

WHEN RECORDED MAIL TO:

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

E 1193441 8 1903 P 1064  
CAROL DEAN PAGE, DAVIS CNTY RECORDER  
1995 AUG 10 4:14 PM FEE .00 DEP DJW  
REC'D FOR FIRST AMERICAN TITLE CO OF UTA

Attention: Mr. Richard Bradford

State No. 508  
SL Escrow: 301732CP  
County No. 03D-72149

13-004-0010

SE 19-5N-1W

LAND USE EASEMENT  
(APZ 1)

Helen Bingham, Trustee of the Helen Bingham Trust, Grantor, City of Layton, County of Davis, State of Utah hereby grants and conveys 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

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
- (8) Storage Units

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: (a) A concentration of persons having an average density of more than one (1) per three hundred (300) square feet of building or outdoor facility space, or (b) A concentration of persons having an overall density

greater than ten (10) within a building or buildings or outdoor facilities per acre of land, or (c) A concentration of persons in a number greater than twenty-five (25) per building or outdoor facility.

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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.

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 365 feet.

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:

Beginning at a point North 0°22' West 1324.4 feet along section line and North 88°54' West 93.4 feet from the Southeast corner of Section 19, Township 5 North, Range 1 West, Salt Lake Base and Meridian; thence along existing fence North 88°54' West 569 feet; thence North 160 feet, more or less, to the South Right of Way line of State Road; thence South 82°59' East 108 feet; thence South 88°45' East 158 feet; thence South 84°14' East 89 feet; thence South 76°42' East 60 feet; thence South 64°58' East 177.5 feet; thence leaving said State Road boundary South 11°38' West 59.8 feet to the point of beginning.

The above described tract of land contains \_\_\_\_\_ acres, more or less.

13-004-0010

WITNESS, the hand of said Grantor, this 8 day of August, A.D. 1995.

Signed in the presence of:

Helen Bingham  
Helen Bingham, Trustee of the Helen Bingham Trust

STATE OF Ut  
COUNTY OF Salt Lake } SS

On the 8 day of August, A.D. 1995, personally appeared before me Helen Bingham, Trustee under the Helen Bingham Trust dated the 13th of February 1991, 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.

My Commission expires: \_\_\_\_\_

[Signature]

