27, 2004 as Entry No. 8989518 in Book 88950 at Page 7784 in the official records of the Salt Lake County Recorder, Utah, as amended and supplemented from time to time, and that certain Amended and Restated Declaration of Covenants, Conditions and Restrictions for Daybreak Village recorded on December 30, 2005, as Entry No. 9598233, in Book 9237, beginning at Page 5395 of the official records of the Salt Lake County Recorder, as amended and supplemented from time to time. Accordingly, Grantee agrees that the Land shall not be used for the construction or operation of Commercial Wireless Facilities; provided that nothing herein shall exclude Grantee's constructions, operation, and use of facilities for its own purposes. Such restriction shall run with the Land for the benefit of Grantor and its successors and assigns operating Commercial Wireless Facilities within Daybreak.

[Signatures on Next Page]

**EXHIBIT A
TO SPECIAL WARRANTY DEED**

Legal Description

All of that certain real property located in Salt Lake County, State of Utah, being more particularly described as follows:

Parcel 1: (TPN - 33 - West Parcel G - 26-23-201-002)

Beginning at a point on the Easterly Line of Lot Z107 of the VP Daybreak Operations-Investments Plat 1 subdivision, said point lies South 89°56'03" East 8727.582 feet along the Daybreak Baseline South (Being South 89°56'03" East 21225.293 feet between the Southwest Corner of Section 22, T3S, R2W and the Southeast Corner of Section 19, T3S, R1W) and North 5052.917 feet from the Southwest Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence South 57°33'06" West 184.480 feet to a point on a 5068.000 foot radius tangent curve to the left, (radius bears South 32°26'54" East, Chord: South 56°05'44" West 257.596 feet); thence along the arc of said curve 257.624 feet through a central angle of 02°54'45"; thence South 54°38'21" West 211.172 feet; thence North 33°33'29" West 148.267 feet to a point on a 468.000 foot radius tangent curve to the right, (radius bears North 56°26'31" East, Chord: North 16°46'44" West 270.205 feet); thence along the arc of said curve 274.107 feet through a central angle of 33°33'29"; thence North 211.933 feet to the North Line of said Lot Z107; thence along said Lot Z107 the following (5) courses: 1) North 89°58'54" East 850.314 feet to a point on a 6295.000 foot radius non tangent curve to the left, (radius bears North 64°15'10" East, Chord: South 26°15'14" East 111.356 feet); 2) along the arc of said curve 111.357 feet through a central angle of 01°00'49"; 3) South 57°34'03" West 40.377 feet to a point on a 2679.000 foot radius non tangent curve to the right, (radius bears North 32°26'54" West, Chord: South 59°38'38" West 195.607 feet); 4) along the arc of said curve 195.650 feet through a central angle of 04°11'04"; 5) South 28°15'49" East 10.450 feet to the point of beginning.

Parcel 2: (TPN 37a - East Parcel B - 26-24-101-001)

Beginning at a point on the Westerly Line of Lot T3 of the Kennecott Master Subdivision #1 Amended, said point lies North 89°56'03" West 10506.588 feet along the Daybreak Baseline South (Being South 89°56'03" East 21225.293 feet between the Southwest Corner of Section 22, T3S, R2W and the Southeast Corner of Section 19, T3S, R1W) and North 4088.717 feet from the Southeast Corner of Section 19, Township 3 South, Range 1 West, Salt Lake Base and Meridian and running thence along said Lot T3 North 37°29'42" West 221.418 feet to the West Line of the Northwest Quarter of said Section 24; thence along said West Line North 00°00'12" East 90.770 feet; thence North 33°40'19" West 135.151 feet; thence North 53°27'06" East 218.655 feet; thence North 31°27'06" East 880.569 feet; thence North 56°36'58" East 119.219 feet; thence North 53°27'06" East 64.457 feet to a Right-of-Way Quitclaim Deed recorded as Entry No. 10429973 in Book 9607 at Page 4745 in the Office of the Salt Lake County Recorder; thence along said Right-of-Way Quitclaim Deed South 36°32'54" East 594.572 feet; thence South 53°27'06" West 487.905 feet; thence South 31°27'06" West 421.776 feet; thence South 53°27'06" West 396.814 feet to the point of beginning.

Parcel 3: (TPN 37c - East Parcel A - 26-13-355-001)

Beginning at a point that lies North 89°56'03" West 10738.496 feet along the Daybreak Baseline South (Being South 89°56'03" East 21225.293 feet between the Southwest Corner of Section 22, T3S, R2W and the Southeast Corner of Section 19, T3S, R1W) and North 4500.702 feet from the Southeast Corner of Section 19, Township 3 South, Range 1 West, Salt Lake Base and Meridian and running thence North

33°40'19" West 942.252 feet to a Northerly Line of Lot T3 of the Kennecott Master Subdivision #1 Amended; thence along said Lot T3 the following (2) courses: 1) North 89°58'54" East 619.610 feet; 2) North 00°02'52" East 867.985 feet to the Southerly right-of-way line of South Jordan Parkway; thence along said Southerly right-of-way line North 53°27'06" East 154.478 feet to a Right-of-Way Quitclaim Deed recorded as Entry No. 10429973 in Book 9607 at Page 4745 in the Office of the Salt Lake County Recorder and a point on a 1263.500 foot radius non tangent curve to the left, (radius bears North 55°06'21" East, Chord: South 35°43'17" East 36.477 feet); thence along said Right-of-Way Quitclaim Deed the following (2) courses: 1) along the arc of said curve 36.478 feet through a central angle of 01°39'15"; 2) South 36°32'54" East 909.355 feet; thence South 53°27'06" West 63.352 feet; thence South 56°36'58" West 127.043 feet; thence South 31°27'06" West 881.722 feet; thence South 53°27'06" West 208.870 feet to the point of beginning.

Also Less and excepting therefrom the following:

Beginning North 00°02'52" East 129.27 feet and South 89°57'07" East 506.13 feet from the Southwest Corner of Section 13, Township 3 South, Range 2 West, Salt Lake Base and Meridian, and running thence North 53°27'06" East 52.000 feet; thence South 36°32'54" East 27.000 feet; thence South 53°27'06" West 52.000 feet; thence North 36°32'54" West 27.000 feet to the point of beginning.

Parcel 4: (TPN 37d - East Parcel D - 26-24-155-001)

Beginning at a Westerly Corner of the Daybreak Lake Avenue East subdivision, said point also being on the Westerly Line of Lot T3 of the Kennecott Master Subdivision #1 Amended, said point lies North 89°56'03" West 9881.986 feet along the Daybreak Baseline South (Being South 89°56'03" East 21225.293 feet between the Southwest Corner of Section 22, T3S, R2W and the Southeast Corner of Section 19, T3S, R1W) and North 3275.287 feet from the Southeast Corner of Section 19, Township 3 South, Range 1 West, Salt Lake Base and Meridian and running thence along said Lot T3 North 37°29'42" West 568.077 feet; thence North 53°27'06" East 1268.217 feet to a Right-of-Way Quitclaim Deed recorded as Entry No. 10429973 in Book 9607 at Page 4745 in the Office of the Salt Lake County Recorder; thence along said Right-of-Way Quitclaim Deed South 36°32'54" East 568.000 feet to a Northerly Corner of said Daybreak Lake Avenue East; thence along said Daybreak Lake Avenue East South 53°27'06" West 1258.834 feet to the point of beginning.

Parcel 5: (TPN CC - 26-24-301-004)

Beginning at the Southeast corner of Lot T6 of the Amended Lots B2, B3, Os2, T4, V4, V7 & Wtc2 Kennecott Master Subdivision #1, according to the official plat thereof. Said point lies South 89°58'44" East 303.020 feet along the section line (basis of bearings is South 89°58'44" East between the Southwest corner and the South quarter corner of Section 24, Township 3 South, Range 2 West, Salt Lake Base and Meridian) and North 2401.347 feet from the said Southwest corner of Section 24 and running thence along the Easterly line of said lot T6 the following (2) courses: 1) North 36°48'17" West 2304.212 feet to a point on a 6295.000 foot radius tangent curve to the right, (radius bears North 53°11'43" East); 2) along the arc of said curve 830.001 feet through a central angle of 07°33'16" to the Westerly line of Mountain View Corridor; thence along said Westerly line the following (10) courses: 1) South 36°32'59" East 838.941 feet; 2) South 45°16'29" East 560.320 feet; 3) South 37°08'56" East 1129.970 feet; 4) South 00°00'12" West 25.310 feet; 5) South 40°29'39" East 161.440 feet; 6) South 09°09'20" West 13.910 feet; 7) South 37°09'00" East 109.880 feet; 8) South 81°17'28" East 26.030 feet; 9) South 40°29'39" East 253.450 feet; 10) South 33°43'21" East 150.414 feet; thence South 89°56'12" West 190.385 feet to the point of beginning.

LESS AND EXCEPTING therefrom all that portion contained in that certain plat entitled "Daybreak Lake Avenue from Mountain View Corridor to 6000 West Subdivision Amending Lots V7, T6 and WTC2 of the Kennecott Master Subdivision #1 Amended" recorded June 23, 2017 as Entry No. 12561724 in Book 2017P of Plats at Page 154.

ALSO LESS AND EXCEPTING therefrom all that portion contained in that certain plat entitled "Daybreak West Villages Roadway Dedication Plat in Lieu of Condemnation Amending lots Z101, Z105, Z106 & Z107 of the VP Daybreak Operations-Investments Plat 1 and Lots OS1, T5, V5 WTC1 & WTC2 of the Kennecott Master Subdivision #1 Amended" recorded August 28, 2019 as Entry No. 13061700 in Book 2019P of Plats at Page 239.

ALSO LESS AND EXCEPTING the following:

Beginning at a point on the Northerly Line of the Daybreak Lake Avenue from Mountain View Corridor to 6000 West Subdivision, said point also being the Southeasterly Corner of Lot Z107 of the VP Daybreak Operations-Investments Plat 1 subdivision, said point lies South 89°56'03" East 10618.504 feet along the Daybreak Baseline South (Being South 89°56'03" East 21225.293 feet between the Southwest Corner of Section 22, T3S, R2W and the Southeast Corner of Section 19, T3S, R1W) and North 2761.081 feet from the Southwest Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along said Lot Z107 North 36°48'17" West 1623.603 feet; thence North 58°42'58" East 85.588 feet; thence South 45°16'29" East 327.488 feet; thence South 37°08'56" East 1129.970 feet; thence South 00°00'12" West 25.310 feet; thence South 40°29'39" East 159.810 feet to a point on the said Northerly Line of Daybreak Lake Avenue from Mountain View Corridor to 6000 West Subdivision and a point on a 949.000 foot radius non tangent curve to the right, (radius bears North 33°15'17" West, Chord: South 60°52'16" West 136.558 feet); thence along said Northerly Line and the arc of said curve 136.676 feet through a central angle of 08°15'06" to the point of beginning.

ALSO LESS AND EXCEPTING the following:

Beginning at a point on the Easterly Line of Lot Z107 of the VP Daybreak Operations-Investments Plat 1 subdivision, said point lies South 89°56'03" East 9606.090 feet along the Daybreak Baseline South (Being South 89°56'03" East 21225.293 feet between the Southwest Corner of Section 22, T3S, R2W and the Southeast Corner of Section 19, T3S, R1W) and North 4112.995 feet from the Southwest Corner of Section 22, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along said Lot Z107 the following (2) courses: 1) North 36°48'17" West 167.098 feet to a point on a 6295.000 foot radius tangent curve to the right, (radius bears North 53°11'43" East, Chord: North 33°01'39" West 829.387 feet); 2) along the arc of said curve 829.988 feet through a central angle of 07°33'16"; thence South 36°32'59" East 838.941 feet; thence South 45°16'29" East 164.815 feet; thence South 58°42'58" West 75.530 feet to the point of beginning.

Parcel 6: (TPN FF - 26-24-376-016)

Lot C-101, DAYBREAK VILLAGE 7A PLAT 2 SUBDIVISION Amending Lots B3 And B3B of the Kennecott Master Subdivision #1 Amended and Amending Daybreak Parkway Right-of-Way Dedication Plat (East Frontage Road to 11800 South, according to the official plat thereof recorded September 4, 2018 as Entry No. 12842356 in Book 2018P of Plats at Page 306, in the office the Salt Lake County Recorder, Utah.

Parcel 7: (TPN HH & II 26-24-400-023 and 26-24-400-024)

Excluded Parcel B of Kennecott Daybreak Plat 3E Subdivision Amending Lot T4 of the Kennecott Master Subdivision #1 Amended and also Amending Lot O-103 of the Kennecott Daybreak Plat 4 Subdivision, according to the official plat thereof recorded November 10, 2010 as Entry No. 2010 as Entry No. 11072222 in Book 2010P of Plats at Page 176 in the Salt Lake County Recorder's Office, being more particularly described as follows:

A parcel of land located in the Southeast quarter of Section 24, Township 3 South, Range 2 West, Salt Lake Base and Meridian and being more particularly described as follows:

Commencing at the South quarter corner of said Section 24; thence South 89°58'42" East along the South line of said Southeast quarter, a distance of 587.479 feet; thence leaving said line North 00°01'18" East a distance of 1164.329 feet to a point on the Northerly boundary of the Kennecott Daybreak Plat 3C subdivision recorded in Book 2008P at Page 291 in the Office of the Salt Lake County Recorder said point also being the point of beginning; thence along the Northerly boundary of said Kennecott Daybreak Plat 3C subdivision the following six (6) courses; 1. Thence South 53°27'06" West, a distance of 113.33 feet to a point on a 369.000 foot radius curve to the right, the center of which bears North 36°32'54" West; 2. Thence Southwesterly along said curve to the right having a central angle of 32°00'37" (chord bearing and distance of South 69°27'24" West - 203.484 feet) for a distance of 206.155 feet; 3. Thence South 85°27'43" West, a distance of 38.032 feet to a point on a 429.140 foot radius non-tangent curve to the left, the center of which bears South 87°14'14" West; 4. Thence Northeasterly along said curve to the left having a central angle of 29°55'44" (chord bearing and distance of North 17°43'38" West - 221.625 feet) for a distance of 224.165 feet; 5. Thence North 32°41'30" West, for a distance of 13.607 feet; 6. Thence North 37°11'45" West, for a distance of 40.656 feet to a point on the Southerly boundary of the Kennecott Daybreak View Parkway Subdivision recorded in Book 2008P at Page 229 in the Office of the Salt Lake County Recorder; thence North 54°53'01" East, along the Southerly boundary of said Kennecott Daybreak View Parkway Subdivision for a distance of 269.30 feet; thence South 36°32'54" East for a distance of 333.54 feet to the point of beginning.

WHEN RECORDED RETURN TO:

CITY OF SOUTH JORDAN
ATTN: PLANNING DEPARTMENT
1600 W TOWNE CENTER DRIVE
SOUTH JORDAN, UT 84095

14267494 B: 11506 P: 4508 Total Pages: 9
07/23/2024 09:37 AM By: salvarado Fees: \$0.00
Rashelle Hobbs, Recorder, Salt Lake County, Utah
Return To: SOUTH JORDAN
1600 W TOWNE CENTER DR SOUTH JORDAN, UT 84095



ORDINANCE 2024-11

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, VACATING SEVERAL SMALL PORTIONS OF RIGHT-OF-WAY WITHIN THE DAYBREAK TOWN CENTER AREA

WHEREAS, Utah Code §§ 10-9a-608, 609, and 609.5 require that any vacation of some or all of a public street, right-of-way, or easement, including those recorded by subdivision plat, within the City of South Jordan (the “City”) may only be approved by the City Council of the City of South Jordan (the “City Council”); and

WHEREAS, Larry H. Miller Real Estate (the “Applicant”), petitioned the City to vacate several small portions of right-of-way (ROW) within the Daybreak Town Center area. (2.405 Ac.); and

WHEREAS, the City Council held a public hearing to consider Applicant’s petition to vacate the portion of ROW; and

WHEREAS, pursuant to Utah Code § 10-9a-609.5(4), the City Council finds that there is good cause to vacate the ROW and that neither the public interest nor any person will be materially injured by vacating the ROW.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH:

SECTION 1. Grant of Petition to Vacate. The City Council hereby grants the Applicant’s petition to vacate the portion of ROW by adopting this Ordinance, more particularly shown on the attached **Exhibit A**.

SECTION 2. Property Transfer. By adopting this Ordinance, ownership of the right-of-way being vacated by this ordinance and more particularly shown on the attached **Exhibit A**, will be transferred to VP Daybreak Operations LLC and VP Daybreak Devco LLC.

SECTION 3. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance and all sections, parts, provisions and words of this Ordinance shall be severable.

SECTION 4. Effective Date. This Ordinance shall become effective upon recordation of this Ordinance or a subdivision plat showing the vacation of ROW.

[SIGNATURE PAGE FOLLOWS]

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, ON THIS 16 DAY OF July, 2024 BY THE FOLLOWING VOTE:

	YES	NO	ABSTAIN	ABSENT
Patrick Harris	<u>X</u>	___	___	___
Kathie Johnson	<u>X</u>	___	___	___
Donald Shelton	<u>X</u>	___	___	___
Tamara Zander	<u>X</u>	___	___	___
Jason McGuire	<u>X</u>	___	___	___

Mayor:

Dawn R. Ramsey

Attest:

Donna Creakston

Approved as to form:

Gregory Simonsen

Gregory Simonsen (Jul 11, 2024 15:28 MDT)

Office of the City Attorney



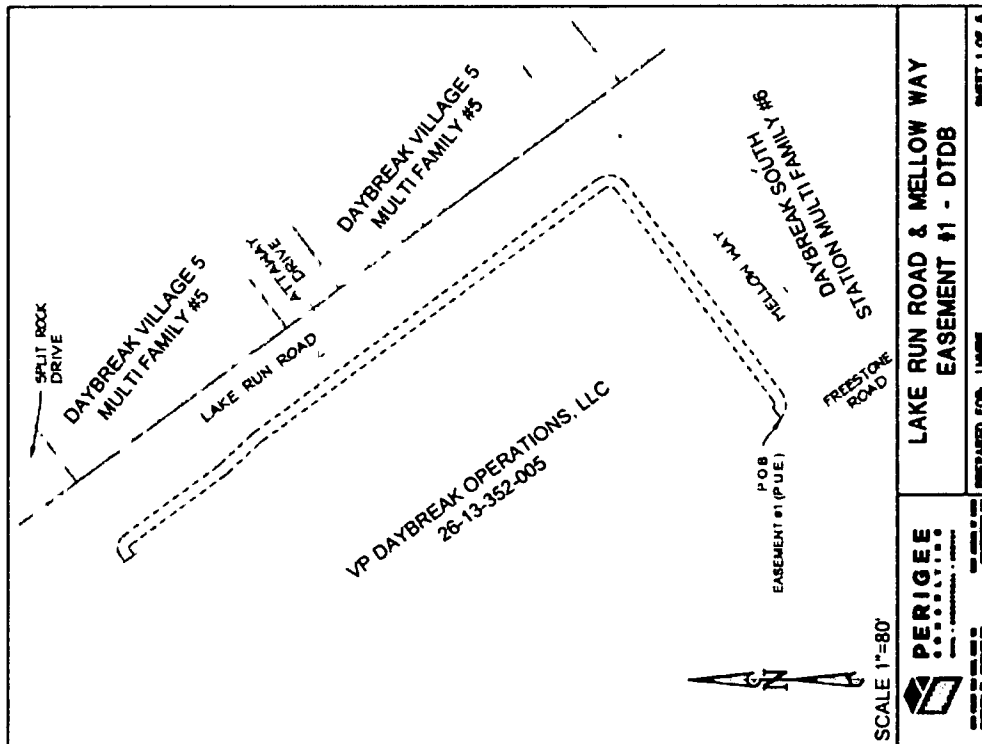
Exhibit A

Vacation #1

Lake Run Road and Mellow Way

Beginning at a point on the Northwest Right-of-Way Line of Mellow Way, said point lies South 89°55'30" East 1936.543 feet along the Daybreak Baseline Southeast (Basis of bearings is South 89°55'30" East 10641.888' between Southwest Corner of Section 24, T3S, R2W and the Southeast Corner of Section 19, T3S, R1W) and North 4922.313 feet from the Southwest Corner of Section 24, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along said Mellow Way North 53°27'06" East 239.624 feet to the intersection of the Southwest Right-of-Way Line of Lake Run Road; thence along said Lake Run Road the following (3) courses: 1) North 36°32'54" West 366.196 feet; 2) North 43°40'24" West 40.311 feet; 3) North 36°32'54" West 114.804 feet; thence North 53°27'06" East 7.000 feet to a point on a 11.500 foot radius tangent curve to the right, (radius bears South 36°32'54" East, Chord: South 81°32'54" East 16.263 feet); thence along the arc of said curve 18.064 feet through a central angle of 90°00'00"; thence South 36°32'54" East 102.152 feet; thence South 43°40'24" East 40.311 feet; thence South 36°32'54" East 364.348 feet to a point on a 17.000 foot radius tangent curve to the right, (radius bears South 53°27'06" West, Chord: South 08°27'06" West 24.042 feet); thence along the arc of said curve 26.704 feet through a central angle of 90°00'00"; thence South 53°27'06" West 224.391 feet to a point on a 17.000 foot radius tangent curve to the right, (radius bears North 36°32'54" West, Chord: North 86°37'50" West 21.817 feet); thence along the arc of said curve 23.688 feet through a central angle of 79°50'09" to the point of beginning.

Property contains 0.301 acres, 13110 square feet.

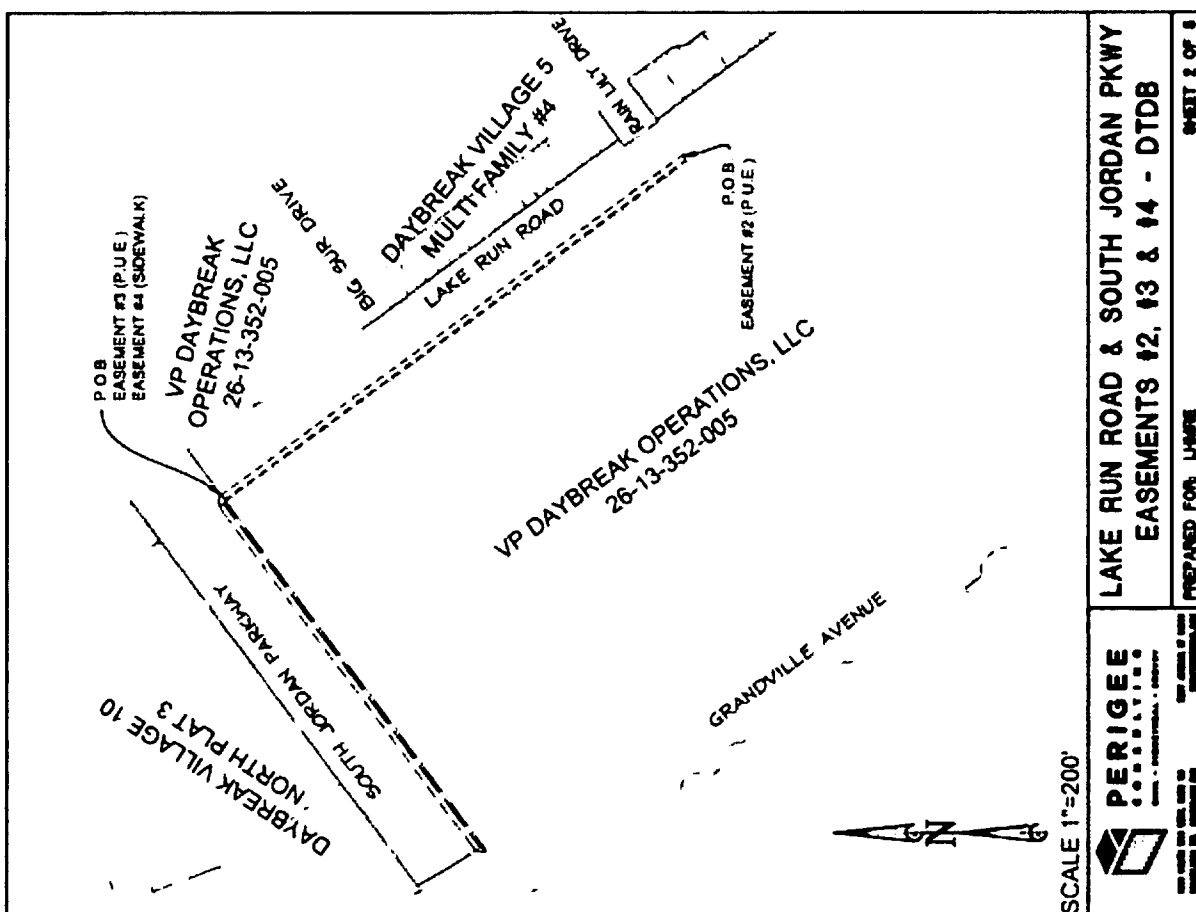


Vacation #2

Lake Run Road and South Jordan Parkway

Beginning at a point on the Northeast Right-of-Way Line of Lake Run Road, said point lies South 89°55'30" East 1451.827 feet along the Daybreak Baseline Southeast (Basis of bearings is South 89°55'30" East 10641.888' between Southwest Corner of Section 24, T3S, R2W and the Southeast Corner of Section 19, T3S, R1W) and North 5979.645 feet from the Southwest Corner of Section 24, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along said Lake Run Road the following (4) courses: 1) South 53°27'06" West 14.500 feet; 2) North 36°32'54" West 629.828 feet; 3) North 53°27'06" East 0.500 feet; 4) North 36°32'54" West 373.500 feet to the Southeast Right-of-Way Line of South Jordan Parkway; thence along said South Jordan Parkway South 53°27'06" West 766.449 feet to a point on a 21.000 foot radius non tangent curve to the right, (radius bears North 65°49'31" East, Chord: North 05°45'43" East 20.960 feet); thence along the arc of said curve 21.945 feet through a central angle of 59°52'25"; thence North 53°27'06" East 744.340 feet to a point on a 28.000 foot radius tangent curve to the right, (radius bears South 36°32'54" East, Chord: North 79°20'42" East 24.455 feet); thence along the arc of said curve 25.308 feet through a central angle of 51°47'12"; thence South 36°32'54" East 1008.148 feet to the point of beginning.

Property contains 0.604 acres, 26318 square feet.

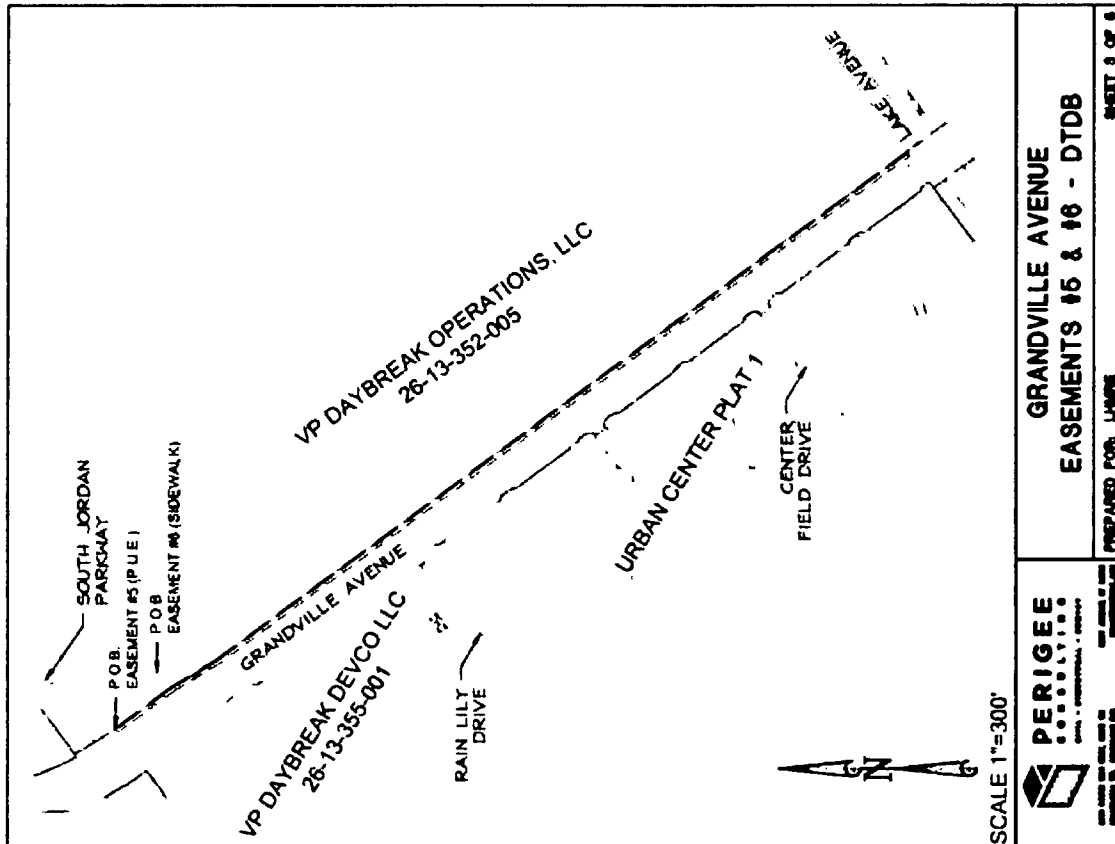


Vacation #3

Grandville Avenue

Beginning at the intersection of the Southeasterly Right-of-Way Line of South Jordan Parkway and the Northeasterly Right-of-Way Line of Grandville Avenue, said point also being a point on a 1125.000 foot radius non tangent curve to the left, (radius bears North 55°18'34" East, Chord: South 35°37'10" East 36.478 feet), said point lies South 89°55'30" East 236.721 feet along the Daybreak Baseline Southeast (Basis of bearings is South 89°55'30" East 10641.888' between Southwest Corner of Section 24, T3S, R2W and the Southeast Corner of Section 19, T3S, R1W) and North 6326.254 feet from the Southwest Corner of Section 24, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along said Grandville Avenue the following (4) courses: 1) along the arc of said curve 36.479 feet through a central angle of 01°51'28"; 2) South 36°32'54" East 118.076 feet; 3) South 32°44'04" East 172.883 feet; 4) South 36°32'54" East 2438.850 feet to the intersection of said Northeasterly Right-of-Way Line of Grandville Avenue and the Northwesterly Right-of-Way Line of Lake Avenue; thence along an extension of said Northwesterly Right-of-Way Line of Lake Avenue South 53°27'06" West 14.000 feet; thence North 36°32'54" West 2425.831 feet; thence North 30°50'16" West 135.711 feet to a point on a 100.000 foot radius tangent curve to the left, (radius bears South 59°09'44" West, Chord: North 33°41'35" West 9.963 feet); thence along the arc of said curve 9.967 feet through a central angle of 05°42'38"; thence North 36°32'54" West 195.081 feet to an extension of said Southeasterly Right-of-Way Line of South Jordan Parkway; thence along said extension North 53°27'06" East 12.091 feet to the point of beginning.

Property contains 0.866 acres, 37718 square feet.



Vacation #4

UCP1 Lake Avenue - Vacation #4

Beginning at a point on the Northwestern Right-of-Way Line of Lake Avenue, said point lies South 89°55'30" East 1460.403 feet along the Daybreak Baseline Southeast (Basis of bearings is South 89°55'30" East 10641.888' between Southwest Corner of Section 24, T3S, R2W and the Southeast Corner of Section 19, T3S, R1W) and North 3793.863 feet from the Southwest Corner of Section 24, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence North 53°27'06" East 407.816 feet to a point on a 28.000 foot radius non tangent curve to the right, (radius bears South 64°46'47" West, Chord: South 06°35'21" East 17.891 feet); thence along the arc of said curve 18.210 feet through a central angle of 37°15'44"; thence South 53°27'06" West 389.729 feet to a point on a 28.500 foot radius non tangent curve to the right, (radius bears North 04°28'47" East, Chord: North 67°06'39" West 18.001 feet); thence along the arc of said curve 18.314 feet through a central angle of 36°49'07" to the point of beginning.

Property contains 0.143 acres, 6216 square feet.

UCP1 Lake Avenue - Easement #8

Beginning at a point on the Northwestern Right-of-Way Line of Lake Avenue, said point lies South 89°55'30" East 1148.851 feet along the Daybreak Baseline Southeast (Basis of bearings is South 89°55'30" East 10641.888' between Southwest Corner of Section 24, T3S, R2W and the Southeast Corner of Section 19, T3S, R1W) and North 3562.510 feet from the Southwest Corner of Section 24, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence North 53°27'06" East 362.536 feet to a point on a 28.500 foot radius non tangent curve to the right, (radius bears South 65°36'17" West, Chord: South 05°59'09" East 18.001 feet); thence along the arc of said curve 18.314 feet through a central angle of 36°49'07"; thence South 53°27'06" West 334.708 feet to a point on a 19.000 foot radius tangent curve to the right, (radius bears North 36°32'54" West, Chord: North 86°51'22" West 24.269 feet); thence along the arc of said curve 26.325 feet through a central angle of 79°23'06" to the point of beginning.

Property contains 0.126 acres, 5494 square feet.

UCP1 Lake Avenue - Easement #9

Beginning at a point on the Northwestern Right-of-Way Line of Lake Avenue, said point lies South 89°55'30" East 759.900 feet along the Daybreak Baseline Southeast (Basis of bearings is South 89°55'30" East 10641.888' between Southwest Corner of Section 24, T3S, R2W and the Southeast Corner of Section 19, T3S, R1W) and North 3273.683 feet from the Southwest Corner of Section 24, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along said Lake Avenue North 53°27'06" East 436.508 feet to a point on a 19.000 foot radius non tangent curve to the right, (radius bears South 64°04'00" West, Chord: South 13°45'33" West 24.269 feet); thence along the arc of said curve 26.325 feet through a central angle of 79°23'06"; thence South 53°27'06" West 417.577 feet; thence North 37°29'42" West 15.502 feet to the point of beginning.

Property contains 0.154 acres, 6692 square feet.

Vacation #4 continued

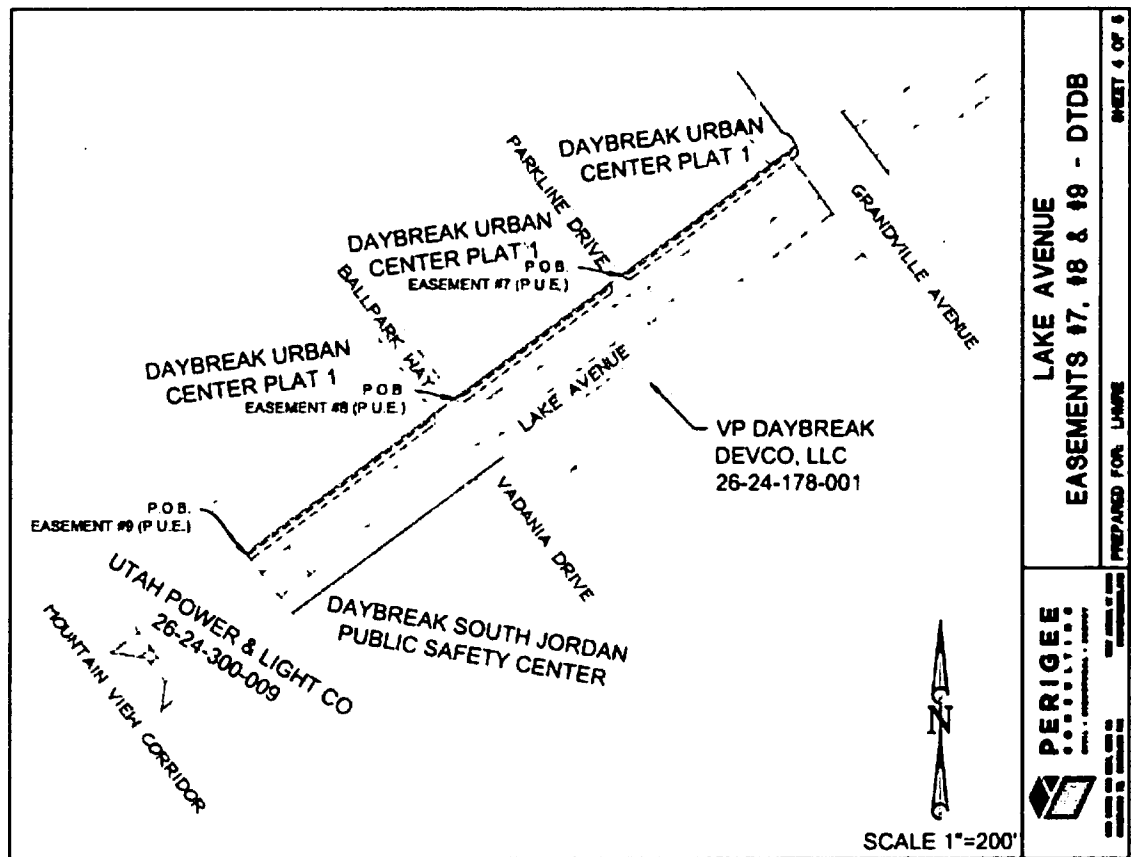
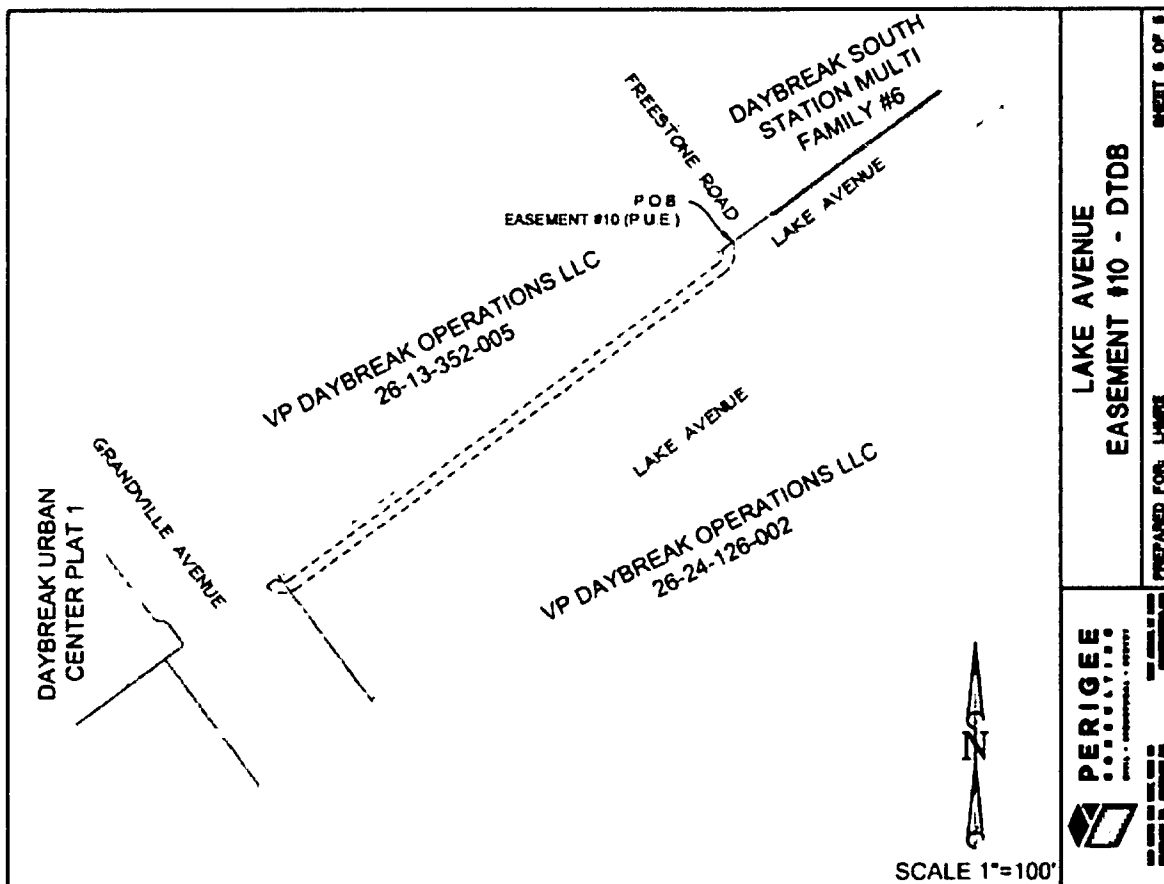


Exhibit A to Ordinance 2024-11

Vacation #5
UCP1 Lake Avenue – Easement #10

Beginning at a point on the Northwestern Right-of-Way Line of Lake Avenue, said point also being a point on a 25.000 foot radius non tangent curve to the right, (radius bears South 69°42'42" West, Chord: South 16°34'54" West 30.000 feet), said point lies South 89°55'30" East 2282.215 feet along the Daybreak Baseline Southeast (Basis of bearings is South 89°55'30" East 10641.888' between Southwest Corner of Section 24, T3S, R2W and the Southeast Corner of Section 19, T3S, R1W) and North 4402.258 feet from the Southwest Corner of Section 24, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence along the arc of said curve 32.175 feet through a central angle of 73°44'23"; thence South 53°27'06" West 477.504 feet to a point on a 21.000 foot radius tangent curve to the right, (radius bears North 36°32'54" West, Chord: North 87°48'45" West 26.281 feet); thence along the arc of said curve 28.395 feet through a central angle of 77°28'20"; thence North 36°32'54" West 1.555 feet to an extension of said Northwestern Right-of-Way Line of Lake Avenue; thence along said Lake Avenue and extension thereof North 53°27'06" East 522.004 feet to the point of beginning.

Property contains 0.211 acres, 9197 square feet.





Location Map