

**SCHEDULE B - SECTION 2 EXCEPTIONS**

- Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I - Requirements are met (AFFECTS SUBJECT PROPERTY, NOT A SURVEY MATTER)
- Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records. (AFFECTS SUBJECT PROPERTY, NOT A SURVEY MATTER)
- Any facts, rights, interests, or claims which are not shown by the Public Records, but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof. (AFFECTS SUBJECT PROPERTY, NOT A SURVEY MATTER)
- Easements, liens, or encumbrances, or claims thereof, which are not shown by the Public Records. (AFFECTS SUBJECT PROPERTY, NOT A SURVEY MATTER)
- Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records. (AFFECTS SUBJECT PROPERTY, NOT A SURVEY MATTER)
- (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water; ditch rights; (d) minerals of whatsoever kind, subsurface and surface substances, including but not limited to coal, lignite, oil, gas, uranium, clay, rock, sand and gravel and other hydrocarbons in, on, under and that may be produced from the Land, together with all rights, privileges, and immunities related thereto, whether or not the matters excepted under (a), (b), (c) or (d) are shown by the Public Records. The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed. (AFFECTS SUBJECT PROPERTY, NOT A SURVEY MATTER)
- Any lien or right to a lien for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records. (AFFECTS SUBJECT PROPERTY, NOT A SURVEY MATTER)
- Taxes for the year 2020 have been paid in the amount of \$54,637.08 under prior Serial Number: 05-125-0089. Taxes for the year 2020 have been paid in the amount of \$9,787.21 under prior Serial Number 05-125-0061. Taxes for the year 2021 are accruing as a lien but are not yet due or payable. SERIAL NUMBER: 05-125-0092 Lien arising as of 12 o'clock noon of January 1 for any unpaid personal property taxes which may be listed against the property described herein. (AFFECTS SUBJECT PROPERTY, NOT A SURVEY MATTER)
- Said property is included within the boundaries of Weber County Taxing District number 492 and is subject to any charges and assessments levied by them as a result of services provided. Charges are current. (AFFECTS SUBJECT PROPERTY, NOT A SURVEY MATTER)
- Minerals of whatsoever kind, subsurface and surface substances, including but not limited to coal, lignite, oil, gas, uranium, clay, rock, sand and gravel in, on, under and that may be produced from the Land, together with all rights, privileges, and immunities relating thereto, whether or not appearing in the Public Records or listed in Schedule B. The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed. (AFFECTS SUBJECT PROPERTY, NOT A SURVEY MATTER)
- UNDERGROUND RIGHT OF WAY EASEMENT  
Grantor: RUSSO INVESTMENT VW LLC  
Grantee: PACIFICORP, AN OREGON CORPORATION d/b/a ROCKY MOUNTAIN POWER ITS SUCCESSORS AND ASSIGNS  
Location: SEE DEED  
Purpose: (2) EASEMENTS FOR A RIGHT OF WAY 10.00 FEET IN WIDTH AND (1) 128.00 FEET IN LENGTH MORE OR LESS, AND (2) 376.00 FEET IN LENGTH, MORE OR LESS, FOR THE CONSTRUCTION, RECONSTRUCTION, OPERATION, MAINTENANCE, REPAIR, REPLACEMENT, ENLARGEMENT, AND REMOVAL OF UNDERGROUND ELECTRIC POWER TRANSMISSION, DISTRIBUTION AND COMMUNICATION LINES AND ALL NECESSARY OR DESIRABLE ACCESSORIES AND APPURTENANCES THERETO, INCLUDING WITHOUT LIMITATION: WIRES, FIBERS, CABLES AND OTHER CONDUCTORS AND CONDUITS THEREFOR; AND PADS, TRANSFORMERS, SWITCHES, CABINETS, AND VAULTS ON, ACROSS, OR UNDER THE SURFACE OF THE REAL PROPERTY OF GRANTOR IN WEBER COUNTY, STATE OF UTAH MORE

- PARTICULARLY DESCRIBED AS FOLLOWS AND AS MORE PARTICULARLY DESCRIBED AND/OR SHOWN ON EXHIBIT (A) ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF:  
Dated: August 1, 2014  
Recorded: December 5, 2014  
Entry Number: 2713136  
NOTICE OF MORTGAGE  
Purpose: THIS NOTICE OF MORTGAGE IS HEREBY GIVEN BY PACIFICORP, AN OREGON CORPORATION, DBA ROCKY MOUNTAIN POWER, TO PROVIDE NOTICE THAT CERTAIN EASEMENT INTERESTS EFFECTING PARCELS OF REAL PROPERTY, AS MORE PARTICULARLY REFERENCED ON EXHIBIT "A" ATTACHED HERETO AND OTHER PROPERTIES, LOCATED IN WEBER COUNTY, STATE OF UTAH ARE HEREBY ENCUMBERED TO THEIR FULLEST VALUE TO SECURE THE INDEBTEDNESS OF THAT CERTAIN MORTGAGE AND DEED OF TRUST DATED AS OF JANUARY 9, 1989, FROM PACIFICORP TO THE BANK OF NEW YORK MELLON TRUST COMPANY, N.A. (AS SUCCESSOR TO THE BANK OF NEW YORK MELLON), AS TRUSTEE, AS SUPPLEMENTAL BY [TWENTY-SIXTH] SUPPLEMENTAL INDENTURE, DATED AS OF [MARCH 4, 2014], WHICH WAS RECORDED ON MAY 8, 2014 IN BOOK N/A PAGE N/A AS FILE NO. 2685727 IN WEBER COUNTY, STATE OF UTAH, AND AS MAY BE SUPPLEMENTED BY FUTURE INDENTURES  
Recorded: January 12, 2015  
Entry Number: 2717497  
(AFFECTS SUBJECT PROPERTY AS SHOWN HEREON)
- Subject to all existing roads, streets, alleys, ditches, reservoirs, utilities, canals, pipe lines, power, telephone, sewer, gas or water lines, and right of way and easements thereof. (AFFECTS SUBJECT PROPERTY, NOT A SURVEY MATTER)
- Public Utility Easements including but not limited to utility lines, cable lines, overhead power lines and their supporting structures located over the property lines, as disclosed by a visual inspection of the subject property. (AFFECTS SUBJECT PROPERTY, NOT A SURVEY MATTER)
- RIGHT OF WAY AND EASEMENT GRANT  
Grantor: ECKMAN & MIDGLEY CONSTRUCTION CO.  
Grantee: MOUNTAIN FUEL SUPPLY COMPANY, A CORPORATION OF THE STATE OF UTAH  
Location: SEE DOCUMENT FOR EXACT LOCATION  
Purpose: A RIGHT OF WAY AND EASEMENT 16.0 FEET IN WIDTH TO LAY, MAINTAIN, OPERATE, REPAIR, INSPECT, PROTECT, REMOVE AND REPLACE PIPE LINES, VALVES, VALVE BOXES AND OTHER GAS TRANSMISSION AND DISTRIBUTION FACILITIES  
Dated: September 23, 1985  
Recorded: December 4, 1985  
Entry Number: 954768  
Book: / Page: 1480 / 2397  
(AFFECTS SUBJECT PROPERTY AS SHOWN HEREON)
- RESOLUTION NO. 2012-11  
Purpose: A RESOLUTION OF THE OGDEN CITY REDEVELOPMENT AGENCY (THE "AGENCY") ADOPTING THE SOUTH WALL AVENUE ECONOMIC DEVELOPMENT PROJECT AREA AND BUDGET TO IMPROVE REAL PROPERTY IN THE VICINITY OF 33RD STREET AND WALL AVENUE, OGDEN CITY  
Recorded: December 26, 2013  
Entry Number: 2669652  
(AFFECTS SUBJECT PROPERTY, NOT A SURVEY MATTER)
- CERTIFICATE OF CREATION OF THE NORTHERN UTAH ENVIRONMENTAL RESOURCE AGENCY  
Dated: December 1, 2014  
Recorded: January 20, 2015  
Entry Number: 2718461  
(AFFECTS SUBJECT PROPERTY, NOT A SURVEY MATTER)

- LESSOR'S AGREEMENT  
Dated: December 17, 1990  
Recorded: December 21, 1990  
Entry Number: 1127613  
Book: / Page: 1592 / 137  
(AFFECTS SUBJECT PROPERTY, NOT A SURVEY MATTER)
- DEED OF TRUST, ASSIGNMENT OF RENTS AND LEASES, SECURITY AGREEMENT AND FINANCING STATEMENTS  
Dated: February 20, 2015  
Amount: \$4,800,000.00  
Trustor: YOUNG H2ORE, LLC, A UTAH LIMITED LIABILITY COMPANY  
Beneficiary: COMERICA BANK, A TEXAS BANKING ASSOCIATION  
Trustee: MOUNTAIN VIEW TITLE AND ESCROW, INC.  
Recorded: March 30, 2018  
Entry Number: 2912721  
SUBORDINATION ATTORMENT AND NON-DISTURBANCE AGREEMENT  
By and Between: YOUNG H2ORE, LLC AND YOUNG H2O, LLC  
Recorded: March 30, 2018  
Entry Number: 2912722  
(AFFECTS SUBJECT PROPERTY, NOT A SURVEY MATTER)
- JUDGMENTS WERE CHECKED AGAINST THE FOLLOWING NAMES AND NONE WERE FOUND TO BE OF RECORD:  
YOUNG H2ORE, LLC  
(AFFECTS SUBJECT PROPERTY, NOT A SURVEY MATTER)
- A 24 MONTH VESTING CHAIN OF TITLE HAS BEEN DONE AND THE FOLLOWING ITEMS WERE FOUND TO BE OF RECORD:  
QUIT CLAIM DEED DATED JANUARY 14, 2021 BY AND BETWEEN YOUNG H2ORE, LLC TO YOUNG H2ORE, LLC, RECORDED AS ENTRY NUMBER: 3118150.  
(AFFECTS SUBJECT PROPERTY, NOT A SURVEY MATTER)
- NOTICE TO APPLICANT: THE LAND HEREIN MAY BE SERVICED BY CITIES, IMPROVEMENT DISTRICTS, OR UTILITY COMPANIES THAT PROVIDED MUNICIPAL TYPE SERVICES FOR WATER, SEWER, ELECTRICITY OR OTHER SERVICES THAT DO NOT RESULT IN A LIEN BUT FOR WHICH SERVICES MAY BE TERMINATED IN THE EVENT OF NON-PAYMENT OF SERVICE CHARGES TO DATE OR TRANSFER FEES. ALTHOUGH THE COMPANY ASSUMES NO LIABILITY THEREFORE, YOU ARE URGED TO MAKE INVESTIGATION INTO SUCH MATTERS. (AFFECTS SUBJECT PROPERTY, NOT A SURVEY MATTER)
- NOTE: ANY MATTER IN DISPUTE BETWEEN YOU AND THE COMPANY MAY BE SUBJECT TO ARBITRATION AS AN ALTERNATIVE TO COURT ACTION. YOU MAY REVIEW A COPY OF THE ARBITRATION RULES AT <http://www.alta.org>. ANY DECISION REACHED BY ARBITRATION SHALL BE BINDING UPON BOTH YOU AND THE COMPANY. THE ARBITRATION AWARD MAY INCLUDE ATTORNEY'S FEES IF ALLOWED BY STATE LAW AND MAY BE ENTERED AS A JUDGMENT IN ANY COURT OF PROPER JURISDICTION.  
(AFFECTS SUBJECT PROPERTY, NOT A SURVEY MATTER)

**BOUNDARY DESCRIPTION**

PART OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 5 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY, BEGINNING AT A POINT ON THE WEST RIGHT OF WAY LINE OF WALL AVENUE, SAID POINT BEING 33.56 FEET SOUTH 00°58'00" WEST AND 50.00 FEET NORTH 89°02'00" WEST FROM THE OGDEN CITY SURVEY MONUMENT AT THE INTERSECTION OF 33RD STREET AND WALL AVENUE; AND RUNNING THENCE SOUTH 00°59'09" WEST 490.85 FEET; THENCE NORTH 89°02'00" WEST [323.80] FEET; THENCE NORTH 00°58'00" WEST 170.59 FEET; THENCE NORTH 89°59'03" EAST 0.46 FEET; THENCE NORTH 00°52'00" WEST 73.39 FEET; THENCE NORTH 89°02'01" WEST 85.25 FEET; THENCE NORTH 00°36'13" EAST 98.21 FEET; THENCE SOUTH 89°23'47" EAST 20.00 FEET; THENCE NORTH 00°36'13" EAST 145.76 FEET; THENCE SOUTH 89°27'04" EAST 398.41 FEET TO THE POINT OF BEGINNING. CONTAINING APPROXIMATELY 4.12 ACRES E#3118150

THIS LEGAL DESCRIPTION INDICATES THE SAME PARCEL AS THAT DESCRIBED IN TITLE COMMITMENT NO. 189274, WITH AN EFFECTIVE DATE OF JUNE 04, 2021.  
SAID DESCRIPTION CLOSES WITHIN 0.00 FEET.

**NOTES**

- THE SUBJECT PROPERTY FALLS WITHIN FEMA FLOOD ZONE "X" PER MAP NUMBER 49057C0428E WITH AN EFFECTIVE DATE OF 12/16/2005.
- THERE WAS OBSERVED EVIDENCE OF CONSTRUCTION OR RECENT SITE DEVELOPMENT OBSERVED IN THE FIELD WHILE CONDUCTING THE FIELDWORK.
- THERE WAS NO OBSERVED EVIDENCE TO THE SITE USED AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL OBSERVED IN THE FIELD WHILE CONDUCTING THE FIELDWORK.
- THERE WAS NO EVIDENCE OF DELINEATED WETLAND WITHIN THE SUBJECT PROPERTY OBSERVED IN THE FIELD WHILE CONDUCTING THE FIELDWORK.
- THERE WAS OBSERVED EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS OBSERVED IN THE FIELD WHILE CONDUCTING THE FIELDWORK.
- PUBLIC AND PRIVATE UTILITY LINE LOCATIONS WERE DETERMINED BY OBSERVED EVIDENCE AND MAPPING PROVIDED BY UTILITY COMPANIES.
- THE SUBJECT PROPERTY HAS A PURPORTED ADDRESS OF 3333 AND 3375 WALL AVENUE, OGDEN, UTAH, AND WAS OBSERVED IN THE FIELD.

**ZONING**

ZONING REPORT LETTER SHOWN BELOW.

July 15, 2021

Michael L. Hendry  
Mountain View Title and Escrow  
5732 S. 1475 E., Suite 100  
South Ogden, UT 84403  
Via e-mail: michael@mvte.com

Re: Zoning Compliance Verification  
3333 & 3375 Wall Avenue, Ogden, UT  
Weber County Assessor's Parcel 05-125-0092

Dear Mr. Hendry,

In response to your request for information regarding the above referenced Project and Property, we have researched our files and represent the following:

- The current zoning classification for the subject Property is CP-3 (Regional Commercial).
- The use, automobile servicing and sales dealership, is a permitted use (Automobile, new or used, sales and service).
- A search of our records found no open code compliance cases at the site.
- Our records show an approved but not yet finalized building permit (BLDC000912-2020) for "New Young Auto Dealership."

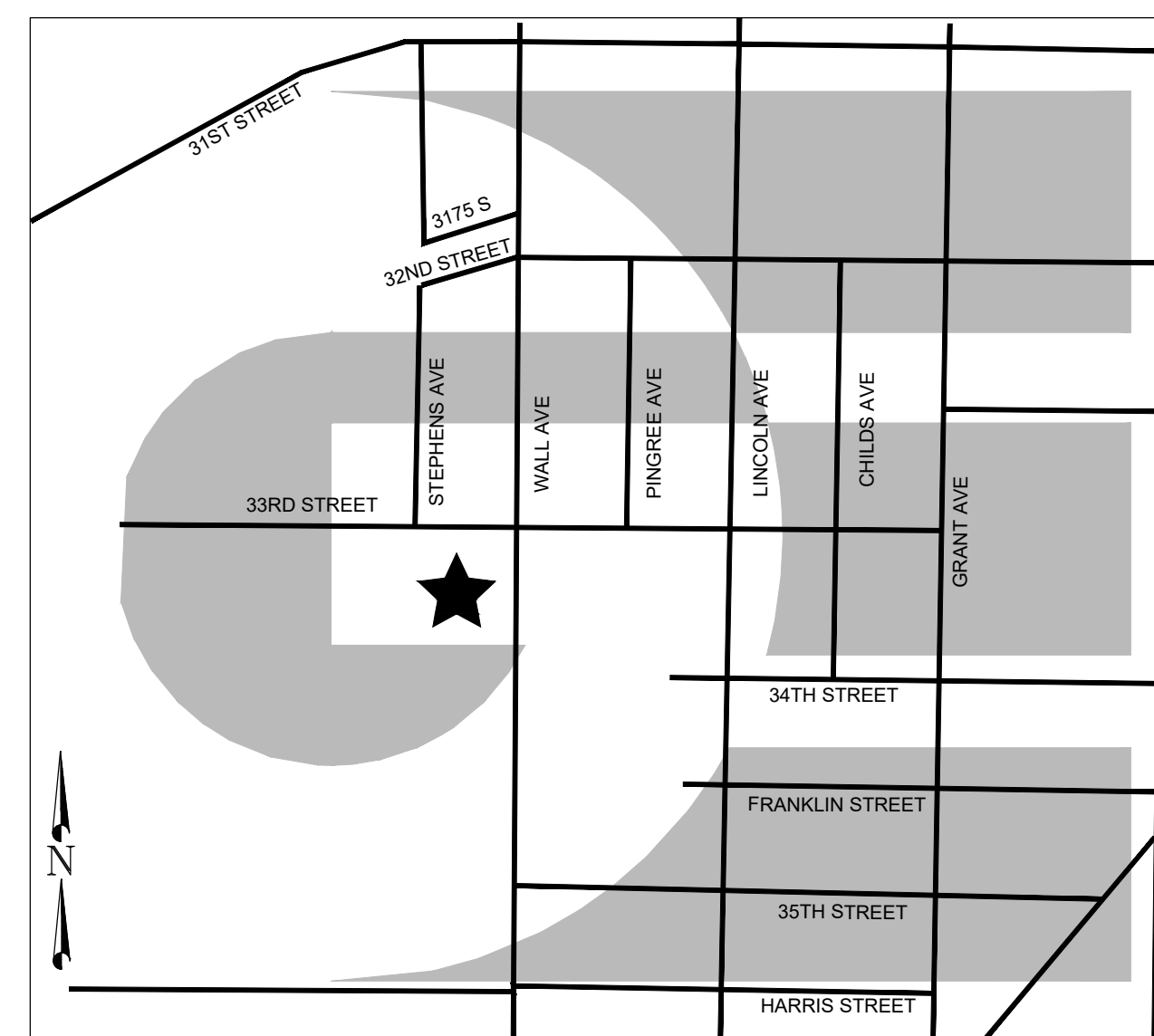
This information was provided on July 15, 2021 by the undersigned per request and as a public service. The undersigned certifies that the above information contained herein is believed to be accurate and is based upon, or relates to the information supplied by the requestor. The City of Ogden assumes no liability for errors and omissions. All information was obtained from public records, which may be inspected during regular business hours.

Barton Brierley  
Barton Brierley, AICP  
Deputy Planning Manager

**UTILITY CONTACT**

Name	Phone	Contact Name	Email	Description
COMCAST	435-224-2356	JEFF HOUSTON	JEFF.HOUSTON@TELECON.CA	CATV & FIBER MRKD BY USIC
LUMEN/CENTURYLINK	385-479-7357	LARRY BUHLER	LARRY.BUHLER@LUMEN.COM	FBR & PHN MRKD BY STAKE CENTER
OGDEN CITY CORPORATION	801-629-8363	TED BULLOCK	TEDBULLOCK@OGDENCITY.CO	SEWER & CULINARY WATER
DOMINION ENERGY UTAH	801-324-3970	SL MAPPING DEPARTMENT		GAS MARKED BY ELM LOCATING
ROCKY MOUNTAIN POWER OGDEN	503-813-6993	JOEL SIMMONS	GISDEPT@PACIFICORP.COM	

**VICINITY MAP**



**NARRATIVE**

THE PURPOSE OF THE SURVEY WAS TO DO AN ALTA/NSPS SURVEY OF THE PROPERTY AS SHOWN AND DESCRIBED HEREON. THE SURVEY IS BASED ON THE COMMITMENT FOR TITLE INSURANCE PROVIDED BY STEWART TITLE GUARANTY COMPANY, FILE NUMBER 189274 WITH AN EFFECTIVE DATE OF JUNE 4, 2021 AT 8:00 A.M. THE SURVEY WAS ORDERED BY YOUNG H2ORE, LLC. THE BASIS OF BEARING IS THE MONUMENTED CENTERLINE OF WALL AVENUE BETWEEN 33RD STREET TO 35TH STREET WHICH BEARS SOUTH 1°19'10" WEST, NAD 83 STATE PLANE GRID BEARING.

**SURVEYOR'S CERTIFICATE**

I, KLINT H. WHITNEY, DO HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH AND THAT I HOLD CERTIFICATE NO. 8227228 IN ACCORDANCE WITH TITLE 58, CHAPTER 22, OF THE PROFESSIONAL ENGINEERS AND LAND SURVEYORS ACT; I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS ALTA/NSPS RECORD OF SURVEY PLAT IN ACCORDANCE WITH SECTION 17-23-17 AND HAVE VERIFIED ALL MEASUREMENTS; THAT THE REFERENCE MONUMENTS SHOWN ON THIS RECORD OF SURVEY PLAT ARE LOCATED AS INDICATED AND ARE SUFFICIENT TO RETRACE OR REESTABLISH THIS SURVEY; AND THAT THE INFORMATION SHOWN HEREIN IS SUFFICIENT TO ACCURATELY ESTABLISH THE LATERAL BOUNDARIES OF THE HEREIN DESCRIBED TRACT OF REAL PROPERTY.

I FURTHER CERTIFY TO:  
YOUNG H2ORE, LLC, A UTAH LIMITED LIABILITY COMPANY  
AMERICA FIRST FEDERAL CREDIT UNION; ISAOA  
STEWART TITLE GUARANTY COMPANY

THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND IS BASED ON COMMITMENT FOR TITLE INSURANCE FILE NUMBER 189274 WITH AN EFFECTIVE DATE OF JUNE 4, 2021 AT 8:00 A.M. AND INCLUDES ITEMS 1, 2, 3, 4, 7A, 7B1, 8, 13, 14, AND 19 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON July 20, 2021.

SIGNED THIS \_\_\_\_ DAY OF \_\_\_\_, 2021.

RECEIVED  
SEP 17 2021  
FILE # 6997



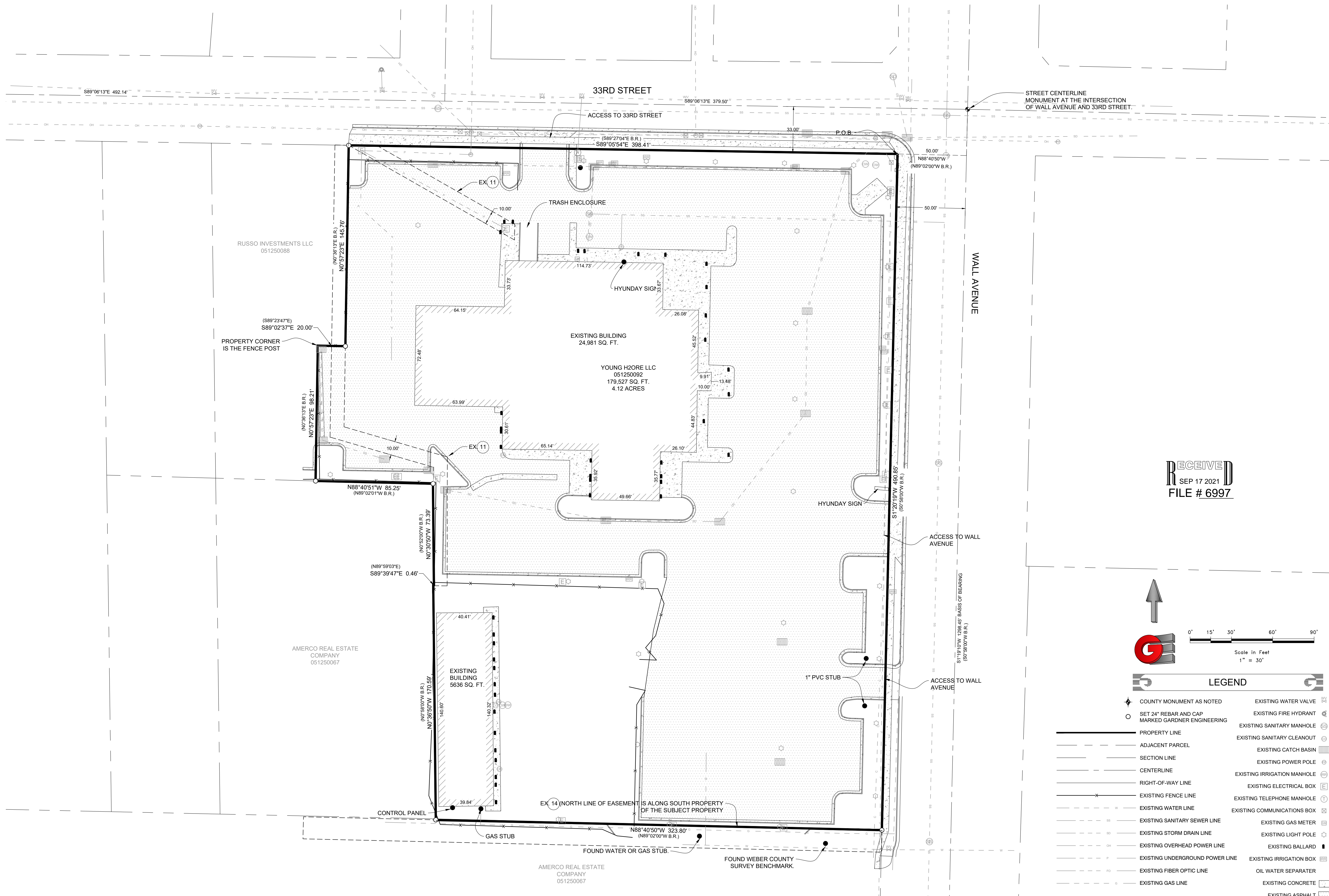
SCALE: N/A	DATE: 7/20/2021
DESIGN: _____	DRAWN: SGP
CHECKED: KHW	

REVISIONS	DESCRIPTION
DATE	

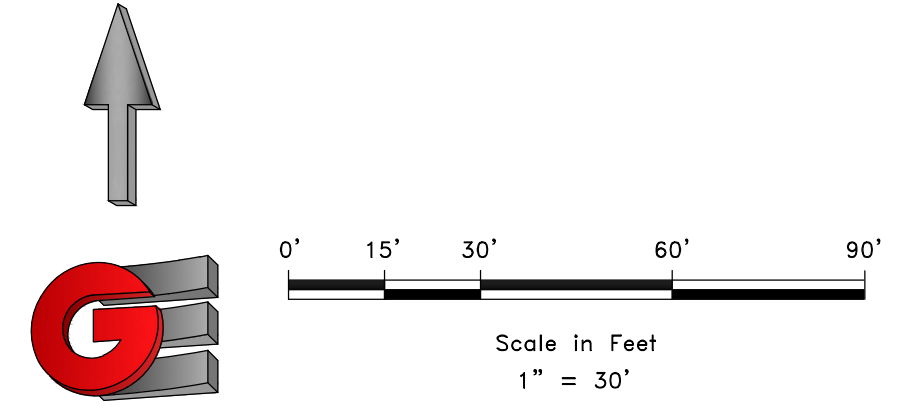
ALTA SURVEY FOR YOUNG H2ORE, LLC  
3333 AND 3375, WALL AVENUE, OGDEN UTAH 84401  
LOCATED IN THE NORTHWEST QUARTER OF SECTION 5,  
TOWNSHIP 5 NORTH, RANGE 1 WEST, S.L.B. AND M.

**GARDNER ENGINEERING**  
CIVIL - LAND PLANNING  
MUNICIPAL - LAND SURVEYING  
5150 SOUTH 375 EAST OGDEN, UT  
OFFICE: 801-476-6202 FAX: 801-476-6066

S1  
2



RECEIVED  
 SEP 17 2021  
 FILE # 6997



LEGEND			
	COUNTY MONUMENT AS NOTED		EXISTING WATER VALVE
	SET 24" REBAR AND CAP MARKED GARDNER ENGINEERING		EXISTING FIRE HYDRANT
	PROPERTY LINE		EXISTING SANITARY MANHOLE
	ADJACENT PARCEL		EXISTING SANITARY CLEANOUT
	SECTION LINE		EXISTING CATCH BASIN
	CENTERLINE		EXISTING POWER POLE
	RIGHT-OF-WAY LINE		EXISTING IRRIGATION MANHOLE
	EXISTING FENCE LINE		EXISTING ELECTRICAL BOX
	EXISTING WATER LINE		EXISTING TELEPHONE MANHOLE
	EXISTING SANITARY SEWER LINE		EXISTING COMMUNICATIONS BOX
	EXISTING STORM DRAIN LINE		EXISTING GAS METER
	EXISTING OVERHEAD POWER LINE		EXISTING LIGHT POLE
	EXISTING UNDERGROUND POWER LINE		EXISTING BALLARD
	EXISTING FIBER OPTIC LINE		EXISTING IRRIGATION BOX
	EXISTING GAS LINE		OIL WATER SEPARATOR
			EXISTING CONCRETE
			EXISTING ASPHALT

REVISIONS	
DATE	DESCRIPTION

SCALE: 1:30_XREF
DATE: 7/2021
DESIGN: _____
DRAWN: SGP
CHECKED: KHW
DWG.: E:\2021\MEC SURVEY\1117 - YOUNG AUTO\SURV\YOUNG AUTO.DWG

ALTA SURVEY FOR YOUNG H2ORE, LLC  
 3333 AND 3375, WALL AVENUE, OGDEN UTAH 84401  
 LOCATED IN THE NORTHWEST QUARTER OF SECTION 5,  
 TOWNSHIP 5 NORTH, RANGE 1 WEST, S.L.B. AND M.

**GARDNER ENGINEERING**  
 CIVIL - LAND PLANNING  
 MUNICIPAL - LAND SURVEYING  
 5150 SOUTH 375 EAST OGDEN, UT  
 OFFICE: 801.476.0202 FAX: 801.476.0066