

WHEN RECORDED, MAIL TO:

The U.S. Army Corps of Engineers  
Utah Regulatory Office  
1403 South 600 West, Suite A  
Bountiful, UT 84010

DECLARATION OF ESTABLISHMENT OF CONDITIONS, COVENANTS,  
RESTRICTIONS

For the following described parcel of land:

Beginning at a point in the northerly right of way of State Highway 75, said point being located South 7.16 feet and West 2125.27 feet from the Southeast corner of Section 19, Township 7 South, Range 3 East, Salt Lake Base and Meridian; thence the following four courses and distances along the East right of way and no access line of Interstate Highway 15; North 19°38'05" West 95.00 feet, northwesterly along the arc of a 766.20 foot radius curve to the left 316.04 feet (Central angle = 23°38'00", chord of which bears North 31°27'05" West 313.81 feet), North 43°16'05" West 253.32 feet, and northwesterly along the arc of a 1095.91 foot radius curve to the right (Central Angle = 1°37'32", chord of which bears North 42°27'19" West 31.09 feet); thence North 89°55'44" East 1660.18 feet; thence North 89°30'43" East 318.60 feet; thence South 00°06'27" East 10.00 feet; thence South 89°30'43" West 318.57 feet; thence South 89°55'44" West 1095.46 feet; thence South 00°11'35" East 524.69 feet; thence North 89°48'25" East 225.00 feet; thence South 00°11'35" East 5.00 feet; thence along the arc of a 25.00 foot radius curve to the right 39.27 feet (Central Angle = 90°00'00"), the chord of which bears South 44°48'25" West 35.36 feet; thence South 89°48'25" West 376.36 feet to the point of beginning. Contains 4.8035 acres

KNOW ALL MEN BY THESE PRESENTS, that whereas under Section 1344 of Title 33 of the United States Code, the Sacramento District Engineer, U.S. Army Corps of Engineers, has authorized certain piece of real property as described above in the County of Utah, State of Utah. The owners of said real property, in consideration of such authorization, certifies and declares that the following covenants, conditions, and restrictions are placed on said property for the protection of the owner and the public at large:

1. Management and maintenance of the mitigation site shall conform with the approved mitigation and management plan for Department of the Army Permit No. 199650509 as it specifically pertains to this mitigation site;

- 2. No discharge of dredged or fill material or excavation in the mitigation site shall be allowed, including the construction of buildings or other structures, unless authorization is first obtained from the Corps;
- 3. No grazing of animals is allowed;
- 4. No mowing or alteration of vegetation in the mitigation site is allowed unless necessary for safety reasons or to control noxious weeds, provided that prior authorization is obtained from the Corps;
- 5. These covenants are to run with the land and shall be binding on all successors and assigns of the owner.

IN WITNESS WHEREOF, the undersigned has caused this instrument to be executed on September 18, 1997.

OWNERS OF RECORD:

NJN DEVELOPMENT GROUP, L.C., a Utah Limited Liability Company

By: [Signature]  
Douglas A. Nielson, Member

By: [Signature]  
John D. Jespersen, Member

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

On September 18, 1997, personally appeared before me John D. Jespersen, and Douglas A. Nielson who being by me duly sworn did say, each for himself, that the said John D. Jespersen, and Douglas A. Nielson, are members of NJN DEVELOPMENT GROUP, L.C., a Utah Limited Liability Company, and that the within and foregoing instrument was signed in behalf of said limited liability company by authority of a resolution of its members and said John D. Jespersen, and Douglas A. Nielson each duly acknowledged to me that said limited liability company executed the same and that the seal affixed is the seal of said limited liability company.

Myrna Chappell  
Notary Public

