

DOC ID 20220016693

Agreement Page 1 of 6

Gary Christensen Washington County Recorder  
03/23/2022 04:00:25 PM Fee \$40.00 By  
COTTONWOOD TITLE INSURANCE AGENCY,  
INC.

WASHINGTON, UT  
Washington Commons  
LIC: 043-0321

Prepared by: Jennifer Cohn  
After recording, return to: Jeanine Jenig  
McDONALD'S CORPORATION  
110 N Carpenter St  
Chicago, IL 60607-2101

ACCOMMODATION RECORDING ONLY.  
COTTONWOOD TITLE INSURANCE AGENCY,  
INC. MAKES NO REPRESENTATION AS TO  
CONDITION OF TITLE, NOR DOES IT ASSUME  
ANY RESPONSIBILITY FOR VALIDITY,  
SUFFICIENCY OR EFFECTS OF DOCUMENT

Tax ID #W-112-5 (URS)

#### COVENANT NOT TO COMPETE

Under the Ground Lease dated June 11, 2021 ("**Lease**"), **DEAN T. TERRY INVESTMENTS, L.L.C.**, a Utah limited liability company ("**Landlord**") whose address is 839 N Dusk Dr, St. George, UT 84770, leased to **McDONALD'S USA, LLC**, a Delaware limited liability company ("**Tenant**") whose address is 110 N Carpenter St, Chicago, IL 60602-2101, a parcel of land described on Exhibit A attached ("**Leased Space**").

One of the terms of the Lease states that the Landlord will record certain restrictions against Landlord's property described on Exhibit B, attached, and depicted on Exhibit C, attached ("**Restricted Property**").

Therefore, Landlord covenants and agrees that during the initial Term of the Lease that the Restrictive Property shall be restricted from the uses of a restaurant or for food service purposes that sells any amount of hamburgers; provided that any food service establishment which offers as the primary method of service for all meal times either by buffet style service or food and drink orders taken by and served by a waiter or waitress at a customer's table will not be prohibited. In addition, the following restaurants operating under the listed trade names are prohibited on Landlord's restricted property:

Apollo Burgers  
Bison Jack's  
Burger King  
Checkers

Astro Burgers  
Bobby's Burger Palace  
Burger Street  
Cheeburger Cheeburger

Back Yard Burgers  
Burger 21  
Carl's Jr.  
Crown Burgers

Culver's  
 Fatburger  
 Fuddrucker's  
 Iceberg Drive Inn  
 Jake's Wayback Burgers  
 Rally's  
 Smashburger  
 that burger joint  
 Wendy's  
 A&W (allowed only if in shared building with KFC)

DQ Grill & Chill  
 Five Guys  
 Hardee's  
 In-N-Out Burger  
 Johnny Rockets  
 Roy Rogers  
 Sonic  
 The Burger Joint  
 Whataburger  
 Arctic Circle  
 Burger Stop

Elevation Burger  
 Five Napkin Burger  
 Hires Big H  
 Jack in the Box  
 Krystal  
 Shake Shack  
 Steak 'n Shake  
 The Habit Burger Grill  
 White Castle

Farmer Boys  
 Burger Fi

It is mutually agreed that the covenants set forth in this Covenant Not to Compete run with the land and inure to the benefit of Tenant and are binding upon Landlord and Landlord's heirs, executors, successors and assigns. In the event Tenant purchases the Leased Space, such covenants will remain in effect for a period of twenty (20) years from the date of closing.

*[The remainder of this page is intentionally left blank. Signature page to follow.]*

Landlord has executed this Covenant Not to Compete on this 14<sup>th</sup> day of FEBRUARY, 2022

**LANDLORD:**

**DEAN T. TERRY INVESTMENTS, L.L.C.,**  
a Utah limited liability company

By: [Signature]  
Name: DEAN T. TERRY  
Its: MANAGER

**ACKNOWLEDGMENT - CORPORATE**

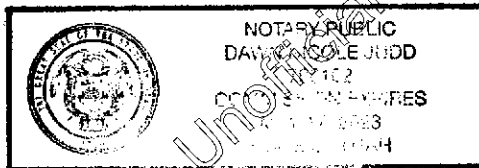
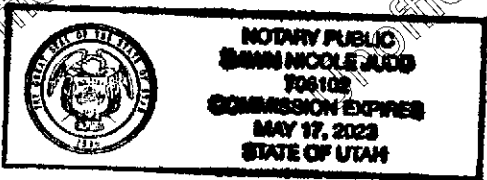
STATE OF Utah )  
COUNTY OF Washington ) SS:

I, Dawn Judd, a Notary Public in and for the county and state set forth above, CERTIFY that DEAN T. TERRY, as MANAGER of DEAN T. TERRY INVESTMENTS, L.L.C., a Utah limited liability company, who is personally known to me to be the person whose name is subscribed to the foregoing instrument as such authorized party, appeared before me this day in person and acknowledged that he/she signed, sealed and delivered this instrument as his/her free and voluntary act as such authorized party and as the free and voluntary act of the company/corporation for the uses and purposes described in this instrument.

Given under my hand and notarial seal, this 14<sup>th</sup> day of February, 2022

[Signature]  
Notary Public

My commission expires May 17, 2023



**EXHIBIT A**

**LEGAL DESCRIPTION OF LEASED SPACE**

All of Lot 5, Commerce Hospitality Center Minor Subdivision, according to the official plat thereof recorded in the Washington County Utah Recorder's Office December 22, 2021, as Document Number 20210080451; located in the Southwest Quarter of Section 12, Township 42 South, Range 15 West, Salt Lake Base & Meridian, Washington City, Washington County, Utah, more particularly described by metes and bounds as follows:

BEGINNING at a point at a found nail and washer at the Southeast corner of said Lot 5 which is 1258.05 feet North 01°06'01" East along the Section line and 210.45 feet South 74°17'42" West and 14.89 feet North 18°10'01" West from the BLM cap on pipe found marking the South Quarter of said Section 12, said point is on a 1215.00 foot radius non-tangent curve to the left, and running thence Southwesterly 272.27 feet along the arc of said curve through a central angle of 12°50'12" (chord bears South 65°25'04" West 271.70 feet); thence North 31°00'49" West 223.77 feet; thence North 58°58'02" East 25.00 feet to a point on a 20.00 foot radius non-tangent curve to the right; thence Northerly 32.04 feet along the arc of said curve through a central angle of 91°46'48" (chord bears North 14°52'37" East 28.72 feet) to a point of compound curvature with a 1460.00 foot radius curve to the right; thence 281.47 feet along the arc of said curve through a central angle of 11°02'45" (chord bears North 66°17'24" East 281.03 feet); thence South 18°10'01" East 244.59 feet to the POINT OF BEGINNING.

Contains 72,675 square feet or 1.668 acres, more or less.

Tax ID No. W-CHE-5

**EXHIBIT B**

**LEGAL DESCRIPTION OF LANDLORD'S RESTRICTED PROPERTY**

All of Lots 1, 2, 3, 4, 8, and 9, Commerce Hospitality Center Minor Subdivision, according to the official plat thereof recorded in the Washington County Utah Recorder's Office December 22, 2021, as Document Number 20210080451; ; located in the Southwest Quarter of Section 12, Township 42 South, Range 15 West, Salt Lake Base & Meridian, Washington City, Washington County, Utah.

Tax ID Nos.	W-CHC-1	Lot 1
	W-CHC-2	Lot 2
	W-CHC-3	Lot 3
	W-CHC-4	Lot 4
	W-CHC-8	Lot 8
	W-CHC-9	Lot 9

EXHIBIT C

DEPICTION OF LANDLORD'S RESTRICTED PROPERTY

COMMERCE HOSPITALITY CENTER MINOR SUBDIVISION

LOCATED IN SOUTHWEST & SOUTHEAST 1/4 OF SECTION 12, TOWNSHIP 42 SOUTH, RANGE 16 WEST, SALT LAKE BASIN AND MERIDIAN

Curve #	Length	Radius	Chord	Chord Direction	Chord Length
C1	17.36	1000.00	47.36 44'	S67.67° 22' 30" W	17.36
C2	46.89	1000.00	11' 49' 26"	S49.57° 02' 00" W	46.89
C3	383.39	1000.00	11' 35' 10"	S67.67° 22' 30" W	383.39
C4	326.48	1000.00	11' 47' 10"	S64.91° 39' 30" W	326.48
C5	431.88	1000.00	11' 40' 30"	S66.87° 41' 30" W	431.88
C6	401.05	1000.00	11' 11' 44"	S67.67° 22' 30" W	401.05
C7	82.27	1000.00	1' 39' 58"	S72.07° 36' 30" W	82.27
C8	75.49	66.89	82' 33' 37"	S43.97° 44' 30" W	75.49
C9	24.10	128.80	10' 54' 30"	S66.34° 00' 00" W	24.10
C10	24.13	63.39	34' 41' 52"	S39° 18' 33" W	24.13
C11	63.31	1463.00	3' 36' 50"	S77° 03' 36' W	63.31
C12	381.47	1463.00	10' 06' 43"	S84° 17' 33" W	381.47
C13	324.04	1463.00	10' 14' 36"	S84° 07' 36" W	324.04
C14	646.04	1463.00	10' 57' 07"	S89° 01' 10" W	646.04
C15	61.36	1163.00	3' 34' 36"	S88° 38' 32" W	61.36
C16	23.06	23.06	10' 48' 06"	N76° 58' 58" W	23.06
C17	241.70	1463.00	3' 36' 50"	S89° 11' 36" W	241.70
C18	322.84	1463.00	4' 02' 01"	S87° 11' 46" W	322.84
C19	30.04	20.04	95' 47' 07"	S5° 17' 32" W	30.04
C20	31.95	26.80	30' 48' 59"	S62° 00' 24" W	31.95
C21	31.92	26.80	30' 48' 59"	S62° 02' 30" W	31.92
C22	88.17	26.80	30' 48' 59"	S62° 02' 30" W	88.17
C23	126.34	476.40	11' 47' 14"	S49° 31' 36" W	126.34
C24	5.24	26.80	10' 54' 30"	S66° 30' 30" W	5.24
C25	5.24	26.80	10' 54' 30"	S66° 30' 30" W	5.24
C26	43.80	678.60	5' 22' 42"	S67° 03' 40" W	43.80
C27	43.80	678.60	12' 03' 51"	S69° 00' 20" W	43.80
C28	169.17	320.34	10' 28' 21"	S66° 44' 30" W	169.17
C29	74.36	126.34	1' 06' 30"	S62° 30' 00" W	74.36
C30	166.49	182.00	9' 46' 00"	S69° 30' 24" W	166.49
C31	160.75	1715.00	9' 18' 31"	S69° 34' 08" W	160.75
C32	333.67	1715.00	10' 57' 22"	S69° 34' 08" W	333.67
C33	272.27	1615.00	12' 56' 21"	S69° 35' 30" W	272.27

LEGEND

- SYMBOLS REPRESENTING POINTS: THEY, POINT, BEARING AND LOCATION ETC. AS SHOWN ON THE PLAT. PROPERTY LINE LOT EASEMENTS
- ALL BOUNDARY AND PROPERTY CITY CORNERS TO BE SET WITH 3/4" IRON AND ONE EASING FROM A CORNER UNLESS OTHERWISE SPECIFIED ON THE PLAT.
- PREPARED PLANS: PROPERTY CONTROL, MEASUREMENTS AS SHOWN AND NOTED (GRADE 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

NOTICE OF CONDITIONS AND RESTRICTIONS

- THAT THE CITY OF SALT LAKE COUNTY HAS REVIEWED THE PLANS AND SPECIFICATIONS FOR THE PROPOSED DEVELOPMENT AND HAS DETERMINED THAT THE PROPOSED DEVELOPMENT IS IN ACCORDANCE WITH THE ZONING ORDINANCES OF THE CITY OF SALT LAKE COUNTY AND THE CITY OF SALT LAKE COUNTY HAS GRANTED A CONDITIONAL USE PERMIT FOR THE PROPOSED DEVELOPMENT.
- THAT THE CITY OF SALT LAKE COUNTY HAS REVIEWED THE PLANS AND SPECIFICATIONS FOR THE PROPOSED DEVELOPMENT AND HAS DETERMINED THAT THE PROPOSED DEVELOPMENT IS IN ACCORDANCE WITH THE ZONING ORDINANCES OF THE CITY OF SALT LAKE COUNTY AND THE CITY OF SALT LAKE COUNTY HAS GRANTED A CONDITIONAL USE PERMIT FOR THE PROPOSED DEVELOPMENT.
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Line #	Length	Bearing
L1	35.06	N87° 52' 30" W
L2	50.00	N67° 17' 33" E
L3	13.10	N42° 18' 27" W
L4	20.00	N67° 07' 17" E
L5	36.00	N67° 07' 17" E

