

Vicinity Map
No Scale

Narrative

This survey update was requested by Mr. Andrew Dyer of Preston Gates & Ellis LLP to match the amended title report of the previous survey requested by Mr. Brian Huffaker of the Hawkins Companies to reveal as-built conditions of this site.

A line between monuments found along Riverdale Road from South of Chimes View Drive and at 35th Street inclusive was assigned the Ogdan City Plat Bearing of N 38°21' E as the Basis of Bearings.

This property was previously surveyed by Great Basin Engineering - South in November 2003 prior to the development of this site and that survey was honored.

The monument found at 36th Street and Riverdale Road is misplaced by 1.1 feet and was not honored for position. This monument adjustment then places an overage between Lincoln Avenue and Riverdale Road similar to the overage measured between Lincoln Avenue and Wall Avenue. The overage has been prorated East to West through the lots of the Franklin Place Addition. The original 1890 Subdivision Plat Boundary does not mathematically close. The Southerly line of the subdivision was established by record distances South from 36th Street. No prorating was placed into the subdivision in the North to South direction.

The adjoining deeds to the South had to be rotated onto the section line bearing and the first East deed call shortened by 1.5 feet to match the centerline of Riverdale Road. The CJW Investment Parcel is thereby slid far enough West to clear the existing building on the property. Both of the adjoining deeds to the South would mathematically overlap the subdivision line by 2.2 feet except the Van Kampen deed clearly calls for the South line of the subdivision.

Property Corners were placed as shown with this Survey.

Description

A part of Block 11, Franklin Place Addition together with a portion of vacated Armstrong Street and Riverdale Road and a vacated 20 foot wide alleyway in South Ogden, Weber County, Utah:

Beginning at a point on the South Line of 36th Street as widened to 38.50 foot wide half-width being 5.50 feet South 0°58'00" West along the Lot Line from the Northwest Corner of Lot 5, said Block 11 of said Franklin Place Addition; said point of beginning is located 324.36 feet North 89°02'00" West along the Monument Line of 36th Street and 38.50 feet South 0°58'00" West from the Monument Line Intersection of Riverdale Road and 36th Street; and running thence along the widened South Line of 36th Street the following three courses: South 89°02'00" East 44.60 feet; South 83°40'38" East 80.35 feet; and South 89°02'00" East 48.00 feet; thence South 25°54'34" East 47.91 feet to the Northwesterly Line of Riverdale Road as it exists at 49.50 foot half-width; thence South 38°21'00" West 315.14 feet along said Northwesterly Line of Road to the Northeasterly Line of the CJW Investments Deed Line; thence North 77°34'05" West (North 78° West record) 109.97 feet along said Northeasterly Deed Line to the most Northerly Corner thereof; thence South 38°13'50" West (South 37°48' West record) 2.49 feet to the Southerly Line of said Franklin Place Addition; thence North 77°35'00" West 223.21 feet along said Southerly Line of Franklin Place Addition; thence North 0°58'00" East 95.96 feet to the Center of a vacated alley; thence South 89°02'00" East 30.28 feet along the Centerline of said vacated alley; thence North 0°58'00" East 10.00 feet to the North Line of said vacated alley; thence North 6°19'07" East (North 6°19' East record) 131.07 feet along the Easterly Line of the Bighorn Inc. Deed Line to the South Line of 36th Street as widened to 38.50 foot wide half-width; thence South 89°02'00" East 282.62 feet along said South Line to the point of beginning.

Contains 115,452 square feet
Or 2.650 acres

Proposed Zoning Information

Zone	=	C3 (Community Commercial)
Building Setback Requirements	=	
Front yard	=	10'
Back yard	=	5' (10' against Residential)
Side yard	=	10'
Height Restrictions	=	none
Bulk Restrictions	=	60%

Flood Plain Date

The Property described on this Survey does not lie within a Special Flood Hazard Area as defined by the Federal Emergency Management Agency; the Property lies within Zone C of the Flood Insurance Rate Map identified as Community Panel No. 490191 0001 B, bearing an effective date of 1 March 1982.

Notes

The location and/or elevation of existing utilities shown on these plans is based on records of the various utility companies and, where possible, measurements taken in the field. No underground explorations were performed.

There is no observable evidence that the site has been used as a cemetery.

There exists 71 regular parking spaces and 3 handicapped parking spaces on the subject property.

There is no observable evidence that the subject property has been used as a solid waste dump, sump or sanitary landfill.

The non-standard certification was required by the Lender. The actual ALTA/ACSM accuracy requirement was met and reads as follows: "Pursuant to the Accuracy Standards as adopted by ALTA, NSPS, and ACSM and in effect on the date of this certification, undersigned further certifies that the Positional Uncertainties resulting from the survey measurements made on the survey do not exceed the allowable Positional Tolerance." This survey includes items 1, 2, 3, 4, 6, 7a, b, 8, 9, 10, 11, and 16 from Table A of "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys".

Title Information

This survey was completed using Title Report Commitment No. NCS-119722-SLC Amendment No. 5 dated December 20, 2004 from First American Title Insurance Company.

The following circled survey related items disclosed in Schedule B - Section 2 of the Title Report have been plotted on the survey.

The following uncircled survey related items disclosed in Schedule B - Section 2 of the Title Report could not be plotted on the survey.

- #11 - Notice of Claim of Interest dated October 5, 1994 executed by Reagan Outdoor Advertising recorded October 5, 1994 as Entry No. 1315280 in Book 1733 at Page 1229 of Official Records.
- #12 - An Easement over, across or through the land for the purpose of constructing and maintaining thereon cut and fill slopes, highway signing, power, water, telephone, and gas utilities, and appurtenant parts thereof incident to the widening of the existing road Ogdan 36th Street known as Project No. 3356 and incidental purposes, as granted to South Ogden City Corporation by Instrument recorded February 27, 1996 as Entry No. 1333166 in Book 1747 at Page 551 of Official Records.
- #13 - An Easement over, across or through the land for the purpose of constructing and maintaining thereon cut and fill slopes, highway signing, power, water, telephone, and gas utilities, and appurtenant parts thereof incident to the widening of the existing road Ogdan 36th Street known as Project No. 3356 and incidental purposes, as granted to South Ogden City Corporation by Instrument recorded February 22, 1995 as Entry No. 1333577 in Book 1747 at Page 1481 of Official Records.
- #14 - Easement in favor of South Ogden City, subject to the terms and conditions contained therein, instruments recorded February 22, 1995 as Entry No. 1333582 Book 1747 at Page 1486 of Official Records.
- #15 - An easement affecting the North 5 feet of subject property for the purpose of constructing and maintaining thereon cut and fill slopes, highway signing, power, water, telephone, and gas utilities, and appurtenant parts thereof incident to the widening of the existing road Ogdan 36th Street, as granted to South Ogden City Corporation, by Instrument recorded March 2, 1995 as Entry No. 1334711 in Book 1748 at Page 1365 and in Book 1748 at Page 1369 of Official Records also recorded April 6, 1995 as Entry No. 1339763 in Book 1752 at Page 1406 and as Entry No. 1339766 in Book 1752 at Page 1409 of Official Records.
- #16 - An Easement over, across or through the land for the purpose of constructing and maintaining thereon cut and fill slopes, highway signing, power, water, telephone, and gas utilities, and appurtenant parts thereof incident to the widening of the existing road Ogdan 36th Street known as Project No. 3356 and incidental purposes, as granted to South Ogden City Corporation by Instrument recorded March 2, 1995 as Entry No. 1334715 in Book 1748 at Page 1369 of Official Records.
- #17 - Easement in favor of South Ogden City Corporation, for the purpose of constructing and maintaining thereon cut and fill slopes, highway signing, power, water, telephone, and gas utilities, and appurtenant parts thereof incident to the widening of the existing road Ogdan 36th Street known as Project No. 3356, also subject to said project, as disclosed by easement recorded March 23, 1995 as Entry No. 1337840 in Book 1750 at Page 2586 of Official Records.
- #18 - An Easement over, across or through the land for a perpetual Easement, upon part of an entire tract of land in Lots 11, 12, and 13, Block 11 of the Franklin Place Addition according to the Ogdan City Survey (OCS) in the Northwest Quarter Southeast Quarter of Section 5, Township 5 North, Range 1 West, Salt Lake Base and Meridian, in Weber County, Utah, for the purpose of constructing and maintaining thereon cut and fill slopes, highway signing, power, water, telephone, and gas utilities, and appurtenant parts thereof incident to the widening of the existing road Ogdan 36th Street known as Project No. 3356 and incidental purposes, as granted to South Ogden City Corporation by Instrument recorded May 30, 1997 as Entry No. 1474643 in Book 1864 at Page 2099 of Official Records.
- #20 - existing easements for utilities which may have been within the vacated alley as disclosed in Ordinance No. 927 recorded September 26, 2003 as Entry No. 1977786 of Official Records.
- #21 - 5 foot wide easement for cut/fill slopes to South Ogden City recorded October 9, 2003 as Entry No. 1981499 of Official Records.
- #26 - 6 foot wide easement to Qwest Corporation recorded may 7, 2004 as Entry No. 2029709 of Official Records.

Certification

The undersigned, being a registered surveyor of the State of Utah certifies to (i) John Hancock Life Insurance Company, its successors and assigns, (ii) First American Title Insurance Company (iii) Hawkins Companies, LLC, (iv) Boise Spectrum LLC, (v) Walgreens Company, a Illinois Company, and (vi) TW Limited Liability Co, a Colorado limited liability company as follows:

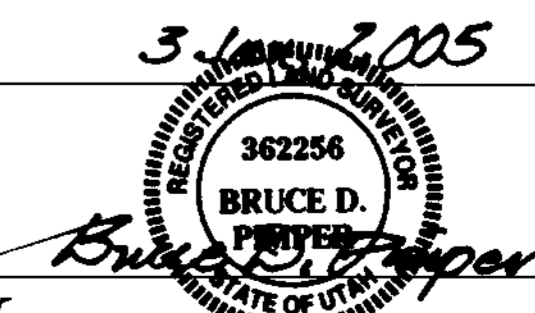
1. This map or plat and the survey on which it is based were made in accordance with (i) the John Hancock Life Insurance Company Survey Requirements, dated April 5, 2000, and (ii) the "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys," jointly established and adopted by ALTA, ACSM and NSPS in 1999.
2. The survey was made on the ground by an instrument survey on November 5, 2004 by me or under my supervision and correctly shows the metes and bounds description and the land area of the subject property, the location and type of all buildings, structures and other improvements (including sidewalks, curbs, parking areas and spaces and fences) situated on the subject property and any other matters situated on the subject property.
3. There are no party walls and no observable, above-ground encroachments (a) by the improvements on the subject property upon adjoining properties, streets, alleys, easements or rights-of-way or (b) by the improvements on any adjoining properties, streets or alleys upon the subject property, except a fence to the South that does not match the Southerly property line, and overhead power lines that appear to service the properties to the West as shown on this survey.
4. The location of each easement, right-of-way, servitude and other matter (above or below ground) affecting the subject property and (a) listed in the title insurance commitment no. NCS-119722-SLC dated October 1, 2004, issued by First American Title Insurance Company with respect to the subject property or (b) apparent from a visual inspection has been shown on the survey, together with appropriate recording references, to the extent that such matters can be located has been plotted on the survey. If the easement has not been plotted, there is a statement as to why not, as well as whether the item effects the property and if so, what portion. The property shown on the survey is the property described in the Title Commitment.
5. The location of all improvements on the subject property is in accord with minimum setback, side yard and rear yard lines, provisions and restrictions of record affecting the Property referenced in the Title Commitment.
6. The Property has direct access to and from a publicly used and maintained street or highway.
7. Municipal water, municipal storm sewer and municipal sanitary sewer facilities and telephone, gas and electric services of public utilities are available at the boundary of the property in the locations indicated hereon.
8. The subject property does not serve any adjoining property for visible subsurface drainage structures, visible water courses, utilities, structural support or ingress or egress.
9. Except as shown on the survey, no portion of the property shown on the survey lies within a Special Flood Hazard Area, as described on the Flood Insurance Rate Map for the community in which the subject property is located. If applicable, the survey correctly delineates the portion of the property located in a Special Flood Hazard Area and indicates the zone designation of any area shown as being within a Special Flood Hazard Area.
10. Except as shown on the survey, there are no wetlands located on the property.
11. The parties listed above and their successors and assigns are entitled to rely on the survey and this certificate as being true and accurate.

Date: 3 January 2005

RECEIVED

MAY 24 2005

Weber County Surveyor



Bruce D. Pimper
Utah RLS No. 362256

003461

003461

3 Jan. 2005	Title Amendment No. 5
13 Dec. 2004	Excavation #13
	DESCRIPTION
	REV

GREAT BASIN ENGINEERING - SOUTH
CONSULTING ENGINEERS and LAND SURVEYORS
2010 North Redwood Road, P.O. Box 16747
Salt Lake City, Utah 84116
Ogden (801)394-7288
Ogden (801)521-8529
Fax (801)521-9951

ALTA / ACSM Land Title Survey
The Hawkins Companies
36th Street and Riverdale Road
South Ogden City, Weber County, Utah
A Part of the SE 1/4 of Section 5, T5N, R1W, S18&M

003461

15 Nov, 2004

SHEET NO.

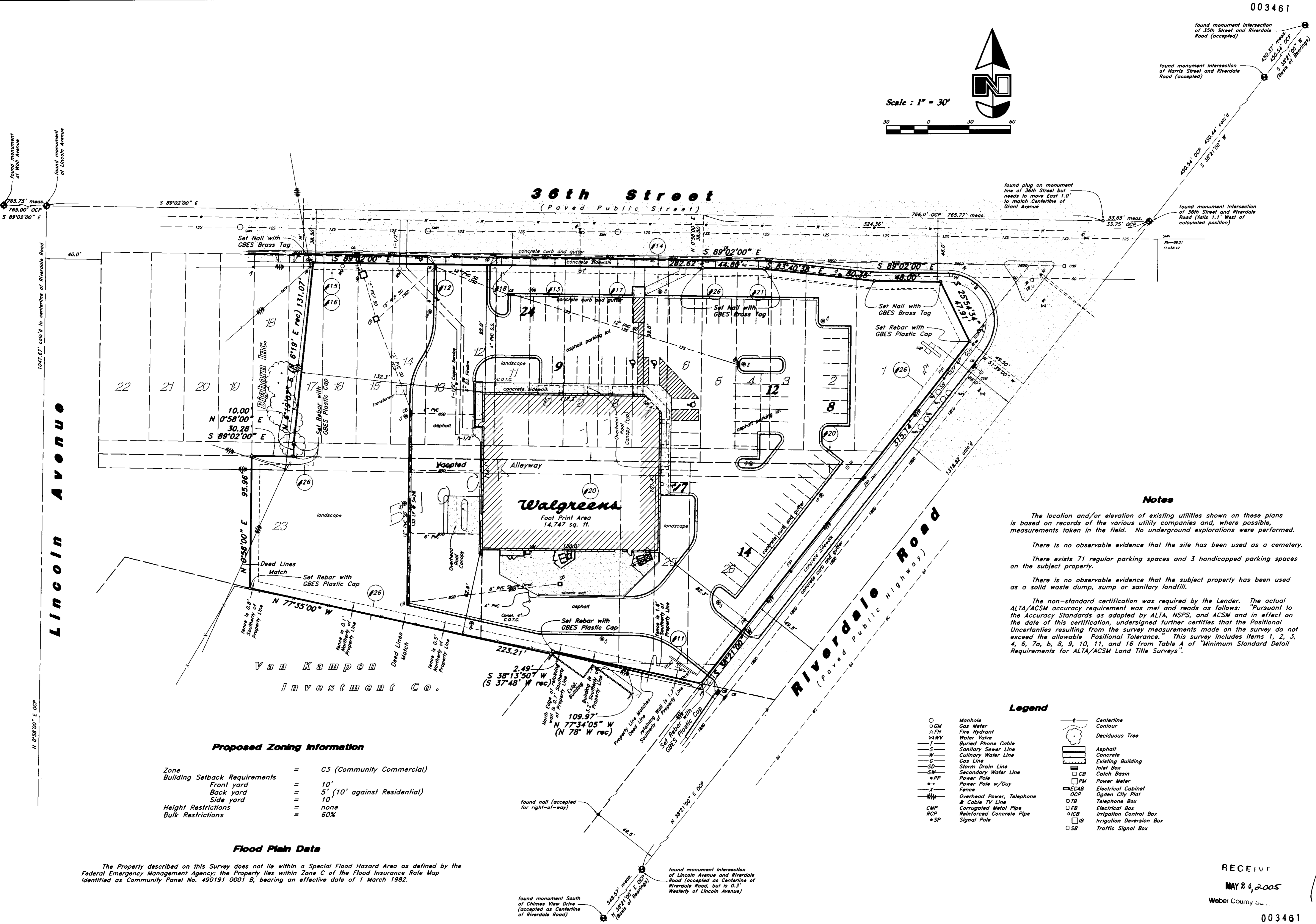
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of 2

03-181AB



Scale: 1" = 30'



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Legend

- GM Manhole
- FM Gas Meter
- FH Fire Hydrant
- WV Water Valve
- BC Buried Phone Cable
- SS Sanitary Sewer Line
- CW Cullinary Water Line
- GL Gas Line
- SD Storm Drain Line
- SW Secondary Water Line
- PP Power Pole
- FP Fence
- FPW Power Pole w/Guy
- OWP Overhead Power, Telephone & Cable TV Line
- CMP Corrugated Metal Pipe
- RCP Reinforced Concrete Pipe
- SP Signal Pole
- Centerline
- Contour
- Deciduous Tree
- Asphalt
- Concrete
- Existing Building
- Initial Box
- Catch Basin
- CB
- PM Power Meter
- ECAB Electrical Cabinet
- OCP Ogdan City Plat
- TB Telephone Box
- EB Electrical Box
- ICB Irrigation Control Box
- IB Irrigation Deveration Box
- SB Traffic Signal Box

Proposed Zoning Information

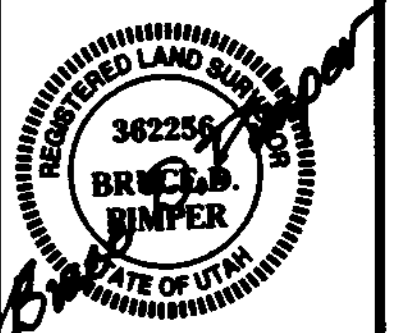
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Side yard	=	10'
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2010 North Redwood Road, P.O. Box 16747
Salt Lake City, Utah 84116
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