

04/04/96 4:38 PM\*\*NO FEE\*\*  
6322895  
NANCY WORKMAN  
RECORDER, SALT LAKE COUNTY, UTAH  
SL CITY AIRPORT AUTHORITY  
REC BY:V ASHBY ,DEPUTY - WI

6322895

After recording, return to:  
Salt Lake City Airport Authority  
Finance & Administration  
AMF Box 22084  
Salt Lake City, Utah 84122

### AVIGATION EASEMENT

Avigation Easement affecting county tax parcel number 14-13-100-001. PRATEZK PARTNERS, hereinafter referred to as "Grantor," hereby grants and conveys to SALT LAKE CITY CORPORATION, hereinafter referred to as "Grantee," for good and valuable consideration given by the Grantee to the Grantor in the form of Grantee's approval of the development of Grantor's land by memorializing an existing prescriptive common law avigation easement associated with the Airport and aircraft activities in and around the Salt Lake City International Airport, the receipt and sufficiency of which is 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, and all other aeronautical activities therein. 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 the flat plain 4527

BK7369PG1121

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 City International Airport Land Use Policy Plan dated August, 1982, as amended from time to time, which may be obtained from the Salt Lake City Airport Authority (hereinafter referred to as the "Plan"), or the equivalent to 65 LDN or 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 the 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 portions of the Real 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 level authorized for said portions. However, on all other portions of the property where it cannot be proven that the 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 landing

at or taking off from or otherwise using the Salt Lake City International Airport described in Exhibit "B" 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 and the burden thereof, together with all things which may be alleged to be incidental to or to result from the use and enjoyment of said easement, shall constitute permanent burdens and servient tenements on the Real Property, and the same 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 in Exhibit "A" shall provide and maintain applicable sound attenuation ordinance requirements to insulate occupants from noise to mitigate any adverse impact from aircraft noise.

WITNESS the hand of Grantor this 11<sup>th</sup> day of February, 1996.

GRANTOR(S)

PRATEZK PARTNERS

Signed by: James W. Lewis  
Print Name: James W. Lewis  
Title: Partner

ATTEST:

Allan M. Metz  
Print Name: Allan M. Metz  
Title (if any): Attorney at Law

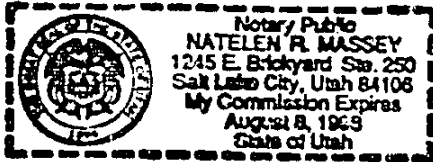
Signed by: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Title: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Print Name: \_\_\_\_\_  
Title (if any): \_\_\_\_\_

STATE OF UTAH )  
 ) : ss.  
COUNTY OF SALT LAKE )

On the 16<sup>th</sup> day of February, 1996, personally appeared before me  
James W. Dewis and X, who being by  
me duly sworn, deposed and said that <sup>he is</sup> they are gen. partners and  
X respectively of PRATEZK PARTNERS, a Utah Limited  
Partnership, duly acknowledged to me that the foregoing instrument was signed in  
behalf of said partnership by authority therein vested, and said partners acknowledged  
to me that said partnership executed the same.



Natelen R. Massey  
NOTARY PUBLIC residing in  
Salt Lake County, Utah

My commission expires:

8-8-98

EXHIBIT "A"

The following description is the Grantor's Real Property situated in Salt Lake County, commonly referred to as Pratezk Industrial Park.

DESCRIPTION: (Tax Parcel #14-13-100-001)

VTDI 14-13-100-001-0000	DIST 13E	TOTAL ACRES	444.72
PRATEZK PARTNERS; LTD PTRSHIP	PRINT P UPDATE	REAL ESTATE	2220
	LEGAL	BUILDINGS	0
% JAMES W LEWIS	TAX CLASS GB	MOTOR VEHIC	0
PO BOX 2370	EDIT 1 FACTOR BYPASS	TOTAL VALUE	2220
PARK CITY UT	840602370 GROWTH PCT 0		
LOC: 5251 W 1300 S	EDIT 0 BOOK 6187	PAGE 1681	DATE 01/18/90
SUB:		TYPE UNKN PLAT	

PROPERTY DESCRIPTION FOR TAXATION PURPOSES ONLY  
COM 60 FT S & 40 FT E FR NW 1/4 SEC 13, T 1S, R 2W, SL MER,  
E 3920 FT; S 5070 FT M OR L TO STATE ROAD; S 89-52' W ALG SD  
ROAD 1686.34 FT; W'LY ALG CURVE TO RIGHT 514.41 FT; N  
84-22'28" W 483.97 FT; NW'LY ALG CURVE TO RIGHT 1069.25 FT;  
N 30-04' W 144 FT M OR L; NW'LY ALG CURVE TO LEFT 365.15 FT;  
S 89-52' W 10.3 FT TO E LINE 5600 WEST STREET; N 4145 FT TO  
BEG. 444.72 AC.

(Please attach to this Exhibit A the Tax Assessor's legal description (County printout) showing ownership, or other evidence of ownership as approved by City.)

**EXHIBIT "B"**  
**Salt Lake City 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.1 S., R.1 W.); 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. 185 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.1 S., R.1 W.); 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 & Western Railroad; thence South  $77^{\circ}33'$  West 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 feet, more or less, to the west line of said Section 5, (said line is also the east line of Section 6, T.1 S., R.1 W.); thence S.  $78^{\circ}00'55''$  W. 238 feet, more or less, to the westerly highway right-of-way and nonaccess line of U.D.O.T. project No. 1-80-3(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 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.1 N., R.1 W.; 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.1 N., R.1 W.; thence East 10,560 feet to the northeast corner of Section 17, T.1 N., R.1 W.; thence South 5,280 feet to the northwest corner of Section 21, T.1 N., R.1 W.; thence East 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;

And beginning at a point 660 feet West and 792 feet North of the South 1/4 corner of Section 16, T.1 N., R.1 W., Salt Lake Base and Meridian; running thence North 198 feet; thence East 660 feet; thence North 33 feet; thence East 165 feet; thence South 264 feet; thence West 165 feet; thence North 33 feet; thence West 660 feet to the point of beginning;

And beginning at a point 660 feet West and 990 feet North of the South 1/4 corner of Section 16, T.1 N., R.1 W., Salt Lake Base and Meridian; running thence North 519.75 feet; thence East 660 feet; thence South 189.75 feet; thence East 165 feet; thence South 297 feet; thence West 165 feet; thence South 33 feet; thence West 660 feet to the point of beginning;

And beginning at the South Quarter Corner of Section 16; Township 1 North, Range 1 West, Salt Lake Base and Meridian; running thence West 660 feet along the South line of said section; thence North 792 feet; thence East 660 feet; thence South 792 feet to the point of beginning;

And beginning at a point 660 feet West and 792 feet North of the South Quarter Corner Section 16, Township 1 North, Range 1 West, Salt Lake Base and Meridian; running thence North 198 feet; thence East 660 feet; thence North 33 feet; thence East 165 feet; thence South 264 feet; thence West 165 feet; thence North 33 feet; thence West 660 feet to the point of beginning;

And beginning in the South line of the Northeast quarter of Section 6 at a point 470.36 feet West from the East quarter corner of said Section 6; thence West 1205.35 feet along said South line; thence North 25°05'47" West 265.54 feet; and thence N. 25°25'49" West 100.52 feet; thence Northwesterly 1287.85 feet along the arc of a 2894.79 foot radius curve to the left to the North line of the Southwest quarter Northeast quarter of said Section 6 (Note: Tangent to said curve at its point of beginning bears North 26°05'48" West); thence East 83.57 feet along said North line to the Southwesterly right-of-way and no-accessline of the freeway known as Project No. 80-3; thence South 55°55'36" East 436.08 feet; thence South 63°47'38" East 1084.09 feet to a point on a 1672.95 foot radius curve to the right; thence



Southeasterly 971.37 feet along the arc of said curve to the point of beginning. (Note: Tangent to said curve at its point of beginning bears South 67°40'25" East);

And beginning in the south line of the Northeast quarter of said Section 6 at a point approximately 1741.94 feet West from the East quarter corner of said Section 6; thence West 903.79 feet, more or less, to the West line of the Northeast quarter of said Section 6; thence North 1254.38 feet along said West line to a point on a 2834.79 foot radius curve to the right; thence Southeasterly 1220.69 feet along the arc of said curve (Note: Tangent to said curve at its point of beginning bears South 50°46'08" East); thence South 25°25'43" East 99.48 feet; thence South 25°05'47" East 237.49 feet to the point of beginning;

And beginning at the Northwest corner of the Southeast quarter of Section 16, Township 1 North, Range 1 West, Salt Lake Base and Meridian, said point being the center of Section 16; thence East 165 feet; thence South 1320 feet; thence West 165 feet; thence North 1320 feet to the point of beginning.

Contains 6,822.59 acres, more or less (excluding the highway R.O.W.).

### OWNERSHIP CERTIFICATE

Without limitation, the undersigned hereby represent to Salt Lake City Corporation that they constitute all of the owners of the Real Property bearing Salt Lake County Tax Parcel Number 14-13-100-001 as of the date set forth below, and they further represent and agree as follows:

They have full capacity to execute this Avigation Easement and make a binding conveyance thereof, and they know of no other acts in addition to the execution of this Avigation Easement necessary to make a valid and binding conveyance of the same.

They will not transfer any interest in the Real Property prior to the recording of this Avigation Easement by Salt Lake City Corporation without providing prior written notice to the City.

There is no other person or entity having any rights or interests with respect to the Real Property whose consent or conveyance may be necessary in order to make this Avigation Easement fully enforceable against the Real Property with respect to all parties.

After the recording of this Avigation Easement, they will obtain the consent or conveyance of any party with rights or interests created prior to that time which may be necessary in order to make this Avigation Easement fully enforceable against the Real Property with respect to all parties.

Date: 16 Feb 96

Record Owners of Salt Lake County Tax  
Parcel Number 14-13-100-001

PRATEZK PARTNERS

Signed by: James W. Lewis  
Print Name: JAMES W. LEWIS  
Title: Partner

Signed by: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Title: \_\_\_\_\_