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KATIE L. DIXON  
RECORDER, SALT LAKE COUNTY, UTAH  
SL CITY RECORDER  
SLC-RECORDS REBECCA GRAY, DEPUTY  
3/19/85

After recording return to  
Salt Lake City Recorder

AVIGATION EASEMENT

Beneficial Development Company, Horizon West Enterprises,  
Metals Manufacturing Company, & P/Lakeside - Partnership,  
hereinafter referred to as "Grantor" hereby grants and conveys to  
SALT LAKE CITY CORPORATION, hereinafter referred to as "Grantee",  
for good and valuable consideration extended by the Grantee to  
the Grantor, in the form of Grantee's approval of development of  
Grantor's land by memorializing an existing prescriptive common  
law avigation easement associated with the existing aircraft  
activities in and around the Salt Lake City International  
Airport, the receipt and sufficiency of which are 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. 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  
Revised Ordinances of Salt Lake City, which for the Real Property  
is that space above a flat/sloping plain 4316 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 International Airport Land Use Policy  
Plan dated August, 1982, (a copy of Figure 3-1 of said Plan is  
attached hereto as Exhibit B and by reference incorporated  
herein), or the equivalent to 65 LDC and 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 said  
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 particular 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 levels  
authorized above for said property. However, on all other  
portions of the property where it cannot be proven that the

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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 in landing at or taking off from or otherwise using the Salt Lake City International Airport described in Exhibit C 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, together with all things which may be alleged to be incidental to or to result from the use and enjoyment of said easement, 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 on Exhibit A shall provide and maintain applicable sound attenuation ordinance requirements to insulate occupants from noise to mitigate any adverse impact from aircraft noise.

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WITNESS the hand of Grantor this 8<sup>TH</sup> day of AUGUST, 1986.

GRANTOR(S)

BENEFICIAL DEVELOPMENT COMPANY

BY Wayne G. Facer  
Wayne G. Facer, President  
G.

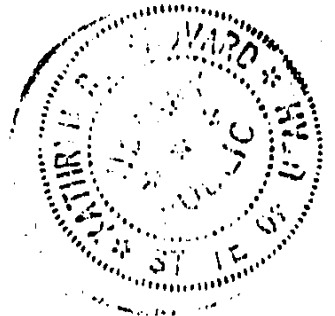
STATE OF UTAH )  
                  ) ss.  
County of Salt Lake)

On the 8<sup>th</sup> day of August, 1986, personally appeared before me Wayne G. Facer, the signers of the foregoing instrument, who duly acknowledged to me that they executed the same.

Kathleen R. Provost  
NOTARY PUBLIC, residing in  
Salt Lake County, Utah

My Commission Expires:

6/16/89



WITNESS the hand of Grantor this 11<sup>th</sup> day of August, 1986:

GRANTOR(S)

HORIZON WEST ENTERPRISES

BY

[Signature]  
M. John Ashton, General Partner

STATE OF UTAH )

County of Salt Lake )

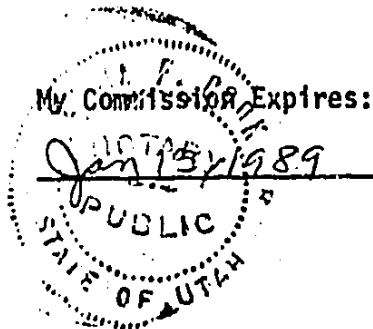
) ss.

On the 11 day of August, 1986, personally appeared before me M. John Ashton and [Signature], the signers of the foregoing instrument, who duly acknowledged to me that they executed the same.

[Signature]

NOTARY PUBLIC, residing in  
Salt Lake County, Utah

Davis



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WITNESS the hand of Grantor this 7th day of August, 1986.

GRANTOR(S)

G & B/LAKESIDE PARTNERSHIP

BY

James R. Gaddis, Managing General

STATE OF UTAH )  
 ) ss.  
County of Salt Lake)

On the 7th day of August, 1986, personally appeared before me James Gaddis and \_\_\_\_\_, the signers of the foregoing instrument, who duly acknowledged to me that they executed the same.

Beth Burns  
NOTARY PUBLIC, residing in  
Salt Lake County, Utah

My Commission Expires:

8/1/88



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( EXHIBIT "A" )

The following description is the Grantor's real property situated in Salt Lake County, commonly referred to as \_\_\_\_\_  
HORIZON WEST INDUSTRIAL PARK NO. 2 .

Description: (Tax Parcel No. \_\_\_\_\_)

BOUNDARY DESCRIPTION

BEGINNING AT THE EAST QUARTER CORNER OF SECTION 8, TOWNSHIP 1 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE S 0°08'38" E ALONG THE EAST LINE OF SAID SECTION 8 A DISTANCE OF 640.46 FEET TO THE NORTH LINE OF 1100 SOUTH STREET; THENCE S 89°52'33" W ALONG SAID LINE 818.93 FEET; THENCE N 0°01'16" W 457.31 FEET TO THE CENTER OF THE BRIGHTON NORTH POINT CANAL; THENCE N 57°11'17" E 1393.71 FEET; THENCE S 0°04'24" W 569.54 FEET; THENCE S 89°52'33" W 353.13 FEET TO THE POINT OF BEGINNING. CONTAINS 17.221 ACRES.

EXHIBIT B

SALT LAKE CITY  
INTERNATIONAL AIRPORT

LAND USE POLICY PLAN

LEGEND

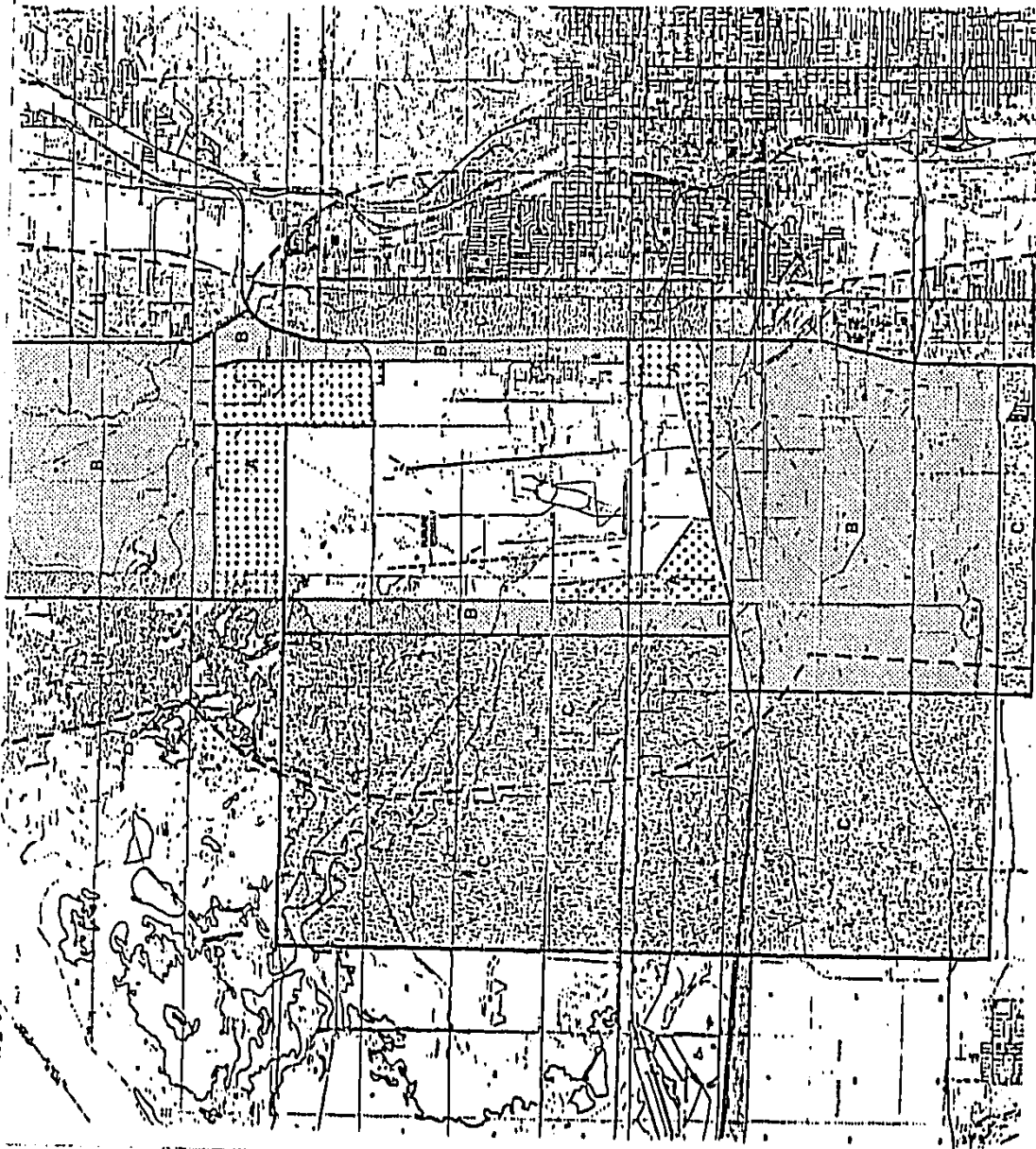
- A [Pattern] VERY HIGH NOISE IMPACT
- B [Pattern] HIGH NOISE IMPACT
- C [Pattern] MODERATE NOISE IMPACT
- H [Pattern] HEIGHT RESTRICTION



FIGURE 3-1

AIRPORT INFLUENCE ZONES

GRW:HL 3-2





## SALT LAKE INTERNATIONAL AIRPORT

BOUNDARY DESCRIPTION

Beginning at a point 806.03 feet N.  $0^{\circ} 02' 38''$  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.  $89^{\circ} 58' 38''$  W. 340.71 feet along said right-of-way line; thence S.  $0^{\circ} 02' 38''$  W. 805.75 feet to the South line of Section 33, thence N.  $89^{\circ} 58' 33''$  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.1S., R.1W.); thence S.  $0^{\circ} 11' 26''$  E. 2,290.43 feet to the northerly right-of-way of the Western Pacific Railroad main line siding; thence S.  $77^{\circ} 49' 01''$  W. 581.95 feet; thence S.  $0^{\circ} 12' 04''$  E. 238 feet, more or less, to the  $1/4$  section line; thence S.  $89^{\circ} 57' 09''$  W. 188 feet, more or less; thence N.  $0^{\circ} 12' 04''$  W. 197 feet, more or less, to the northerly right-of-way line of the Western Pacific Railroad main line siding; thence S.  $77^{\circ} 49' 01''$  W. 1,932.50 feet to the west line of said Section 4 (said line is also the east line of Section 5, T.1S., R.1W.); thence S.  $77^{\circ} 49' 01''$  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 and Western Railroad; thence Southwesterly 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.  $78^{\circ} 00' 55''$  W. 1,343

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feet, more or less, to the west line of said Section 5 (said line is also the east line of Section 6, T.1S., R.1W.); thence S.  $78^{\circ} 00' 55''$  W. 238 feet, more or less, to the westerly highway right-of-way and non-access line of UDOT Project #I-80-3(5)116; thence N.  $1^{\circ} 25' 59''$  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.  $1^{\circ} 50' 34''$  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.  $34^{\circ} 24' 21''$  W.); thence N.  $63^{\circ} 47' 38''$  W. 1,084.09 feet; thence N.  $55^{\circ} 55' 36''$  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.  $51^{\circ} 35' 12''$  W.); thence Northwesterly 246.45 feet along said curve; thence N.  $57^{\circ} 07' 49''$  W. 100.52 feet; thence N.  $57^{\circ} 27' 53''$  W. 328.82 feet; thence N.  $57^{\circ} 47' 59''$  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 bears N.  $58^{\circ} 28' 02''$  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.  $4^{\circ} 58' 32''$  W. 4,445.67 feet to the north line of Section 31, T.1N., R.1W.; 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.1N., R.1W.; thence East 10,560 feet to the northeast corner of Section 17, T.1N., R.1W.; thence South 5,280 feet to the northwest corner of Section 21, T.1N., R.1W.; thence East

PLANNING  
RECORDS

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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.

Contains 6,732 acres, more or less. (Excluding the Highway R.O.W.)

BY: G. Larry Jones

CHECKED: Michael F. Widdison

ACCOUNT NO: 19-A-1

DATE: October 29, 1982 (Revised)

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COL. RECORDED

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