

CALLEEN B PESHELL, Recorder  
Tooele County Corporation  
PHASE 1 DEVELOPMENT

**MILLER MOTORSPORTS BUSINESS PARK PUD No. 1 DEVELOPMENT  
AGREEMENT  
BETWEEN TOOELE COUNTY, DESERET PEAK SPECIAL SERVICE  
DISTRICT, GIZA DEVELOPMENT LLC AND MILLER FAMILY REAL  
ESTATE LLC**

7<sup>th</sup> THIS DEVELOPMENT AGREEMENT (the "Agreement") is entered into as of the April day of 2009, by and between TOOELE COUNTY, UTAH, a political subdivision of the State of Utah the "County"), Deseret Peak Special Service District (DPSSD) and Giza Development LLC / Miller Family Real Estate LLC, (the "Developer").

The County, DPSSD, and Developer through our joint signatures below hereby agree as follows in regards to the development of the Miller Motorsports Business Park PUD No. 1(Phase 1):

Developer's Responsibilities:

1. Developer shall be responsible for the cost of the design and installation of the required on-site and off-site improvements needed to support the development of the Miller Motorsports Business Park PUD No. 1. As required, said improvements shall be sized to support the future development of the land owned and managed by Giza Development LLC and the Miller Family Real Estate LLC as shown in Exhibit A. The improvements shall be those currently required by County ordinance and include: roadways, trails, sanitary sewer, domestic water, power, phone, natural gas, and landscaping along the roadways and. The final design of the improvements that are constructed on County land, land dedicated or deeded to County or the DPSSD shall be approved by County Engineer.
2. Since one of the roadways, Tooele Valley Parkway (the Parkway, Exhibit B), shall be phased, and developed in conjunction with the review and approval of the County and since some of lots have frontage on the Parkway; permits for construction shall conform to the access standards in the design as approved by the County Engineer. Those lots that front the Parkway on the south side of the parkway will develop a 24' wide two lane road on the south side and those on the north side will develop a 24' wide two lane road on the north side in which the two roads will be separated by a median that follows the cross section approved by the County Engineer. Each side of the Parkway will only be required to be constructed as part of the building permit for a building on a lot fronting on the Parkway and therefore it is intended that the Parkway will be constructed in phases. Once both the south and north roads are constructed and accepted by the County on the any part due to a building permit being issued to a lot fronting on them, they will then become one way roads with the north traveling west and the south traveling east. The

roads (both north and south sides) along the parkway will connect to Sheep Lane when construction is begun.

3. Developer shall be responsible for the cost of the design and construction of perimeter storm drainage ditch which will run along the Southern edge of Lot 2 and western portions of the property and a pedestrian trail along the western boundary of the property, Exhibit B. The design of the storm drainage ditch and trail shall be constructed to the specifications of the engineered design and subject to approval by the County Engineer. All lots within the development shall utilize on-site storm drainage and retention and only allow releases for historic storm runoff flows.
4. Developer shall be responsible for design and construction of sanitary sewer improvements with the capacity to meet paragraph (1) above and the design and construction of an off-site force main that connects into the Tooele City sewer system. The force main which connects the pump station on-site to the Tooele City Sewer system off-site will be sized to facilitate future development, and when completed it shall become the sole property and responsibility of the Deseret Peak Special Service District (DPSSD). It is contemplated that the force main line will run within the right-of-way of the Parkway from Sheep Lane on the west to the east connecting to the Tooele City sewage treatment plant for Lot 2. Sewage connections for the rest of the lots in the business park shall be made to a State approved sewage treatment facility. Tooele County shall be responsible for obtaining and making available to the Developer all off-site easements, rights-of-way, and permissions/approvals from Tooele City for the construction of the off-site force main to tie to the Tooele City system. Tooele County or the DPSSD shall make available to the Developer all off-site easements, and rights-of-way they hold for water and sewer lines to a treatment facility site that is different from that of Tooele City for service to the business park. Developer shall be responsible for the design and construction of the domestic water lines serving the development including the off-site connection to the existing 16" water main in Sheep Lane (Exhibit B). The design shall be subject to approval of the County Engineer and Grantville City Water and upon its completion shall be made the sole property and responsibility of the DPSSD.
5. The Developer shall not submit for any permits on those properties other than Phase 1 lot 2 which is for Reckitt Benckiser Inc., until such time that roadways, sanitary sewer and domestic water are designed and scheduled to be built and accepted by the County and DPSSD. It is understood that the aforementioned improvements can be built with the lot improvements and in a phased manner as part of each building permit as long as the lines are in service before issuance of the certificate of occupancy.
6. Developer will complete the conveyance of land to the County for a 200 foot right-of-way for the Parkway (Exhibit B) with the land to the north of the property owned by Tooele County.
7. Developer shall post a bond for improvements, as currently required by the County, prior to the issuance of building permits for lots, other than Lot 2, according to a bonding schedule approved by the County Engineer. Lot 2 of Phase 1 shall be excluded from this bonding requirement.

8. There shall be a 50' utility, drainage and trail easement along Sheep Lane recorded at the time the lots are developed.
9. A 20' drainage and P.U.E. easement shall be recorded between Lots 1 and 2 at the time that either of those lots is developed.
10. Tooele Valley Parkway shall be a limited access public right-of-way and developed as the lot fronting on it is developed.
11. When the Tooele Valley Parkway expands to a divided highway, access for Lots 4, 5, 8 and 9 will be limited to shared right-in/right-out access.
12. Lot 1 will have no access from Sheep Lane and must dedicate and construct right-of-way along its south property line to provide access.
13. Lot 6 will have no access from the Tooele Valley Parkway and must dedicate and construct right-of-way along its east property line to provide access.
14. Lots 3 and 7 will have no access from Tooele Valley Parkway.

Deseret Peak Special Service District Responsibilities:

1. The DPSSD shall be responsible for approving the design and construction of the sanitary sewer and domestic water infrastructure outlined in #4 and #5 of Developer's Responsibilities using current County standards.
2. The DPSSD shall be solely responsible for the ongoing repair, maintenance, and any future improvements to the sanitary sewer and domestic water infrastructure and Developer shall have no further responsibility.
3. Developer will be reimbursed the cost of all on and off site sanitary sewer improvements (pump house, main lines and force main lines to Tooele City) either by a pass through of impact fees from the Agency or impact fee relief when Developer connects any lots to the sanitary sewer system.


County Responsibilities:

1. The County shall work with both the Developer and the DPSSD in locating the sanitary sewer and domestic water lines within the development.
2. The County shall acquire all necessary rights-of-way and easements for Developer to construct the required sanitary sewer force main off site as well as any other off-site utilities required by the DPSSD, Grantsville City or Tooele City.
3. The County shall install at its sole cost a left turn lane and acceleration lane on Sheep Lane for truck access to accommodate the Reckitt Benckiser Inc. access to Lot 2. Said work shall be completed prior to the completion of construction of the Reckitt facility's phase one.
4. The County will work with the Developer in the design and review of the parkway, accesses, landscaping, pedestrian trail and storm drainage infrastructure in conjunction with Phase I.

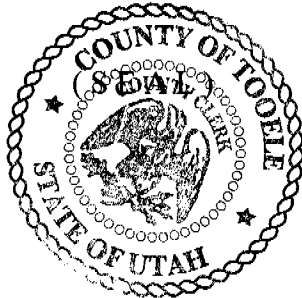
Agreed to and Accepted this 7<sup>th</sup> day of April, 2009

ATTEST:

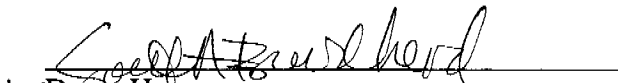
TOOELE COUNTY

  
MARILYN GILLETTE, Clerk

  
COLLEEN JOHNSON, Chairman



APPROVED AS TO FORM:

  
DOUG HOGAN  
TOOELE COUNTY ATTORNEY

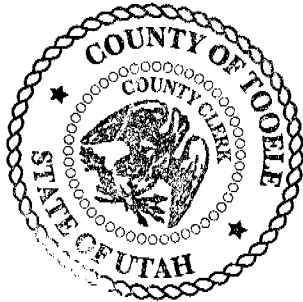
Agreed to and Accepted this 7<sup>th</sup> day of April, 2009

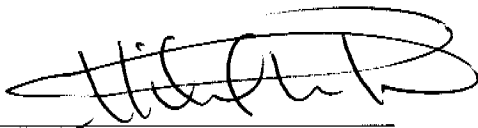
ATTEST:

DESERET PEAK SPECIAL SERVICE  
DISTRICT

Marilyn Gillette  
MARILYN GILLETTE, Secretary

Colleen Johnson  
COLLEEN JOHNSON, Chairman





Giza Development, LLC.

Michael Wright  
Printed Name

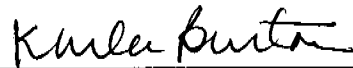
President  
Its

STATE OF UTAH )

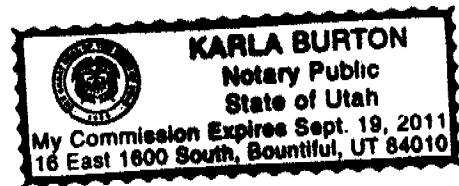
County of Davis )

:SS

On this 13 day of April, 2009, personally appeared before me Michael N. Wright, who being duly sworn, did say that s/he is the president of Giza Development LLC, and that the foregoing instrument was signed on behalf of Giza Development LLC, by authority of law.



NOTARY PUBLIC

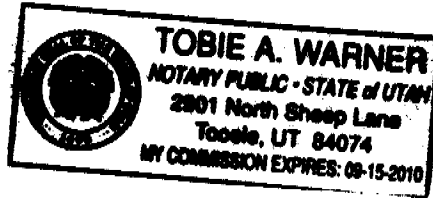


Miller  
Miller Family Real Estate LLC

Gregory S. Miller  
Printed Name

Operating Manager  
Its

STATE OF UTAH )  
County of SALT LAKE ) :SS



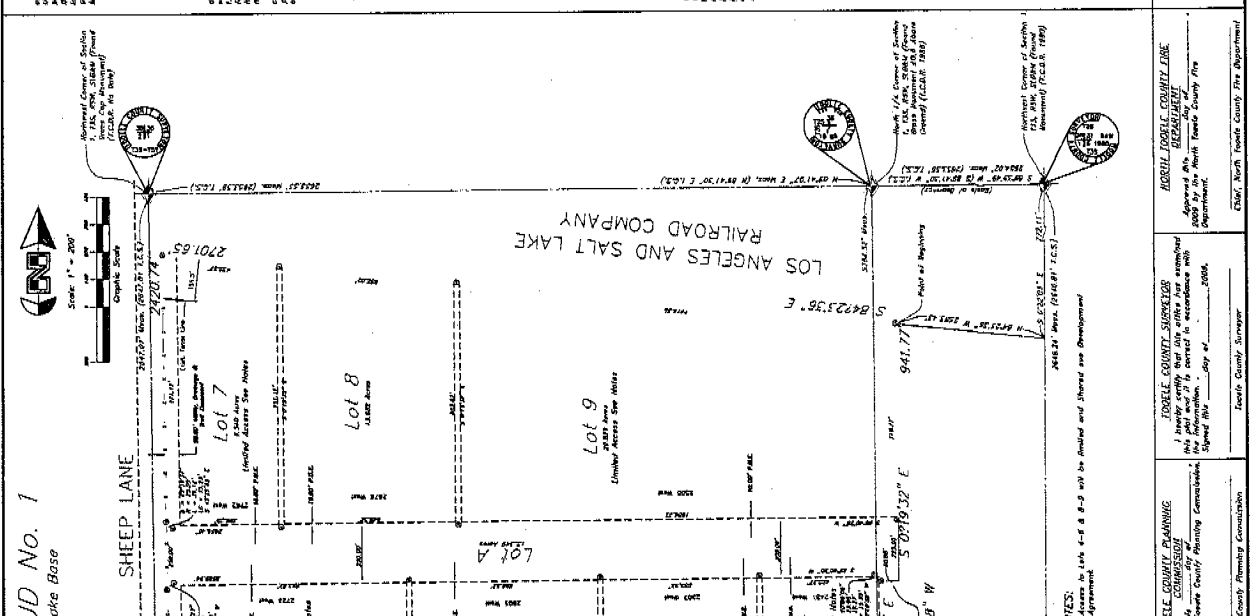
On this 08 day of April, 2009, personally appeared before me  
Gregory S. Miller, who being duly sworn, did say that s/he is the  
Operating Manager of Miller Family Real Estate LLC, and that the foregoing  
instrument was signed on behalf of Miller Family Real Estate LLC, by authority of law.

Tobie A. Warner  
NOTARY PUBLIC

**SURVEYOR'S CERTIFICATE**  
 I, Andy Robinson, do hereby certify that I am a Professional Land Surveyor in the State of Utah, License No. 2399, and have prepared and recorded this plat in accordance with the provisions of the Professional Land Surveyors Act, Utah Code, Title 63C, Chapter 2. I am duly sworn and have taken the oath of office and have complied with the provisions of the Professional Land Surveyors Act, Utah Code, Title 63C, Chapter 2. I have personally supervised the surveying, mapping, and platting of the above described plat and have caused the same to be recorded in accordance with the provisions of the Professional Land Surveyors Act, Utah Code, Title 63C, Chapter 2. My commission expires on 07-31-2009.

**OWNER'S DEDICATION**  
 The undersigned hereby dedicates to the public the easement, right-of-way, and utility easement shown on this plat for the purpose of providing access to the lots shown on this plat. The dedication is made in accordance with the provisions of the Professional Land Surveyors Act, Utah Code, Title 63C, Chapter 2. The dedication is made for the purpose of providing access to the lots shown on this plat and is not intended to be construed as a conveyance of any interest in the land.

**ACKNOWLEDGMENTS**  
 I, Andy Robinson, do hereby certify that I have personally supervised the surveying, mapping, and platting of the above described plat and have caused the same to be recorded in accordance with the provisions of the Professional Land Surveyors Act, Utah Code, Title 63C, Chapter 2. My commission expires on 07-31-2009.



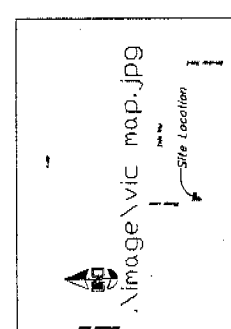
**MILLER MOTORSPORTS BUSINESS PARK PUD No. 1**  
 A part of Section 1, Township 3 South, Range 5 West, Salt Lake Base and Meridian, Jordan County, Utah

**HARRATIVE**  
 This plat shows the proposed subdivision of the above described land into lots for the purpose of providing access to the lots shown on this plat. The subdivision is made in accordance with the provisions of the Professional Land Surveyors Act, Utah Code, Title 63C, Chapter 2. The subdivision is made for the purpose of providing access to the lots shown on this plat and is not intended to be construed as a conveyance of any interest in the land.

**LEGEND**  
 A 3/8" x 1/8" pin with white cap  
 A 3/8" x 1/8" pin with black cap  
 A 3/8" x 1/8" pin with red cap  
 A 3/8" x 1/8" pin with blue cap  
 A 3/8" x 1/8" pin with yellow cap  
 A 3/8" x 1/8" pin with green cap  
 A 3/8" x 1/8" pin with orange cap  
 A 3/8" x 1/8" pin with purple cap  
 A 3/8" x 1/8" pin with brown cap  
 A 3/8" x 1/8" pin with pink cap  
 A 3/8" x 1/8" pin with grey cap  
 A 3/8" x 1/8" pin with white cap  
 A 3/8" x 1/8" pin with black cap  
 A 3/8" x 1/8" pin with red cap  
 A 3/8" x 1/8" pin with blue cap  
 A 3/8" x 1/8" pin with yellow cap  
 A 3/8" x 1/8" pin with green cap  
 A 3/8" x 1/8" pin with orange cap  
 A 3/8" x 1/8" pin with purple cap  
 A 3/8" x 1/8" pin with brown cap  
 A 3/8" x 1/8" pin with pink cap  
 A 3/8" x 1/8" pin with grey cap

**APPROVED BY:**  
 JORDAN COUNTY PLANNING  
 JORDAN COUNTY ENGINEER  
 JORDAN COUNTY TREASURER  
 JORDAN COUNTY BOARD OF HEALTH

**NOTES:**  
 1. A plat and a 1/2" x 1/2" will be filed and shared per Development Agreement.



Final Plat for  
**Miller Motorsports Business Park PUD No. 1**  
 A part of Section 1, Township 3 South, Range 5 West, Jordan County, Utah  
**GREAT BASIN ENGINEERING NORTH**  
 1000 North Main Street, Suite 200  
 Provo, Utah 84601  
 Phone: 801-733-1111  
 Fax: 801-733-1112  
 Email: gben@gben.com

<b>JORDAN COUNTY PLANNING</b> Approved this _____ day of _____, 2008 by the Jordan County Planning Commission. Signed this _____ day of _____, 2008. Jordan County Planner	<b>JORDAN COUNTY ENGINEER</b> Approved this _____ day of _____, 2008. Jordan County Engineer	<b>JORDAN COUNTY TREASURER</b> Approved this _____ day of _____, 2008. Jordan County Treasurer	<b>JORDAN COUNTY BOARD OF HEALTH</b> Approved this _____ day of _____, 2008. Jordan County Board of Health
<b>UTAH PUBLIC COUNTY FIRE</b> Approved this _____ day of _____, 2008. Utah Public County Fire	<b>JORDAN COUNTY SUPERVISOR</b> Approved this _____ day of _____, 2008. Jordan County Supervisor	<b>JORDAN COUNTY ATTORNEY</b> Approved this _____ day of _____, 2008. Jordan County Attorney	<b>JORDAN COUNTY RECORDER</b> Approved this _____ day of _____, 2008. Jordan County Recorder



