

WHEN RECORDED MAIL TO:

NW 16 40-1W

Business Development  
Division of Business and Economic Developments  
324 South State Street, 5th Floor  
Salt Lake City, Utah 84114

E 1194833 B 1906 P 712  
CAROL DEAN PAGE, DAVIS CNTY RECORDER  
1995 AUG 18 11:12 AM FEE .00 DEP DJW  
REC'D FOR FIRST AMERICAN TITLE CO OF UTA

Attention: Mr. Richard Bradford

State No. 37  
SL Escrow: 301648CP  
County No. 03D-71852

LAND USE EASEMENT  
(APZ 1)

E. Harris Adams and Ethel H. Adams, Trustees of the Harris and Ethel Adams Family Trust, dated the 5th day of October, 1970, 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 land for any purpose other than following:

A. INDUSTRIAL-MANUFACTURING

- (1) Lumber and Wood Products
- (2) Furniture and Fixtures
- (3) Paper and Allied Products
- (4) Printing, Publishing
- (5) Food and Kindred Products
- (6) Textile Mill Products
- (7) Rubber and Misc. Plastics
- (8) Stone, Clay and Glass
- (9) Fabricated Metal
- (10) Miscellaneous Manufacturing, except for chemicals, primary metal industry, professional, scientific and controlling instruments, photographic and optical goods, watches and clocks, petroleum refining, apparel and leather-goods manufacturing

B. TRANSPORTATION-COMMUNICATIONS & UTILITIES

- (1) Railroad, Rapid Rail Transit, except for terminals
- (2) Highway and Street Right of Way

- (3) Auto Parking
- (4) Communications, except noise sensitive
- (5) Utilities, except for major above ground transmission lines
- (6) Other Transportation, Communications and Utilities

C. COMMERCIAL-RETAIL TRADE

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- (1) Wholesale Trade
- (2) Building Materials - Retail
- (3) Automotive, Marine
- (4) Furniture, Home Furnishings, Retail
- (5) Retail - Trade Food
- (6) Retail - Trade Apparel
- (7) Miscellaneous Retail Trade, except for eating and drinking establishments
- (8) Storage Units

D. PUBLIC AND QUASI PUBLIC SERVICES

- (1) Cemeteries
- (2) Business Services
- (3) Repair Services
- (4) Contract Construction Services

E. OUTDOOR RECREATION

- (1) Golf Course, Riding Stables (without Clubhouses)
- (2) Water Based Recreational
- (3) Nature Exhibit
- (4) Parks
- (5) Miscellaneous Outdoor, except for cultural activities (including churches), public assemblies, auditoriums, concert halls, outdoor music shells, amphitheaters, outdoor sports arenas, spectators sports, amusements and resorts and group camps

F. RESOURCE PRODUCTION, EXTRACTION AND OPEN SPACE

- (1) Agricultural
- (2) Livestock Farming, Animal Breeding
- (3) Forestry Activities
- (4) Fishing Activities & Related Services
- (5) Mining Activities
- (6) Permanent Open Spaces
- (7) Water Areas
- (8) Other Resource Extraction and Production

2. No residential dwellings shall be allowed under any of the above mentioned uses.

3. Regardless of those uses shown above as permitted, in no case shall any use be made of any of the above property which will result in any of the following: The congregation of more

than one person per 300 square feet. The congregation of more than 10 persons per acre. The congregation of more than 25 persons in any one indoor or outdoor facility.

4. Measures to achieve Noise Level Reduction (NLR) of 30 db must be incorporated into the design and construction of occupied portions of all facilities constructed in the 75-80 or 90+ LdN areas respectively.

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5. 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.

6. The uses allowed under this easement shall not affect restrictions placed 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 easement shall not apply to the use existing at the time the easement is executed.

7. The Grantor, his successors or assigns, shall not construct or place, or cause to be constructed or placed, any improvements upon the property subject to this easement which will exceed a height of 386 feet as to Parcel No. 1, 390 feet as to Parcel No. 2 and 393 feet as to Parcel No. 3.

8. 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 are released into the airspace which would interfere with pilot vision.

9. The Grantor shall not put said property to a use which will 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 communications systems or navigational equipment.

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

Parcel No. 1

BEGINNING at the Northwest corner of the Northeast Quarter of the Northwest Quarter of Section 16, Township 4 North, Range 1 West, Salt Lake Base and Meridian; thence South 0 deg 01'49" West 1141.38 feet; thence East 400.00 feet; thence North 0 deg 01'49" East 1136.49 feet; thence North 89 deg 18'00" West 400.03 feet to the point of BEGINNING. Excepting therefrom any portion lying within in 2000 North. Also excepting therefrom that portion deeded to the Layton City Corporation in Deeds recorded in Book 1275, at Page 843 and in Book 1780, at Page 564. Also excepting therefrom any portion Deeded to Layton City Corporation by deed recorded in Book 1834 at Page 1412 of Official Records.

pt 10-020-0043, 0044

Parcel No. 2

BEGINNING at a point South 502.00 feet and West 33.00 feet from the Northeast corner of the Northwest Quarter of Section 16, Township 4 North, Range 1 West, Salt Lake Base and Meridian; thence South 623.26 feet; thence West 886.97 feet; thence North 0 deg 01'49" East 1091.94 feet, more or less, to the canal Right of Way; thence Southeasterly 1024 feet, more or less, along the canal Right of Way to the point of BEGINNING. Excepting therefrom any portion lying within 2000 North Street. Also excepting therefrom any portion Deeded to Layton City Corporation by Deed recorded in Book 1834 at Page 1412 of Official Records.


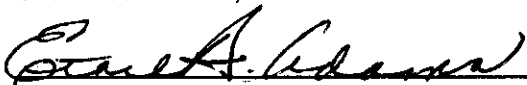
Parcel No. 3. <sup>10-020-0012</sup>  
<sup>pt 10-020-0042, 0044</sup> E 1194833 B 1906 P 715

BEGINNING at a point South 89°18'00" East 1290.62 feet from the Northwest corner of Section 16, Township 4 North, Range 1 West, Salt Lake Base and Meridian; thence South 89°18'00" East 28.85 feet; thence South 0°01'49" West 1141.38 feet; thence West 28.24 feet; thence North 1141.73 feet to the point of BEGINNING. Excepting therefrom any portion Deeded to Layton City Corporation by Deed recorded in Book 1834 at Page 1412 of Official Records. Also excepting therefrom any portion Deeded to Layton City by Deed recorded in Book 1275 at page 843 and in Book 1780 at Page 564.

The above described tract of land contains 17.63 acres, more or less.

WITNESS, the hand of said Grantor, this 16 day of Aug, A.D. 1995.

Signed in the presence of:

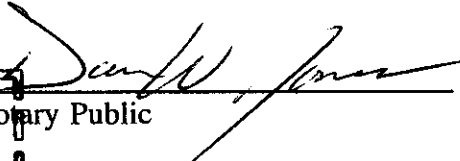
  
E. Harris Adams, Trustee  
  
Ethel H. Adams, Trustee

STATE OF Utah                }  
  }ss.  
COUNTY OF Davis            }

On this 16 day of July, 1995, personally appeared before me E. Harris Adams and Ethel H. Adams, Trustees under the Harris and Ethel Adams Family Trust, dated the 5th day of October, 1970, the signer of the within instrument, who duly acknowledged to me that they executed the same pursuant to and in accordance with the powers vested in them by the terms of said Trust Agreement.

My Commission Expires:



  
Notary Public  
**DAN W. JONES**  
American Title Company  
12 West 500 South Suite 11  
Salt Lake City, Utah 84010  
My Commission Expires  
April 12, 1998  
State of Utah