



Planning Commission Meeting Agenda

December 03, 2025

Council Chambers

07:00 PM

To watch meetings online, visit Tooele County's [YouTube](#) or visit this Zoom link: <https://us06web.zoom.us/j/87557557305> To submit a public comment before the meeting, [email comments](#), anytime up until the meeting starts. Pursuant to the Americans with Disability Act, individuals needing special accommodations during this meeting should notify Stephanie Eastburn, Tooele County Community Development, at 435-843-3160 prior to the meeting.

1. Pledge of Allegiance

2. Roll Call

3. Action Items

A. Elect 2026 Chair and Vice Chair

MOTION AND VOTE

B. Proposed Meeting Dates for 2026

MOTION AND VOTE

Attachments

1. [2026 Planning Commission Proposed Dates.pdf](#)

4. Minutes

A. October 1, 2025 Meeting Minutes

MOTION AND VOTE

Attachments

1. [October 1, 2025 Planning Commission Meeting Minutes - Draft.pdf](#)

5. Rezones

A. REZ 2025-151 Michael Drury is requesting a rezone from MU-40 to M-G, Mili Pioquinto

PUBLIC HEARING, MOTION AND VOTE

Attachments

1. [REZ 2025-151_PC_Item Summary.pdf](#)
2. [REZ 2025-151_Public Hearing Notice.pdf](#)
3. [REZ 2025-151_STAFF REPORT.pdf](#)

6. Recognitions

A. Recognition of Service, Rachelle Custer

Recognition of Brad Bartholomew and Blair Hope for their service on the Planning Commission.

7. Planning Commission Comments

8. Adjournment

2026 Proposed Meeting Dates for Planning Commission

January 7, 2026

February 4, 2026

March 4, 2026

April 1, 2026

May 6, 2026

June 3, 2026

July 1, 2026

August 5, 2026

September 2, 2026

October 7, 2026

November 4, 2026

December 2, 2026



Planning Commission Meeting Minutes

October 01, 2025

47 S Main St. Tooele, UT 84074

Council Chambers Room 308

7:00 p.m.

Draft

1. Pledge of Allegiance

Pledge of allegiance led by Taunya Leyva.

2. Roll Call

Commissioner Blair Hope called the meeting to order at 7:02PM showing in attendance Commissioner Curtis Beckstrom, Commissioner Toni Scott, Commissioner Dean Alder, Commissioner Michael Dow, Commissioner Blair Hope. Commissioner Brad Bartholemew was excused. Commissioner Andy Stetz was absent.

3. Minutes

A. Minutes from the September 3, 2025 Meeting

MOTION AND VOTE

Agenda Attachments

1. September 3, 2025 Planning Commission Meeting Minutes - Draft.pdf

Commissioner Scott made a motion to approve the September 3, 2025, meeting minutes. 2nd by Commissioner Alder. All in favor. Motion passed unanimously.

4. Land Use Ordinances

A. TCLUO 2025-125 Staff is requesting Tooele County Land Use Ordinance Chapter 32 to create the Energy Development Zone Overlay, Rachele Custer

PUBLIC HEARING AND VOTE

Agenda Attachments

1. Public HEARING notice_10 days_TCLUO 2025-125.pdf

2. Planning_Commission_Agenda_Summary_2025-125.pdf

3. TCLUO 2025-125_staff report_final.pdf

Rachele Custer, Community Development Director, summarized that staff requests, in conjunction with state code changes, the creation of an Energy Development Zone that would accommodate large-scale energy projects in suitable areas. Tooele County has chosen to do it as an overlay zone, meaning it will not change the underlying zoning and will not supersede any of the use codes, instead, allowing the county to identify properties that are well-suited for energy development. Staff recommends that all uses within the overlay be classified as conditional uses, subject to approval by the Planning Commission. This ensures that any potential adverse impacts can be properly reviewed and mitigated. The proposed conditional uses include solar farms, battery energy storage systems, small modular reactors, biomass and waste-to-energy facilities, carbon capture and storage, substation, hydrogen production and storage, nuclear research or

testing facilities, wind energy systems and geothermal facilities. The proposed prohibited uses include oil, gas, and coal extraction and fossil fuel refining or coal-fired generation.

Commissioner Hope opened the public hearing.
Commissioner Hope closed the public hearing.

There was further discussion with the commissioners and Rachelle about the overlay, large scale energy developments, the application process, related studies, and property owner considerations.

Commissioner Scott made a motion to give a favorable recommendation to the County Council for the approval of TCLUO 2025-125. 2nd by Commissioner Dow. Roll call vote. Commissioner Beckstrom – yes. Commissioner Scott – yes. Commissioner Alder – yes. Commissioner Dow – yes. Commissioner Hope – yes. All in favor.

5. Planning Commission Comments

6. Adjournment

Commissioner Hope adjourned the meeting at 7:18pm.



Tooele County Planning Commission Agenda Item Summary

Department Making Request:

Community Development

Meeting Date:

December 3, 2025

Item Title:

REZ 2025-151: Rezone from MU-40 (Multiple use, 40-acre minimum) to M-G (Manufacturing General).

Summary:

Michael Drury is requesting a rezone from MU-40 (Multiple use, 40-acre minimum) to M-G (Manufacturing General) of a 160-acre parcel.



NOTICE OF PUBLIC HEARING

- **SUBJECT:** REZ 2025-151 – Rezone from MU-40 to MG.
- **PROJECT SUMMARY:** Michael Drury With Atlas is requesting a rezone from MU-40 (Multiple use, 40-acre minimum) to M-G (Manufacturing General).
- **ADDRESS:** Not yet given.
- **PARCELS:** 05-069-0-0005

Unincorporated: Grantsville

Planner: Mili Pioquinto

On **December 3, 2025** the Tooele County Planning Commission will hold a public hearing regarding the request described above. The meeting will be held at 7:00 p.m. at the Tooele County Administration Building (Council Chamber, Third Floor), 47 S. Main Street Tooele, UT 84074. Also via zoom located on the Tooele County Website: <https://tooeleco.gov/index.php> under “Agendas and meeting” and then the zoom link will be imbedded in the “Agenda Packet.”

The request is to change a 160-acre parcel from MU-40 (Multiple use, 40-acre minimum) to M-G (Manufacturing General).

You have the right to attend and speak at the public hearing. Please be aware, however, that in making its decision the Planning Commission can only rely on evidence, not opinion or conjecture. You may also submit comments in writing, but please do so at least 24 hours before the meeting date so that your comments can be provided to the Planning Commission and to the applicant in an appropriate manner. For questions or additional information, please contact the Planning Office at 435-843-3160.

The future meeting regarding this application will also be posted at the Tooele County Building, posted on the Tooele County Website and Utah Public Notice Website.

You may access Tooele County’s Land Use Ordinances through this link:

https://tooeleco.gov/departments/development/land_use_ordinance.php#outer-193

REZ 2025-151

Rezone Summary and Recommendation

Public Body: Tooele County Planning Commission

Meeting Date: December 3, 2025

Parcel ID: 05-069-0-0005

Unincorporated: Grantsville

Property Address: Not yet given

Request: Rezone parcel from MU-40 (Mixed use, 40-acre min.) to M-G (Manufacturing, General).

Planner: Mili Pioquinto

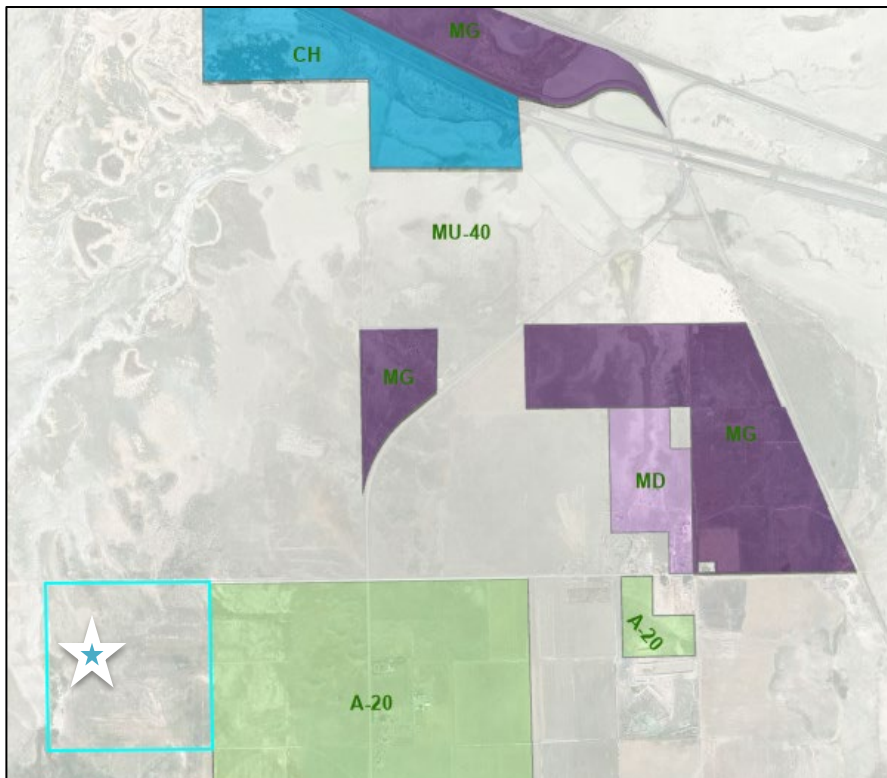
Planning Staff Recommendation: Approval

Applicant Name: Michael Drury with Atlas Wholesale Real Estate

PROJECT DESCRIPTION

Applicant, Michael Drury, is requesting a rezone from MU-40 (Mixed use, 40-acre min.) to M-G (Manufacturing, General for parcel 05-069-0-0005 (160-acre). This would be in order to propose future uses such as "Storage Units, Self-Storage".

SITE & VICINITY DESCRIPTION (see attached map)



The subject property is located in Unincorporated Grantsville, situated approximately 1.9 miles south of I-80, and roughly .5 miles west of Burmester Road. Nearby properties to the northeast are zoned MU-40, MG, MD (Manufacturing Development), A-20 (Agricultural, 20-acre min.), and CH (Commercial Highway).

ZONE CONSIDERATIONS

Requirement	Existing Zone	Proposed Zone
Height	35 Feet	No maximum building height
Setbacks	Front: 30 Feet. Rear: (i) Main Building - 60 Feet. (ii) Accessory Buildings - 10 Feet Side: (i) Main Building - 30 Feet. (ii) Accessory buildings (1) From the front setback to distance 10ft. behind the main building: 30 Feet. (2) From a distance 10ft. behind the dwelling to the rear of the lot: 10 Feet.	Minimum yard setback requirements shall be established in the conditional use permit or planned unit development approval, except that no commercial building shall be located closer than 50 feet to any residential district boundary line or to any street line which continues as frontage into a residential district and providing they do not encroach on any easement.
Lot Width	660 Feet	No Requirement
Lot Area	40 Acre Minimum	No Requirement
Maximum Building Coverage	5%	No more than 50%
Required Improvements	Street grading; street base; on-site surface drainage facilities; culinary water facilities; wastewater disposal; and street monuments.	Street grading; street base; curb and gutter; sidewalk; on-site surface drainage facilities; culinary water facilities; wastewater disposal; and street monuments.

Compatibility with existing buildings/lots in terms of size, scale and height.	Yes
Compliance with the General Plan.	Yes

GENERAL PLAN CONSIDERATIONS

According to the Future Land Use Map in the Tooele County General Plan Update 2022, the subject property is located within the area designated for manufacturing uses. Planning Staff find that the proposed rezone is cohesive with the Tooele County General Plan Update 2022.

ISSUES OF CONCERN/PROPOSED MITIGATION

The Traffic Impact Study currently identifies no mitigation measures. The applicant, Michael Drury, has expressed intent to dedicate the easement off Burmester Road. However, upon further review, Planning Staff has concerns related to Land Use Ordinance 4-3.2, which states: 'No building permit may be issued for a lot that does not have frontage upon a dedicated or publicly approved street, except: (a) residential lots may front upon a private road approved by the Planning Commission; or (b) lots used solely for the provision of essential services may be accessed via a recorded perpetual easement.'

Per county road standards, the property must have frontage on a publicly dedicated road with a minimum width of 60 feet (or up to 84 feet if required by the County Engineer) to provide sufficient access.

NEIGHBORHOOD RESPONSE

No comments have been received at this time. Any comments submitted by surrounding neighbors or affected entities will be reviewed and addressed during the Planning Commission meeting.

PLANNING COMMISSION RESPONSE

Not yet received.

PLANNING STAFF ANALYSIS

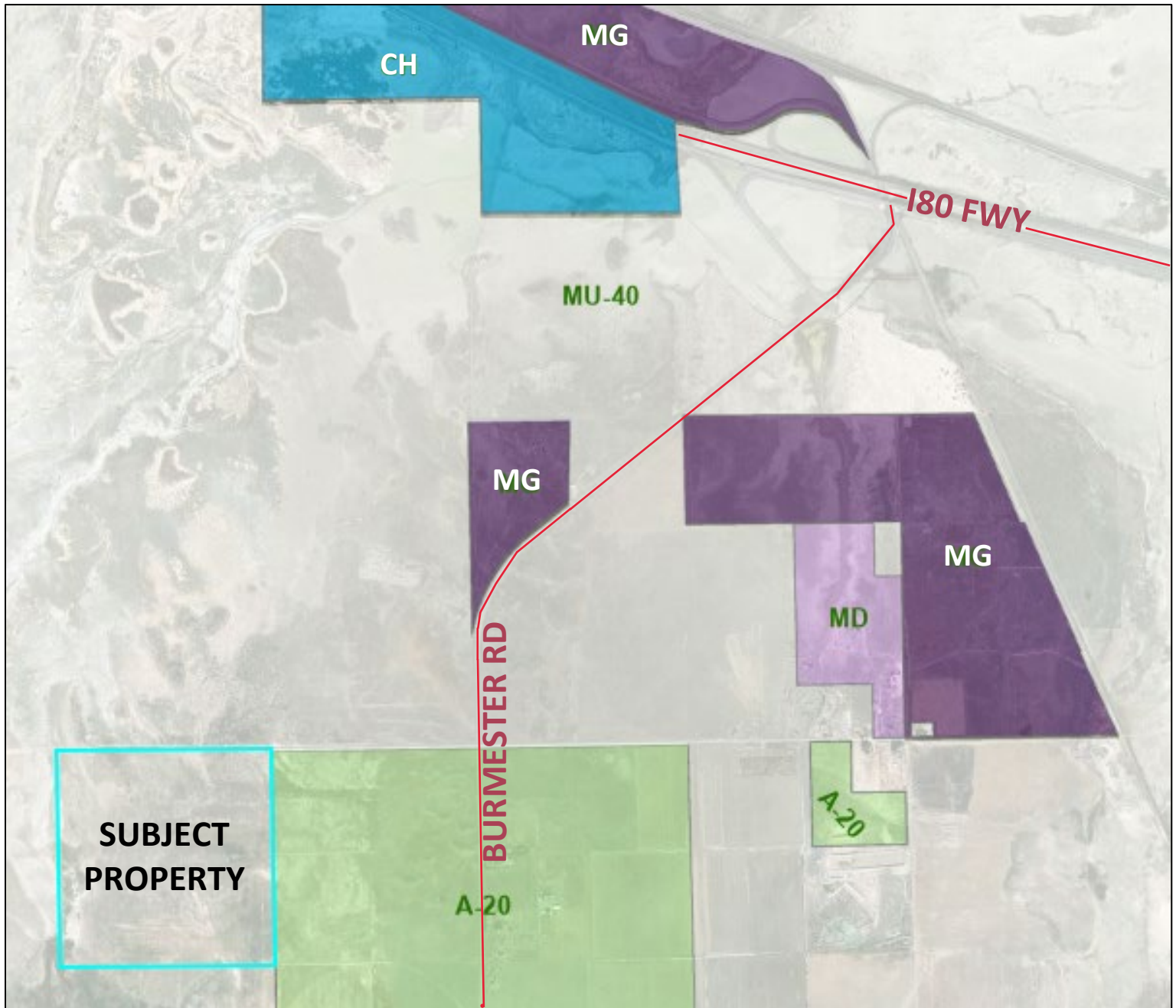
Planning staff has reviewed the proposed zoning request and found it to be compatible with the surrounding zones and land uses, the Tooele County General Plan Update 2022, but not the Tooele County Land Use Ordinance (4-3.2). Additionally, future planned improvements include the reconstruction of Burmester Road as identified in the Transportation Master Plan, and the Tooele County Active Transportation Implementation Plan calls for on-street shared-use paths with standard buffers on one or both sides.

PLANNING STAFF RECOMMENDATION

The Planning Staff recommends that the Tooele County Planning Commission review the information provided in this staff report and its attachments to determine whether the proposed rezone is compatible with existing infrastructure in the surrounding area prior to making a recommendation to the Tooele County Council.

REZ 2025-151: Rezone from MU-40 (Multiple Use, 40-Acre Min.) to M-G (Manufacturing, General).

South of I80 and just West of Burmester Road. (Parcel: 05-069-0-0005)





Rezone Application

Amendments to the zoning map shall be completed in full, signed, and supplemented with any additional information required by the planning commission. An application which is incomplete or provide insufficient data is just cause for denial. No refunds will be given.

Submittals must be filed with the Community Development Department for staff and public review.

Fee \$1,000.00

Property information and location (All lines applicable to this site must be filled in)

Parcel(s) #: 05-069-0-0005 Lot(s) #: 1

Subdivision Name: _____ (if applicable)

(For office use only)

REZ #: _____ Fee \$1,000.00 Receipt #: _____

Date complete application submitted: _____

Application Determination:

Planning Commission recommendation: Favorable ☐ Unfavorable ☐
Presented by: _____ Date: _____

County Council recommendation: Approved ☐ Denied ☐
Presented by: _____ Date: _____

Property Owner(s) Information

Name(s): AtlasCBP5 LLC
Address per tax rolls: P.O. Box 71369
City/County: Salt Lake City State: Utah Zip: 84171
Office/home phone: 801-860-6453 Fax: 800-418-2191
Mobile phone: 801-860-6453 Message phone: 801-860-6453
Email address: mike@atlaswholesalerealestate.com

Applicant(s) Information (if different than property owner)

*Property Owner's Authorization notarization needed

Name(s): Michael Drury
Address per tax rolls: 13 Windsong Ln
City/County: Sandy State: UT Zip: 84092
Office/home phone: 801-860-6453 Fax: 800-418-2191
Mobile phone: 801-860-6453 Message phone: 801-860-6453
Email address: mike@atlaswholesalerealestate.com

Each application for a rezone shall have all required submittals before it is accepted as a complete application. All required information in this application must be completely filled out and signed with required paperwork submitted or application will be denied

There shall be no presumption of approval of any aspect of the process.

APPLICATION IS HEREBY MADE TO THE PLANNING COMMISSION REQUESTING THAT:

The 160.00 acre parcel would be rezone to Manufacturing General (M-G)

****ADDITIONAL INFORMATION OR SUBMITTALS MAY BE REQUIRED****

An application to amend the zoning map shall address:

(Must list in detail specific section and language to be amended, giving the original zoning and what is allowed there and the proposed zoning and what could be allowed in that zone)

Applicant check County check

☐

a) General existing site characteristics including ownership, topography, soils, drainage, vegetation, and other physical characteristics of the area proposed to be changed;

☐

b) A legal description of the area to be zoned;

☐

c) Types of land uses permitted, conditional or prohibited in the current zoning district and the proposed zoning district;

☐

d) Existing transportation patterns to include public and private roads and internal and external circulation patterns, rights-of-way, easements, and parking;

☐

e) Existing and proposed land uses, open spaces, impervious surfaces including streets, parking areas, structures, and buildings with a general description of size area, intensities/densities, and height, and proposed storm-water drainage facilities;

☐

f) Existing and proposed utilities and infrastructure;

☐

g) Relationship of proposed zone change with Tooele County General Plan and how specifically the proposed zone change would conflict, conform, complement, or otherwise affect the Tooele County General Plan as well as any special studies that are designed to further detail the Tooele County General Plan in a specific area;

☐

h) An area map showing adjacent property owners and existing land uses within 1,000 feet of the area proposed to be rezoned; property owner labels printed from the recorder's office.

☐

i) The location, description, and acreage of land uses;

☐

j) Approximate location and number of residential units along with approximate square footage, density, and height;

☐

k) Approximate location and square footage of non-residential buildings;

- | | | |
|-------------------------------------|--------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | l) Calculation of approximate amount of open space both before and after buildout construction, indicating areas of expected open space and new landscaping, and including maintenance plans for these areas; |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | m) If the site has unusual or unique natural features, a demonstration of how proposed development preserves and utilizes natural topography and geologic features, scenic vistas, trees, and other vegetation, and prevents the disruption of natural draining patterns, and if appropriate, geotechnical studies submitted to indicate soil types, depth of bedrock and slope stability; |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | n) A description of the availability of culinary and irrigation water, community facilities such as schools, fire protection services and other types of facilities that would serve the re-zoned area and how these facilities are affected by this proposal; |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | o) Approximate location and size of storm water detention and retention areas and calculations on the impact to those systems as a result of the change in density and use of land; |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | p) An indication of the construction schedule of any project proposed; |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | q) For multi-phased projects, a phasing plan that describes the anticipated timing and geographical extent of each phase; |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | r) A detailed traffic study showing the vehicle trips per day on average at buildout and a determination how the project would significantly alter existing traffic patterns or volume; |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | s) For applications involving a PUD, a table of proposed dimensional standards for the proposed land uses or phases including lot sizes and frontages, building heights and intensities, and setbacks and a description of any requested exceptions to the requirements of the underlying zone; and |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | t) Any other study or information required by the planning commission or Zoning Administrator. |

I (We) understand that the Planning Commission and/or County Council may or may not adopt such changes listed. The fees associated with this application will not be refunded or returned once the notice of this application is submitted to planning commission. I (We) understand the process of this requested change must first go through Planning Commission for a recommendation to the County Council. The process will then proceed to go through County Council. Knowing this process, I (We) understand the application will take the needed time to ensure all processes are properly met and either board may make further changes to the request, or possible denial in whole.

Michael Scott Drury Digitally signed by Michael Scott Drury
Date: 2025.11.03 15:02:38 -07'00'

PROPERTY OWNER'S SIGNATURE

Michael Scott Drury Digitally signed by Michael Scott Drury
Date: 2025.11.03 15:02:53 -07'00'

APPLICANT'S SIGNATURE

2025-11-03

DATE

2025-11-03

DATE

HIGLEY ARTHUR S. TRUSTEE
487 E 2400 S
SALT LAKE CITY, UT 84115

UINTAH LAND COMPANY LC
P O BOX 540478
NORTH SALT LAKE, UT 84054

ATLASCBP5, LLC
PO BOX 71369
SALT LAKE CITY, UT 84171

SECURITY INVESTMENT LLC
320 W 500 S STE. 200
BOUNTIFUL, UT 84010

HIGLEY ARTHUR S TRUSTEE
487 EAST 2400 SOUTH
SALT LAKE CITY, UT 84115

BURMISTER 150 LLC
6173 WEST 2100 SOUTH
WEST VALLEY, UT 84128



Recorder

Request for Surrounding Property Owners

Description:

Please allow our mapping department 2 business days to complete your request

Created by:

Michael Drury

Created on:

November 06, 2025

Status:

Closed

Case ID:

jqzs765

Submit Request Information

Completed by Michael Drury on November 06, 2025 at 08:52 AM PST

Lot #	
Parcel #	05-069-0-0005
Contact Information	Michael Drury 13 East Windsong, Sandy, Utah 84092 mike@atlaswholesalerealestate.com 8018606453
Please choose one of the following	4000 500-foot radius includes mailing labels / maps
How do you want your boundary map and mailing labels sent to you?	Pick up in person

Pending Review

Completed by Gracie Greene on November 06, 2025 at 11:25 AM PST

Pending Review	Yes
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Tooele County County Utah Records Office
47 South Main
Tooele, UT 84074
(435) 843-3100
Jerry Houghton, County Recorder

Receipt: 25-10823

Product	Name	Extended
999	RECORDER COPIES	\$25.00
	Number of Pages	1
	No Charge	false
Copies		\$25.00
Total		\$25.00
Tender (Credit Card - Counter)		\$25.00

Thank You

1

11/6/25, 12:27 PM MST



November 21, 2025

Mike Drury
GRE South LLC
6975 South Union Park Center - Suite 600
Midvale, Utah 84047
mike@unitedmanda.com

Re: Wetland Evaluation for Atlas 160 Parcel
Property Located in: Tooele County Utah
(Section 7 - Township 2 South - Range 5 West - Salt Lake Base and Meridian)

Mike,

At your request Equinox Engineering and Environmental (Equinox) was retained to evaluate a parcel of real land located in Tooele County, Utah near Grantsville and provide a professional opinion regarding the presence and/or absence of jurisdictional wetlands on the property. The initial site observation evaluation was performed on July 22, 2025. At the time of the initial site observation only surface visual observations were made. Observations focused on vegetation, land features and drainage patterns that could support wetlands. No subsurface exploratory evaluations of the soils or hydrology were performed, and no soil samples were taken for later evaluation.

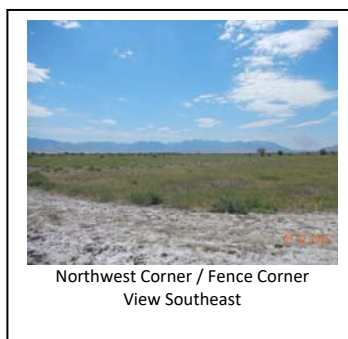
The ground surface visual observation along with color aerial imagery acquired from Google Earth and the National Wetland Inventory Overlay Map of the site were used to arrive at the results presented in this letter. It is understood that a more comprehensive evaluation, such as an Aquatic Resources Evaluation (Wetland Delineation report) will need to be performed to adequately quantify the amount of wetlands that the site supports, however this letter will provide preliminary baseline values of the potential wetlands on the site.

The following narrative provides the methodology of the evaluation and the results of our findings of wetlands on the property and reasons for the conclusions.

LOCATION and IDENTIFYING FEATURES:

The property is generally square in shape and is comprised of 4 contiguous sections of land containing ± 160 acres in Tooele County, Utah and is identified as the "160 Parcel" for the purposes of this report. The property is located in Sections 1 and 6 - Township 2 South - Range 5 West of the Salt Lake Base and Meridian. The boundaries of the property are identified as Lot 1, Lot 2 and the NENW quarter and SENW quarter of Section 7.

The property is mostly devoid of any development with the only man-made constructs observed being perimeter fences, two track dirt roads and several livestock corrals. The property appeared to be fenced around the full perimeter; however each corner and/or outer boundary was not fully inspected. Burmester Road runs along the eastern side of the property and is the main roadway that provides access to the site. To the north, west and south is open



space that appears to be mostly undeveloped and is virtually indistinguishable from the 160 Parcel.

The property exhibits a gentle slope from the southwest toward the northeast and the shore of the Great Salt Lake. Numerous hummocks or high spots were observed on the property that varied in shape and size ranging from long torpedo shaped mounds to more or less circular to irregular shapes created by wind and water erosional forces over time. The Burmester Quadrangle 7.5 minute series topographical map with 5 foot contours was reviewed and it appeared that the site supports approximately five to ten feet of elevation change between the high ground and low areas. No measurements were taken with instrumentation.

EVALUATION CRITERIA:

A definitive determination for the size, location and scope of existing wetlands on any property is accomplished with the completion of an aquatic resources delineation (wetland delineation) as directed by the guidelines provided by the Army Corps of Engineers (ACOE or Corps), which in part, outlines criteria for determining the three parameters that must be concurrently present to support a findings of active wetlands. The three parameters that must be present for a location to be determined to be a jurisdictional wetland are: 1) Hydrophytic Vegetation; 2) Hydric Soils; and 3) Wetland Hydrology. All three parameters must be observed concurrently at any given specific location for wetlands to be present, therefore by definition, if one or more of the three criteria (as defined by the ACOE delineation manual) is found to be absent from the specific observation location, then that respective location cannot be considered to be a wetland under the jurisdiction of the ACOE. Understanding that a full wetland delineation report is beyond the scope of this evaluation, the presence of wetlands can be effectively and reasonably determined by visually evaluating the site by looking for the presence or absence of hydrophytic vegetation, supporting hydric soils and natural surface hydraulic features.

The importance of the presence or absence of either one of these three parameters (hydrophytic vegetation, hydric soils and/or surface hydraulic features) is paramount due to the understanding that hydrology must generally be observed to be relatively close to the surface, at or above the hydrophytic vegetation root saturation depth; generally defined as within 12 inches of the surface during the "wet" or growing season (March to July) OR within 24 inches of the surface during the "dry" or non-growing season (August to February) to qualify as meeting the criteria for wetland hydrology to exist.

A typical full evaluation would require a three step "if-then" criteria approach to be used to evaluate the property to determine the presence of wetlands. Understanding that all three criteria must be met for the specific location to be considered a wetland an elimination method would be used in the following specific order of evaluation: 1) Hydrophytic Vegetation; 2) Hydrology; and 3) Hydric Soils.

If Hydrophytic Vegetation (Wetland Vegetation) is not found to be present with a non-invasive visual observation, then the location can be considered a non-wetland, and no further evaluation is needed.

If Hydrophytic Vegetation is found then the second criteria of Wetland Hydrology would then be evaluated. If Wetland hydrology is not found to be present; then the location can be considered non-wetland, and no further evaluation is needed.

If Hydrophytic Vegetation and Wetland Hydrology are found concurrently then the soils would be evaluated.

If Hydric Soils are not found to be present then the location can be considered non-wetland. If Hydric Soils are found, then the site would meet all three criteria and be considered to be a wetland.

It should be noted that this evaluation only allowed for a surface evaluation and did not examine any subterranean soil strata and/or hydrology components that would provide definitive evidence required for determining the presence or absence of wetland hydrology and wetland soils. The surface soils were visually evaluated, and reasonable assumptions were made based on the surface soil's characteristics that would allow for the determination of a high level of confidence of the presence or absence of hydric soils.

Hydrophytic Vegetation Evaluation

Vegetation on the 160 Parcel was the only one of the three wetland parameters that was completely evaluated.

Vegetation was evaluated by direct observation and by utilizing color aerial imagery that were used to identify vegetation based on dark hues associated with well hydrated vegetation, which is a strong indicator of a shallow water table that supports wetland vegetation.

Vegetation was sparse across the majority of the property and the major species observed were Iodine Bush (*Allenrofllea occidentalis*), Salt Grass (*Distichlis spicata*) and Greasewood (*Sarcobatus vermiculatus*), Western Tall Wheat Grass (*Thinopyrum ponticum*), Fourwing Saltbush (*Atriplex canescens*) and Rabbit Brush (*Ericameria nauseosa*).

Iodine Bush is classified as Facultative Wet (FACW) vegetation.

Salt Grass is classified as Facultative (FAC) vegetation.

Greasewood is classified as Facultative Up (FACU) vegetation.

Western Tall Wheat Grass is classified as Upland (UPL)

Fourwing Salt Bush is not classified as wetland vegetation and is considered Upland (UPL) vegetation.

Rabbit Brush is not classified as wetland vegetation and is considered Upland (UPL) vegetation.



Hydrophytic Vegetation is evaluated to be present with two different criteria: 1) Dominance test and 2) Prevalence test. Only one of the methods needs to return a finding of wetland vegetation present for a determination of wetland vegetation to be present.

Both methods utilize the following vegetation characteristics which are defined by the Army Corps of Engineers as follows:

(OBL) Obligor Species - Vegetation found 99% of the time in Wetlands and 1% of the time in Uplands.

(FACW) Facultative Wet Species - Vegetation found 67% of the time in Wetlands and 33% of the time in Uplands.

(FAC) Facultative Species - Vegetation found 50% of the time in Wetlands and 50% of the time in Uplands.

(FACU) Facultative Up Species - Vegetation found 33% of the time in Wetlands and 67% of the time in Uplands.

(UPL) Upland Species - Vegetation found 1% of the time in Wetlands and 99% of the time in Uplands.

Dominance Test:

If a species is visually observed to cover 20% or more of the ground at a sampling location then the species is considered to be a dominant species. It is possible to have more than one dominant species at any given location. The number of dominant species that are OBL, FACW and FAC are counted (A) and the total number of all species are counted (B). The percentage of OBL, FACW and FAC species is then divided by the percentage of all dominant species (A/B) and if the value received is 50% or higher, then Wetland Vegetation is determined to be present.

Dominance Test Example:

Number of Dominant Species that are OBL, FACW or FAC (A) = 3

Number of Dominant Species across all vegetation strata including OBL, FACW, FAC, FACW, UPL (B) = 5

Percent of Dominant Species that are OBL, FACW, FAC (A/B) = 3/5 or 67%

Wetland Vegetation is determined to be present since the value is 50% or higher.

Prevalence Test:

Determines a weighted average for the values of the different species found at the sampling location and is arrived at by the following two step calculation.

Step 1

Total percentage of ground cover for all OBL species visually observed in sampling area is recorded.
Total percentage of ground cover for all FACW species visually observed in sampling area is recorded.
Total percentage of ground cover for all FAC species visually observed in sampling area is recorded.
Total percentage of ground cover for all FACU species visually observed in sampling area is recorded.
Total percentage of ground cover for all UPL species visually observed in sampling area is recorded.
Add total % cover for all species (D)

Step 2

The total percent of ground cover for all OBL species multiplied by 1
The total percent of ground cover for all FACW species multiplied by 2
The total percent of ground cover for all FAC species multiplied by 3
The total percent of ground cover for all FACU species multiplied by 4
The total percent of ground cover for all UPL species multiplied by 5
Add total % cover of weighted average for all species (E)

Divide total % cover (D) by total weighted average (E) to arrive at a Prevalence Index number (D/E) if the value calculated is 3.0 or lower, then Wetland Vegetation is determined to be present.

Prevalence Test Example:

% cover of all OBL species visually observed = 40% → $40 \times 1 = 40$
% cover of all FACW species visually observed = 10% → $10 \times 2 = 20$
% cover of all FAC species visually observed = 5% → $5 \times 3 = 15$
% cover of all FACU species visually observed = 30% → $30 \times 4 = 120$
% cover of all UPL species visually observed = 15% → $15 \times 5 = 60$
For this example, % of all species visually observed (D) = 100 (40% + 10% + 5% + 30% + 15%)
For this example, the weighted average for visually observed species (E) = 255 (40 + 20 + 15 + 120 + 60)

Dividing (E) by (D) = $255/100 = 2.55$

Wetland Vegetation is determined to be present since the value is 3.0 or lower ($2.55 < 3.0$)

Hydric Soils Evaluation

Only the surface soils on the 160 Parcel were evaluated, however subterranean soils were evaluated at locations in the general area (within a three mile radius of the 160 parcel) that exhibit the same or very similar vegetation as the 160 Parcel.

Offsite evaluated locations are as follows:

66 Parcel - Approximately 1 mile East of the 160 Parcel.
200 Parcel - Approximately 2 miles to the Southeast of the 160 Parcel.
240 Parcel - Approximately 2 miles to the Southwest of the 160 Parcel.

Soils at the 66, 200 and 240 Parcels were found to be hydric and were consistent with lacustrine depositional features associated with the Great Salt Lake shoreline and historic lakebed deposits. The colors and textures of the surface soils observed on the 160 Parcel were very similar to the soils observed on the 66, 200 and 240 Parcels and given the similar features and close proximity within the watershed, it is reasonable to assume that the soils on the 160 Parcel will be hydric, however this assumption has not been substantiated by direct observations.

Hydric soils are defined as those that exist due to saturated, flooded, or ponded conditions of sufficient duration during the growing season to allow the development of anaerobic conditions that favor the growth and regeneration

of Hydrophytic vegetation. Resulting from anaerobic conditions, Hydric soils exhibit characteristics directly observable in the field. These observations include high organic matter content, gley formations (greenish or bluish gray color), accumulation of sulfidic material, mottling (spots of orange or yellow color), and low chromas (dark soil colors).

Wetland Hydrology Evaluation

Similarly to the soils evaluation, the hydrology of the 160 Parcel was limited to surface features, which included natural swales and/or drainage patterns created by natural processes. Surface drainage patterns were identified on the Micro scale by onsite direct observations and Macro surface drainage features were observed and identified via aerial imagery obtained from Google Earth. No surface water was observed on the property.

Per ACOE Wetland Delineation evaluation determination criteria, Wetland Hydrology is generally determined to be present if the water table can be found within 12" of the existing ground surface during the "wet" or growing season (March to July) OR within 24 inches of the surface during the "dry" or non-growing season (August to February), at the sampling location at the time of the evaluation. Standing surface water at any depth would qualify as meeting this criterion. Hydrology governed by Irrigation that can be managed and/or controlled "on demand" by eliminating irrigation flows to the evaluation site by a method of diversion and/or via a water control structure that will allow for the water table to be consistently at or below the 12" or 24" from the surface threshold distances at the respective time of year would be sufficient to allow for a finding of no permanent wetlands.

An active and flowing water way (Stream, Creek, River etc....) that provides an observable water surface elevation is a primary indicator that wetland hydrology exists, and the water surface accurately represents the water table elevation at the time of the observation. Additionally, the bankfull elevation of a channel can be determined by identifying seasonal or time dependent flow characteristics such as a waterline, differential erosion patterns, variations in vegetation patterns, soil strata changes due to erosional forces etc.....) Any area that is vertically within 12 inches above the bankfull elevation can be considered to be exhibiting hydrology sufficient to meet the criteria regardless of where the water surface is at the time of the observation. This criterion can also be extended to ephemeral water channels.

Naturally occurring precipitation (rain and/or snow accumulation on the site and/or at a location that would physically allow for runoff to enter the site) are independent of this evaluation criteria; and if the land formation (land features and/or soil profiles) are suitable to retain standing surface water over a long period of time (months) and/or consistently allow for the ground water table to be within 12" of the surface during the "wet" or growing season or within 24" of the surface during the "dry" non-growing season, that criteria would override any irrigation considerations.

Additional to the on-site visual evaluation for the three parameters associated with the presence of wetlands, the National Wetland Inventory (NWI) database was consulted. The NWI map showed the presence of wetlands on the property. The wetlands shown on the NWI map were disconnected from any natural drainage swales or water conveyance channels and appeared to be associated with natural depressions.

CONCLUSIONS:

It was determined that there is a low probability that wetlands will be evaluated to be on site that will meet the three parameters concurrently as mentioned above. Only one facultative wetland vegetation species (Iodine Bush) was observed on site, however this vegetation is mostly associated with Saltwater Playa landforms which are considered to be non-wetland resources of the United States. No significantly sized depressions or landforms were observed on-site that could be considered to be a likely candidate for classification as a Saltwater Playa.

The only other significant vegetation observed on site that could lead to a wetland determination would be Salt Grass (Faculative) however this vegetation is defined to be found in uplands the same amount of time as wetlands and the determining factor would be the site hydrology. Given that the wetlands shown on the NWI map, are disconnected from any natural waterways, it is a reasonable assumption that the 160 Parcel is overwhelmingly

dominated by localized precipitation, which can lead to limited hydrological conditions sufficient to support wetlands.

The conclusion that the probability is low for the existence of wetlands is based on the following observed conditions and assumptions.

- 1) Limited on-site Hydrophytic Vegetation observed.
- 2) The assumption that the site soils will be hydric due to the similar characteristics of sampled soils within the watershed that are in very close proximity to the 160 Parcel.
- 3) The assumption that surface site hydrology features observed will support subterranean hydrology commiserate with hydrology sampled at very similar locations within the watershed that are in very close proximity to the 160 Parcel.

It must be noted that these values are preliminary and are subject to change when additional data (Soils and Hydrology) is collected and evaluated. Only a full Aquatic Resources Evaluation (Wetland Delineation) will be sufficient to adequately quantify the presence or absence of wetlands. The data and conclusions offered by this wetland determination letter are based on established means and methods and are considered to be representative of the actual site conditions. This evaluation is subjective, based on observed site conditions on a specific date and utilizing data pulled from readily available public sources. The conclusions are presented in good faith and deemed to be accurate however the conclusions are the opinion of the author.

If you find this letter not to be to your understanding please contact me.

I can be reached for comment or questions.

at cchristiansen@equinoxengineering.us or 801.739.8218


W. Chris Christiansen, P.E.

Cc: File

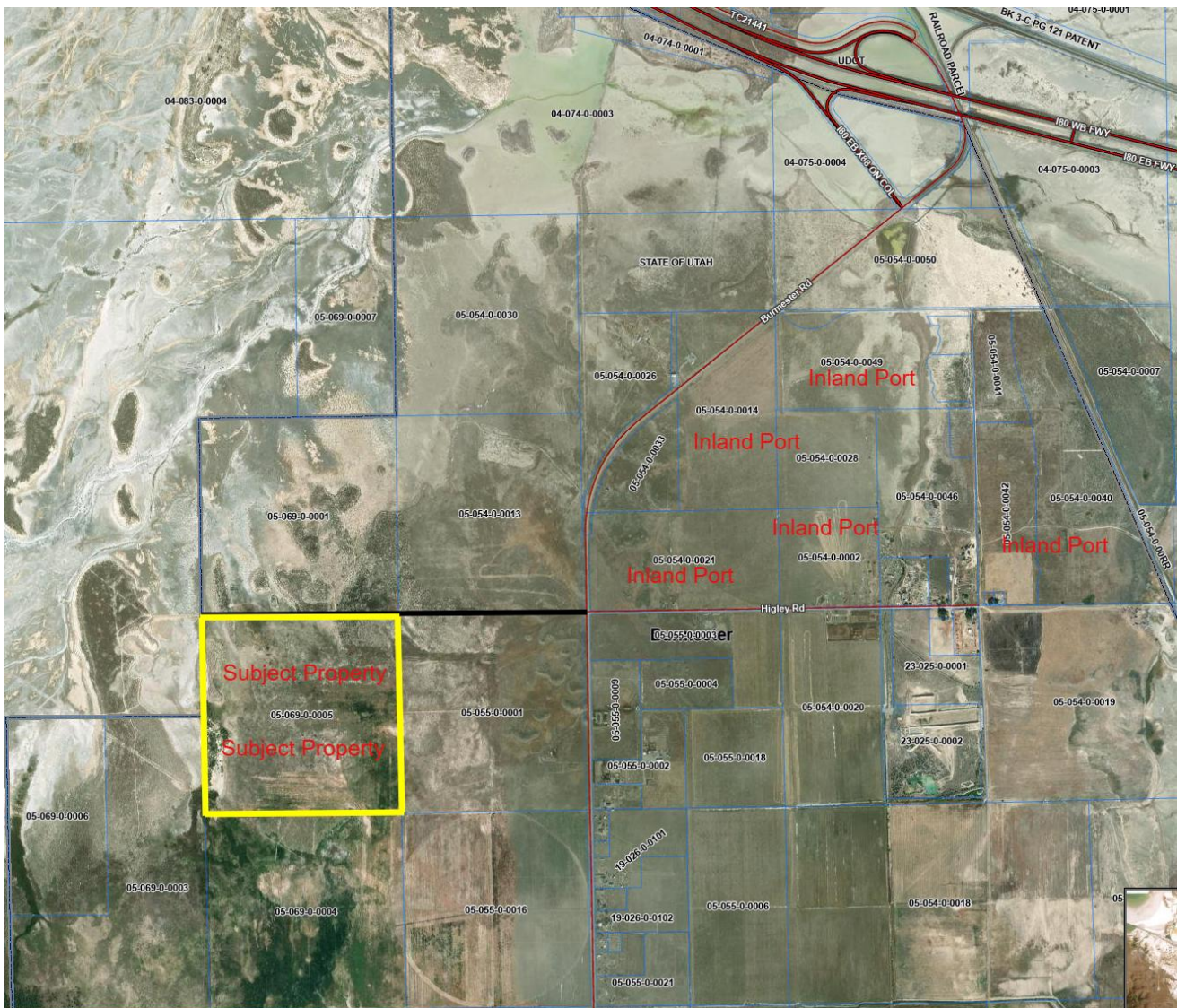


An application to amend the zoning map shall address:

- (a) General existing site characteristics including ownership, topography, soils, drainage, vegetation and other physical characteristics of the area proposed to be changed; Ownership of the land is AtlasCBP5, LLC., a Utah Limited Liability Company with Michael Drury as the Manager. The current site characteristics include a flat and solid clay base of soil with miscellaneous shrubs throughout the 160 acres of the property. A Topography Survey is attached as Exhibit 1 for review. Equinox Engineering was engaged and determined that there are no wetlands on the property and that it is suitable to be developed as per the standards of the U.S.A.C.E. who we are working closely with on another property that is East in proximity to this one.
- (b) A legal description of the area to be rezoned; See attached Property Tax statement attached as Exhibit 2 and description below.

Property Description for A.P.N.: 05-069-0-0005
NE 1/4 OF SEC 12, T2S, R6W, CONT 160 AC 160.00 AC
- (c) Types of land uses permitted, conditional or prohibited in the current zoning district and the proposed zoning district; The current zoning for the 160 acres is MU-40. Application is being made to rezone the 160-acre parcel to M-G (Manufacturing General) for the potential permitted uses such as "Storage Units, Self-Storage" as stated on Table 17-5-3.9 (q).
- (d) Existing transportation patterns to include public and private roads and internal and external circulation patterns, rights-of-way, easements and parking; The 160-acre parcel has a newly acquired access easement on the North side of the adjacent parcel number: 05-055-0-0001 which will be a Westward continuation of Higley Road into the property. Please see Exhibit 3. A traffic study has also been performed by Hales Engineering and shows that the new road into the 160 acres will be sufficient to handle the anticipated traffic from the potential proposed uses on the property. Please see the traffic study attached as Exhibit 4.
- (e) Existing and proposed land uses, open spaces, impervious surfaces including streets, parking areas, structures and buildings with a general description of size area, intensities/densities, and height, and proposed storm-water drainage facilities; The parcel will be used for M-G (Manufacturing Distribution) which will be very suitable for the proposed uses such as "Storage Units, Self-Storage" as stated on Table 17-5-3.9 (q) in conjunction with the current level Topography of the parcel for the eventual designed storm-water drainage.
- (f) Existing and proposed utilities and infrastructure; Rocky Mountain Power is available to the property via the corner of Burmester and Higley Road. A water well and septic tank is proposed in the immediate future as approved by Tooele County Health Department. GRE South, LLC. owns 21 plus water rights for the property. Michael Drury is the owner of both GRE South, LLC. and AtlasCBP5, LLC. and will contribute the necessary water for the development of AtlasCBP5, LLC. See attached Exhibit 5 Water Rights Detail certificate issued by the Division of Water Rights on 2025-10-14.

- (g) Relationship of proposed zone change with Tooele County General Plan and how specifically the proposed zone change would conflict, conform, complement or otherwise affect the Tooele County General Plan as well as any special studies that are designed to further detail the Tooele County General Plan in a specific area; It is anticipated that this zoning change would be consistent with the adjacent and nearby properties owned by Zenith-Bolinder Inland Port and GRE South, LLC and be consistent with the overall General Plan of Tooele County.
- (h) An area map showing adjacent property owners and existing land uses within 1,000 feet of the area proposed to be rezoned; See attached picture below of the subject property. There are no residences within 1,000 feet of the subject property. Within ½ mile there is the Zenith-Bolinder Inland Port which has the identical zoning that the subject property is applying for. The other surrounding properties are used for cattle grazing. The blackline is the new access road.



- (i) the location, description and acreage of land uses; The current location address is approximately 11000 Higley Road, Grantsville, Utah 84029. The entire 160 acres proposed use would be for M-G (Manufacturing Distribution) as approved by Tooele County.
- (j) approximate location and number of residential units along with approximate square footage, density and height; No residential uses are anticipated.
- (k) approximate location and square footage of non-residential buildings; A non-residential industrial building may be constructed in the front of the property which will be approximately 17,000 sq. ft. as approved by Tooele County in addition to "Storage Units, Self-Storage" as stated on Table 17-5-3.9 (q).
- (l) Calculation of approximate amount of open space both before and after buildout construction, indicating areas of expected open space and new landscaping, and including maintenance plans for these areas; The parcel will be developed according to the existing requirements for buildings regarding the particular zoning and building requirements as approved by Tooele County. The potential industrial building is expected to exist near the Northeast corner of the property. There will be an abundance of open space after construction of the potential building on this large parcel.
- (m) If the site has unusual or unique natural features, a demonstration of how proposed development preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural draining patterns, and if appropriate, geotechnical studies submitted to indicate soil types, depth of bedrock and slope stability; The current sites' natural features includes a very flat and solid clay base of soil with miscellaneous shrubs. The current topography and site visit by Equinox Engineering has determined that there are no known issues expected with historic water drainage making the parcel very suitable for development.
- (n) A description of the availability of culinary and irrigation water, community facilities such as schools, fire protection services and other types of facilities that would serve the re-zoned area and how these facilities are affected by this proposal; The property currently has twenty one water rights. The general area is also supported by the North Tooele Fire District.
- (o) Approximate location and size of storm water detention and retention areas and calculations on the impact to those systems as a result of the change in density and use of land; AtlasCBP5, LLC in conjunction with Equinox Engineering does not anticipate any major impact to the current storm water detention and retention areas.
- (p) An indication of the construction schedule of any project proposed; AtlasCBP5, LLC anticipates that construction would start in the spring of 2026 conditioned upon all the other necessary approvals from Tooele County that need to be in place.

- (q) For multi-phased projects, a phasing plan that describes the anticipated timing and geographical extent of each phase; [AtlasCBP5, LLC does not anticipate doing a multiphase project.](#)
- (r) A detailed traffic study showing the vehicle trips per day on average at buildout and a determination of how the project would significantly alter existing traffic patterns or volume; [Entrance to the property would come off Burmester Rd at the intersection of Burmester Rd and Higley Rd. The access would be provided by a new 33' wide road constructed by AtlasCBP5, LLC. as per Tooele County standards. The access has been acquired via a new access easement from Burmister 150, LLC – Parcel # 05-055-0-0001 – see \[Exhibit 3\]\(#\).](#) A traffic study has been performed by Hales Engineering showing no issues with the access off Burmester Rd into the property.
- (s) For applications involving a PUD, a table of proposed dimensional standards for the proposed land uses or phases including lot sizes and frontages, building heights and intensities, and setbacks and a description of any requested exceptions to the requirements of the underlying zone; and [AtlasCBP5, LLC does not plan to involve a PUD.](#)
- (t) any other study or information required by the planning commission or zoning administrator. [None at this time.](#)

ADDITIONAL ATTACHMENTS:

[Exhibit 6](#) Survey of the property
[Exhibit 7](#) Plat Map of the property
[Exhibit 8](#) Title Commitment

Date Submitted: [November 3, 2025](#)



Signature of owner(s) or agent(s):

Exhibit 1

BASIS OF BEARING
N 89°51'30" E 2637.31' (MEA.)

FOUND PIPE WITH BRASS CAP
NORTHEAST CORNER SEC. 12
TOWNSHIP LINE (NW. SEC. 1)
(SET 4" LATH - FLAGGING)
SITE BENCH MARK = (4221.4)
DIRT ROAD
S 89°47'16" W 2480.64' (MEA.)

TOPOGRAPHIC SURVEY
HIGLEY LANE
LOCATED IN THE NW 1/4 SECTION 12,
TOWNSHIP 2 SOUTH, RANGE 6 WEST
SALT LAKE BASE AND MERIDIAN
TOOELE COUNTY, UTAH

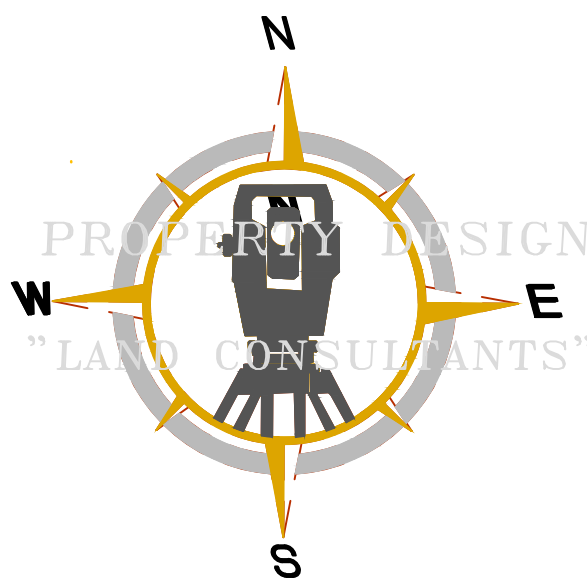
PROPERTY DESCRIPTION

PARCEL 05-069-0-0005

THE NORTHEAST QUARTER OF SECTION 12,
TOWNSHIP 2 SOUTH, RANGE 6 WEST, SALT LAKE
BASE AND MERIDIAN.
TOGETHER WITH A RIGHT OF WAY OVER THE
SOUTH 33 FEET OF THE SOUTHWEST QUARTER OF
SECTION 1, TOWNSHIP 2 SOUTH, RANGE 6 WEST,
SALT LAKE BASE AND MERIDIAN

SURVEYOR'S NARRATIVE

THIS SURVEY WAS PERFORMED AT REQUEST OF
MIKE DRURY. THE PURPOSE OF THIS SURVEY IS TO
DETERMINE LOCATION OF PROPERTY LINES.
THE BASIS OF BEARING WAS DERIVED FROM FOUND
BRASS CAP SECTIONAL MONUMENTS. THE BASIS OF
BEARING IS N 89°51'30" E FEET, AS PER THE
OFFICIAL RECORDED PLAT OF STATE COORDINATE &
DEPENDENT RESURVEY OF PORTIONS OF TOWNSHIP
2 SOUTH, RANGE 6 WEST, SALT LAKE BASE AND
MERIDIAN. PREVIOUS RECORDED SURVEYS HAVE
BEEN UTILIZED TO DETERMINE THE PLACEMENT OF
THIS PARCEL AND CORRELATE WITH THE
MONUMENTS AND OTHER FOUND EVIDENCE, AND
HAVE BEEN UTILIZED IN THE PREPARATION OF THIS
SURVEY.



SURVEY CERTIFICATION

I, RICHARD K. JOHANSON, DO HEREBY CERTIFY THAT I AM A LICENSED
PROFESSIONAL LAND SURVEYOR, HOLDING CERTIFICATE No. 152956, AS
PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH; AND THAT I HAVE
MADE A SURVEY OF THE TRACT OF LAND AS SHOWN ON THIS PLAT AND
THAT THIS SURVEY RETRACES DEED LINES AND DOES NOT NECESSARILY
PURPORT TO HAVE DETERMINED OWNERSHIP OR POSSESSION OF IMPROVEMENTS
WHICH MAY EXTEND ACROSS DEED LINES.

SIGNATURE: _____

DATE: _____

PRELIMINARY

N 89°50'33" W 2642.20' (MEA.)

FOUND PIPE WITH BRASS CAP
(SEC. COR. INSCRIBED)
EAST 1/4 CORNER
SET 4" LATH - FLAGGING
(4223.3)

SOUTH 33 FEET
PARCEL 05-055-0-0001

SCALE:	AS SHOWN
DATE:	03/21/2024
DRAWN BY:	R.K.J./CFB
SURVEY BY:	R.K.J.
CHECKED BY:	R.K.J./C.F.B.
JOB #:	R-24-006-C




PROPERTY DESIGN LLC.
"LAND CONSULTANTS"

P.O. BOX 701168
SALT LAKE CITY UT 84170
(801) 955-6339
(propertydesignllc@gmail.com)



GRAPHIC SCALE



(IN FEET)
1 inch = 150 ft.

COPYRIGHT
THIS DRAWING IS AND AT ALL TIMES REMAINS THE EXCLUSIVE PROPERTY OF
PROPERTY DESIGN LLC SHALL NOT BE USED WITH OUT COMPLETE
AUTHORIZATION AND WRITTEN SUPPORT.

SURVEYOR'S NOTES

A TITLE REPORT MAY PROVIDE INFORMATION
CONCERNING EASEMENTS.
SURVEYOR MAKES NO WARRANTIES OR
GUARANTEES TO THE EXISTENCE OF/OR POSSIBLE
EASEMENTS THAT MAY AFFECT PARCELS.

TOPOGRAPHIC LEGEND

CONTOURS ARE SHOWN AT A 2' CONTOUR INTERVAL AND
HIGHLIGHTED AND AT A 10' INTERVAL.
THE PROJECT BENCHMARK IS A FOUND PIPE W/ BRASS
CAP NORTHEAST CORNER OF THE PROPERTY.
(4221.4' GPS ASSIGNED).

DISCLAIMER

THIS DRAWING IS AND AT ALL TIMES REMAINS THE
EXCLUSIVE PROPERTY OF PROPERTY DESIGN LLC SHALL
NOT BE USED WITH OUT COMPLETE AUTHORIZATION AND
WRITTEN SUPPORT.

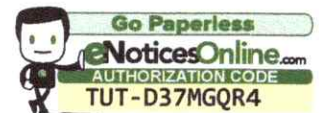
SHEET
1 OF 1
PRELIMINARY
JUNE 10, 2024

Exhibit 2

PLEASE SEE IMPORTANT EXPLANATIONS
& INSTRUCTIONS ON REVERSE SIDE

TOOELE Office of the County Auditor
C O U N T Y Alison H. McCoy
A U D I T O R 47 South Main Street
Tooele, Utah 84074

**THIS IS NOT A BILL.
DO NOT PAY.**



NOTICE OF PROPERTY VALUATION AND TAX CHANGES

LEGAL DESCRIPTION OF PROPERTY

THIS MAY BE A PARTIAL LEGAL DESCRIPTION
NE 1/4 OF SEC 12, T2S, R6W, CONT 160 AC 160.00 AC

OWNER
ATLASCBP5, LLC

PARCEL NUMBER
0506900005

TAX DISTRICT
10

PROPERTY TAX INFORMATION - PLEASE READ

25750*68**G50**0.6375**1/2*****AUTO**ALL FOR AADC 840
ATLASCBP5, LLC
PO BOX 71369
SALT LAKE CITY UT 84171-0369



VALUE OF YOUR PROPERTY

PROPERTY TYPE	2023 Market Value	2023 Taxable Value	2024 Market Value	2024 Taxable Value	
FARMLAND (FAA)	370,200	903	370,200	918	Primary Property Full-time residential dwelling. Taxes at 55% of market value. Non-Primary Property Taxed at 100% of the market value. Greenbelt Property Active agricultural use.
TOTAL PROPERTY VALUE	\$370,200	\$903	\$370,200	\$918	

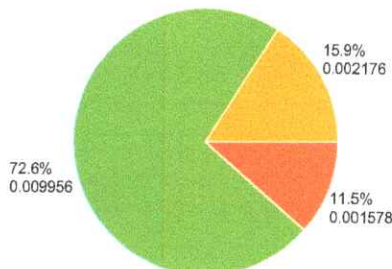
COMPARE PROPOSED CHANGES

		2023	2024 IF NO INCREASE	2024 IF PROPOSED BUDGET IS APPROVED	IF 2024 INCREASE	BE HEARD		
		TAXES \$	RATE	TAXES \$	RATE	TAXES \$	CHANGE IN TAX \$	CHANGE IN %
TAXING ENTITIES								
S	SCHOOL LOCAL LEVY	\$5.02	0.007457	\$6.85	0.008459	\$7.77	\$0.92	13.40%
S	SCHOOL BASIC LEVY	\$1.27	0.001408	\$1.29	0.001408	\$1.29	\$0.00	0.00%
T	COUNTY GENERAL	\$0.76	0.001111	\$1.02	0.001111	\$1.02	\$0.00	0.00%
O	MUNICIPAL TYPE SERVICES	\$0.52	0.001064	\$0.98	0.001064	\$0.98	\$0.00	0.00%
O	NORTH TOOELE FIRE DIST.	\$0.53	0.000859	\$0.79	0.000859	\$0.79	\$0.00	0.00%
T	COUNTY/ASSESS-COLLECT	\$0.24	0.000323	\$0.30	0.000323	\$0.30	\$0.00	0.00%
O	MOSQUITO ABATEMENT DISTRICT	\$0.18	0.000238	\$0.22	0.000238	\$0.22	\$0.00	0.00%
T	TOOELE COUNTY HEALTH DEPARTMENT	\$0.10	0.000144	\$0.13	0.000144	\$0.13	\$0.00	0.00%
S	CHARTER SCHOOL LEVY	\$0.07	0.000089	\$0.08	0.000089	\$0.08	\$0.00	0.00%
O	MULTI-COUNTY/ASSESS-COLLECT	\$0.01	0.000015	\$0.01	0.000015	\$0.01	\$0.00	0.00%
T	TOOELE COUNTY TRANSPORTATION SSD	\$0.00	0.000000	\$0.00	0.000000	\$0.00	\$0.00	0.00%
TOTALS		\$8.70	0.012708	\$11.67	0.013710	\$12.59	\$0.92	7.9%
		LAST PROPERTY REVIEW: 2021						

S = Schools T = Tooele County C = Cities O = Other (See pie chart below)

Where Do Your Tax Dollars Go?

- Schools (S)
- County(T)
- City (C)
- Other (O)



☐ An (X) in the box to the left indicates we have received your
Tax Relief Application for this year.

* For more information on tax relief options please see the back of this notice.

Deadline for Filing 2024 Appeals

State Centrally Assessed Parcels

August 1, 2024

County Assessed Parcels

September 16, 2024



Exhibit 3

When Recorded Return To:
Atlascbp5, LLC, a Utah limited liability company
P.O. Box 71369
Salt Lake City, UT 84171
MTC File No. 278176

VACATION, ABANDONMENT AND GRANT OF EASEMENT

This Instrument is made by and between Atlascbp5, LLC, a Utah limited liability company, (herein "Atlascbp5") and Burmister 150, LLC, a Utah limited liability company (herein "Burmister"). For good and valuable consideration, the adequacy of which is hereby acknowledged, the parties hereto understand and agree as follows:

A. WHEREAS, Burmister is the owner of the following described property located in Tooele County, Utah (herein referred to as the "Burdened Property"):

All that certain property situated in the County of Tooele, State of Utah, described as follows: The Northwest Quarter of Section 7, Township 2 South, Range 5 West, Salt Lake Basin and Meridian.

Excepting therefrom, that portion of property included in the road conveyed by that certain Warranty Deed dated August 24, 1912 to Tooele County, State of Utah, and recorded November 8, 1912 as Entry No. 142602 in Book 3-H at Page 255 of official records, being described as follows: Commencing at the North Quarter corner of Section 7, Township 2 South, Range 5 West, Salt Lake Basin and Meridian, thence South one mile to the South Quarter corner of said Section 7; thence West 4 rods; thence North one mile; thence East 4 rods to the place of beginning.

Property ID No. 05-055-0-0001

B. WHEREAS, Atlascbp5 is the owner of the following described property located in Tooele County, Utah (herein referred to as the "Benefitted Property"):

All that certain property situated in the County of Tooele, State of Utah, described as follows: The Northwest Quarter of Section 12, Township 2 South, Range 6 West, Salt Lake Basin and Meridian.

Property ID No. 05-069-0-0005

C. WHEREAS, an Access Right of Way Easement for egress and ingress over and across a portion of the burdened property was granted by the predecessor of Atlascbp5 by instrument recorded January 7th, 1992 as Entry No. 045060 Book 2-B, Page 125 of Official Records on file and of record with the Tooele County Recorder (herein referred to as the "Original Easement") which is specifically described below.

D. WHEREAS, the parties hereto have agreed to vacate the Original Easement as set forth below and desire to set forth in writing for the record a new easement (the "Replacement Easement") as set forth below.

NOW, THEREFORE, for good and valuable consideration the adequacy of which is hereby acknowledged, the parties hereby agree as follows:

1. Atlascbp5 does hereby quit claim, vacate and abandon the Original Easement which is described as set forth above and which is more particularly described as follows:

TOGETHER WITH A RIGHT-OF-WAY OVER THE SOUTH 33 FEET OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 2 SOUTH, RANGE 5 WEST, SALT LAKE BASE AND MERIDIAN.

2. Atlascbp5 hereby represents and warrants to Burmister that Atlascbp5 has not granted to any party any right to use or otherwise benefit from the Original Easement and Atlascbp5 shall indemnify and hold Burmister and its successors and assigns from any and all costs and expenses incurred by Burmister in defense of any claim related to the Original Easement based upon a grant from Atlascbp5 for rights related to use of the Original Easement.

3. The vacation and abandonment is granted in consideration of the grant of an easement referred to herein as the Replacement Easement across the Burdened Property as set forth herein. Additionally, this vacation and abandonment shall only become effective upon recordation of the grant of the new easement.

4. Burmister 150, LLC, a Utah limited liability company, as joint tenants, as Grantor, does hereby convey and grant to Atlascbp5, LLC, a Utah limited liability company, as Grantee, their successors, assigns, lessees, licensees and agents, a Replacement Easement for egress and ingress over and across a portion of the Burdened Property, which new and relocated Replacement Easement is located in Tooele County, Utah and is more particularly described as follows:

A NONEXCLUSIVE EASEMENT WHICH SHALL BE A RIGHT-OF-WAY FOR USE OF MOTOR VEHICLES OF ALL DESCRIPTIONS INCLUDING BUT NOT LIMITED TO ALL COMMERCIAL VEHICLES, HEAVY TRUCKS, AND LIVESTOCK OF VARIOUS DESCRIPTION, UTILITIES, GRADING, MAINTENANCE OF ROAD IMPROVEMENTS, AND THE RIGHT TO INSTALL UTILITIES, DRAINAGE AND SIGNAGE OVER THE NORTH 33 FEET OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 2 SOUTH, RANGE 5 WEST, SALT LAKE BASE AND MERIDIAN.

Excepting therefrom, that portion of property included in the road conveyed by that certain Warranty Deed dated August 24, 1912 to Tooele County, State of Utah, and recorded November 8, 1912 as Entry No. 142602 in Book 3-H at Page 255 of official records, being described as follows: Commencing at the North Quarter corner of Section 7, Township 2 South, Range 5 West, Salt Lake Base and Meridian, thence South one mile to the South Quarter corner of said Section 7; thence West 4 rods;

thence North one mile; thence East 4 rods to the place of beginning.

5. The Replacement Easement is depicted on the survey attached as EXHIBIT A of the real property owned by Burmister which shall be subject to the easement herein granted as the Replacement Easement. The rights, conditions and provisions of this easement shall inure to the benefit of and be binding upon the heirs, executors, administrators, successors and assigns of the respective parties hereto.

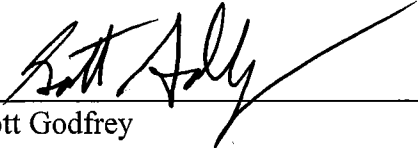
6. Burmeister shall have no duty to maintain the Replacement Easement. AtlasCBP5 shall have maintenance rights of the Replacement Easement. Upon any use of the Replacement Easement, Atlascbp5 shall be responsible to cause the wire fence on the east end and on the west end of the Replacement Easement to be replaced with a gate sufficient to cause the Burdened Property to remain secure. Upon commencement of regular use of the Replacement Easement, Atlascbp5 shall cause a fence sufficient to prevent livestock from leaving the Burdened Property to be constructed along the entire south boundary of the Replacement Easement which fence shall include a minimum of two (2) gates which provide access to and from the Replacement Easement to the Burdened Property located generally at the east end and west end of the Replacement Easement. All fencing and gates supplied by AtlasCBP5 shall be the property of AtlasCBP5. Burmister shall not remove or lock the gates in a way that limits AtlasCBP5's use of the Replacement Easement.

[end of text – signature pages follow immediately]

SIGNATURE PAGE
TO
VACATION, ABANDONMENT AND GRANT OF EASEMENT

In witness whereof, the undersigned has executed this instrument this 3rd day of ~~October~~, 2025.
November

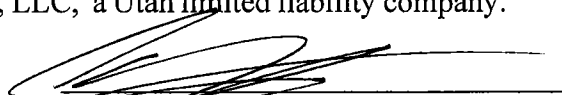
Burmister 150, LLC,
a Utah limited liability company

By: 
Scott Godfrey
Its: Manager

STATE OF UTAH)
COUNTY OF Salt Lake : ss.

The foregoing instrument was acknowledged before me on the 3rd day of ~~October~~ November, 2025,
by Scott Godfrey the Manager of Burmister 150, LLC, a Utah limited liability company.




NOTARY PUBLIC

SIGNATURE PAGE
TO
VACATION, ABANDONMENT AND GRANT OF EASEMENT

In witness whereof, the undersigned has executed this instrument this 30th day of October, 2025.

Atlascbp5, LLC,
a Utah limited liability company

By: [Signature]
Michael Drury
Its: Manager

STATE OF UTAH)
COUNTY OF Salt Lake : ss.

The foregoing instrument was acknowledged before me on the 30th day of October, 2025, by Michael Drury the Manager of Atlascbp5, LLC, a Utah limited liability company.



[Signature]
NOTARY PUBLIC

EXHIBIT A

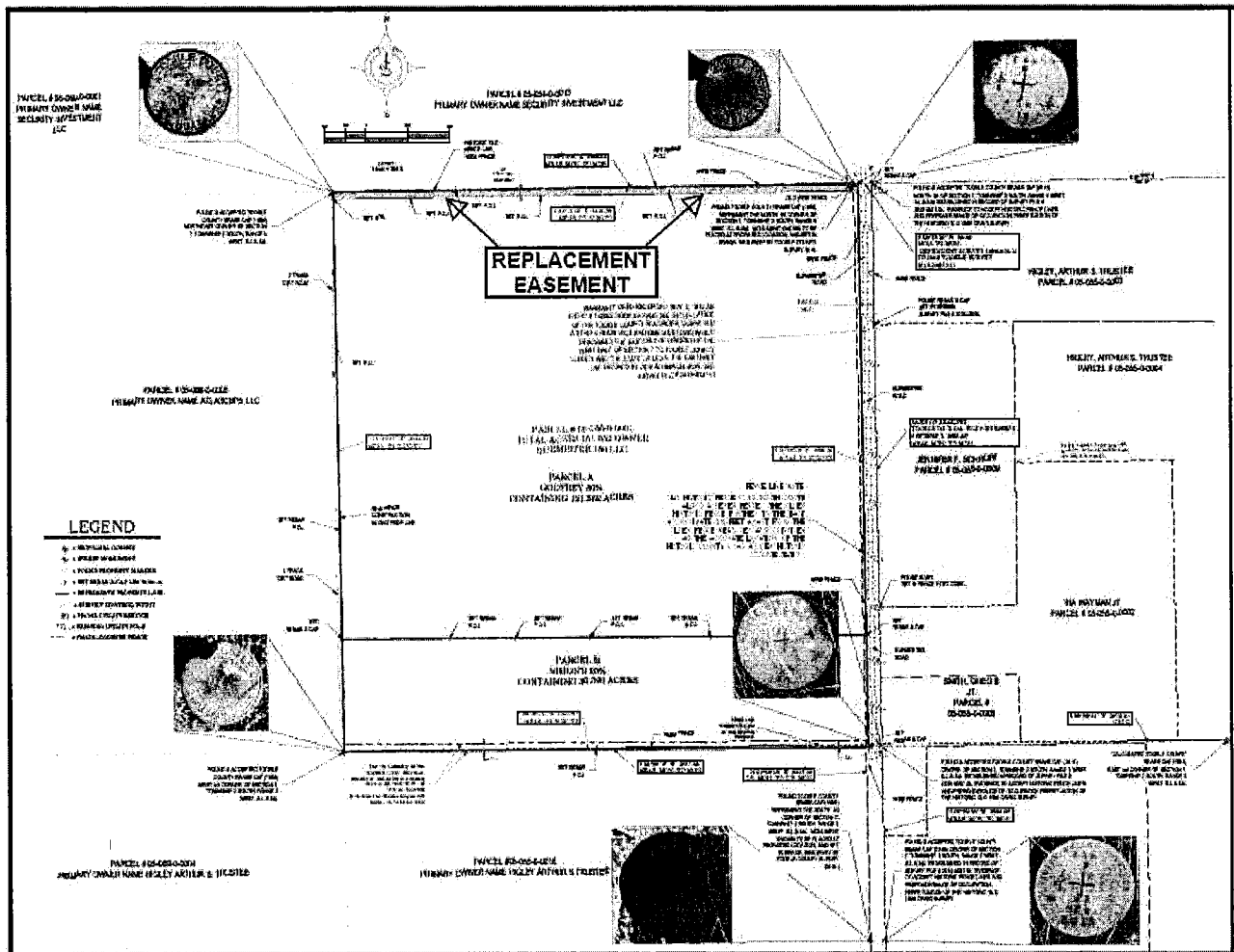


Exhibit 4

GRE West Industrial Park

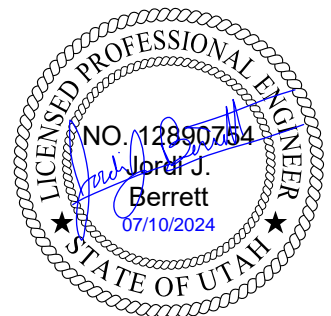
Traffic Impact Study



Tooele County, Utah

July 10, 2024

UT24-2779



EXECUTIVE SUMMARY

This study addresses the traffic impacts associated with the proposed GRE West Industrial Park development located in Tooele County, Utah. The development is located west of Burmester Road, near Higley Lane.

The purpose of this traffic impact study is to analyze traffic operations at key intersections for existing (2024) conditions with and without the proposed project and to recommend mitigation measures as needed. The evening peak hour level of service (LOS) results are shown in Table ES-1.

Table ES-1: Evening Peak Hour Level of Service Results

Intersection	Level of Service	
	Existing (2024)	
	Background	Plus Project
1 Higley Lane / Burmester Road	a	a
<p>1. Intersection LOS values represent the overall intersection average for roundabout, signalized, and all-way stop-controlled (AWSC) intersections (uppercase letter) and the worst movement for all other unsignalized intersections (lowercase letter)</p> <p>Source: Hales Engineering, July 2024</p>		

SUMMARY OF KEY FINDINGS & RECOMMENDATIONS

Project Conditions

- The development will consist of 17,000 sq. ft. of general light industrial.
- The project is anticipated to generate approximately 116 weekday daily trips, including 16 trips in the morning peak hour, and 12 trips in the evening peak hour.

2024	Background	Plus Project
Assumptions	<ul style="list-style-type: none"> Included projected evening peak hour traffic volumes from the following neighboring projects: <ul style="list-style-type: none"> Higley Lane Residential (Hales, May 2022) Phase I of Bolinder (Hales, July 2022) Big Shot Ranch (Hales, March 2023) Higley Lane Agricultural (Hales, June 2023) GRE Industrial Park (Hales, June 2024) 	<ul style="list-style-type: none"> None
Findings	<ul style="list-style-type: none"> Acceptable LOS 	<ul style="list-style-type: none"> Acceptable LOS
Mitigations	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> None

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Appendix A: Turning Movement Counts

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I. INTRODUCTION

A. Purpose

This study addresses the traffic impacts associated with the proposed GRE West Industrial Park development located in Tooele County, Utah. The proposed project is located west of Burmester Road near Higley Lane. Figure 1 shows a vicinity map of the proposed development.

The purpose of this traffic impact study is to analyze traffic operations at key intersections for existing (2024) conditions with and without the proposed project and to recommend mitigation measures as needed.

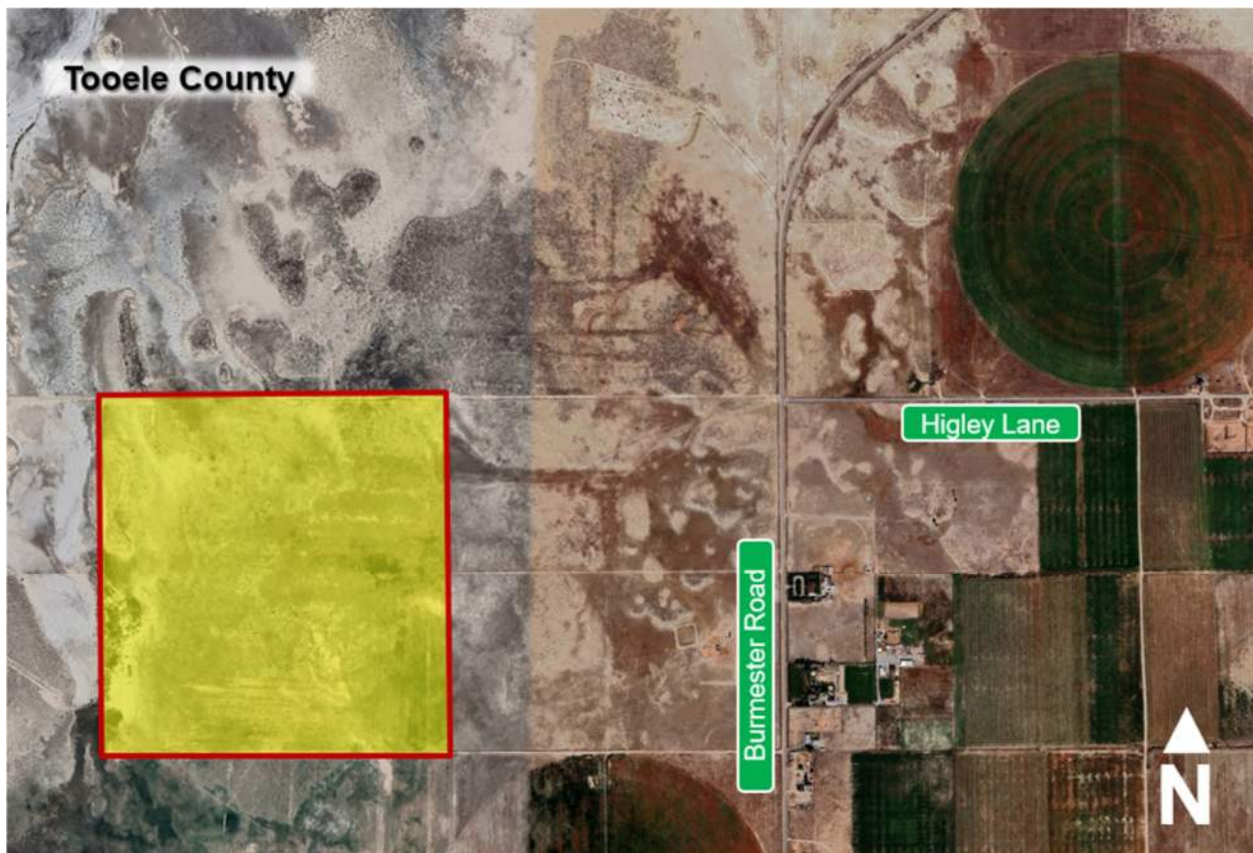


Figure 1: Vicinity map showing the project location in Tooele County, Utah

B. Scope

The study area was defined based on conversations with the development team. This study was scoped to evaluate the traffic operational performance impacts of the project at the Higley Lane / Burmester Road intersection.

C. Analysis Methodology

Level of service (LOS) is a term that describes the operating performance of an intersection or roadway. LOS is measured quantitatively and reported on a scale from A to F, with A representing the best performance and F the worst. Table 1 provides a brief description of each LOS letter designation and an accompanying average delay per vehicle for both signalized and unsignalized intersections.

The *Highway Capacity Manual* (HCM), 7th Edition, 2022 methodology was used in this study to remain consistent with “state-of-the-practice” professional standards. This methodology has different quantitative evaluations for signalized and unsignalized intersections. For signalized, roundabout, and all-way stop-controlled (AWSC) intersections, the LOS is provided for the overall intersection (weighted average of all approach delays). For all other unsignalized intersections, LOS is reported based on the worst movement.







Using Synchro/SimTraffic software, which follow the HCM methodology, the peak hour LOS was computed for each study intersection. Multiple runs of SimTraffic were used to provide a statistical evaluation of the interaction between the intersections. The detailed LOS reports are provided in Appendix B. Hales Engineering also calculated the 95th percentile queue lengths for the study intersections using SimTraffic. The detailed queue length reports are provided in Appendix C.

Many of the figures in this report are printouts of the Synchro model. These figures are not meant to be a design exhibit for exact lane striping and design, due to the limitations of the Synchro software. Instead, the purpose of these figures is to show assumed peak hour turning movement volumes and the conceptual travel lane configuration of the study roadway network.

D. Level of Service Standards

For the purposes of this study, a minimum acceptable intersection performance for each of the study intersections was set at LOS D. If levels of service E or F conditions exist, an explanation and/or mitigation measures will be presented. A LOS D threshold is consistent with “state-of-the-practice” traffic engineering principles for urbanized areas.

Table 1: Level of Service Description

LOS		Description of Traffic Conditions	Average Delay (seconds/vehicle)	
			Signalized Intersections	Unsignalized Intersections
A		Free Flow / Insignificant Delay	≤ 10	≤ 10
B		Stable Operations / Minimum Delays	> 10 to 20	> 10 to 15
C		Stable Operations / Acceptable Delays	> 20 to 35	> 15 to 25
D		Approaching Unstable Flows / Tolerable Delays	> 35 to 55	> 25 to 35
E		Unstable Operations / Significant Delays	> 55 to 80	> 35 to 50
F		Forced Flows / Unpredictable Flows / Excessive Delays	> 80	> 50

Source: Hales Engineering Descriptions, based on the *Highway Capacity Manual* (HCM), 7th Edition, 2022 Methodology (Transportation Research Board)

II. EXISTING (2024) BACKGROUND CONDITIONS

A. Purpose

The purpose of the background analysis is to study the intersections and roadways during the peak travel periods of the day with background traffic and geometric conditions. Through this analysis, background traffic operational deficiencies can be identified, and potential mitigation measures recommended. This analysis provides a baseline condition that may be compared to the build conditions to identify the impacts of the development.

B. Roadway System

The primary roadway that will provide access to the project site is described below:

Burmester Road – is a county-maintained roadway which is classified by the Tooele County Transportation Master Plan (October 2023) as a Major Collector. The roadway has one travel lane in each direction. The posted speed limit is 55 mph in the study area.

C. Traffic Volumes

Weekday morning (7:00 to 9:00 a.m.) and evening (4:00 to 6:00 p.m.) peak period traffic counts were performed at the following intersection:

- Higley Lane / Burmester Road

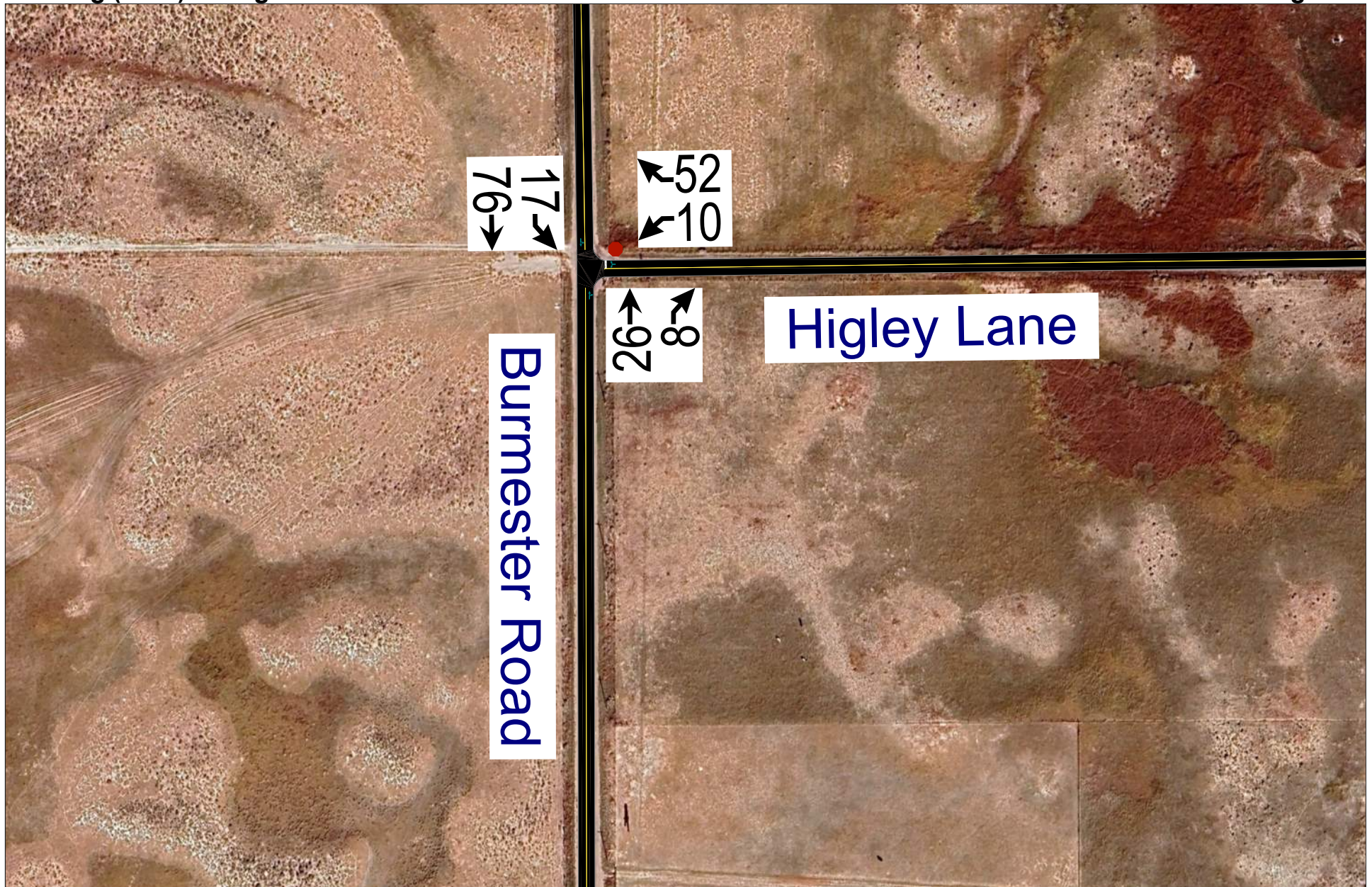
The counts were performed on Thursday, June 6, 2024. The morning peak hour was determined to be between 7:30 and 8:30 a.m., and the evening peak hour was determined to be between 4:45 and 5:45 p.m. The morning peak hour volumes were approximately 31% higher than the evening peak hour volumes. However, the evening peak hour volumes were used in the analysis due to higher turning volumes on Higley Lane. This analysis represents the worst-case conditions for this intersection. Detailed count data are included in Appendix A.

Hales Engineering considered making seasonal adjustments to the observed traffic volumes. Monthly traffic volume data were obtained from a nearby UDOT automatic traffic recorder (ATR) on I-80 (ATR #615). In recent years, traffic volumes in June have been equal to approximately 107% of average traffic volumes. Therefore, as a conservative measure, the observed traffic volumes were not adjusted.

Trip assignments from the Higley Lane Residential TIS (Hales Engineering, May 2022), the phase I of Bolinder TIS (Hales Engineering, July 2022), the Big Shot Ranch TGS (Hales Engineering, March 2023), the Higley Lane Agricultural TIS (Hales Engineering, June 2023), and the GRE Industrial Park TIS (Hales Engineering, June 2024) were added to the existing (2024) background volumes. Figure 2 shows the existing evening peak hour volumes as well as intersection geometry at the study intersections.

Tooele County - GRE West Industrial Park TIS
Existing (2024) Background

Evening Peak Hour
Figure 2



D. Level of Service Analysis

Hales Engineering determined that all study intersections are currently operating at acceptable levels of service during the evening peak hour, as shown in Table 2. These results serve as a baseline condition for the impact analysis of the proposed development during existing (2024) conditions.

Table 2: Existing (2024) Background Evening Peak Hour LOS

Intersection		Level of Service		
Description	Control	Movement ¹	Aver. Delay (Sec. / Veh.)	LOS ²
Higley Lane / Burmester Road	WB Stop	WBL	5.2	a

1. Movement indicated for unsignalized intersections where delay and LOS represents worst movement. SBL = Southbound left movement, etc.

2. Uppercase LOS used for signalized, roundabout, and AWSC intersections. Lowercase LOS used for all other unsignalized intersections.

Source: Hales Engineering, June 2024

E. Queuing Analysis

Hales Engineering calculated the 95th percentile queue lengths for each of the study intersections. No significant queueing was observed during the evening peak hour.

F. Mitigation Measures

No mitigation measures are recommended.

III. PROJECT CONDITIONS

A. Purpose

The project conditions discussion explains the type and intensity of development. This provides the basis for trip generation, distribution, and assignment of project trips to the surrounding study intersections defined in Chapter I.

B. Project Description

The proposed GRE West Industrial Park development is located west of Burmester Road, near Higley Lane. The development will consist of approximately 17,000 sq. ft. of general light industrial.

C. Trip Generation

Trip generation for the development was calculated using trip generation rates published in the Institute of Transportation Engineers (ITE), *Trip Generation*, 11th Edition, 2021. Trip generation for the proposed project is included in Table 3.

The total trip generation for the development is as follows:

- Daily Trips: 116
- Morning Peak Hour Trips: 16
- Evening Peak Hour Trips: 12

Table 3: Trip Generation

Trip Generation Tooele County - GRE West Industrial Park								
Land Use ¹	# of Units	Unit Type	Trip Generation			New Trips		
			Total	% In	% Out	In	Out	Total
Weekday Daily								
General Light Industrial (110)	17	KSF	116	50%	50%	58	58	116
AM Peak Hour								
General Light Industrial (110)	17	KSF	16	88%	12%	14	2	16
PM Peak Hour								
General Light Industrial (110)	17	KSF	12	14%	86%	2	10	12
1. Land Use Code from the Institute of Transportation Engineers (ITE) <i>Trip Generation</i> , 11th Edition, 2021.								
SOURCE: Hales Engineering, July 2024								

D. Trip Distribution and Assignment

Project traffic is assigned to the roadway network based on the type of trip and the proximity of project access points to major streets, high population densities, and regional trip attractions. Existing travel patterns observed during data collection also provide helpful guidance to establishing these distribution percentages, especially near the site. The resulting distribution of project generated trips during the evening peak hour is shown in Table 4.

Table 4: Trip Distribution

Direction	% To/From Project
North	90%
South	10%

These trip distribution assumptions were used to assign the evening peak hour trip generation at the study intersections to create trip assignment for the proposed development. Trip assignment for the development is shown in Figure 3.

E. Access

The proposed access for the site will be gained at the following locations:

Burmester Road:

- The project access will be located at the west leg of the Higley Lane / Burmester Road intersection. It will access the project on the west side of Burmester Road. It is anticipated that the access will be stop-controlled.

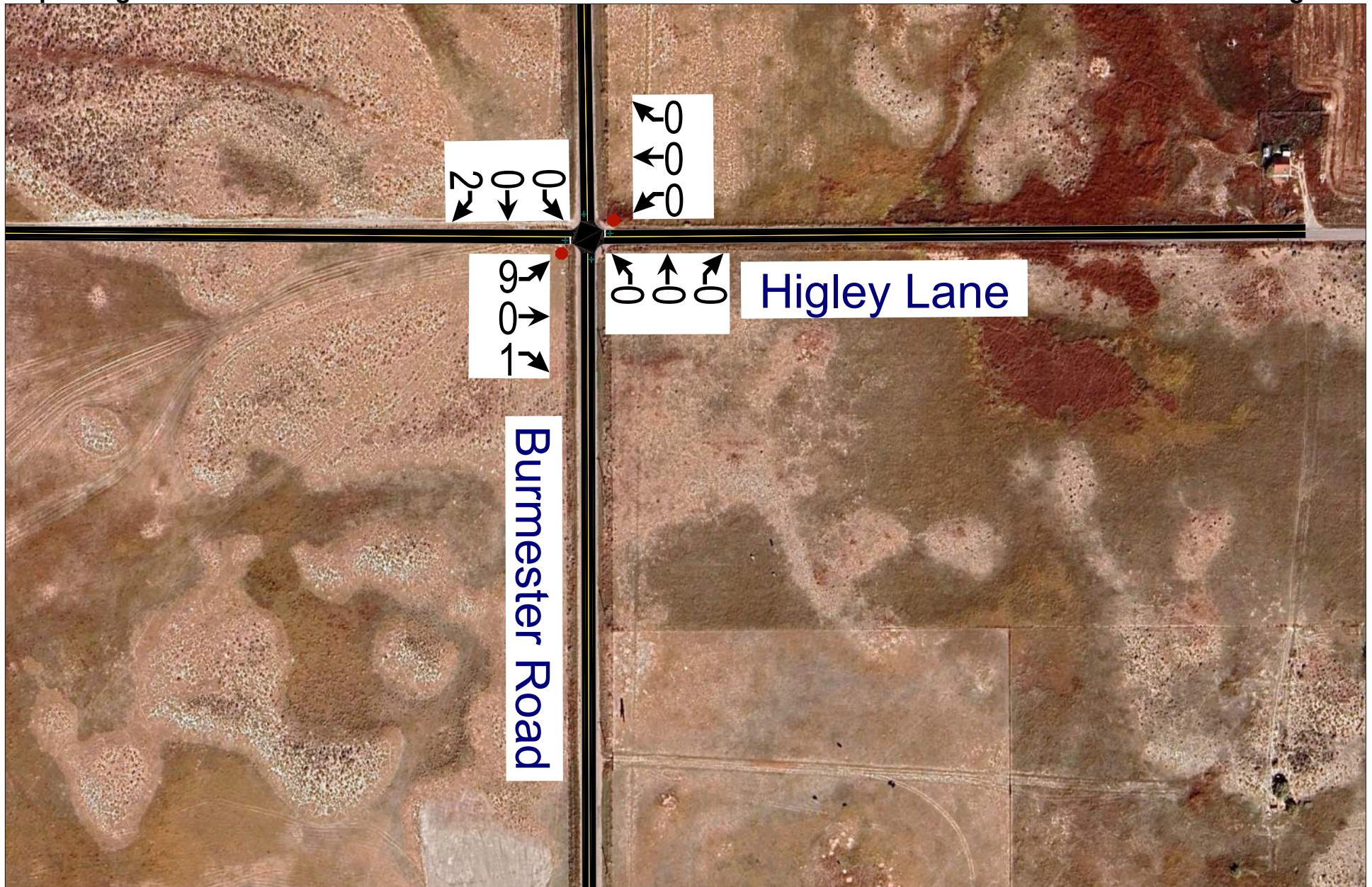
F. Auxiliary Lanes

Auxiliary lanes are deceleration (ingress) or acceleration (egress) turn lanes that provide for safe turning movements that have less impact on through traffic. These lanes are sometimes needed at accesses or roadway intersections if right- or left-turn volumes are high enough.

Deceleration (ingress) lanes are generally needed when there are at least 50 right-turn vehicles or 25 left-turn vehicles in an hour. These guidelines were used for the City roadways in the study area. Based on these guidelines and the anticipated project traffic, no auxiliary lanes are recommended

Tooele County - GRE West Industrial Park TIS
Trip Assignment

Evening Peak Hour
Figure 3



IV. EXISTING (2024) PLUS PROJECT CONDITIONS

A. Purpose

The purpose of the existing (2024) plus project analysis is to study the intersections and roadways during the peak travel periods of the day for existing background traffic and geometric conditions plus the net trips generated by the proposed development. This scenario provides valuable insight into the potential impacts of the proposed project on background traffic conditions.

B. Traffic Volumes

Hales Engineering added the project trips discussed in Chapter III to the existing (2024) background traffic volumes to predict turning movement volumes for existing (2024) plus project conditions. Existing (2024) plus project evening peak hour turning movement volumes are shown in Figure 4.

C. Level of Service Analysis

Hales Engineering determined that all intersections are anticipated to operate at acceptable levels of service during the evening peak hour with project traffic added, as shown in Table 5. It may be noted that the model calculated lower average delay in the plus project condition. Due to the low sample size, the change in average delay can be attributed to randomness in the model.

Table 5: Existing (2024) Plus Project Evening Peak Hour LOS

Intersection		Level of Service		
Description	Control	Movement ¹	Aver. Delay (Sec. / Veh.)	LOS ²
Higley Lane / Burmester Road	WB Stop	WBL	4.7	a

1. Movement indicated for unsignalized intersections where delay and LOS represents worst movement. SBL = Southbound left movement, etc.

2. Uppercase LOS used for signalized, roundabout, and AWSC intersections. Lowercase LOS used for all other unsignalized intersections.

Source: Hales Engineering, June 2024

D. Queuing Analysis

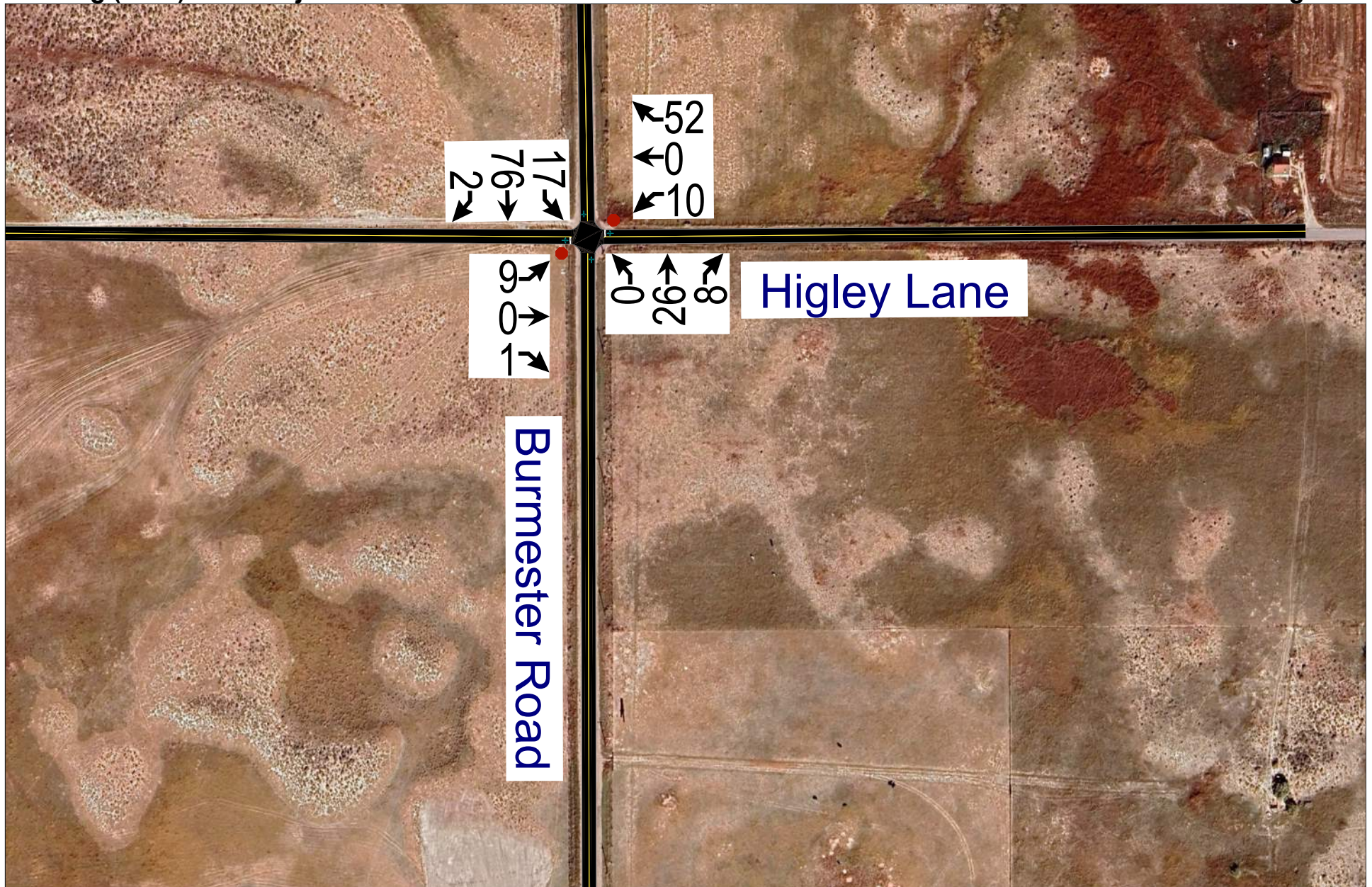
Hales Engineering calculated the 95th percentile queue lengths for each of the study intersections. No significant queueing is anticipated during the evening peak hour.

E. Mitigation Measures

No mitigation measures are recommended.

Tooele County - GRE West Industrial Park TIS
Existing (2024) Plus Project

Evening Peak Hour
Figure 4



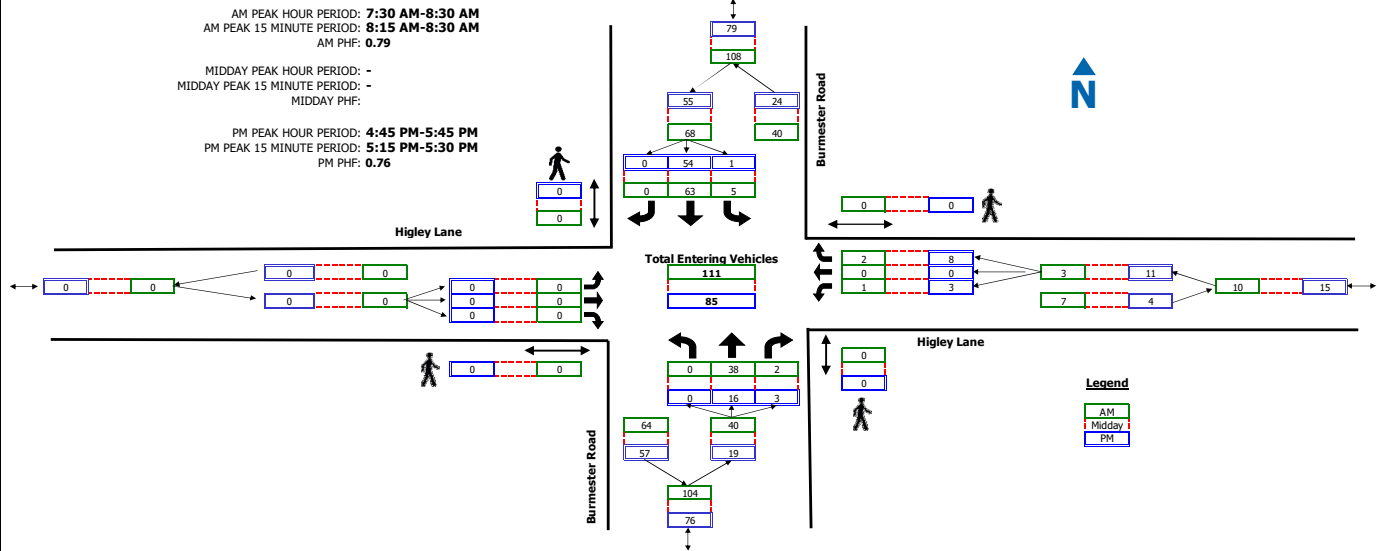
APPENDIX A

Turning Movement Counts

Intersection Turning Movement Summary

Intersection: Burmester Road / Higley Lane
North/South Road: Burmester Road
East/West Road: Higley Lane
Jurisdiction: Tooele County
Project Title: Tooele County GRE Industrial Park TIS
Project No: UT24-2779
Weather: Clear

Date: 6-6-24, Thu
Day of Week Adjustment: 100.0%
Month of Year Adjustment: 100.0%
Adjustment Station #: 0
Growth Rate: 0.0%
Number of Years: 0



COUNT SUMMARY	Burmester Road Northbound				Burmester Road Southbound				Higley Lane Eastbound				Higley Lane Westbound				TOTAL
	Left	Thru	Right	Peds	Left	Thru	Right	Peds	Left	Thru	Right	Peds	Left	Thru	Right	Peds	
AM PERIOD COUNTS																	
Period	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	TOTAL
7:00 - 7:15	0	8	0	0	2	5	0	0	0	0	0	0	0	0	1	0	16
7:15 - 7:30	0	12	1	0	0	1	0	0	0	0	0	0	0	0	0	0	14
7:30 - 7:45	0	9	0	0	0	9	0	0	0	0	0	0	0	0	1	0	19
7:45 - 8:00	0	8	0	0	0	17	0	0	0	0	0	0	0	0	0	0	26
8:00 - 8:15	0	9	1	0	2	19	0	0	0	0	0	0	0	0	0	0	31
8:15 - 8:30	0	12	1	0	2	18	0	0	0	0	0	0	1	0	1	0	35
8:30 - 8:45	0	9	0	0	0	6	0	0	0	0	0	0	1	0	0	0	16
8:45 - 9:00	0	6	1	0	0	7	0	0	0	0	0	0	0	0	0	0	14
MIDDAY PERIOD COUNTS																	
Period	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	TOTAL
9:00 - 9:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
9:15 - 9:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
9:30 - 9:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
9:45 - 10:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10:00 - 10:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10:15 - 10:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10:30 - 10:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10:45 - 11:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:00 - 11:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:15 - 11:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:30 - 11:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:45 - 12:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:00 - 12:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:15 - 12:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:30 - 12:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:45 - 13:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
13:00 - 13:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
13:15 - 13:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
13:30 - 13:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
13:45 - 14:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
14:00 - 14:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
14:15 - 14:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
14:30 - 14:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
14:45 - 15:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
15:00 - 15:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
15:15 - 15:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
15:30 - 15:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
15:45 - 16:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PM PERIOD COUNTS																	
Period	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	TOTAL
16:00 - 16:15	0	5	1	0	0	10	0	0	0	0	0	0	0	0	0	0	16
16:15 - 16:30	0	4	0	0	2	13	0	0	0	0	0	0	0	0	3	0	22
16:30 - 16:45	0	4	2	0	0	10	0	0	0	0	0	0	0	0	1	0	17
16:45 - 17:00	0	1	1	0	0	15	0	0	0	0	0	0	0	0	1	0	18
17:00 - 17:15	0	4	1	0	0	8	0	0	0	0	0	0	1	0	3	0	17
17:15 - 17:30	0	5	1	0	0	15	0	0	0	0	0	0	2	0	4	0	28
17:30 - 17:45	0	6	0	0	0	16	0	0	0	0	0	0	0	0	0	0	22
17:45 - 18:00	0	3	0	0	0	13	0	0	0	0	0	0	0	0	0	0	16

APPENDIX B

LOS Results

SimTraffic LOS Report

Project: Tooele County - GRE West Industrial Park TIS
Analysis Period: Existing (2024) Background
Time Period: Evening Peak Hour **Project #:** UT24-2779

Intersection: Burmester Road & Higley Lane
Type: Unsignalized

Approach	Movement	Demand Volume	Volume Served		Delay/Veh (sec)	
			Avg	%	Avg	LOS
NB	T	26	26	99	0.6	A
	R	9	9	103	0.1	A
	Subtotal	35	35	100	0.5	A
SB	L	25	23	91	0.5	A
	T	76	80	106	0.6	A
	Subtotal	101	103	102	0.6	A
WB	L	12	11	92	5.2	A
	R	69	68	99	3.1	A
	Subtotal	81	79	98	3.4	A
Total		217	217	100	1.6	A

SimTraffic LOS Report

Project: Tooele County - GRE West Industrial Park TIS
Analysis Period: Existing (2024) Plus Project
Time Period: Evening Peak Hour **Project #:** UT24-2779

Intersection: Burmester Road & Higley Lane
Type: Unsignalized

Approach	Movement	Demand Volume	Volume Served		Delay/Veh (sec)	
			Avg	%	Avg	LOS
NB	T	26	24	91	0.7	A
	R	8	9	116	0.1	A
	Subtotal	34	33	97	0.5	A
SB	L	17	16	96	0.4	A
	T	76	76	100	0.4	A
	R	2	3	133	0.1	A
	Subtotal	95	95	100	0.4	A
EB	L	9	10	114	4.3	A
	R	1	2	200	2.5	A
	Subtotal	10	12	120	4.0	A
WB	L	10	9	90	4.7	A
	R	52	52	100	2.9	A
	Subtotal	62	61	98	3.2	A
Total		200	201	100	1.5	A

APPENDIX C

95th Percentile Queue Length Reports

SimTraffic Queueing Report

Project: Tooele County - GRE West Industrial Park TIS

Analysis: Existing (2024) Background

Time Period: Evening Peak Hour

95th Percentile Queue Length (feet) - Rounded Up to Nearest Multiple of 25 ft



Project #: UT24-2779

Intersection	SB	WB
	LT	LR
01: Burmester Road & Higley Lane		75

SimTraffic Queueing Report

Project: Tooele County - GRE West Industrial Park TIS

Analysis: Existing (2024) Plus Project

Time Period: Evening Peak Hour

95th Percentile Queue Length (feet) - Rounded Up to Nearest Multiple of 25 ft



Project #: UT24-2779

Intersection	SB	EB	WB
	LTR	LTR	LTR
01: Burmester Road & Higley Lane		50	75

Exhibit 5

Water Right Details for 15-2618

Utah Division of Water Rights

10/14/2025 12:33 PM

(WARNING: Water Rights makes NO claims as to the accuracy of this data.)

Water Right: 15-2618

Application/Claim:

Certificate:

Owners:

Name: GRE South, LLC
Address: 6975 South Union Park Ctr, Suite 600
Cottonwood Heights UT 84047

Interest:

Remarks:

General:

Type of Right: Adjudication Decree

Source of Info.: Proposed Determination

Status:

Quantity of Water: 0.056 CFS OR 21.15 ACFT

Source: Underground Water Well

County: Tooele

Common Description:

Proposed Det. Book: 15-2

Map: 16d

Pub. Date: 11/01/1985

Land Owned by Appl.: Yes

County Tax Id#:

Dates:

Filing:

Filed: 11/02/1979

Priority: / /1935

Decree/Class:

Advertising:

Publication Began:

Publication End:

Newspaper:

Protest End Date:

Protested: Not Protested

Hearing Held:

Approval:

State Eng. Action:

Action Date:

Recon. Req. Date:

Recon. Req Type:

Certification:

Proof Due Date:

Extension Filed Date:

Election or Proof:

Election/Proof Date:

Cert./WUC Date: 11/02/1979

Lapsed, Etc. Date:

Lap. Ltr. Date:

Wells:

Prov. Well Date:

Most Recent Well Renovate/Replace Date:

Points of Diversion:

Points of Diversion - Abandoned:

(1) N 145 ft. W 230 ft. from S4 corner, Sec 5 T 2S R 5W SLBM

Well Diameter: in.

Depth: to ft.

Year Drilled:

Well Log:

Well Id#:

Elevation:

UTM: 378270.467, 4502695.11 (NAD83)

Source/Cmnt:

Water Uses:

Water Uses - Group Number: 9291

Water Rights Appurtenant to the following use(s):

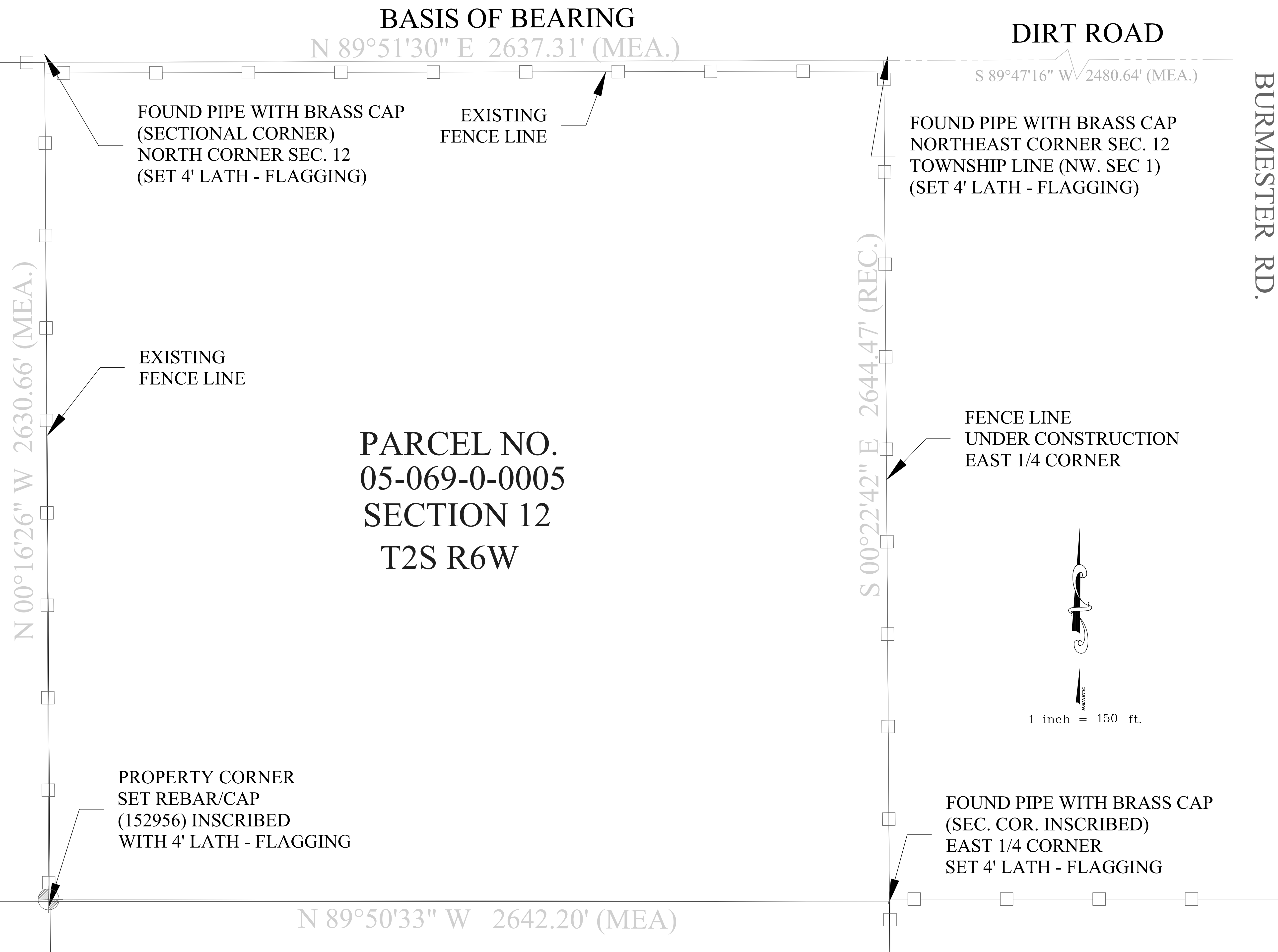
15-2616(ADEC), 15-2618(ADEC),

Water Use Types:																	
Irrigation -Beneficial Use Amount: 5 acres Group Total: 10 Period of Use: 04/01 to 10/31																	
Stock Water -Beneficial Use Amount: 25 ELUs Group Total: 50 Period of Use: 01/01 to 12/31																	
Place of Use (which includes all or part of the following legal subdivisions):																	
	North West				North East				South West				South East				Section
	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE	Totals
Sec 5 T 2S R 5W SLBM												10					10
Group Acreage Total :																	

Water Uses - Group Number: 9293																	
Water Use Types:																	
Domestic -Beneficial Use Amount: 1 EDUs Group Total: 1 Period of Use: 01/01 to 12/31																	

Use Totals:																	
Irrigation sole-supply total: 5 acres										for a group total of: 10 acres							
Stock Water sole-supply total: 25 ELUs										for a group total of: 50 ELUs							
Domestic sole-supply total: 1 EDUs										for a group total of: 1 EDUs							

Exhibit 6



**RECORD OF SURVEY
HIGLEY LANE
LOCATED IN THE NW 1/4 SECTION 12
TOWNSHIP 2 SOUTH, RANGE 6 WEST
SALT LAKE BASE AND MERIDIAN
TOOELE COUNTY UTAH**

PROPERTY DESCRIPTION

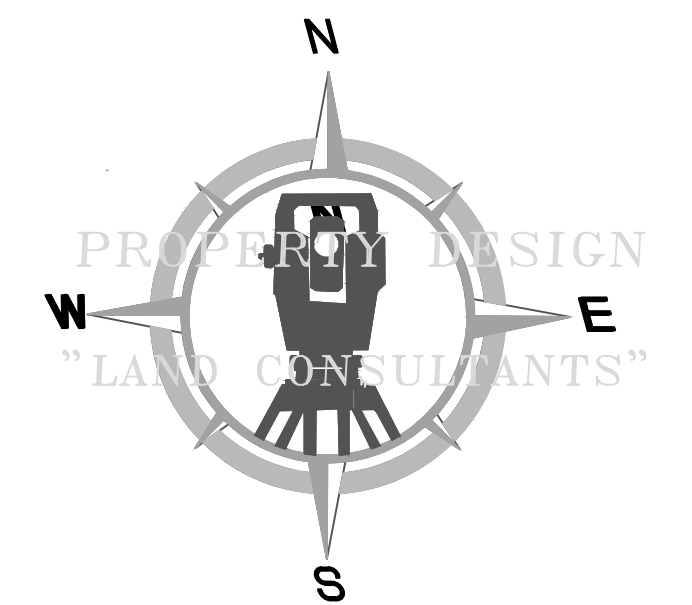
PARCEL 05-069-0-0005

THE NORTHEAST QUARTER OF SECTION 12,
TOWNSHIP 2 SOUTH, RANGE 6 WEST, SALT LAKE
BASE AND MERIDIAN.
TOGETHER WITH A RIGHT OF WAY OVER THE
SOUTH 33 FEET OF THE SOUTHWEST QUARTER OF
SECTION 1, TOWNSHIP 2 SOUTH, RANGE 6 WEST,
SALT LAKE BASE AND MERIDIAN

SURVEYOR'S NARRATIVE

THIS SURVEY WAS PERFORMED AT REQUEST OF THE ATLASCBP5, LLC C/O MIKE DRURY. THE PURPOSE OF THIS SURVEY IS TO DETERMINE LOCATION OF PROPERTY LINES.

THE BASIS OF BEARING WAS DERIVED FROM FOUND BRASS CAP SECTIONAL MONUMENTS. THE BASIS OF BEARING IS N 89°51'30" E FEET, AS PER THE OFFICIAL RECORDED PLAT OF STATE COORDINATE & DEPENDENT RESURVEY OF PORTIONS OF TOWNSHIP 2 SOUTH, RANGE 6 WEST, SALT LAKE BASE AND MERIDIAN. PREVIOUS RECORDED SURVEYS HAVE BEEN UTILIZED TO DETERMINE THE PLACEMENT OF THIS PARCEL AND CORRELATE WITH THE MONUMENTS AND OTHER FOUND EVIDENCE, AND HAVE BEEN UTILIZED IN THE PREPARATION OF THIS SURVEY.



SURVEY CERTIFICATION

I, RICHARD K. JOHANSON, DO HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR, HOLDING CERTIFICATE NO. 152956, AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH; AND THAT I HAVE MADE A SURVEY OF THE TRACT OF LAND AS SHOWN ON THIS PLAT AND THAT THIS SURVEY RETRACES DEED LINES AND DOES NOT NECESSARILY PURPORT TO HAVE DETERMINED OWNERSHIP OR POSSESSION OF IMPROVEMENTS WHICH MAY EXTEND ACROSS DEED LINES.

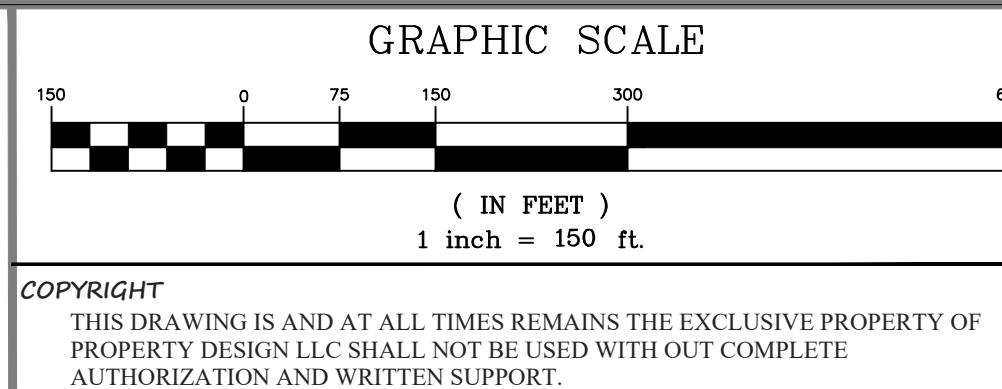
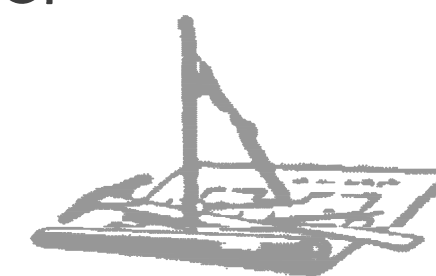
SIGNATURE: _____

DATE: _____

SCALE:	AS SHOWN
DATE:	04/09/2024
DRAWN BY:	R.K.J./CFB
SURVEY BY:	R.K.J
CHECKED BY:	R.K.J/C.F.B.
JOB #:	R-24-009



PROPERTY DESIGN LLC.
"LAND CONSULTANTS"
 P.O. BOX 701168
 SALT LAKE CITY UT 84170
 (801) 955-6339
 (propertydesignllc@gmail.com)



SURVEYOR'S NOTES

A TITLE REPORT MAY PROVIDE INFORMATION
CONCERNING EASEMENTS.
SURVEYOR MAKES NO WARRANTIES OR
GUARANTEES TO THE EXISTENCE OF/OR POSSIBLE
EASEMENTS THAT MAY AFFECT PARCELS.

**SURVEY
FOR:**

MIKE DRURY

DISCLAIMER

THIS DRAWING IS AND AT ALL TIMES REMAINS THE
EXCLUSIVE PROPERTY OF PROPERTY DESIGN LLC SHALL
NOT BE USED WITH OUT COMPLETE AUTHORIZATION AND
WRITTEN SUPPORT.

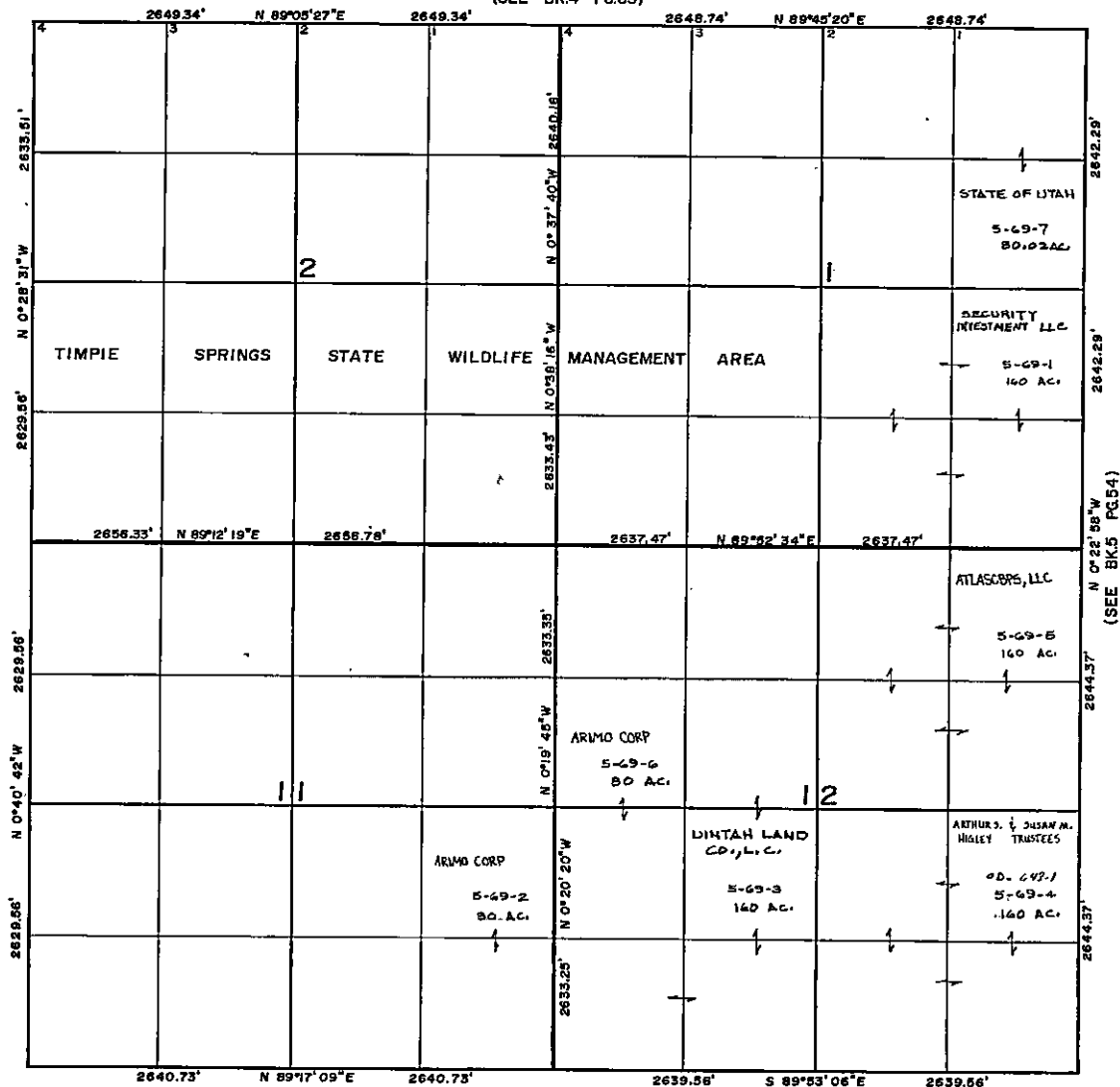
SHEET
1 OF 1
RELIMINARY
APRIL 09, 2024

Exhibit 7

SECTION ^{2 1}_{11 12} T 2 S , R 6 W, S.L.B.&M.

(SEE BK.4 PG.83)

THIS PLAT IS MADE SOLELY FOR THE PURPOSE OF ASSISTING IN LOCATING THE LAND, AND THE RECORDER ASSUMES NO LIABILITY FOR VARIATIONS, IF ANY, WITH AN ACTUAL SURVEY.



REVISIONS INITIAL AND DATE				NOTES	U.S.T.C. approval Date:	PLAT DEPARTMENT TOOELE COUNTY, UTAH	21 Section 1112 T2SR6W drawn by:DD date: 7/81	book page 5 69 scale 1"=800'
548282	5-69-5	3/4/24	KA					
				7				

Exhibit 8



Transaction Identification Data, for which the Company assumes no liability as set forth in Commitment Condition 5.e.:

Issuing Agent: First American Title Insurance Company
Issuing Office: 215 South State Street, Suite 280, Salt Lake City, UT 84111
Issuing Office's ALTA® Registry ID: 1173091
Commitment Number: 394-6362601
Issuing Office File Number: 394-6362601
Property Address: Vacant Land, Tooele County, UT
Revision Number: 1

ESCROW/CLOSING INQUIRIES should be directed to your Escrow Officer: **Crystal Shelley at (801)255-4800 located at 7730 South Union Park Ave, Ste 650, Midvale, UT 84047.**

SCHEDULE A

1. Commitment Date: July 01, 2025 at 8:00 a.m.
2. Policy to be issued:
 - a. ALTA® Standard Owner's Policy
Proposed Insured: To Be Determined
Proposed Amount of Insurance: \$1,000.00 Premium: \$220.00
The estate or interest to be insured: See Item 3 below
3. The estate or interest in the Land at the Commitment Date is:

Fee Simple as to Parcel 1 and an Easement as to Parcel 2
4. [The Title is, at the Commitment Date, vested in:](#)

AtlasCBP5, LLC, a Utah limited liability company
5. The Land is described as follows:

See Exhibit A attached hereto and made a part hereof

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Commitment No.: 394-6362601

SCHEDULE B, PART I—Requirements

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.
5. Provide releases, reconveyances, or other instruments, acceptable to the Company, including payment of any amounts due, removing the encumbrances shown in Schedule B, Part II that are objectionable to the Proposed Insured.
6. Provide us with copies of appropriate agreements, resolutions, certificates, or other evidence needed to identify the parties authorized to execute the documents creating the interest to be insured.
7. Provide us with any information regarding personal property taxes which may have been assessed or are due and payable which could become a lien on the real property.
8. The Restrictions on Foreign Acquisitions of Land Act, codified in Utah Code as §63L-13-101, §63L-13-201, and §63L-13-202, effective May 3, 2023, prohibits acquisition of an interest in real property by certain foreign parties. Any loss or damage incurred resulting from a violation of this law is excluded from coverage under the terms of a title insurance policy.

If a prohibited foreign entity is a party to this transaction, the Company must be notified in writing. The Company does not intend to knowingly close or insure a transaction that violates the referenced state law.

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Page 2 of 12



Commitment No.: 394-6362601

SCHEDULE B, PART II—Exceptions

Some historical land records contain Discriminatory Covenants that are illegal and unenforceable by law. This Commitment and the Policy treat any Discriminatory Covenant in a document referenced in Schedule B as if each Discriminatory Covenant is redacted, repudiated, removed, and not republished or recirculated. Only the remaining provisions of the document will be excepted from coverage.

The Policy will not insure against loss or damage resulting from the terms and conditions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. (a) Taxes or assessments that 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; (b) proceedings by a public agency that 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.
2. Any facts, rights, interest, or claims which are not shown by the Public Records but that could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances that are not shown by the Public Records.
4. Any encumbrance, violation, variation, adverse circumstance, boundary line overlap, or encroachment (including an encroachment of an improvement across the boundary lines of the Land), that would be disclosed by an accurate and complete land title survey of the Land and that are not shown in Public Records.
5. (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, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.
6. Any lien or right to a lien for services, labor or material, unless such lien is shown by the Public Records at Date of Policy.
7. 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.

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Form 50122149 (5-16-22)

Page 3 of 12



Subject to underwriting review and approval, some or all of Exceptions 1-7 may be omitted on extended coverage and Eagle policies

8. Taxes for the year 2025 now a lien, not yet due. General property taxes for the year 2024 were paid in the amount of \$11.67. [Tax Parcel No. 05-069-0-0005](#).

(The following exception affects all of the Land, together with other land not included herein)

9. The effect of the 1969 Farmland Assessment Act, wherein there is a five (5) year roll-back provision with regard to assessment and taxation, by reason of that certain Application for Assessment and Taxation of Agricultural Land, recorded August 21, 2002 as Entry No. [186147](#) in Book 773 at Page 776 of Official Records.
10. Any charge upon the land by reason of its inclusion in Tooele County Landfill.

(The following exception affects Southwesterly portion of the land)

11. An easement over, across or through the Land for gas transmission and incidental purposes, as granted to Mountain Fuel Supply Company, a Corporation of the State of Utah, its successors and assigns by Instrument recorded October 28, 1970 as Entry No. [291990](#) in Book 98 at Page 583 of Official Records.

(The following exception affects Southwesterly portion of the land)

12. An easement over, across or through the Land for gas transmission and incidental purposes, as granted to Mountain Fuel Supply Company, a Corporation of the State of Utah, its successors and assigns by Instrument recorded October 28, 1970 as Entry No. [291997](#) in Book 98 at Page 590 of Official Records.
13. A Resolution No. 2014-01 reorganizing the North Tooele County Fire Protection Service District from a Special Service District to a Local District recorded August 05, 2014 as Entry No. [401708](#) of Official Records.
14. Mechanics' and/or Materialmen's Lien claims if either work is started, any material delivered or service rendered, prior to the recordation of the Security Instrument to be insured.

LOSS OF PRIORITY under this provision may jeopardize the Company's ability to insure under an ALTA Lenders Policy.

[The State Construction Registry discloses the following Preliminary Notice\(s\):](#) None

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15. Our search of the Public Records finds no outstanding Mortgages affecting the Land.
16. Any claim to (a) ownership of or rights to minerals and similar substances, including but not limited to ores, metals, coal, lignite, oil, gas, uranium, clay, rock, sand, and gravel located in, on, or under the Land or produced from the Land, whether such ownership or rights arise by lease, grant, exception, conveyance, reservation, or otherwise; and (b) any rights, privileges, immunities, rights of way, and easements associated therewith or appurtenant thereto, whether or not the interests or rights excepted in (a) or (b) appear in the Public Records or are shown in Schedule B.
17. Water rights, claims or title to water, whether or not shown by the Public Records.

The name(s) AtlasCBP5, LLC, James R. Peery, Karla J. Peery and The 2013 Peery Family Trust, has/have been checked for judgments, State and Federal tax liens, and bankruptcies and if any were found, are disclosed herein.

The map attached, if any, may or may not be a survey of the land depicted hereon. First American Title expressly disclaims any liability for loss or damage which may result from reliance on this map except to the extent coverage for such loss or damage is expressly provided by the terms and provisions of the title insurance policy, if any, to which this map is attached.

Title inquiries should be directed to Dalton Halvorsen @ (801)578-8888.

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Form 50122149 (5-16-22)

Page 5 of 12



EXHIBIT A

The Land referred to herein below is situated in the County of Tooele, State of Utah, and is described as follows:

Parcel 1:

The Northeast Quarter of Section 12, Township 2 South, Range 6 West, Salt Lake Base and Meridian.

Parcel 2:

A Right of way disclosed in that certain Quitclaim Deed recorded October 27, 2016 as Entry No. [438243](#) of Official Records, being more particularly described as follows:

The South 33 feet of the Northwest Quarter of Section 7, Township 2 South, Range 5 West, Salt Lake Base and Meridian.

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Form 50122149 (5-16-22)

Page 6 of 12



BOOK 5 PAGE 69	
SECTION $\frac{2}{11}$ $\frac{1}{12}$ T 2 S, R 6 W, S.L.B.&M. (SEE BK.4 PG.83)	
THIS PLAT IS MADE SOLELY FOR THE PURPOSE OF ASSISTING IN LOCATING THE LAND, AND THE RECORDER ASSUMES NO LIABILITY FOR VARIATIONS, IF ANY, WITH AN ACTUAL SURVEY.	
(SEE BK.5 PG.54)	
REVISIONS INITIAL AND DATE	
NOTES	
U.S.T.C. approval Date:	
PLAT DEPARTMENT	
TOOELE COUNTY, UTAH	
21 Section $\frac{11}{12}$ T2S R 6W drawn by: DD date: 7/81	
book page 5 69 scale 1"=800'	

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ALTA COMMITMENT FOR TITLE INSURANCE
issued by
FIRST AMERICAN TITLE INSURANCE COMPANY

NOTICE

IMPORTANT—READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.


THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and the Commitment Conditions, First American Title Insurance Company, a Nebraska Corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Amount of Insurance and the name of the Proposed Insured.

If all of the Schedule B, Part I—Requirements have not been met within six months after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

FIRST AMERICAN TITLE INSURANCE COMPANY


Sally F. Tyler, President


Lisa W. Cornehl, Secretary

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COMMITMENT CONDITIONS

1. DEFINITIONS

- a. "Discriminatory Covenant": Any covenant, condition, restriction, or limitation that is unenforceable under applicable law because it illegally discriminates against a class of individuals based on personal characteristics such as race, color, religion, sex, sexual orientation, gender identity, familial status, disability, national origin, or other legally protected class.
- b. "Knowledge" or "Known": Actual knowledge or actual notice, but not constructive notice imparted by the Public Records.
- c. "Land": The land described in Item 5 of Schedule A and improvements located on that land that by State law constitute real property. The term "Land" does not include any property beyond that described in Schedule A, nor any right, title, interest, estate, or easement in any abutting street, road, avenue, alley, lane, right-of-way, body of water, or waterway, but does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- d. "Mortgage": A mortgage, deed of trust, trust deed, security deed, or other real property security instrument, including one evidenced by electronic means authorized by law.
- e. "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
- f. "Proposed Amount of Insurance": Each dollar amount specified in Schedule A as the Proposed Amount of Insurance of each Policy to be issued pursuant to this Commitment.
- g. "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
- h. "Public Records": The recording or filing system established under State statutes in effect at the Commitment Date under which a document must be recorded or filed to impart constructive notice of matters relating to the Title to a purchaser for value without Knowledge. The term "Public Records" does not include any other recording or filing system, including any pertaining to environmental remediation or protection, planning, permitting, zoning, licensing, building, health, public safety, or national security matters.
- i. "State": The state or commonwealth of the United States within whose exterior boundaries the Land is located. The term "State" also includes the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, and Guam.
- j. "Title": The estate or interest in the Land identified in Item 3 of Schedule A.

2. If all of the Schedule B, Part I—Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.

3. The Company's liability and obligation is limited by and this Commitment is not valid without:
 - a. the Notice;
 - b. the Commitment to Issue Policy;
 - c. the Commitment Conditions;
 - d. Schedule A;

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- e. Schedule B, Part I—Requirements; and
- f. Schedule B, Part II—Exceptions; and
- g. a counter-signature by the Company or its issuing agent that may be in electronic form.

4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company is not liable for any other amendment to this Commitment.

5. LIMITATIONS OF LIABILITY

- a. The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
 - i. comply with the Schedule B, Part I—Requirements;
 - ii. eliminate, with the Company's written consent, any Schedule B, Part II—Exceptions; or
 - iii. acquire the Title or create the Mortgage covered by this Commitment.
- b. The Company is not liable under Commitment Condition 5.a. if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- c. The Company is only liable under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- d. The Company's liability does not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Condition 5.a. or the Proposed Amount of Insurance.
- e. The Company is not liable for the content of the Transaction Identification Data, if any.
- f. The Company is not obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I—Requirements have been met to the satisfaction of the Company.
- g. The Company's liability is further limited by the terms and provisions of the Policy to be issued to the Proposed Insured.

6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT; CHOICE OF LAW AND CHOICE OF FORUM

- a. Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- b. Any claim must be based in contract under the State law of the State where the Land is located and is restricted to the terms and provisions of this Commitment. Any litigation or other proceeding brought by the Proposed Insured against the Company must be filed only in a State or federal court having jurisdiction.
- c. This Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or

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- oral, express or implied, relating to the subject matter of this Commitment.
- d. The deletion or modification of any Schedule B, Part II—Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
 - e. Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
 - f. When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.
- 7. IF THIS COMMITMENT IS ISSUED BY AN ISSUING AGENT**
The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for closing, settlement, escrow, or any other purpose.
- 8. PRO-FORMA POLICY**
The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.
- 9. CLAIMS PROCEDURES**
This Commitment incorporates by reference all Conditions for making a claim in the Policy to be issued to the Proposed Insured. Commitment Condition 9 does not modify the limitations of liability in Commitment Conditions 5 and 6.
- 10. CLASS ACTION**
ALL CLAIMS AND DISPUTES ARISING OUT OF OR RELATING TO THIS COMMITMENT, INCLUDING ANY SERVICE OR OTHER MATTER IN CONNECTION WITH ISSUING THIS COMMITMENT, ANY BREACH OF A COMMITMENT PROVISION, OR ANY OTHER CLAIM OR DISPUTE ARISING OUT OF OR RELATING TO THE TRANSACTION GIVING RISE TO THIS COMMITMENT, MUST BE BROUGHT IN AN INDIVIDUAL CAPACITY. NO PARTY MAY SERVE AS PLAINTIFF, CLASS MEMBER, OR PARTICIPANT IN ANY CLASS OR REPRESENTATIVE PROCEEDING. ANY POLICY ISSUED PURSUANT TO THIS COMMITMENT WILL CONTAIN A CLASS ACTION CONDITION.
- 11. ARBITRATION**
The Policy contains an arbitration clause. All arbitrable matters when the Proposed Amount of Insurance is \$2,000,000 or less may be arbitrated at the election of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at <http://www.alta.org/arbitration>.

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