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6/8/2011 4:43:00 PM \$16.00
Book - 9929 Pg - 7183-7186
Gary W. Ott
Recorder, Salt Lake County, UT
FIRST AMERICAN NCS
BY: eCASH, DEPUTY - EF 4 P.

When Recorded, Return to:

Craig W. Anderson
Deputy District Attorney
2001 South State Street #S3600
Salt Lake City, Utah 84190

**NOTICE OF USE OF CONSTRUCTION AND
DEMOLITION DEBRIS AS FILL ON PROPERTY**

WHEREAS, B & B Resources, Inc. is the current owner of record of real property located at 15601 South 500 West in Salt Lake County, Utah (the "Property") more particularly described as follows:

THE BASIS OF BEARING FOR THIS DESCRIPTION IS NORTH 00°18'52" WEST BETWEEN THE FOUND BRASS CAP FOR THE WEST QUARTER CORNER OF SECTION 23, TOWNSHIP 4 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN TO THE FOUND BRASS CAP FOR THE NORTHWEST CORNER OF SAID SECTION 23.

PARCEL 3

BEGINNING AT A POINT ON THE EASTERLY BANK OF THE EAST JORDAN CANAL, SAID POINT BEING NORTH 89°26'27" EAST ALONG THE CENTER SECTION LINE, 1312.89 FEET AND SOUTH 00°22'45" EAST ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 23, 1311.21 FEET AND NORTH 89°19'10" EAST ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 23 1314.38 FEET TO THE SOUTH 1/16TH CORNER OF SECTION 23 AND NORTH 89°27'21" EAST ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 23 839.19 FEET FROM THE WEST QUARTER CORNER OF SECTION 23, TOWNSHIP 4 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE ALONG SAID EASTERLY BANK THE FOLLOWING EIGHT (8) COURSES: (1) NORTH 09°04'00" WEST 82.20 FEET; (2) NORTH 14°45'00" WEST 139.10 FEET; (3) NORTH 03°35'00" WEST 60.38 FEET; (4) NORTH 07°02'00" EAST 72.60 FEET; (5) NORTH 17°12'00" EAST 208.41 FEET; (6) NORTH 09°09'00" EAST 96.54 FEET; (7) NORTH 02°50'00" WEST 157.70 FEET; (8) NORTH 34°07'00" WEST 97.54 FEET; THENCE NORTH 00°27'04" WEST 1210.22 FEET; THENCE NORTH 89°27'21" EAST 458.80 FEET TO THE WESTERLY RIGHT OF WAY LINE OF THE FRONTAGE ROAD KNOWN AS PONY EXPRESS; THENCE ALONG SAID RIGHT OF WAY LINE 386.37 FEET ALONG THE ARC OF A 3370.01 FOOT NON TANGENT CURVE TO THE LEFT (CHORD BEARS SOUTH 05°23'22" EAST 386.16 FEET) TO THE EAST LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 23; THENCE SOUTH 00°24'53" EAST ALONG SAID EAST LINE 394.56 FEET TO THE EAST 1/16TH CORNER OF SAID SECTION 23; THENCE SOUTH 00°27'04" EAST ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 23, 1311.79 FEET TO THE SOUTHWEST 1/16TH CORNER OF SAID SECTION 23; THENCE SOUTH 89°27'21" WEST ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 23, 469.95 FEET TO THE POINT OF BEGINNING.

WHEREAS, B & B Resources, Inc. has tenants that operate a sand and gravel pit and precast concrete plant on the Property; and

WHEREAS, a sand and gravel pit has been in operation on the Property by the current and prior owners for approximately eighty (80) years; and

Tax Parcel 33-23-400-005-0000

FATIC 476381

WHEREAS, B & B Resources, Inc. has allowed contractors to place crushed concrete and concrete slabs that may contain rebar for grading purposes at various locations on the Property; and

WHEREAS, the Property is not a construction and demolition solid waste landfill permitted by the Salt Lake Valley Health Department under Health Regulation #1; and

WHEREAS, crushed concrete and concrete slabs that may contain rebar have been and will continue to be used for grading as fill material for an access road under construction on the Property; and

WHEREAS, B & B Resources, Inc. has provided the Salt Lake Valley Health Department with plans and other documents certified by an engineer licensed in Utah confirming the use of the crushed concrete and concrete slabs that may contain rebar as an "engineered fill" material suitable for the road construction; and

WHEREAS, B & B Resources, Inc. has applied to the Salt Lake Valley Health Department for a permit under Health Regulation #1 to process materials on the Property; and


WHEREAS, as a condition of the issuance of a processing permit, B & B Resources, Inc. has agreed to record a Notice in the chain of title regarding the placement of crushed concrete and concrete slabs that may contain rebar on the Property.

NOW, THEREFORE, the Salt Lake Valley Health Department suggests to prospective purchasers, lessees or developers that the following actions be taken:

1. Future land uses should be limited to those uses consistent with the conditions existing on the Property at that time.
2. Prior to construction, appropriate investigation should be made to determine the actual subsurface conditions on the Property and suitability for construction.
3. The Salt Lake Valley Health Department's Division of Environmental Health should be contacted prior to the future removal and relocation of any crushed concrete and concrete slabs that may contain rebar used as fill for road construction on the Property.

DATED this 3 day of June, 2011.

B & B RESOURCES, INC.

By 
Brent Baker, President

Ralph Chamness
Chief Deputy
Civil Division



DISTRICT ATTORNEY
SALT LAKE COUNTY
SIM GILL

Jeffrey William Hall
Chief Deputy
Justice Division

Blake Nakamura
Chief Deputy
Justice Division

May 27, 2011

Conrad Johansen
OLSEN SKOUBYE & NIELSON, LLC
999 Murray Holladay Road #200
Salt Lake City, Utah 84117


Re: B & B Resources, Inc.

Dear Mr. Johansen:

As requested, enclosed is a revised Notice of Use of Construction and Demolition Debris as Fill on Property which contains the description forwarded in your email. Please have the appropriate officer of B & B Resources, Inc. sign the Notice before a notary public and return to me for recording with the Salt Lake County Recorder's Office. I will send you a copy of the Notice with the recording information.

If you have any questions, please do not hesitate to contact me.

Sincerely,


CRAIG W. ANDERSON
Deputy District Attorney

CWA/cgc/c45.word
Enc.
cc: Brian Bennion
John Hoggan



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MAY 31 2011

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