



APPLE VALLEY PLANNING COMMISSION MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, October 06, 2021 at 6:00 PM

AGENDA

Notice is given that a meeting of the Planning Commission of the Town of Apple Valley will be held on **Wednesday, October 06, 2021**, commencing at **6:00 PM** or shortly thereafter at **1777 N Meadowlark Dr, Apple Valley**.

Chair | Allen Angell

Commissioners | Janet Prentice | Richard Fischer | Lee Fralish | Wenn Jorgensen

Pursuant to the Executive Order issued by Governor Gary Herbert on March 18, 2020, regarding Electronic Public Meetings, please be advised that the Planning Commission Meeting will be held electronically and will be broadcast via Zoom. Persons will be allowed to comment during the meeting via Zoom or by calling in. Meeting details and dial-in phone numbers will be provided when the agenda for the meeting is published on the Town website or via <https://www.utah.gov/pmn>

Zoom Meeting ID: 817 6499 1717

Zoom Link: <https://us02web.zoom.us/j/81764991717>

CALL TO ORDER / PLEDGE OF ALLEGIANCE / ROLL CALL

CONFLICT OF INTEREST DISCLOSURES

APPROVAL OF MINUTES

HEARING ON THE FOLLOWING

1. PUBLIC HEARING FOR ZONE CHANGE APPLICATION FOR AV-1311-U FROM SF-1 TO RE-10

DISCUSSION AND POSSIBLE ACTION ITEMS

2. DISCUSSION AND POSSIBLE ACTION ON ZONE CHANGE APPLICATION FOR AV-1311-U.
3. DISCUSSION AND POSSIBLE ACTION ON PRELIMINARY PLAT APPLICATION FOR LOT AV-1-3-5-211.
4. DISCUSSION AND POSSIBLE ACTION ON FINAL PLAT APPROVAL FOR WELLS ESTATES LOT AV-1329-D.
5. DISCUSSION WITH NO ACTION ON ZONE CHANGE FOR SMITHSONIAN ESTATES, APPLICANT LADD MACDONALD FOR LOT AV-1329-B.

ADJOURNMENT

Interested persons are encouraged to attend public hearings or present their views in writing at least one day prior to the meeting.

CERTIFICATE OF POSTING: I, Jeff Voran, as duly appointed Recorder for the Town of Apple Valley, hereby certify that this Hearing notice was posted at the Apple Valley Town Hall, the Utah Public Meeting Notice website <http://pmn.utah.gov>, the Town Website www.applevalleyut.gov and sent to The Spectrum on September 22, 2021.

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL COMMUNITY EVENTS AND MEETINGS

In compliance with the American with Disabilities Act, individuals needing special accommodations (Including auxiliary communicative aids and services) during this meeting should call 435-877-1190.



September 22, 2021

RE: NOTICE OF PUBLIC HEARING — RE-ZONE REQUEST

Parcel Numbers: AV-1311-U

Address: See Map

To Whom it May Concern:

You are invited to a public hearing to give any input you may have, as a neighboring property owner, regarding a request to re-zone the above-listed parcel(s) from SF (Single Family Residential Zone) to RE-10 (Rural Estates Zone) for the purpose agricultural use/garden. The regulations, prohibitions, and permitted uses that the property will be subject to, if the zoning map amendment is adopted, can be found in the Apple Valley Land Use Ordinance, available in the Town Recorder's office or at the following link: <https://applevalley.municipalcodeonline.com/book?type=landordinances#name=10.10.050> **RE Rural Estates Zone**

The hearing will be held **Wednesday, October 6th, 2021 at 6:00 PM**. MDT, at Apple Valley Town Hall, which is located at 1777 North Meadowlark Drive, Apple Valley, Utah 84737. Any objections, questions or comments can be directed by mail to the Town of Apple Valley, Attn: Planning and Zoning Administrator, 1777 North Meadowlark Drive, Apple Valley, Utah 84737, or in person at the Apple Valley Town Hall.

The acting Planning and Zoning Administrator can be reached by phone at (435) 877-1190, or by email at administrator@applevalleyut.gov. Any owner of property located entirely or partially within the proposed zoning map amendment may file a written objection to the inclusion of the owner's property in the proposed zoning map amendment, not later than 10 days after day of the first public hearing. Each



1777 North Meadowlark Drive
Apple Valley, Utah 84737
Phone: (435) 877-1190
Fax: (435) 877-1192
www.applevalleyut.gov

written objection filed with the municipality will be provided to the Apple Valley Town Council.

Kind Regards,

Jeff Voran,

Town Recorder



Town of Apple Valley
1777 N Meadowlark Dr
Apple Valley UT 84737
T: 435.877.1190 | F: 435.877.1192
www.applevalleyut.gov

Application has been paid in full 7/27/20.
\$ 600 Paid D.
Fee: \$500.00 + Acreage Fee
1 - 100 Acres: \$50.00/Acre
101 - 500 Acres: \$25.00/Acre
501 + Acres: \$10/Acre

Zone Change Application			
Applications Must Be Submitted A Minimum of 21 Days In Advance of [Redacted] Meeting			
Name:	Lillette Wilson	Phone:	[Redacted]
Address:	[Redacted]	Email:	
City:	St. George	State:	UT Zip: 84770
Agent: (If Applicable)		Phone:	
Address/Location of Property:		Parcel ID:	AV-1311-U
Existing Zone:	Single Family Residential Zone	Proposed Zone:	RE / Rural Estates RE-10
Reason for the request AG - USE - GARDEN			

Submittal Requirements: The zone change application shall provide the following:

- ☒ A. The name and address of every person or company the applicant represents
- ☒ B. An accurate property map showing the existing and proposed zoning classifications
- ☒ C. All abutting properties showing present zoning classifications
- ☒ D. An accurate legal description of the property to be rezoned
- ☒ E. Stamped envelopes with the names and address's of all property owners within 500' of the boundaries of the property proposed for rezoning. Including owners along the arterial roads that may be impacted
- ☒ F. Warranty deed or preliminary title report or other document (see attached Affidavit) showing evidence the applicant has control of the property

Note: To avoid delays in processing your Zone Change request, it is important that all applicable information noted above, along with the fee, is submitted with the application. An incomplete application will not be scheduled for the Planning Commission. Planning Commission meetings are held on the second and fourth Wednesday of each month at 6:00 pm. Submission of a completed application does not guarantee your application will be placed on the next PC meeting agenda. It may be placed on the next available PC meeting agenda.

Official Use Only	
Date Received: 7/19/2021	By: Davis M. Chipman
Date Application Deemed Complete:	By:

WHEN RECORDED MAIL TO:
Lilette Wilson

SPACE ABOVE THIS LINE FOR RECORDERS USE ONLY
RECORDED AT THE REQUEST OF DIXIE TITLE COMPANY ORDER # 4-20-10C
MAIL TAX NOTICE TO: SAME AS ABOVE
TAX ID NO: PORTION OF AV-1311-U

WARRANTY DEED

Melroy Robert Vigoren

GRANTOR(S)

OF LA VERKIN, COUNTY OF WASHINGTON, STATE OF UTAH
HEREBY CONVEY AND WARRANT TO

Lilette Wilson

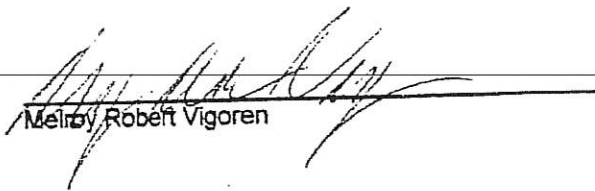
GRANTEE(S)

OF _____, COUNTY OF WASHINGTON, STATE OF UTAH
FOR THE SUM OF FORTY DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION,
THE FOLLOWING DESCRIBED TRACT OF LAND IN WASHINGTON COUNTY, STATE OF UTAH:

See Attached Legal Description

TOGETHER with all improvements and appurtenances thereunto belonging but being SUBJECT to Easements, Rights of Way and
Restrictions of Record. LESS AND EXCEPTING any and all water rights associated herewith.

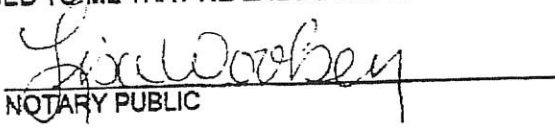
WITNESS, THE HAND(S) OF SAID GRANTOR(S), THIS 22nd DAY OF APRIL, 2020.

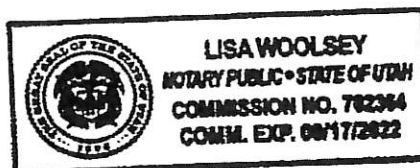

Melroy Robert Vigoren

STATE OF UTAH)

COUNTY OF Weber)
:SS

ON APRIL 22nd, 2020. PERSONALLY APPEARED BEFORE ME, MELROY ROBERT VIGOREN, THE SIGNER(S)
OF THE WITHIN INSTRUMENT, WHO DULY ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.


NOTARY PUBLIC





Bush and Gudgeon, Inc.
Engineers • Planners • Surveyors
St. George, Utah
www.bushandgudgeon.com

NORTH PARCEL DESCRIPTION

Parcel No. AV-1311-U

Beginning at the Southwest corner of Lot 33, Apple Valley Ranch Subdivision Gooseberry Unit #1, according to the Official Plat thereof, recorded in the office of the Washington County Recorder as Document No. 485280, said point that lies North 00°05'23" West along the Quarter Section line 693.64 feet from the South Quarter Corner of Section 18, Township 42 South, Range 11 West, Salt Lake Base and Meridian, and running thence East 325.02 feet; thence South 5.74 feet to the Southwest corner of Lot 34 of said subdivision, thence East 400.00 feet to Southeast corner of Lot 35 of said subdivision, said point also being the West line of Purple Sage Road, thence South along the West line of Purple Sage Road 607.87 feet; thence West 724.06 feet to the Quarter Section line, thence North 00°05'23" West along said line 613.61 feet to the point of beginning.

Containing 442,289 square feet or 10.15 acres.

04/14/2020
201072 Apple Valley
By: DGM

St. George: 205 East Tabernacle #4, St. George, UT 84770, Ph. 435-673-2337, Fax 435-673-3161

—
PAPER 1

COLLECTIONS 417 209 26/AMH 411 087 10/VS ACUMS

Abstract

CHAI SHU L.L., PhD

FAIR

11/16/2011 11:16 AM

[illegible]

Revised

10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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THE UNIVERSITY OF CHICAGO

AT-1011) was a 17-member, nonpartisan, nonaffiliated advisory committee. The committee was composed of 10 members from the private sector, 4 members from the public sector, and 3 members from academia. The committee was chaired by a private sector member, and the members were selected by the President of the American Society of Mechanical Engineers (ASME). The committee was established in 1997 and was charged with the task of developing a set of ethical principles for the profession of engineering. The committee's report, "Ethical Principles for the Engineering Profession," was published in 1998 and is the basis for the ASME Code of Ethics.

110 N.Y.

2010-2011

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PAVLO MILŠTIN

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File:201072

AFFIDAVIT
PROPERTY OWNER

STATE OF UTAH)

)S

COUNTY OF WASHINGTON)

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

[Signature]
Property Owner

Property Owner

Subscribed and sworn to me this 9 day of June, 2021 by
Lilette Wilson



[Signature]
Notary Public

Residing in: St. George

My Commission Expires: 09/01/2024

AGENT AUTHORIZATION

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

Property Owner

Property Owner

Subscribed and sworn to me this _____ day of _____, 20____.

Notary Public

Residing in: _____

My Commission Expires: _____

PRELIMINARY PLAT APPLICATION

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

Fee: \$1,500, Lot Split \$250

For Office Use Only:

File No. _____
Receipt No. _____

Name: Alfred Heber R Telephone: _____

Address: [REDACTED] Fax No. _____

Email: Karl@pv-eng.com

Agent (If Applicable): Karl Rasmussen Telephone: 435-668-8307

Address/Location of Subject Property: Approx. 300 S. between Coyote Rd
& Main St.

Tax ID of Subject Property: AV-1-3-5-211 Zone District: OST

Proposed Use: (Describe, use extra sheet if necessary) Residential 1/2 acre
& tourist commercial

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

- ☒ 1. Description: In a title block located in the lower right-hand corner of the sheet the following is required:
 - ☒ a. The proposed name of the subdivision.
 - ☒ b. The location of the subdivision, including the address and section, township and range.
 - ☒ c. The names and addresses of the owner or subdivider, if other than the owner.
 - ☒ d. Date of preparation, and north point.
 - ☒ e. Scale shall be of sufficient size to adequately describe in legible form, all required conditions of Chapter 39, City Subdivision regulations.
- ☒ 2. Existing Conditions: The preliminary plat shall show:
 - ☒ a. The location of the nearest monument.
 - ☒ b. The boundary of the proposed subdivision and the acreage included.
 - ☒ c. All property under the control of the subdivider, even though only a portion is being subdivided. (Where the plat submitted covers only a part of the subdivider's tract, a sketch of the prospective street system of the unplatted parts of the subdivider's land shall be submitted, and the street system of the part submitted shall be considered in light of existing Master Street Plan or other Commission studies.)
 - ☒ d. The location, width and names/numbers of all existing streets within two hundred (200) feet of the subdivision and of all prior streets or other public ways, utility rights of way, parks and other public open spaces, within and adjacent to the tract.
 - ☒ e. The location of all wells and springs or seeps, proposed, active and abandoned, and of all reservoirs or ponds within the tract and at a distance of at least one hundred feet (100') beyond the tract boundaries.
 - ☒ f. Existing sewers, water mains, culverts or other underground facilities within the tract, indicating the pipe sizes, grades, manholes and the exact locations.

- ☒ g. Existing ditches, canals, natural drainage channels and open waterways and any proposed realignments.
- ☒ h. Contours at vertical intervals not greater than five (5) feet.
- ☒ i. Identification of potential geotechnical constraints on the project site (such as expansive rock and soil, collapsible soil, shallow bedrock and caliche, gypsiferous rock and soil, potentially unstable rock or soil units including fault lines, shallow groundwater, and windblown sand) and recommendations for their mitigation.
- ☒ j. Information on whether property is located in desert tortoise take area

(Preliminary Plat Application – Page 2)

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

- ☒ a. The layout of streets, showing location, widths, and other dimensions of proposed streets, crosswalks, alleys and easements.
- ☒ b. The layout, numbers and typical dimensions of lots.
- ☒ c. Parcels of land intended to be dedicated or temporarily reserved for public use or set aside for use of property owners in the subdivision.
- ☒ d. Easements for water, sewers, drainage, utilities, lines and other purposes.
- ☒ e. Typical street cross sections and street grades where required by the Planning Commission. (All street grades over 5% should be noted on the preliminary plat)
- ☒ f. A tentative plan or method by which the subdivider proposes to handle the storm water drainage for the subdivision.
- ☒ g. Approximate radius of all center line curves on highways or streets.
- ☒ h. Each lot shall abut a street shown on the subdivision plat or on an existing publicly-dedicated street. (Double frontage or flag lots shall be prohibited except where conditions make other design undesirable)
- ☒ i. In general, all remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, rather than allow to remain as unusable parcels.
- ☒ j. Where necessary, copies of any agreements with adjacent property owners relevant to the proposed subdivision shall be presented to the Planning Commission.
- ☒ k. A letter from both the local sanitary sewer provider and culinary water provider indicating availability of service.
- ☒ l. Will this subdivision be phased? If yes show possible phasing lines.
- ☒ m. A tentative plan or method for providing non-discriminatory access to the subdivision for purposes of placement of communications infrastructure, and for purposes of placement of utility infrastructure.

☒ 4. Required copies of plans:

- ☒ a. Three copies of all full scale drawings
- ☒ b. One copy of each drawing on a 11 x 17 inch sheets. (8 ½ x 11 is acceptable if the project is small and the plans are readable at that size).

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

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

(Office Use Only)

Date Received: _____

Application Complete: YES

☐ NO☐

Date application deemed to be complete: _____ Completion determination made by: _____

PRELIMINARY PLAT APPLICATION page 3 (General Information)

PURPOSE

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

WHEN REQUIRED

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

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

Subdivision approval process:

- Determine current zoning for property.
- If zoning fits desired subdivision, meet with Planning staff to discuss the proposed project.
- Obtain a preliminary plat application form and complete the application and have a plat prepared by an engineer to meet the requirements on the preliminary plat application.
- Submit completed application, preliminary plat, and required fee to Planning Department before noon on the Wednesday two weeks before desired Planning Commission meeting. (see submittal dates sheet)

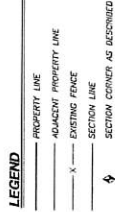
-
- Appear at the scheduled Planning Commission meeting to discuss preliminary plat, hear comments, answer questions, and receive recommendation of approval or disapproval from Planning Commission.
 - Appear at the next scheduled Town Council meeting that occurs after the Planning Commission meeting at which a recommendation was received. Hear Town Council comments, answer questions, and receive Town Council decision. Town Council can approve the plat with conditions, recommend changes and send it back to the Planning Commission, or deny the plat.

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

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

APPEALS

Item 1.

[illegible][illegible]

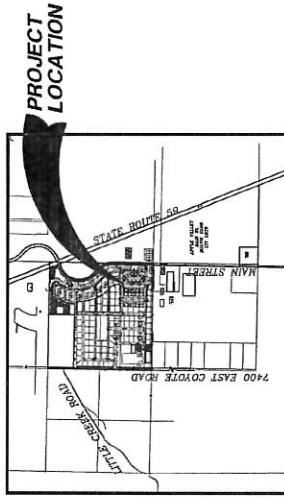
PRELIMINARY PLAT FOR:
GATEWAY PRESERVE NORTH
LOCATED IN SECTION 9, T43S, R11W, 61.9.41L
WASHINGTON COUNTY, UTAH

DATE: 06/29/2021
SCALE: 1"=50'

JOB NO.
0621-003

SHEET NO.
1

5



NOTICE!
THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION, PROTECTION AND RESTORATION OF ALL UTILITIES IN ANY EXISTING OR PROPOSED WORKING UNLESS SHOWN OR NOT SHOWN ON THE PLANS.

Know what's below.
Call 811 before you dig.



FOR A FREE 811 CARD, VISIT
WWW.CALL811.ORG

FINAL PLAT APPLICATION

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

Engineering Fee: \$200 plus
\$160 per lot

For Office Use Only:

File No. _____

Receipt No. _____

Name: Travis Wells

Telephone: [REDACTED]

Address: [REDACTED] Fax No. N/A

Email: libbywells@infowest.com

Agent (If Applicable): Craig Coats (Alliance Consulting) Telephone: 435-673-8060

Address/Location of Subject Property: NW 1/4 Section 29, T-42S R-11W, S.L.B&M

Tax ID of Subject Property: AV-1329-D Number of Lots: 25

Subdivision Name: Wells Estates Phase: P1

Submittal Requirements: 1-large paper copy, 1-11 X 17, and 1 disk in 2004 or newer Auto-Cad format

I. The final plat shall show:

- ☒ a. The name or designation of the subdivision that is distinct from any plat already recorded in the County Recorder's office, as approved by the Planning Commission.
- ☒ b. The boundaries, course, and dimensions of all of the parcels of ground divided, by their boundaries, course, and extent, whether the owner proposes that any parcel of ground is intended to be used as a street or for another public use, and whether any such area is reserved or proposed for dedication for a public purpose.
- ☒ c. The lot or unit reference, block or building reference, street or site address, street name or coordinate address, acreage or square footage of all parcels, units, lots, and the length and width of the blocks and lots intended for sale.
- ☒ d. Every existing right-of-way and easement grant of record for communications infrastructure, for underground facilities as defined in Section 54-8a-2 of the Utah Code and for other utility facilities. Where the same is granted to a specific entity, that entity must be clearly identified.
- ☒ e. True angles and distances to the nearest established street lines or official monument, which shall be accurately described on the plat and shown by appropriate symbols.
- ☒ f. All street center line data must be shown, together with its relationship to the property lines, corners, etc.
- ☒ g. The accurate location of all monuments shall be shown on the plat, and shall be identified, including all United States, State, County or other official monuments.
- ☒ h. The dedication to the public of all streets and highways included in the proposed subdivision (except approved private streets).

- ✓ i. Street monuments shall be installed by the subdivider in accordance with the requirements of Town Standards. Locations of said monuments shall be approved by the Town Engineer and indicated on the subdivider's plat by the appropriate symbols.
- ✓ j. Accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use, with the purposes indicated thereon, and of any area to be reserved by deed or covenant for common uses by all property owners.
- ✓ k. Where it is proposed that streets be constructed on property controlled by a public agency or utility company, approval for the location, improvement and maintenance of such streets shall be obtained from the public agency or utility company and entered on the final plat in a form approved by the Town Attorney.

2. Required Forms & Certificates: In addition the final plat shall contain the standard forms for the following:

- ✓ a. A registered professional land surveyor's certificate of survey, together with a statement that: (a) the surveyor holds a license in accordance with Title 58, Chapter 22 of the Utah Code, Professional Engineers and Professional Land Surveyor's Licensing Act; (b) the surveyor has completed a survey of the property described on the plat in accordance with Section 17-23-17 of the Utah Code and has verified all measurements; (c) has placed monuments as represented on the plat. **Plat must signed and stamped by the licensed surveyor prior to final plat submittal.**
- ✓ b. The owner's certificate of dedication of all streets, roads, rights-of-way or other parcels intended for the use and benefit of the general public.
- ✓ c. Mortgagee or other lien holder's Consent to Record, if applicable.
- ✓ d. A notary public's acknowledgement of the signature of the mortgagee or each owner signing the plat.
- ✓ e. Certificate of approval of Big Plains Water and Sewer Special Service District
- ✓ f. Certificate of approval of the Planning Commission, as evidenced by the signature of the Planning Commission chairperson.
- ✓ g. Certificate of approval of the Town Engineer.
- ✓ h. Certificate of approval of the Town Council, as evidenced by the signature of the Mayor
- ✓ i. Certificate of approval as to form executed by the Town Attorney.
- ✓ j. A one and one-half inch by five inch (1 ½" x 5") space in the lower right-hand corner of the drawing for the use of the County Recorder.

3. Other Information Required: The following information or documentation shall be submitted:

- ✓ a. A completed form from the Washington County Treasurer's office (see attached copy of form) for property located within the subdivision verifying that all taxes or special assessments payable on all property within the limits of the subdivision are paid in full
- ✓ b. An original copy for Staff review of the proposed deed restrictions or CC&Rs in proposed final form with signature lines for all owners of any interest in the subdivision who would sign the final subdivision plat must be submitted with final plat application. After being approved by staff this document shall be signed, acknowledged by a notary public, and recorded in the office of the County Recorder along with the final plat.
- ✓ c. Title report for the property being subdivided.
- ✓ d. A disk of the final plat prepared in 'Auto-Cad 2004' (or newer format)

Application Process: The following steps occur:

- Once construction drawings are approved, a completed application for final plat approval and the required fee of \$160 per lot plus \$200 is then submitted to the Planning Department by no later than 12:00 noon on Wednesday one week before a Planning Commission meeting. A paper copy of the plat will be submitted to the City Engineer for review. The City Engineer will red line the plat and email the subdivision engineer of required changes that need to be made. If a plat is still not ready for the City Engineers signature after the second submittal, an additional fee must be paid before the

Engineer performs another review. An approved mylar of the final plat must be signed by the Town Engineer at least one week before the Planning Commission meeting in order to be placed on an agenda.

- If an application was submitted on time but the mylar was not signed in time for the regular meeting, the Planning Commission will include the final plat approval on the next work meeting agenda if the mylar is signed one week prior to that meeting.
- A recommendation from the Planning Commission is then passed on to Town Council. The Town Council then considers the plat for final approval at the next regular Town Council meeting.
- Once the Town Council has given approval of a final plat and a bond or other financial security is in place, the developer may schedule a pre- construction meeting with the Town Public Works Department. Construction of the subdivision may then proceed.
- Once the subdivision infrastructure is built and approved or a bond for completion is in place, the subdivision may be recorded.

Requirements for recordation:

1. Final plat approval
2. Bond or other financial security in place
3. Payment of HCP impact fee - \$250 per acre
4. Three disks of the final plat prepared in 'Auto Cad 2004' format – one for the Town one for the County Recorder, and one for the Washington County Conservancy District.
5. A title report prepared and submitted to the Town Attorney.
6. Satisfaction for water impact fee to Washington County Water Conservancy District in one of the following ways:
 - A. payment of impact fee for all lots
 - B. signature of promissory note payable within three years of recordation
 - C. agreement to pay impact fee upon sale of any lot
7. All signatures must be on the mylar, including property owners of record according to the title report, Town officials and Big Plains Water and Sewer Special Service District The Town Attorney is the last signer of the mylar just prior to recordation.
8. Someone from the Town Attorney's office will accompany the developer's representative to the County Recorder's office for recordation. The developer pays recording fees.

Miscellaneous information:

Subdivisions must be scheduled for a public hearing the first time they are to be considered in a public meeting. Notice of this hearing is posted on-site.

A development with CC&R's should submit a copy of the CC&R's to the Planning Staff and one to the Town Attorney for review at the time the final plat is submitted.

Any special easements, pump stations, transformers, etc. can delay approvals.

Building permits are not issued within a subdivision until the plat has been recorded and the Public Works Department has signed off on all the improvements required for the subdivision, whether on or off site, signifying their completion and initial acceptance.

Note: It is important that all applicable information noted above along with the fee is submitted with the application. An incomplete application will not be scheduled for Planning Commission consideration. Planning Commission meetings are held on the second Thursday and fourth Wednesday of each month at 6:00 p.m. Contact the Planning Department for the deadline date for submissions. Once your application is deemed complete, it will be put on the agenda for the next Planning Commission meeting. A deadline missed or an incomplete application could result in a month's delay.

(Office Use Only)

Date Received: _____

Application Complete: ☐ YES ☐ NO

Date application deemed to be complete: _____ Completion determination made by: _____

**AFFIDAVIT
PROPERTY OWNER**

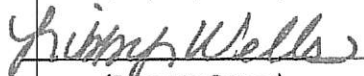
STATE OF UTAH)
)SS

COUNTY OF)

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



(Property Owner)



(Property Owner)

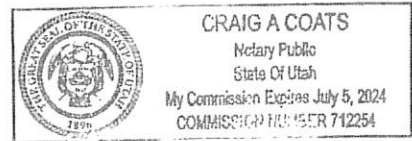
Subscribed and sworn to me this 22 day of SEP 2021



(Notary Public)

Residing in: Wash. Co.

My Commission Expires: July 5, 2024

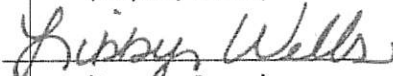


AGENT AUTHORIZATION

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



(Property Owner)



(Property Owner)

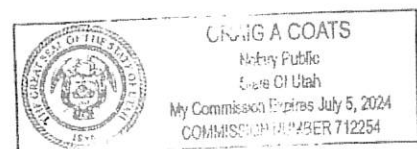
Subscribed and sworn to me this 22 day of SEP 2021



(Notary Public)

Residing in: Wash. Co.

My Commission Expires: July 5, 2024



PRELIMINARY PLAT APPLICATION

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

Fee: \$1,500, Lot Split \$250

For Office Use Only:

File No. _____

Receipt No. _____

Name: SMITHSONIAN ESTATES for DRL Inv LLC Telephone: [REDACTED]

Address: [REDACTED] Fax No. _____

Email: laddmac@gmail.com

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

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

Tax ID of Subject Property: AV-1329-B Zone District: R1

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

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

- X 1. Description: In a title block located in the lower right-hand corner of the sheet the following is required:
- X a. The proposed name of the subdivision.
 - X b. The location of the subdivision, including the address and section, township and range.
 - X c. The names and addresses of the owner or subdivider, if other than the owner.
 - X d. Date of preparation, and north point.
 - X e. Scale shall be of sufficient size to adequately describe in legible form, all required conditions of Chapter 39, City Subdivision regulations.
- X 2. Existing Conditions: The preliminary plat shall show:
- X a. The location of the nearest monument.
 - X b. The boundary of the proposed subdivision and the acreage included.
 - X c. All property under the control of the subdivider, even though only a portion is being subdivided. (Where the plat submitted covers only a part of the subdivider's tract, a sketch of the prospective street system of the unplatted parts of the subdivider's land shall be submitted, and the street system of the part submitted shall be considered in light of existing Master Street Plan or other Commission studies.)
 - X d. The location, width and names/numbers of all existing streets within two hundred (200) feet of the subdivision and of all prior streets or other public ways, utility rights of way, parks and other public open spaces, within and adjacent to the tract.
 - X e. The location of all wells and springs or seeps, proposed, active and abandoned, and of all reservoirs or ponds within the tract and at a distance of at least one hundred feet (100') beyond the tract boundaries.
 - X f. Existing sewers, water mains, culverts or other underground facilities within the tract, indicating the pipe sizes, grades, manholes and the exact locations.

- ☒ g. Existing _____ ditches, canals, natural drainage channels and open waterways and any proposed realignments.
- ☒ h. Contours at vertical intervals not greater than five (5) feet.
- ☒ i. Identification of potential geotechnical constraints on the project site (such as expansive rock and soil, collapsible soil, shallow bedrock and caliche, gypsiferous rock and soil, potentially unstable rock or soil units including fault lines, shallow groundwater, and windblown sand) and recommendations for their mitigation.
- ☒ j. Information on whether property is located in desert tortoise take area

(Preliminary Plat Application – Page 2)

- ☒ 3. Proposed Plan: The subdivision plans shall show:
- ☐ a. The layout of streets, showing location, widths, and other dimensions of proposed streets, crosswalks, alleys and easements.
 - ☒ b. The layout, numbers and typical dimensions of lots.
 - ☒ c. Parcels of land intended to be dedicated or temporarily reserved for public use or set aside for use of property owners in the subdivision.
 - ☒ d. Easements for water, sewers, drainage, utilities, lines and other purposes.
 - ☐ e. Typical street cross sections and street grades where required by the Planning Commission. (All street grades over 5% should be noted on the preliminary plat)
 - ☐ f. A tentative plan or method by which the subdivider proposes to handle the storm water drainage for the subdivision.
 - ☐ g. Approximate radius of all center line curves on highways or streets.
 - ☒ h. Each lot shall abut a street shown on the subdivision plat or on an existing publicly-dedicated street. (Double frontage or flag lots shall be prohibited except where conditions make other design undesirable)
 - ☒ i. In general, all remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, rather than allow to remain as unusable parcels.
 - ☐ j. Where necessary, copies of any agreements with adjacent property owners relevant to the proposed subdivision shall be presented to the Planning Commission.
 - ☐ k. A letter from both the local sanitary sewer provider and culinary water provider indicating availability of service.
 - ☐ l. Will this subdivision be phased? If yes show possible phasing lines.
 - ☐ m. A tentative plan or method for providing non-discriminatory access to the subdivision for purposes of placement of communications infrastructure, and for purposes of placement of utility infrastructure.

- ☐ 4. Required copies of plans:
- ☐ a. Three copies of all full scale drawings
 - ☐ b. One copy of each drawing on a 11 x 17 inch sheets. (8 ½ x 11 is acceptable if the project is small and the plans are readable at that size).

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

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

(Office Use Only)

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

**AFFIDAVIT
PROPERTY OWNER**

STATE OF UTAH)
 :SS

COUNTY OF)

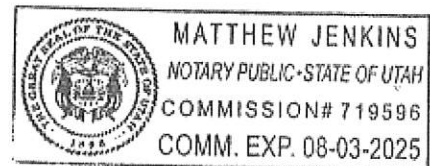
I (we) Ladd MacDonald, being duly sworn, depose and say that I (we) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided identified in the attached plans and other exhibits are in all respects true and correct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

Ladd MacDonald
(Property Owner)

(Property Owner)

Subscribed and sworn to me this 24 day of Sept 2021

Matthew Jenkins
(Notary Public)



Residing in: Utah County, Utah

My Commission Expires: 08/03/2025

AGENT AUTHORIZATION

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

Ladd MacDonald
(Property Owner)

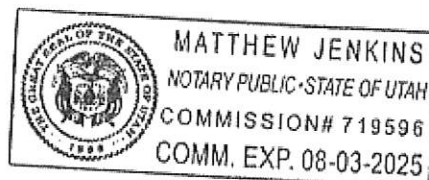
(Property Owner)

Subscribed and sworn to me this 24 day of Sept 2021

Matthew Jenkins
(Notary Public)

Residing in: Utah County Utah

My Commission Expires: 08/03/2025



Date Received: _____

Application Complete: YES

☐ NO

☐

Date application deemed to be complete: _____ Completion determination made by: _____

PRELIMINARY PLAT APPLICATION page 3 (General Information)

PURPOSE

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

WHEN REQUIRED

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

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

Subdivision approval process:

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

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

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

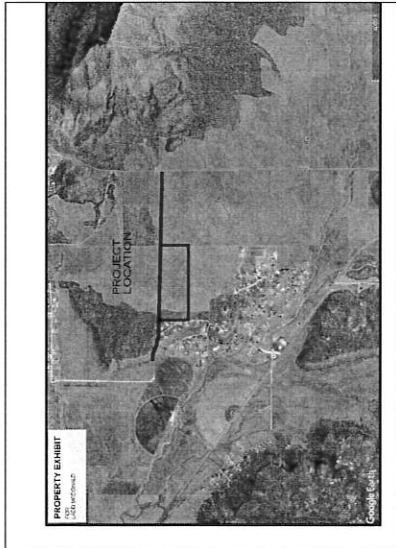
APPEALS

NO.	DATE	APPROVED BY	REVISIONS

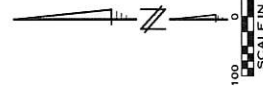
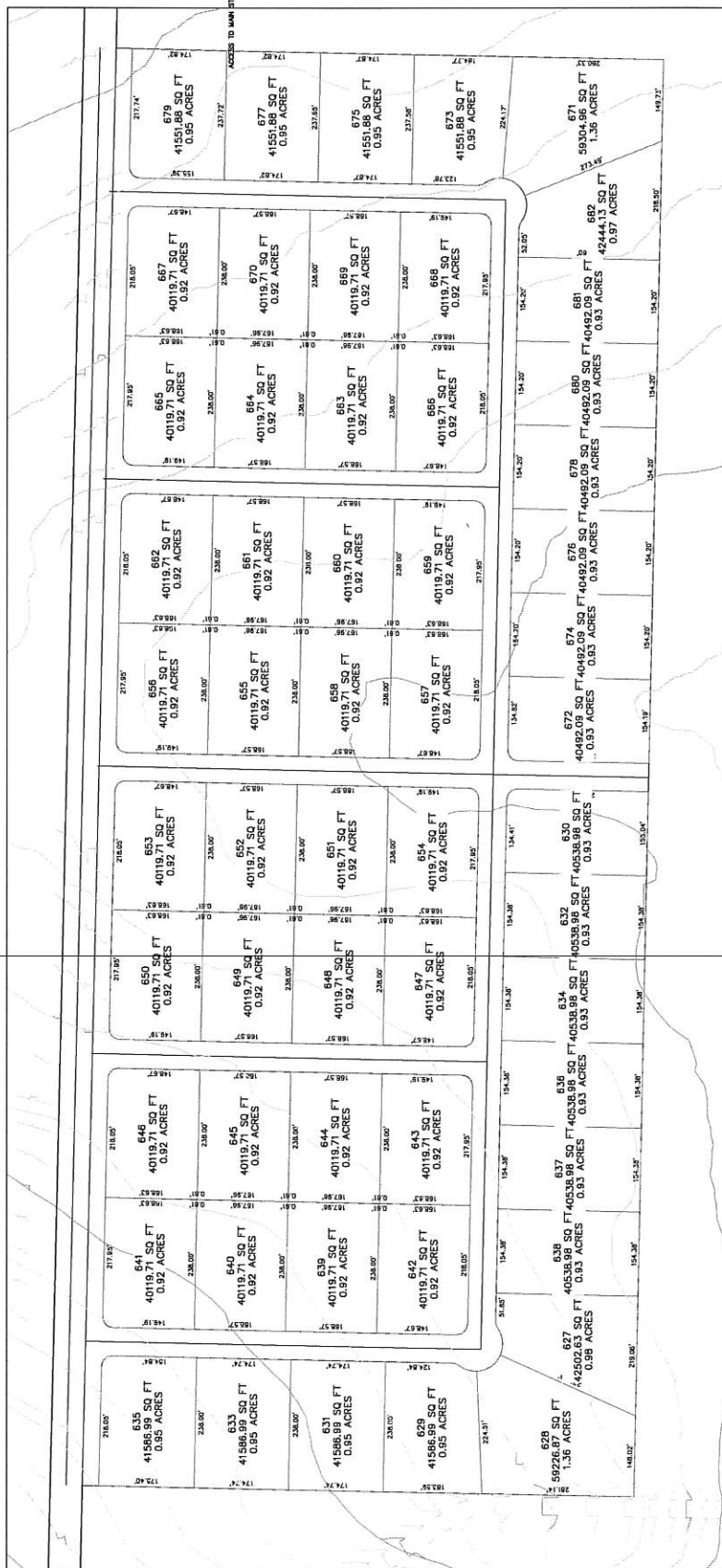
BAT ENGINEERING, P.C.
 CIVIL ENGINEERING AND LAND SURVEYING
 51 NORTH 1000 WEST, SUITE 3 - HURRICANE, UTAH 84737
 FAX: (435) 695-5765 TEL: (435) 695-2939

LADD MCDONALD
 FOR
 SECTION 29, T42S, R11W, S18E, 18E
 PROPERTY EXHIBIT

PROJECT NO. 1
 DATE: OCT 2021
 SCALE: AS SHOWN
 SHEET: 1 OF 1



VICINITY MAP
 N.E.S.



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

Thank you!

Ladd MacDonald

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

FILE NUMBER: 36091

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

SCHEDULE A

STANDARD GUARANTEE

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

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

The assurances referred to on the face page hereof are:

That, according to the Company's property records relative to the following described land:

Parcel 1:

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

Parcel 2:

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

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

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

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

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



SCHEDULE B
Exceptions

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

1. Any facts, rights, interests, or claims which are not shown by the public records but which could be by an inspection of the land or which may be asserted by persons in possession, or claiming be in possession, thereof.
2. Easements, liens, encumbrances, or claims thereof, which are not shown by the public records.
3. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land, and that is not shown by the Public Records.
4. Any lien, or right to a lien, imposed by law for services, labor, or material heretofore or hereafter furnished, which lien, or right to a lien, is not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) Indian treaty or aboriginal rights, including, but not limited to, easements or equitable servitudes; or, (d) water rights, claims or title to water, whether or not the matters excepted under (a), (b), (c) or (d) are shown by the public records.
6. Taxes or assessments which are not now payable or which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
7. Any service, installation, connection, maintenance or construction charges for sewer, water, electricity, or garbage collection or disposal or other utilities unless shown as an existing lien by the public records.
8. Claim, right, title or interest to water or water rights whether or not shown by the Public Records.
9. Rights of way for any roads, ditches, canals, or transmission lines now existing over, under, or across said property.
10. Taxes for the current year 2021, which are liens, but not yet due or payable in the estimated amount of \$6.35, under Tax Serial No. AV-1329-B, Account No. 0690399. (For the amount due contact the Washington County Treasurer's Office at #435-634-5711)

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

11. Liability to Assessments levied by Washington County for the Southeastern Special Service District for fire protection facilities and services, as disclosed by Resolution No. 668, dated November 10, 1997, recorded November 12, 1997, as Entry No. 582401 , in Book 1149, at Pages 208-212, Official Washington County Records. (Affects this and other property)
12. Any Afterassessment and/or Rollback of Taxes which may become a lien on said Land by reason of an Annual Application for Assessment and Taxation of Agricultural Lands 1969 Farmland Assessment Act, executed by DRL INV LLC, recorded May 2, 2007, as Doc. No. 20070022387 , Official Washington County Records.

SCHEDULE B - CONTINUED

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

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

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

14. Subject to the terms and provisions as set forth in Easement, executed by and between DRL INVESTMENTS, LLC, AN IDAHO LIMITED LIABILITY COMPANY, as Grantor and PAUL E. JOHNSON, an individual, as Grantee, and rights incidental thereto, recorded April 22, 2010, as Doc. No. 20100013048 , Official Washington County Records. (Affects the North 50.0 feet and the West 50.0 feet of the North 872.43 feet)
15. Resolution No. 2011-25, dated September 1, 2011, creating the Big Plains Water and Sewer Special Service District, to provide water and sewerage services within said boundaries of the municipality of Apple Valley Town, as recorded October 18, 2011, as Doc. No. 20110031703 , Official Washington County Records. (Affects this and other property)

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



GUARANTEE

Policy Number **SG-08015336**

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

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

Issued through the Office of:

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

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

By

C. Monroe

President

Attest

David Wald

Secretary

Terra Title Company

By: _____

[Signature]

Authorized Signatory

82
WHEN RECORDED MAIL DEED AND TAX NOTICE TO:

DRL Investments
985 North Shadow Ridge Avenue
Eagle, Idaho 83616

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

DOC # 20060058754

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

WARRANTY DEED

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

CONVEY and WARRANT to

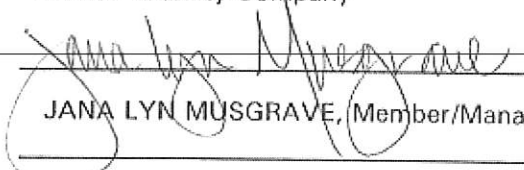
DRL INVESTMENTS, LLC, an Idaho Limited Liability Company, grantee(s) of Eagle, County of Ada, State of Idaho, for the sum of
TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION
the following described tract of land in WASHINGTON County, State of UTAH:

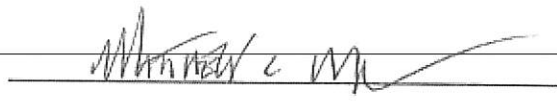
SEE ATTACHED EXHIBIT "A"- LEGAL DESCRIPTION

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

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

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


JANA LYN MUSGRAVE, Member/Manager


MATTHEW C. MUSGRAVE, Member/Manager

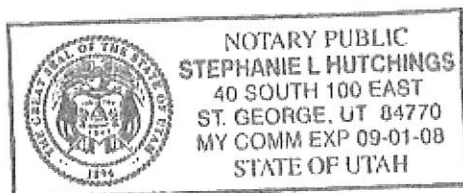
NOTARY

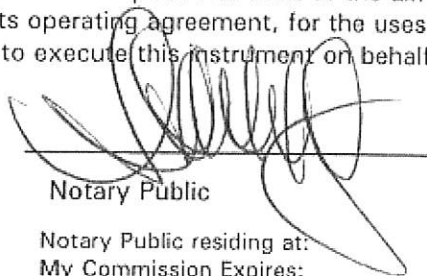
STATE OF UTAH)

) ss

County of Washington)

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




Notary Public

Notary Public residing at:
My Commission Expires:

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

EXHIBIT "A"

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

PARCEL 1:

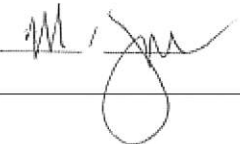
Beginning at the Northwest Corner of Section 29, Township 42 South, Range 11 West, Salt Lake Base and Meridian, and running thence South 89°57'52" East, along the Section line 2639.81 feet to the North Quarter Corner of said Section 29; thence South 0°05'25" East, along the Quarter Section line, 1019.60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

PARCEL 2:

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

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

Initials

Handwritten initials and a large circular mark, possibly a signature or stamp, located to the right of the 'Initials' label.

WHEN RECORDED MAIL DEED AND TAX NOTICE TO:

DRL Investments
985 North Shadow Ridge Avenue
Eagle, Idaho 83616

DOC # 20060058753

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

Order No. 136491

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

WARRANTY DEED

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

CONVEY and WARRANT to

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

SEE ATTACHED EXHIBIT "A"- LEGAL DESCRIPTION

TOGETHER WITH all improvements and appurtenances thereunto belonging.

LESS AND EXCEPTING any and all water rights.

SUBJECT TO easements, rights of way, restrictions, and reservations of record and those enforceable in law and equity.

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

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

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

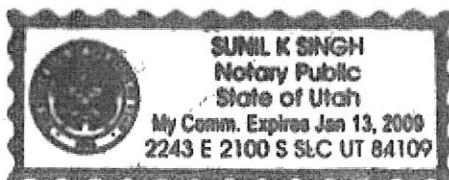
NOTARY

STATE OF UTAH }

County of Salt Lake }

ss }

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



[Signature]
Notary Public

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

EXHIBIT "A"

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

PARCEL 1:

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

PARCEL 2:

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

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

Initials ZW / _____

WHEN RECORDED MAIL DEED AND TAX NOTICE TO:

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

DOC # 20070020582

Water Right Deed Page 1 of 1
Russell Shirts Washington County Recorder
04/23/2007 02:40:25 PM Fee \$ 10.00 By SOUTHERN UTAH TITLE CO

Order No.
Water Right No. 81-4516

QUIT-CLAIM DEED FOR WATER RIGHT

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

CONVEY and QUIT-CLAIMS to

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

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

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

The Beneficial use is as follows:

From water right no.: 81-4516
Sole Supply Limit

Irrigation	0.20	(ac)
Stockwatering		(ELUs)
Domestic		(families)
Municipal		(ac ft)
Industrial		(ac ft)
Other		(ac ft)

From pending Change Application: a28620
Sole Supply Limit

0.02	(ac)
	(ELUs)
2	(families)
	(ac ft)
	(ac ft)
	(ac ft)

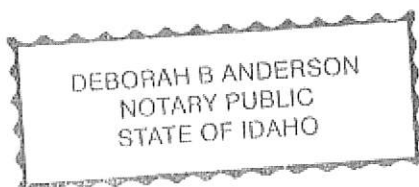
WITNESS the hand(s) of said grantor(s), this 22 of March, A. D. 2007.

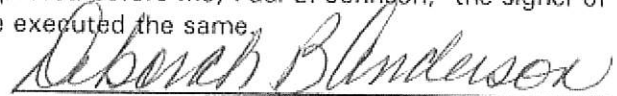

Paul E. Johnson

NOTARY

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

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




Notary Public
COMMISSION EXP: 3/2/2011