

After recording, return to:
Salt Lake City Recorder

SLC-SLCIA
03/19/85

AVIGATION EASEMENT AFFECTING COUNTY TAX PARCEL # 15-18-100-022

6024187

NINIGRET PARK DEVELOPMENT, L.L.C., A Utah Limited Liability Company hereinafter referred to as "Grantor" hereby grants and conveys to SALT LAKE CITY CORPORATION, hereinafter referred to as "Grantee", for good and valuable consideration extended by the Grantee to the Grantor, in the form of Grantee's approval or development of Grantor's land by memorializing an existing prescriptive common law avigation easement associated with the existing aircraft activities in and around the Salt Lake City International Airport, the receipt and sufficiency of which are hereby acknowledged, a perpetual and assignable easement in the airspace above and over the parcel of land described in Exhibit "A", attached hereto and by this reference incorporated herein, hereinafter, referred to as the "real property", for the free and unrestricted passage of aircraft of any and all kinds now or hereafter developed for the purpose of transporting persons or property through the air, in, through, across and about the airspace over the Real Property. The airspace shall mean that space above the Real Property which is above the height limit established for the Salt Lake City International Airport by the Revised Ordinances of Salt Lake City, which for the Real Property is that space above a flat plain 4507 feet mean sea level, as determined by U.S.G.S. datum coterminous with the boundaries of the Real Property (hereinafter referred to as the "Airspace").

Said easement is granted under the condition that civil aircraft yearly average noise level does not exceed 75 LDN for Zone B and 65 LDN for Zone C as those zones are described in Figure 3-1 of the Salt Lake International Airport Land Use Policy Plan dated August, 1982, (a copy of Figure 3-1 of said Plan is attached hereto as Exhibit B and by reference incorporated herein), or the equivalent to 65 LDC or 75 LDN, as appropriate, if a designation other than LDN is adopted by the U.S. Federal Government and is recognized as the generally accepted environmental noise descriptor, in which case the alternate equivalent designation shall apply. Zone A, as described in said Plan, shall not be restricted to any maximum yearly average noise level. During any period the maximum yearly average noise level was exceeded on any particular property by civil aircraft within Zone B or Zone C, this easement shall be inoperative solely with respect to the levels of noise exceeding the maximum levels authorized above for said property. However, on all other portions of the property where it cannot be proven that the authorized noise levels have been exceeded, this easement shall remain in full force and effect.

Grantor further agrees that the easement and rights hereby granted to the Grantee in the Airspace above and over the Real Property are for the purpose of insuring that the Airspace shall remain free and clear for the flight of aircraft landing at or taking off from or otherwise using the Salt Lake City International Airport described in Exhibit C attached hereto, and by this reference incorporated herein, (hereinafter referred to as "Airport"). Said easement and the rights appertaining thereto shall be for the benefit of Grantee, its successors, assigns,

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guests, invitees, including any and all persons, firms or corporations operating aircraft to or from the Airport, in perpetuity said easement, together with all things which may be alleged to be incidental to or to result from the use and enjoyment of said easement, shall run with the land and be binding upon and enforceable against all successors in right, title or interest to said Real Property and shall be unlimited as to frequency.

Grantor agrees that it, its heirs, successors and assigns shall not hereafter erect, or permit the erection or growth of any object within the Airspace. This easement grants the right of flight for the passage of aircraft in the Airspace, together with the right to cause or create, or permit or allow to be caused or created in the Airspace and within, above and adjacent to the Real Property, such annoyances as may be inherent in, or may arise or occur from or during the operation of aircraft, subject to the noise limitations described above.

Grantor further agrees that all structures to be constructed on Grantor's Real Property described on Exhibit A shall provide and maintain applicable sound attenuation ordinance requirements to insulate occupants from noise to mitigate any adverse impact from aircraft noise.

Grantor acknowledges that Grantor has signed and granted this easement with the height of the easement unspecified and blank. Grantor agrees that grantee may fill in the blank at the elevation required by easement without grantors further signature or approval.

WITNESS the hand of the Grantor this 3rd day of February, 1995.

Randolph G. Alford, manager
The Ninigret Group, L.L.C., manager
Ninigret Park Development, L.C.

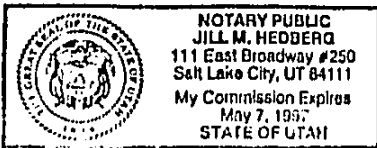
ATTEST:

TITLE:

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STATE OF UTAH)
)ss
County of Salt Lake)

On this 3rd day of February, 1995 A.D., personally appeared before me, the undersigned Notary Public in and for said County of Salt Lake in said State of Utah, Randolph G. Akood; who being by me duly sworn, deposed and said person is the Manager of Naviget Park Development L.C., a Utah ^{Limited Liability Company} ~~corporation~~, that the above easement was signed by them and duly acknowledged to me that the foregoing instrument was signed in behalf of said ^{L.L.C.} ~~corporation~~ by authority of a resolution of its board of directors, and said officers acknowledged to me that said ^{L.L.C.} ~~corporation~~ executed the same..
XXXXXXXXXXXX



Jill Hedberg
NOTARY PUBLIC, residing in
Salt Lake County, Utah

My commission expires:

MAY 7, 1997

(corporation acknowledgment)

EXHIBIT A, Avigation Easement affecting Tax Parcel #15-18-100-022

DESCRIPTION

A parcel of land situate in the West half (W 1/2) of Section 18, Township 1 South, Range 1 West, of the Salt Lake Meridian, Salt Lake City, Salt Lake County, State of Utah, bounded and described as follows:

Beginning at the Northwest corner of said Section 18, said point also being the Northwest corner of that certain parcel of land as conveyed by Union Pacific Land Resources Corporation to Upland Industrial Development Company, by Quitclaim Deed dated June 2, 1982, recorded in Book 5396, Page 388, records of said County; thence along the North line of said Section 18, and along the Northerly line of said conveyed parcel, South 89°59'48" East 1356.56 feet (1363.66 feet by Deed) to the Utah Power & Light Company Southwesterly property line as conveyed and described in Warranty Deed by and between Leland S. Swaner and Paula M. Swaner, his wife, M.W. Wallace and Constance C. Wallace, his wife, Grantors, of Salt Lake County, Utah, and Utah Power & Light Company, a corporation, as Grantee, said Warranty Deed recorded December 30, 1964 as Entry No. 2051505 in Book 2276 at page 495, Salt Lake County Recorder's Office; thence along said Southwesterly line South 27°08'53" East 637.36 feet (South 27°07' East 634.35 feet by Deed) to the Northeasterly prolongation of the Northernmost boundary of Centennial Industrial Park, Phase V, Salt Lake City, Salt Lake County, Utah, recorded as Entry No. 3316753 on August 3, 1979 in the office of the Recorder of said County; thence South 62°49'39" West 69.01 feet (South 62°50'05" West 75.06 feet by deed) along said Northeasterly prolongation and the Northerly line of said Phase V; thence South 10°55'23" West 650.88 feet (South 10°55'48" West by deed) to a point that is 175 feet distant Westerly, measured at right angles from the Westerly line of said Phase V; thence parallel with said Westerly line of said Phase V South 0°07'49" East 1553.48 feet (South 0°07'23" East by deed) to a point on the Westerly prolongation of the Northerly line of 1730 South Street; thence along said Westerly prolongation North 89°52'11" East 147.00 feet (North 89°52'37" East by deed) to a point that is 28 feet distant Westerly, measured at right angles from the Westerly line of said Phase V; thence parallel with said Westerly line of Phase V, South 0°07'49" East 66.00 feet to a point on the Westerly prolongation of the southerly line of 1730 South Street, said point also being on the northerly line of that certain Parcel No. 2, as conveyed by Upland Industrial Development Company to Duplex Products, Inc. by Warranty Deed dated August 29, 1984, records of said County; thence along the Northerly line of said conveyed parcel, and along the Westerly prolongation of the Southerly line of said 1730 South Street, South 89°52'11" West 37.00 feet to the Northwest corner of said conveyed parcel, said point being 65 feet distant Westerly, measured at right angles from the Westerly

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line of said Phase V; thence along the Westerly line of said conveyed parcel and parallel with said Westerly line of Phase V, South 0°07'49" East 527.00 feet to a point on the Northerly line of Parcel No. 2 as conveyed by Upland Industrial Development Company to McKesson Corporation, by Special Warranty Deed dated September 21, 1987, records of said County; thence along the Northerly line of said conveyed parcel South 89°52'11" West 110.00 feet to the Northwest corner of said conveyed parcel, said point being 175.00 feet distant Westerly, measured at right angles from the Westerly line of said Phase V; thence along the Westerly line of said conveyed parcel, parallel with said Westerly line of Phase V, South 0°07'49" East 660.00 feet to the Southwest corner of said conveyed parcel; thence along the Southerly line of said conveyed parcel, North 89°52'11" East 85.00 feet to the Northwest corner of that certain parcel as conveyed by Pratezk Partners to G&R Builders Co. LTD by Warranty Deed dated March 17, 1992, recorded in Book 6427, Page 1619, records of said County; thence along the Westerly line of said conveyed parcel, South 0°07'49" East 480.00 feet to a point on the Westerly extension of the Northerly line of 1980 South Street as conveyed by Pratezk Partners to Salt Lake City Corporation by Special Warranty Deed dated March 30, 1993, recorded in Book 6634 at page 473, records of said County; thence parallel with said Westerly line of said Phase V, South 0°07'49" East 60.00 feet to a point on the Westerly prolongation of the Southerly line of said 1980 South Street; thence along the Westerly prolongation of the Southerly line of said 1980 South Street North 89°52'11" East 25.00 feet to a point that is 65.00 feet distant Westerly, measured at right angles from the Westerly line of said Phase V, said point being the Northwest corner of that certain Parcel 2, as conveyed by Upland Industrial Development Company to UEM Development Company by Warranty Deed dated January 2, 1986, records of said County; thence along the Westerly line of said conveyed parcel, parallel with said Westerly line of Phase V, South 0°07'49" East 554.86 feet (South 00°07'23" East 554.44 feet by deed) to the Northerly right of way line of 2100 South Street; thence along said Northerly right of way line North 89°47'22" West 1579.27 feet and South 89°51'59" West 0.21 feet (North 89°47'21" West 1579.40 feet by deed) to the West line of said Section 18; thence along said West line North 0°01'52" West 2481.59 feet and North 00°00'56" West 2651.50 feet (North 0°01'04" West 5132.91 feet by deed) to the point of BEGINNING.

TOGETHER WITH a thirty-foot (30') wide non-exclusive open space easement upon, over and across the following described property:

A parcel of land situated in the Southwest
(Continued)

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Quarter (SW 1/4) of Section 18, Township 1 South, Range 1 West of the Salt Lake Meridian, Salt Lake City, Salt Lake County, Utah, bounded and described as follows:

COMMENCING at the Northwest corner of Lot 6, Centennial Industrial Park, Phase V, a subdivision in said City and County, the plat of said subdivision recorded August 3, 1979 as Entry No. 3316753 in the Office of the Recorder of said County, said corner being the Northeast corner of Parcel No. 2, as conveyed by Upland Industrial Development Company to Duplex Products, Inc., by Warranty Deed dated August 29, 1984; thence along the Westerly line of said Lot 6, South $00^{\circ}07'23''$ East 527.00 feet to the Southeast corner of said conveyed Parcel No. 2; thence along the Southerly line of said conveyed Parcel No. 2, South $89^{\circ}52'37''$ West 65.00 feet to the Southwest corner of said conveyed Parcel No. 2, said corner being the TRUE POINT OF BEGINNING; thence along the Westerly prolongation of said Southerly line of conveyed Parcel No. 2, South $89^{\circ}52'37''$ West 110.00 feet; thence parallel with said Westerly line of Lot 6, South $00^{\circ}07'23''$ East 660.00 feet; thence parallel with said Southerly line of conveyed Parcel No. 2 and its Westerly prolongation, North $89^{\circ}52'37''$ East 30.00 feet; thence parallel with said Westerly line of Lot 6, North $00^{\circ}07'23''$ West 630.00 feet; thence parallel with said Southerly line of conveyed Parcel No. 2 and its Westerly prolongation, North $89^{\circ}52'37''$ East 80.00 feet to a point on the Southerly prolongation of the Westerly line of said conveyed Parcel No. 2; thence along said Southerly prolongation of the Westerly line of conveyed Parcel No. 2, North $00^{\circ}07'23''$ West 30.00 feet to the TRUE POINT OF BEGINNING.

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SALT LAKE INTERNATIONAL AIRPORT

BOUNDARY DESCRIPTION

Beginning at a point 806.03 feet N. $0^{\circ} 02' 38''$ E. of the South $1/4$ corner of Section 33, Township 1 North, Range 1 West, Salt Lake Base and Meridian, said point being on the Northerly right-of-way line of North Temple Street, and running thence S. $89^{\circ} 58' 38''$ W. 340.71 feet along said right-of-way line; thence S. $0^{\circ} 02' 38''$ W. 805.75 feet to the South line of Section 33, thence N. $89^{\circ} 58' 33''$ E. 340.71 feet along said section line to the South $1/4$ corner of Section 33 (said $1/4$ corner is also the North $1/4$ corner of Section 4, T.1S., R.1W.); thence S. $0^{\circ} 11' 26''$ E. 2,290.43 feet to the northerly right-of-way of the Western Pacific Railroad main line siding; thence S. $77^{\circ} 49' 01''$ W. 581.95 feet; thence S. $0^{\circ} 12' 04''$ E. 238 feet, more or less, to the $1/4$ section line; thence S. $89^{\circ} 57' 09''$ W. 188 feet, more or less; thence N. $0^{\circ} 12' 04''$ W. 197 feet, more or less, to the northerly right-of-way line of the Western Pacific Railroad main line siding; thence S. $77^{\circ} 49' 01''$ W. 1,932.50 feet to the west line of said Section 4 (said line is also the east line of Section 5, T.1S., R.1W.); thence S. $77^{\circ} 49' 01''$ W. 230.26 feet to a point on a 3,852.83 foot radius curve to the left, said point also being on the northerly right-of-way line of the relocated Salt Lake Garfield and Western Railroad; thence Southwesterly 397.14 feet along said curve to a point 116 feet perpendicularly distant northwesterly to the Western Pacific Railroad main line track; thence Southwesterly and parallel to said railroad track 3,459 feet, more or less, thence S. $78^{\circ} 00' 55''$ W. 1,343

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feet, more or less, to the west line of said Section 5 (said line is also the east line of Section 6, T.1S., R.1W.); thence S. $78^{\circ} 00' 55''$ W. 238 feet, more or less, to the westerly highway right-of-way and non-access line of JDOT Project #I-80-3(5)116; thence N. $1^{\circ} 25' 59''$ W. 622 feet, more or less, along said right-of-way line to a point on a 1,527.89 foot radius curve to the left (Note: Tangent to said curve at its point of beginning bears N. $1^{\circ} 50' 34''$ W.); thence Northwesterly 769.68 feet along said curve to the north line of the NE 1/4 SE 1/4 of said Section 6; thence Northwesterly 971.37 feet along the arc of a 1,672.95 foot radius curve to the left (Note: Tangent to said curve at its point of beginning bears N. $34^{\circ} 24' 21''$ W.); thence N. $63^{\circ} 47' 38''$ W. 1,084.09 feet; thence N. $55^{\circ} 55' 36''$ W. 436.08 feet; thence West 83.57 feet to a point on a 2,894.79 foot radius curve to the left (Note: Tangent to said curve at its point of beginning bears N. $51^{\circ} 35' 12''$ W.); thence Northwesterly 246.45 feet along said curve; thence N. $57^{\circ} 07' 49''$ W. 100.52 feet; thence N. $57^{\circ} 27' 53''$ W. 328.82 feet; thence N. $57^{\circ} 47' 59''$ W. 200.79 feet to a point on a 5,759.58 foot radius curve to the left (Note: Tangent to said curve at its point of beginning bears N. $58^{\circ} 28' 02''$ W.); thence Northwesterly 640 feet, more or less, along said curve; thence North 545 feet more or less, to the north section line of said Section 6; thence North 850.50 feet; thence East 46.47 feet; thence N. $4^{\circ} 58' 32''$ W. 4,445.67 feet to the north line of Section 31, T.1N., R.1W.; thence West 1,009.82 feet along said line to the northwest corner of said Section 31; thence North 15,840 feet to the northwest corner of Section 18, T.1N., R.1W.; thence East 10,560 feet to the northeast corner of Section 17, T.1N., R.1W.; thence South 5,280 feet to the northwest corner of Section 21, T.1N., R.1W.; thence East

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2,640.0 feet; thence South 660.0 feet; thence East 1,320.0 feet; thence South
14,374.25 feet to the northerly right-of-way line of North Temple Street;
thence S. 89° 58' 38" W. 1,254 feet, more or less, along said right-of-way
line to the point of beginning.

Contains 6,732 acres, more or less. (Excluding the Highway R.O.W.)

BY: G. Larry Jones

CHECKED: Michael F. Widdison

ACCOUNT NO: 19-A-1

DATE: October 29, 1982 (Revised)

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02/17/95 11:07 AM**NO FEE**
NANCY WORKMAN
RECORDER, SALT LAKE COUNTY, UTAH
SL CITY - RECORDER
REC BY: S WEST DEPUTY - WI

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