

After recording return to
Salt Lake City Recorder

SLC-SLCIA
3/19/85

4232380

AVIGATION EASEMENT

ALBERT Z. RICHARDS, JR., 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 plain 4,305 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

NO. 5757 REC 1890

RECORDED
BY J. Beyer
DATE 4/11/86

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 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 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 4th day of April, 1986.

GRANTOR

Albert Z. Richards, Jr.
ALBERT Z. RICHARDS, JR.

20-5757-1881

CONSENT

The undersigned owner(s) of an equitable or legal interest in the tract of land described on Exhibit "A", does hereby consent to dedication by the owner thereof of the foregoing Avigation Easements, for the benefit of the airport. In consideration of the acceptance of this Easement by Salt Lake City Corporation, the undersigned does hereby subordinate its/their interest in and to the land included within the Avigation Easement to Salt Lake City Corporation forever.

TITLE INSURANCE AGENCY OF UTAH
INC., a Utah corporation,
Trustee

By _____
Its: _____

[Handwritten signature]

Ruth B Chapman
Ruth B Wadsworth
RUTH B. WADSWORTH,
formerly known as
Ruth B. Chapman

ACKNOWLEDGEMENTS

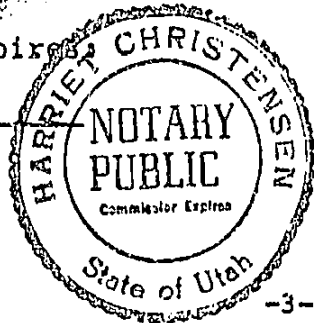
STATE OF UTAH)
) ss.
County of Salt Lake)

On the 4th day of April, 1986 personally appeared before me ALBERT Z. RICHARDS, JR., the signer of the foregoing instrument, who, being by me duly sworn, acknowledged to me that he executed the same.

Harriet Christensen
NOTARY PUBLIC, residing in
Salt Lake County, Utah

My Commission Expires

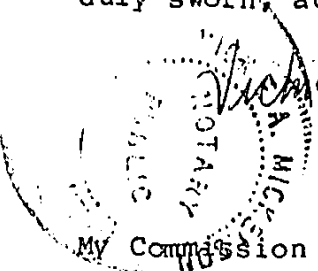
4-21-87



BOOK 5757 PAGE 4882

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

On the 7th day of April, 1985, personally appeared before me RUTH B. WADSWORTH, formerly known as Ruth B. Chapman, a signer of the foregoing instrument, who, being by me duly sworn, acknowledged to me that she executed the same.



Nicole A. Mickelson
Ruth B. Wadsworth
Ruth B. Wadsworth
NOTARY PUBLIC, residing in Roy
Salt Lake County, Utah

My Commission Expires:
My Commission Expires April 12, 1988

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

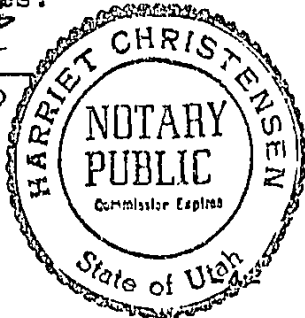
On the 4 day of April, 1986, personally appeared before me KEESE S. HOWELL, who being by me duly sworn, did say that he is the V.P. of TITLE INSURANCE AGENCY OF UTAH, a Utah corporation, and that the foregoing instrument was signed in behalf of said Security Title Company by authority of a resolution of its board of directors; and said person acknowledged to me that said corporation executed the same.

Harriet Christensen
NOTARY PUBLIC, residing in
Salt Lake County, Utah

My Commission Expires:

[Signature]
4-21-87

rc26



20-5757 REG 1883

SLC-SLCIA/B

EXHIBIT "A"
(Albert Z. Richards, Jr.)

The following description is the Grantor's real property situated in Salt Lake County, commonly referred to as two parcels situated at approximately 2806 West 900 South and 901 South Gladiola Street, within Zone B of the Salt Lake City International Airport interference zones.

Description: (Tax Parcel No. 15-08-230-009 and
Tax Parcel No. 15-08-230-005)

Parcel 1. 2806 West 900 South Street.
(Tax Parcel No. 15-08-23-009)

Commencing at a point 19.2 rods West and 2 rods South from the Southeast corner of Lot 7, Block 23, Brighton Farming Plat Survey, and situate in the Northeast Quarter of Section 8, Township 1 South, Range 1 West, Salt Lake Meridian, and running thence West 15.55 rods; thence North 30 rods; thence East 5.25 rods; thence North 20 rods; thence East 10.3 rods; thence South 50 rods to the place of beginning.

ALSO described as: Commencing 116 rods South and 22 rods West from the Northeast corner of Section 8, Township 1 South, Range 1 West, Salt Lake Meridian; thence West 15.55 rods; thence North 30 rods; thence East 5.25 rods; thence North 20 rods; thence East 10.3 rods; thence South 50 rods to beginning. Less Street.

200 5757 1894

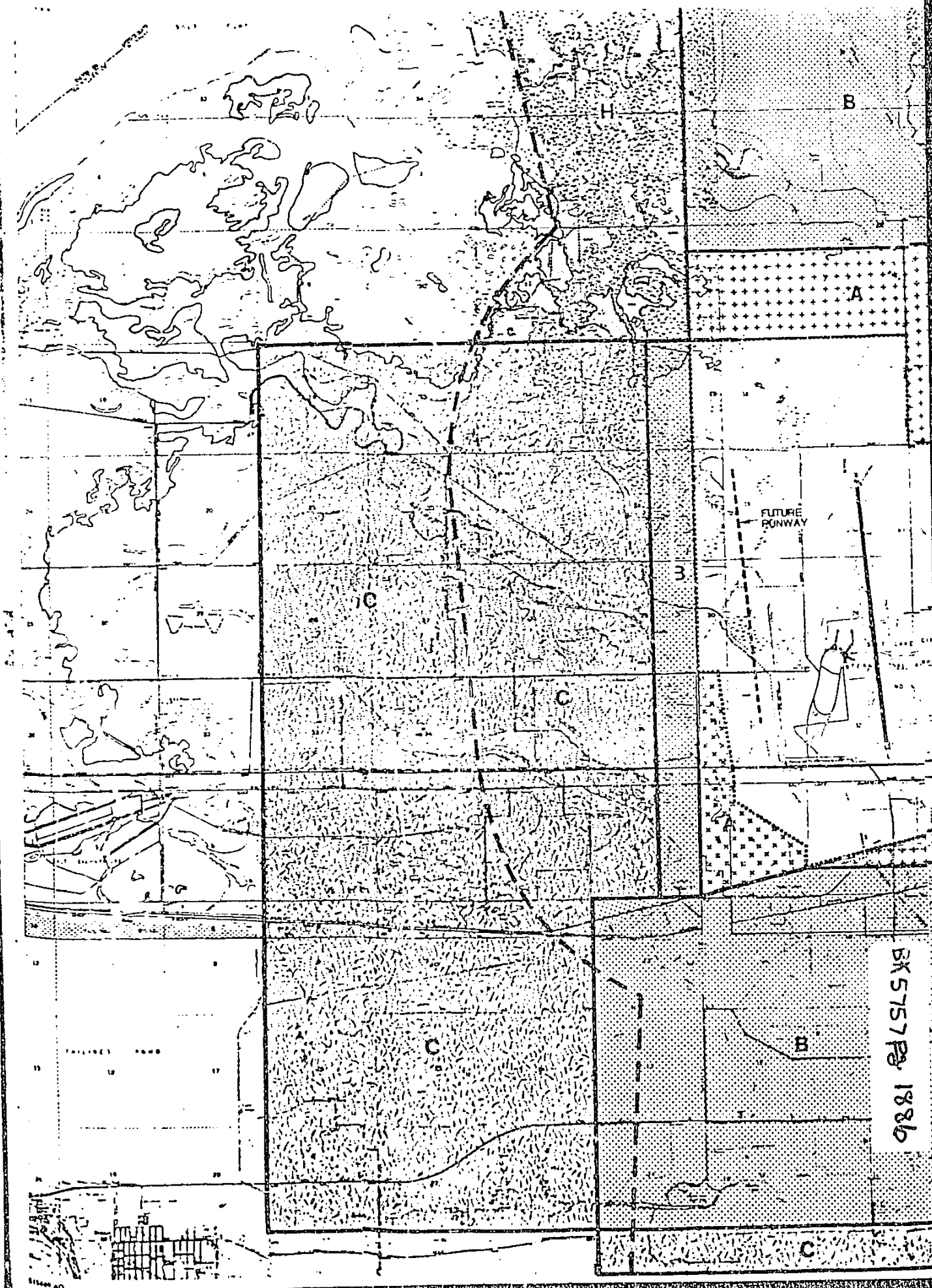
Parcel 2. 801 South Gladiola Street.
(Tax Parcel No. 15-08-230-005)

Beginning at a point 86 rods South and 74.3 rods West from the Northeast corner of Section 8, Township 1 South, Range 1 West, Salt Lake Meridian, and running thence North 190 feet; thence East 310 feet; thence North 140 feet; thence East 383 feet; thence South 20 rods; thence West 42 rods to beginning.

ALSO described as: Beginning at the Northeast corner of Lot 8, Block 23, Brighton Farming Plat, and running thence West 297.2 feet; thence South 140 feet; thence West 310 feet to the center of a 4 rod road; thence South 190 feet; thence East 693 feet; thence North 330 feet; thence West 85.8 feet to beginning.

rc26

5757 REG 1885



BK 5757 Pg. 188b





11444 AD

EXHIBIT B

SALT LAKE CITY INTERNATIONAL AIRPORT

LAND USE POLICY PLAN

LEGEND

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

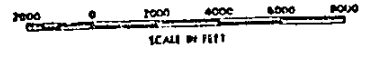
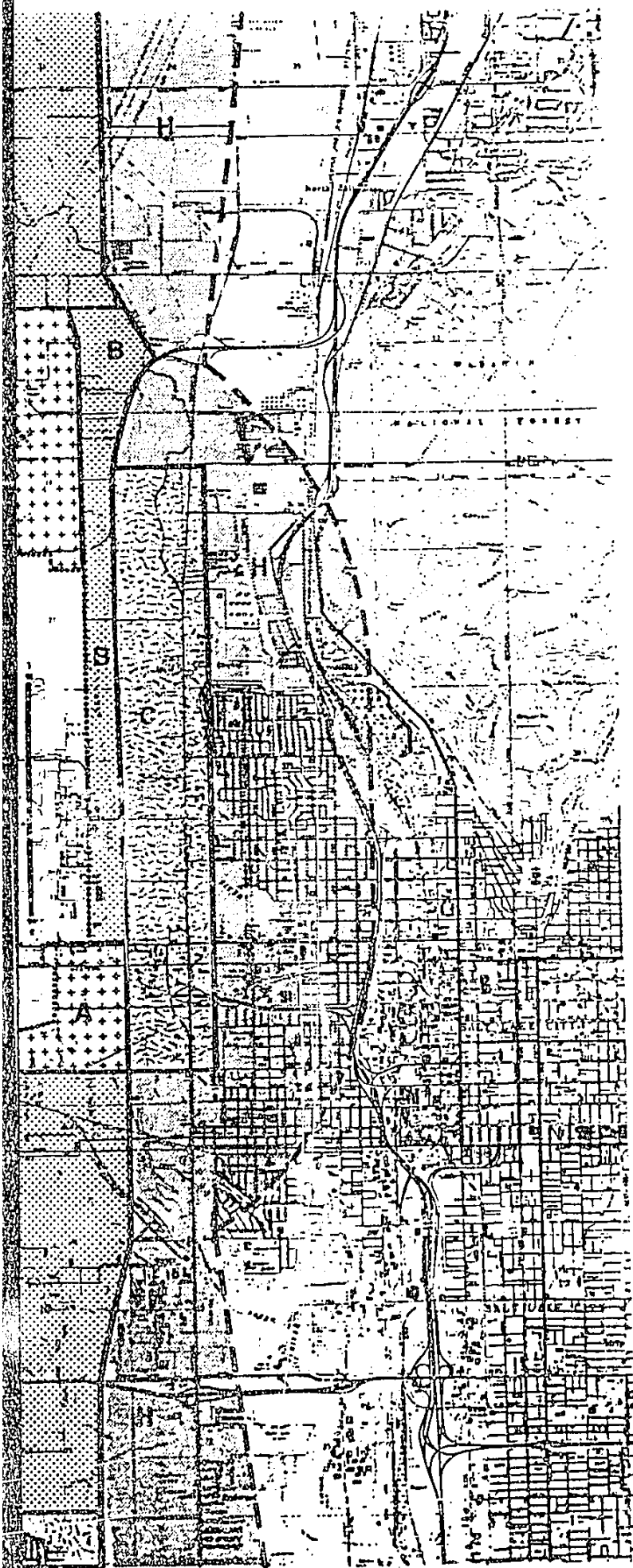


FIGURE 3-1
AIRPORT INFLUENCE ZONES

DOT 5757 PLS 1886-A

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

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

200-5757 REG 1888

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)

Quincy Snodgrass
EVELYN FROGGETT

CITY RECORDER
REC OF _____ DEP _____
\$ _____

APR 18 3 38 PM '86

KATIE L. DIXON
RECORDER
SALT LAKE COUNTY,
UTAH

No Fee

BOOK 5757 PAGE 1899