

ORDINANCE NO. 2007-04

21

AN ORDINANCE AMENDING SECTION 17.72.020, OF THE SOUTH JORDAN MUNICIPAL CODE, CHANGING THE TEXT ON LAND USE DESIGNATIONS IN THE PLANNED COMMUNITY (P-C) ZONE; AND AMENDING THE MASTER DEVELOPMENT AGREEMENT FOR THE KENNECOTT SUBDIVISION #1 PROJECT AND AMENDING THE P-C ZONE PLAN LAND USE TABLE - ALSO KNOWN AS THE SOUTH JORDAN DAYBREAK PLANNED COMMUNITY

WHEREAS, the South Jordan City Council has previously adopted Chapter 72 of Title 17 of the South Jordan City Municipal Code, which authorizes the Planned Community (P-C) Zone; and

WHEREAS, the P-C Zone provides for certain land use designations which are to be identified in a P-C Zone Plan, Community Structure Plan, and Master Subdivision Plat for each area designated P-C Zone; and

WHEREAS, P-C Zone Plan, Community Structure Plan, and Master Subdivision Plat include a P-C Zone Plan Land Use Table that reflects the entitlements for property and property uses for each area designated P-C Zone; and

WHEREAS, the South Jordan Planning Commission, after holding a public hearing, has reviewed the proposed text amendment to Section 17.72.020; and

WHEREAS, the South Jordan Planning Commission, after holding a public hearing, has reviewed the proposed amended and restated P-C Zone Land Use Table for the Kennecott Master Subdivision #1 Project also known as the South Jordan Daybreak Planned Community (Daybreak, formerly Sunrise); and

WHEREAS, the City Council finds that modifying certain density and floor area limitations imposed on certain land use designations within the P-C Zone will more fully promote the purposes of the P-C Zone; and

WHEREAS, one of the purposes of a Community Structure Plan is to ensure that higher densities within the P-C Zone are placed in appropriate areas and adequately buffered from low-density neighborhoods; and

WHEREAS, the City Council has held a public hearing and has reviewed the proposed text amendment and considered the recommendation of the Planning Commission regarding the proposed amendment to Title 17.72.020 and to the Kennecott Master Subdivision #1 Project (Daybreak) P-C Zone Plan Land Use Table; and

WHEREAS, the City Council desires to amend Section 17.72.020 of the South Jordan Municipal Code as proposed and to amend and restate the Daybreak P-C Zone Plan Land Use Table as proposed; and

WHEREAS, the City Council has found and determined that the proposed amendment to Section 17.72.020 of the South Jordan Municipal Code and the amendments to the Daybreak P-C Zone Plan Land Use Table will support the best interests of the City and will promote the public health, safety and welfare; and

WHEREAS, in accordance with principles of sound municipal planning, the City Staff, the City Planning Commission, and the City Council have taken into account the impact the proposed P-C Zone Amendment and Amended and Restated Daybreak P-C Zone Plan Land Use Table will or may have on existing adjacent development projects, and to the extent legally permissible or practical, the City Staff, City Planning Commission, and City Council have taken reasonable steps to ensure the proposed amendments are in harmony with density, permitted uses, and other components of existing adjacent development project entitlements.

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

Section 1. Amendment. Section 17.72.020 Land Use Designations, in Title 17, "Planning and Land Use" of the South Jordan Municipal Code is hereby amended as follows:

17.72.020 LAND USE DESIGNATIONS

All Land Use Designations, adopted or amended, are incorporated in the South Jordan City Municipal Code and referenced in the City Recorders office or on file with the City Recorder.

The P-C zone shall consist of the following land uses, which shall be identified in the community structure plan as provided in this chapter. Land uses so identified are described in the land use element of the General Plan. Various uses proposed in the P-C zone may only be established in conformance with provisions of this Chapter.

A. Neighborhood: This category is designed for comparatively low density mixed use development that emphasizes residential (single- and multi-family) use, but also includes office, commercial, industrial, public/semipublic and recreation/open space uses. This category may accommodate gross residential density of five (5) units per acre. ~~The aggregate building floor area of all nonresidential uses may not exceed sixty (60) square feet per dwelling unit.~~

B. Village: This category is designed for medium density mixed use development that includes residential (single- and multi-family), office, commercial, industrial, public/semipublic and recreation/open spaces uses, without a predetermined emphasis on any single use. This category may accommodate gross residential density of ~~eighteen (18)~~ twenty five (25) units per acre. ~~The aggregate building~~

~~floor area of all buildings in a village may not exceed forty five percent (45%) of the total land area in the village.~~

C. Town: This category is designed for high density mixed use development that emphasizes office, commercial and recreational uses, but also includes residential (single and multi-family), public/semipublic, industrial and open space uses. This category may accommodate gross residential density of ~~twenty five (25)~~ fifty (50) units per acre. ~~The aggregate building floor area of all buildings in a town may not exceed one hundred twenty five percent (125%) of the total land area in the town.~~

D. Business And Research Parkway: This category is designed to accommodate (but not require) a mixture of all uses: residential (single- and multi-family), office, commercial, industrial, recreational and public/semipublic uses. The principal land use in this category should be office, commercial and industrial. ~~The aggregate floor area of all buildings in a business and research parkway may not exceed fifty percent (50%) of the total land area in the business and research parkway and the total floor area of all residential uses may not exceed ten percent (10%) of the aggregate building floor area in the business and research parkway.~~

E. Open Space: Landscaped or natural area or farmland which is established to provide and preserve outdoor recreational, agricultural or other similar uses.

Section 2. Amended and Restated. The P-C Zone Plan Land Use Table for the Daybreak (formerly Sunrise) planned community and for the Kennecott Master Subdivision #1 Project is hereby amended and restated as follows:

AMENDED AND RESTATED P-C ZONE PLAN LAND USE TABLE

P-C ZONE PLAN LAND USE TABLE	
Total Acres	4,157
Open Space Acres	1,040
Residential Units	20,785
Retail (Square Feet)	2,390,000
Office (Square Feet)	5,185,000
Industrial (Square Feet)	1,500,000

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

Section 4. Effective Date. This Ordinance shall become effective immediately upon passage by the South Jordan City Council and execution of the same by the attested signature of the Mayor of South Jordan City.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF SOUTH JORDAN CITY,
 STATE OF UTAH, ON THIS 15 DAY OF MAY, 2007 BY THE
 FOLLOWING VOTE.**

	YES	NO	ABSTAIN	ABSENT
Brian Butters	<u>X</u>	___	___	___
David W. Colton	<u>X</u>	___	___	___
Bradley G. Marlor	<u>X</u>	___	___	___
Larry Short	<u>X</u>	___	___	___
Leona Winger	<u>X</u>	___	___	___



W. Kent Money
 W. Kent Money, Mayor

ATTEST: *Anna M. West*
 Anna M. West, City Recorder

WHEN RECORDED, RETURN TO:

Kennecott Land Company
5295 South 300 West, Suite 475
Murray, Utah 84107

**AMENDMENT TO P-C ZONE PLAN LAND USE TABLE
(AMENDING THE P-C ZONE PLAN, THE COMMUNITY STRUCTURE PLAN, AND
KENNECOTT MASTER SUBDIVISION #1)**

THIS AMENDMENT TO P-C ZONE PLAN LAND USE TABLE (AMENDING THE P-C ZONE PLAN, THE COMMUNITY STRUCTURE PLAN, AND KENNECOTT MASTER SUBDIVISION #1) (this "Amendment") is made this 15, MAY, 2007 by South Jordan City (the "City"), a Utah municipal corporation, OM Enterprises, a Utah corporation, and Kennecott Land Residential Development Company, a Delaware corporation (OM Enterprises and Kennecott Land Residential Development Company are referred to collectively herein as "Kennecott").

RECITALS

- A. In accordance with the City's Planned Community Zone (as amended from time to time, the "P-C Zone"), Kennecott has submitted for the planned community known as "Daybreak" (previously "Sunrise"), and the City has approved, (i) a Planned Community Zone Plan (as amended from time to time, the "P-C Zone Plan"), (ii) a Community Structure Plan (as amended from time to time, the "CSP"), and (iii) a Master Subdivision Plat, Kennecott Master Subdivision #1, recorded in the Salt Lake County records on October 4, 2002, as Entry No. 8376820, in Book 2002p, beginning at Page 273 (as amended from time to time, the "MSP"). The P-C Zone Plan, the CSP, and the MSP affect the property described on Exhibit 1.
- B. Pursuant to the P-C Zone, the P-C Zone Plan vests the entitlement to build the number of dwelling units and the square footage of nonresidential uses reflected in the P-C Zone Plan. The P-C Zone Plan contains a "P-C Zone Plan Land Use Table" listing said vested units and square footage as well as acreage of open space, which table is replicated on the CSP and the MSP.
- C. The South Jordan City Council, after recommendation from the South Jordan Planning Commission, has approved this Amendment.

NOW THEREFORE,

1. The P-C Zone Plan Land Use Table is amended and restated, and the P-C Zone Plan, CSP, and MSP are amended accordingly, as follows:

P-C ZONE PLAN LAND USE TABLE	
Total Acres	4,157
Open Space Acres	1,040
Residential Units	20,785
Retail (Square Feet)	2,390,000
Office (Square Feet)	5,185,000
Industrial (Square Feet)	1,500,000

2. Except for the P-C Zone Plan Land Use Table, this Amendment does not amend any other portions of the P-C Zone Plan, CSP, or MSP, and shall not be construed to otherwise affect any previous amendments, alterations, or vacations thereof.

IN WITNESS WHEREOF, as of the day first herein above written, the City and Kennecott have approved, consented to, and made this Amendment.

South Jordan City:

PLANNING COMMISSION

Kathie L Johnson

By: Kathie Johnson
Chairman, South Jordan Planning Commission

SOUTH JORDAN CITY ENGINEER

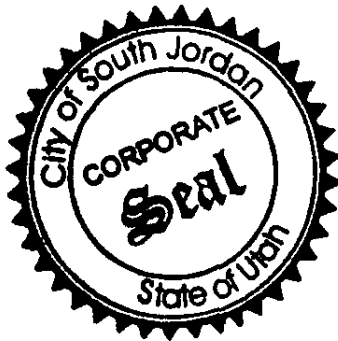
Brad Klavano

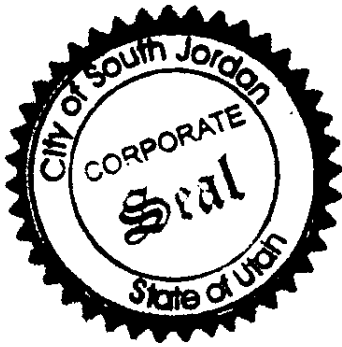
By: Brad Klavano
South Jordan City Engineer

APPROVAL AS TO FORM

John H. Geilman

By: John H. Geilman
South Jordan City Attorney





SOUTH JORDAN CITY COUNCIL

ANNA M. WEST

By: Anna M. West
City Recorder

W. Kent Money

By: W. Kent Money
Mayor, City of South Jordan

OM Enterprises:

OM ENTERPRISES, a Utah corporation

W. Don Whyte

By: W. Don Whyte

Its: President

**Kennecott Land Residential
Development Company:**

KENNECOTT LAND RESIDENTIAL DEVELOPMENT
COMPANY, a Delaware corporation

W. Don Whyte

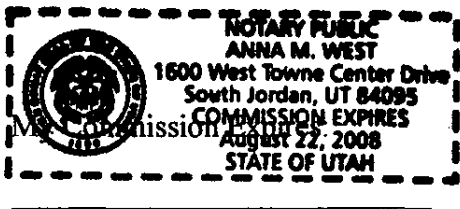
By: W. Don Whyte

Its: President

CITY ACKNOWLEDGEMENT

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

On the 7 day of NOV, 2007, personally appeared before me, a Notary Public, Kathie Johnson, the Chairman, SJC Planning Com. of South Jordan City personally known or proved to me to be the person whose name is subscribed to the above instrument who acknowledged that he executed the above instrument on behalf of South Jordan City.



Anna M. West
NOTARY PUBLIC

Residing at:

South Jordan, Ut

CITY ACKNOWLEDGEMENT

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

On the 6 day of NOV, 2007, personally appeared before me, a Notary Public, Brad Klavano, the City Engineer of South Jordan City personally known or proved to me to be the person whose name is subscribed to the above instrument who acknowledged that he executed the above instrument on behalf of South Jordan City.

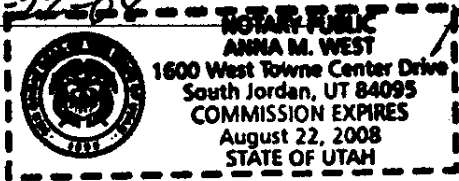
Anna M. West
NOTARY PUBLIC

My Commission Expires:

Residing at:

8-22-08

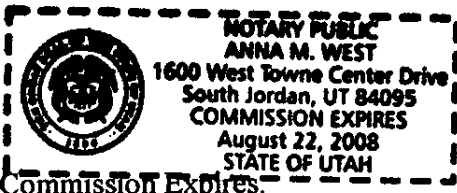
South Jordan, Ut



CITY ACKNOWLEDGEMENT

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

On the 7 day of NOV, 2007, personally appeared before me, a Notary Public, John H. Geilmann, the City Attorney of South Jordan City personally known or proved to me to be the person whose name is subscribed to the above instrument who acknowledged that he executed the above instrument on behalf of South Jordan City.



Anna M. West
NOTARY PUBLIC

My Commission Expires:
8-22-08

Residing at:
South Jordan, Ut

CITY ACKNOWLEDGEMENT

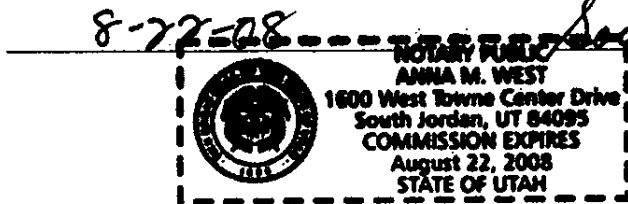
STATE OF UTAH)
) ss.
COUNTY OF SALT LAKE)

On the 6 day of NOV, 2007, personally appeared before me, a Notary Public, W. Kent Money, the MAYOR of South Jordan City personally known or proved to me to be the person whose name is subscribed to the above instrument who acknowledged that he executed the above instrument on behalf of South Jordan City.

Anna M. West
NOTARY PUBLIC

My Commission Expires:

Residing at:

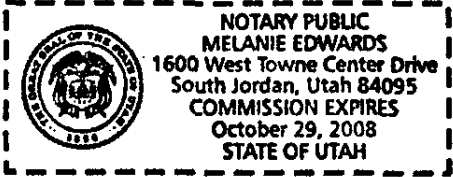


South Jordan, Ut

CITY ACKNOWLEDGEMENT

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

On the 6 day of November, 2007, personally appeared before me, a Notary Public, Anna M. West, the City Recorder of South Jordan City personally known or proved to me to be the person whose name is subscribed to the above instrument who acknowledged that he executed the above instrument on behalf of South Jordan City.



Melanie Edwards
NOTARY PUBLIC

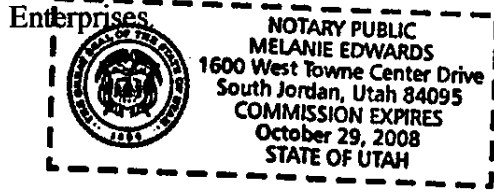
My Commission Expires:
October 29, 2008

Residing at:
Salt Lake County

OM ENTERPRISES ACKNOWLEDGEMENT

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

On the 8 day of November 2007, personally appeared before me, a Notary Public, W. Don White, the President of OM Enterprises personally known or proved to me to be the person whose name is subscribed to the above instrument who acknowledged that he executed the above instrument on behalf of OM Enterprises.



Melanie Edwards
NOTARY PUBLIC

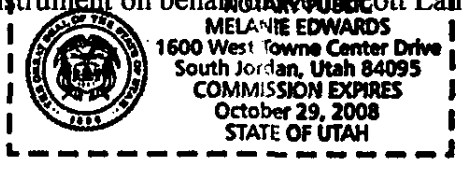
My Commission Expires:
October 29, 2008

Residing at:
Salt Lake County

KENNECOTT LAND RESIDENTIAL DEVELOPMENT COMPANY
ACKNOWLEDGEMENT

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

On the 8 day of November 2007, personally appeared before me, a Notary Public, W. Don White, the President of Kennecott Land Residential Development Company personally known or proved to me to be the person whose name is subscribed to the above instrument who acknowledged that he executed the above instrument on behalf of Kennecott Land Residential Development Company.



Melanie Edwards
NOTARY PUBLIC

My Commission Expires:
Oct 29, 2008

Residing at:
Salt Lake County

EXHIBIT 1
LEGAL DESCRIPTION

EXHIBIT A

LEGAL DESCRIPTION

A tract of land situated in Sections 18 and 19, Township 3 South, Range 1 West and Sections 13, 14, 15, 22, 23 and 24, Township 3 South, Range 2 West, Salt Lake Base and Meridian, said tract being more particularly described as follows:

BEGINNING at a Salt Lake County monument marking the Northwest corner of said Section 13; thence North $89^{\circ}57'24''$ East along the north line of said section for 2699.959 feet to a Salt Lake County monument marking the North quarter corner of said Section 13; thence continuing along said north line North $89^{\circ}57'36''$ East for 2666.551 feet to a point marking the northwest corner of a parcel described in that certain Quit Claim Deed recorded in Book 6833 at Page 52, from which a Salt Lake County monument marking the Northeast corner of said Section 13 bears North $89^{\circ}57'36''$ East – 33.000 feet; thence along the west and south lines of said parcel the following two (2) calls: (1) South $00^{\circ}15'56''$ West for 33.000 feet; (2) thence North $89^{\circ}57'36''$ East intersecting the east line of said Section 13 at 33.000 feet and continuing on along the south line of said parcel for a total of 33.178 feet; thence North $89^{\circ}57'12''$ East parallel to and 33.00 feet perpendicular south of the north line of Section 18, Township 3 South, Range 1 West and along the south right of way of 10200 South for 2574.761 feet to an angle point; thence continuing parallel with said north line and along the said south right of way North $89^{\circ}58'34''$ East for 278.761 feet to a point of intersection with the south right if way of 10200 South and an extension of the west line of the property conveyed to Oquirrh Shadows, L.C. as recorded in Book 8221 at Page 869; thence South $23^{\circ}56'44''$ East passing the northwest corner of said property at 0.591 feet and continuing along the west line of said property for a total of 634.361 feet to an angle point; thence continuing along said west line South $29^{\circ}39'04''$ East for 1012.874 feet to the northeast corner of a parcel conveyed to South Jordan City, recorded in Book 8401 at Page 5930; thence along the perimeter of said South Jordan City property the following four (4) calls: (1) South $60^{\circ}20'55''$ West for 360.045 feet; (2) thence South $29^{\circ}39'05''$ East for 496.250 feet; (3) thence North $33^{\circ}11'06''$ East for 98.140; (4) thence with a curve to the right, having a radius of 1653.000 feet, a central angle of $10^{\circ}12'46''$ (chord bearing and distance of North $38^{\circ}17'57''$ East – 294.249 feet) and for an arc distance of 294.639 feet, said point being the southwest corner of South Jordan City and lying on the north right of way of 10400 South Street, said point also lying on the west line of said Oquirrh Shadows property, thence South $29^{\circ}39'04''$ East along said west line for 2916.402 feet to the south east corner of said Oquirrh Shadows property, said point also lying on the east line of said Section 18; thence South $00^{\circ}07'15''$ East along said east line for 967.184 feet to a Salt Lake County monument marking the northeast corner of Section 19; thence South $00^{\circ}07'47''$ East along the west line of said Section 19 for 1326.083 feet to the northeast corner of the William B. Wray Jr. parcel, also known as Parcel 3 in Commitment for Title Insurance, Amendment No. 3, Order No. 00113350; thence along the north and west lines of said parcel 3 the following two (2) calls: (1) South $89^{\circ}58'28''$ West for 1316.070 feet; (2) thence South $00^{\circ}04'54''$ East for 1324.371 feet to a point on the North line of Country Crossing Subdivision No. 5, recorded as Entry No. 7422489 in Plat Book 99-7P at Page 204; thence along the north and west lines of said subdivision, phase No.'s 5, 4 and 3 the following two (2) calls: (1) North $89^{\circ}56'46''$ West for 1320.153 feet; (2) thence South $00^{\circ}01'42''$ West for 2609.121 feet to the southwest corner of said Country Crossing Subdivision No. 3, said point also lying on the north right of way of 11800 South Street; thence along said north right of

way line the following three (3) calls: (1) North 89°52'04" West for 2642.116 feet; (2) thence North 89°58'42" West for 2677.945 feet; (3) thence North 89°58'44" West for 2677.394 feet to a point of intersection of the north right of way line of said 11800 South Street and the east line of Sunstone Village No. 1 Subdivision, recorded as Entry No. 7973084 in Plat Book 2001P at Page 224, said point also lying North 00°00'42" East – 40.000 feet from a Salt Lake County monument marking the southwest corner of Section 24, Township 3 South, Range 2 West; thence along the east, north and west lines of phases No. 1 and 2 the following three (3) calls: (1) North 00°00'42" East for 2360.900 feet to the northeast corner of said Sunstone Village No. 1; (2) thence South 89°56'12" West for 1815.000 feet to the northwest corner of said Sunstone Village No. 2; (3) thence South 00°00'42" West for 783.900 feet to a point of intersection of the west line of said Sunstone Village No. 2 and the northeast corner of a 20 acre land swap; thence along the north and west lines of said 20 acre land swap the following two (2) calls: (1) South 89°56'12" West for 550.000 feet; (2) thence South 00°00'42" West for 1577.000 feet to a point on the north right of way line of said 11800 South Street; thence along said north right of way line the following four (4) calls: (1) South 89°56'12" West for 282.340 feet; (2) thence South 89°56'14" West for 2647.809 feet; (3) thence North 89°49'08" West for 2644.258 feet; (4) thence North 89°49'44" West for 1322.052 feet; thence North 00°02'03" East along the west line of the east half of the southwest quarter of section 22 for 2605.415 feet to the northwest corner of the east half of the southwest quarter of said Section 22; thence North 89°47'52" West along the north line of said southwest quarter for 1320.211 feet to a Salt Lake County monument marking the west quarter corner of said Section 22; thence North 00°03'55" East along the west line of said Section 22 for 2645.133 feet to a Salt Lake County monument marking the southwest corner of Section 15; thence North 00°14'20" West along the west line of said Section 15 for 12.748 feet to a point on the east right of way of Highway 111; thence along said east right of way line the following two (2) calls: (1) North 20°34'34" East for 618.785'; (2) thence with a curve to the left, having a radius of 2934.930 feet, a central angle of 18°11'53" (chord bearing and distance of North 03°16'41" East – 928.261 feet) and for an arc distance of 932.174 feet to a point of intersection with said east right of way and the south line of the Trans Jordan Landfill property, recorded as Entry No. 5683985 in Book 6826 at Page 293, from which the southwest corner of said property bears South 89°55'33" West – 2.095 feet; thence North 89°55'33" East along the south line of said landfill property for 4347.905 feet to the southeast corner; thence along the east and northerly boundary of said landfill property the following fourteen (14) calls: (1) North 00°04'27" West for 1075.580 feet; (2) thence North 70°32'11" West for 679.750 feet; (3) thence North 32°28'51" West for 429.340 feet; (4) thence North 25°09'37" West for 219.480 feet; (5) thence North 54°23'20" West for 67.210 feet; (6) thence North 71°54'33" West for 83.160 feet; (7) thence South 87°43'11" West for 366.060 feet; (8) thence South 71°57'46" West for 162.800 feet; (9) thence South 84°04'01" West for 113.990 feet; (10) thence North 87°25'43" West for 89.260 feet; (11) thence North 79°38'44" West for 107.140 feet; (12) thence North 72°57'41" West for 348.270 for; (13) thence North 78°14'53" West for 465.783 feet; (14) thence South 89°55'33" West for 1887.661 feet to a point on said east right of way of Highway 111; thence along said east right of way the following four (4) calls: (1) North 06°31'26" West for 48.941 feet; (2) thence North 00°48'48" West for 251.250 feet; (3) thence North 06°31'26" West for 687.100 feet to a found Utah Department of Transportation right of way marker; (4) thence with a curve to the right, having a radius of 5654.580 feet, a central angle of 05°38'46" (chord bearing and distance of North 03°42'03" West – 556.992 feet) and for an arc distance of 557.218 feet to a point of intersection of the said east right of way and the south right of way of the Denver and

Rio Grande Railroad, recorded in Book 5381 at Page 373 ; thence leaving Highway 111 and along said Denver and Rio Grande south right of way the following four (4) calls: (1) North 87°56'32" East for 525.105 feet; (2) thence with a curve to the right, having a radius of 5679.650 feet, a central angle of 02°07'45" (chord bearing and distance of North 89°00'25" East - 211.050 feet) and for an arc distance of 211.062 feet; (3) thence South 89°55'43" East for 6588.936 feet; (4) thence North 56°54'49" East for 242.927 feet to a point of intersection with said south right of way and the north line of Section 14, Township 3 South, Range 2 West; thence South 89°55'21" East along the north line of said section for 512.274 feet to a Salt Lake County monument marking the north quarter corner of said Section 14; thence South 89°55'04" East continuing along said north line for 761.295 feet to the northwest corner of the Utah Power and Light parcel recorded in Book 4362 at Page 429; thence along the west and south lines of said U.P & L. parcel the following two (2) calls: (1) South 00°02'50" West for 940.000 feet; (2) thence South 89°55'04" East for 1890.000 feet to the southeast corner of the Utah Power and Light parcel recorded in Book 4358 at Page 302, said point also lying on the east line of said Section 14; thence North 00°02'50" East along said east line for 940.000 feet to the POINT OF BEGINNING

Containing 189,265,768.079 Square feet or 4344.9442 Acres

TOGETHER WITH all lots therein labeled "P" or "O."

LESS AND EXCEPT

A tract of land located in the west half of Section 24, Township 3 South, Range 2 West, Salt Lake Base and Meridian, said tract being more particularly described as follows:

Commencing at the south quarter corner of said Section 24; thence North 00°08'33" East along the east line of said west half for 362.40 feet to the POINT of BEGINNING, said point marking the south east corner of a tract of land recorded in Book 5015 at Page 420; thence North 37°29'42" West for 4399.260 feet to a point on the west line of said Section 24; thence North 00°00'12" East along said west line for 410.687 feet to a point, from which the northwest corner of said Section 24 bears North 00°00'12" East – 1020.943 feet; thence South 37°29'42" East for 4400.894 feet to a point on the east line of said west half; thence South 00°08'33" West for 409.393 to the POINT OF BEGINNING.

LESS AND EXCEPT

A tract of land located in the northeast quarter of Section 23, Township 3 South, Range 2 West, Salt Lake Base and Meridian, said tract being more particularly described as follows:

Commencing at the northeast corner of said Section 23; thence South 89°58'54" West along the north line of said section for 791.000 feet to the POINT OF BEGINNING; thence South 37°29'42" East for 1299.415 feet to a point on the east line of said Section 23, from which the northeast corner of said section bears North 00°00'12" East – 1031.220 feet; thence South 00°00'12" West along said east section line for 180.702 feet; thence North 37°29'42" West for

1527.114 feet to a point on the north line of said Section 23; thence North 89°58'54" East along the north line of said section for 138.608 feet to the POINT OF BEGINNING.

LESS AND EXCEPT

A tract of land traditionally described as the South 80 rods of Section 14, Township 3 South Range 2 West, Salt Lake base and Meridian, said tract being more particularly described as follows:

BEGINNING at a Salt Lake County monument marking the southeast corner of said Section 14; thence South 89°58'54" West along the south line of the section for 2647.919 feet to a Salt Lake County monument marking the south quarter corner of said Section 14; thence South 89°58'44" West continuing along the south line of said section for 2648.752 feet to a Salt Lake County monument marking the southwest corner of said Section 14; thence North 00°02'40" West along the west line of said section for 1325.317 feet; thence South 89°51'12" East for 5298.808 feet to a point on the east line of said section; thence South 00°02'52" West along the east line of said section for 1309.930 feet to the POINT OF BEGINNING.

LESS AND EXCEPT

A parcel of land located in the north half of Sections 14 and 15, Township 3 South, Range 2 West, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Commencing at the north quarter corner of said Section 14; thence North 89°55'21" West along the north line of said Section 14 for 146.669 feet to the POINT OF BEGINNING; thence the following three calls along the south right of way of said railroad: (1) South 56°54'49" West for 1884.169 feet; (2) thence with a curve to the right having a radius of 4397.183 feet, a central angle of 32°12'16" (chord bearing and distance of South 73°00'57" West – 2439.140 feet) and for an arc distance of 2471.547 feet; (3) thence South 89°07'05" West for 1572.971 feet to a point of intersection with the north line of the landfill property; thence along the north line of said landfill property the following two (2) calls: (1) thence North 78°14'54" West for 407.402 feet; (2) thence South 89°55'33" West for 1661.830 feet to a point of intersection with the north right of way of the railroad; thence with said north right of way line the following five (5) calls: (1) North 89°07'34" East for 1067.497 feet; (2) North 00°12'08" West for 87.624 feet; (3) thence North 89°07'05" East for 2563.638 feet; (4) thence with a curve to the left having a radius of 4197.183 feet, a central angle of 32°12'16" (chord bearing and distance of North 73°00'57" East – 2328.199 feet) and for an arc distance of 2359.132 feet; (5) thence North 56°54'49" East for 1578.118 feet to a point on the north line of said Section 14; thence South 89°55'21" East along the north line of said Section 14 for 365.605 feet to the POINT OF BEGINNING.

LESS AND EXCEPT

A parcel of land located in the Northwest Quarter of Section 14, Township 3 South, Range 2 West, Salt Lake Base and Meridian, Salt Lake County, Utah, described as follows:

BEGINNING at a point on the north line of Kennecott Master Subdivision #1, recorded October 4, 2002 as Entry No. 8376820 in Book 2002P at Page 273 of the Salt Lake County records, said point being South 00°02'25" East 133.10 feet along the west line of the Northwest Quarter of Section 14, Township 3 South, Range 2 West, Salt Lake Base and Meridian from the Northwest Corner of said Section 14, and thence along said north line South 89°55'43" East 1,937.78 feet to the northwesterly line of the Denver and Rio Grande Western Railroad right-of-way; thence along said northwesterly line the following two courses: South 56°54'49" West 1,335.19 feet to a point of tangency of a 4,197.18 foot radius curve to the right and Southwesterly 918.71 feet along said curve through a central angle of 12°32'29" and a long chord of South 63°11'03" West 916.88 feet to said west line of the Northwest Quarter; thence North 00°02'25" West 1,144.93 feet to the POINT OF BEGINNING. Said parcel contains 1,191,523 square feet or 27.35 acres, more or less.

TOGETHER WITH

A parcel of land located in the Northwest Quarter of Section 14, Township 3 South, Range 2 West, Salt Lake Base and Meridian, Salt Lake County, Utah, described as follows:

BEGINNING at a point on the southeasterly line of the Denver and Rio Grande Western Railroad right-of-way and the west line of the Northwest Quarter of Section 14, Township 3 South, Range 2 West, Salt Lake Base and Meridian, said point being South 00°02'25" East 1,490.88 feet along said west line from the Northwest Corner of said Section 14, said point also being said point also being on the arc of a 4,397.18 foot radius curve to the left, the center of which bears North 19°34'25" West and thence along said southeasterly line the following two courses: Northeasterly 1,037.06 feet along said curve through a central angle of 13°30'47" and a long chord of North 63°40'12" East 1,034.66 feet and North 56°54'49" East 1,051.30 feet; thence South 00°04'17" West 621.08 feet to a point on the arc of a 76.00 foot radius non-tangent curve to the right, the center of which bears South 00°04'17" West; thence Southerly 222.85 feet along said curve through a central angle of 168°00'10" and a long chord of South 05°55'38" East 151.17 feet; thence South 38°55'17" East 423.92 feet; thence South 113.15 feet; thence South 49°35'18" West 115.13 feet; thence South 72°48'21" West 804.44 feet; thence North 34°57'50" East 619.52 feet; thence South 89°15'43" West 680.64 feet to a point on the arc of a 867.50 foot radius non-tangent curve to the right, the center of which bears North 72°47'27" West; thence Southwesterly 381.60 feet along said curve through a central angle of 25°12'12" and a long chord of South 29°48'39" West 378.53 feet to a point of reverse curvature of a 782.50 foot radius curve to the left; thence Southwesterly 428.39 feet along said curve through a central angle of 31°22'03" and a long chord of South 26°43'44" West 423.06 feet; thence North 78°57'17" West 85.00 feet; thence North 75°51'05" West 459.24 feet to said west line of the Northwest Quarter; thence along said west line North 00°02'25" West 572.84 feet to the POINT OF BEGINNING. Said parcel contains 1,565,359 square feet or 35.93 acres, more or less.

EXCEPT FOR:

A parcel of land located in the Northwest Quarter of Section 14, Township 3 South, Range 2 West, Salt Lake Base and Meridian, Salt Lake County, Utah, described as follows:

BEGINNING at a point South 00°02'25" East 2,048.47 feet along the west line of Section 14, Township 3 South, Range 2 West, Salt Lake Base and Meridian and East 163.22 feet from the

from the Northwest Corner of said Section 14, and thence North 14°09'22" East 279.72 feet; thence South 75°50'38" East 352.38 feet to a point on the arc of a 867.50 foot radius non-tangent curve to the left, the center of which bears South 56°30'17" East; thence Southwesterly 285.25 feet along said curve through a central angle of 18°50'23" and a long chord of South 24°04'31" West 283.97 feet; thence North 75°50'38" West 303.47 feet to the POINT OF BEGINNING. Said parcel contains 89,510 square feet or 2.05 acres, more or less. Total area: 1,475,849 square feet or 33.88 acres, more or less.

LESS AND EXCEPT

A parcel of land located in the North Half of Section 14, Township 3 South, Range 2 West, Salt Lake Base and Meridian, Salt Lake County, Utah, described as follows:

Beginning the North Quarter Corner of Section 14, Township 3 South, Range 2 West, Salt Lake Base and Meridian, and thence along the north line of said Section 14 South 89°55'04" East 159.07 feet to a point on the arc of a 13,759.88 foot radius non-tangent curve to the right, the center of which bears South 80°09'26" West; thence Southerly 816.14 feet along said curve through a central angle of 03°23'54" and a long chord of South 08°08'37" East 816.02 feet; thence South 00°00'41" West 453.30 feet; thence North 89°36'39" West 76.15 feet; thence South 65°51'23" West 400.85 feet; thence South 71°27'17" West 77.22 feet; thence South 56°41'01" West 195.67 feet; thence North 89°36'39" West 159.23 feet; thence North 38°55'17" West 423.92 feet to a point on the arc of a 76.00 foot radius non-tangent curve to the left, the center of which bears North 11°55'33" West; thence Northerly 222.85 feet along said curve through a central angle of 168°00'10" and a long chord of North 05°55'38" West 151.17 feet; thence North 00°04'17" East 621.08 feet to the southeasterly line of the Denver and Rio Grande Western Railroad right-of-way; thence along said southeasterly line North 56°54'49" East 832.87 feet to said north line of Section 14; thence South 89°55'21" East 146.67 feet to the POINT OF BEGINNING. Said parcel contains 1,364,069 square feet or 31.31 acres, more or less.

LESS AND EXCEPT

The Amended Kennecott Daybreak Phase 1 Subdivision as recorded in Book 2004P at Page 164 in the office of the Salt Lake County Recorder except for all lots labeled "P" or "O".

LESS AND EXCEPT

The Amended Kennecott Daybreak Phase II Subdivision as recorded in Book 2004P at Page 382 in the office of the Salt Lake County Recorder except for all lots labeled "P" or "O".

LESS AND EXCEPT

The Daybreak Townhome I Subdivision as recorded in Book 2004P at Page 198 in the office of the Salt Lake County Recorder except for all lots labeled "P" or "O".

LESS AND EXCEPT

The Kennecott Daybreak Phase II Plat 3 Subdivision as recorded in Book 2005P at Page 83 in the office of the Salt Lake County Recorder except for all lots labeled "P" or "O".

LESS AND EXCEPT

The Kennecott Daybreak Plat 4 Subdivision as recorded in Book 2005P at Page 160 in the office of the Salt Lake County Recorder except for all lots labeled "P" or "O".

LESS AND EXCEPT

The Carriage Home Condominiums as recorded in Book 2005P at Page 379 in the office of the Salt Lake County Recorder except for all lots labeled "P" or "O".

LESS AND EXCEPT

The Kennecott Daybreak Plat 4 Subdivision Amending Lots O-103, 218, 219, 220, 221, 222, 223, 224, 225, 226 and P-102 as recorded in Book 2006P at Page 189 in the office of the Salt Lake County Recorder except for all lots labeled "P" or "O".

LESS AND EXCEPT

The Amended Kennecott Daybreak Plat 5 Subdivision as recorded in Book 2006P at Page 217 in the office of the Salt Lake County Recorder except for all lots labeled "P" or "O".

LESS AND EXCEPT

The Kennecott Daybreak Plat 6 Subdivision as recorded in Book 2006P at Page 220 in the office of the Salt Lake County Recorder except for all lots labeled "P" or "O".

LESS AND EXCEPT

The Kennecott Daybreak Plat 7 Subdivision as recorded in Book 2006P at Page 294 in the office of the Salt Lake County Recorder except for all lots labeled "P" or "O".

LESS AND EXCEPT

The Kennecott Daybreak Plat 8 Subdivision as recorded in Book 2007P at Page 133 in the office of the Salt Lake County Recorder except for all lots labeled "P" or "O".

LESS AND EXCEPT

The Kennecott Daybreak Plat 3A Subdivision as recorded in Book 2006P at Page 379 in the office of the Salt Lake County Recorder except for all lots labeled "P" or "O".

LESS AND EXCEPT

The Kennecott Daybreak Corporate Center #1 as recorded in Book 2007P at Page 132 in the office of the Salt Lake County Recorder except for all lots labeled "P" or "O".

LESS AND EXCEPT

The Kennecott Daybreak Condominium Map 3B-1 as recorded in Book 2007P at Page 25 in the office of the Salt Lake County Recorder except for all lots labeled "P" or "O".

LESS AND EXCEPT

The Kennecott Daybreak Condominium Map 3B-2 as recorded in Book 2007P at Page 26 in the office of the Salt Lake County Recorder except for all lots labeled "P" or "O".

LESS AND EXCEPT

The Kennecott Daybreak Condominium Map 3B-3 as recorded in Book 2007P at Page 27 in the office of the Salt Lake County Recorder except for all lots labeled "P" or "O".

LESS AND EXCEPT

The Kennecott Daybreak Condominium Map 3B-4 as recorded in Book 2007P at Page 28 in the office of the Salt Lake County Recorder except for all lots labeled "P" or "O".

LESS AND EXCEPT

The Kennecott Daybreak Condominium Map 3B-5 as recorded in Book 2007P at Page 29 in the office of the Salt Lake County Recorder except for all lots labeled "P" or "O".

LESS AND EXCEPT

The Kennecott Daybreak Condominium Map 3B-6 as recorded in Book 2007P at Page 30 in the office of the Salt Lake County Recorder except for all lots labeled "P" or "O".

LESS AND EXCEPT

The Kennecott Daybreak Condominium Map 3B-7 as recorded in Book 2007P at Page 31 in the office of the Salt Lake County Recorder except for all lots labeled "P" or "O".

LESS AND EXCEPT

The Kennecott Daybreak Condominium Map 3B-8 as recorded in Book 2007P at Page 32 in the office of the Salt Lake County Recorder except for all lots labeled "P" or "O".

LESS AND EXCEPT

The Kennecott Daybreak Condominium Map 3B-9 as recorded in Book 2007P at Page 33 in the office of the Salt Lake County Recorder except for all lots labeled "P" or "O".

LESS AND EXCEPT

The Kennecott Daybreak Condominium Map 3B-10 as recorded in Book 2007P at Page 34 in the office of the Salt Lake County Recorder except for all lots labeled "P" or "O".

LESS AND EXCEPT

Parcels V7A and V7B of the Amended Kennecott Master Subdivision #1 as recorded in Book 2003P at Page 303 in the office of the Salt Lake County Recorder.