

WHEN RECORDED MAIL TO:

Business Development
Division of Business and Economic Developments
324 South State Street, 5th Floor
Salt Lake City, Utah 84114

Attention: Mr. Richard Bradford

State No. 4 and 5
SL Escrow: 301682CP and 301699CP
County No. 03D-71991 and 03D-72040

E 1184501 B 1885 P 92
CAROL DEAN PAGE, DAVIS CNTY RECORDER
1995 JUN 16 11:35 AM FEE .00 DEP DJW
REC'D FOR FIRST AMERICAN TITLE CO OF UTA

nw 94n-1w
09-045-0013 pt
40014 pt

LAND USE EASEMENT
(APZ 1)

WANDA MARIE HANSEN, AS TRUSTEE, UDT (UNDER DECLARATION OF TRUST) DATED SEPTEMBER 29, 1994, WHEREIN WANDA M. HANSEN IS THE TRUSTOR, OR ANY SUCCESSOR TRUSTEE THEREUNDER, Grantor, City of Layton, County of Davis, State of Utah hereby grant and convey to the STATE OF UTAH, Grantee, its successors and assigns for the sum of Ten and no/100 Dollars, a perpetual Land Use Easement for the purpose of protecting the health and safety of the citizens of Utah and assuring the continued operation of Hill Air Force Base as an active military base, as recited by the Section 63-49a-1 et seq. Utah Code Annotated, 1953, as amended. Said easement regulates the use of the land hereinafter described and makes it subject to the following restrictions.

1. The Grantor shall not use or permit any use of the land hereinafter described or any of the air space above said tract of land for any purpose other than following:

A. INDUSTRIAL-MANUFACTURING

- (1) Lumber and Wood Products
- (2) Furniture and Fixtures
- (3) Paper and Allied Products
- (4) Printing, Publishing
- (5) Food and Kindred Products
- (6) Textile Mill Products
- (7) Rubber and Misc. Plastics
- (8) Stone, Clay and Glass
- (9) Fabricated Metal
- (10) Miscellaneous Manufacturing, except for chemicals, primary metal industry, professional, scientific and controlling instruments, photographic and optical goods, watches and clocks, petroleum refining, apparel and leather-goods manufacturing

B. TRANSPORTATION-COMMUNICATIONS & UTILITIES

- (1) Railroad, Rapid Rail Transit, except for terminals

- (2) Highway and Street Right of Way
- (3) Auto Parking
- (4) Communications, except noise sensitive
- (5) Utilities, except for major above ground transmission lines
- (6) Other Transportation, Communications and Utilities

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C. COMMERCIAL-RETAIL TRADE

- (1) Wholesale Trade
- (2) Building Materials - Retail
- (3) Automotive, Marine
- (4) Furniture, Home Furnishings, Retail
- (5) Retail - Trade Food
- (6) Retail - Trade Apparel
- (7) Miscellaneous Retail Trade, except for eating and drinking establishments

D. PUBLIC AND QUASI PUBLIC SERVICES

- (1) Cemeteries
- (2) Business Services
- (3) Repair Services
- (4) Contract Construction Services

E. OUTDOOR RECREATION

- (1) Golf Course, Riding Stables (without Clubhouses)
- (2) Water Based Recreational
- (3) Nature Exhibit
- (4) Parks
- (5) Miscellaneous Outdoor, except for cultural activities (including churches), public assemblies, auditoriums, concert halls, outdoor music shells, amphitheaters, outdoor sports arenas, spectators sports, amusements and resorts and group camps

F. RESOURCE PRODUCTION, EXTRACTION AND OPEN SPACE

- (1) Agricultural
- (2) Livestock Farming, Animal Breeding
- (3) Forestry Activities
- (4) Fishing Activities & Related Services
- (5) Mining Activities
- (6) Permanent Open Spaces
- (7) Water Areas
- (8) Other Resource Extraction and Production

2. No residential dwellings shall be allowed under any of the above mentioned uses.

3. Regardless of those uses shown above as permitted, in no case shall any use be made of any of the above property which will result in any of the following: The congregation of more than one person per 300 square feet. The congregation of more than 10 persons per acre. The

congregation of more than 25 persons in any one indoor or outdoor facility.

4. Measures to achieve Noise Level Reduction (NLR) of 30 db must be incorporated into the design and construction of occupied portions of all facilities constructed in the 75-80 or 90+ LdN areas respectively.

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5. Improvements located on the property subject to this easement at the time said easement is executed shall not be required to be removed. Single family dwellings in existence at the time this document is executed shall not be converted into multiple family dwellings.

6. The uses allowed under this easement shall not affect restrictions places on the property by zoning ordinances and uses which may be permitted in this easement may be prohibited by zoning ordinances. The restrictions of this easement shall not apply to the use existing at the time the easement is executed.

7. The Grantor, his successors or assigns, shall not construct or place, or cause to be constructed or placed, any improvements upon the property subject to this easement which will exceed a height of 152 feet for parcel 09-045-0014 and 169 feet for parcel 09-045-0013.

8. Any use made of the property subject to this easement by the Grantor, his successors or assigns, shall be such that no smoke, dust, steam or other substances is released into the airspace which would interfere with pilot vision.

9. The Grantor shall not put said property to a use which will produce light emissions, either direct or indirect (reflections), which would interfere with pilot vision or a use which would produce electrical or other emissions which would interfere with aircraft communications systems or navigational equipment.

The boundaries of the tract of land for said perpetual easement and right of way are described as follows:

State No. 4, Parcel P
In the 75 Decibel Zone, Inside the APZ

Beginning at a point North 537.74 feet and East 1238.88 feet from the Southwest Corner of the Northwest Quarter of Section 9, Township 4 North, Range 1 West, Salt Lake Base and Meridian; thence East 1081.72 feet; thence North 179.36 feet; thence West 1081.72 feet; thence South 179.36 feet to the point of beginning. ✓

pt 09-045-0014 Containing 4.45 Acres

State No. 5, Parcel Q
In the 75 Decibel Zone, Inside the APZ

Beginning at a point N 00°03'00" E 537.74 feet and S 89°22'00" E 1283.49 feet from the West Quarter Corner of Section 9, Township 4 North, Range 1 West, Salt Lake Base and Meridian; thence S 89°22'00" E 1082.13 feet; thence S 00°38'00" W 349.62 feet; thence Southerly along

pt 0945-0013

the arc of a 642.00 foot radius curve to the left 190.63 feet to the quarter section line; thence N 89°22'00" W 1102.53 feet; thence North 537.75 feet to the point of beginning.

Containing 13.36 Acres
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The above described tract of land contains 12.92 acres, more or less.

WITNESS, the hand of said Grantor, this 24 day of May, A.D. 1995.

Signed in the presence of:

Wanda Marie Hansen, Trustee
WANDA MARIE HANSEN, Trustee

STATE OF UTAH }
 } SS
COUNTY OF }

See Attached Acknowledgment

On the _____ day of _____, A.D. 1995, personally appeared before me WANDA MARIE HANSEN, Trustee, the signer of the within instrument, who duly acknowledged to me that she executed the same pursuant to and in accordance with the powers vested in them by the terms of said Trust Agreement.

Wanda Marie Hansen, Trustee W.M.H.
Notary Public

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

No. 5907

State of California

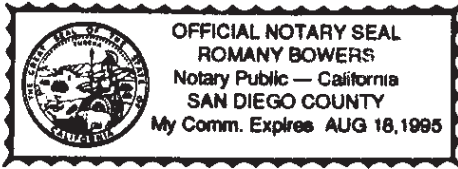
E **1184501** B **1885** P **96**

County of San Diego

On May 24, 1995 before me, Romany Bowers, Notary Public
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

personally appeared Wanda Marie Hansen
NAME(S) OF SIGNER(S)

personally known to me - **OR** - proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) (is/are) subscribed to the within instrument and acknowledged to me that ~~he/she/they~~ executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Romany Bowers
SIGNATURE OF NOTARY

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

- INDIVIDUAL
 - CORPORATE OFFICER
- _____ TITLE(S)
- PARTNER(S) LIMITED
 - GENERAL
 - ATTORNEY-IN-FACT
 - TRUSTEE(S)
 - GUARDIAN/CONSERVATOR
 - OTHER: _____

DESCRIPTION OF ATTACHED DOCUMENT

Land Use Easement (APZ 1)
TITLE OR TYPE OF DOCUMENT

4
NUMBER OF PAGES

5/24/95
DATE OF DOCUMENT

None
SIGNER(S) OTHER THAN NAMED ABOVE

SIGNER IS REPRESENTING:
NAME OF PERSON(S) OR ENTITY(IES)

