

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

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CAROL DEAN PAGE, DAVIS CNTY RECORDER
1996 JUL 23 3:06 PM FEE .00 DEP MEC
REC'D FOR FIRST AMERICAN TITLE CO OF UTA

State No. 2
SL Escrow: 301642CP
County No. 03D-73374

NW-9-4N-1W

LAND USE EASEMENT
(APZ 1)

HILLVIEW LTD., a Utah Limited Partnership, as to an undivided 1/2 interest and DAVID N. JOHNSON, _____, Grantors, 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 E 1263475 B 2025 P 1191
- (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 279 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 1320 feet along the section line and South 89°30'00" East 1283.93 feet from the Southwest Corner of the Northwest Quarter of Section 9, Township 4 North, Range 1 West, Salt Lake Base and Meridian; thence South 89°30'00" East 289.57 feet along the North Line of the South one-half of the Northwest Quarter of said Section 9 to the Westerly line of the Property conveyed to the United States of America, by deed recorded March 3, 1977 in Book 638 at Page 317 of Official Records; thence South 27°28'00" East 664.03 feet, more or less. to a point 10.865 chains North of the South line of said Northwest Quarter; thecne West 595.83 feet; thence North 591.71 feet to the point of beginning.

The above described tract of land contains 6.00 acres, more or less.

PI. 09-045-0005

