

copy

8153649

8153649
02/19/2002 09:36 AM 29.00
Book - 8567 Pg - 4159-4168
GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
STEWART TITLE GUARANTY
455 E 500 S #200
SLC UT 84111
BY: RDJ, DEPUTY - WI 10 P.

RECORDING REQUESTED BY AND :
WHEN RECORDED, RETURN TO: :
:
Smith's Food & Drug Centers, Inc. :
1550 South Redwood Road :
Salt Lake City, Utah 84104 :
Attention: Charlotte Wightman :

SPACE ABOVE FOR RECORDER'S USE

**SECOND AMENDMENT TO EASEMENTS WITH COVENANTS,
CONDITIONS AND RESTRICTIONS AFFECTING LAND**

This Second Amendment to Easements with Covenants, Conditions and Restrictions Affecting Land ("Second Amendment") is made as of this 25th day of JANUARY, 2002, by and among SMITH'S FOOD & DRUG CENTERS, INC. a Delaware corporation, whose address is 1550 South Redwood Road, Salt Lake City, Utah 84104 ("Smith's"), NEFF FAMILY ENTERPRISES, LTD., a Utah limited partnership, and ROBERT S. MOORE, TRUSTEE, an individual, successors-in-interest to Williamson South Jordan, Inc., a Utah corporation, successors-in-interest to First City Investors, Inc., a Utah corporation ("Owners").

RECITALS:

A. Smith's and Owners previously entered into that certain agreement entitled "Easements with Covenants, Conditions and Restrictions Affecting Land," recorded July 28, 1993, in Book 6718 at Page 343 as File No. 5564383, in the Official Records of Salt Lake County, Utah, which was amended by a "First Amendment to Easements With Covenants, Conditions and Restrictions Affecting Land," recorded August 22, 1996, in Book 7471 at Page 1146 as File No. 6436077, in the Official Records of Salt Lake County, Utah (collectively referred to as the "ECCR").

B. The ECCR encumbers the real property located in the City of South Jordan, County of Salt Lake, State of Utah, which property is more particularly described in Exhibit "A" attached hereto.

C. Smith's and the Owners desire to amend the ECCR to provide for certain changed circumstances.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby amend the ECCR as follows:

COMMUNICATION RECORDING

BK8567PG4159

1. Exhibit "B" is hereby replaced with the attached Exhibit "B-1".
2. Notwithstanding anything contained in the ECCR, the parties agree that Smith's shall be allowed to construct and operate a fueling station in the area so designated on Exhibit "B-1".
3. Except as expressly modified herein, all other terms of the ECCR shall remain in full force and effect.

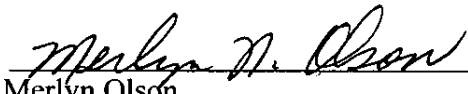
IN WITNESS WHEREOF, the parties hereto have hereunto set their respective authorized signatures as of the day and year first above written.

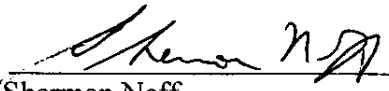
SMITH'S FOOD & DRUG CENTERS, INC.,
a Delaware corporation

By: 
Its: Sen Vice President

NEFF FAMILY ENTERPRISES, LTD.,
a Utah limited partnership

By: 
Stephen J. Neff

By: 
Merlyn Olson

By: 
Sherman Neff

PIZZA HUT
a _____ corporation

By: _____
Its: _____

1. Exhibit "B" is hereby replaced with the attached Exhibit "B-1".
2. Notwithstanding anything contained in the ECCR, the parties agree that Smith's shall be allowed to construct and operate a fueling station in the area so designated on Exhibit "B-1".
3. Except as expressly modified herein, all other terms of the ECCR shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have hereunto set their respective authorized signatures as of the day and year first above written.

SMITH'S FOOD & DRUG CENTERS, INC.,
a Delaware corporation

By: _____
Its: _____

NEFF FAMILY ENTERPRISES, LTD.,
a Utah limited partnership

By: _____
Stephen J. Neff

By: _____
Merlyn Olson

By: _____
Sherman Neff

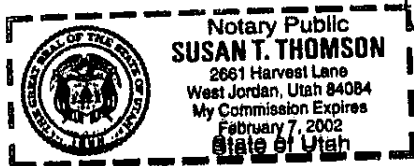
ROBERT S. MOORE, TRUSTEE
an individual

By: Robert S. Moore, Trustee
Its: _____

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

Before me, the undersigned authority, on this day personally appeared WADE S. WILLIAMS, SR. VICE PRESIDENT of **SMITH'S FOOD & DRUG CENTERS, INC.**, a Delaware corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated and as the act and deed of said corporation.

Given under my hand and seal of office on this 25th day of JANUARY, 2003.



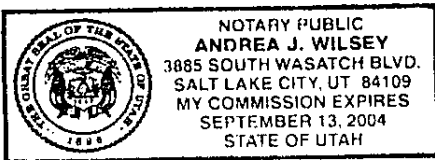
Susan T. Thomson
Notary Public

Notary's name printed: SUSAN T. THOMSON
My commission expires: 2-7-2002

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

Before me, the undersigned authority, on this day personally appeared STEPHEN J. NEFF, _____ of **NEFF FAMILY ENTERPRISES, LTD.**, a Utah limited partnership, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated and as the act and deed of said corporation.

Given under my hand and seal of office on this 15 day of October, 2001.



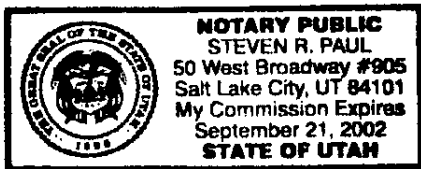
Andrea J. Wilsey
Notary Public

Notary's name printed: Andrea J. Wilsey
My commission expires: Sept. 13 2004

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

Before me, the undersigned authority, on this day personally appeared MERLYN OLSON, General Partner of NEFF FAMILY ENTERPRISES, LTD., a Utah limited partnership, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated and as the act and deed of said corporation.

Given under my hand and seal of office on this 22nd day of January, 2002

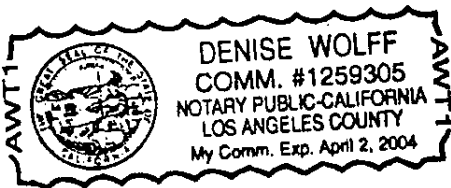


Steven R Paul
Notary Public
Notary's name printed:
STEVEN R. PAUL
My commission expires: 9/21/02

DW California
STATE OF ~~UTAH~~)
 : ss.
COUNTY OF ~~SALT LAKE~~)
Los Angeles

Before me, the undersigned authority, on this day personally appeared SHERMAN NEFF, GENERAL PARTNER of NEFF FAMILY ENTERPRISES, LTD., a Utah limited partnership, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated and as the act and deed of said corporation.

Given under my hand and seal of office on this 17th day of January, 2002.
DW



Denise Wolff
Notary Public
Notary's name printed: Denise Wolff
My commission expires: April 2, 2004

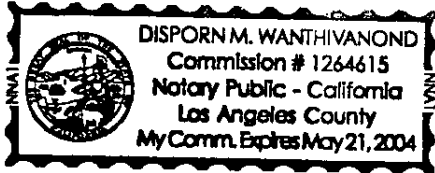
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California
 County of Los Angeles } ss.

On Nov. 16, 2001, before me, Disporn M Wanthivanond, Notary Public
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")
 personally appeared Robert S Moore, Trustee
Name(s) of Signer(s)

- personally known to me
- proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) ~~is/are~~ subscribed to the within instrument and acknowledged to me that ~~he/she/they~~ executed the same in ~~his/her/their~~ authorized capacity(ies), and that by ~~his/her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



Place Notary Seal Above

WITNESS my hand and official seal.
Disporn M Wanthivanond
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

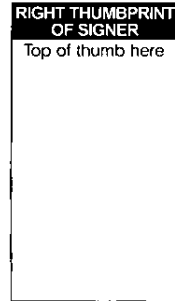
Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

Signer Is Representing: _____



BK8567PG4164

EXHIBIT "A"

GREAT BASIN ENGINEERING, INC.

Consulting Engineers and Land Surveyors

P.O. Box 9307
Ogden, Utah 84409

Ogden (801) 394-4515
Salt Lake (801) 521-8529
FAX (801) 392-7544



May 4, 1993

SMITH'S #138 - SOUTH JORDAN, UTAH - LESS SHOPS PARCEL

Beginning at a point on the Easterly right-of-way line of Redwood Road (as widened to 53.00 feet half width) being South 0°06'05" West, along the center line of Redwood Road, 460.24 feet and South 89°47'25" East 53.00 feet from the North Quarter Corner of Section 15, Township 3 South, Range 1 West, Salt Lake Base and Meridian, U.S. Survey; and running thence South 0°06'05" West, along a line parallel to and being 53.00 feet perpendicularly distant Easterly from the center line of Redwood Road, 25.00 feet; thence South 89°47'25" East 140.06 feet; thence South 0°06'05" West 289.315 feet; thence North 89°53'55" West 140.06 feet to said line being 53.00 feet from centerline of Redwood Road; thence South 0°06'05" West 355.42 feet along said line; thence South 89°47'25" East 351.11 feet; thence North 22°52'35" East 65.82 feet to point of curvature; thence Northeasterly along the arc of a 688.76 foot radius curve to the right a distance of 99.82 feet (the cord of which bears North 27°01'43" East 99.74 feet) to a point of tangency; thence North 31°10'50" East 297.52 feet to the point of curvature of a 205.26 foot radius curve to the left; thence along said curve 103.09 feet (the cord of which bears North 16°47'32" East 102.01 feet); thence North 2°24'13" East 167.50 feet; thence North 89°47'25" West 611.37 feet to the point of beginning.

Contains 304,041 Square Feet
Or 6.980 Acres

SMC #138

27-15-202-004
27-15-202-019
Page 1 of 2
27-15-202-025

• FOUR COPY •
CO. RECORDER

BK8567PG4165

~~HW 7-1-71 PG 111-9~~

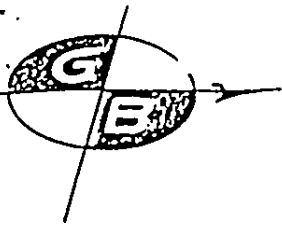
EXHIBIT "A"

GREAT BASIN ENGINEERING, INC.

Consulting Engineers and Land Surveyors

P.O. Box 9307
Ogden, Utah 84409

Ogden (801) 394-4515
Salt Lake (801) 521-8529
FAX (801) 392-7544



May 3, 1993

SMITH'S #138 - SOUTH JORDAN, UTAH - SHOPS PARCEL

Beginning at a point on the Easterly right-of-way line of Redwood Road (as widened to 53.00 feet half width) being South 0°06'05" West, along the center line of Redwood Road, 460.24 feet and South 89°47'25" East 53.00 feet and South 0°06'05" West 25.00 feet from the North Quarter Corner of Section 15, Township 3 South, Range 1 West, Salt Lake Base and Meridian, U.S. Survey; and running thence South 0°06'05" West, along a line parallel to and being 53.00 feet perpendicularly distant Easterly from the center line of Redwood Road, 289.58 feet; thence South 89°53'55" East 140.06 feet; thence North 0°06'05" East 289.315 feet along the West edge of an existing building wall and wall extended; thence North 89°47'25" West 140.06 feet to the point of beginning;

Contains 40,541 Square Feet
Or 0.931 Acres

SMC#138

* 27-15-202-029
* 27-15-202-030

- POOR COPY -
CO. RECORDER

~~BK 7471961150~~
BK 8567 PG 4 166

EXHIBIT 'B'

Zone C-C
Total Site Area = 7.91 AC
Total Parking Shown = 609

138
and in Accordance with
S.C. Statutes, etc.



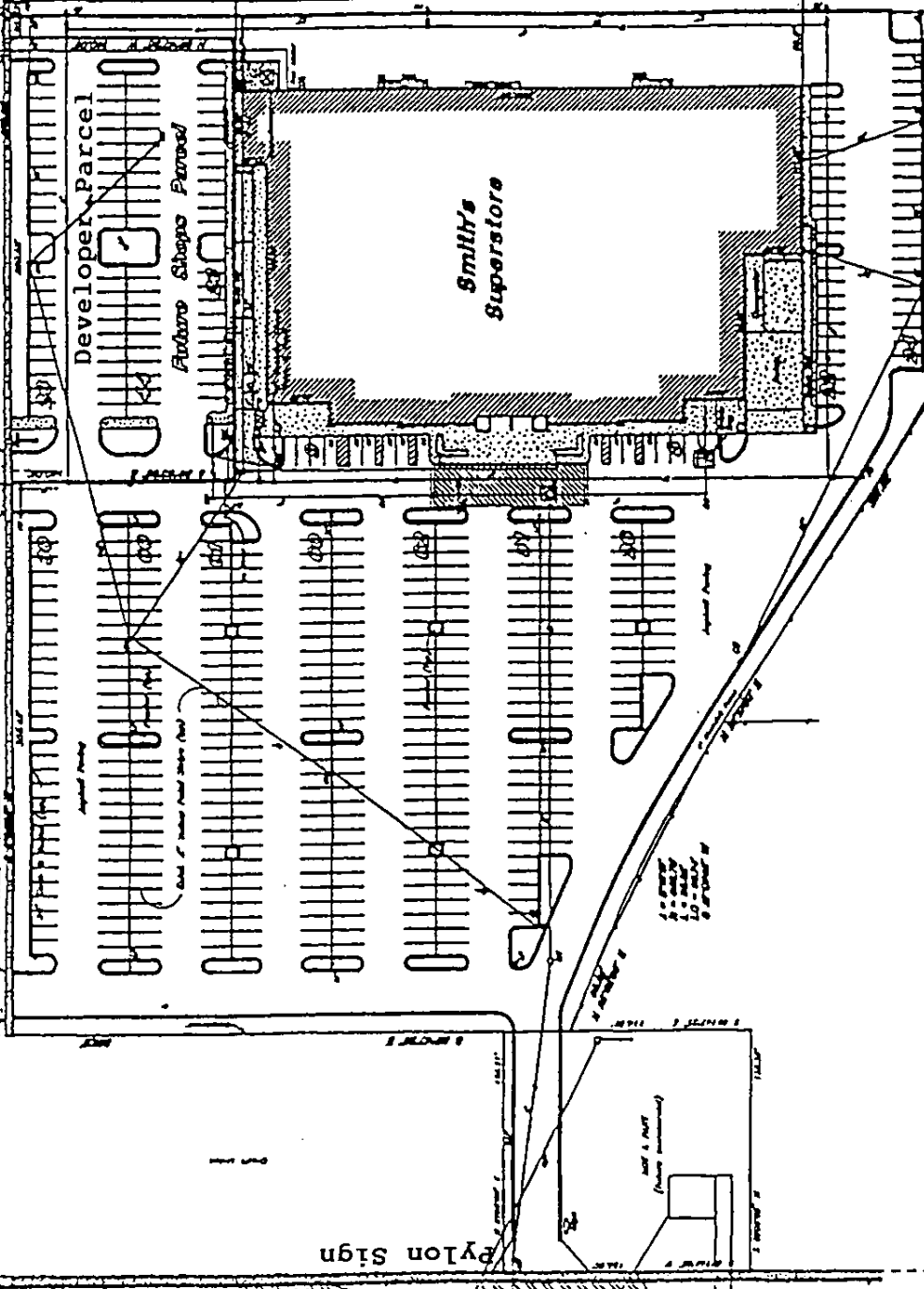
As-Built Survey

Survey data table with columns for Station, Distance, Angle, and Remarks. Includes a north arrow and scale.

ROAD

(1800 West Street)

REDWOOD



Developer Parcel

Future Shops Planned

Smith's Superstore

Pylon Sign

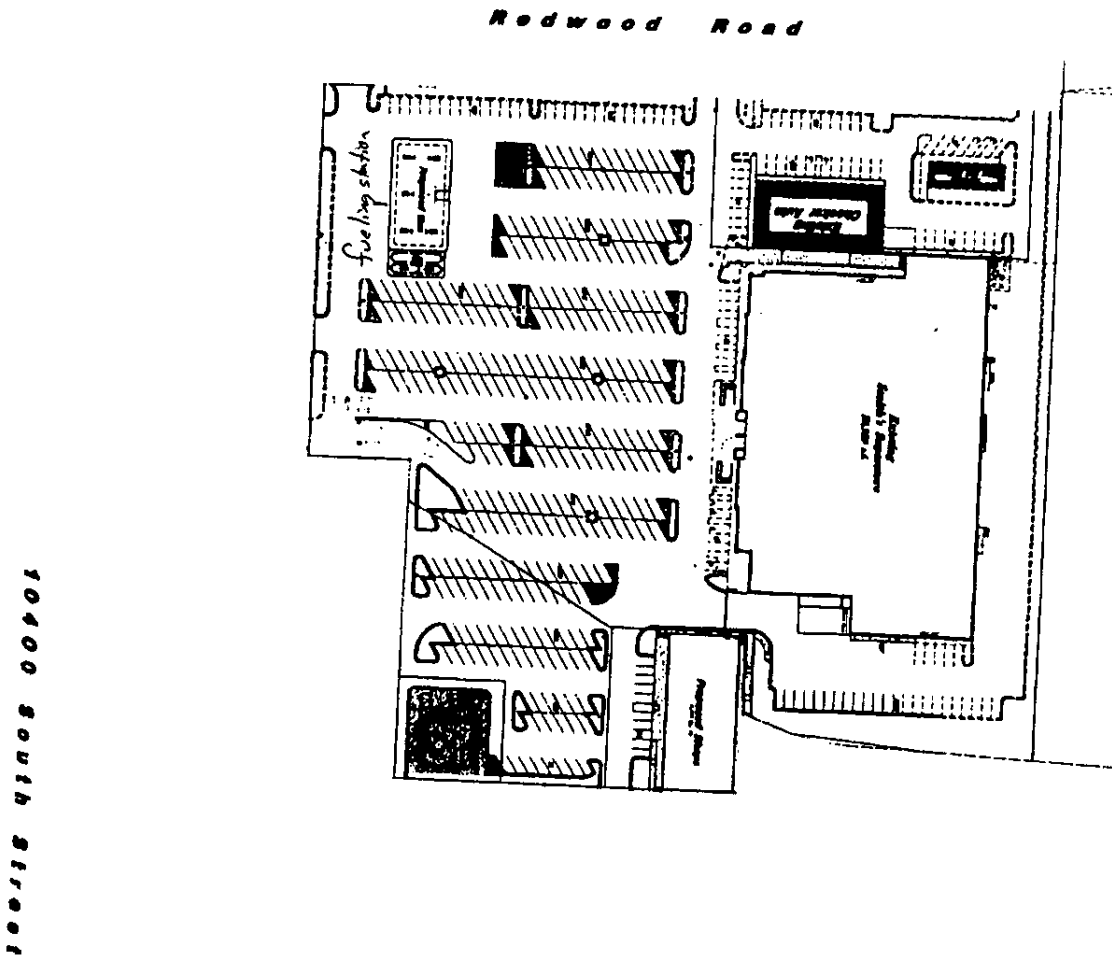
10400 SOUTH STREET

- POOR COPY -
CO-RECORDER

LEES WEST STREET
BK 8567 PG 657
R7A10A

EXHIBIT "B-1"

C:\ACAD\Draws\01_14G.DWG, overall (2), 09/18/01 01:33:58 PJL djs



- POOR COPY -
CO. RECORDER

8K8567Pg4168



<p>CV</p>	<p>Overall Site Plan</p>	<p>GREAT BASIN ENGINEERING - SOUTH ENGINEERING, SURVEYING AND LAND SURVEYORS 2018 North Redwood Road, P.O. Box 18747 Salt Lake City, Utah 84118 Tel: 801-486-8811 FAX: 801-486-8810</p>
	<p>Town Commons Sub. 10400 South 1420 West St. Jordan</p>	