

SOUTHERN UTAH TITLE
REQUEST
BOOK 495 PAGE 566-574
FEE \$100.00
1988 AUG 16 PM 4:44
DOCUMENT 338623
HERBERT S. BENJAMIN
WASHINGTON COUNTY CLERK
BY *BSH*

CROSS-EASEMENT AGREEMENT

THIS CROSS-EASEMENT AGREEMENT is made this 5th day of August, 1988, by and between Smith's Food King Properties, Inc., a Utah corporation, hereinafter referred to as "Smith's", and Grass Valley Investment Company, a Utah corporation, hereinafter referred to as "Grass Valley".

R E C I T A L S :

A. Smith's has acquired in fee simple certain property located in St. George City described in Exhibits "A" and "B", St. George City Survey, Washington County, Utah.

B. Grass Valley has acquired in fee simple certain properties located in St. George City and described in Exhibits "C" and "D", St. George City Survey, Washington County, Utah.

NOW, THEREFORE, in consideration of the covenants contained herein, Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are acknowledged by the parties, it is agreed as follows:

1. That Smith's, for itself, its heirs, successors and assigns, grants and conveys to Grass Valley, its heirs, successors and assigns, an easement running with the land, in, to, upon, over and under the real property described in

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Exhibit "A", attached hereto and incorporated herein, for joint parking by Grass Valley or their business invitees, but retaining to Smith's, also, the right for their business invitees to use said property for parking purposes.

2. Smith's Food King, for itself, its heirs, successors and assigns, grants and conveys to Grass Valley, its heirs, successors and assigns, an easement running with the land, in, to, upon, over and under the real property described in Exhibit "B", attached hereto and incorporated herein, for ingress and egress to properties owned by Grass Valley.

3. Grass Valley, for itself, its heirs, successors and assigns, grants and conveys to Smith's, its heirs, successors and assigns, an easement running with the land, in, to, upon, over and under the real property described in Exhibit "C", attached hereto and incorporated herein, for ingress and egress to properties owned by Smith's. Grass Valley reserves the right to fence off and use for storage purposes the northerly portion of the east half of the east half of Lot 4, Block 22, Plat A, of the St. George City Survey, provided to the extent Smith's is able to provide ingress and egress to its docking facilities for receiving goods, and it does not interfere with Smith's ability to conduct its normal course of loading, unloading and access to its building.

4. Grass Valley, for itself, its heirs, successors and assigns, grants and conveys to Smith's, its heirs,

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successors and assigns, a joint parking easement running with the land, in, to, upon, over and under the real property described in Exhibit "D", attached hereto and incorporated herein for reference, but retaining to Grass Valley the right for their business invitees to use said property for parking purposes.

5. The easements created in the covenants herein shall be in perpetuity.

6. Smith's agree they shall be responsible for providing and maintaining asphalt or concrete surfaces across the properties described in the Exhibits "A", "B" and "C", and to provide the curb and gutter around parcel "D" as shown on the plot plan provided to the City of St. George for Smith's project.

7. Grass Valley agrees to be responsible for providing and maintaining asphalt or concrete surfaces across the property described in Exhibit "D".

8. This easement is subject to a utility easement with the City of St. George.

9. Each of the parties shall maintain insurance against claims for personal injury or property damage in an amount not less than \$1,000,000. All such policies shall name both parties as insureds. Further, the parties agree that the insurance coverage shall be reviewed periodically

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to ascertain whether \$1,000,000 is adequate coverage.



IN WITNESS WHEREOF:

Smith's Food King Properties, Inc., a Utah corporation

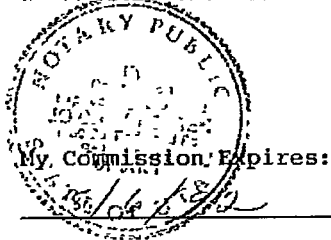
By: *Peter H. Barth*
Peter H. Barth,
Assistant Secretary

Grass Valley Investment Company, a Utah corporation

By: *Joy L. Peterson*
Joy L. Peterson,
President

STATE OF UTAH)
) SALT LAKE : ss.
COUNTY OF ~~WASHINGTON~~

On the 15th day of August, 1988, personally appeared before me Peter H. Barth, who being by me duly sworn did say that he is the Assistant Secretary of Smith's Food King Properties, Inc., and that the within and foregoing instrument was signed in behalf of said corporation by authority of a resolution of its Board of Directors and said Peter H. Barth duly acknowledged to me that said corporation executed the same and that the seal affixed is the seal of said corporation.



J. Christensen
Notary Public

STATE OF UTAH)
) : ss.
COUNTY OF WASHINGTON)

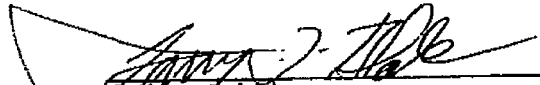
On the 16th day of Aug, 1988, personally appeared before me Joy L. Peterson, who being by me duly sworn did say that he is the President of Grass Valley Investment Company, a Utah corporation, and that the within and foregoing instrument was signed in behalf of said

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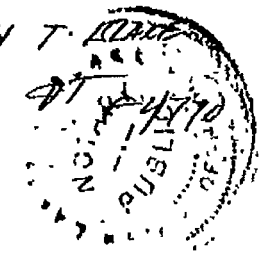
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corporation by authority of a resolution of its Board of Directors and said Joy L. Peterson duly acknowledged to me that said corporation executed the same and that the seal affixed is the seal of said corporation.


Notary Public

My Commission Expires:

12.28-89

LARRY T. HARTE
RES: ST. LOU MO


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EXHIBIT "A"

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A PART OF LOT 8, BLOCK 21, PLAT "A", ST. GEORGE CITY SURVEY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

DESCRIPTION
CHECKED

Beginning at a point on the North line of said Lot 8, being 10.00 feet North $89^{\circ}51'16''$ West from the Northeast Corner of said Lot 8 and running thence South $0^{\circ}05'19''$ West 115.00 feet; thence North $89^{\circ}51'16''$ West 72.00 feet; thence North $0^{\circ}05'19''$ East 115.00 feet to the North line of said Lot 8; thence South $89^{\circ}51'16''$ East 72.00 feet along said North Lot line to the point of beginning. Containing 8,280 square feet M/L.

John H. Peterson

E X H I B I T "B"

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PARCEL 1:

A PART OF LOTS 2 AND 3, BLOCK 22, PLAT "A", ST. GEORGE CITY SURVEY,
MORE PARTICULARLY DESCRIBED AS FOLLOWS:

DESCRIPTION
CHECKED

Beginning at the Southeast Corner of said Lot 2 and running thence
North 89°51'16" West 30.00 feet along the South line of said Lot 2;
thence North 0°04'17" East 265.30 feet to the North line of said Lot 3;
thence South 89°51'16" East 30.00 feet along said North line to the
Northeast Corner of said Lot 3; thence South 0°04'17" West 265.30 feet
along said East Line of Lots 2 and 3 to the point of beginning. Containing
7,959 square feet M/L

PARCEL 2:

A PART OF LOT 4, BLOCK 22, PLAT "A", ST. GEORGE CITY SURVEY, MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

DESCRIPTION
CHECKED

Beginning at a point 70.00 feet North 89°51'16" West from the Northwest
Corner of Lot 5, said Block 22, and running thence South 0°05'19" West
165.95 feet; thence South 89°55'26" East 163.69 feet; thence North 0°04'34"
East 25.00 feet; thence South 89°55'26" East 105.00 feet; thence South 0°04'34"
West 50.00 feet; thence North 89°55'26" West 298.69 feet; thence North 0°05'19"
East 190.98 feet to the North line of Lot 8, said Block 21; thence South
89°51'16" East 30.00 feet along said North line and said line projected
to the point of beginning. Containing 15,071 square feet M/L

John J. Anderson
PHB

E X H I B I T "C"

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A PART OF LOT 4, BLOCK 22, PLAT "A", ST. GEORGE CITY SURVEY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

DESCRIPTION
CHECKED

Beginning at the Southeast Corner of said Lot 4 and running thence North 89°51'16" West 66.24 feet along the South line of said Lot 4 to the Southwest Corner of the East half of the East half of said Lot 4; thence North 0°04'34" East 124.70 feet along the West line of said East Half of the East Half of Lot 4; thence South 89°55'26" East 66.23 feet to the East line of said Lot 4; thence South 0°04'17" West 124.78 feet along said East Lot line to the point of beginning. Containing 8,262 Square feet M/L

Jeff Peterson
PA13

E X H I B I T "D"

336623

A PART OF VACATED 400 WEST STREET, ST. GEORGE CITY SURVEY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

DESCRIPTION
CHECKED

Beginning at a point 70.00 feet North 89°51'16" West from the Northwest Corner of Lot 5, Block 22, Plat "A", ST. GEORGE CITY SURVEY and running thence South 89°51'16" East 30.00 feet; thence South 0°05'19" West 165.91 feet; thence North 89°55'26" West 30.00 feet; thence North 0°05'19" East 165.95 feet to the point of beginning. Containing 4,978 Square Feet 11/L

John H. Sullivan
PMB