PRELIMINARY PLAT APPLICATION

Town of Apple Valley
1777 North Meadowlark Dr.
Apple Valley, Utah 84737
(435)877-1190
Fax (435)877-1192

Fee: $1,500, Lot Split $250

For Office Use Only:
File No. AV-1329-B
Receipt No. 10783701

Name: SMITHSONIAN ESTATES for DRL Inv LLC **Telephone:** 801-404-8437

Address: [redacted] **Fax No.** _____

Email: laddmac@gmail.com

Agent (If Applicable): Paul Johnson **Telephone:** 801-377-3100

Address/Location of Subject Property: AV-1329-B, Northwest Corner Section 29, Township 42 Range 11 West, Salt Lake Base and Meridian

Tax ID of Subject Property: AV-1329-B **Zone District:** SF1

Proposed Use: (Describe, use extra sheet if necessary) Residential

Submittal Requirements: The preliminary plat application shall provide the following:

X 1. Description: In a title block located in the lower right-hand corner of the sheet the following is required:
- X a. The proposed name of the subdivision.
- X b. The location of the subdivision, including the address and section, township and range.
- X c. The names and addresses of the owner or subdivider, if other than the owner.
- X d. Date of preparation, and north point.
- X e. Scale shall be of sufficient size to adequately describe in legible form, all required conditions of Chapter 39, City Subdivision regulations.

X 2. Existing Conditions: The preliminary plat shall show:
- X a. The location of the nearest monument.
- X b. The boundary of the proposed subdivision and the acreage included.
- X c. All property under the control of the subdivider, even though only a portion is being subdivided. (Where the plat submitted covers only a part of the subdivider's tract, a sketch of the prospective street system of the unplatted parts of the subdivider's land shall be submitted, and the street system of the part submitted shall be considered in light of existing Master Street Plan or other Commission studies.)
- X d. The location, width and names/numbers of all existing streets within two hundred (200) feet of the subdivision and of all prior streets or other public ways, utility rights of way, parks and other public open spaces, within and adjacent to the tract.
- X e. The location of all wells and springs or seeps, proposed, active and abandoned, and of all reservoirs or ponds within the tract and at a distance of at least one hundred feet (100') beyond the tract boundaries.
- X f. Existing sewers, water mains, culverts or other underground facilities within the tract, indicating the pipe sizes, grades, manholes and the exact locations.

X g. Existing ditches, canals, natural drainage channels and open waterways and any proposed realignments.

X h. Contours at vertical intervals not greater than five (5) feet.

X i. Identification of potential geotechnical constraints on the project site (such as expansive rock and soil, collapsible soil, shallow bedrock and caliche, gypsiferous rock and soil, potentially unstable rock or soil units including fault lines, shallow groundwater, and windblown sand) and recommendations for their mitigation.

X j. Information on whether property is located in desert tortoise take area

X 3. Proposed Plan: The subdivision plans shall show:

X a. The layout of streets, showing location, widths, and other dimensions of proposed streets, crosswalks, alleys and easements.

X b. The layout, numbers and typical dimensions of lots.

X c. Parcels of land intended to be dedicated or temporarily reserved for public use or set aside for use of property owners in the subdivision.

X d. Easements for water, sewers, drainage, utilities, lines and other purposes.

X e. Typical street cross sections and street grades where required by the Planning Commission. (All street grades over 5% should be noted on the preliminary plat)

X f. A tentative plan or method by which the subdivider proposes to handle the storm water drainage for the subdivision.

X g. Approximate radius of all center line curves on highways or streets.

X h. Each lot shall abut a street shown on the subdivision plat or on an existing publicly-dedicated street. (Double frontage or flag lots shall be prohibited except where conditions make other design undesirable)

X i. In general, all remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, rather than allow to remain as unusable parcels.

X j. Where necessary, copies of any agreements with adjacent property owners relevant to the proposed subdivision shall be presented to the Planning Commission.

X k. A letter from both the local sanitary sewer provider and culinary water provider indicating availability of service.

X l. Will this subdivision be phased? If yes show possible phasing lines.

X m. A tentative plan or method for providing non-discriminatory access to the subdivision for purposes of placement of communications infrastructure, and for purposes of placement of utility infrastructure.

X 4. Required copies of plans:

X a. Three copies of all full scale drawings

X b. One copy of each drawing on a 11 x 17 inch sheets. (8 ½ x 11 is acceptable if the project is small and the plans are readable at that size).

X **5. Warranty deed or preliminary title report or other document (see attached Affidavit) showing evidence that the applicant has control of the property**

NOTE: It is important that all applicable information noted above is submitted with the application. An incomplete application will not be scheduled for Planning Commission consideration. A deadline missed due to an incomplete application, could result in a month's delay. Planning Commission meetings are held on the second Thursday and fourth Wednesday of each month at 6:00 p.m. The deadline to submit an application to be placed on an agenda is no later than 12:00 noon 10 full business days before the Planning Commission meeting at which you plan for your application to be heard.

****

(Office Use Only)

Date Received: 10/6/21 Application Complete: YES ☑ NO ☐

Date application deemed to be complete: 10/12/21 Completion determination made by: JW

PURPOSE

The preliminary plat application is the first step in land development process in those instances where land is divided for eventual sale. The process is established to insure that all proposed divisions of land conform to the Town General Plan and to adopted development standards of the Land Use Ordinance.

WHEN REQUIRED

The preliminary plat is required any time land is to be divided, re-subdivided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots or other division of land for the purpose, whether immediate or future, for offer, sale, lease or development either on installment plan or upon any and all other plans, terms and conditions. It is not required on agricultural divisions where the agricultural parcel is divided to be combined with another agricultural parcel, nor is it required when two un-subdivided properties are merged, or where the boundary between two un-subdivided properties are adjusted.

The preliminary plat must be approved before a final plat can be processed and recorded.

Subdivision approval process:

- Determine current zoning for property.
- If zoning fits desired subdivision, meet with Planning staff to discussed the proposed project.
- Obtain a preliminary plat application form and complete the application and have a plat prepared by an engineer to meet the requirements on the preliminary plat application.
- Submit completed application, preliminary plat, and required fee to Planning Department before noon on the Wednesday two weeks before desired Planning Commission meeting. (see submittal dates sheet)
- Appear at the scheduled Planning Commission meeting to discuss preliminary plat, hear comments, answer questions, and receive recommendation of approval or disapproval from Planning Commission.
- Appear at the next scheduled Town Council meeting that occurs after the Planning Commission meeting at which a recommendation was received. Hear Town Council comments, answer questions, and receive Town Council decision Town Council can approve the plat with conditions, recommend changes and send it back to the Planning Commission, or deny the plat.

If the preliminary plat is approved, have construction drawings for utilities and streets prepared by an engineer according to the Town standards. Construction drawings must be approved by the Planning and Zoning department, Town Engineer, Rocky Mountain Power, Southwest Public Health Department and Big Plains Water and Sewer Special Service District. Approval means changes are made and all required signatures are obtained.

Once the preliminary plat is approved by the Town Council, the applicant has one year after receiving approval of the preliminary plat to submit the final plat to the Planning Commission for action. The Planning Commission may authorize a one-year time extension, provided the extension request is made before the one year time limit is reached. The Planning Commission will review and make recommendation to the Town Council on the final plat when submitted. The Town Council will typically review the Planning Commission recommendation within 1-2 weeks after the Commission action on the final plat.

APPEALS

The Planning Commission makes a recommendation to the Town Council, so there is no appeal. The Town Council's action on a preliminary plat is final unless appealed to the appropriate court.

AFFIDAVIT
PROPERTY OWNER

STATE OF UTAH)
:ss
COUNTY OF)

I(we) Ladd MacDonald, being duly sworn, deposed and say that I (we) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided identified in the attached plans and other exhibits are in all respects true and correct to the best of my knowledge. I (we) also acknowledge that I have received written instructions regarding the process for which I am applying and the Apple Valley Town planning staff have indicated they are available to assist me in making this application.

(Property Owner)

(Property Owner)

MATTHEW JENKINS
NOTARY PUBLIC-STATE OF UTAH
COMMISSION# 719596
COMM. EXP. 08-03-2025

Subscribed and sworn to me this 24 day of Sept 2021

(Notary Public)

Residing in: Utah County, Utah

My Commission Expires: 08/03/2025

AGENT AUTHORIZATION

I (we), Ladd MacDonald the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) Paul Johnson to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative body in the Town of Apple Valley considering this application and to act in all respects as our agent in matters pertaining to the attached application.

(Property Owner)

(Property Owner)

Subscribed and sworn to me this 24 day of Sept 2021

(Notary Public)

Residing in: Utah County Utah

My Commission Expires: 08/03/2025

MATTHEW JENKINS
NOTARY PUBLIC-STATE OF UTAH
COMMISSION# 719596
COMM. EXP. 08-03-2025

PRELIMINARY PLAT
SMITHSONIAN ESTATES
SUBDIVISON

VICINITY MAP
N.T.S.

OWNER

DRL INVESTMENTS, LLC

LADD MACDONALD OWNER
LADDMAC@GMAIL.COM
(927)407-3073

TRAFFIC, ROADWAYS

52-FOOT WIDE ROADWAYS ARE PROVIDED THROUGHOUT THE SUBDIVISION.

WE REALIZE IT IS PREFERRED BY THE CITY TO CONNECT TO GUBLER WAY RATHER THAN ROME AVE.

MONUMENT

THE NEAREST MONUMENT IS A GLO BRASS CAP, THE NORTH ¼ CORNER OF SECTION 29 IS LOCATED AT THE NORTHEAST CORNER OF THE PROPERTY

GEOLOGICAL HAZARDS

NO GEOLOGICAL HAZARDS ARE EXPECTED ON THE SITE. A GEOTECHNICAL REPORT ADDRESSING THESE POTENTIAL HAZARDS WILL BE PROVIDED PRIOR TO ANY CONSTRUCTION

GENERAL NOTES:

* SET BACKS ARE: 25' FRONT, 10' SIDE, & 10' BACK
* A 10' UTILITY EASEMENT IS HEREBY GRANTED ADJACENT TO ROAD WAYS

LEGEND

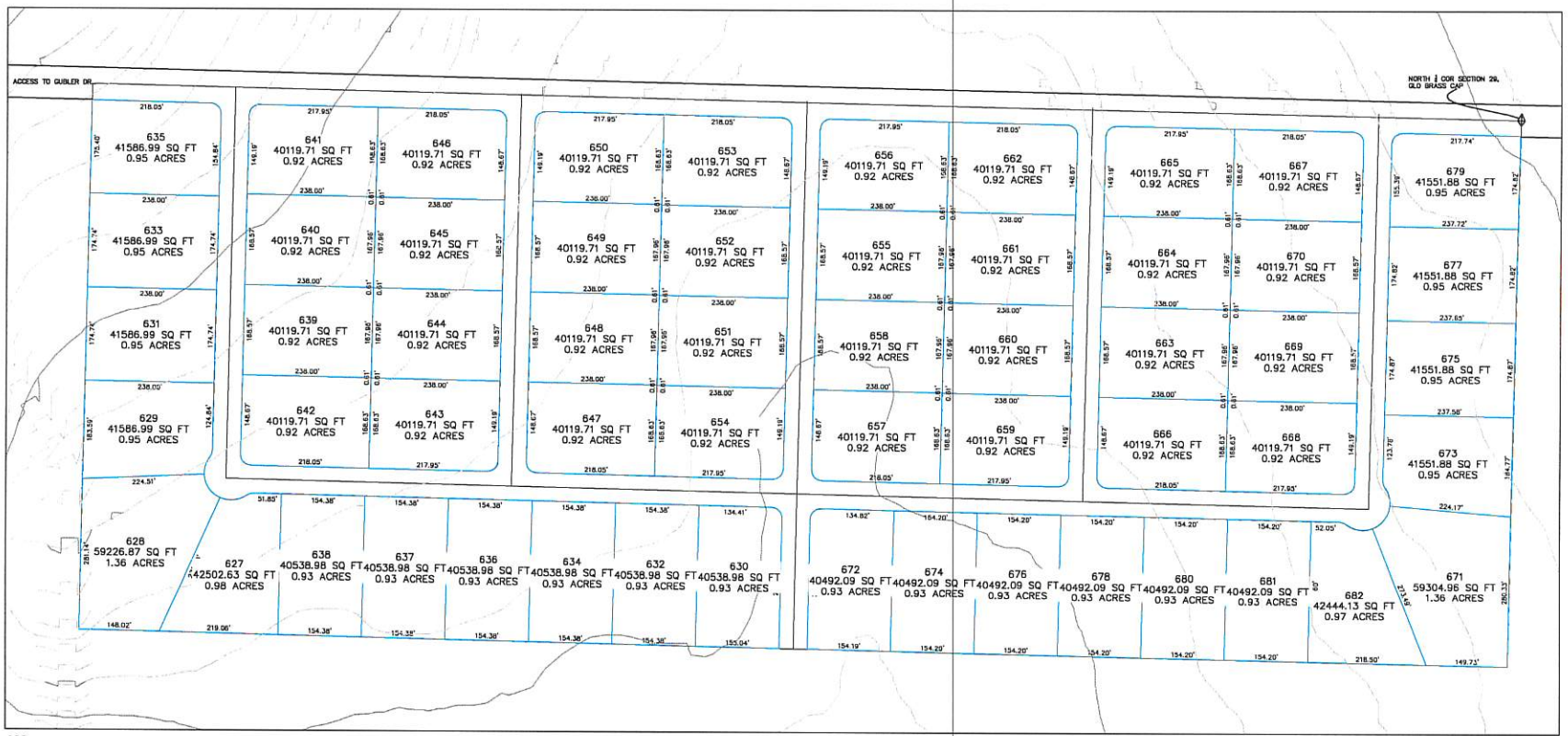
DRAINAGE FLOWS TO THE SOUTH AND EXITS THE PROPERTY NEAR THE CENTER OF THE PROPERTY. DETENTION WILL BE SIZED TO MITIGATE ALL INCREASES IN VOLUME PRIOR TO EXITING THE PROPERTY

NOTE

ROADWAYS WITH SLOPE GREATER THAN 5% NOT EXPECTED. BUT WILL BE LOCALIZED IF REQUIRED

EXISTING UTILITIES INCLUDING WATER IS LOCATED IN ROME WAY. WATER SERVICE WILL BE EXTENDED TO ADJACENT PROPERTIES.

SEWER SERVICE WILL BE BY INDIVIDUAL WASTEWATER SYSTEMS AND WILL REQUIRE LEVEL 3 APPROVAL BY THE STATE OF UTAH. A TYPICAL SYSTEM WILL BE PROVIDED BY ORENCO OR AIRH, OR OTHERS.



100 0 100
SCALE IN FEET

NO.	DATE	REVISIONS
1		COMMENTS

PRATT ENGINEERING, P.C.
CIVIL ENGINEERING AND LAND SURVEYING
51 NORTH 1000 WEST SUITE 31 HURRICANE UTAH 84737
FAX: (435)635-5769 TEL: (435)635-2329

PRELIMINARY PLAT
SMITHSONIAN ESTATES SUBD.
FOR
LADD MACDONALD
APPLE VALLEY, UTAH
SECTION 29 T42S R 11W SLB&M

FILE NAME	MCDONALD
DATE	OCT 2021
CHECKED	
SCALE	SHOWN
SHEET	1 OF 1

ZONE MAP EXHIBIT
SMITHSONIAN ESTATES
FOR
LADD MACDONALD

SECTION 29, APPLE VALLEY, UT

PRATT ENGINEERING, P.C.
CIVIL ENGINEERING AND LAND SURVEYING
51 NORTH 1000 WEST, SUITE 3 - HURRICANE, UTAH 84737
FAX: (435) 635-5765 TEL: (435) 635-2329

REVISIONS			
NO.	DATE	AP. BY	REMARKS

FILE: LADD MACDONALD
DATE: OCT 2021

SHEET 1 OF 1

terra title

Terra Title Company
265 West Tabernacle #100
St. George, UT 84770

Thank you!

Ladd MacDonald

PROPERTY ADDRESS (TAX ID): (Not Addressed), Apple Valley, Utah 84737 (AV-1329-B)

FILE NUMBER: 36091

The attached Owner's Policy of Title Insurance and recorded Trust Deed(s) *are provided electronically as a courtesy*.

terra title

SCHEDULE A

STANDARD GUARANTEE

File No.	**36091**	Liability	**$1,000.00**
Fee	**$350.00**	Guarantee No.	**SG-08015336**

1. Name of Insured: Ladd MacDonald and David Fitzgerald
2. Date of Guarantee: September 24, 2021 at 7:00AM

The assurances referred to on the face page hereof are:

That, according to the Company's property records relative to the following described land:
Parcel 1:
Beginning at the Northwest Corner of Section 29, Township 42 South, Range 11 West, Salt Lake Base and Meridian, and running thence South 89º57'52" East, along the Section line 2639.81 feet to the North Quarter Corner of said Section 29; thence South 0º05'25" East, along the Quarter Section line, 1019.60 feet; thence North 89º57'52" West 2639.41 feet to a point on the Section line; thence North 0º06'46" West, along the Section line, 1019.60 feet to the point of beginning.

Parcel 2:
Easement for ingress and egress, as created by Warranty Deed, recorded August 9, 2006, as Doc. No.20060035761 , Official Washington County Records, across the North 50.00 feet of the following described parcel:

Beginning at the Northeast Corner of Section 29 Township 42 South, Range 11 West, Salt Lake Base and Meridian, and running thence South 0°05'43" East along the Section line 1019.21 feet; thence South 89°57'16" West 2642.00 feet to a point on the Quarter Section line; thence North 0°04'45" West along the Quarter Section line, 1019.21 feet to the North Quarter Corner of said Section 29; thence North 89°57'16" East, along the Section line, 2641.71 feet to the point of beginning.

A. The record owner is: DRL Investments, LLC, an Idaho Limited Liability Company
B. Subject to those exceptions shown on Schedule "B"
C. That, according to the public records of Washington County, Utah, and the Utah Secretary of State for a period of 10 years immediately prior to the date hereof, there are no Federal Tax Liens, Abstracts of Judgement, or Certificates of State Tax Liens filed or recorded against the herein named parties, other than those for which a release appears and other than those shown on Schedule "B"

No guarantee is made regarding (a) matters affecting the beneficial interest of any mortgage or deed of trust which may be shown herein as an exception, or (b) other matters which may affect any such mortgage or deed of trust.

No guarantee is made regarding any liens, claims of liens, defects or encumbrances other than those specifically provided for above, and, if information was requested by reference to a street address, no guarantee is made that said land is the same as said address.

SCHEDULE B
Exceptions

The following is a list of exceptions that effect title to the herein described property:

1. Any facts, rights, interests, or claims which are not shown by the public records but which could be by an inspection of the land or which may be asserted by persons in possession, or claiming be in possession, thereof.

2. Easements, liens, encumbrances, or claims thereof, which are not shown by the public records.

3. 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 that is not shown by the Public Records.

4. Any lien, or right to a lien, imposed by law for services, labor, or material heretofore or hereafter furnished, which lien, or right to a lien, is not shown by the public records.

5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) Indian treaty or aboriginal rights, including, but not limited to, easements or equitable servitudes; or, (d) water rights, claims or title to water, whether or not the matters excepted under (a), (b), (c) or (d) are shown by the public records.

6. Taxes or assessments which are not now payable or 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.

7. Any service, installation, connection, maintenance or construction charges for sewer, water, electricity, or garbage collection or disposal or other utilities unless shown as an existing lien by the public records.

8. Claim, right, title or interest to water or water rights whether or not shown by the Public Records.

9. Rights of way for any roads, ditches, canals, or transmission lines now existing over, under, or across said property.

10. Taxes for the current year 2021, which are liens, but not yet due or payable in the estimated amount of $6.35, under Tax Serial No. AV-1329-B, Account No. 0690399. (For the amount due contact the Washington County Treasurer's Office at #435-634-5711)

    (Note: It appears that a partial payment or a credit in the amount of $9.45 has been applied towards the 2021 taxes. For a current payoff contact the Washington County Treasurer's Office.)

11. Liability to Assessments levied by Washington County for the Southeastern Special Service District for fire protection facilities and services, as disclosed by Resolution No. 668, dated November 10, 1997, recorded November 12, 1997, as Entry No. 582401 , in Book 1149, at Pages 208-212, Official Washington County Records. (Affects this and other property)

12. Any Afterassessment and/or Rollback of Taxes which may become a lien on said Land by reason of an Annual Application for Assessment and Taxation of Agricultural Lands 1969 Farmland Assessment Act, executed by DRL INV LLC, recorded May 2, 2007, as Doc. No. 20070022387 , Official Washington County Records.

SCHEDULE B - CONTINUED

13. Subject to a 50 foot Right of Way easement, created by Warranty Deed, recorded June 1, 2005, as Entry No. 948543 , in Book 1750, at Pages 1086-1087, Official Washington County Records, described as follows: (Affects the North 50 feet and the West 50 feet and other property)

    A non-exclusive 50 foot Right-of-Way easement for ingress and egress and public utilities, over the following described property:

    Beginning at a point lying South 89°57'16" West, along the Section line, 1981.74 feet from the Southeast Corner of Section 20, Township 42 South, Range 11 West, Salt Lake Base and Meridian, and running thence South 89°57'16" West, along the section line, 609.97 feet; thence South 0°04'45" East 50.00 feet; thence South 89°58'39" West 2639.81 feet; thence South 0°04'26" East 822.39 feet; thence South 89°55'34" West 50.00 feet to a point on the West boundary line of Section 29, Township 42 South, Range 11 West, Salt Lake Base and Meridian, and a point on the East right-of-way line of a public street referred to as Rome Way; thence North 0°04'26" West along said Section line 872.43 feet to the Southwest Corner of said Section 20; thence North 89°58'39" East along the Section line, 2639.81 feet to the South Quarter corner of said Section 20; thence North 0°03'18" West, along the Quarter Section line, 50.00 feet; thence North 89°57'16" East 659.97 feet to a point on the West line Parcel 1 described above; thence South 0°03'18" East, along said West line, 50.00 feet to the point of beginning.

14. Subject to the terms and provisions as set forth in Easement, executed by and between DRL INVESTMENTS, LLC, AN IDAHO LIMITED LIABILITY COMPANY, as Grantor and PAUL E. JOHNSON, an individual, as Grantee, and rights incidental thereto, recorded April 22, 2010, as Doc. No. 20100013048 , Official Washington County Records. (Affects the North 50.0 feet and the West 50.0 feet of the North 872.43 feet)

15. Resolution No. 2011-25, dated September 1, 2011, creating the Big Plains Water and Sewer Special Service District, to provide water and sewerage services within said boundaries of the municipality of Apple Valley Town, as recorded October 18, 2011, as Doc. No. 20110031703 , Official Washington County Records. (Affects this and other property)

    Town of Apple Valley, Utah Resolution No. 2019-01, A Resolution Modifying, Limiting, and Revoking the Delegation of Authority to The Big Plains Water and Sewer Special Services District, recorded January 9, 2019, as Doc. No. 20190000956 , Official Washington County Records.

***

GUARANTEE

Policy Number **SG-08015336**

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE LIMITS OF LIABILITY AND OTHER PROVISIONS OF THE CONDITIONS AND STIPULATIONS HERETO ANNEXED AND MADE A PART OF THIS GUARANTEE, AND SUBJECT TO THE FURTHER EXCLUSION AND LIMITATION THAT NO GUARANTEE IS GIVEN NOR LIABLILITY ASSUMED WITH RESPECT TO THE IDENTITY OF ANY PARTY NAMED OR REFERRED TO IN SCHEDULE A OR WITH RESPECT TO THE VALIDITY, LEGAL EFFECT OR PRIORITY OF ANY MATTER SHOWN THEREIN. OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, a Florida corporation, herein called the Company GUARANTEES the Assured named in Schedule A, against actual monetary loss or damge not exceeding the liability amount stated in Schedule A which the Assured shall sustain by reason of any incorrectness in the assurances set forth in Schedule A

IN WITNESS WHEREOF, OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY has caused its corporate name and seal to be hereunto affixed by its duly authorized officers, the Guarantee to become valid when countersigned on Schedule A by an authorized officer or agent of the Company.

Issued through the Office of:

Terra Title Company
(435) 628-7054
265 West Tabernacle #100
St. George, UT 84770

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
A Stock Company
400 Second Avenue South, Minneapolis, Minnesota 55401
(612) 371-1111

By C Monroe *President*

Attest David Wold *Secretary*

Terra Title Company

By: _____
Authorized Signatory

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WHEN RECORDED MAIL DEED AND TAX NOTICE TO:
DRL Investments
985 North Shadow Ridge Avenue
Eagle, Idaho 83616

DOC # 20060058754
Warranty Deed Page 1 of 2
Russell Shirts Washington County Recorder
12/19/2006 02:36:54 PM Fee $ 13.00 By SOUTHERN UTAH TITLE CO

Order No. 136491
Tax I.D. No. AV-1329-B

WARRANTY DEED

MCM LAND AND DEVELOPMENT, LLC, a Utah Limited Liability Company, grantor(s), of St. George, County of Washington, State of Utah, hereby

CONVEY and WARRANT to

DRL INVESTMENTS, LLC, an Idaho Limited Liability Company, grantee(s) of Eagle, County of Ada, State of Idaho, for the sum of
TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION
the following described tract of land in WASHINGTON County, State of UTAH:

SEE ATTACHED EXHIBIT "A"- LEGAL DESCRIPTION

TOGETHER WITH all improvements and appurtenances thereunto belonging.
LESS AND EXCEPTING any and all water rights.
SUBJECT TO easements, rights of way, restrictions, and reservations of record and those enforceable in law and equity.

WITNESS the hand(s) of said grantor(s), this 15 day of December, A. D. 2006.

MCM LAND AND DEVELOPMENT, LLC, a Utah Limited Liability Company

JANA LYN MUSGRAVE, Member/Manager

MATTHEW C. MUSGRAVE, Member/Manager

NOTARY

STATE OF UTAH)
) ss
County of Washington)

On the 15 day of December, A. D. 2006, personally appeared before me Matthew C. Musgrave and Jana Lyn Musgrave, Managing Members of MCM LAND AND DEVELOPMENT,LLC,a Utah Limited Liability Company and known to me to be members or designated agents of the Limited Liability Company that executed the herein instrument and acknowledged the instrument to be the free and voluntary act and deed of the Limited Liability Company, by authority of statute, its articles of organization or its operating agreement, for the uses and purposes herein mentioned, and on oath stated that they are authorized to execute this instrument on behalf of the Limited Liability Company.

NOTARY PUBLIC
STEPHANIE L HUTCHINGS
40 SOUTH 100 EAST
ST. GEORGE, UT 84770
MY COMM EXP 09-01-08
STATE OF UTAH

Notary Public

Notary Public residing at:
My Commission Expires:

This Legal description is attached to that Warranty Deed, between DRL Investments, LLC, grantee(s), and MCM LAND AND DEVELOPMENT, LLC, a Utah Limited Liability Company,as to an undivided 50% interest, Grantor(s).

EXHIBIT "A"

AN UNDIVIDED 50% INTEREST IN AND TO THE FOLLOWING DESCRIBED PROPERTIES:

PARCEL 1:

Beginning at the Northwest Corner of Section 29, Township 42 South, Range 11 West, Salt Lake Base and Meridian, and running thence South 89°57'52" East, along the Section line 2639.81 feet to the North Quarter Corner of said Section 29; thence South 0°05'25" East, along the Quarter Section line, 1019.60 feet; thence North 89°57'52" West 2639.41 feet to a point on the Section line; thence North 0°06'46" West, along the Section line, 1019.60 feet to the point of beginning.

PARCEL 2:

Easement for ingress and egress, as created by Warranty Deed, recorded August 9, 2006, as Doc. No. 20060035761, Official Washington County Records, across the North 50.00 feet of the following described parcel:

Beginning at the Northeast Corner of Section 29 Township 42 South, Range 11 West, Salt Lake Base and Meridian, and running thence South 0°05'43" East along the Section line 1019.21 feet; thence South 89°57'16" West 2642.00 feet to a point on the Quarter Section line; thence North 0°04'45" West along the Quarter Section line, 1019.21 feet to the North Quarter Corner of said Section 29; thence North 89°57'16" East, along the Section line, 2641.71 feet to the point of beginning.

Initials _____ / _____

WHEN RECORDED MAIL DEED AND TAX NOTICE TO:
DRL Investments
985 North Shadow Ridge Avenue
Eagle, Idaho 83616

DOC # 20060058753
Warranty Deed Page 1 of 2
Russell Shirts Washington County Recorder
12/19/2006 02:36:54 PM Fee $ 13.00 By SOUTHERN UTAH TITLE CO

Order No. 136491
Tax I.D. No. AV-1329-B

WARRANTY DEED

KB WILLEY HOLDINGS, LC, a Utah Limited Liability Company,, grantor(s), of St. George, County of Washington, State of Utah, hereby

CONVEY and WARRANT to

DRL INVESTMENTS, LLC, an Idaho Limited Liability Company, grantee(s) of Eagle, County of Ada, State of Idaho, for the sum of
TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION
the following described tract of land in WASHINGTON County, State of UTAH:

SEE ATTACHED EXHIBIT "A"- LEGAL DESCRIPTION

TOGETHER WITH all improvements and appurtenances thereunto belonging.
LESS AND EXCEPTING any and all water rights.
SUBJECT TO easements, rights of way, restrictions, and reservations of record and those enforceable in law and equity.

WITNESS the hand(s) of said grantor(s), this 15 day of December, A. D. 2006.

KB WILLEY HOLDING COMPANY, LC, a Utah Limited Liability Company

12/15/06
Kirk B. Willey, Member/Manager

NOTARY

STATE OF UTAH)
) ss
County of Salt Lake)

On the 15 day of December, A. D. 2006, personally appeared before me Kirk B. Willey, Member/Manager of KB Willey Holdings, LC, a Utah Limited Liability Company and known to me to be members or designated agents of the Limited Liability Company that executed the herein instrument and acknowledged the instrument to be the free and voluntary act and deed of the Limited Liability Company, by authority of statute, its articles of organization or its operating agreement, for the uses and purposes herein mentioned, and on oath stated that they are authorized to execute this instrument on behalf of the Limited Liability Company.

SUNIL K SINGH
Notary Public
State of Utah
My Comm. Expires Jan 13, 2009
2243 E 2100 S SLC UT 84109

Notary Public

This Legal description is attached to that Warranty Deed, between DRL Investments, LLC, grantee(s), and KB WILLEY HOLDINGS, LC, a Utah Limited Liability Company, as to an undivided 50% interest, Grantor(s).

EXHIBIT "A"

AN UNDIVIDED 50% INTEREST IN AND TO THE FOLLOWING DESCRIBED PROPERTIES:

PARCEL 1:

Beginning at the Northwest Corner of Section 29, Township 42 South, Range 11 West, Salt Lake Base and Meridian, and running thence South 89°57'52" East, along the Section line 2639.81 feet to the North Quarter Corner of said Section 29; thence South 0°05'25" East, along the Quarter Section line, 1019.60 feet; thence North 89°57'52" West 2639.41 feet to a point on the Section line; thence North 0°06'46" West, along the Section line, 1019.60 feet to the point of beginning.

PARCEL 2:

Easement for ingress and egress, as created by Warranty Deed, recorded August 9, 2006, as Doc. No. 20060035761, Official Washington County Records, across the North 50.00 feet of the following described parcel:

Beginning at the Northeast Corner of Section 29 Township 42 South, Range 11 West, Salt Lake Base and Meridian, and running thence South 0°05'43" East along the Section line 1019.21 feet; thence South 89°57'16" West 2642.00 feet to a point on the Quarter Section line; thence North 0°04'45" West along the Quarter Section line, 1019.21 feet to the North Quarter Corner of said Section 29; thence North 89°57'16" East, along the Section line, 2641.71 feet to the point of beginning.

Initials ZW / _____

WHEN RECORDED MAIL DEED AND TAX NOTICE TO:

DRL Investments, LLC
99 East State Street, Suite No. 200
Eagle, Idaho 83616

DOC # 20070020582
Water Right DeedPage 1 of 1
Russell Shirts Washington County Recorder
04/23/2007 02:48:25 PMFee $ 10.00By SOUTHERN UTAH TITLE CO

Order No.
Water Right No. 81-4516

QUIT-CLAIM DEED FOR WATER RIGHT

Paul E. Johnson and , grantor(s), of Provo, County of Utah, State of Utah, hereby

CONVEY and QUIT-CLAIMS to

DRL Investments, LLC, an Idaho Limited Liability Company, grantee(s) of Eagle, County of Ada, State of Idaho, for the sum of

TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION, the receipt and sufficiency of which is hereby acknowledged, the following Water Rights located in Washington County, State of Utah:

1.00 acre foot of underground water rights, as evidenced by Water User's Claim No. 81-4516, Change application a28620, as filed in the Office of the Engineer of the State of Utah, Division of Water Rights.

The Beneficial use is as follows:

	From water right no.: 81-4516 Sole Supply Limit		From pending Change Application: a28620 Sole Supply Limit	
Irrigation	0.20	(ac)	0.02	(ac)
Stockwatering		(ELUs)		(ELUs)
Domestic		(families)	2	(families)
Mumicipal		(ac ft)		(ac ft)
Industrial		(ac ft)		(ac ft)
Other		(ac ft)		(ac ft)

WITNESS the hand(s) of said grantor(s), this 22 of March, A. D. 2007.

Paul E. Johnson

NOTARY

STATE OF ~~UTAH~~ IDAHO)
) ss
County of ADA)

On the 22 day of March, A. D. 2007 personally appeared before me, Paul E. Johnson, the signer of the within instrument, who duly acknowledge to me that he executed the same.

DEBORAH B ANDERSON
NOTARY PUBLIC
STATE OF IDAHO

Deborah B Anderson
Notary Public
COMMISSION EXP: 3/2/2011