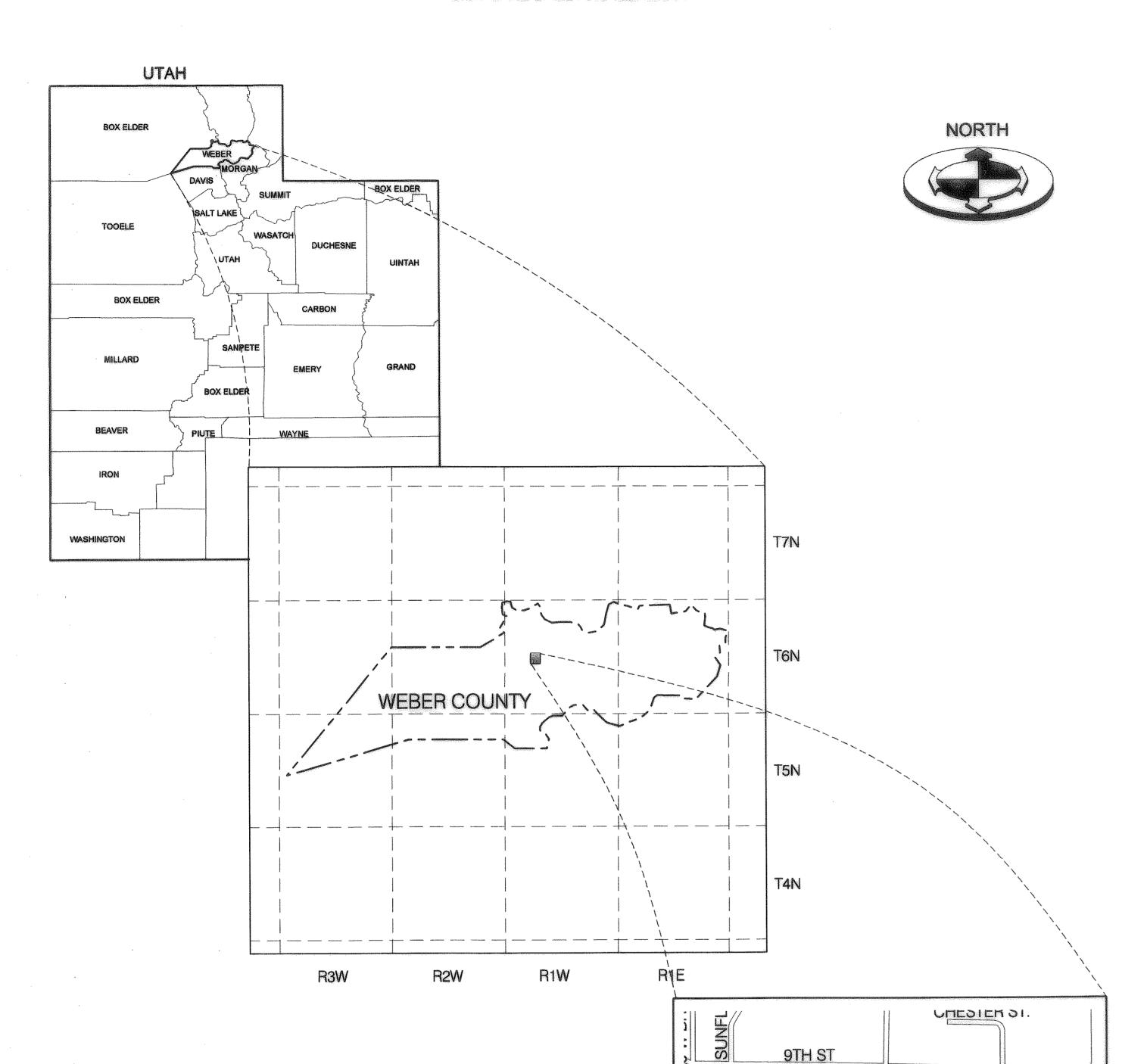
ALTA/ACSM LAND TITLE SURVEY

LOCATED IN THE NORTHWEST QUARTER OF SECTION 20 TOWNSHIP 6 NORTH, RANGE 1 WEST. SALT LAKE BASE AND MERIDIAN



W 950 S.

W 1000 S.

<u>12TH ST</u>

VICINITY MAP

SCALE: N.T.S.

NARRATIVE OF BOUNDARY:

RECENT WIDENING OF 12TH AVENUE.

BENCHMARK ENGINEERING AND LAND SURVEYING, LLC WAS RETAINED BY MOYLE PETROLEUM COMPANY TO PERFORM AN ALTA/ACSM LAND TITLE SURVEY OF THE SUBJECT PROPERTY AS SHOWN HEREON PRIOR TO PURCHASING THE PROPERTY OWNED BY FLYING J. THE OGDEN CITY STREET MONUMENTS IN WALL AVENUE BETWEEN 7TH AND 9TH STREETS WERE USED AS CONTROL FOR THIS SURVEY. THE OGDEN CITY MONUMENT SHOWN ON RECORD IN WALL STREET AND 12TH STREET APPEARS TO HAVE BEEN DESTROYED WITH THE RECENT UDOT CONSTRUCTION AT THE INTERSECTION. THE UDOT RIGHT OF WAY MAPS WERE OBTAINED BY UDOT REGION 1 AND WERE USED TO VERIFY THE EXCEPTED TRACTS OF LAND PURCHASED RECENTLY BY UDOT FOR THE RECONSTRUCTION OF THE INTERSECTION OF WALL AVENUE AND 12TH STREET. THESE TRACTS APPEARED TO MATCH THE RIGHT OF WAY MAPS. THERE ARE TWO DRIVEWAYS THAT ACCESS THE ADJOINING PROPERTY TO THE NORTH AND EAST. THERE APPEARS TO BE A CROSS ACCESS EASEMENT BASED UPON THIS. THE EXCEPTIONS IN THE TITLE REPORT ARE NOT DISCLOSING THIS AND THEREFORE THESE ACCESSES MAY HAVE ACQUIRED RIGHTS THROUGH PRESCRIPTION. EXCEPTION 14 DOES NOT APPEAR TO BE AN ISSUE WITH THE

THE BASIS OF BEARINGS FOR THIS SURVEY IS SOUTH 00°58'52" WEST BETWEEN THE MONUMENTS MARKING THE INTERSECTION OF WALL AVENUE AND 7TH STREET AND THE MONUMENT MARKING THE INTERSECTION OF WALL AVENUE AND 9TH STREET.



GENERAL NOTES

1) THIS SURVEY IS BASED UPON THE TITLE REPORT ISSUED BY NATIONAL TITLE AGENCY, LLC, ORDER NO. 5323636. DATED AUGUST 3, 2010.

2) DOCUMENTS OF ADJOINING PROPERTIES OR OTHER DOCUMENTS NOT FURNISHED WITH THE REFERENCED TITLE REPORTS HAVE NOT BEEN USED IN THE PERFORMANCE OF THIS SURVEY. THEREFORE, ISSUES THAT MAY EXIST REGARDING GAPS OR OVERLAPS OF DESCRIPTIONS AND QUESTIONS AS TO UNDERLYING FEE OWNERSHIP, JUNIOR AND SENIOR RIGHTS OF OWNERSHIP PERTAINING TO ADJOINING PROPERTIES, ARE NOT ADDRESSED ON OR BY THIS MAP. THE INFLUENCE OF OTHER DOCUMENTS COULD RESULT IN THE VARIANCE OF PROPERTY LINES AS SHOWN HEREON.

3) NOTES PERTAINING TO EXCEPTIONS TO COVERAGE, SCHEDULE B-2 OF REFERENCED PRELIMINARY REPORT:

ITEMS 1 - 9 NOT ADDRESSED BY THIS SURVEY.

ITEM 10 THE FOLLOWING PURPORTS TO AFFECT THE SUBJECT PROPERTY) AN EASEMENT FOR A RIGHT OF WAY INCIDENTAL PURPOSES, THE EXACT LOCATION OF WHICH WAS NOT DISCLOSED, AS CREATED IN FAVOR O FREDERICK E. BARKER, HIS SON BY WARRANTY DEED RECORDED DECEMBER 28, 1909, IN BOOK 58, PAGE 243, OF OFFICIAL RECORDS

AN EASEMENT OVER, ACROSS OR THROUGH THE LAND FOR IRRIGATION DITCHES AN INCIDENTAL PURPOSES, AS GRANTED TO THE STATE ROAD COMMISSION OF UTAH BY INSTRUMENT RECORDED DECEMBER 7, 1937 AS ENTRY NO. 31235 IN BOOK 130 AT PAGE 96, OF OFFICIAL RECORDS. (DOES NOT AFFECT SUBJECT PROPERTY)

AN EASEMENT OVER, ACROSS OR THROUGH THE LAND OF ELECTRIC TRANSMISSION, DISTRIBUTION AND TELEPHONE CIRCUITS AND INCIDENTAL PURPOSES, AS GRANTED TO UTAH POWER AND LIGHT COMPANY BY INSTRUMENT RECORDED DECEMBER 1, 1950 AS ENTRY NO. 172135. IN BOOK 354 AT PAGE 5710F OFFICIAL RECORDS. AN EASEMENT FOR COMMUNICATION AND OTHER FACILITIES AND INCIDENTAL

PURPOSES, THE EXACT LOCATION OF WHICH WAS NOT DISCLOSED. AS CREATED IN FAVOR OF THE MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY BY INSTRUMENT RECORDED NOVEMBER 16, 1973 AS ENTRY NO. 604887 IN BOOK 1039 AT PAGE 873 OF OFFICIAL RECORDS LACK OF ACCESS TO 12TH STREET AS EVIDENCED BY THAT CERTAIN QUIT-CLAIM

DEED RECORDED MARCH 24, 1976 AS ENTRY NO. 660809 IN BOOK 1119 AT PAGE (DUE TO THIS TRACT OF LAND BEING PURCHASED BY U.D.O.T. AND THE FOLLOWING WIDENING OF 12TH STREET, THIS EXCEPTION IS NO LONGER AN

ISSUE AND DOES NOT AFFECT THE SUBJECT PROPERTY) AN EASEMENT OVER, ACROSS OR THROUGH THE LAND FOR ELECTRIC TRANSMISSION AND DISTRIBUTION CIRCUITS AND INCIDENTAL PURPOSES, AS GRANTED TO UTAH POWER & LIGHT COMPANY BY INSTRUMENT RECORDED OCTOBER 30, 1981 AS ENTRY NO. 846460 IN BOOK 1392 AT PAGE 423 OF OFFICIAL

(NO WIDTH IS DESCRIBED IN THE LEGAL DESCRIPTION OF SAID EASEMENT) SUBJECT TO A TEMPORARY EASEMENT AS DISCLOSED BY THAT CERTAIN FINAL JUDGMENT OF CONDEMNATION AND WITHDRAWAL OF FUNDS RECORDED APRIL 9, 2009 AS ENTRY NO. 2403675 OF OFFICIAL RECORDS. ITEM 17 NOT ADDRESSED BY THIS SURVEY.

4) DOCUMENTS FURNISHED AND UTILIZED IN THE PERFORMANCE OF THIS SURVEY ARE AS

TITLE REPORT DATED AUGUST 3, 2010 ORDER NO. 5323636, ISSUED BY NATIONAL TITLE

ABSTRACT DOCUMENTS PROVIDED BY NATIONAL TITLE AGENCY, LLC.

ACCORDING TO THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 49057C0426E. DATED DECEMBER 16, 2005, THE SUBJECT PROPERTY IS NOT IN A SPECIAL FLOOD HAZARD AREA. NO FIELD SURVEYING WAS PERFORMED TO DETERMINE THIS ZONE AND AN ELEVATION CERTIFICATE MAY BE NEEDED TO VERIFY THIS DETERMINATION OR APPLY FOR A VARIANCE FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY:

PER THE CITY OF OGDEN PLANNING DEPARTMENT, THIS SITE IS CURRENTLY ZONED CP2 (COMMERCIAL): THE CURRENT ZONING ALLOWS FOR THE CURRENT USE OF THE SITE AS A GAS STATION/CONVENIENCE STORE:

CP2 ZONING REQUIREMENTS FOR THIS SITE: NO MINIMUM LOT AREA FOR COMMERCIAL DEVELOPMENTS, BUILDING COVERAGE

FRONT: 20 FEET SIDE: FACING STREET 20 FEET AND 0 FEET NEXT TO ANOTHER PROPERTY REAR: 0 FEET UNLESS NEXT TO RESIDENTIAL THEN 10 FEET

3) TOTAL LAND AREA 56,802 SQUARE FEET OR 1.304 ACRES, MORE OR LESS

THE BUILDING AREA SHOWN HEREON WAS DETERMINED BY THE FIELD MEASUREMENTS OF THE EXTERIOR WALLS AT GROUND LEVEL.

5) TOTAL PARKING SPACES 16 = 14 REGULAR 2 HANDICAP

HEIGHT RESTRICTION: 50 FEET MAXIMUM

ACCESS TO PROPERTY VIA PUBLIC RIGHTS OF WAY: WALL STREET AND 12TH STREET

PROPERTY ADDRESS: 1184 WALL AVENUE, OGDEN, UTAH

9) TAX MAP PARCEL NO. 12-119-0078

10) THERE ARE NO GAPS, GORES OR OVERLAPS BETWEEN THE SUBJECT PROPERTY AND THE ADJOINING PROPERTIES SHOWN ON THIS SURVEY.

11) AT THE TIME OF THE FIELD SURVEY, THERE WAS NO EVIDENCE OF SITE USE AS A CEMETERY

12) EASEMENT RIGHTS: PLOTTABLE EASEMENT ARE SHOWN FROM THE OWNER SUPPLIED TITLE REPORT, NON-PLOTTABLE EASEMENTS ARE NOTED ON THE SURVEY AS BEING NOT PLOTTED. BECAUSE OUR SERVICE IS LIMITED TO REPORTING ON EASEMENT LOCATIONS, WE STRONGLY RECOMMEND LEGAL COUNSEL TO BE RETAINED TO REPORT ON TITLE PAPERS IN THEIR ENTIRETY.

THE ON-SITE STORM DRAINAGE SYSTEM FOR THIS PROPERTY IS DESIGNED TO COLLECT ALL THE ON-SITE STORM WATER USING THE CATCH BASINS AS CULLECTION POINTS AND TO DRAIN INTO THE PUBLIC STORM WATER SYSTEM.

THIS IS AN AS-BUILT SURVEY PREPARED IN ACCORDANCE WITH THE MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS.

THIS SURVEY WAS PREPARED FOR THE PURPOSES OF OBTAINING AN EXTENDED OVERAGE TITLE INSURANCE POLICY AND DOES NOT CONTAIN SUFFICIENT DETAIL FOR DESIGN PURPOSES. ADDITIONAL SURVEYING WILL BE REQUIRED FOR DESIGN PURPOSES.

BENCHMARK ENGINEERING AND LAND SURVEYING, LLC ONLY ACKNOWLEDGES SIGNED AND STAMPED MAPS AND DRAWINGS. NO RESPONSIBILITY OR LIABILITY IS EXPRESSED OF IMPLIED FOR ELECTRONIC DATA AND/OR REPRODUCED MAPS AND DRAWINGS.

LIST OF REFERENCED DOCUMENTS

- R1) TITLE REPORT DATED AUGUST 3, 2010 ORDER NO. 5323636. ISSUED BY NATIONAL
- R2) ALTA/ACSM SURVEY PERFORMED BY GARY L. NEWMAN (GREAT BASIN ENGINEERING NORTH) ON FEBRUARY 25, 1999, FILED AS SURVEY NO. 002277 ON FILE WITH THE WEBER COUNTY SURVEYOR'S OFFICE.
- R3) UDOT RIGHT-OF-WAY MAP, PROJECT NO. CM-0039(12)4, SHEET NO. RW-9 AND RW-14 R4) OGDEN FRED MEYER SUBDIVISION, AMENDED PARCEL 1, FIECORDED ON DECEMBER 4, 2002 AS ENTRY NO. 1894728 IN BOOK 57 AT PAGE 13.

SURVEYOR'S CERTIFICATE:

THE UNDERSIGNED, BEING A REGISTERED SURVEYOR OF THE STATE OF UTAH CERTIFIES TO (I) MOYLE PETROLEUM COMPANY ("PURCHASER"), ITS SUCCESSORS AND ASSIGNS, (II) ("PURCHASER'S LENDER"), ITS SUCCESSORS AND ASSIGNS AND (III) NATIONAL TITLE AGENCY, LLC. AS FOLLOWS:

1. THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTAIACSM LAND TITLE SURVEYS," JOINTLY ESTABLISHED AND ADOPTED BY THE AMERICAN LAND TITLE ASSOCIATION AND AMERICAN LAND TITLE ASSOCIATION AND NSPS IN 2005 AND THIS SURVEY MEETS THE REQUIREMENTS FOR AN URBAN SURVEY AS DEFINED THEREIN.

2. THE SURVEY WAS MADE ON THE GROUND ON SEPTEMBER 13, 2010, AND CORRECTLY SHOWS THE AREA OF THE SUBJECT PROPERTY, THE LOCATION AND TYPE OF ALL BUILDINGS, STRUCTURES AND OTHER IMPROVEMENTS SITUATED ON THE SUBJECT

3. EXCEPT AS SHOWN ON THE SURVEY, THERE ARE NO VISIBLE EASEMENTS OR RIGHTS OF

ADJOINING PROPERTIES, STREETS OR ALLEYS UPON THE SUBJECT PROPERTY

WAY OF WHICH THE UNDERSIGNED HAS BEEN ADVISED. 4. EXCEPT AS SHOWN ON THE SURVEY, THERE ARE NO OBSERVABLE, ABOVE GROUND ENCROACHMENTS (A) BY THE IMPROVEMENTS ON THE SUBJECT PROPERTY UPON ADJOINING PROPERTIES, STREETS OR ALLEYS, OR (B) BY THE IMPROVEMENTS ON

5. THE LOCATION OF EACH EASEMENT, RIGHT OF WAY, SERVITUDE, AND OTHER MATTER APPROPRIATE RECORDING REFERENCES. TO THE EXTENT THAT SUCH MATTERS CAN BE LOCATED. THE PROPERTY SHOWN ON THE SURVEY IS THE PROPERTY DESCRIBED IN THAT TITLE COMMITMENT. THE LOCATION OF ALL IMPROVEMENTS ON THE SUBJECT PROPERTY IS IN ACCORD WITH MINIMUM SETBACK PROVISIONS AND OTHER ZONING RESTRICTIONS EXCEPT AS SHOWN ON THE SURVEY.

6. THE SUBJECT PROPERTY HAS ACCESS TO AND FROM A DULY DEDICATED AND ACCEPTED PUBLIC STREET OR HIGHWAY.

7. EXCEPT AS SHOWN ON THE SURVEY. THE SUBJECT PROPERTY DOES NOT SERVE ANY ADJOINING PROPERTY FOR DRAINAGE, UTILITIES, OR INGRESS OR EGRESS.

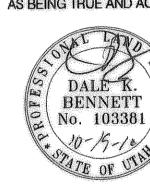
8. THE RECORD DESCRIPTION OF THE SUBJECT PROPERTY FORMS A MATHEMATICALLY CLOSED FIGURE EXCEPTING TRACT 2, WHICH DOES NOT MATHMATICALLY CLOSE WITH AN ERROR OF APPROXIMATELY 1.8 FEET. HOWEVER, EXCEPTION 14 OF THE TITLE REPORT SHOWN HEREON APPEARS TO BE DESCRIBING THE SAME TRACT OF LAND, WHICH NORTH LINE IS CONTIGUOUS WITH THE SOUTH LINE OF A SURVEY PERFORMED ON THE SUBJECT PROPERTY BY GARY L. NEWMAN (GREAT BASIN ENGINEERING NORTH) ON FEBRUARY 25, 1999, FILED AS SURVEY NO. 002277, ON FILE WITH THE WEBER COUNTY SURVEYOR'S OFFICE.

9. NO PORTION OF THE PROPERTY SHOWN ON THE SURVEY LIES WITHIN A SPECIAL HAZARD AREA. AS DESCRIBED ON THE FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH THE SUBJECT PROPERTY IS LOCATED. THE SURVEY CORRECTLY INDICATES THE ZONE DESIGNATION OF ANY AREA SHOWN AS BEING WITHIN A SPECIAL HAZARD AREA.

10. ALL UTILITIES, VEHICULAR ACCESS AND DRAINAGE NECESSARY FOR THE OPERATIONS OF THE SUBJECT PROPERTY ACCESS THE SUBJECT PROPERTY DIRECTLY THROUGH CONTIGUOUS PUBLIC RIGHTS OF WAY OR CONTIGUOUS PUBLICLY DEDICATED EASEMENTS WITHOUT RELIANCE ON PRIVATE ACCESS/EASEMENT AGREEMENTS OR ACCESS THROUGH PRIVATE PROPERTY

11. THIS CERTIFICATE RELATES TO THAT CERTAIN SURVEY NUMBERED 1009088.E AND DATED OCTOBER 19, 2010, MADE BY DALE K. BENNETT, PLS.

THE PARTIES LISTED ABOVE ARE ENTITLED TO RELY ON THE SURVEY AND THIS CERTIFICATE AS BEING TRUE AND ACCURATE.



TITLE DESCRIPTION:

A PART OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 6 NORTH, RANGE 1 WEST, SALT LAKE BASE AND -. MERIDIAN, U.S. SURVEY:

BEGINNING AT A POINT ON THE EAST LINE OF SAID QUARTER SECTION 1320 FEET SOUTH OF THE NORTHEAST CORNER OF SAID QUARTER SECTION; RUNNING THENCE WEST 303.70 FEET, MORE OR LESS, TO THE EAST LINE OF WALL AVENUE SOUTH ALONG THE EAST LINE OF WALL AVENUE SOUTH 0°58' WEST 230.91 FEET; THENCE NORTH 86'47' EAST 304.58 FEET; THENCE NORTH 213.85 FEET, MORE OR LESS TO THE PLACE OF BEGINNING.

LESS AND EXCEPTING THE FOLLOWING THREE (3) TRACTS:

THAT PORTION CONTAINED IN THAT CERTAIN FINAL ORDER OF CONDEMNATION RECORDED NOVEMBER 2, 1971 AS ENTRY NO. 560205 IN BOOK 979 AT PAGE 380, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND IN FEE FOR A HIGHWAY KNOW AS PROJECT NO. 0568, BEING PART OF AN ENTIRE TRACT OF PROPERTY, IN THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 6 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN. THE BOUNDARIES OF SAID PARCEL OF LAND ARE DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EASTERLY RIGHT OF WAY LINE OF EXISTING WALL AVENUE AT THE NORTHERLY RIGHT OF WAY OF EXISTING 12TH STREET, WHICH POINT IS APPROXIMATELY 1551 FEET SOUTH AND 305 FEET WEST FROM THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 20; THENCE NORTH 01°13'30" EAST 75.22 FEET; THENCE SOUTHEASTERLY 114.99 FEET ALONG THE ARC OF A 70.0 FOOT RADIUS CURVE TO THE LEFT OF SAID NORTHERLY RIGHT OF WAY LINE. (NOTE: TANGENT TO SAID CURVE AT ITS POINT OF BEGINNING BEARS SOUTH 01°13'30" WEST); THENCE SOUTH 87006'30" WEST 75.22 FEET ALONG SAID NORTHERLY RIGHT OF WAY LINE TO THE POINT OF

THAT CERTAIN TRACT OF LAND DEEDED TO THE UTAH DEPARTMENT OF TRANSPORTATION BY QUIT CLAIM DEED DATED FEBRUARY 2, 1976 AND RECORDED MARCH 24, 1976 AS ENTRY NO. 660809 IN BOOK 1119 PAGE 827, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND IN FEE FOR A HIGHWAY KNOW AS PROJECT NO. 0568, BEING PART OF AN ENTIRE TRACT OF PROPERTY, IN THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 6 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN. THE BOUNDARIES OF SAID PARCEL OF LAND ARE DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST QUARTER SECTION LINE WHICH IS 1533.85 FEET SOUTH OF THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER, SAID POINT BEING ON THE EXISTING NORTHERLY RIGHT OF WAY LINE OF 12TH STREET; THENCE SOUTH 87°04'57" WEST (EQUALS SOUTH 86°47' WEST OGDEN CITY SURVEY) 229.35 FEET ALONG SAID RIGHT-OF-WAY LINE; THENCE NORTHWESTERLY 43.41 FEET ALONG THE ARC OF A 70.0 FOOT RADIUS CURVE TO THE RIGHT (SAID ARC ALSO ON RIGHT-OF-WAY LINE); THENCE NORTH 84°03'28" EAST (EQUALS NORTH 83°46'11" EAST OGDEN CITY SURVEY) 247.4 FEET TO A POINT (SAID POINT IS 59.0 FEET PERPENDICULARLY DISTANT NORTHERLY FROM THE CENTERLINE OF SAID PROJECT AT ENGINEER'S STATION 80+57); THENCE SOUTH 88°49'34" EAST (EQUALS SOUTH 89°07'31" EAST OGDEN CITY SURVEY) 26.0 FEET MORE OR LESS TO SAID EAST QUARTER SECTION LINE; THENCE SOUTH 23.61 FEET MORE OR LESS ALONG SAID EAST QUARTER SECTION LINE TO THE POINT OF BEGINNING. TRACT 3: THAT PORTION CONTAINED IN THAT CERTAIN FINAL JUDGMENT OF CONDEMNATION AND WITHDRAWAL OF FUNDS RECORDED APRIL 9, 2009 AS ENTRY NO. 240367!5 OF OFFICIAL RECORDS.

THAT PORTION CONTAINED IN THAT CERTAIN FINAL JUDGMENT OF CONDEMNATION AND WITHDRAWAL OF FUNDS RECORDED APRIL 9, 2009 AS ENTRY NO. 2403675 OF OFFICIAL

5-

PROJECT NO. 1009088.B

ALTA/ACSM LAND TITLE

SURVEY

SVA.01

1 OF 2

