

When Recorded Return To:

Virgin Town

PO Box 790008

Virgin, Utah 84779-0008

VIRGIN TOWN

P.O. BOX 790008, 114 S. MILL STREET

VIRGIN, UTAH 84779-0008

(435) 635-4695 FAX (435) 635-0265

CONDITIONAL USE PERMIT

IN CONSIDERATION OF THE ISSUANCE OF A CONDITIONAL USE PERMIT ("CUP") to Labrie Virgin Commercial Project, a Nevada limited liability company and its affiliates, to conduct a Fuel Station business at the "Subject Property" located at approximately 1355 State Route 9, Virgin, Utah consisting of 1 parcels, approximately 3.88 combined acres described more fully in Exhibit A, attached hereto and incorporated by this reference, the following requirements must be met and maintained, to the satisfaction of Virgin Town ("Town"), in order for the CUP to become effective and continue:

1. Abandonment of waste water system and required hook-up to future municipal sewage, once available, at property owner's expense.
2. An eight-foot sound wall to be erected on the southern property line. The sound wall may not be placed in front of terraced stone or grading.
3. A six-foot privacy fence to be erected on the east property line, from the point of egress/ingress to the southern property line.
4. An eight-foot privacy fence on the west property line, from the point of egress/ingress to the southern property line.
5. Operating, advertising, and canopy lights must be turned off outside of store hours, with the exception of one sign, under eight feet of height, that is externally, downward lit; using lighting that does not exceed 3500 kelvin.
6. No sale goods except ice, propane, and firewood may be stored or displayed on the exterior of the building.
7. No vending machines, or ATM's may be located on the exterior of the building.
8. Graffiti and/or vandalism must be removed or addressed within two (2) business days.
9. A traffic study must be conducted for the project. If recommended by the traffic study, an addition of a right-hand turn lane for 1420 East will be added at owner's expense.
10. Improvement of Sheep Bridge Road, either by the owner, or in conjunction with Washington County improvements, including sidewalk or walking trail, and street lighting for the entire length of the east property line facing Sheep Bridge Road.
11. The project must ensure necessary bonuses are in place to receive building size
12. Landscaping, to include fast-growing trees, must be used as additional screening along southern property line.
13. Egress and ingress to the property must be reviewed and approved by the town engineer and in agreement and accordance with the aforementioned traffic study.
14. No broadcasting of music or audio output for advertising at the pumps.
15. Safety and security lighting for the project must be fully shielded.
16. The project must include pull-through parking.

GENERAL TERMS OF THE CUP

An annual review (including inspection) of the Applicant's continued compliance with the CUP requirements set forth above, must take place before the issuance of, or renewal of, a business license. Although this CUP runs with the

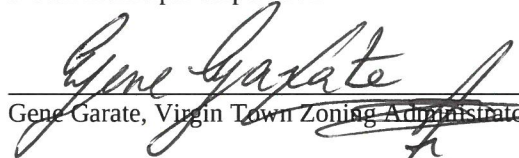
land, expansion, alteration, or deviance from any of the agreed upon conditions herein, when reviewed annually will require an amendment or the revocation of the CUP and business license.

By countersigning the CUP below, the undersigned willingly surrenders all other Conditional Use Permits that may exist, and acknowledges that this CUP supersedes any previous versions or conditions contained in previous CUP's and that all other versions and their conditions pertaining to said property are null and void.

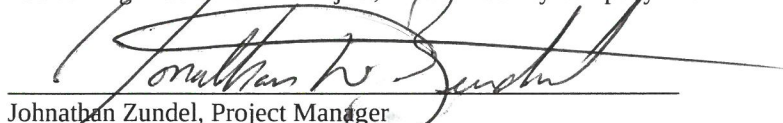
By countersigning the CUP below, the undersigned acknowledges and agrees that: a) it will comply with all of the above conditions, both initially and continually, b) in the event the Town is required to initiate any legal action or other proceedings to enforce the terms of this CUP, they will pay for all court costs, attorney's fees and any other costs incurred by the Town resulting from Applicant's failure to comply with the CUP, and c) that the CUP may be recorded with the a legal description of the Subject Property in the Official Records on file in the Office of the Recorder of Washington County.

SO ISSUED this 16th day of March, 2022

VIRGIN TOWN
a Utah municipal corporation


Gene Garate, Virgin Town Zoning Administrator
COUNTERSIGNED:

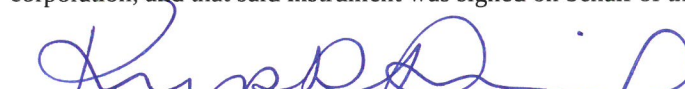
Labrie Virgin Commercial Project, limited liability company and its affiliates

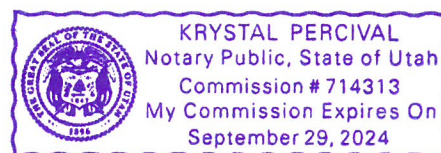

Johnathan Zundel, Project Manager

ACKNOWLEDGEMENTS

STATE OF UTAH)
) ss.
COUNTY OF WASHINGTON)

On this 16th day of March, 2022, personally appeared before me Gene Garate, who being by me duly sworn/affirmed, did say that he is the appointed Zoning Administrator of the Virgin Town, a Utah municipal corporation, and that said instrument was signed on behalf of the Town for its intended purpose.


NOTARY PUBLIC



STATE OF UTAH)
) ss.
COUNTY OF WASHINGTON)

On this 16th day of March, 2022, personally appeared before me Johnathan Zundel, who being by me duly sworn/affirmed, did say that he is respectively a Project Manager of Labrie Virgin Commercial Property, LLC, a Nevada limited liability company and its affiliates, and that said instrument was signed on behalf of said company for its intended purpose.


NOTARY PUBLIC



EXHIBIT A

Legal Description of Subject Property

PARCEL A:

Legal S: 21 T: 41S R: 12W BEG S 89°38'48 E 1947.13 FT ALG C/S/L & S 0°13'01 E 678.12 FT FM W1/4 COR SEC 21 T41S R12W BEING ON SLY R/W LN HWY 9 TH ALG R/W LN S 82°14' E 478.93 FT TO PT OF 25 FT RAD CUR RGT BEING ON WLY R/W LN SHEEP BRIDGE RD; TH ALG R/W SELY ALG ARC CUR 38.85 FT THRU CTRL ANG 89°01'44 TO PT OF 400 FT RAD RVSE CUR; TH SELY ALG ARC CUR 170.78 FT THRU CTRL ANG 24°27'44 ; TH S 12°30' W 104.77 FT; TH S 69° E 109.71 FT TO PT ON 400 FT FT RAD CUR LFT(CTR BEARS N 48°53'29 E) BEING ON WLY R/W LN SHEEP BRIDGE RD; TH ALG R/W LN SELY ALG ARC CUR 175.45 FT THRU CTRL ANG 25°07'55 TO PT TNGY; TH S 66°14'25 E 85.12 FT TO PT OF 350 FT RAD CUR RGT; TH SELY ALG ARC CUR 213.64 FT THRU CTRL ANG 34°58'23 ; TH S 05° E 263.27 FT; TH S 38°35' W 587.17 FT TO PT ON NWLY R/W LN SHEEP BRIDGE RD; TH ALG R/W LN S 45°18'01W 3.13 FT TO PT OF 450 FT RAD CUR LFT; TH SWLY ALG ARC CUR 32.87 FT THRU CTRL ANG 04°11'08 TO PT TNGY; TH S 41°06'53 W 218.30 FT TO PT OF 450 FT RAD CUR LFT;TH SWLY ALG ARC CUR 55.97 FT THRU CTRL ANG 07°07'36 TO PT TNGY; TH S 33°59'17W 189.47 FT TO PT OF 350 FT RAD CUR RGT; TH SWLY ALG ARC CUR 66.83 FT THRU CTRL ANG 10°56'22 TO PT TNGY; TH S 44°55'39 W 241.71 FT TO SEC/L SEC 21; TH ALG SEC/L S 89°46'21 W 93.83 FT; TH N 0°13'01 W 2013.61 FT TO POB. LESS: POR LYING WITHIN DESERT GARDEN ESTATES PH 2

CONTAINS 284,446.8 SQ. FT. OR 6.53 ACRES, MORE OR LESS.