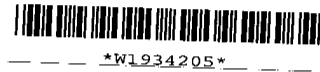


# MARQUARDT & FADEL



JANE A. MARQUARDT\*  
DOUGLAS K. FADEL\*

ATTORNEYS AT LAW  
P.O. BOX 159  
500 N. MARKETPLACE DR., SUITE 201  
CENTERVILLE, UT 84014

PHONE (801) 294-7777  
FAX (801) 294-7787

\*LL.M. TAXATION  
AMERICAN COLLEGE OF TRUST & ESTATE COUNSEL  
\*NATIONAL NETWORK OF ESTATE PLANNING ATTORNEYS

April 23, 2003

Mr. Steve Anderson  
City Engineer  
West Haven City Hall  
2440 S. 2050 W.  
West Haven, UT 84401

Mr. Ken Bradshaw  
City Attorney  
West Haven City Hall  
2440 S. 2050 W.  
West Haven, UT 84401

**Re: Business at 1800 S. 1100 W., West Haven City (the "Property")**

Dear Steve and Ken:

This letter is to summarize our understanding of the zoning status of the Property. As you know, I represent Lincoln Auto Salvage, dba Mountain States Salvage Pool ("MSSP"). MSSP has been running a "wrecked car sales" business since the 1970s. For purposes of this letter, the "wrecked car sales" business shall be deemed to consist of inspecting, imaging, warehousing, storing, selling and auctioning automotive vehicles, general office uses and other lawful activities related to and in connection with said business (collectively, the "Business"). MSSP is currently negotiating a sale of the Business whereby MSSP will continue to own the Property but a new operator ("Insurance Auto Auctions, Inc. ("IAA")) will operate the Business. MSSP needs to confirm that the operation by IAA of the Business on the Property is acceptable under the zoning laws of West Haven City without the need for zoning related permits, licenses or other governmental or quasi-governmental zoning approvals including, without limitation, a conditional use permit. The legal description of the Property is attached as Exhibit A.

MSSP, and its predecessor (which was operated by Gary Baur, the father of the present operators of the Business) have operated the Business in what is now West Haven City since the 1970s. The Business was originally conducted across the street (on the south side of 21<sup>st</sup> Street). In approximately 1993, part of the Business started to be operated on its present

E# 1934205 BK2359 PG594  
DOUG CROFTS, WEBER COUNTY RECORDER  
29-APR-03 2:49 PM FEE \$18.00 DEP JPM  
REC FOR: MARQUARDT.&.FADEL

location (on the north side of 21<sup>st</sup> Street). By 1996, the Business was conducted entirely on its present location.

West Haven City was incorporated in 1991. The zoning rules which were adopted classified the Property as M-2. Under the M-2 classification, the Business is a conditional use; nevertheless, MSSP has never been required to obtain a conditional use permit. MSSP has obtained a business license every year and on at least one occasion pulled a building permit (October, 1999), in each case without the requirement to obtain a conditional use permit.

At your suggestion, I spoke with individuals in the Weber County Planning Office to see if a conditional use permit had ever been granted for the Business by Weber County. After speaking several times with different members of the County Planning Office, we discovered there was no conclusive evidence of whether or not a conditional use permit had ever been granted for the Business. Their records show that the file itself was transferred to West Haven City in 1995. Gary Baur recalls obtaining a building permit from Weber County in approximately 1978. However, his recollection is that no conditional use permit was ever required, for the reason that the Business was classified as a "salvage yard" – which was treated as a permitted use by Weber County.

My client has not been required to operate the Business under a conditional use permit and, as noted, has a long history of operating the Business at the Property without such a permit. You have both indicated to me that it is your understanding of the West Haven City zoning laws that the right to continue to operate the Business runs with the land. As such, IAA will not be required to seek any sort of zoning related permit, license or other governmental or quasi-governmental zoning approvals including, without limitation, a conditional use permit. IAA is, of course, required to obtain a regular West Haven City business license.

If you are in agreement with the following, please sign this letter in the legend provided below and return a fully executed original to my attention at your first convenience:

1. The Property is zoned M-2 and continued operation by IAA of the Business on the Property is acceptable under the zoning laws of West Haven City without the need for zoning related permits, licenses or other governmental or quasi-governmental zoning approvals including, without limitation, a conditional use permit.
2. There are no current violations, of which West Haven City is aware, at the Property of the zoning regulations and/or land use approvals applicable thereto and no past violations of the same which remain uncured at this time.
3. There are no pending applications, staff-initiated recommendations, administrative actions, pending referenda or initiatives to change or amend the current zoning classification so as to modify the permitted use of the Property for the Business or to impose additional conditions on the permitted use of the Property for the Business or any tenant improvements thereon.

If you have further questions, don't hesitate to contact me. As I mentioned, we want to present this to IAA before the actual closing of the sale of the Business.

Sincerely yours,

MARQUARDT & FADEL

*Jane A. Marquardt*  
Jane A. Marquardt

JAM:nt

cc: Rick Baur  
Dana Schaaf

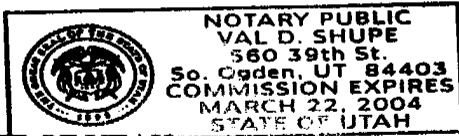
Each of us acknowledges that we have read and agree with the matters set forth in the above letter.

*Ken Bradshaw*  
KEN BRADSHAW  
West Haven City Attorney

*Steve Anderson*  
STEVE ANDERSON  
West Haven City Engineer

STATE OF UTAH  
County of Weber

Subscribed and sworn to me by Ken Bradshaw, personally known to me, this 23 day of April, 2003.



*Val D. Shupe*  
Notary Public

STATE OF UTAH  
County of Weber

Subscribed and sworn to me by Steve Anderson, personally known to me, this 24 day of April, 2003.



*Nancy Le Fevre*  
Notary Public

## EXHIBIT "A"

## PARCEL I

A TRACT OF LAND SITUATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF THE GRANTORS LAND AT A POINT 44.20 FEET NORTH 89D14'30" (33 FEET WEST, DEED) ALONG THE NORTH SECTION LINE FROM THE NORTHEAST CORNER (THE ORIGINAL CORNER OF SECTION 25, BEING 69.11 FEET SOUTH 22D23'35" WEST FROM THE NEW CORNER ESTABLISHED BY WEBER COUNTY SURVEYORS OFFICE IN 1983) OF SECTION 25, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE MERIDIAN, AND RUNNING THENCE SOUTH 0D26'10" WEST 574.79 FEET (SOUTH 594.9 FEET, DEED) ALONG THE EAST BOUNDARY LINE FENCE OF THE GRANTORS LAND TO THE SOUTH BOUNDARY LINE FENCE OF SAID GRANTORS LAND, THENCE NORTH 88D57' WEST 962.49 FEET (WEST, DEED) ALONG SAID SOUTH BOUNDARY LINE FENCE TO THE WEST BOUNDARY LINE FENCE OF SAID GRANTORS LAND, THENCE NORTH 11D45'30" EAST 580.55 FEET (NORTH 11D00' EAST 604.00 FEET, DEED) ALONG SAID WEST BOUNDARY LINE FENCE TO THE NORTH BOUNDARY LINE FENCE OF SAID GRANTORS LAND, ALSO BEING THE NORTH SECTION LINE OF SAID SECTION 25, THENCE SOUTH 89D14'30" EAST 848.47 FEET (NORTH 89D31' EAST, DEED) ALONG SAID NORTH BOUNDARY LINE FENCE TO THE POINT OF BEGINNING.

15-066-0087 ✓

## PARCEL II

A PART OF THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 6 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY: BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 19, THENCE NORTH 7.5 CHAINS ALONG QUARTER SECTION LINE, THENCE EAST 3.75 CHAINS TO A CERTAIN SLOUGH, THENCE SOUTHWESTERLY ALONG SLOUGH TO SOUTH LINE OF SAID QUARTER SECTION, THENCE WEST TO BEGINNING.

12-102-0021 ✓

## PARCEL III

PART OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY: BEGINNING AT SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER SAID SECTION 24, AND RUNNING THENCE WEST 3.25 CHAINS, THENCE NORTH 4.5 CHAINS, THENCE WEST 363 FEET, THENCE NORTH TO OLD BANK OF WEBER RIVER, THENCE FOLLOWING UP SAID OLD BANK OF WEBER RIVER IN AN EASTERLY DIRECTION TO EAST LINE OF SAID SOUTHEAST QUARTER OF SECTION 24, THENCE SOUTH ALONG SECTION LINE TO BEGINNING. SUBJECT TO DIKE EASEMENT (690-571.) EXCEPT 0.9 OF AN ACRE M/L DEEDED TO WEBER BASIN. (842-437.)

15-063-0021 ✓

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