

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

RECEIVED
DEC 16 2002
DEQ
Environmental Response & Remediation

Ms. Tammie Nalder, Sr. Project Coordinator
Business and Economic Development Agency
2549 Washington Boulevard, Suite 425
Ogden, Utah 84401

Re: Ogden Block 37 Plat A, VCP# C027

CERTIFICATE OF COMPLETION

1. Compliance with Terms of Voluntary Cleanup Program

The Executive Director of the Utah Department of Environmental Quality, through her undersigned designee below, has determined that the City of Ogden, hereinafter referred to as "Applicant," has completed a Utah Department of Environmental Quality ("UDEQ") supervised voluntary cleanup of the real property described in Attachment A (the "Property"), in accordance with sections 19-8-108 and 19-6-110 of the Utah Code Annotated and the Voluntary Cleanup Agreement entered into on January 25, 2001. The Applicant is granted this Certificate of Completion ("COC") pursuant to section 19-8-111 and subject to the conditions set forth in section three below.

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 applied 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. However, as with the Property owned by the Applicant, protection from liability for future owners or lenders is contingent upon compliance with section three below.

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 the release or contamination addressed under the agreement, or to an owner or lender who changes the land use from the use specified in 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 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. All documents associated with the Property are on file and may be reviewed at the UDEQ/Division of Environmental Response and Remediation office.

3. Specified Land Use for Certificate of Completion

This COC is issued based upon the Applicant's representation that the Property will be used for commercial or industrial purposes consistent with the commercial/industrial worker exposure scenario described in the Risk Assessment Guidance for Superfund, Volume I, Human Health Evaluation, Parts A and B. The commercial/industrial exposure scenario is defined as exposure to adults to incidental ingestion and dermal contact to hazardous constituents for duration of 25 years at a frequency of 250 days a year for eight hours a day.

Future uses of the Property that were represented in the Voluntary Cleanup Application and approved include commercial or industrial uses. This COC is not issued for use of the Property for managed care facilities, hospitals, or residential use (including caretakers that live on the Property), or for day care and school facilities. Uses that are not anticipated as stated above would be inappropriate and unacceptable for the Property. Additional investigation and possible remediation would be required, and the COC amended to allow for those uses. Since those uses were neither represented nor approved, they would nullify the release of liability and coverage of this COC described in section two above.

This COC is subject to the conditions set forth below:

- a. The Property be used in a manner that is consistent with the land use described in section three;
- b. If any demolition/disturbance of the Good ol' Days Antiques building foundation, parcel# 010310008, is conducted by the Applicant, current or future Property owner, UDEQ must be contacted one week before the date of demolition/disturbance of the building foundation;
- c. Sampling, if deemed necessary by UDEQ, will be conducted by the Applicant, current or future Property owner, upon or during the demolition/disturbance of the Good ol' Days Antiques building foundation;
- d. UDEQ will be reimbursed by the Applicant, current or future Property owner, for costs associated with the oversight of work conducted on the Good ol' Days Antiques parcel;
- e. Consent for access to authorized representatives of UDEQ to the Property by the Applicant, current or future Property owner, to monitor work conducted on the Good ol' Days parcel during the demolition/disturbance of the building foundation; and
- f. Based on current sampling results provided by the Applicant as part of the Voluntary Cleanup Program investigation, there are no restrictions placed on the accessing of groundwater other than those already required by other agencies.

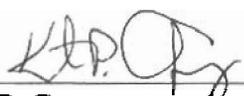
4. Unavailability of Release of Liability

Use of the Property that is not consistent with section three or failure to comply with the conditions described above shall constitute a change in land use expected to result in increased risks to human health and the environment making the release of liability described in section two unavailable.

5. Amended Certificate of Completion

Upon the completion of sampling conducted upon or during the demolition/disturbance of the Good ol' Days Antiques building foundation the Applicant, current or future owner, may request of the UDEQ to record an amended COC to delete compliance with subsections 3b through 3e as described in section three above as a condition of land use.

Dated this 27 day of Nov, 2002.

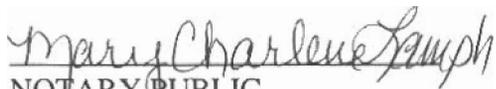


Kent P. Gray
Authorized Representative of the
Executive Director of the
Utah Department of Environmental Quality

STATE OF UTAH)

ss:
COUNTY OF Salt Lake)

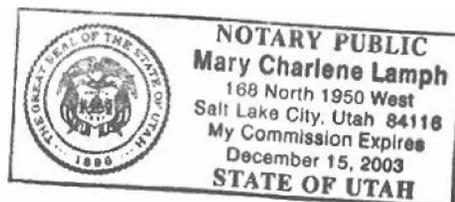
On this 27 day of November, 2002, personally appeared before me, Kent P. Gray who duly acknowledged that he/she signed the above Certification of Completion as an authorized representative of the Executive Director of the Department of Environmental Quality.


NOTARY PUBLIC

Residing At: Salt Lake

My Commission Expires Dec. 15, 2003

Attachment(s): Legal Property Description



ATTACHMENT A
Legal Property Description

Legal Property Description

Block 37, Plat A, Ogden City Survey, Weber County, Utah, Beginning at a point, Said point being N 0°55' 07" E 49.5 Feet; From: the Ogden Monument at the intersection of 23rd St and Lincoln Ave. and Running Thence; N 89°02' 00" W 666.80 Feet, Thence N 0°58' 00" E 503.032 Feet, Thence S 89°02' 00" E 158 Feet, Thence N 0°55' 07" E 132.508 Feet, Thence S 89°02' 00" E 508.23 Feet, Thence S 0°55' 07" W 662.40 to the Point of Beginning.

Acres: 9.20

Address: Bounded by 22nd Street, 23rd Street, Wall Avenue, and Lincoln Avenue
Ogden, Utah 84401

Latitude: 41° 13' 34.7"

Longitude: 111° 58' 37.5"

Property ID#: 01-031-0001V