

14/10

8435537

After recording, return to:

Salt Lake City Department of Airports  
Planning and Environment  
AMF Box 22084  
Salt Lake City, Utah 84122

8435537  
11/26/2002 02:58 PM 46.00  
Book - 8691 Pg - 4361-4374  
GARY W. OTT  
RECORDER, SALT LAKE COUNTY, UTAH  
SL CITY DEPT. OF AIRPORTS  
AMF BOX 22084  
SLC UT 84122  
BY: RDJ, DEPUTY - MI 14 p.

**AVIGATION EASEMENT**

*SPECIAL W.D. ENTRY 8433453,*

Avigation Easement affecting county tax parcel numbers: BK. 8690, PL. 2302, and  
(Number)

14-12-300-001-0000, Union Pacific Railroad Company, Property Reserve, Inc. hereinafter  
(Exact names of all current owners)

referred to as "Grantor," hereby grants and conveys to SALT LAKE CITY

CORPORATION, hereinafter referred to as "Grantee," for good and valuable

consideration given by the Grantee to the Grantor in the form of Grantee's approval of

the development of Grantor's land by memorializing an existing prescriptive common

law avigation easement associated with the Airport and aircraft activities in and around

the Salt Lake City International Airport, the receipt and sufficiency of which is 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, and all other aeronautical activities therein.

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 Salt Lake City Code,

BK8691.PG4361

which for the Real Property is that space above the flat plain 4,377 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 City International Airport Land Use Policy Plan dated August, 1982, as amended from time to time, which may be obtained from the Salt Lake City Department of Airports (hereinafter referred to as the "Plan"), or the equivalent to 65 LDN 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 the 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 portions of the Real 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 level authorized for said portions. 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 "B" 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, guests, invitees, including any and all persons, firms or corporations operating aircraft to or from the Airport. In perpetuity, said easement and the burden thereof, together with all things which may be alleged to be incidental to or to result from the use and enjoyment of said easement, shall constitute permanent burdens and servient tenements on the Real Property, and the same 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 in Exhibit "A" shall provide and maintain applicable sound attenuation ordinance requirements to insulate occupants from noise to mitigate any adverse impact from aircraft noise.


WITNESS the hand of Grantor this \_\_\_\_\_ day of November, 2002.

GRANTOR(S)

ENTITY:

Company Name: Union Pacific Railroad Company

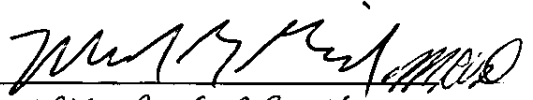
NOV. 22, 2002

Signed by:   
Print Name: J. Michael Hammer  
Title: Vice President - Law

ENTITY:

Company Name: Property Reserve, Inc.

NOV 25, 2002

Signed by:   
Print Name: MARK B. GIBBONS  
Title: PRESIDENT

CORPORATION ACKNOWLEDGMENT

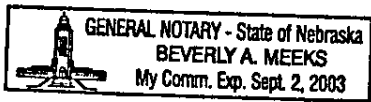
STATE OF NEBRASKA     )  
  : SS  
COUNTY OF DOUGLAS    )

On November 22, 2002, before me, a Notary Public in and for said County and State, personally appeared J. Michael Hemmer, Vice President - Law of UNION PACIFIC RAILROAD COMPANY, a Delaware corporation, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Beverly A. Meeks  
Notary Public

(SEAL)



CORPORATION ACKNOWLEDGMENT

STATE OF UTAH )  
 : SS  
COUNTY OF SALT LAKE )

On the 25 day of November, 2002, personally appeared before me Mark B. Ribbons, who being by me duly sworn did say that he is the President of Property Reserve, Inc., a corporation, and that the foregoing instrument was signed in behalf of said corporation by authority of a resolution (or bylaws) of its Board of Directors; and said persons acknowledged to me that said corporation executed the same.



Kathryn R. Provard  
NOTARY PUBLIC, residing in Salt Lake City

My Commission Expires:

6/16/05

**EXHIBIT "A"**

The following description is the Grantor's Real Property situated in Salt Lake County, commonly referred to as:

West Salt Lake Intermodal Subdivision  
(Name of subdivision, if applicable) Subdivision.

DESCRIPTION: (Tax Parcels Nos. SPECIAL W.D. ENTRY 8433453,  
BK 8690, PG 2302 and 14-12-300-001-0000)

See description attached to this Exhibit A.

**(Please attach to this Exhibit A the Tax Assessor's legal description (County printout) showing ownership, or other evidence of ownership as approved by City.)**

**EXHIBIT A**

**AVIGATION EASEMENT  
(WEST SALT LAKE INTERMODAL SUBDIVISION BOUNDARY DESCRIPTION)**

**PARCEL 1**

A PARCEL OF LAND SITUATED IN A PART OF SECTION 12, TOWNSHIP 1 SOUTH, RANGE 2 WEST AND THE NORTHWEST 1/4 OF SECTION 7, TOWNSHIP 1 SOUTH, RANGE 1 WEST, OF THE SALT LAKE BASE & MERIDIAN, SALT LAKE COUNTY, STATE OF UTAH, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST LINE OF 5600 WEST STREET, SAID POINT BEING SITUATED SOUTH 00°01'01.5" WEST 160.095 FEET ALONG THE SECTION LINE, AND SOUTH 89°58'58.5" EAST 40.000 FEET FROM THE WEST 1/4 CORNER OF SAID SECTION 12;

THENCE NORTH 00°01'01.5" EAST ALONG SAID EAST LINE, 160.094 FEET TO A POINT;

THENCE NORTH 00°01'14.8" EAST ALONG SAID EAST LINE, 1,573.604 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF THE WESTERN PACIFIC RAILROAD AS DEFINED IN THAT CERTAIN CONDEMNATION ORDER DATED JULY 3, 1906, AND RECORDED IN BOOK 7-A, PAGES 378 & 379;

THENCE NORTH 77°45'43.8" EAST ALONG SAID SOUTH RIGHT OF WAY LINE, 4,877.753 FEET TO A POINT ON THE SOUTH LINE OF 700 SOUTH STREET;

THENCE SOUTH 89°54'17.7" EAST ALONG SAID SOUTH LINE, 446.442 FEET TO THE WEST LINE OF 4800 WEST STREET;

THENCE SOUTH 89°37'58.9" EAST 33.001 FEET TO A POINT ON THE SECTION LINE AND CENTERLINE OF 4800 WEST STREET, SAID POINT BEING SITUATED SOUTH 00°07'23.6" EAST 33.157 FEET ALONG THE SECTION LINE FROM THE NORTHEAST CORNER OF SAID SECTION 12;

THENCE SOUTH 89°37'58.9" EAST 33.001 FEET TO THE EAST LINE OF 4800 WEST STREET;

THENCE SOUTH 89°21'56.8" EAST ALONG SAID SOUTH LINE 670.884 FEET TO A POINT ON THE WEST BOUNDARY OF THE PROPERTY DEFINED IN THAT CERTAIN WARRANTY DEED DATED MARCH 3, 1976, AND RECORDED IN BOOK 4123, PAGE 288;

THENCE SOUTH 37°00'00.0" EAST ALONG SAID WEST BOUNDARY, 1,344.120 FEET TO A POINT;

THENCE SOUTH 00°48'00.0" WEST ALONG SAID WEST BOUNDARY, 59.773' FEET TO THE NORTH RIGHT OF WAY LINE OF THE LEAMINGTON CUT OFF OF THE OREGON SHORT LINE RAILROAD, AS DEFINED IN THAT CERTAIN WARRANTY DEED DATED APRIL 14, 1902, AND RECORDED IN BOOK 6-A, PAGE 327;



THENCE SOUTH 80°53'32.0" WEST ALONG SAID NORTH RIGHT OF WAY LINE,  
172.551 FEET TO A POINT;  
THENCE SOUTH 00°48'16.5" WEST 101.515 FEET TO THE POINT OF INTERSECTION  
OF SAID RIGHT OF WAY LINE AND THE NE CORNER OF THE PROPERTY (PARCEL  
A) DEFINED IN THAT CERTAIN WARRANTY DEED DATED MARCH 6, 1998,  
RECORDED MARCH 10, 1998, IN BOOK 7904, PAGE 2844;  
THENCE SOUTH 00°48'16.5" WEST ALONG THE EAST BOUNDARY LINE OF SAID  
PROPERTY 476.526 FEET TO A POINT OF INTERSECTION WITH THE SAID EAST  
BOUNDARY LINE AND THE SOUTH LINE OF THE WEST BRANCH OF THE  
BRIGHTON NORTH POINT CANAL EASEMENT DEFINED IN THAT CERTAIN  
EASEMENT AGREEMENT DATED MARCH 10, 1998, AND RECORDED IN BOOK 7904,  
PAGE 2830;  
THENCE NORTH 57°39'36.0" WEST ALONG SAID SOUTH LINE 633.613 FEET TO A  
POINT;  
THENCE SOUTH 80°53'32.0" WEST 838.354 FEET TO A POINT ON THE WEST LINE OF  
4800 WEST STREET;  
THENCE SOUTH 00°07'23.6" EAST ALONG SAID WEST LINE, 1,057.765 FEET TO A  
POINT;  
THENCE SOUTH 00°04'58.5" WEST ALONG SAID WEST LINE, 125.208 FEET TO A  
POINT SITUATED SOUTH 00°04'58.5" WEST 125.164 FEET ALONG THE SECTION LINE  
AND SOUTH 89°54'13.0" WEST 33.000 FEET FROM THE EAST 1/4 CORNER OF  
SECTION 12;  
THENCE SOUTH 89°54'13.0" WEST 5,184.374 FEET TO A POINT;  
THENCE SOUTH 44°54'13.0" WEST 49.512 FEET TO THE POINT OF BEGINNING.  
EXPRESSLY EXCEPTING AND EXCLUDING THAT PORTION OF PARCEL 1 LYING  
WITHIN THE BOUNDARIES OF 4800 WEST STREET.

AREA = 312.228 ACRES, LESS 2.325 ACRES WITHIN 4800 WEST STREET,  
NET PARCEL 1 AREA = 309.903 ACRES.

## PARCEL 2

A PARCEL OF LAND SITUATED IN THE NORTHWEST 1/4 OF SECTION 7, TOWNSHIP  
1 SOUTH, RANGE 1 WEST, OF THE SALT LAKE BASE & MERIDIAN, SALT LAKE  
COUNTY, STATE OF UTAH,  
SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT SITUATED NORTH 89°08'12.1" EAST 950.482 FEET ALONG  
THE NORTH LINE OF SAID SECTION 7, AND SOUTH 37°00'00.0" EAST 1,172.491 FEET  
FROM THE NORTHWEST CORNER OF SAID SECTION 7, SAID POINT BEING ON THE  
EAST BOUNDARY OF THE PROPERTY DEFINED IN THAT CERTAIN WARRANTY  
DEED DATED MARCH 3, 1976, AND RECORDED IN BOOK 4123, PAGE 288;  
THENCE EASTERLY AND TO THE LEFT 898.165 FEET ALONG THE ARC OF A CURVE  
WITH A RADIUS OF 2,001.772 FEET, THROUGH A CENTRAL ANGLE OF 25°42'27.9"

(LONG CHORD = SOUTH 84°24'35.2" EAST, 890.650 FEET) TO THE WEST LINE OF 4400 WEST STREET AND THE NORTH RIGHT OF WAY LINE OF THE LEAMINGTON CUT OFF OF THE OREGON SHORT LINE RAILROAD, AS DEFINED IN THAT CERTAIN WARRANTY DEED DATED APRIL 14, 1902, AND RECORDED IN BOOK 6-A, PAGE 327; THENCE SOUTH 80°53'32.0" WEST ALONG SAID NORTH RIGHT OF WAY LINE, 810.093 FEET TO A POINT ON THE EAST BOUNDARY OF THE PROPERTY DEFINED IN THAT CERTAIN WARRANTY DEED DATED MARCH 3, 1976, AND RECORDED IN BOOK 4123, PAGE 288; THENCE NORTH 00°48'00.0" EAST ALONG SAID EAST BOUNDARY, 98.346 FEET TO A POINT; THENCE NORTH 37°00'00.0" WEST ALONG SAID EAST BOUNDARY, 146.069 FEET TO THE POINT OF BEGINNING.

AREA = 1.315 ACRES.

**EXHIBIT "B"**  
**Salt Lake City International Airport**  
**Boundary Description**

Beginning at a point 806.03 feet N. 0°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°58'38" W. 340.71 feet along said right-of-way line; thence S. 0°02'38" W. 805.75 feet to the south line of Section 33; thence N. 89°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.1 S., R.1 W.); thence S. 0°11'26" E. 2,290.43 feet to the northerly right-of-way of the Western Pacific Railroad main-line siding; thence S. 77°49'01" W. 581.95 feet; thence S. 0°12'04" E. 238 feet, more or less, to the 1/4 section line; thence S. 89°57'09" W. 185 feet, more or less; thence N. 0°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°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.1 S., R.1 W.); thence S. 77°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 & Western Railroad; thence South 77°33' West 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°00'55" W. 1,343 feet, more or less, to the west line of said Section 5, (said line is also the east line of Section 6, T.1 S., R.1 W.); thence S. 78°00'55" W. 238 feet, more or less, to the westerly highway right-of-way and nonaccess line of U.D.O.T. project No. 1-80-3(5)116; thence N. 1°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°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°24'21" W.); thence N. 63°47'38" W. 1,084.09 feet; thence N. 55°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°35'12" W.); thence northwesterly 246.45 feet along said curve; thence N. 57°07'49" W. 100.52 feet; thence N. 57°27'53" W. 328.82 feet; thence N. 57°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 N. 58°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°58'32" W. 4,445.67 feet to the north line of Section 31, T.1 N., R.1 W.; 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.1 N., R.1 W.; thence East 10,560 feet to the northeast corner of Section 17, T.1 N., R.1 W.; thence South 5,280 feet to the northwest corner of Section 21, T.1 N., R.1 W.; thence East 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;

And beginning at a point 660 feet West and 792 feet North of the South 1/4 corner of Section 16, T.1 N., R.1 W., Salt Lake Base and Meridian; running thence North 198 feet; thence East 660 feet; thence North 33 feet; thence East 165 feet; thence South 264 feet; thence West 165 feet; thence North 33 feet; thence West 660 feet to the point of beginning;

And beginning at a point 660 feet West and 990 feet North of the South 1/4 corner of Section 16, T.1 N., R.1 W., Salt Lake Base and Meridian; running thence North 519.75 feet; thence East 660 feet; thence South 189.75 feet; thence East 165 feet; thence South 297 feet; thence West 165 feet; thence South 33 feet; thence West 660 feet to the point of beginning;

And beginning at the South Quarter Corner of Section 16; Township 1 North, Range 1 West, Salt Lake Base and Meridian; running thence West 660 feet along the South line of said section; thence North 792 feet; thence East 660 feet; thence South 792 feet to the point of beginning;

And beginning at a point 660 feet West and 792 feet North of the South Quarter Corner Section 16, Township 1 North, Range 1 West, Salt Lake Base and Meridian; running thence North 198 feet; thence East 660 feet; thence North 33 feet; thence East 165 feet; thence South 264 feet; thence West 165 feet; thence North 33 feet; thence West 660 feet to the point of beginning;

And beginning in the South line of the Northeast quarter of Section 6 at a point 470.36 feet West from the East quarter corner of said Section 6; thence West 1205.35 feet along said South line; thence North  $25^{\circ}05'47''$  West 265.54 feet; and thence N.  $25^{\circ}25'49''$  West 100.52 feet; thence Northwesterly 1287.85 feet along the arc of a 2894.79 foot radius curve to the left to the North line of the Southwest quarter Northeast quarter of said Section 6 (Note: Tangent to said curve at its point of beginning bears North  $26^{\circ}05'48''$  West); thence East 83.57 feet along said North line to the Southwesterly right-of-way and no-accessline of the freeway known as Project No. 80-3; thence South  $55^{\circ}55'36''$  East 436.08 feet; thence South  $63^{\circ}47'38''$  East 1084.09 feet to a point on a 1672.95 foot radius curve to the right; thence Southeasterly 971.37 feet along the arc of said curve to the point of beginning. (Note: Tangent to said curve at its point of beginning bears South  $67^{\circ}40'25''$  East);

And beginning in the south line of the Northeast quarter of said Section 6 at a point approximately 1741.94 feet West from the East quarter corner of said Section 6; thence West 903.79 feet, more or less, to the West line of the Northeast quarter of said Section 6; thence North 1254.38 feet along said West line to a point on a 2834.79 foot radius curve to the right; thence Southeasterly 1220.69 feet along the arc of said curve (Note: Tangent to said curve at its point of beginning bears South  $50^{\circ}46'08''$  East); thence South  $25^{\circ}25'43''$  East 99.48 feet; thence South  $25^{\circ}05'47''$  East 237.49 feet to the point of beginning;

And beginning at the Northwest corner of the Southeast quarter of Section 16, Township 1 North, Range 1 West, Salt Lake Base and Meridian, said point being the

center of Section 16; thence East 165 feet; thence South 1320 feet; thence West 165 feet; thence North 1320 feet to the point of beginning.

Contains 6,822.59 acres, more or less (excluding the highway R.O.W.).

BK8691PG4373

OWNERSHIP CERTIFICATE

Without limitation, the undersigned hereby represent to Salt Lake City Corporation that they constitute all of the owners of the Real Property bearing Salt Lake County Tax Parcel Numbers 12K 8690 - PG 2302 <sup>SPECIAL W.O. ENTRY 8433453</sup> and 14-12-300-001-0000 as of the date set forth below, and they further represent and agree as follows:

They have full capacity to execute this Avigation Easement and make a binding conveyance thereof, and they know of no other acts in addition to the execution of this Avigation Easement necessary to make a valid and binding conveyance of the same.

They will not transfer any interest in the Real Property prior to the recording of this Avigation Easement by Salt Lake City Corporation without providing prior written notice to the City.

There is no other person or entity having any rights or interests with respect to the Real Property whose consent or conveyance may be necessary in order to make this Avigation Easement fully enforceable against the Real Property with respect to all parties.

After the recording of this Avigation Easement, they will obtain the consent or conveyance of any party with rights or interests created prior to that time which may be necessary in order to make this Avigation Easement fully enforceable against the Real Property with respect to all parties.

Date: November 22, 2002

Record Owners of Salt Lake County Tax Parcel Numbers: 12K 8690 - PG 2302 <sup>SPECIAL W.O. ENTRY 8433453</sup> and 14-12-300-001-0000

ENTITY:

Company Name: Union Pacific Railroad Company

Signed by: J. Michael Hemmer  
Print Name: J. Michael Hemmer  
Title: Vice President - Law

Date: November 25, 2002

Record Owners of Salt Lake County Tax Parcel Number: 14-12-300-001-0000

ENTITY:

Company Name: Property Reserve, Inc.

Signed by: MARK B. GIBBONS  
Print Name: MARK B. GIBBONS  
Title: PRESIDENT

BK8691PG4374