

When Recorded Please Return to:

Clearfield Station Apartments, LLC
748 W. Heritage Park Blvd., Ste. 203
Layton, UT 84041

RETURNED

MAR 17 2017

E 3008645 B 6724 P 248-252
RICHARD T. NAUGHAN
DAVIS COUNTY, UTAH RECORDER
03/17/2017 10:51 AM
FEE \$25.00 Pgs: 5
DEPT REC'D FOR NATIONAL TITLE AG
ENCY LLC

SPECIAL WARRANTY DEED

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, UTAH TRANSIT AUTHORITY, a public transit district organized and existing pursuant to the laws of the State of Utah, with an address at 669 West 200 South, Salt Lake City, Utah 84101 (hereafter "GRANTOR") hereby conveys in fee and warrants (only as against those claiming by, through or under GRANTOR) to CLEARFIELD STATION APARTMENTS, LLC, a Utah limited liability company, with an address of 748 West Heritage Park Boulevard, Suite 203, Layton, Utah 84041 (hereafter "GRANTEE"), all of Grantor's interest in the following described real property situated in Davis County, State of Utah, together with all easements, rights, entitlements, improvements and privileges appurtenant to the real property:

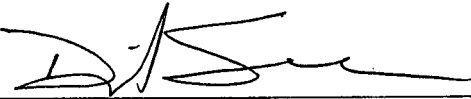
See Exhibit "A" to this Special Warranty Deed.

The fee interest granted hereunder is subject only to dedicated roads and easements of record and those matters set forth in Exhibit "B" attached and incorporated by this reference (the "Permitted Exceptions").

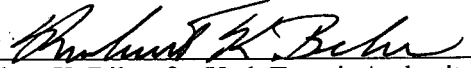
17-2597 AB

GRANTOR:

UTAH TRANSIT AUTHORITY,
a public transit district

By 
Derrick Sorensen, for Utah Transit Authority
Manager of Property Acquisitions/Dispositions

3-14-17

By 
Robert K. Biles, for Utah Transit Authority
V.P. Finance

A Portion of tax ID No's:
12-066-0137 &
12-067-0139
12-882-0001 thru 0008

State of Utah)
)ss.
County of Salt Lake)

On the 13th day of March, 2017, personally appeared before me duly sworn did say that he, the said Derrick Sorensen, is the Manager of Property Acquisitions/Dispositions of said Utah Transit Authority, a public transit district organized and existing pursuant to the laws of the State of Utah, and that the within and foregoing instrument was signed in behalf of said public transit district, by authority and the said Derrick Sorensen duly acknowledge to me that said public transit district executed the same.



NOTARY PUBLIC
My Commission Expires:



State of Utah)
)ss.
County of Salt Lake)

On the 13th day of March, 2017, personally appeared before me duly sworn did say that he, the said Robert K. Biles, V.P. Finance of said Utah Transit Authority, a public transit district organized and existing pursuant to the laws of the State of Utah, and that the within and foregoing instrument was signed in behalf of said public transit district, by authority and the said Robert K. Biles duly acknowledge to me that said public transit district executed the same.



NOTARY PUBLIC
My Commission Expires:



EXHIBIT "A"

Legal Description

PARCEL 1:

Lot 1B-1 and Lot 1B-2, CLEARFIELD STATION TOD PHASE 1, according to the official plat thereof on file and of record in the office of the Davis County Recorder.

PARCEL 2:

Whistle and Grand Private Drives, as created on that certain Subdivision Plat recorded March th 17, 2017 as Entry No. 3008633 in Book 6724 at Page 192 :

COMMENCING AT THE EAST QUARTER CORNER OF SECTION 12, TOWNSHIP 4 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN AS MARKED BY A DAVIS COUNTY SURVEY BRASS CAP (SAID EAST QUARTER CORNER BEING NORTH 00°05'19" EAST 2636.71 FEET ALONG THE SECTION LINE FROM THE SOUTHEAST CORNER OF SAID SECTION 12 WHICH IS WITNESSED BY TWO RECOVERED HIGHWAY BRASS CAP RIGHT-OF-WAY MONUMENTS AS SHOWN ON THE TIE SHEET FOR SAID SOUTHEAST CORNER AS FILED ON PAGE 671 OF TIE SHEETS AT THE DAVIS COUNTY SURVEYOR'S OFFICE, SAID SECTION LINE BEING THE BASIS OF BEARINGS FOR THE HEREIN DESCRIBED PROPERTY), SAID EAST QUARTER CORNER ALSO BEING SOUTH 89°54'00" EAST 2649.24 FEET FROM THE CENTER OF SAID SECTION 12 AS SHOWN ON RECORD OF SURVEY (ROS) MAP NO. 5703 PREPARED BY MOUNTAIN WEST SURVEYING & MAPPING, INC. AND FILED IN THE DAVIS COUNTY SURVEYOR'S OFFICE; THENCE NORTH 89°54'00" WEST 812.86 FEET ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF SECTION 12 AND SOUTH 540.48 FEET TO A POINT ON THE EAST RIGHT OF WAY OF THE BOX CAR DRIVE (A PUBLIC ROAD) AND THE TRUE POINT OF BEGINNING AND RUNNING THENCE SOUTH 00°06'58" WEST 67.00 FEET ALONG SAID BOX CAR DRIVE RIGHT OF WAY; THENCE SOUTH 89°53'02" EAST 403.39 FEET; THENCE SOUTH 00°06'58" WEST 99.00 FEET; THENCE NORTH 89°53'02" WEST 7.00 FEET; THENCE SOUTH 0°06'58" WEST 198.71 FEET TO A POINT BEING ON THE NORTH RIGHT OF WAY OF THE EXPRESS DRIVE (A PUBLIC ROAD); THENCE SOUTH 89°53'02" EAST 63.00 FEET ALONG SAID EXPRESS DRIVE RIGHT OF WAY; THENCE NORTH 0°06'58" EAST 211.02 FEET; THENCE SOUTH 89°54'56" EAST 2.00 FEET; THENCE NORTH 0°06'58" EAST 82.69 FEET; THENCE NORTHWESTERLY 111.53 FEET ALONG A 71.00 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 90°00'00" AND A LONG CHORD OF NORTH 44°53'02" WEST 100.41 FEET; THENCE NORTH 89°53'02" WEST 390.39 FEET TO THE POINT OF BEGINNING.

EXHIBIT "B"

Permitted Exceptions

1. Subject to the right to relocate and reconstruct all irrigation ditches as granted to the State Road Commission of Utah by Right of Way Deed recorded September 20, 1939 as Entry No. 71824 in Book 1-Q at Page 565 of Official Records.
2. Subject to the right to relocate and reconstruct all irrigation ditches as granted to the State Road Commission of Utah by Right of Way Deed recorded September 29, 1939 as Entry No. 72139 in Book 1-Q at Page 602 of Official Records.
3. Subject to any right, title and interest of Oregon Short Line Railroad Company by virtue of that certain Quitclaim Deed recorded July 8, 1985 as Entry No. 706605 in Book 1042 at Page 313 of Official Records.
4. Reservations contained in that certain Quitclaim Deed recorded July 8, 1985 as Entry No. 706605 in Book 1042 at Page 313 of Official Records.
5. Agreement, Grant of Access to DEQ, and Covenants Not to Sue Utah Transit Authority recorded April 2002 as Entry No. 1746062 in Book 3026 at Page 292 of Official Records.
6. Reservations contained in that certain Special Warranty Deed recorded September 20, 2002 as Entry No. 1787696 in Book 3130 at Page 690 of Official Records.

Corrective Special Warranty Deed recorded November 30, 2005 as Entry No. 2126262 in Book 3921 at Page 478 of Official Records to correct the legal description.
7. Notice of an Agreement and Covenant Not to Sue Between and Among the United States on Behalf of the Environmental Protection Agency and the Utah Transit Authority recorded November 18, 2008 as Entry No. 2405404 in Book 4659 at Page 157 of Official Records.
8. Clearfield City Ordinance 2013-12 An Ordinance Approving and Adopting the Clearfield Station Community Development Project Area Plan recorded March 24, 2014 as Entry No. 2795781 in Book 5982 at Page 945 of Official Records.
9. Reimbursement Agreement for Project Improvements recorded July 21, 2016 as Entry No. 2953149 in Book 6563 at Page 565 of Official Records.
10. Easements, notes and restrictions as shown on the Official Plat recorded March 17, 2017 as Entry No. 3008633 in Book 6724 at Page 192.

11. Temporary Access Easement Agreement (1000 East Access) by and between Utah Transit Authority, a public transit district, and Clearfield City, a Utah municipal corporation, recorded March 17, 2017 as Entry No. 3008640 in Book 6724 at Page 225 of Official Records.
12. Water Line Easement Agreement by and between Utah Transit Authority, a public transit district, and Clearfield City, a Utah municipal corporation, recorded March 17, 2017 as Entry No. 3008642 in Book 6724 at Page 234 of Official Records.
13. Water and Sewer Easement Agreement by and between Utah Transit Authority, a public transit district, and Clearfield City, a Utah municipal corporation, recorded March 17, 2017 as Entry No. 3008638 in Book 6724 at Page 217 of Official Records.