

APPROVED

**CACHE COUNTY
COUNCIL MEETING
MINUTES
DECEMBER 06, 2016**

COUNTY COUNCIL MEETING

December 06, 2016

NATURE OR ORDER OF PROCEEDING	PAGE
APPRECIATION DINNER	6
AUTONOMOUS SOLUTIONS INC (ASI) – Memorandum of Understanding (MOU) between Governor’s Office of Economic Development (GOED), Cache County (County) and	5
BUDGET – Public Hearing Set – December 13, 2016-6:00 p.m.-Open 2016 Budget-Resolution No. 2016-31 ..	5
BUDGET – Resolution No. 2016-32 – Adoption of 2017 Cache County Budget (<i>NO ACTION TAKEN</i>)	5
BUILDING PERMITS.....	1
DAVENPORT ROAD – Resolution No. 2016-30-Authorizing Eminent Domain Proceedings on	2
EMINENT DOMAIN – Resolution No. 2016-30-Authorizing Eminent Domain Proceedings on Davenport Road	2
EMPLOYEE CHRISTMAS DINNER – December 14, 2016-6:30 p.m.-Riverwoods	6
OPEN HOUSE FOR DEPARTING COUNCIL MEMBERS – Friday, December 16, 2016-2:00-4:00 p.m.-Historic Courthouse, County Council Chambers	6
ORDINANCE NO. 2016-18 – Adoption of 2017 Salaries for Elected Officials	4
ORDINANCE NO. 2016-19 – Adoption of 2017 Salaries for Cache County Council (<i>NO ACTION TAKEN</i>) ..	4
PROPERTY TAX RELIEF REQUESTS	5
PUBLIC HEARING SET – December 13, 2016-6:00 p.m.-Resolution No. 2016-31-Open 2016 Budget	4
RESOLUTION NO. 2016-30 – Authorizing Eminent Domain Proceedings on Davenport Road	2
RESOLUTION NO. 2016-31 – Public Hearing Set-December 13, 2016-6:00 p.m.-Open 2016 Budget	4
RESOLUTION NO. 2016-32 – Adoption of 2017 Cache County Budget (<i>NO ACTION TAKEN</i>)	5
ROAD – Resolution No. 2016-30-Authorizing Eminent Domain Proceedings on Davenport Road	2
SALARIES FOR CACHE COUNTY COUNCIL – Ordinance No. 2016-19 – Adoption of 2017 (<i>NO ACTION TAKEN</i>).....	4
SALARIES FOR ELECTED OFFICIALS – Ordinance No. 2016-18 – Adoption of 2017.....	4
SWEARING-IN CEREMONY FOR NEWLY ELECTED OFFICIALS – Tuesday, January 3, 2017-12:00 noon.....	6
UAC BOARD	2
WARRANTS – 11-19-2016 to 11-25-2016, 11-26-2016 to 12-02-2016.....	1

**CACHE COUNTY COUNCIL MEETING
December 06, 2016**

The Cache County Council convened in a regular session on December 06, 2016 at 5:00 p.m. in the Cache County Council Chamber at 199 North Main, Logan, Utah.

ATTENDANCE:

Chairman: G. Gregory Merrill
Vice Chairman: David Erickson
Council Members: Val Potter, Kathy Robison, Jon White, Cory Yeates & Gordon Zilles
County Executive: Craig "W" Buttars
County Clerk/Auditor: Sharon L. Hoth
County Attorney: Lee Edwards

The following individuals were also in attendance: Karma Albiston, Steve Albiston, Janeen Allen, Bonnie Anderson, Richard C. Anderson, Doran Baker, Dave Bigelow, James Merrill Bird, David Brown, Kevin Brown, Beth Burnett, Attorney Jody Burnett, Jennifer Christensen, Clair Christiansen, Roy Colver, Stacey DeSpain, Willow DeSpain, Cole Evans, Stephanie Fricke, Trish Gibbs, Alex Hart, Ben Hart, Lynn Goldsberry, Susan Goldsberry, Randy Hawkes, Alton Hebdon, Randy Hill, Director Cameron Jensen, Rudy Jones, Brent Keller, Glenn Keller, Linda Keller, Boyd Lemon, Carole Lemon, Vic Little, Rick Logsdon, Chris Mortensen, Gary Murray, Director Bartt Nelson, Dave Nielsen, Joseph Parry, Gary Samples, Kurt Schmidt, Frank Scheubel, Tracy Swenson, Seth Tait, Barbara Tidwell, Patricia Tinney, Irene Weatherston, Leland Weatherston, Austin Wheeler, Gina Worthen, **Media:** Clayton Gefre (Herald Journal).

OPENING REMARKS AND PLEDGE OF ALLEGIANCE

Council member Potter gave the opening remarks and led those present in the Pledge of Allegiance.

REVIEW AND APPROVAL OF AGENDA

ACTION: Motion by Council member Yeates to approve the amended agenda as written. Erickson seconded the motion. The vote was unanimous, 7-0.

REVIEW AND APPROVAL OF MINUTES

ACTION: Motion by Council member Yeates to approve the minutes of the November 22, 2016 Council Meeting as corrected. Potter seconded the motion. The vote was unanimous, 7-0.

MINUTES FOLLOW-UP: None

REPORT OF THE COUNTY EXECUTIVE: CRAIG "W" BUTTARS

APPOINTMENTS: There were no appointments.

WARRANTS: Warrants for the periods 11-19-2016 to 11-25-2016 and 11-26-2016 to 12-02-2016 were given to the Clerk for filing.

**PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS
OTHER ITEMS:**

- Building Permit** numbers are still increasing.

- **UAC Board** – UAC wants to know the Council’s wishes concerning the two board members to be appointed from Cache County. Executive Buttars recommends that the Executive and the Council Chair serve on the Board. The Council concurred.

PENDING ACTION

- **Resolution No, 2016-26 – Authorizing Eminent Domain Proceedings on Davenport Road** – Chairman Merrill opened the public meeting pursuant to Utah Code 78b-6-504 to consider a resolution approving the filing of eminent domain action. Notice has been given to the landowner, Four-Mile Ranch, Inc., and to help those in attendance to hear both sides of the issue, the procedures this evening will be giving both sides an opportunity to express their views. This is not a public hearing; however, Merrill observed that he and other Council members have received over 150 emails, calls, and letters from individuals interested in this issue and feel the public has been heard from. Cache County has the judiciary and legal responsibility to its citizens to preserve the public right-of-way in order for citizens to access private and public land. The Council has asked the county to provide some background and address questions on this issue.

Merrill introduced Cache County Deputy Attorney Lee Edwards to give the county’s perspective. Edwards prefaced his remarks by stating that the Cache County Code states that “no individual, corporation, government entity or other entity or persons shall obstruct or attempt to limit access to a county road.” It is also well settled under Utah law that once established and accepted county roads can only be extinguished by the Cache County Council. Edwards gave some history of the Davenport Road citing instances where the Davenport Road is referred to as a county road including an 1878 U.S. Geological Survey Map showing the road as a county road and a 1929 Supreme Court decision saying “the evidence established a general public use of the road.” The road provides access to public and private lands. The lower portion of the road was closed by landowners and in 2010 there was a lawsuit filed by Four-Mile Ranch. Cache County also filed a motion to intervene to keep the road open to the public. There has been a lot of litigation, but no findings. Some of the areas of the road have been moved up out of the river. An independent appraiser has valued the current proposed road property at \$53,000.00 and the landowners have requested another appraisal from the State Ombudsman Office.

Jody Burnett, with the law firm Snow, Christensen and Martineau, explained the process of eminent domain is the most timely and cost effective alternative that will minimize environmental impacts and compensate the land owners.

Director Josh Runhaar reported that the cost to the county if Davenport is verified to be a county road would be minimal. It would be a mountain road with a probable seasonal closure.

Chairman Merrill stated the county does strive to be good neighbors to all of its citizens and believes the citizens appreciate that. Ninety-five percent of county roads go to private property and providing access to private property is within constitutional rights. Seth Tait, Olson and Hoggan PC, represented Four-Mile Ranch and questioned whether the required ten-day written notice was given the Samples family because of the Thanksgiving holiday. He contends there was only a nine-day notice. Tait made three points: (1) The condemnation is based on the false premise that Davenport Road is a county road and quoted from a First District Court record, “the court notes the absence

of any proof that Davenport Road was ever, or currently exists as a public highway under any recognized legal mechanism.” (2) There is no legitimate public purpose for condemnation. There is no direct connection to public land and there already exists an established public road leading to the same private properties – Flint Grove Road. (3) Condemnation is not a prudent use of tax payer money – it still requires a lawsuit. Tait hinted that the real reason behind the county’s efforts is development and if that is so, the public needs to know. Opening the road to the public will be detrimental to Four-Mile Ranch’s ranching and hunting lease operations.

Council member Zilles said he has tried to listen attentively to both sides, has seen numerous maps that show without a doubt that there was an existing road in 1877. He has not heard anyone dispute that the road was used for sawmills. For the last twenty years, the county has been attempting to identify public roads that have been closed by private property owners. Zilles’ best understanding is that the Davenport Road was a public road, but has been closed by private individuals for the last 50-70 years. The law reads that any public road that has been established as a public road can only be closed by the ruling body, which is the County Council. Zilles did not hear anywhere in the presentations anything about the two or three property owners who have been denied use of the road to access their properties. Zilles believes Davenport Road is a public road.

(Attachment 1)

ACTION: Motion by Council member Zilles to approve Resolution No. 2016-30- Authorizing Eminent Domain Proceedings on Davenport Road. Yeates seconded the motion. The motion passed 6 aye – Erickson, Merrill, Potter, Robison, Yeates and Zilles & 1 nay – White.

Discussion on the motion: Council member Robison will vote in favor of the resolution to allow other owners to access their properties and to keep the county right-of-way open. This is a last resort because of the lack of negotiation on the other party’s part.

Vice Chair Erickson said he is not a friend of eminent domain, but he has to evaluate what is right and what is friendly. How many landowners are needed before it is important to open a road? Erickson has county roads going through his property, but he doesn’t have the right to close them.

Council member Potter said he understands the issues of the Samples family, but he truly believes Davenport Road is a county road. He appreciates all those who have contacted him on this issue and thanks them for their trouble and involvement. The county is not ‘taking’ a road because it is a county road and the county has the obligation to make sure all the property owners are taken care of. Flint Grove Road offered as an alternative for landowners to access their properties is a terrible road.

Council member Yeates is also convinced the county does have a public existing right-of-way on Davenport Road. It is the Council’s responsibility to maintain and preserve the county’s right-of-ways.

Council member White said his grandfather drove a wagon over that road, but there was a new and better road used later – the south canyon road. Do we need another public road up there? No. Should we exercise condemnation? No.

Chairman Merrill stated that to most of us eminent domain is an unfavorable action, but what it boils down to is - Is it a public road or not? Over the last century it would be rare to find a public road action of any note that does not involve eminent domain. Yes, this decision will affect

people and the true purpose of the action is to provide public access. Merrill said he has tried to gather and analyze information independently and has spent more time on this issue than any other, including the county budget. Forty some years of his life has been spent helping county buyers and sellers in the business world and he has noted that there are usually several peripheral items that cloud the real issue. After reviewing many documents, he believes this is a public road. This decision was confirmed when he read in his Great-Grandfather's book that on September 21, 1874 he (as a County Selectman) authorized a road from Paradise to Ogden Valley and the course of the road was recorded.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

PUBLIC HEARING SET: DECEMBER 13, 2016 AT 6:00 P.M.-RESOLUTION NO. 2016-31-OPEN 2016 BUDGET

Action: Motion by Council member Yeates to set a Public Hearing December 13, 2016 at 6:00 p.m.-Resolution No. 2016-31-Open 2016 Budget. Erickson seconded the motion. The vote was unanimous, 7-0.

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Ordinance No. 2016-18 – Adoption of 2017 Salaries for Elected Officials –** Referring to the Council's decision to only adjust elected officials' salaries during an election cycle, Council member Potter said it has been a couple of years since the election cycle for the elected officials and the county needs to try to keep up with salaries. The Council should consider offering salary increases to employees and also to elected officials. The budget includes a 2% increase for elected officials. Executive Buttars commented that if the Council waits for four years to raise elected officials' salaries, it will be a hefty increase and the public outcry will be greater than when smaller, regular increases are given.

(Attachment 1)

Ordinance No. 2016-18: The motion failed: 4-3

	<u>ERICKSON</u>	<u>MERRILL</u>	<u>POTTER</u>	<u>ROBISON</u>	<u>WHITE</u>	<u>YEATES</u>	<u>ZILLES</u>	<u>VOTES CAST</u>
AYE			X			X	X	3
NAY	X	X		X	X			4
ABSTAINED								0
ABSENT								0

ACTION: Motion by Council member Potter to waive the rules and approve Ordinance No. 2016-18-Adoption of 2017 Salaries for Elected Officials. Yeates seconded the motion. The motion failed, 3 aye – Potter, Yeates and Zilles & 4 nay – Erickson, Merrill, Robison and White.

- **Ordinance No. 2016-19 – Adoption of 2017 Salaries for Cache County Council** (NO ACTION TAKEN) – Council members sent the ordinance back for redrafting with no raises for the Council.

- **Resolution No. 2016-32 – Adoption of 2017 Cache County Budget** *(NO ACTION TAKEN)* – Council member Yeates suggested using the Sheriff’s possible revenue increases in place of raising taxes. The Executive, Council and Director Jensen all feel this is “one-time” money and should not be counted on for future use.

Council member Yeates remarked that Assessor Howell has requested an additional \$2.00/hour increase for appraisers in her department. After some discussion, Executive Buttars will meet with Human Resources Director Wood and Assessor Howell and review the request.

- **Discussion – Memorandum of Understanding (MOU) between Governor’s Office of Economic Development (GOED), Cache County (County) and Autonomous Solutions Inc. (ASI)** – Ben Hart, GOED, reviewed the MOU where everything will be spelled out with three signatories – AIS, Cache County and GOED. Within the responsibilities GOED will be providing an Economic Opportunity Grant to AIS to help provide funding for business that is growing quickly and infrastructure or training is needed to accommodate growth. GOED will handle up to 20% of road costs as will the county. GOED has engineering specs for road and they will be part of the MOU. ASI will bear the major cost of the road. After drafting process, then signatures, rezoning and application processes will be completed.

Council member White noticed that the MOU mentions a pay back by future developments. That will not happen in Cache County. Hart said that will be corrected. White also verified that ASI will have to be brought into compliance until the road is done.

Robison and White both said they feel ASI is being rewarded for not doing something and are getting a screaming deal.

ACTION: Motion by Council member Potter that it is the intent of the Cache County Council to approve the MOU between Governor’s Office of Economic Development (GOED), Cache County (County) and Autonomous Solutions Inc. (ASI). Erickson seconded the motion. The motion passed, 4 aye – Erickson, Merrill, Potter & Zilles and 2 nay – Robison & Yeates and 1 abstention – White.

- **Property Tax Relief Requests** *(Details are on file in the office of the Cache County Clerk/Auditor)*
 - 0016

ACTION: Motion by Council member Potter to approve the property tax relief request for 0016. Erickson seconded the motion. The vote was unanimous, 7-0.

- 0020

ACTION: Motion by Council member Robison to approve the Property Tax Relief Request for 0020. Potter seconded the motion. The vote was unanimous, 7-0.

- 0013

ACTION: Motion by Vice Chair Erickson to approve the Property Tax Relief Request for 0013. Potter seconded the motion. The vote was unanimous, 7-0.

- o 0035

ACTION: Motion by Vice Chair Erickson to approve the Property Tax Relief Request for 0035. Potter seconded the motion. The vote was unanimous, 7-0.

OTHER BUSINESS

- ✓ **Employee Christmas Dinner-December 14, 2016-6:30 p.m.-Riverwoods**
- ✓ **Open House for Departing Council Members – Friday, December 16, 2016-2:00-4:00 p.m. – Historic Courthouse, County Council Chambers**
- ✓ **Appreciation Dinner – 5:00 p.m. – Logan Country Club**
- ✓ **Swearing-In Ceremony for Newly Elected Officials – Tuesday, January 3, 2017 at 12:00 noon**

COUNCIL MEMBER REPORTS

Gordon Zilles feels the Council voted in the right direction on Davenport Road and time will verify if they did the right thing. He thanked the County Attorney's office for all of their efforts.

Val K. Potter said he has stressed over Davenport for years and the Council has the responsibility to look at the needs of the county long term which may conflict with some people's attitudes.

David Erickson observed – Where else can you go through a process like this except in this country?

Jon White conceded Davenport was a county road but was abandoned by default when the other south canyon road was built and said the county could have oiled the Flint Grove Road with the money spent on litigation.

Executive Buttars complimented Chairman Merrill on his handling of the meeting where both sides were heard.

ADJOURNMENT

The Council meeting adjourned at 7:58 p.m.

ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: G. Gregory Merrill
Chair

CACHE COUNTY, UTAH
RESOLUTION NO. 2016 - 30

A RESOLUTION AUTHORIZING EMINENT DOMAIN PROCEEDINGS

Whereas, Cache County ("County") is a county and political subdivision of the State of Utah and is authorized to acquire private property for public use through the exercise of eminent domain; and

Whereas, the Cache County Council; after considering all of the facts and circumstances surrounding what is commonly referred to as the "Davenport Road" identified in Exhibit A and Exhibit A1, has concluded that the Davenport Road is a public right of way; and

Whereas, in 1866, the Cache County Court, authorized the construction of the Davenport Road in either its present location or a location near the Road's present location; and

Whereas, the Davenport Road appears on an official maps including maps accepted by the Surveyor General of the United States of America in the general area of the current location of the Davenport Road; and

Whereas, the Davenport road has been used in the past as a public road; and

Whereas, in 2010, Four Mile Ranch, Inc. brought a lawsuit against adjacent property owners asking the First District Court to declare that the Davenport Road is not a public road, bringing a claim for trespass, quiet title and injunctive relief; and

Whereas, in 2010, Cache County intervened in the lawsuit in order to preserve public access on the Davenport Road; and

Whereas, opening the Davenport Road to the public would provide access to a right of way that was previously adjudicated as a public right of way in *Lindsay Land Live Stock Co v. Churnos*; and

Whereas, the citizens of Cache County are presently deprived in large measure from use of access to other county roads and other public land that can best be accessed by the Davenport Road; and

Whereas, the deprivation of the use of the Davenport Road for a prolonged period of litigation is expensive and contrary to the best interests of the Citizens of Cache County; and

Whereas, the County has been unable to acquire by negotiation the necessary rights of way from Four Mile Ranch Inc., across parcel numbers: 16-001-0001, 16-012-0002, 16-012-0003, 16-060-0004, 16-061-0002, 16-064-0001, 16-073-0001, 16-074-0001. The portions of these parcels that the County needs to acquire are particularly described and shown in Exhibit A attached hereto and incorporated by reference (the "Properties"); and

Whereas, on or about January 21, 2016 an independent MAI certified appraiser delivered appraisals to the County for the Davenport Road; and

Whereas, on or about July 5, 2016, County staff mailed a written offer to pay the owners of the Properties the appraised value for their respective parcels, which included payment for easements across the Properties; and

Whereas, to date, a negotiated settlement for the Properties has not been reached; and

Whereas, the County Council finds that a public road is a use for which eminent domain may be exercised pursuant to Utah Code 78B-6-501; and

Whereas, the County Council finds and determines that the public interest and necessity require the County to acquire by eminent domain the Davenport Road;

NOW THEREFORE, IT IS RESOLVED BY THE COUNTY COUNCIL OF CACHE COUNTY, UTAH:

Section 1. The Cache County Council finds and determines that the public interest and necessity require the acquisition of the Properties, for the Davenport Road, a mountain road and for other lawful and legitimate public purposes.

Section 2. The Davenport Road requires the County to acquire right of way that will affect a portion of certain real and personal property owned by Four Mile Ranch, Inc., identified by Tax Identification Numbers: 16-001-0001, 16-012-0002, 16-012-0003, 16-060-0004, 16-061-0002, 16-064-0001, 16-073-0001, 16-074-0001.

Section 3. The proposed location of the public improvements is planned and located in a manner that will be most compatible with the greatest public good and the least private injury.

Section 4. The County Engineer and the County Attorney are directed, on behalf of the County:

1. To acquire fee title, in the name of the County, the Properties and any necessary easements across the Properties as more particularly described in Exhibit A and Exhibit A1, by purchase if a reasonable purchase price can be negotiated, or by eminent domain proceedings in accordance with Utah law;

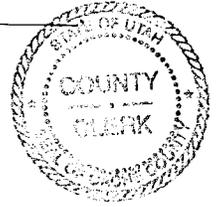
2. To prepare and prosecute such proceedings in the proper court having jurisdiction thereof as is necessary for such acquisition;

Section 5. This resolution shall take effect immediately.

Adopted by the County Council of Cache County, Utah, this 6th day of December
2016.

Cache County Council

Attest:



Gregory Merrill
Gregory Merrill, Council Chair

Jill N. Zollinger
Jill N. Zollinger, County Clerk/Auditor

Davenport Road Access and Surrounding Areas

- Legend
- Superior Legal Easement
 - County Roads
 - Municipal Boundary
 - FOREST SERVICE ZONE A
 - FOREST SERVICE ZONE B
 - USFS WILDERNESS AREA 5158
 - STATE PARK RES. AREA 5158
 - STATE WILDLIFE RESERVE 18100
 - STATE TRACT 18100
 - RDM 7200
 - WATER 5157
 - BRADLEY 42011

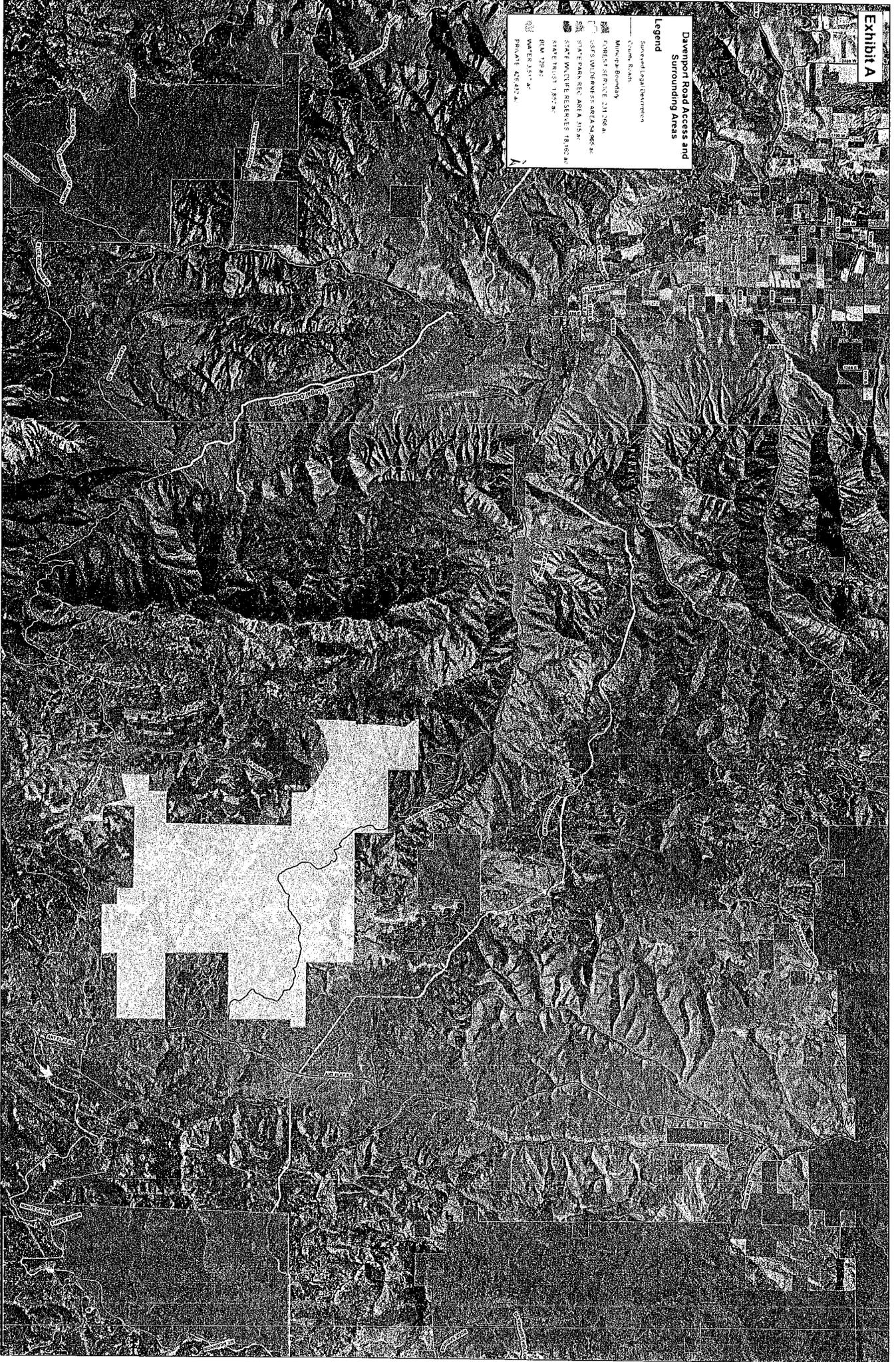


EXHIBIT A1

LEGAL DESCRIPTION

THE CENTERLINE OF DAVENPORT CREEK ROAD RIGHT-OF-WAY, BEING 66.00 FEET WIDE TOTAL, OR 33.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 14 TOWNSHIP 9 NORTH RANGE 1 EAST SALT LAKE MERIDIAN, MONUMENTED BY A CACHE COUNTY SURVEYOR PIPE AND BRASS CAP;
THENCE S0°34'36"W 8024.21 FEET TO THE WEST QUARTER CORNER OF SECTION 23 TOWNSHIP 9 NORTH RANGE 1 EAST SALT LAKE MERIDIAN, MONUMENTED BY A CACHE COUNTY SURVEYOR PIPE AND ALUMINUM CAP;

THENCE S14°56'09"W 471.48 FEET TO THE POINT OF BEGINNING AT THE INTERSECTION OF SOUTH CANYON ROAD AND DAVENPORT CREEK ROAD;

1. THENCE S31°09'34"E 46.50 FEET;
2. THENCE SOUTHEASTERLY 112.52 FEET ALONG A CURVE CONCAVE TO THE NORTHEAST WITH A RADIUS OF 200.00 FEET AND A LONG CHORD BEARING S47°16'35"E 111.04 FEET;
3. THENCE SOUTHEASTERLY 148.75 FEET ALONG A CURVE CONCAVE TO THE SOUTHWEST WITH A RADIUS OF 400.00 FEET AND A LONG CHORD BEARING S52°44'24"E 147.89 FEET;
4. THENCE S42°05'13"E 122.72 FEET;
5. THENCE SOUTHEASTERLY 184.14 FEET ALONG A CURVE CONCAVE TO THE SOUTHWEST WITH A RADIUS OF 1000.00 FEET AND A LONG CHORD BEARING S36°48'42"E 183.88 FEET;
6. THENCE S31°32'12"E 1049.74 FEET;
7. THENCE SOUTHERLY 147.20 FEET ALONG A CURVE CONCAVE TO THE WEST WITH A RADIUS OF 400.00 FEET AND A LONG CHORD BEARING S20°59'40"E 146.37 FEET;
8. THENCE SOUTHEASTERLY 406.88 FEET ALONG A CURVE CONCAVE TO THE NORTHEAST WITH A RADIUS OF 400.00 FEET AND A LONG CHORD BEARING S39°35'35" 389.57 FEET;
9. THENCE SOUTHEASTERLY 185.88 FEET ALONG A CURVE CONCAVE TO THE SOUTHWEST WITH A RADIUS OF 300.00 FEET AND A LONG CHORD BEARING S50°59'01"E 182.92 FEET;
10. THENCE S33°14'00"E 91.88 FEET;
11. THENCE SOUTHEASTERLY 235.71 FEET ALONG A CURVE CONCAVE TO THE NORTHEAST WITH A RADIUS OF 400.00 FEET AND A LONG CHORD BEARING S50°06'53"E 232.31 FEET;
12. THENCE S66°59'46"E 424.95 FEET;
13. THENCE SOUTHEASTERLY 841.68 FEET ALONG A CURVE CONCAVE TO THE SOUTHWEST WITH A RADIUS OF 2000.00 FEET AND A LONG CHORD BEARING S54°56'24"E 835.48 FEET;
14. THENCE S42°53'01"E 243.72 FEET;
15. THENCE SOUTHEASTERLY 251.25 FEET ALONG A CURVE CONCAVE TO THE SOUTHWEST WITH A RADIUS OF 750.00 FEET AND A LONG CHORD BEARING S33°17'12"E 250.08 FEET;
16. THENCE S23°41'23"E 133.71 FEET;
17. THENCE SOUTHEASTERLY 369.10 FEET ALONG A CURVE CONCAVE TO THE NORTHEAST WITH A RADIUS OF 650.00 FEET AND A LONG CHORD BEARING S39°57'27"E 364.16 FEET;
18. THENCE S56°13'30"E 198.70 FEET;
19. THENCE SOUTHEASTERLY 237.57 FEET ALONG A CURVE CONCAVE TO THE SOUTHWEST WITH A RADIUS OF 500.00 FEET AND A LONG CHORD BEARING S42°36'48"E 235.34 FEET;
20. THENCE S29°00'05"E 971.21 FEET;
21. THENCE SOUTHEASTERLY 238.62 FEET ALONG A CURVE CONCAVE TO THE NORTHEAST WITH A RADIUS OF 750.00 FEET AND A LONG CHORD BEARING S38°06'59"E 237.62 FEET;

22. THENCE SOUTHEASTERLY 360.09 FEET ALONG A CURVE CONCAVE TO THE SOUTHWEST WITH A RADIUS OF 750.00 FEET AND A LONG CHORD BEARING S33°28'36"E 356.64 FEET;
23. THENCE S19°43'20"E 177.03 FEET;
24. THENCE SOUTHEASTERLY 211.56 FEET ALONG A CURVE CONCAVE TO THE NORTHEAST WITH A RADIUS OF 750.00 FEET AND A LONG CHORD BEARING S27°48'11"E 210.86 FEET;
25. THENCE S35°53'02"E 373.28 FEET;
26. THENCE SOUTHEASTERLY 341.11 FEET ALONG A CURVE CONCAVE TO THE SOUTHWEST WITH A RADIUS OF 1000.00 FEET AND A LONG CHORD BEARING S26°06'43"E 339.45 FEET;
27. THENCE SOUTHERLY 197.80 FEET ALONG A CURVE CONCAVE TO THE WEST WITH A RADIUS OF 300.00 FEET AND A LONG CHORD BEARING S2°32'56"W 194.24 FEET;
28. THENCE SOUTHERLY 223.65 FEET ALONG A CURVE CONCAVE TO THE EAST WITH A RADIUS OF 300.00 FEET AND A LONG CHORD BEARING S0°04'51"W 218.51 FEET;
29. THENCE S21°16'35"E 550.74 FEET;
30. THENCE SOUTHERLY 229.18 FEET ALONG A CURVE CONCAVE TO THE WEST WITH A RADIUS OF 1000.00 FEET AND A LONG CHORD BEARING S14°42'39"E 228.68 FEET;
31. THENCE S8°08'43"E 726.01 FEET;
32. THENCE SOUTHERLY 231.75 FEET ALONG A CURVE CONCAVE TO THE EAST WITH A RADIUS OF 750.00 FEET AND A LONG CHORD BEARING S16°59'51"E 230.83 FEET;
33. THENCE SOUTHERLY 365.55 FEET ALONG A CURVE CONCAVE TO THE WEST WITH A RADIUS OF 1000.00 FEET AND A LONG CHORD BEARING S15°22'39"E 363.52 FEET;
34. THENCE SOUTHERLY 471.20 FEET ALONG A CURVE CONCAVE TO THE EAST WITH A RADIUS OF 1000.00 FEET AND A LONG CHORD BEARING S18°24'16"E 466.86 FEET;
35. THENCE SOUTHERLY 226.93 FEET ALONG A CURVE CONCAVE TO THE WEST WITH A RADIUS OF 1000.00 FEET AND A LONG CHORD BEARING S25°24'09"E 226.44 FEET;
36. THENCE S18°54'05"E 999.35 FEET;
37. THENCE SOUTHEASTERLY 173.24 FEET ALONG A CURVE CONCAVE TO THE NORTHEAST WITH A RADIUS OF 500.00 FEET AND A LONG CHORD BEARING S28°49'39"E 172.38 FEET;
38. THENCE SOUTHERLY 113.31 FEET ALONG A CURVE CONCAVE TO THE WEST WITH A RADIUS OF 100.00 FEET AND A LONG CHORD BEARING S6°17'33"E 107.35 FEET;
39. THENCE SOUTHERLY 410.06 FEET ALONG A CURVE CONCAVE TO THE EAST WITH A RADIUS OF 1000.00 FEET AND A LONG CHORD BEARING S14°25'18"W 407.19 FEET;
40. THENCE S2°40'28"W 180.36 FEET;
41. THENCE SOUTHERLY 121.92 FEET ALONG A CURVE CONCAVE TO THE EAST WITH A RADIUS OF 750.00 FEET AND A LONG CHORD BEARING S1°58'57"E 121.78 FEET;
42. THENCE S6°38'22"E 357.48 FEET;
43. THENCE SOUTHERLY 180.35 FEET ALONG A CURVE CONCAVE TO THE EAST WITH A RADIUS OF 500.00 FEET AND A LONG CHORD BEARING S16°58'22"E 179.37 FEET;
44. THENCE S27°18'22"E 756.78 FEET;
45. THENCE SOUTHEASTERLY 146.39 FEET ALONG A CURVE CONCAVE TO THE NORTHEAST WITH A RADIUS OF 500.00 FEET AND A LONG CHORD BEARING S35°41'36"E 145.86 FEET;
46. THENCE S44°04'51"E 145.51 FEET;
47. THENCE SOUTHERLY 263.47 FEET ALONG A CURVE CONCAVE TO THE WEST WITH A RADIUS OF 300.00 FEET AND A LONG CHORD BEARING S18°55'15"E 255.09 FEET;
48. THENCE SOUTHERLY 147.34 FEET ALONG A CURVE CONCAVE TO THE EAST WITH A RADIUS OF 500.00 FEET AND A LONG CHORD BEARING S2°12'11"E 146.81 FEET;
49. THENCE S10°38'42"E 787.29 FEET;
50. THENCE SOUTHERLY 164.56 FEET ALONG A CURVE CONCAVE TO THE EAST WITH A RADIUS OF 1000.00 FEET AND A LONG CHORD BEARING S15°21'34"E 164.37 FEET;

51. THENCE S20°04'25"E 497.23 FEET;
52. THENCE SOUTHERLY 297.08 FEET ALONG A CURVE CONCAVE TO THE WEST WITH A RADIUS OF 1000.00 FEET AND A LONG CHORD BEARING S11°33'47"E 295.99 FEET;
53. THENCE S3°03'09"E 542.47 FEET;
54. THENCE SOUTHERLY 143.43 FEET ALONG A CURVE CONCAVE TO THE EAST WITH A RADIUS OF 1000.00 FEET AND A LONG CHORD BEARING S7°09'41"E 143.31 FEET;
55. THENCE S11°16'13"E 261.08 FEET;
56. THENCE SOUTHERLY 155.57 FEET ALONG A CURVE CONCAVE TO THE EAST WITH A RADIUS OF 800.00 FEET AND A LONG CHORD BEARING S16°50'29"E 155.33 FEET;
57. THENCE SOUTHERLY 147.26 FEET ALONG A CURVE CONCAVE TO THE WEST WITH A RADIUS OF 200.00 FEET AND A LONG CHORD BEARING S1°19'09"E 143.96 FEET;
58. THENCE SOUTHERLY 137.49 FEET ALONG A CURVE CONCAVE TO THE EAST WITH A RADIUS OF 200.00 FEET AND A LONG CHORD BEARING S0°04'50"W 134.80 FEET;
59. THENCE S19°36'47"E 867.27 FEET;
60. THENCE SOUTHEASTERLY 143.55 FEET ALONG A CURVE CONCAVE TO THE NORTHEAST WITH A RADIUS OF 200.00 FEET AND A LONG CHORD BEARING S40°10'29"E 140.49 FEET;
61. THENCE SOUTHEASTERLY 181.06 FEET ALONG A CURVE CONCAVE TO THE SOUTHWEST WITH A RADIUS OF 150.00 FEET AND A LONG CHORD BEARING S26°09'25"E 170.26 FEET;
62. THENCE SOUTHEASTERLY 276.13 FEET ALONG A CURVE CONCAVE TO THE NORTHEAST WITH A RADIUS OF 150.00 FEET AND A LONG CHORD BEARING S44°18'54"E 238.76 FEET;
63. THENCE N82°56'51"E 317.36 FEET;
64. THENCE SOUTHEASTERLY 376.07 FEET ALONG A CURVE CONCAVE TO THE SOUTHWEST WITH A RADIUS OF 300.00 FEET AND A LONG CHORD BEARING S61°08'25"E 351.93 FEET;
65. THENCE SOUTHEASTERLY 251.38 FEET ALONG A CURVE CONCAVE TO THE NORTHEAST WITH A RADIUS OF 300.00 FEET AND A LONG CHORD BEARING S49°14'00"E 244.09 FEET;
66. THENCE S73°14'18"E 134.47 FEET;
67. THENCE SOUTHEASTERLY 228.83 FEET ALONG A CURVE CONCAVE TO THE SOUTHWEST WITH A RADIUS OF 300.00 FEET AND A LONG CHORD BEARING S51°23'11"E 223.33 FEET;
68. THENCE SOUTHEASTERLY 311.57 FEET ALONG A CURVE CONCAVE TO THE NORTHEAST WITH A RADIUS OF 300.00 FEET AND A LONG CHORD BEARING S59°17'14"E 297.75 FEET;
69. THENCE S89°02'24"E 146.27 FEET;
70. THENCE EASTERLY 160.21 FEET ALONG A CURVE CONCAVE TO THE NORTH WITH A RADIUS OF 750.00 FEET AND A LONG CHORD BEARING N84°50'25"E 159.91 FEET;
71. THENCE EASTERLY 250.97 FEET ALONG A CURVE CONCAVE TO THE SOUTH WITH A RADIUS OF 750.00 FEET AND A LONG CHORD BEARING N88°18'25"E 249.80 FEET;
72. THENCE S82°06'23"E 176.43 FEET;
73. THENCE EASTERLY 121.01 FEET ALONG A CURVE CONCAVE TO THE NORTH WITH A RADIUS OF 1000.00 FEET AND A LONG CHORD BEARING S85°34'23"E 120.94 FEET;
74. THENCE S89°02'24"E 500.07 FEET;
75. THENCE SOUTHEASTERLY 98.24 FEET ALONG A CURVE CONCAVE TO THE SOUTHWEST WITH A RADIUS OF 100.00 FEET AND A LONG CHORD BEARING S60°53'51"E 94.33 FEET;
76. THENCE S32°45'19"E 278.40 FEET;
77. THENCE SOUTHERLY 285.84 FEET ALONG A CURVE CONCAVE TO THE WEST WITH A RADIUS OF 500.00 FEET AND A LONG CHORD BEARING S16°22'39"E 281.97 FEET;
78. THENCE S0°00'00"E 208.10 FEET;
79. THENCE SOUTHERLY 251.48 FEET ALONG A CURVE CONCAVE TO THE WEST WITH A RADIUS OF 400.00 FEET AND A LONG CHORD BEARING S18°00'38"W 247.35 FEET;

80. THENCE SOUTHERLY 450.83 FEET ALONG A CURVE CONCAVE TO THE EAST WITH A RADIUS OF 500.00 FEET AND A LONG CHORD BEARING S10°11'26"W 435.71 FEET;
81. THENCE S15°38'24"E 737.62 FEET;
82. THENCE SOUTHEASTERLY 479.04 FEET ALONG A CURVE CONCAVE TO THE NORTHEAST WITH A RADIUS OF 500.00 FEET AND A LONG CHORD BEARING S43°05'14"E 460.93 FEET;
83. THENCE S70°32'03"E 585.09 FEET;
84. THENCE SOUTHEASTERLY 267.18 FEET ALONG A CURVE CONCAVE TO THE SOUTHWEST WITH A RADIUS OF 400.00 FEET ALOND A LONG CHORD BEARING S51°23'56"E 262.24 FEET;
85. THENCE S32°15'49"E 743.00 FEET;
86. THENCE SOUTHEASTERLY 185.75 FEET ALONG A CURVE CONCAVE TO THE NORTHEAST WITH A RADIUS OF 200.00 FEET AND A LONG CHORD BEARING S58°52'16"E 179.15 FEET;
87. THENCE SOUTHEASTERLY 240.53 FEET ALONG A CURVE CONCAVE TO THE SOUTHWEST WITH A RADIUS OF 200.00 FEET AND A LONG CHORD BEARING S51°01'28"E 226.30 FEET;
88. THENCE S16°34'14"E 1083.75 FEET;
89. THENCE SOUTHERLY 156.39 FEET ALONG A CURVE CONCAVE TO THE WEST WITH A RADIUS OF 1000.00 FEET AND A LONG CHORD BEARING S12°05'26"E 156.23 FEET;
90. THENCE SOUTHERLY 282.80 FEET ALONG A CURVE CONCAVE TO THE EAST WITH A RADIUS OF 1000.00 FEET AND A LONG CHORD BEARING S15°42'43"E 281.86 FEET;
91. THENCE S23°48'49"E 121.19 FEET, MORE OR LESS, TO THE SOUTH LINE OF SECTION 7 TOWNSHIP 8 NORTH RANGE 2 EAST SALT LAKE MERIDIAN AND THE POINT OF TERMINUS.

SIDELINES OF SAID RIGHT-OF-WAY ARE CONTINOUS AND EXTEND OR SHORTEN TO MEET THE GRANTOR'S PROPERTY LINES.