

**MIDVALE CITY, UTAH
RESOLUTION 2015-R-23**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN
AGREEMENT TO AMEND THE DEVELOPMENT AGREEMENT FOR THE
JUNCTION AT MIDVALE PROJECT, MIDVALE, UTAH**

WHEREAS, pursuant to Section 10-9a-102 (2) of the Utah State Code, the City is authorized as follows: “To accomplish the purposes of this chapter, municipalities may enact all ordinances, resolutions, and rules and may enter into other forms of land use controls and development agreements that they consider necessary or appropriate for the use and development of land within the municipality, including ordinances, resolutions, rules, restrictive covenants, easements, and development agreements governing uses, density, open spaces, structures, buildings, energy efficiency, light and air, air quality, transportation and public or alternative transportation, infrastructure, street and building orientation and width requirements, public facilities, and height and location of vegetation, trees, and landscaping, unless expressly prohibited by law”; and

WHEREAS, due to the unique circumstances involved in the development of the Bingham Junction property, as a former Superfund Site, the City found it necessary and beneficial to the Property Owners, Developer and the City to enter into a Development Agreement describing future development plans, improvements to be installed by all parties, time frames in which they must be completed, and limits to the cost of those improvements; and

WHEREAS, said Development Agreement was entered into on November 13, 2007 for The Junction at Midvale Project between Midvale City Corporation and Arbor Gardner Bingham Junction Holdings, LC; recorded as Entry #11351482, Book 9999, Page 8618-8665 in the Salt Lake County Recorder’s Office; and said development plan is currently being constructed; and

WHEREAS, said Master Open Space Plan, specifically the open space exhibits within the Development Agreement, was amended in March 2012 through an agreement with both parties (“AMENDMENT TO THE OPEN SPACE EXHIBITS IN THE DEVELOPMENT AGREEMENT FOR THE JUNCTION AT MIDVALE PROJECT”) to address changes in the specific development layout in the overall area; and

WHEREAS, since this amendment, it has been determined that some specific proposed developments require the relocation of some of the adopted open space areas shown on the master plan, and a few areas need to be refined to address the existing development that has occurred, requiring a third amendment to the open space exhibits; and

WHEREAS, both parties have negotiated such an amendment to the agreement, and as of the date of this Resolution agree to enter into said third amended agreement; and

WHEREAS, the City Council has thoroughly reviewed said third amendment to the Development Agreement and agrees that entering into such third amended agreement will help to further the development of the overall Junction at Midvale Master Plan without compromising the overall amount of open space being provided to the City.

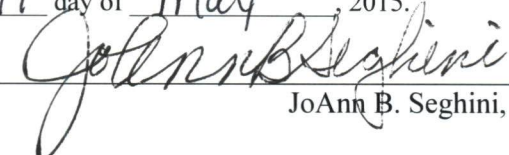
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MIDVALE CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. The Midvale City Council has thoroughly reviewed the attached Third Amendment to the Open Space Exhibits in the Development Agreement for The Junction at Midvale Project.


Section 2. The Midvale City Council, through its understanding of the development challenges associated with the development of the Bingham Junction property and current development challenges, believe it is in the best interest of the Developer and the City to enter into such an amended agreement.

Section 3. The Midvale City Council on this date does hereby authorize the Mayor to enter into the attached agreement on behalf of the City.

PASSED AND APPROVED this 19th day of May, 2015.


JoAnn B. Seghini, Mayor

ATTEST:


Rori Andreason, MMC
City Recorder

Voting by City Council
Stephen Brown
Paul Glover
Quinn Sperry
Paul Hunt
Wayne Sharp

“Aye”

☒
☒
☒
☒
☒

“Nay”

☐
☐
☐
☐
☐



When recorded, return to:
Midvale City
7505 South Holden Street
Midvale, UT 84047

**THIRD AMENDMENT TO THE OPEN SPACE EXHIBITS IN THE
DEVELOPMENT AGREEMENT FOR THE JUNCTION AT MIDVALE
PROJECT, MIDVALE CITY, UTAH**

THIS AMENDMENT TO THE OPEN SPACE EXHIBITS IN THE DEVELOPMENT AGREEMENT ("Amendment") is entered into as of this _____ day of _____, 2015, between ARBOR GARDNER BINGHAM JUNCTION HOLDINGS, LC, a Utah limited liability company ("Developer"), and Midvale City Corporation, a Utah municipal corporation ("Midvale" or "City").

- A. The City entered into a certain Development Agreement for the Junction at Midvale area within the Riverwalk Master Planned Development Midvale City, Utah dated November 13, 2007 (the "Development Agreement") with Developer in connection with the development of certain real property commonly referred to as The Junction at Midvale Project, which is a portion of the Bingham Junction Project located in Midvale City, Utah (the "Junction Property"). The Development Agreement was agreed upon and signed by all parties, and recorded with the Salt Lake County Recorder in Book 9999, Pages 8618-8665.
- B. In 2012, the Developer and City agreed to amend the open space exhibits in the Development Agreement in order to address some changes resulting from a more refined development and road layout of the Junction at Midvale Property. This amendment to the agreement was executed by the City through Resolution No. 2011-55; and
- C. In 2014, the Developer and City agreed to amend the open space exhibits in the Development Agreement in order to address some changes resulting from a more refined development of the Junction at Midvale Property. This amendment to the agreement was executed by the City through Resolution No. 2014-R-29; and
- D. Since that time, more refinements have been made in the overall development layout within the project area through specific development projects, and as such, the Developer and the City find it necessary to amend the location of some of the required open space parcels; and
- E. The City and the Developer believe that it is in the parties' best interests to amend the Development Agreement in the manner set forth in this Third Amendment.

THIRD AMENDMENT TO THE OPEN SPACE EXHIBITS IN THE DEVELOPMENT AGREEMENT FOR THE JUNCTION AT MIDVALE PROJECT, MIDVALE CITY, UTAH

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing Recitals, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Developer and the City do hereby amend the Development Agreement as follows:

1. The property covered by this Amendment is more fully described in Exhibit A, attached hereto.
2. Exhibit C Second Amended shall be replaced with Exhibit C Third Amended, attached hereto.
3. The Second Revised Open Space Parcels A-P legal descriptions shall be replaced with Third Revised Open Space Parcels A-P, attached hereto.
4. All other conditions and terms in the original Development Agreement for The Junction at Midvale Project shall remain the same.

(Signatures on Next Page)

IN WITNESS WHEREOF, this Development Agreement has been executed by Midvale City Corporation, acting by and through the Midvale City Council, and by a duly authorized representative of Arbor Gardner Bingham Junctions Holdings, LC.

CITY:

MIDVALE CITY CORPORATION

By: JoAnn B. Seghini
JoAnn B. Seghini, Mayor

ATTEST:

Rori L. Andreason
Rori L. Andreason, MMC
City Recorder



DEVELOPER:

ARBOR GARDNER BINGHAM JUNCTION
HOLDINGS, L.C., a Utah limited liability
company, by its Managers

By: K.C. Gardner Company, L.C., a Utah
limited liability company

By: Kem Gardner

Name: Kem Gardner

Its: manager

Subscribed and sworn to me this 18 day of May, 2015

Constance Miller

(Notary)

Residing in Salt Lake County, Utah

My Commission expires: 10-13-2015

EXHIBIT A

(legal description of The Junction at Midvale Project)

Bingham Junction Legal Description
(Per Bush & Gudgell, Inc. A.L.T.A. Survey)
(Compiled on July 31, 2007)

LEGAL DESCRIPTION

PARCEL 1

BEGINNING on the West right of way line of 700 West Street at a point which is North 0°17'31" East along the Section line 174.467 feet and North 89°42'29" West 53.00 feet from the East quarter corner of Section 26, Township 2 South, Range 1 West, Salt Lake Base and Meridian, and running thence South 86°33'00" West along the Northerly right of way line of the Union Pacific Railroad (formerly Denver & Rio Grande Western Railroad) 311.026 feet to a point of a 2889.79 foot radius tangent curve to the left; thence Southwesterly along the arc of said curve, and said Northerly right of way line 136.18 feet; and through a central angle of 2°42'00"; thence South 83°51'00" West along said Northerly right of way line 188.153 feet; thence North 6°09'00" West along said Northerly right of way line 25.000 feet; thence South 83°51'00" West along said Northerly right of way line 1193.047 feet; to a point of a 1482.400 foot radius tangent curve to the left; thence Southwesterly along the arc of said curve, and said Northerly right of way line through a central angle of 47°16'49", 1223.27 feet to a point which is said to be on the East bank of the Jordan River; thence South 83°00'00" West along said East bank 40.061 feet; thence North 25°19'00" West along said East bank 38.600 feet; thence North 16°07'00" East along said East bank 62.200 feet; thence North 30°53'00" East along said East bank 101.900 feet; thence North 27°10'00" East along said East bank 175.600 feet; thence North 18°42'00" East along said East bank 35.600 feet; thence North 23°22'00" East along said East bank 96.200 feet; thence North 5°23'00" East along said East bank 96.600 feet; thence North 6°25'00" East along said East bank 234.300 feet; thence North 13°20'00" West along said East bank 131.180 feet; thence North 2°00'00" West along said East bank 14.870 feet; thence departing from the said East bank of the Jordan River, and running thence North 25°00'00" East 132.00 feet; thence North 44°00'00" East 99.000 feet; thence North 37°00'00" West 132.00 feet; thence North 29°00'00" West 131.070 feet to a point which is said to be on the East bank of the Jordan River; thence North 5°54'00" West along said East bank 151.080 feet; thence North 2°42'00" West along said East bank 215.900 feet; thence North 4°40'00" West along said East bank 258.300 feet; thence North 2°28'00" West along said East bank 267.000 feet; thence North 4°31'00" West along said East bank 129.500 feet; thence North 4°23'00" West along said East bank 3.63 feet; thence North 5°36'01" West along said East bank 211.677 feet; thence North 0°01'31" West along said East bank 40.00 feet; thence North 4°03'48" West along said East bank 362.429 feet to the Southerly right of way line of said 7200 South Street (Jordan River Boulevard); thence departing said East bank of the Jordan River, and running thence North 89°20'39" East along said Southerly right of way line 275.460 feet to a point of a 1369.900 foot radius tangent curve to the right; thence Southeasterly along the arc of said curve and said Southerly right of way line, through a central angle of 27°43'14", 662.775 feet; thence South 16°21'22" East along said Southerly right of way line 34.700 feet; thence South 60°18'00" East along said Southerly right of way line 76.00 feet; thence North 75°45'23" East along said Southerly right of way line 34.700 feet to a point on a 1369.900 foot radius curve to the right, the center of said curve being South 32°20'07" West; thence Southeasterly along the arc of said curve to the right, and said Southerly right of way line 369.940 feet; thence South 42°11'31" East 215.550 feet to a point of a 1335.740 foot radius tangent curve to the left; thence Southeasterly along the arc of said curve and said Southerly right of way line through a central angle of 12°03'18", 281.038 feet; thence South 10°51'59" East along said Southerly right of way line 36.020 feet; thence South 56°56'59" East along said Southerly right of way line 75.99 feet; thence North 76°58'02" East along said Southerly right of way line 36.010 feet to a point on a 1335.740 foot radius curve to the left, the center of said curve being North 30°20'51" East; thence Southeasterly along the arc of said curve and said Southerly right of way line through a central angle of 30°11'59", 704.050 feet; thence South 89°51'08" East along said Southerly right of way line 383.770 feet; thence South 44°46'48" East along said Southerly right of way line 35.310 feet to the West right of way line of 700 West Street; thence South 0°17'31" West along said West right of way line 1158.073 feet to the point of BEGINNING. Contains 115.28 acres.

THIRD AMENDMENT TO THE OPEN SPACE EXHIBITS IN THE DEVELOPMENT AGREEMENT FOR THE JUNCTION AT MIDVALE PROJECT, MIDVALE CITY, UTAH

EXCEPTING FROM SAID PARCEL 1 any portion lying below the mean high water mark of the Jordan River

PARCEL 2

BEGINNING South 0°08'36" West along the Section line 345.595 feet and West 670.489 feet from the East Quarter Corner of Section 26, Township 2 South, Range 1 West, Salt Lake Base and Meridian, and running thence South 1°43'31" West 1016.338 feet; thence South 89°52'31" West 526.000 feet; thence South 0°07'29" East 983.650 feet to the North right of way line of Utah Highway 48 (7800 South); thence North 89°34'30" West along said North right of way line 45.630 feet; thence South 85°46'23" West along said North right of way line 208.990 feet; thence North 33°13'37" East 67.555 feet; thence North 56°46'23" West 50.000 feet; thence South 33°13'37" West 105.857 feet to the North right of way line of Utah Highway 48 (7800 South); thence South 85°46'23" West along said North right of way line 28.720 feet; thence South 84°41'58" West along said North right of way line 149.070 feet; thence South 81°39'53" West along said North right of way line 50.150 feet; thence South 85°21'15" West along said North right of way line 199.020 feet; thence North 85°48'46" West along said North right of way line 103.290 feet to a point on a 2936.900 foot radius curve to the left, the center of said curve to the left being South 6°28'04" East; thence along the arc of said curve, and said North right of way line through a central angle of 8°43'56", 447.601 feet; thence South 74°48'00" West along said North right of way line 559.220 feet to a point which is said to be on the East bank of the Jordan River; thence North 2°17'00" East along said East bank 175.330 feet; thence North 0°51'00" West along said East bank 218.400 feet; thence North 1°40'00" East along said East bank 75.100 feet; thence North 3°47'00" East along said East bank 150.600 feet; thence North 5°44'00" East along said East bank 142.600 feet; thence North 11°16'00" East along said East bank 74.100 feet; thence North 43°20'00" East along said East bank 285.400 feet; thence North 18°52'00" East along said East bank 78.800 feet; thence North 1°48'00" East along said East bank 77.700 feet; thence North 25°02'00" West along said East bank 52.200 feet; thence North 20°02'00" West along said East bank 99.000 feet; thence North 0°50'00" East along said East bank 338.800 feet; thence North 5°12'00" East along said East bank 160.100 feet; thence North 5°34'00" West along said East bank 88.000 feet; thence North 27°04'23" West along said East bank 52.017 feet to the South right of way line of the Union Pacific Railroad (formerly Denver & Rio Grande Western Railroad) and a point on a 1382.400 foot radius curve to the right, the center of said curve being South 55°09'56" East; thence departing from said East bank of the Jordan River Northeasterly along the arc of said curve to the right, and said South right of way line through a central angle of 49°00'56", 1182.620 feet; thence North 83°51'00" East along said South right of way line 696.511 feet; thence South 7°50'31" West 257.241 feet; thence South 80°29'54" East 369.390 feet; thence South 11°11'23" East 11.600 feet; thence South 84°51'35" East 168.820 feet to the point of BEGINNING. Contains 99.89 acres.

EXCEPTING FROM SAID PARCEL 2 any portion lying below the mean high water mark of the Jordan River

EXHIBIT C THIRD AMENDED

THIRD AMENDMENT TO THE OPEN SPACE EXHIBITS IN THE DEVELOPMENT AGREEMENT FOR THE
JUNCTION AT MIDVALE PROJECT, MIDVALE CITY, UTAH

THIRD REVISED OPEN SPACE PARCELS A-P

Parcel A

All of Parcel 'A' as shown on the Junction at Midvale – West Residential Plat recorded November 21, 2007 as Entry No. 10282399, in Book 2007P, at Page 453 of Official Records

Parcel B

All of Parcel 'B' as shown on the Junction at Midvale – West Residential Plat recorded November 21, 2007 as Entry No. 10282399, in Book 2007P, at Page 453 of Official Records

Parcel C

All of Parcel 'C' as shown on the Junction at Midvale – Northeast Residential Plat recorded November 21, 2007 as Entry No. 10282398, in Book 2007P, at Page 452 of Official Records.

Parcel D

Beginning at a point being South 152.51 feet and West 2,695.15 feet from the East Quarter Corner of Section 26, Township 2 South, Range 1 West, Salt Lake Base and Meridian; and running

thence North 60°11'12" West 15.12 feet;
thence North 22°44'22" East 29.07 feet;
thence North 04°40'24" East 355.36 feet;
thence North 04°23'12" West 234.08 feet;
thence North 05°21'06" West 323.49 feet;
thence North 10°11'50" West 154.32 feet;
thence North 02°42'00" West 26.63 feet;
thence East 15.02 feet;
thence South 02°42'00" East 24.94 feet;
thence South 10°11'50" East 153.98 feet;
thence South 05°21'06" East 324.25 feet;
thence South 04°23'12" East 235.39 feet;
thence South 04°40'24" West 358.94 feet;
thence South 22°44'22" West 33.31 feet to the point of beginning.

Contains 16,908 Square Feet or 0.388 Acres

Parcel E

Beginning at a point on the Westerly Right-of-Way Line of Bingham Junction Boulevard, said point being North 00°17'30" East 436.40 feet along the Section Line and West

1,757.86 feet from the East Quarter Corner of Section 26, Township 2 South, Range 1 West, Salt Lake Base and Meridian; and running

thence Northwesterly 38.28 feet along the arc of a 25.00 foot radius curve to the left (center bears North 86°56'57" West and the chord bears North 40°48'33" West 34.64 feet with a central angle of 87°43'13");

thence North 84°40'09" West 25.80 feet;

thence Northeasterly 387.51 feet along the arc of a 1,483.00 foot radius curve to the right (center bears South 85°56'35" East and the chord bears North 11°32'34" East 386.41 feet with a central angle of 14°58'18");

thence North 68°31'47" West 41.36 feet;

thence Northwesterly 220.61 feet along the arc of a 609.71 foot radius curve to the right (center bears North 21°28'13" East and the chord bears North 58°09'51" West 219.41 feet with a central angle of 20°43'52");

thence Northwesterly 173.11 feet along the arc of a 447.19 foot radius curve to the left (center bears South 42°12'05" West and the chord bears North 58°53'18" West 172.03 feet with a central angle of 22°10'46");

thence North 69°58'41" West 200.97 feet;

thence Northeasterly 14.80 feet along the arc of a 820.32 foot radius curve to the left (center bears North 69°43'28" West and the chord bears North 19°45'32" East 14.80 feet with a central angle of 01°02'00");

thence Northeasterly 23.77 feet along the arc of a 15.00 foot radius curve to the right (center bears South 70°45'28" East and the chord bears North 64°37'56" East 21.36 feet with a central angle of 90°46'47") to the Southerly Right-of-Way Line of Junction View Drive;

thence South 69°58'41" East 186.04 feet along the Southerly Right-of-Way Line of said Junction View Drive;

thence Southeasterly 184.72 feet along the arc of a 477.19 foot radius curve to the right (center bears South 20°01'19" West and the chord bears South 58°53'18" East 183.57 feet with a central angle of 22°10'46") along the Southerly Right-of-Way Line of said Junction View Drive;

thence Southeasterly 209.75 feet along the arc of a 579.71 foot radius curve to the left (center bears North 42°12'05" East and the chord bears South 58°09'51" East 208.61 feet with a central angle of 20°43'52") along the Southerly Right-of-Way Line of said Junction View Drive;

thence South 68°31'47" East 75.82 feet along the Southerly Right-of-Way Line of said Junction View Drive;

thence Southeasterly 23.06 feet along the arc of a 15.00 foot radius curve to the right (center bears South 21°28'13" West and the chord bears South 24°28'59" East 20.86 feet with a central angle of 88°05'36") along the Southerly Right-of-Way Line of said Junction View Drive to the Westerly Right-of-Way Line of Bingham Junction Boulevard;

thence Southwesterly 412.95 feet along the arc of a 1,433.00 foot radius curve to the left (center bears South 70°26'17" East and the chord bears South 11°18'23" West

THIRD AMENDMENT TO THE OPEN SPACE EXHIBITS IN THE DEVELOPMENT AGREEMENT FOR THE JUNCTION AT MIDVALE PROJECT, MIDVALE CITY, UTAH

411.53 feet with a central angle of 16°30'40") along the Westerly Right-of-Way Line of said Bingham Junction Boulevard to the point of beginning.

Contains 39,641 Square Feet or 0.910 Acres

Parcel F

All of Parcel 'A' as shown on the Junction at Bingham Plat recorded November 3, 2009 as Entry No. 10830846, in Book 2009P, at Page 158 of Official Records.

Parcel G

Beginning at a the intersection of 7200 South Street and Bingham Junction Boulevard, said point being North 00°17'30" East 1,619.55 feet along the Section Line and West 1,252.37 feet from the East Quarter Corner of Section 26, Township 2 South, Range 1 West, Salt Lake Base and Meridian; and running

thence South 10°49'35" East 37.16 feet along the Westerly Right-of-Way Line of said Bingham Junction Boulevard;

thence South 33°11'04" West 389.84 feet along the Westerly Right-of-Way Line of said Bingham Junction Boulevard;

thence South 33°11'04" West 134.20 feet along the Westerly Right-of-Way Line of said Bingham Junction Boulevard;

thence Southwesterly 245.68 feet along the arc of a 1,433.45 foot radius curve to the left (center bears South 56°48'56" East and the chord bears South 28°16'28" West 245.38 feet with a central angle of 09°49'12") along the Westerly Right-of-Way Line of said Bingham Junction Boulevard to the Northerly Right-of-Way Line of Junction View Drive;

thence Southwesterly 23.07 feet along the arc of a 15.00 foot radius curve to the right (center bears North 66°38'08" West and the chord bears South 67°25'00" West 20.86 feet with a central angle of 88°06'15") along the Northerly Right-of-Way Line of said Junction View Drive;

thence North 68°31'47" West 75.81 feet along the Northerly Right-of-Way Line of said Junction View Drive;

thence Northwesterly 185.87 feet along the arc of a 513.71 foot radius curve to the right (center bears North 21°28'13" East and the chord bears North 58°09'51" West 184.86 feet with a central angle of 20°43'52") along the Northerly Right-of-Way Line of said Junction View Drive;

thence Northwesterly 210.27 feet along the arc of a 543.19 foot radius curve to the left (center bears South 42°12'05" West and the chord bears North 58°53'18" West 208.96 feet with a central angle of 22°10'46") along the Northerly Right-of-Way Line of said Junction View Drive;

thence North 69°58'41" West 186.76 feet along the Northerly Right-of-Way Line of said Junction View Drive;

THIRD AMENDMENT TO THE OPEN SPACE EXHIBITS IN THE DEVELOPMENT AGREEMENT FOR THE JUNCTION AT MIDVALE PROJECT, MIDVALE CITY, UTAH

thence Northwesterly 21.66 feet along the arc of a 15.00 foot radius curve to the right (center bears North 20°01'19" East and the chord bears North 28°36'22" West 19.83 feet with a central angle of 82°44'39") along the Northerly Right-of-Way Line of said Junction View Drive to the Easterly Right-of-Way Line of FL Smidth Drive;

thence Northeasterly 58.39 feet along the arc of a 833.00 foot radius curve to the left (center bears North 77°14'02" West and the chord bears North 10°45'28" East 58.38 feet with a central angle of 04°00'59") along the Easterly Right-of-Way Line of said FL Smidth Drive;

thence North 08°44'58" East 362.64 feet along the Easterly Right-of-Way Line of said FL Smidth Drive;

thence Northeasterly 134.20 feet along the arc of a 367.00 foot radius curve to the right (center bears South 81°15'02" East and the chord bears North 19°13'29" East 133.45 feet with a central angle of 20°57'02") along the Easterly Right-of-Way Line of said FL Smidth Drive;

thence North 29°42'00" East 266.26 feet along the Easterly Right-of-Way Line of said FL Smidth Drive;

thence North 31°36'33" East 209.91 feet along the Easterly Right-of-Way Line of said FL Smidth Drive;

thence North 75°45'23" East 31.93 feet along the Easterly Right-of-Way Line of said FL Smidth Drive to the Southerly Right-of-Way Line of 7200 South Street;

thence Southeasterly 369.94 feet along the arc of a 1,373.28 foot radius curve to the right (center bears South 32°21'37" West and the chord bears South 49°55'21" East 368.82 feet with a central angle of 15°26'05") along the Southerly Right-of-Way Line of said 7200 South Street;

thence South 42°11'31" East 215.55 feet along the Southerly Right-of-Way Line of said 7200 South Street;

thence Southeasterly 265.84 feet along the arc of a 1,333.82 foot radius curve to the left (center bears North 47°48'29" East and the chord bears South 47°54'06" East 265.40 feet with a central angle of 11°25'10") along the Southerly Right-of-Way Line of said 7200 South Street;

thence South 52°35'23" West 72.78 feet;

thence Northwesterly 259.49 feet along the arc of a 1,405.74 foot radius curve to the right (center bears North 37°13'54" East and the chord bears North 47°28'49" West 259.12 feet with a central angle of 10°34'35");

thence North 42°11'31" West 215.55 feet;

thence Northwesterly 342.39 feet along the arc of a 1,299.90 foot radius curve to the left (center bears South 47°48'29" West and the chord bears North 49°44'16" West 341.40 feet with a central angle of 15°05'30");

thence South 31°36'33" West 162.15 feet;

thence South 29°42'00" West 265.78 feet;

thence Southwesterly 121.34 feet along the arc of a 337.00 foot radius curve to the left (center bears South 60°18'00" East and the chord bears South 19°23'06" West 120.69 feet with a central angle of 20°37'48");

thence South 08°44'58" West 412.02 feet;

THIRD AMENDMENT TO THE OPEN SPACE EXHIBITS IN THE DEVELOPMENT AGREEMENT FOR THE JUNCTION AT MIDVALE PROJECT, MIDVALE CITY, UTAH

thence South 69°58'41" East 172.33 feet;
thence Southeasterly 221.88 feet along the arc of a 573.19 foot radius curve to the right (center bears South 20°01'19" West and the chord bears South 58°53'18" East 220.50 feet with a central angle of 22°10'46");
thence Southeasterly 175.02 feet along the arc of a 483.71 foot radius curve to the left (center bears North 42°12'05" East and the chord bears South 58°09'51" East 174.07 feet with a central angle of 20°43'52");
thence South 68°31'47" East 41.35 feet;
thence Northeasterly 240.36 feet along the arc of a 1,483.00 foot radius curve to the right (center bears South 66°06'06" East and the chord bears North 28°32'29" East 240.09 feet with a central angle of 09°17'10");
thence North 33°11'04" East 482.16 feet;
thence North 52°35'23" East 72.78 feet;

Contains 147,655 Square Feet or 3.389 Acres

Parcel H

Beginning at a point on the Westerly Right-of-Way Line of 700 West Street, said point being North 00°17'30" East 565.77 feet along the Section Line and West 53.00 feet from the East Quarter Corner of Section 26, Township 2 South, Range 1 West, Salt Lake Base and Meridian; and running

thence South 00°17'30" West 365.99 feet along the Westerly Right-of-Way Line of said 700 West Street;
thence South 86°33'00" West 312.68 feet;
thence South 85°12'00" West 137.34 feet;
thence South 83°51'00" West 188.15 feet;
thence South 83°50'59" West 943.02 feet to the Easterly Right-of-Way Line of Bingham Junction Boulevard;
thence North 06°11'37" West 169.67 feet along the Easterly Right-of-Way Line of said Bingham Junction Boulevard;
thence Northeasterly 594.85 feet along the arc of a 1,327.00 foot radius curve to the right (center bears North 83°48'23" East and the chord bears North 06°38'54" East 589.88 feet with a central angle of 25°41'01") along the Easterly Right-of-Way Line of said Bingham Junction Boulevard;
thence Northeasterly 24.11 feet along the arc of a 15.00 foot radius curve to the right (center bears South 70°30'36" East and the chord bears North 65°31'50" East 21.59 feet with a central angle of 92°04'51");
thence South 68°25'45" East 399.99 feet;
thence Southeasterly 382.53 feet along the arc of a 1,030.00 foot radius curve to the left (center bears North 21°34'15" East and the chord bears South 79°04'08" East 380.34 feet with a central angle of 21°16'45");
thence South 89°42'30" East 737.57 feet;
thence South 44°42'30" East 32.52 feet;

THIRD AMENDMENT TO THE OPEN SPACE EXHIBITS IN THE DEVELOPMENT AGREEMENT FOR THE JUNCTION AT MIDVALE PROJECT, MIDVALE CITY, UTAH

thence South 77°09'11" West 30.81 feet;
thence North 89°42'30" West 730.57 feet;
thence Northwesterly 393.68 feet along the arc of a 1,060.00 foot radius curve to the right (center bears North 00°17'30" East and the chord bears North 79°04'07" West 391.42 feet with a central angle of 21°16'45");
thence North 68°25'45" West 364.32 feet;
thence Southwesterly 556.18 feet along the arc of a 1,277.00 foot radius curve to the left (center bears South 71°14'20" East and the chord bears South 06°17'01" West 551.80 feet with a central angle of 24°57'17");
thence South 06°11'37" East 109.68 feet;
thence North 83°50'59" East 875.26 feet;
thence South 06°09'01" East 22.68 feet;
thence North 79°50'20" East 68.34 feet;
thence Northeasterly 240.07 feet along the arc of a 1,033.06 foot radius curve to the left (center bears North 01°22'55" West and the chord bears North 81°57'38" East 239.53 feet with a central angle of 13°18'54");
thence Northeasterly 43.93 feet along the arc of a 250.00 foot radius curve to the right (center bears South 14°41'48" East and the chord bears North 80°20'14" East 43.87 feet with a central angle of 10°04'04");
thence Northeasterly 243.45 feet along the arc of a 1,994.00 foot radius curve to the right (center bears South 04°37'44" East and the chord bears North 88°52'07" East 243.30 feet with a central angle of 06°59'43");
thence South 87°38'02" East 37.07 feet;
thence North 00°17'30" East 318.22 feet;
thence North 77°09'11" East 30.81 feet to the point of beginning.

Contains 177,848 Square Feet or 4.083 Acres

Parcel I

Beginning at a the intersection of 7200 South Street and Bingham Junction Boulevard, said point being North 00°17'30" East 1,533.64 feet along the Section Line and West 1,119.83 feet from the East Quarter Corner of Section 26, Township 2 South, Range 1 West, Salt Lake Base and Meridian; and running

thence Southeasterly 58.64 feet along the arc of a 1,335.74 foot radius curve to the left (center bears North 29°38'34" East and the chord bears South 61°36'54" East 58.63 feet with a central angle of 02°30'55") along the Southerly Right-of-Way Line of said 7200 South Street;
thence South 62°52'21" East 200.74 feet along the Southerly Right-of-Way Line of said 7200 South Street;
thence Southeasterly 193.61 feet along the arc of a 1,350.74 foot radius curve to the left (center bears North 18°34'51" East and the chord bears South 75°31'32" East

193.45 feet with a central angle of 08°12'46") along the Southerly Right-of-Way Line of said 7200 South Street;

thence South 17°12'53" West 80.54 feet;

thence Northwesterly 201.54 feet along the arc of a 1,430.74 foot radius curve to the right (center bears North 10°45'09" East and the chord bears North 75°12'43" West 201.37 feet with a central angle of 08°04'15");

thence North 62°52'21" West 249.47 feet;

thence South 33°11'04" West 333.42 feet;

thence South 31°23'28" West 138.64 feet;

thence Southwesterly 91.56 feet along the arc of a 1,272.66 foot radius curve to the left (center bears South 56°48'56" East and the chord bears South 31°07'24" West 91.54 feet with a central angle of 04°07'20");

thence South 21°28'13" West 111.35 feet;

thence South 68°31'47" East 246.30 feet;

thence Southeasterly 380.17 feet along the arc of a 1,476.00 foot radius curve to the left (center bears North 21°28'13" East and the chord bears South 75°54'31" East 379.12 feet with a central angle of 14°45'27");

thence South 89°42'30" East 242.32 feet;

thence North 00°17'30" East 309.08 feet;

thence Northwesterly 100.44 feet along the arc of a 235.24 foot radius curve to the left (center bears South 84°55'35" West and the chord bears North 17°18'20" West 99.68 feet with a central angle of 24°27'50");

thence North 29°32'14" West 60.04 feet;

thence North 00°17'30" East 137.31 feet;

thence North 79°42'37" West 23.12 feet;

thence North 17°12'53" East 80.54 feet to the intersection of Southerly Right-of-Way Line of said 7200 South Street and the Westerly Right-of-Way Line of Grandeur View Way;

thence South 35°53'18" East 40.67 feet along the Westerly Right-of-Way Line of said Grandeur View Way;

thence South 07°48'12" West 13.95 feet along the Westerly Right-of-Way Line of said Grandeur View Way;

thence Southeasterly 170.75 feet along the arc of a 333.00 foot radius curve to the left (center bears South 82°11'48" East and the chord bears South 06°53'09" East 168.88 feet with a central angle of 29°22'42") along the Westerly Right-of-Way Line of said Grandeur View Way;

thence South 21°34'30" East 79.54 feet along the Westerly Right-of-Way Line of said Grandeur View Way;

thence Southeasterly 101.90 feet along the arc of a 267.00 foot radius curve to the right (center bears South 68°25'30" West and the chord bears South 10°38'30" East 101.28 feet with a central angle of 21°52'00") along the Westerly Right-of-Way Line of said Grandeur View Way;

thence South 00°17'30" West 302.35 feet along the Westerly Right-of-Way Line of said Grandeur View Way;

THIRD AMENDMENT TO THE OPEN SPACE EXHIBITS IN THE DEVELOPMENT AGREEMENT FOR THE JUNCTION AT MIDVALE PROJECT, MIDVALE CITY, UTAH

thence Southwesterly 28.27 feet along the arc of a 18.00 foot radius curve to the right (center bears North 89°42'30" West and the chord bears South 45°17'30" West 25.46 feet with a central angle of 90°00'00") along the Westerly Right-of-Way Line of said Grandeur View Way to the Northerly Right-of-Way Line of Junction View Drive;

thence South 00°17'30" West 6.00 feet along the Northerly Right-of-Way Line of said Junction View Drive;

thence North 89°42'30" West 92.05 feet along the Northerly Right-of-Way Line of said Junction View Drive;

thence Northwesterly 556.67 feet along the arc of a 1,506.00 foot radius curve to the right (center bears North 00°17'30" East and the chord bears North 79°07'09" West 553.51 feet with a central angle of 21°10'43") along the Northerly Right-of-Way Line of said Junction View Drive;

thence North 68°31'47" West 285.76 feet along the Northerly Right-of-Way Line of said Junction View Drive;

thence Northwesterly 40.27 feet along the arc of a 25.00 foot radius curve to the right (center bears North 21°28'13" East and the chord bears North 22°23'18" West 36.05 feet with a central angle of 92°16'58") along the Northerly Right-of-Way Line of said Junction View Drive to the Easterly Right-of-Way Line of Bingham Junction Boulevard;

thence Northeasterly 218.51 feet along the arc of a 1,327.45 foot radius curve to the right (center bears South 66°14'49" East and the chord bears North 28°28'07" East 218.26 feet with a central angle of 09°25'53") along the Easterly Right-of-Way Line of said Bingham Junction Boulevard;

thence North 33°11'04" East 524.32 feet along the Easterly Right-of-Way Line of said Bingham Junction Boulevard;

thence North 76°58'02" East 37.17 feet along the Easterly Right-of-Way Line of said Bingham Junction Boulevard to the point of beginning.

Contains 127,245 Square Feet or 2.921 Acres

Parcel J

Beginning at a point on the Westerly Right-of-Way Line of Bingham Junction Boulevard, said point being North 00°17'30" East 436.40 feet along the Section Line and West 1,757.86 feet from the East Quarter Corner of Section 26, Township 2 South, Range 1 West, Salt Lake Base and Meridian; and running

thence Southeasterly 231.21 feet along the arc of a 1,433.00 foot radius curve to the left (center bears South 86°56'57" East and the chord bears South 01°34'17" East 230.96 feet with a central angle of 09°14'40") along the Westerly Right-of-Way Line of said Bingham Junction Boulevard;

thence South 06°11'37" East 169.59 feet along the Westerly Right-of-Way Line of said Bingham Junction Boulevard;

thence South 83°50'59" West 144.01 feet;

thence Southwesterly 104.80 feet along the arc of a 1,482.40 foot radius curve to the left (center bears South 06°09'00" East and the chord bears South 81°49'29" West 104.78 feet with a central angle of 04°03'02");
thence South 82°43'42" West 85.64 feet;
thence Southwesterly 446.04 feet along the arc of a 1,032.45 foot radius curve to the left (center bears South 08°37'16" East and the chord bears South 69°00'09" West 442.58 feet with a central angle of 24°45'11");
thence South 56°37'33" West 112.01 feet;
thence North 60°11'12" West 29.38 feet;
thence Northeasterly 868.53 feet along the arc of a 1,522.40 foot radius curve to the right (center bears South 35°17'57" East and the chord bears North 71°02'40" East 856.80 feet with a central angle of 32°41'14");
thence North 06°11'37" West 132.39 feet;
thence Northwesterly 265.32 feet along the arc of a 1,483.00 foot radius curve to the right (center bears North 83°48'23" East and the chord bears North 01°04'06" West 264.97 feet with a central angle of 10°15'02");
thence South 84°40'09" East 25.80 feet;
thence Southeasterly 38.28 feet along the arc of a 25.00 foot radius curve to the right (center bears South 05°19'51" West and the chord bears South 40°48'33" East 34.64 feet with a central angle of 87°43'13") to the point of beginning.

Contains 46,555 Square Feet or 1.069 Acres

Parcel K

All of Parcel 'K' as shown on the Junction at Bingham Phase 2 Plat recorded June 25, 2010 as Entry No. 10977683, in Book 2010P, at Page 109 of Official Records.

Parcel L

All of Parcel 'L' as shown on the Junction at Bingham Phase 2 Plat recorded June 25, 2010 as Entry No. 10977683, in Book 2010P, at Page 109 of Official Records.

Parcel M

Beginning at a point on the Southerly Right-of-Way Line of 7200 South Street, said point being North 00°17'30" East 2,405.64 feet along the Section Line and West 2,743.74 feet from the East Quarter Corner of Section 26, Township 2 South, Range 1 West, Salt Lake Base and Meridian; and running

thence South 08°31'25" East 89.18 feet;
thence South 44°32'13" West 14.14 feet;
thence South 08°32'11" East 62.09 feet;
thence South 05°01'43" East 148.71 feet;
thence South 24°35'48" East 391.55 feet;
thence North 89°59'54" West 248.49 feet;
thence North 10°00'36" West 76.90 feet;

THIRD AMENDMENT TO THE OPEN SPACE EXHIBITS IN THE DEVELOPMENT AGREEMENT FOR THE JUNCTION AT MIDVALE PROJECT, MIDVALE CITY, UTAH

thence North 32°02'14" East 43.37 feet;
thence North 79°06'28" East 45.46 feet;
thence South 32°28'17" East 88.82 feet;
thence North 89°48'11" East 62.48 feet;
thence North 02°40'46" East 38.77 feet;
thence North 44°03'26" West 69.68 feet;
thence North 53°42'51" West 71.99 feet;
thence North 10°28'10" West 92.59 feet;
thence North 84°38'27" West 11.04 feet;
thence South 03°59'57" West 83.69 feet;
thence South 73°31'11" West 41.18 feet;
thence South 11°30'48" West 55.05 feet;
thence South 13°43'07" East 46.33 feet;
thence South 10°00'36" East 76.90 feet;
thence South 04°31'00" East 80.12 feet;
thence South 02°28'00" East 266.80 feet;
thence South 04°40'00" East 8.51 feet;
thence South 04°40'00" East 249.83 feet;
thence South 02°42'00" East 168.11 feet;
thence West 50.06 feet;
thence North 02°42'00" West 164.89 feet;
thence North 04°40'00" West 258.44 feet;
thence North 02°28'00" West 266.86 feet;
thence North 04°31'00" West 133.58 feet;
thence North 05°36'01" West 211.23 feet;
thence North 00°01'31" West 40.00 feet;
thence North 04°03'48" West 362.43 feet to the Southerly Right-of-Way Line of
said 7200 South Street;
thence North 89°20'39" East 160.41 feet along the Southerly Right-of-Way Line
of said 7200 South Street to the point of beginning.

Contains 155,652 Square Feet or 3.573 Acres

Parcel O

All of Parcel 'O' as shown on the Junction at Bingham Phase 2 Plat recorded June 25, 2010 as Entry No. 10977683, in Book 2010P, at Page 109 of Official Records.

Parcel P

Beginning at a point being North 00°17'30" East 1,181.08 feet along the Section Line and West 2,340.19 feet from the East Quarter Corner of Section 26, Township 2 South, Range 1 West, Salt Lake Base and Meridian; and running

thence Southwesterly 159.12 feet along the arc of a 760.32 foot radius curve to the right (center bears North 71°57'56" West and the chord bears South 24°01'48" West 158.83 feet with a central angle of 11°59'28");

thence Southwesterly 74.56 feet along the arc of a 866.33 foot radius curve to the left (center bears South 59°54'21" East and the chord bears South 27°37'43" West 74.54 feet with a central angle of 04°55'53");

thence West 311.30 feet;

thence North 02°42'00" West 168.11 feet;

thence North 04°40'00" West 249.83 feet;

thence North 86°32'43" East 15.00 feet;

thence South 04°40'00" East 249.77 feet;

thence South 02°42'00" East 139.04 feet;

thence East 278.87 feet;

thence Northeasterly 58.01 feet along the arc of a 896.33 foot radius curve to the right (center bears South 63°36'47" East and the chord bears North 28°14'28" East 58.00 feet with a central angle of 03°42'29");

thence Northeasterly 153.84 feet along the arc of a 719.51 foot radius curve to the left (center bears North 59°54'18" West and the chord bears North 23°58'11" East 153.55 feet with a central angle of 12°15'02");

thence South 69°58'41" East 30.07 feet to the point of beginning.

Contains 21,583 Square Feet or 0.495 Acres