

When Recorded, Return to:

Bowler Properties L.C.
PO Box 2111
West Jordan, Utah 84084
Attention: R. Lynn Bowler
Tax ID 26-25-400-066

12449213
1/5/2017 4:25:00 PM \$30.00
Book - 10518 Pg - 3511-3520
Gary W. Ott
Recorder, Salt Lake County, UT
SURETY TITLE
BY: eCASH, DEPUTY - EF 10 P.

ACCESS AND SOIL DEPOSIT LICENSE AGREEMENT

_____, a _____ (“Licensor”), hereby grants to Bowler Properties LLC, a Utah Limited Liability Company, its successors and assigns (“Licensee”), whose address is PO Box 2111, West Jordan, Utah 84084, for the sum of One Dollar (\$1.00) and other good and valuable consideration paid to Licensee, a license to transport and deposit soil removed by Licensee from the Licensee Parcel (as defined below) upon the Licensor Soil Deposit Parcel (as defined below). Licensee shall deposit and spread such removed soil upon the Licensor Soil Deposit Parcel according to the commercially reasonable directions received from Licensor’s engineer, Ensign Engineering. Licensor also hereby grants to Licensee a license for vehicular and pedestrian ingress and egress over and across the Licensor Access Parcel (as defined below) in order to enable Licensee to transport from the Licensee Parcel to the Licensor Soil Deposit Parcel the soil removed by Licensee from the Licensee Parcel.

As used herein, the “Licensee Parcel” shall mean that certain parcel of real property described on Exhibit A attached hereto, which is incorporated herein by this reference, and which is generally depicted on the attached Exhibit D, which is also incorporated herein by this reference.

As used herein, the “Licensor Access Parcel” shall mean that certain parcel of real property described on Exhibit B attached hereto, which is incorporated herein by this reference, and which is generally depicted on the attached Exhibit D.

As used herein, the “Licensor Soil Deposit Parcel” shall mean that certain parcel of real property described on Exhibit C, which is incorporated herein by this reference, and which is generally depicted on the attached Exhibit D.

The term of this Access and Soil Deposit License Agreement shall continue in effect until Licensee has completed its development of the Licensee Parcel, but in no event later than December 30, 2021.

This Access and Soil Deposit License Agreement shall be construed in accordance with and governed by the laws of the State of Utah.

COURTESY RECORDING

This document is being recorded solely as a courtesy and an accommodation to the parties named therein. SURETY TITLE AGENCY hereby expressly disclaims any responsibility or liability for the accuracy of the content thereof.

EXHIBIT A

Legal Description of the Licensee Parcel

The real property referenced in the foregoing instrument as the Licensee Parcel is located in Salt Lake County, Utah and is more particularly described as follows:

Miller Crossing Pod 7 – Phase 1

Beginning at a point being South 89°52'44" East 2,625.58 feet along the section line and North 1,319.98 feet from the Southwest Corner of Section 25, Township 3 South, Range 2 West, Salt Lake Base and Meridian; and running

thence North 00°10'06" West 156.81 feet;
thence North 89°49'54" East 0.78 feet;
thence North 02°20'09" West 265.13 feet;
thence North 09°45'14" West 71.40 feet;
thence North 25°20'41" West 79.69 feet;
thence North 36°54'31" West 40.98 feet;
thence Northeasterly 78.76 feet along the arc of a 1,533.00 foot radius curve to the left (center bears North 36°54'31" West and the chord bears North 51°37'11" East 78.75 feet with a central angle of 02°56'37");
thence North 50°08'52" East 193.71 feet;
thence South 39°50'55" East 891.37 feet;
thence Southeasterly 47.39 feet along the arc of a 1,447.00 foot radius curve to the right (center bears South 50°08'52" West and the chord bears South 38°54'50" East 47.39 feet with a central angle of 01°52'35");
thence South 53°04'25" West 205.33 feet;
thence Northwesterly 22.95 feet along the arc of a 773.50 foot radius curve to the left (center bears South 51°50'52" West and the chord bears North 39°00'08" West 22.95 feet with a central angle of 01°42'00");
thence North 39°51'08" West 80.38 feet;
thence Southwesterly 78.72 feet along the arc of a 182.20 foot radius curve to the right (center bears North 38°29'28" West and the chord bears South 63°53'11" West 78.11 feet with a central angle of 24°45'17");
thence North 37°35'30" West 121.58 feet;
thence South 75°23'27" West 151.81 feet;
thence South 85°00'27" West 122.34 feet;
thence South 64°46'33" West 42.19 feet;
thence North 89°53'03" West 48.71 feet to the point of beginning.

Contains 342,976 Square Feet or 7.874 Acres.

Miller Crossing Pod 7 – Phase 2

Beginning at a point being South 89°52'44" East 2,723.82 feet along the section line and North 740.43 feet from the Southwest Corner of Section 25, Township 3 South, Range 2 West, Salt Lake Base and Meridian; and running

thence North 04°53'04" West 581.77 feet;
thence North 64°46'33" East 42.19 feet;
thence North 85°00'27" East 122.34 feet;
thence North 75°23'27" East 151.81 feet;
thence South 37°35'30" East 121.58 feet;
thence Northeasterly 78.72 feet along the arc of a 182.20 foot radius curve to the left (center bears North 13°44'10" West and the chord bears North 63°53'11" East 78.11 feet with a central angle of 24°45'17");
thence South 39°51'08" East 80.38 feet;
thence Southeasterly 22.95 feet along the arc of a 773.50 foot radius curve to the right (center bears South 50°08'52" West and the chord bears South 39°00'08" East 22.95 feet with a central angle of 01°42'00");
thence North 53°04'25" East 205.33 feet to the point of beginning.

Contains 457,789 Square Feet or 10.509 Acres

Tax Parcel Number: _____

EXHIBIT B

Legal Description of the Licensor Access Parcel

The real property referenced in the foregoing instrument as the Licensor Soil Deposit Parcel is located in Salt Lake County, Utah, and is more particularly described as follows:

Miller Crossing Pod 7 – Excess Soils Area Easement

Beginning at a point being South 89°52'58" East 780.54 feet along the section line and North 1,753.80 feet from the South Quarter Corner of Section 25, Township 3 South, Range 2 West, Salt Lake Base and Meridian; and running

thence North 104.01 feet;
thence North 01°48'37" West 400.01 feet;
thence North 89°07'45" East 544.91 feet;
thence South 00°05'00" West 976.23 feet;
thence North 89°32'21" West 51.47 feet;
thence North 38°16'48" West 590.72 feet;
thence West 113.37 feet to the point of beginning.

Contains 381,614 Square Feet or 8.761 Acres

Tax Parcel Number: _____

EXHIBIT C

Legal Description of the Licensor Soil Deposit Parcel

The real property referenced in the foregoing instrument as the Licensor Parcel is located in Salt Lake County, Utah and is more particularly described as follows:

Tax Parcel Number: _____

EXHIBIT D

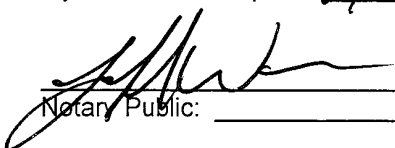
**Map Depicting the Licensee Parcel, the Licensor Access Parcel and the Licensor Soil
Deposit Parcel**

[See Attached]

STATE OF UTAH)
) ss.
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this 21 day of December, 2016 by SUSAN B. LEE, TRUSTEE OF THE MARGARET M. BOEHME CHARITABLE REMAINDER UNITRUST under agreement dated August 21, 2006, the signer(s) of the within instrument, who duly acknowledged to me that he/she/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: 8/18/18 Witness my hand and official seal.

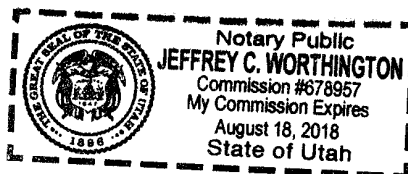

 Notary Public: _____

STATE OF UTAH)
) ss.
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this 21 day of December, 2016 by J&J MILLER MANAGEMENT, BY JAMES E. MILLER AND JUDITH F. MILLER, TRUSTEES OF THE JAMES E. AND JUDY F. MILLER TRUST the signer(s) of the foregoing instrument, who being by me duly sworn did say that he/she is the MANGER of J&J MILLER FARMS, LLC and that JAMES E. MILLER AND JUDITH F. MILLER, TRUSTEES OF THE JAMES E. AND JUDY F. MILLER TRUST executed the within instrument by authority of its Operating Agreement and said JAMES E. MILLER AND JUDITH F. MILLER, TRUSTEES OF THE JAMES E. AND JUDY F. MILLER TRUST duly acknowledged to me that he/she/they executed the same.

My commission expires: 8/18/18 Witness my hand and official seal.

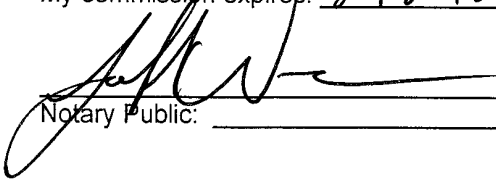

 Notary Public: _____

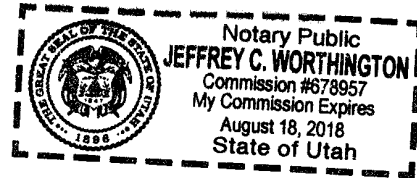


State of UTAH)
) ss.
County of SALT LAKE)

The foregoing instrument was acknowledged before me this 21 day of December, 2016 by JAY B. RINDLISBACHER and JANE RINDLISBACHER, MONTY JOHN MILLER and SHARON MILLER, JULIE B. OWENS, ILENE B. MADSEN, SUSAN B. LEE and KENNETH E. BOEHME, Margaret Boehme, aka Margaret M. Boehme, the signer(s) of the within instrument, who duly acknowledged to me that he/she/they executed the same.

My commission expires: 8-18-18 Witness my hand and official seal.



 Notary Public: _____

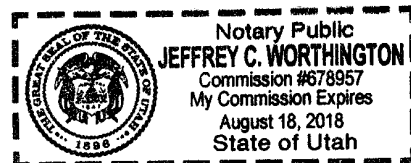


STATE OF UTAH)
) ss.
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this 21 day of December, 2016 by KENNETH E. BOEHME the signer(s) of the foregoing instrument, who being by me duly sworn did say that she is the MANAGER of BOEHME INVESTMENTS, LLC and that KENNETH E. BOEHME executed the within instrument by authority of its Operating Agreement and said KENNETH E. BOEHME duly acknowledged to me that he executed the same.

My commission expires: 8/18/18 Witness my hand and official seal.


 Notary Public: _____




State of UTAH

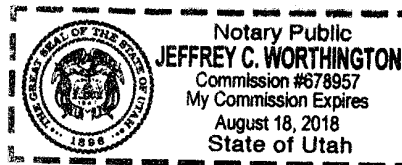
County of SALT LAKE

The foregoing instrument was acknowledged before me this 21 day of December, 2016 By R Lynn bowler the signer of the foregoing instrument, who being by me duly sworn did say that he/she is the MANAGER of THE MILLER CROSSING, LLC and that R LYNN BOWLER executed the within instrument by authority of its Operating Agreement and said R LYNN BOWLER duly acknowledged to me that he/she executed the same.

My commission expires: 5/18/18 Witness my hand and official seal.



Notary Public:



IN WITNESS WHEREOF, this Access and Soil Deposit License Agreement is executed to be effective as of December 21st, 2016.

LICENSOR:

By: _____

Name: _____

Title: _____

Margaret Boehme

John B. Maden

Bonnie John

Raymond Joel Boehme Investments

Susan Pfeiffer

Susan Pfeiffer, Boehme Trust, Trustee

J & J Farms BY: James E. Miller

Monty John Miller

Sharon Miller

Janie Rindlishbacher

Jay R. Rindlishbacher

LICENSEE:

Miller Crossing, LLC

~~Bowler Properties L.C.~~, a Utah Limited Liability Company

By: _____

Name: *R. Lynn Bowler*

Title: *Manager*