

RESOLUTION 99-29

E 141915 B 0604 P 0288
Date 29-DEC-1999 11:13am
Fee: No Fee Check
CALLEN B. PESHELL, Recorder
Filed By RGL
TOOELE COUNTY CORPORATION

A RESOLUTION OF THE TOOELE CITY COUNCIL FOR THE CREATION OF THE NORTH TOOELE CITY SPECIAL SERVICE DISTRICT FOR THE PURPOSE OF MAINTAINING THE UNIQUE FEATURES OF THE OVERLAKE PROJECT AREA

WHEREAS, Tooele City (the "City") and Tooele Associates Limited Partnership ("TA") did enter into a Development Agreement on December 18, 1997, and

WHEREAS, that agreement created the Overlake Project Area as a Planned Community ("Overlake") with special features as described by the Development Agreement and implemented by TA, and

WHEREAS, these special features relate to unique designs of street lighting and associated signage, drainage and flood control, recreation properties, street design and traffic calming features, and associated and integral landscaping, and

WHEREAS, these features would not be dedicated or accepted by the City, and

WHEREAS, the City will maintain only for those features and areas dedicated to the City and accepted by separate resolution of the City Council, and

WHEREAS, the City and TA anticipated the creation of a North Tooele City Special Service District under the laws of Utah, and

WHEREAS, Utah State law provides for the establishment of Special Service Districts in Sections 17A-2-1301 through 17A-2-1332 Utah Code, and

WHEREAS, the beneficiaries of the District are within the boundaries as specified in the Development Agreement of December 18, 1997 or amendments to that document as approved by the Tooele City Council, and

WHEREAS, TA represents that homeowners in Overlake have been notified of, and agreed to, the proposed creation of the North Tooele City Special Service District by builders and marketers of homes in Overlake, and

WHEREAS, it is in the general public interest to establish a special service district to maintain certain unique features of Overlake, and

WHEREAS, it is in the best interest of the residents and property owners of the proposed special service district that said district be established, and

WHEREAS, the City on its own motion may establish a special service district to provide such service by Section 17A-2-1305 Utah Code, and

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WHEREAS, notice has been given according to the law of the intention to create a special service district with the publication of said notice once a week for three consecutive weeks, proof of publication of which is on file with the Clerk of the City, and

WHEREAS, a public hearing was held at the Tooele City Council meeting on April 21, 1999, at which the purposes and boundaries of the proposed special service district were described, and

WHEREAS, the City Council considered any objections or protests to the creation of the proposed district and all persons desiring to be heard on the proposal were given full and ample opportunity to be heard, and

WHEREAS, Tooele Associates as the developer of Overlake has committed to transfer by gift existing and future special features and facilities of Overlake to the district for maintenance and improvement, and

WHEREAS, all requirements of the law precedent to the establishment of said district have been fully met:

NOW, THEREFORE, BE IT RESOLVED that on a motion made and seconded, the Tooele City Council, pursuant to Section 17A-2-1304 Utah Code Ann., hereby creates and establishes North Tooele City Special Service District with all the rights, powers, and authority granted by Utah law with the boundaries as specified in the Development Agreement of December 18, 1997, or amendments to that document as approved by the Tooele City Council.

This Resolution shall become effective on the date of passage.

Passed this 16 day of ~~April~~, 1999.

Jane

TOOELE CITY COUNCIL

(For)

(Against)

[Signature]

[Signature]

[Signature]

John K. DeLuff _____
Colleen Johnson _____

ABSTAINING: _____

TOOELE CITY MAYOR

(For)

(Against)

Charlie Roberts _____

ATTEST:

Patrick H. Dunlavy
Patrick H. Dunlavy
Tooele City Recorder



Approved as to Form:

Roger Evans Baker
Roger Evans Baker, Tooele City Attorney

OVERLAKE LEGAL DESCRIPTION

B-8520

EXHIBIT 'A'

PARCEL I: A parcel of land situate within the West half and the Northeast quarter of Section 16 and within Section 17, Township 3 South, Range 4 West, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at the Southwest corner of said Section 16; and running thence North 89°43'05" East along the South line of said Section 16, 391.88 feet to a point which intersects the Northwesterly right-of-way line of the Union Pacific Railroad; thence along said railroad right-of-way line, North 44°40'04" East, 1350.74 feet; thence North 45°20'08" West 642.00 feet; thence North 44°39'52" East 2188.21 feet to the beginning of a curve to the left, said curve having a delta angle of 44°53'29" and a radius of 843.00 feet (chord bears North 22°13'07" East, 643.73 feet); thence along the arc 660.49 feet to the point of tangency; thence North 0°13'38" West 873.25 feet; thence North 89°42'18" East, 1449.08 feet; thence North 23°20'19" East, 873.24 feet to a point which intersects the Southerly right-of-way line of 2000 North Street, said point lies 60.00 feet perpendiculary Southerly from the North line of said Section 16; thence South 89°42'18" West along a line parallel to the North line of said Section 16 and along the Southerly right-of-way line of said 2000 North Street, 1836.20 feet to a point in the center section line of said Section 16; thence South 89°50'26" West along said Southerly right-of-way line, 638.02 feet to the Northeast corner of Lot 15 of OVERLAKE ESTATES PHASE 1A SUBDIVISION, according to the Official Plat thereof; continuing thence along said Southerly right-of-way line of 2000 North Street the following 10 courses: North 82°25'46" West, 78.44 feet; thence South 89°42'22" West 146.09 feet; thence South 82°56'33" West 44.98 feet; thence South 89°42'22" West 55.74 feet; thence North 82°56'32" West, 86.52 feet to the beginning of a non-tangent curve to the left, said curve having a delta angle of 89°56'00" and a radius of 25.00 feet (chord bears South 44°44'22" West, 35.33 feet); thence along the arc 39.24 feet; thence South 89°38'20" West, 59.98 feet to the beginning of a non-tangent curve to the left, said curve having a delta angle of 90°04'00" and a radius of 25.00 feet (chord bears North 45°15'38" West, 35.38 feet); thence along the arc 39.30 feet; thence South 78°56'59" West 52.28 feet; thence South 89°42'22" West, 34.62 feet to the Northwest corner of Lot 43 of said Subdivision; thence North 82°42'39" West, 71.79 feet; thence South 89°48'46" West, 152.03 feet; thence South 77°29'09" West, 45.54 feet; thence North 88°56'51" West 69.98 feet; thence South 89°42'22" West, 245.69 feet; thence North 85°42'58" West, 100.18 feet; thence South 89°42'22" West, 118.02 feet to the beginning of a curve to the left, said curve having a delta angle of 89°56'46" and a radius of 25.00 feet (chord bears South 44°43'59" West 35.34 feet); thence along the arc, 39.25 feet; thence South 83°09'43" West 60.40 feet to the beginning of a non-tangent curve to the left, said curve having a delta angle of 90°03'14" and a radius of 25.00 feet (chord bears North 45°16'01" West, 35.37 feet); thence along the arc, 39.29 feet to the point of tangency; thence South 89°42'22" West 280.11 feet; thence North 87°31'20" West, 141.57 feet to the beginning of a non-tangent curve to the left, said curve having a delta angle of 89°57'04" and a radius of 25.00 feet (chord bears South 44°43'50" West, 35.34 feet); thence along along the arc, 39.25 feet; thence crossing from said Section 16 into said Section 17, South 89°40'17" West 84.01 feet to the beginning of a non-tangent curve to the left, said curve having a delta angle of 90°03'24" and a radius of 25.00 feet (chord

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bears North 45°16'06" West 35.37 feet); thence along the arc, 39.23 feet to the point of tangency, said point lies 42.00 feet perpendicularly Southerly from the North line of said Section 17; thence South 89°42'12" West parallel to the North line of said Section 17, 856.93 feet to the beginning of a curve to the left, said curve having a delta angle of 89°56'54" and a radius of 25.00 feet (chord bears South 44°43'45" West 35.34 feet); thence along the arc, 39.25 feet; thence South 89°39'37" West 68.00 feet to the beginning of a non-tangent curve to the left, said curve having a delta angle of 90°03'06" and a radius of 25.00 feet (chord bears North 45°16'15" West, 35.37 feet); thence along the arc, 39.29 feet to the point of tangency; thence continuing on a parallel line with said section line, South 89°42'12" West 1286.67 feet to the beginning of a curve to the left, said curve having a delta angle of 90°00'00" and a radius of 25.00 feet (chord bears South 44°42'12" West, 35.36 feet); thence along the arc, 39.27 feet to the point of tangency; thence South 0°17'48" East 352.68 feet to the beginning of a curve to the right, said curve having a delta angle of 15°45'18" and a radius of 1030.00 feet (chord bears South 7°34'51" West, 282.33 feet); thence along the arc, 283.22 feet to the beginning of a reverse curve to the left, said curve having a delta angle of 15°42'11" and a radius of 970.00 feet (chord bears South 7°36'24" West, 265.02 feet); thence along the arc, 265.85 feet to the point of tangency; thence South 0°14'42" East, 276.15 feet; thence North 89°42'12" East 1319.61 feet; thence South 0°17'48" East, 158.16 feet; thence South 6°32'25" West 503.42 feet; thence South 89°42'12" West, 1488.73 feet to a point which intersects the center section line of said Section 17; thence continuing South 89°42'12" West 677.24 feet; thence South 0°16'11" East, 3396.48 feet to a point which intersects the South line of said Section 17; thence North 89°43'49" East along said South section line, 676.57 feet to the South quarter corner of said Section 17; thence North 89°43'19" East along the South line of said Section 17, 2647.21 feet to the Southeast corner of said Section 17 and the point of beginning.

This legal description includes OVERLAKE ESTATES PHASE 1-B SUBDIVISION, A Subdivision of Tooele City, according to the Official Plat thereof, recorded in the Office of the County Recorder of Tooele County, Utah.

EXCEPTING THEREFROM, all roads.

EXCEPTING THEREFROM, OVERLAKE ESTATES 1-A SUBDIVISION, A Subdivision of Tooele City, according to the Official Plats thereof, recorded in the Office of the County Recorder of Tooele County, Utah.

ALSO EXCEPTING THEREFROM, a parcel of land deeded to MOUNTAIN FUEL SUPPLY COMPANY, described as follows:

Beginning at a point South 89°42'18" West 850.47 feet along the section line and South 313.98 feet from the Northeast corner of Section 16, Township 3 South, Range 4 West, Salt Lake Base and Meridian; thence South 81°04'10" East 40.00 feet; thence South 8°47'40" West 70.00 feet; thence North 81°04'10" West 40.00 feet; thence North 8°47'40" East 70.00 feet to the point of beginning.

Together with a right-of-way for ingress and egress described as follows:

Beginning at a point on the Southerly right-of-way line of 2000 North Street, South 89°42'18" West 1053.77 feet and South 0°17'42" East 68.00 feet from the Northeast corner of Section 16, Township 3 South, Range 4 West, Salt Lake Base

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and Meridian; thence along said Southerly right-of-way line North 89°42'18" East 58.88 feet to the CUSP of a curve concave to the Southeast, said curve having a central angle of 90° and a radius of 25.88 feet (Chord bears South 44°42'18" West 35.36 feet); thence 39.27 feet along the arc of said curve; thence South 0°17'42" East 255.88 feet to the beginning of a curve to the left said curve having a central angle of 90° and a radius of 28.88 feet (Chord bears South 45°17'42" East 28.28 feet); thence 31.42 feet along the arc of said curve; thence North 89°42'18" East 184.51 feet to the beginning of a curve to the left, said curve having a central angle of 80°54'38" and a radius of 28.88 feet (Chord bears North 49°14'59" East 25.95 feet); thence 28.24 feet along the arc of said curve; thence North 8°47'40" East 27.75 feet to the beginning of a curve to the right, said curve having a central angle of 90°08'10" and a radius of 5.88 feet (Chord bears North 53°51'45" East 7.88 feet); thence 7.87 feet along the arc of said curve; thence South 81°04'18" East 14.68 feet; thence South 8°47'40" West 188.88 feet; thence North 81°04'18" West 23.88 feet to the beginning of a curve to the right, said curve having a central angle of 89°51'58" and a radius of 5.88 feet (Chord bears North 36°08'15" West 7.86 feet); thence 7.84 feet along the arc of said curve to the beginning of a curve to the left, said curve having a central angle of 99°05'22" and a radius of 28.88 feet (Chord bears North 40°45'01" West 38.44 feet); thence 34.59 feet along the arc of said curve; thence South 89°42'18" West 85.61 feet to the beginning of a curve to the left, said curve having a central angle of 90° and a radius of 28.88 feet (Chord bears South 44°42'18" West 28.28 feet); thence 31.42 feet along the arc of said curve; thence South 89°42'18" West 33.88 feet; thence North 0°17'42" West 348.88 feet to the point of beginning.

Also property located in Northeast quarter of Section 16, Township 3 South, Range 4 West, Salt Lake Base and Meridian; Beginning at a point South 89°42'18" West 858.47 feet along the section line and South 313.98 feet and South 81°04'18" East 24.88 feet from the Northeast corner of Section 16, Township 3 South, Range 4 West, Salt Lake Base and Meridian; thence North 8°47'40" East 261.18 feet to the South line of 2888 North Street; thence North 89°42'18" East 16.28 feet along said South line of 2888 North Street; thence South 8°47'40" West 263.78 feet; thence North 81°04'18" West 16.88 feet to the point of beginning.

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EXHIBIT 'A'

PARCEL II

That portion of the following described property lying within the bounds of the Northwest quarter of the Northeast quarter of Section 18, Township 3 South, Range 4 West, Salt Lake Base and Meridian: Beginning at the East quarter corner of Section 18, Township 3 South, Range 4 West, Salt Lake Base and Meridian; and running thence North $89^{\circ}33'03''$ West 1322.97 feet to the Northeast corner of the Northwest quarter of the Southeast quarter of Section 18; thence South $0^{\circ}26'48''$ West 2641.53 feet to the Southeast corner of the Southwest quarter of the Southeast quarter of Section 18; thence along the South line of said Section 18 North $89^{\circ}32'28''$ West 1322.38 feet to the South quarter corner of said Section 18; thence continuing along the said South line North $89^{\circ}32'28''$ West 769.09 feet to the East line of State Highway at a point on the arc of a 17,221.80 foot radius curve to the left; thence along the arc of said 17,221.80 foot radius curve a distance of 446.44 feet (long chord bears North $33^{\circ}27'56''$ West 446.43 feet); thence continuing along said East line of said Highway North $34^{\circ}12'30''$ West 338.7 feet, more or less, to the Southwest corner of the property deeded by Warranty Deed dated Januaray 12, 1984 and recorded January 16, 1984 as Entry No. 360368, in Book 217 at Page 204, of Official Records; thence along the South line of said parcel South $89^{\circ}34'32''$ East 1207.60 feet, more or less, to the East line of the West half of said Section 18; thence North $0^{\circ}26'01''$ West 3670.95 feet, more or less, along said East line to the South right of way line of the Western Pacific Railroad; thence along said South line South $66^{\circ}23'01''$ East to a point that is on the East line of said Section 18 and North $0^{\circ}27'35''$ East 557.1 feet, more or less, from the point of beginning; thence South $0^{\circ}27'35''$ West 557.1 feet, more or less, to the point of beginning.

PARCEL III

Beginning at the Northwest corner of Section 16, Township 3 South, Range 4 West, Salt Lake Base and Meridian; and running thence along the North line of said Section 16, South $89^{\circ}33'38''$ East 2643.91 feet to the North quarter corner of said Section 16; thence continuing along said North line South $89^{\circ}33'38''$ East 1862.58 feet to the West line of the State Highway; thence along said West line as follows: South $24^{\circ}17'55''$ West 56.66 feet; thence North $88^{\circ}59'10''$ East 60.97 feet; thence South $7^{\circ}17'24''$ West 706.15 feet; thence North $82^{\circ}42'36''$ West 20.00 feet; thence South $7^{\circ}17'24''$ West 496.96 feet to the North line of the Union Pacific Railroad right of way; thence along said North line of the Union Pacific Railroad as follows: South $44^{\circ}40'04''$ West 869.91 feet; thence South $45^{\circ}19'56''$ East 20.00 feet; thence South $44^{\circ}40'04''$ West 1059.18 feet to the South line of the Southwest quarter of the Northeast quarter of said Section 16; thence along said South line North $89^{\circ}38'07''$ West 409.28 feet to the Southwest corner of said Southwest quarter of the Northeast quarter; thence along the East line of the Northeast quarter of the Southwest quarter of said Section 16 South $0^{\circ}30'37''$ West 420.50 feet to said North line of the Union Pacific Railroad right of way; thence along said North line of the Union Pacific Railroad as follows: South $44^{\circ}40'04''$ West 1237.56 feet; thence North $45^{\circ}19'56''$ West 20.00 feet; thence South $44^{\circ}40'04''$ West 1888.05 feet to the South line of said Section 16; thence along said South line of Section 16 North $89^{\circ}32'28''$ West 450.73 feet to the Southwest corner of said Section 16;

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thence North 89°32'28" West 2647.12 feet to the South quarter corner of Section 17, Township 3 South, Range 4 West, Salt Lake Base and Meridian; thence along the South line of said Section 17 North 89°32'28" West 1323.56 feet to the Southwest corner of the Southeast quarter of the Southwest quarter of said Section 17; thence along the West line of said Southeast quarter of the Southwest quarter North 0°28'05" East 1203.08 feet to the East line of the Western Pacific Railroad right of way; thence along said East line as follows: North 1°05'54" East 535.64 feet to a point of curvature of a 1488.21 foot radius curve to the left; thence along the arc of said 1488.21 foot radius curve to the left 149.86 feet (long chord bears North 1°47'09" West 149.79 feet) to the West line of the Northeast quarter of the Southwest quarter of Section 17; thence along said West line of the Northeast quarter of the Southwest quarter of Section 17 North 0°28'05" East 753.61 feet to the Northwest corner of said Northeast quarter of the Southwest quarter of said Section 17; thence along the South line of the Northwest quarter of said Section 17 North 89°33'03" West 267.11 feet to the North line of said Western Pacific Railroad right-of-way at a point on a 1488.21 foot radius curve to the left; thence along the arc of said 1488.21 foot radius curve to the left 786.37 feet (long chord bears North 51°14'45" West 777.24 feet); thence continuing along said North line of the Western Pacific Railroad North 66°23'01" West 4784.87 feet to the West line of the Northeast quarter of the Northwest quarter of Section 18, Township 3 South, Range 4 West, Salt Lake Base and Meridian; thence along said West line of the Northeast quarter of the Northwest quarter North 0°25'28" East 276.87 feet to the South line of Section 7, Township 3 South, Range 4 West, Salt Lake Base and Meridian; thence along said South line of Section 7 South 89°33'38" East 1325.54 feet to the South quarter corner of said Section 7; thence North 0°25'43" East 1320.69 feet to the Northwest corner of the Southwest quarter of the Southeast quarter of said Section 7; thence South 89°34'01" East 2646.43 feet to the Northeast corner of the Southeast quarter of the Southeast quarter of said Section 7; thence North 0°23'56" East 1320.96 feet to the West quarter corner of Section 8, Township 3 South, Range 4 West, Salt Lake Base and Meridian; thence North 0°23'56" East 2641.93 feet to the Northwest corner of said Section 8; thence South 89°35'04" East 2645.71 feet to the North quarter corner of said Section 8; thence along the North line of said Section 8 South 89°35'04" East 457.15 feet; thence South 0°21'36" West 1321.29 feet to the North line of the Southwest quarter of the Northeast quarter of said Section 8; thence South 89°34'43" East 2189.20 feet to the Northeast corner of the Southeast quarter of the Northeast quarter of said Section 8; thence along the East line of said Section 8 South 0°19'57" West 1321.51 feet to the East quarter corner of said Section 8; thence South 0°19'57" West 2643.02 feet to the point of beginning.

EXCEPTING THEREFROM, that portion lying within the bounds of the Southeast quarter of the Northeast quarter of Section 18, Township 3 South, Range 4 West, Salt Lake Base and Meridian.

EXCEPTING THEREFROM PARCEL I SHOWN ABOVE.

SUBJECT TO a County Road right of way as the same may be found to intersect said parcel as disclosed by the Official Plat Map on file in the Tooele County Recorder's Office.

EXCEPTING THEREFROM, THE FOLLOWING: Beginning at the Northwest corner of Section 8, Township 3 South, Range 4 West, Salt Lake Base and Meridian, a found Brass Cap Tooele County Survey Monument; and running thence North

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89°40'42" East along the Section line 62.00 feet to a point which lies 62.00 feet left of the Section line at Engineers Station 82+85.91, said point also lies on the Easterly right-of-way line of 1200 West Street; thence along said right-of-way South 00°21'41" East 2642.09 feet to a point on the Section line, said point lies 62.00 feet left at Engineers Station 109+27.90; thence South 00°22'17" East along said Easterly right-of-way line 2580.09 feet to an intersection point of 1200 West Street right-of-way and 2000 North Street right-of-way; said parcel also being 62.00 feet left of the Section line at Engineers Station 135+08.09 1200 West Street=Station 47+84.79 2000 North Street; thence North 89°41'45" East along said Northerly right-of-way of 2000 North Street 2586.50 feet, said point also lies 62.00 feet left of the South quarter corner of Section 8, at Engineers Station 72+51.29; thence North 89°42'12" East along said Northerly right-of-way line 2648.88 feet to a point on the Section line, said point lies 62.00 feet left of the Section line at Engineers Station 108+00.24; thence South 00°22'31" East along said Section line 62.00 feet to the Southeast corner of Section 8, a found Brass Cap, said point also lies on the North boundary line of Overlake Estates Phase 1B, Subdivision; thence South 89°42'12" West along the Section line 62.00 feet to a point which lies on the West boundary line of said Subdivision; thence South 00°14'42" East 62.00 feet to a point on the Southerly right-of-way line of 2000 North Street and the Westerly boundary line of Overlake Estates Phase 1B Subdivision, said point also lies 62.00 feet right of the Section line at Engineer Stations 99+38.19; thence South 89°42'12" West along the Southerly right-of-way line of 2000 North Street 2586.90 feet to a point which lies on the Section line, said point also lies 62.00 feet right of the Section line at Engineers Station 73+51.28; thence South 89°41'45" West along said Southerly right-of-way 2648.44 feet; thence South 89°42'30" West 42.00 feet to a point of intersection on the Southerly right-of-way of 2000 North Street and the Westerly right-of-way line of 1200 West Street; thence North 00°17'07" West along the Westerly right-of-way line 62.00 feet to a point on the Section line, said point also lies 42.00 feet right of the Section line at Engineers Station 135+69.96; thence North 00°22'17" West along the Westerly right-of-way line of 1200 West Street 1321.04 feet to a point which lies 42.00 feet right of the Section line at Engineers Station 122+48.92; thence North 89°42'06" East 42.00 feet to a point which lies on the Section line; thence North 00°22'17" West along the said Section line 1321.04 feet along the Section line to a point which lies on the West quarter corner of Section 8, a found brass cap, said point also at Engineers centerline station 109+27.90; thence North 00°21'41" West along the Section line 2642.07 feet to the point of beginning.

EXCEPTIONS THEREFROM, THE FOLLOWING:

Beginning at the West quarter of Section 5, Township 3 South, Range 4 West, Salt Lake Base and Meridian, a found Brass Cap, Tooele County Survey Monument; and running thence North 89°33'02" East 62.00 feet along the quarter Section line to a point which lies on the Easterly right-of-way line of 1200 West Street; said point also lies 62.00 feet left of the Section line at Engineers Station 56+54.58; thence South 00°17'51" East 2631.36 feet along said Easterly right-of-way line of 1200 West to the Southeast corner of said parcel; thence South 89°40'42" West 62.00 feet along the Section line to the Southwest corner of said Section 5; thence North 00°17'51" West 2631.22 feet along said Section line to the point of beginning.

PARCEL IV

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The Southwest quarter of Section 4, Township 3 South, Range 4 West, Salt Lake Base and Meridian.

LESS AND EXCEPTING, the South 110 feet thereof.

ALSO, LESS AND EXCEPTING THE FOLLOWING: Beginning at a point which is East 33 feet and South 100 feet from the Northwest corner of the Southwest quarter of the Southwest quarter of Section 4, Township 3 South, Range 4 West, Salt Lake Base and Meridian; and running thence East 200 feet; thence South 200 feet; thence West 200 feet; thence Northerly parallel to the Section line 200 feet to the point of beginning.

PARCEL V

The South half of Section 5, Township 3 South, Range 4 West, Salt Lake Base and Meridian.

LESS AND EXCEPTING THE FOLLOWING: Beginning at the Southeast corner of said Section 5; and running thence West 323.53 feet more or less; thence North 110 feet; thence East 323.53 feet; thence South 110 feet, more or less, to the point of beginning.

EXCEPTING THEREFROM, THE FOLLOWING:

Beginning at the West quarter of Section 5, Township 3 South, Range 4 West, Salt Lake Base and Meridian, a found Brass Cap, Tooele County Survey Monument; and running thence North $89^{\circ}33'02''$ East 62.00 feet along the quarter Section line to a point which lies on the Easterly right-of-way line of 1200 West Street; thence point also lies 62.00 feet left of the Section line at Engineers Station 56+54.58; thence South $00^{\circ}17'51''$ East 2631.36 feet along said Easterly right-of-way line of 1200 West to the Southeast corner of said parcel; thence South $89^{\circ}40'42''$ West 62.00 feet along the Section line to the Southwest corner of said Section 5; thence North $00^{\circ}17'51''$ West 2631.22 feet along said Section line to the point of beginning.

PARCEL VI

The South half of the North half of Section 5, Township 3 South, Range 4 West, Salt Lake Base and Meridian.

LESS AND EXCEPTING that portion deeded to the Los Angeles and Salt Lake Railroad Company, a Utah Corporation, by Warranty Deed recorded April 15, 1985 as Entry No. 366891 in Book 227 at Page 996, more particularly described as follows: The North 200.0 feet of the South half of the North half of Section 5, Township 3 South, Range 4 West, Salt Lake Base and Meridian.

EXCEPTING THEREFROM, THE FOLLOWING: Part of the South half of the North half of Section 5, Township 3 South, Range 4 West, Salt Lake Base and Meridian, more particularly described as follows: Beginning on the West quarter corner of Section 5, Township 3 South, Range 4 West, Salt Lake Base and Meridian; and running thence North $00^{\circ}21'10''$ West 1127.36 feet along the West line of said Section 5 to the South line of the North 200.00 feet of the South half of the North half of said Section 5; thence North $89^{\circ}36'50''$ East 1650.00 feet along said South line of the Northwesterly line of OVERLAKE ESTATES PHASE I; thence South $40^{\circ}42'36''$ West 1494.93 feet along said Northwesterly line to the

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East-West quarter line of said Section 5; thence South 89°32'53" West 668.00 feet along said East-West quarter line to the point of beginning.

EXCEPTING THEREFROM, TOOELE CITY SEWER PLANT, MORE PARTICULARLY DESCRIBED AS FOLLOWS: A Parcel of land, located within the Northwest quarter corner of Section 5, Township 3 South, Range 4 West, Salt Lake Base and Meridian, and being more particularly described as follows: Beginning at the West quarter corner of said Section 5, a found Tooele County Brass Cap; and running thence North 00°23'23" West (North 00°21'10" West Deed) along the West line of said Section 5, 1127.321 feet (1127.36 Deed), to the South line of the North 200.00 feet of the South half of the North half of said Section 5; thence North 89°36'50" East 1650.000 feet along said South line; thence South 40°41'21" West 1494.448 feet, (South 40°42'36" West 1494.93 feet Deed) to the East-West quarter line of said Section 5; thence South 89°33'02" West (South 89°32'53" West Deed), along said East-West quarter line 668.000 feet to the point of beginning.

PARCEL VII

The South half of the South half of Section 6, Township 3 South, Range 4 West, Salt Lake Base and Meridian.

EXCEPTING THEREFROM, THE FOLLOWING:

Beginning at the Southeast corner of Section 6, Township 3 South, Range 4 West, Salt Lake Base and Meridian, a found Brass Cap, Tooele County Survey Monument; and running thence South 89°40'54" West 42.00 feet along the Section line to the Southwest corner of said parcel being at Engineer's Station 82+85.89 42.00 feet right of Section line, said point also being on the Westerly right-of-way line of 1200 West Street; thence North 00°17'51" West 1315.63 feet along said Westerly right-of-way line of 1200 West Street to the Northwest corner of said parcel being at Engineer's Station 69+70.25 42.00 feet right of Section line; thence North 89°42'14" East 42.00 feet to a point on Section line being the Northeast corner of said parcel; thence South 00°17'51" East 1315.61 feet along said Section line to the point of beginning.

PARCEL VIII

The Northwest quarter of Section 7, Township 3 South, Range 4 West, Salt Lake Base and Meridian.

PARCEL IX

The North half of the Northeast quarter of Section 8, Township 3 South, Range 4 West, Salt Lake Base and Meridian.

LESS AND EXCEPTING THE FOLLOWING TWO PARCEL:

- A. The East 323.53 feet of said North half of the Northeast quarter.
- B. The West 457.15 feet, more or less, of said North half of the Northeast quarter.

PARCEL X

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Beginning at the North quarter corner of Section 9, Township 3 South, Range 4 West, Salt Lake Base and Meridian; and running thence East 2163.53 feet; thence South 703.86 feet; thence West 34.89 feet; thence North 170.0 feet; thence West 1280 feet, more or less; thence North $54^{\circ}11'45''$ West 1047.50 feet, more or less, to the point of beginning.

PARCEL XI

Beginning 100 feet West, more or less, from the Northeast corner of Section 9, Township 3 South, Range 4 West, Salt Lake Base and Meridian, said point also being on the West right-of-way line of Highway U-36; and running thence South $6^{\circ}55'18''$ West along said West right-of-way line 320 feet; thence West 50 feet; thence South 75 feet; thence West 247.5 feet, more or less; thence South 264 feet; thence East 247.5 feet; thence South 60 feet; thence South $6^{\circ}55'18''$ West 50 feet, more or less; thence West 292.39 feet, more or less; thence North 784.01 feet, more or less, to the North line of said Section 9; thence East 384.61 feet, more or less, to the point of beginning.

PARCEL XII

Beginning at the center of Section 9, Township 3 South, Range 4 West, Salt Lake Base and Meridian; and running thence North 520.81 feet; thence East 1332.91 feet; thence North $21^{\circ}51'55''$ East 973.65 feet, more or less; thence East 703.86 feet, more or less, to the West right-of-way line of Highway U-36; thence South $6^{\circ}55'18''$ West 1479.675 feet; thence West along the South line of the Northeast quarter of said Section 9, 2222.8 feet, more or less, to the point of beginning.

PARCEL XIII

The West half of the Southeast quarter of the Northwest quarter of Section 18, Township 3 South, Range 4 West, Salt Lake Base and Meridian.

That portion of the Northeast quarter of the Northwest quarter of Section 18, Township 3 South, Range 4 West, Salt Lake Base and Meridian, lying Southerly of the Western Pacific Railroad Right-of-Way.

ALSO: Beginning at a point on the North line of the Southwest quarter of Section 18, Township 3 South, Range 4 West, Salt Lake Base and Meridian, which is also North $00^{\circ}19'26''$ West 2641.32 feet along the East line of the Southwest quarter and South $89^{\circ}42'33''$ West, more or less, 1325.14 feet (Northwest corner of the Northeast quarter of the Southwest quarter of said Section 18), from the South one quarter corner; and running thence North $89^{\circ}42'33''$ East 326.14 feet; thence South $00^{\circ}17'27''$ East 60 feet; thence South $89^{\circ}42'33''$ West 1570.32 feet to a point on the East right-of-way line of said Utah State Highway 112; thence North $34^{\circ}53'23''$ West 72.89 feet along said East line to a point on the North line of the Southwest quarter of said Section; thence North $89^{\circ}42'33''$ East, more or less, 1285.56 feet along said North line to the point of beginning.

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EXHIBIT 'A'
PARCEL XIV

A tract of land 20.0 feet square with the center located 198.00 feet West and 152.00 feet South of the Northeast corner of Section 16, Township 3 South, Range 4 West, Salt Lake Base and Meridian, the East side of which has a bearing of North $0^{\circ}03'09''$ East and the South side of which has a bearing of South $89^{\circ}56'51''$ East.

TOGETHER WITH a Water Line Easement as follows: A perpetual easement to construct, reconstruct, operate, repair, replace and maintain a water line and appurtenant structures on, over, across and through a strip of land 20.0 feet wide, lying 10.0 feet on each side of and parallel and adjacent to an existing water line which runs from the well located at the center of the above described tract of land and connects to the water line described below.

ALSO TOGETHER WITH a perpetual easement to construct, reconstruct, operate, repair, replace and maintain a water line and appurtenant structures on, over, across and through a strip of land 20.00 feet wide, lying 10.00 feet on each side of and parallel and adjacent to the following described centerline: Beginning at a point which is West 200.27 feet and South 156.00 feet from the Northeast corner of Section 16, Township 3 South, Range 4 West, Salt Lake Base and Meridian, and running thence South $82^{\circ}23'18''$ West 13.30 feet; thence North $07^{\circ}45'13''$ West 109.77 feet; thence South $88^{\circ}26'30''$ West 148.32 feet; said point being North $89^{\circ}56'51''$ West 376.49 feet and South $00^{\circ}03'09''$ West 53.45 feet from said Northeast corner of Section 16.

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AMENDMENT NO. 1

TO

DEVELOPMENT AGREEMENT FOR
THE OVERLAKE PROJECT AREA
AND INCLUDING THE OVERLAKE DEVELOPMENT PLAN
(TOOELE CITY, TOOELE COUNTY, UTAH)

This Amendment No.1 is entered into this 21st day of April, 1998, between and among **Tooele City**, a Utah municipal corporation (the "City"), **Tooele Associates Limited Partnership**, a Washington limited partnership ("Tooele Associates"), whose address is P.O. Box 610, 416 West 2000 North, Tooele City, Utah 84074-0610, as the owner of certain real property and the developer of the project known as Overlake Master Planned Community ("Overlake") located within the corporate boundaries of Tooele City, Utah, and **John Tooele, LLC**, a Washington limited liability company ("John Tooele"), whose address is 16700
NE 79th AVE, Suite 101, Redmond WA 98052.

RECITALS

- A. The City and Tooele Associates entered into that certain "Development Agreement for the Overlake Project Area and including the Overlake Development Plan, Tooele City, Tooele County, Utah" on the 18th day of December, 1997 (herein referred to as the "Development Agreement").
- B. John Tooele owns a 138.5-acre parcel of property (the "138.5 Acre Parcel") which adjoins the existing Overlake Project Area, such 138.5 Acre Parcel being more particularly described as follows:
- Southeast 1/4 of Section 4, Township 3 South, Range 4 West, Salt Lake Base and Meridian.
EXCEPTING THEREFROM: That portion thereof included in public roads and rights-of-way.
ALSO EXCEPTING THEREFROM: E1/2SE1/4 of SE1/4 of Section 4, Township 3 South, Range 4 West, Salt Lake Base and Meridian.
- Containing 138.519 acres, more or less.
- C. John Tooele desires the 138.5 Acre Parcel to become part of the Overlake Project Area and to become subject to the Development Agreement and all Exhibits thereto (as

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