

When recorded return to
Utah Department of Environmental Quality
Division of Environmental Response and Remediation
Attention Voluntary Program Coordinator
Post Office Box 144840
Salt Lake City, Utah 84114-4840

11761733
11/18/2013 2 19 00 PM \$24 00
Book 10193 Pg 3375-3382
Gary W Ott
Recorder, Salt Lake County, UT
INTEGRATED TITLE INS SERVICES
BY eCASH DEPUTY EF 8 P

**RE Former Minerals Equipment Company Property #2 (VCP #C072) Property
Currently Known as Birkhill Apartments 4221 South Mam Street, Murray, Salt Lake
County, Utah**

CERTIFICATE OF COMPLETION

1 Compliance with Terms of Voluntary Cleanup Program

The Executive Director of Utah Department of Environmental Quality ("UDEQ"), through her undersigned designee below, has determined that Parley's Partners LLC, hereinafter referred to as "Applicant," has completed a UDEQ supervised voluntary cleanup of the real property described in Attachment A ("Property or "Site"), in accordance with sections 19-8-108 and 19-8-110 of the Utah Code Annotated and the Voluntary Cleanup Agreement entered into on May 17, 2011. The Applicant is granted this Certificate of Completion ("COC") pursuant to section 19-8-111, subject to the conditions set forth in paragraph three below. Figures showing the Property are included in Attachment B.

2 Acknowledgment of Protection from Liability

This COC acknowledges protection from liability provided by section 19-8-113 of the Utah Code Annotated to an Applicant who is not responsible for the contamination under the provisions listed in subsection 19-8-113(1)(b) at the time the Applicant applies to enter into a Voluntary Cleanup Agreement, and to future owners who acquire the Property covered by this COC, and to lenders who make loans secured by the Property covered by the COC.

As set forth in section 19-8-113, this release of liability is not available to an owner or lender who was originally responsible for a release or contamination, or to an owner or lender who changes the land use from the use specified in Section 3 of the COC, if the changed use or uses may reasonably be expected to result in increased risks to human health or the environment, or to an owner or lender who causes further releases on the Property. Also, there is no release from liability if the COC is obtained by fraud, misrepresentation, or the knowing failure to disclose material information.

Finally, protection from liability is limited to contamination identified in the documents related to the investigation and cleanup of the Property.



When recorded return to
Utah Department of Environmental Quality
Division of Environmental Response and Remediation
Attention Voluntary Program Coordinator
Post Office Box 144840
Salt Lake City, Utah 84114-4840

This document has been recorded electronically
Please see the attached copy to view the County
Recorder's stamp as it now appears in the public record

Date 11/10/13 Entry 11761733
Submitted by Integrated Title Services

**RE Former Minerals Equipment Company Property #2 (VCP #C072) Property
Currently Known as Birkhill Apartments 4221 South Main Street, Murray, Salt Lake
County, Utah**

CERTIFICATE OF COMPLETION

1 Compliance with Terms of Voluntary Cleanup Program

The Executive Director of Utah Department of Environmental Quality ("UDEQ"), through her undersigned designee below, has determined that Parley's Partners LLC, hereinafter referred to as "Applicant," has completed a UDEQ supervised voluntary cleanup of the real property described in Attachment A ("Property or "Site"), in accordance with sections 19-8-108 and 19-8-110 of the Utah Code Annotated and the Voluntary Cleanup Agreement entered into on May 17, 2011. The Applicant is granted this Certificate of Completion ("COC") pursuant to section 19-8-111, subject to the conditions set forth in paragraph three below. Figures showing the Property are included in Attachment B.

2 Acknowledgment of Protection from Liability

This COC acknowledges protection from liability provided by section 19-8-113 of the Utah Code Annotated to an Applicant who is not responsible for the contamination under the provisions listed in subsection 19-8-113(1)(b) at the time the Applicant applies to enter into a Voluntary Cleanup Agreement, and to future owners who acquire the Property covered by this COC, and to lenders who make loans secured by the Property covered by the COC.

As set forth in section 19-8-113, this release of liability is not available to an owner or lender who was originally responsible for a release or contamination, or to an owner or lender who changes the land use from the use specified in Section 3 of the COC, if the changed use or uses may reasonably be expected to result in increased risks to human health or the environment, or to an owner or lender who causes further releases on the Property. Also, there is no release from liability if the COC is obtained by fraud, misrepresentation, or the knowing failure to disclose material information.

Finally, protection from liability is limited to contamination identified in the documents related to the investigation and cleanup of the Property.

3 Specified Land Use for Certificate of Completion

This COC is issued based upon the Applicant's representations that the Property will be used for purposes consistent with the residential exposure scenario described in the Risk Assessment Guidance for Superfund, Volume E Human Health Evaluation, Parts A and B and that contamination remaining on the Property will be managed in accordance with the Site Management Plan dated November 14, 2013, as may be amended from time to time ("SMP") The residential exposure scenario is defined as exposure to adults to incidental ingestion and dermal contact to hazardous constituents for a duration of 30 years at a frequency of 350 days a year Residential, commercial, and industrial uses are permissible but are subject to the following conditions

- a Non-use and non-access to groundwater located beneath the Property via wells, pits, sumps or other means for the purpose of irrigation, drinking or bathing,
- b Compliance with the SMP including, but not limited to routine inspection of engineering controls to manage contamination in the consolidation area under the northern parking garage and under the northern half of Jummer Way (Section 3 1 of SMP), submission of monitoring and inspection results to UDEQ for review, and compliance with the Contingency Plan (Section 5 of SMP) in the event site conditions change destabilizing contamination remaining in place (as described in the SMP and Environmental Covenant) or impacted material above site cleanup goals is encountered,
- c Compliance with the Environmental Covenant ("EC") for the Property recorded with the Salt Lake County Recorder on May 11, 2009 in Book 9721 on pages 2558 - 2575 as amended by the First Amendment to the Environmental Covenant for the Property recorded on August 30, 2011 in Book 9946 on pages 4762 - 4769,
- d Continued reimbursement to the UDEQ for its oversight of the EC and SMP, and
- e Continued consent to access to the UDEQ to monitor compliance with the EC and SMP

4 Unavailability of Release of Liability

Use of the Property that is not consistent with Section 3 shall constitute a change in land use expected to result in increased risks to human health and the environment making the release of liability in Section 2 above unavailable

5 Amended Certificate of Completion

There is no expectation that SMP compliance will cease to be a condition of this COC so long as contaminated soils remain on the Site above levels protective for unrestricted land use Further remediation under the VCP would be needed to qualify for a new or amended COC that does not include compliance with the SMP as a condition of land use

6 Availability of Records

All documents discussed in this COC are on file and may be reviewed at the UDEQ/Division of Environmental Response and Remediation ("DERR") office located at 195 North 1950 West, Salt Lake City, Utah

7. Final Signature for Former Minerals Equipment Company Property #2 Certificate of Completion

Dated this 18th day of November 2013.

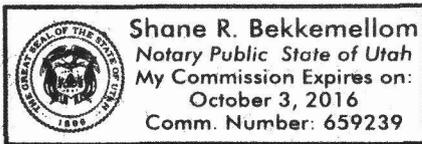
Brent H. Everett
Brent H. Everett, Director
Division of Environmental Response and Remediation
And Authorized Representative of the
Executive Director of the Utah
Department of Environmental Quality

STATE OF UTAH)

:ss.

COUNTY OF SALT LAKE)

On this 18th day of November, 2013, personally appeared before me, Brent H. Everett who duly acknowledged that he signed the above Certificate of Completion as an authorized representative of the Executive Director of the Utah Department of Environmental Quality.



Shane R. Bekkemellom
NOTARY PUBLIC

Residing At: Cottonwood
Heights, Utah

My Commission Expires October 3, 2016

Attachments: Attachment A: Former Minerals Equipment Company Property #2
Legal Description
Attachment B: Former Minerals Equipment Company Property #2 Site Maps

ATTACHMENT A

**Former Minerals Equipment Company Property #2
Legal Property Description**

Tax ID#: 22-06-103-014, 22-06-103-015, 22-06-103-016, 22-06-103-017, and 22-06-103-018

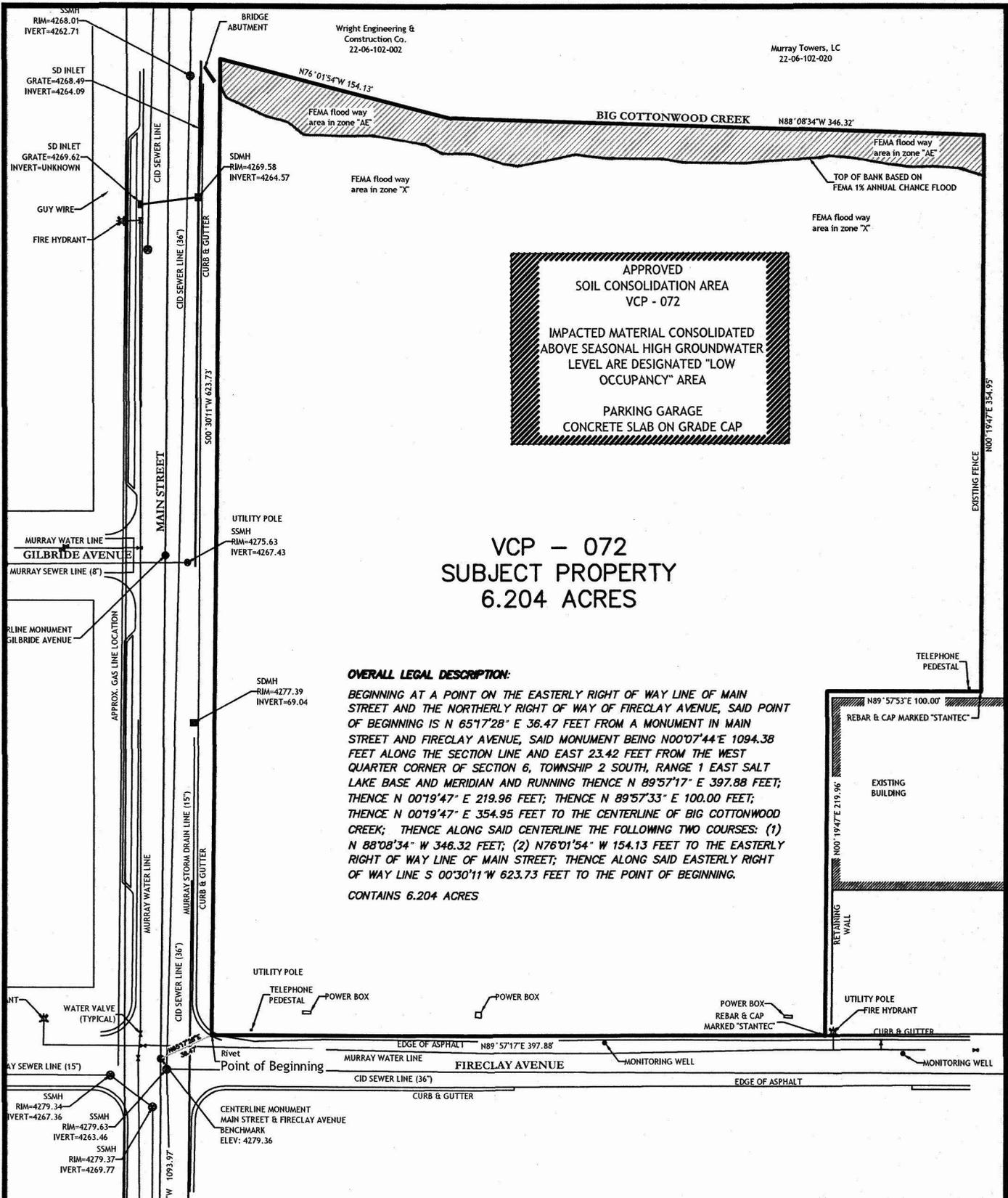
Legal description

Exhibit "A" : Beginning at a point on the easterly right of way line of Main Street and the northerly right of way of Fireclay Avenue, said point of beginning is N 65°17'28" E 36.47 feet from a monument in Main Street and Fireclay Avenue, said monument being N00°07'44"E 1094.38 feet along the section line and east 23.42 feet from the west quarter corner of Section 6, Township 2 South Range 1 East Salt Lake base and meridian and running thence N 89°57'17" E 397.88 feet; thence N 00°19'47" E 219.96 feet; thence N 89°57'33" E 100.00 feet; thence N 00°19'47" E 354.95 feet to the centerline of Big Cottonwood Creek; thence along said centerline the following two courses: (1) N 88°08'34" W 346.32 feet; (2) N 76°01'54" W 154.13 feet to the easterly right of way line of Main Street; thence along said easterly right of way line S 00°30'11"W 623.73 feet to the point of beginning.

CONTAINS 6.204 acres more or less

ATTACHMENT B

**Former Minerals Equipment Company Property #2
Site Maps**



Wright Engineering & Construction Co.
22-06-102-002

Murray Towers, LC
22-06-102-020

APPROVED
SOIL CONSOLIDATION AREA
VCP - 072

IMPACTED MATERIAL CONSOLIDATED
ABOVE SEASONAL HIGH GROUNDWATER
LEVEL ARE DESIGNATED "LOW
OCCUPANCY" AREA

PARKING GARAGE
CONCRETE SLAB ON GRADE CAP

VCP - 072
SUBJECT PROPERTY
6.204 ACRES

OVERALL LEGAL DESCRIPTION:

BEGINNING AT A POINT ON THE EASTERLY RIGHT OF WAY LINE OF MAIN STREET AND THE NORTHERLY RIGHT OF WAY OF FIRECLAY AVENUE, SAID POINT OF BEGINNING IS N 65°17'28" E 36.47 FEET FROM A MONUMENT IN MAIN STREET AND FIRECLAY AVENUE, SAID MONUMENT BEING N00°07'44" E 1094.38 FEET ALONG THE SECTION LINE AND EAST 23.42 FEET FROM THE WEST QUARTER CORNER OF SECTION 6, TOWNSHIP 2 SOUTH, RANGE 1 EAST SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE N 89°57'17" E 397.88 FEET; THENCE N 00°19'47" E 219.96 FEET; THENCE N 89°57'33" E 100.00 FEET; THENCE N 00°19'47" E 354.95 FEET TO THE CENTERLINE OF BIG COTTONWOOD CREEK; THENCE ALONG SAID CENTERLINE THE FOLLOWING TWO COURSES: (1) N 88°08'34" W 346.32 FEET; (2) N76°01'54" W 154.13 FEET TO THE EASTERLY RIGHT OF WAY LINE OF MAIN STREET; THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE S 00°30'11" W 623.73 FEET TO THE POINT OF BEGINNING.
CONTAINS 6.204 ACRES

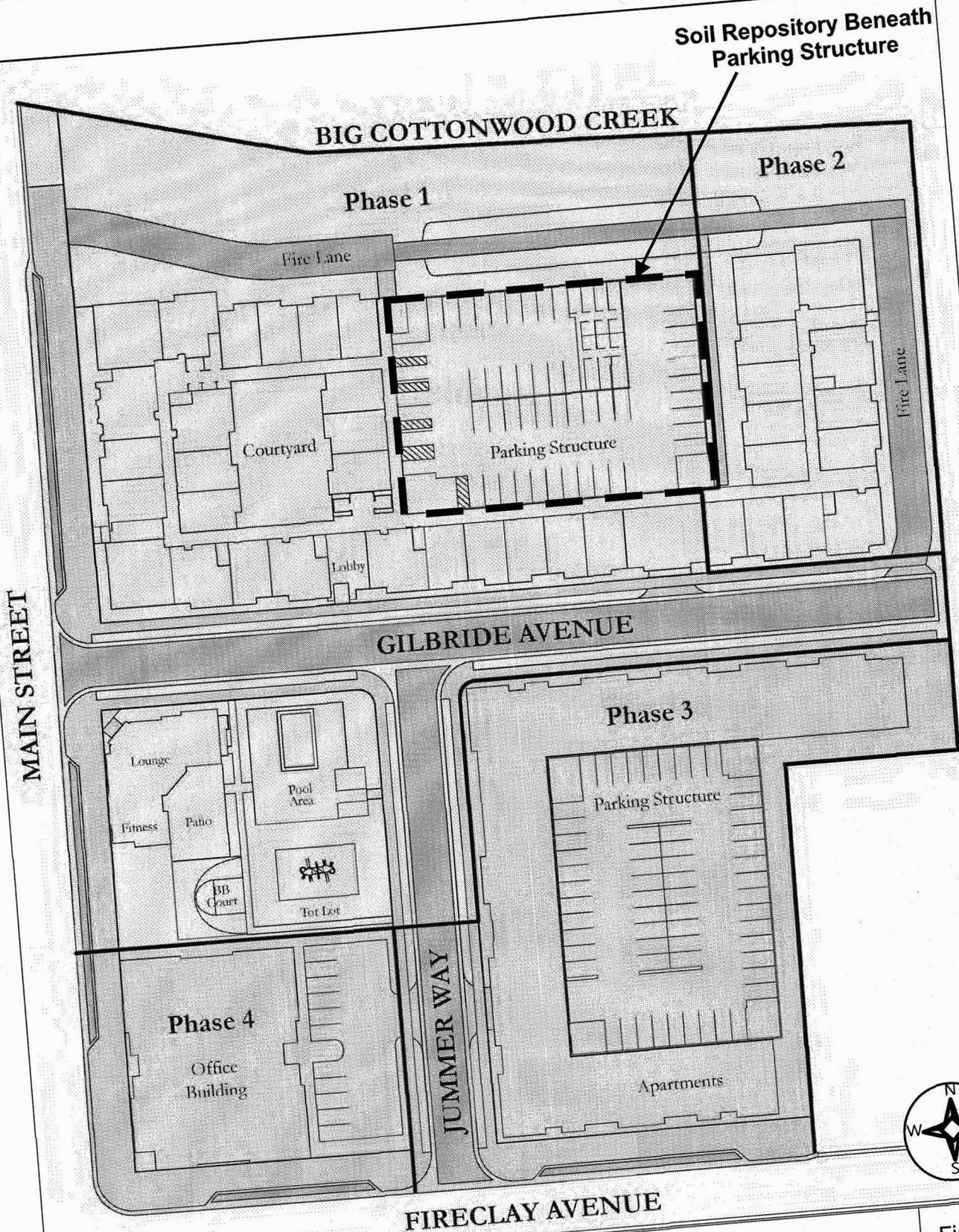
NOT TO SCALE
DATE: 11/7/2013
COMPILED: BEY
CHECKED:

EXHIBIT
VCP-072 FOR CERTIFICATE OF COMPLETION



REDCON, INC.
LAND SURVEYORS
90 NORTH MAIN
Bountiful, Utah 84010
(801) 298-2401 FAX (801) 298-2024

BIRKHILL APARTMENTS WEI 1997-001



Site Plan with Construction Phases **Figure 1**

The use or reuse of this information is restricted to the referenced document unless otherwise authorized. Wasatch Environmental Copyright 2006