

When Recorded Mail To:

Business Development
Division of Business & Economic Development
324 South Street, 5th Floor
Salt Lake City, Utah 84114
Attention: Mr. Richard Bradford

E 1197455 B 1911 P 996
CAROL DEAN PAGE, DAVIS CNTY RECORDER
1995 SEP 1 10:24 AM FEE .00 DEP DJW
REC'D FOR FIRST AMERICAN TITLE CO OF UTA

State No. 95 S.L. Escrow No. 12-301750km
County No. 03d-72157

NW 10 4N 1W

LAND USE EASEMENT
(75 LdN)

Kier Corporation, a Utah corporation, 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 the for any purpose other than following:
 - A. ONLY RESIDENTIAL TRANSIENT LODGING WITH NOISE LEVEL REDUCTION (but not in areas above 80 LdN) (see paragraph 2 below).
 - B. ALL INDUSTRIAL - MANUFACTURING
 - C. TRANSPORTATION - COMMUNICATION & UTILITIES except for noise sensitive communication services
 - D. ALL COMMERCIAL - RETAIL TRADE ESTABLISHMENTS
 - E. ALL PUBLIC AND QUASI PUBLIC SERVICES except for hospitals, nursing homes, other medical facilities and educational services
 - F. OUTDOOR RECREATION ACTIVITIES, including Golf Courses, Riding Stables and Water Recreation
 - G. ALL RESOURCES PRODUCTION, EXTRACTION AND OPEN SPACE

2. No residential dwellings shall be allowed under any of the above mentioned uses other than transient lodging with noise level reduction of 30 db.
3. Measures to achieve Noise Level Reductions (NLR) of 30 db must be incorporated into the design and construction of occupied portions of all facilities constructed in the 75-80 areas.
4. 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.
E 1197455 B 1911 P 997
5. 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 shall not apply to use existing at the time the easement is executed.
6. The Grantor, his successors or assigns, shall not construct or place, or cause to be constructed or placed, any improvement upon the property subject to this easement which will exceed a height of 276 feet.
7. 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 related into the airspace which would interfere with pilot vision.
8. The Grantor shall not put said property to a use which shall 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 communication systems or navigational equipment.

The boundaries of the tract of land for said perpetual easement any right of way are described as follows:

BEGINNING at a point on the South line of Highway 193 which is South 0°07'20" West 487.92 feet along the Section line and South 80°09'00" East 39.54 feet from the Northwest corner of Section 10, Township 4 North, Range 1 West, Salt Lake Base and Meridian; thence South 80°09'00" East 395.75 feet; thence South 24°57'26" West 228.98 feet; thence North 89°52'40" West 43.96 feet; thence South 0°07'20" West 91.60 feet; thence South 25°03'43" West 75.43 feet; thence North 89°52'40" West 218.11 feet; thence North 0°07'20" East 434.67 feet to the point of BEGINNING.

The above described tract of land contains 2.82 acres, more or less.

09-050-0042,0043

