

ENVIRONMENTAL INDEMNITY AND RELEASE AGREEMENT

The property described in this Agreement is being sold for delinquent property taxes and tax notice charges pursuant to 59-2-1331 *et seq.*, Utah Code Ann., 1953 as amended. The Salt Lake County Auditor is selling the property on behalf of Salt Lake County (“Seller”) and other taxing entities to collect delinquent taxes and/or tax notice charges under the authority of 59-2-1351.1, Utah Code Ann., 1953 as amended.

The Seller and Purchaser acknowledge that the sale by Seller and acceptance by Purchaser of the real property and improvements located at 7407 S Main Street Midvale, Utah, parcel number 21-25-301-017-0000, more particularly described as

BEG 166.38 FT S & 59.64 FT E FR W 1/4 COR OF SEC 25, T2S, R 1W, S L M; S 89°44' E 93.67 FT; N 0°22'30" E 51.54 FT; W 75.58 FT M OR L TO E LINE OF ST; S 19°49'50" W 54.32 FT TO BEG. 0.1 AC M OR L. 5277-882, 2599-282 5353-0245 6749-1583 6749-1584 6995-0292 8655-8498 8677-2232 8712-4544 8773-7911 10355-8657

(“Property”) is “As Is” and “With All Faults” and the Seller makes no representations or warranties regarding the absence or presence of environmental hazards, including but not limited to chemicals, solid waste, hazardous wastes, and hazardous substances, which may be on, in, or under the Property, and the Seller makes no representations or warranties regarding the compliance of prior uses on or present conditions of the Property under applicable federal, state and local environmental laws including, but not limited to, the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. Sections 6901 *et seq.*; the Solid and Hazardous Waste Act, Sections 19-6-101 *et seq.*, Utah Code Ann., 1953 as amended; the Clean Air Act, 42 U.S.C. Sections 7401 *et seq.*; the Air Conservation Act, Sections 19-2-101 *et seq.*, Utah Code Ann., 1953 as amended; the Federal Water Pollution Control Act, 33 U.S.C. Sections 1251 *et seq.*; the Water Quality Act, Sections 19-5-101 *et seq.*, Utah Code Ann., 1953 as amended; the Toxic Substances Control Act, 15 U.S.C. Sections 2601 *et seq.*; the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. Sections 9601 *et seq.*; the Hazardous Substances Mitigation Act, 19-6-301 *et seq.*, Utah Code Ann., 1953 as amended; the Underground Storage Tank Act, 19-6-401 *et seq.*, Utah Code Ann., 1953 as amended; and the Used Oil Management Act, 19-6-701 *et seq.*, Utah Code Ann., including any amendments thereto (for all).

The Purchaser acknowledges that it has been given the opportunity to make a reasonable investigation of the prior uses and existing conditions of the Property and that Seller has made a good faith disclosure of such prior uses and existing conditions of which the Seller is aware through the opportunity to review the Salt Lake County Auditor’s file on the property. The “*caveat emptor*” motive applies and Purchaser understands its obligation to inspect the Property.

The Purchaser acknowledges that Purchaser has been given an opportunity to review the Salt Lake County Auditor’s file, which may contain information regarding the environmental conditions of the property. The Purchaser acknowledges that there may be other information, either from public or non-public sources, that is not contained in the Auditor’s file or has not been disclosed by Seller. The Purchaser agrees that Purchaser has the sole obligation to perform due diligence on the property and any real or potential environmental conditions and waives all claims against the Seller for information or

lack of information in the auditor's files or failure to disclose information regarding environmental conditions even if Seller knew about or could have discovered that information. The Purchaser further acknowledges that Purchaser has been given an opportunity to review this Environmental Indemnity and Release Agreement prior to the date scheduled for the May Tax Sale.

The Purchaser hereby agrees to release, hold harmless, indemnify and defend Seller from any and all claims, demands, and causes of action of whatsoever nature, including without limitation, all claims, demands, administrative actions and causes of action for contribution, indemnity, strict liability, or negligence, assessment, fines, penalties, or fault of any kind, on the part of the Seller, and also including without limitation, any judgment or settlement, all costs, expenses, and legal fees paid by or incurred by Seller in defending or that in any way relate to or arise out of any alleged noncompliance under any environmental laws including natural resources damages whether asserted by any natural person, government, or any other entity or organization.

By executing this Environmental Indemnity and Release Agreement, Purchaser acknowledges that Purchaser has read this Agreement, understands the contents hereof, has been advised and had the opportunity to seek independent counsel of choice, and hereby certifies that Purchaser has freely and voluntarily executed this Environmental Indemnity and Release Agreement. But for the execution of this Environmental Indemnity and Release Agreement, Seller would not have sold the Property.

This indemnity shall survive closing or transfer of title.

DATED this _____ day of _____, 2021.

SALT LAKE COUNTY

By: _____
Title:
SELLER

DATED this _____ day of _____, 2021.

PURCHASER

PURCHASER PRINTED NAME

Environmental Health Division

Phone: 385-468-3860 Fax: 385-468-3861 Email: EnvHealthGRAMA@slco.org

GRAMA—RECORD REQUEST

Name of Requestor: Karen Helfrich Email: khelfrich@slco.org

Business Name: Salt Lake County Auditor

Address: 2001 S State Street Room N3-300

City: Salt Lake City State: UT Zip Code: 84114

Daytime phone number where you can be contacted if necessary: 385-468-7242

Please note: State law does not require any agency to create any record to fulfill a request. GRAMA applies only to existing records.
In some cases, you may need to provide a social security number or other personal identifier to retrieve records. In the case of a request for medical records, the agency may require you to complete a HIPAA release.
DO NOT include your social security number on this form. If it is needed, the agency will provide a separate method for you to provide the number.

Description of records requested (Be as specific as possible; type of records, subject, year or dates wanted)

This property is certified for tax sale of delinquent taxes. I would like to request all environmental health records so we can include with the tax sale notice. The tax sale is scheduled for May 27, 2021. I would please like to request these records be expedited so we can advertise appropriately. Please call me at 385-468-7242 with any questions.
7407 So Main St.
700 W
84047

Check appropriate request:

- I would like to view/inspect the records.
- I would like to receive copies of the records. I understand that I will be responsible for copy costs. I authorize costs of up to \$_____ I understand that prepayment of copies over \$50.00 may be required and that I will be contacted if estimated costs are greater than the above-specified amount.
- I would like to receive copies of the records and request a waiver of copy cost under UCA 63G-2-203 (4). Supporting documentation is attached.

If the requested records are not public, please explain why you believe you are entitled to access:

- I am the subject of the record. (Present photo identification)
- I am the person who submitted the record. (Present photo identification)
- I am authorized to access the record by the subject of the record. (Attach notarized "Consent for Release of Information" form and present photo identification.)
- Other (please explain): _____
- I am requesting expedited response as permitted by UCA 63G-2-204(3)(b). (Please attach information showing status as a member of the media and a statement that the records are required for a story for broadcast or publication, or other information demonstrating entitlement to an expedited response.)

Karen Helfrich Digitally signed by Karen Helfrich
Date: 2021.04.12 17:00:23 -06'00'

Signature

Date

Utah Environmental Salt Lake County Health Department Request/Complaints

Date Range: 1/1/1997 to 4/13/2021
Reporting Area: ALL
Request Status: Open Resolved Closed

Premise Grid Range: 7400 S to 7410 S
Cross Street Grid Range: 690 W to 710 W

Reporting Area:

Status Rqst# / Sanit# **Complainant**
Resolved Rqst #: 021367
Date Ent Sanit #: 350104
5/10/06

Person or Premises to see
T Kirby Construction
7409 S Main ST
Midvale UT, 84047
PR Street: 7409 S
Cross Street: 700 W

Conditions: BUSINESS LICENSE REQUEST FOR HANDYMAN

Reporting Area: Chemically Contaminated Properties

Status Rqst# / Sanit# **Complainant**
Open Rqst #: 165754 UPD MIDVALE
Date Ent Sanit #: 350316
8/13/19

Person or Premises to see
7407 S MAIN ST
MIDVALE UT, 84047
PR Street: 7407 S
Cross Street: 700 W

Conditions: CTE, meth test, meth paraphernalia found during warrant search. Owner occupied by, her son, and grandson (, 5 y/o); one dog present; child went with father.

Inspection Activity Date: 08/13/2019 **Sanit#:** 350316

Activity Desc: Warning Letter Issued

Comments: CTE letter drafted. Email sent.

Inspection Activity Date: 08/14/2019 **Sanit#:** 350316

Activity Desc: Warning Letter Issued

Comments: Copy of CTE letter received.

Inspection Activity Date: 08/15/2019 **Sanit#:** 350221

Activity Desc: After-hours Emergency Response

Comments: The VECC Dispatcher called on behalf of UPD-Midvale and informed me UPD had served a warrant at 7407 S Main St. in Midvale, and that UPD had confirmed the presence of meth and had found meth pipes (UPD case #19-115698).

I drove to the location provided and spoke there with UPD personnel. UPD informed me that they had searched two structures under the warrant, the house and an RV behind the house. UPD reported that in the house they had recovered baggies, from which a "+" meth test on the residue was obtained, as well as several meth pipes. UPD further reported that the house was owner-occupied by, her son, and her grandson (5 y/o) and one small dog. UPD stated that the child, , would go with his father and the dog with. In the RV, UPD reported they found a meth pipe which tested "+" for meth. UPD added that RV's owner, , was not present, but that an occupant, , had been arrested.

I placarded house and RV CTE, , and spoke with father regarding the CTE resolution process.

Inspection Activity Date: 08/28/2019 **Sanit#:** 350011

Activity Desc: Complaint Investigation (Office)

Comments: Detective Wayne (UPD) called and stated she has permission to be on the property and is making entry to the dwelling. Vehicles and persons have been observed coming and going from the property. He wanted confirmation that persons are allowed entry and to be outside.

Inspection Activity Date: 01/27/2020 **Sanit#:** 350011

Activity Desc: Complaint Investigation (Office)

Comments: Detective Wayne called and requested an update. He stated she has a test showing one room only is contaminated, and that snow footprints show people are entering the dwelling. Kerry authorized new placards that prohibit any persons on the premises.

Utah Environmental Salt Lake County Health Department Request/Complaints

Date Range: 1/1/1997 to 4/13/2021
Reporting Area: ALL
Request Status: Open Resolved Closed

Premise Grid Range: 7400 S to 7410 S
Cross Street Grid Range: 690 W to 710 W

- Inspection Activity Date:** 01/27/2020 **Sanit#:**350011 **Activity Desc:**Complaint Investigation (Field)
Comments:Site visit with Det. Wayne to repost the CTE signs prohibiting anyone from being on the premises. The property owner was given until dark to move and remove items.
- Inspection Activity Date:** 02/12/2020 **Sanit#:**350316 **Activity Desc:**Complaint Investigation (Office)
Comments: called and told a long story about people breaking into her house and her RV getting impounded. She stated that she'd never received any information from the Health Department regarding the closure of her home. I informed her that I have a signed Certified Mail card with her name and signature on it. We argued about this a for a while. I stated that I would resend the letter to her. I had another phone call come in that I needed to take and told her I would call her back. phone number is not in the notes and the call was transferred from the front desk so I do not have a call back number for her.
- Inspection Activity Date:** 02/18/2020 **Sanit#:**350316 **Activity Desc:**Warning Letter Issued
Comments:Copy of CTE letter sent at request.
- Inspection Activity Date:** 02/18/2020 **Sanit#:**350316 **Activity Desc:**Warning Letter Issued
Comments:Copy of 2nd CTE letter received.
- Inspection Activity Date:** 02/25/2020 **Sanit#:**350011 **Activity Desc:**Complaint Investigation (Field)
Comments:Site visit with Heather and Det. Wayne to verify CTE posting.
- Inspection Activity Date:** 02/28/2020 **Sanit#:**350316 **Activity Desc:**Complaint Investigation (Field)
Comments: called. She is currently staying at her friend house and can be reached there at (). She stated that her phone had been stolen. stated that she had received a bid from Clean Team Cleaners. I informed her that this company is not State Certified and she should NOT contract work with them as it would not be recognized by the Health Department. asked me about a home equity loan and I instructed her to contact a local credit union. explained to me that her house has been broken into many times and that the most recent time she called Midvale PD while there were "two guys in the house with facemasks on" Midvale PD responded but would not go into the house to arrest the burglars because "the house was contaminated". asked me questions about putting up a chain-link fence on her property and I referred her to Officer Wayne, Midvale Code Enforcement. asked about going on the property to install the rebuilt carburetor on her truck and removing her RV from the property with the truck. I instructed her to contact Gerry as he has been overseeing the closure of the property with Officer Wayne. I gave her the front desk number so she could contact Gerry as I could not transfer her from my cell phone.
- Inspection Activity Date:** 03/02/2020 **Sanit#:**350316 **Activity Desc:**Warning Letter Issued
Comments:CTE letter returned. Marked "UNCLAIMED", "UNABLE TO FORWARD/FOR REVIEW"
- Inspection Activity Date:** 03/09/2020 **Sanit#:**350316 **Activity Desc:**Complaint Investigation (Field)
Comments:Went to property. Property has been boarded and is still posted CTE.
- Inspection Activity Date:** 03/13/2020 **Sanit#:**350011 **Activity Desc:**Complaint Investigation (Field)
Comments:Site visit with Heather. The dwelling is posted and appears secure. The orange tape on the RV door had been disturbed and was re-taped.
- Inspection Activity Date:** 03/22/2021 **Sanit#:**350316 **Activity Desc:**Complaint Investigation (Field)
Comments:Site visit. Property remains posted CTE.

Reporting Area: General Sanitation

Date Printed: 4/13/2021 Time:10:46:00AM

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Utah Environmental Salt Lake County Health Department Request/Complaints

Date Range: 1/1/1997 to 4/13/2021
Reporting Area: ALL
Request Status: Open Resolved Closed

Premise Grid Range: 7400 S to 7410 S
Cross Street Grid Range: 690 W to 710 W

Status	Rqst# / Sanit#	Complainant	Person or Premises to see
Resolved	Rqst #: 172119	UNIFIED PD	
Date Ent	Sanit #: 350011		7407 S MAIN ST MIDVALE UT, 84047
3/25/20			PR Street: 7407 S Cross Street: 700 W

Conditions: People living in an RV and discharging sewage.

Inspection Activity Date: 03/25/2020 **Sanit#:** 350011 **Activity Desc:** Complaint Investigation (Field)
Comments: Det. Wayne requested a CTO for the motorhome because of a sewage discharge. Posted the CTO. was inside and brought out to be cited.

Inspection Activity Date: 03/31/2020 **Sanit#:** 350011 **Activity Desc:** Complaint Investigation (Office)
Comments: Det. Wayne called and stated the RV waste tank is full and still discharging onto the pavement. Midvale City has given notice the RV is to be removed and the sewage dumped at an approved location or the city will have it towed. Gbourke provided Det. Wayne with phone number (.).

Inspection Activity Date: 07/06/2020 **Sanit#:** 350011 **Activity Desc:** Complaint Investigation (Field)
Comments: Det. Wayne called requesting a CTO for the RV that had been removed and then brought back, still leaking sewage. The RV was posted CTO.

Inspection Activity Date: 02/11/2021 **Sanit#:** 350011 **Activity Desc:** Complaint Investigation (Office)
Comments: Det Wayne previously stated to Gbourke the RV was to be towed by the city.

Reporting Area: Administrative Fee

Status	Rqst# / Sanit#	Complainant	Person or Premises to see
Resolved	Rqst #: 184450	SALT LAKE COUNTY AUDITOR	
Date Ent	Sanit #: 350907	2001 S STATE STREET, N3-300 SALT LAKE CITY, UT 84190	7407 S MAIN ST SALT LAKE CITY UT, 84047
4/13/21			PR Street: 7407 S Cross Street: 700 W

Conditions: PHASE 1

Notification of Premises Closed to Entry

August 13, 2019

7407 S MAIN ST
MIDVALE, UT 84047

Dear

RE: 7407 S Main St.

Case #RN 165754

The Salt Lake County Health Department has been referred to the above address by a law enforcement agency regarding possible chemical contamination related to a case involving methamphetamine at the above premises for which you are the owner.

On August 13, 2019, John Hogan, a Health Department inspector, conducted an inspection at 7407 S Main St. This inspection confirmed the presence of methamphetamine and paraphernalia usually associated with methamphetamine use.

Due to the chemical hazards associated with this activity, the house was closed to entry on August 13, 2019, as required by the Salt Lake County Health Department Regulation #32 *Chemically Contaminated Properties* (Health Regulations may be obtained in their entirety at www.saltlakehealth.org or you may contact our office.):

32-4.3.2 Closed-to-Entry Placard.

- (i) If the Department's initial investigation confirms the presence of chemical contaminants in quantities which create or may create a hazard to the occupants or the public; the Department shall post the premises with a closed-to-entry placard.
- (ii) Closed-to-entry placards shall be conspicuously posted on the premises' entryway. The placard shall state the address of the premises, the date of closure, and name and phone number of the Director.
- (iii) **Chemically Contaminated Property Management Fee.** Owners of properties posted "Closed to Entry" by the Department shall remit to the Department the Chemically Contaminated Property Management Fee in the amount specified in subsection 5.2 of this regulation. The fee shall cover Department consultations, review of the work plan, the permit issued pursuant to part 4.7.2 of this regulation, review of the final report, any on-site inspections and a final on-site inspection for release of the property from Department regulation.
- (iv) A building or any part of a building that has been closed to entry shall be properly secured to prevent entry by unauthorized persons. If the property owner, lessee, or occupant fails to secure the closed area, the Director may proceed to secure it and charge the costs against the property owner, lessee, or occupant.

32-4.3.3 Vacating Required Upon Closing to Entry.

- (i) Any premises which is closed-to-entry shall be vacated within a reasonable time as ordered by the Director.
- (ii) It shall be unlawful for any unauthorized person to enter any premises that has been closed-to-entry until the placard is removed by the Director.

- (iii) A decontamination specialist may be authorized by the property owner to enter a premises that has been closed to entry to collect information for a submission of a bid, to conduct a preliminary assessment, or upon receipt of a permit, to decontaminate the property.
- (iv) No person, other than the Director, shall deface or authorize the removal of a closed-to-entry placard.

32-5.1.1 Chemically Contaminated Management Fee. The Chemically Contaminated Management Fee shall be \$400.

You shall secure the house from unlawful entry and contact a listed decontamination specialist to decontaminate the affected areas on the property. The property owner of record may choose to act as his or her own decontamination specialist provided that he or she complies with all requirements for decontamination specialists except possession of a state certification or business license. The Health Department requires a written work plan to be submitted and a permit issued before decontamination may begin. Once decontamination has been completed and sampling data indicates chemical hazards have been removed, the Health Department will make a final inspection. Upon verification that the decontamination process was followed, the Health Department will remove the "Closed to Entry" placard and the dwelling will be reopened for use.

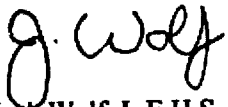
Occupants of the house should be advised that their clothes, furniture, and other personal items may be contaminated with chemical residues. Those persons who wish to retrieve or access their personal possessions should coordinate with the designated decontamination specialist for help in safely removing and decontaminating them. Entry into the dwelling by anyone not listed on the decontamination permit is prohibited.

This property has been placed on the Salt Lake County Health Department's list of contaminated properties located on our web site.

You have the right to appeal this action. To do so, you must request a departmental conference, departmental hearing, or departmental appeal within 10 days of receipt of this notice. We recommend a departmental conference followed by a departmental hearing or appeal if you desire. The request to appeal must be filed in writing with the Environmental Health Division, 788 E. Woodoak Lane, Suite 140, Murray, Utah 84107-6379. Failure to request or attend a scheduled conference, hearing, or appeal may render the Department's action as described herein, final. A copy of the Salt Lake County Health Department's adjudicative procedures is available upon request or at www.slcohealth.org/envRegs/index.html.

If you have any questions or concerns, please contact Josh Wolf at 385.214.9932. Your cooperation in this matter will be appreciated.

Sincerely,



Josh Wolf, L.E.H.S.
Bureau of Sanitation & Safety

JW/tmc

Certified Mail: 70180040000101615215

Enclosures:

1. Meth Info Sheet