

After Recording, Return to:

SB Clinton L.C.
2231 E. Murray Holladay Rd #200
Salt Lake City, UT 84117

E 1451280 B 2379 P 375
JAMES ASHNER, DAVIS CITY RECORDER
1998 OCT 23 9:37 AM FEE 30.00 DEP BJM
REC'D FOR BONNEVILLE TITLE COMPANY, INC

1+hr u 13, Clinton Towne Center
NE 28-5N-2W (Street) **DECLARATION OF EASEMENT**

THIS DECLARATION OF EASEMENT ("Declaration") is made as of the 22nd day of October, 1998, by SB Clinton L.C., a Utah limited liability company ("Declarant"), as the record owner of fee simple title ("Owner") to all of the real property hereinafter described.

14-019-0068
14-266-0001+hr u 0013

RECITALS

A. Declarant is the Owner of that certain real property more particularly described on Schedule I attached hereto and made a part hereof (hereinafter referred to as "Parcel A", "Parcel B" and "Parcel C"). The Parcels are located at or near the northwest corner of the intersection of 2000 West Street and 1800 North Street in the City of Clinton, County of Davis, State of Utah.

B. A portion of Parcel A and all of Parcels B and C are shown on the site drawing attached hereto as Exhibit "A" and made a part hereof. Declarant and Albertson's, Inc., a Delaware corporation ("Albertson's"), have entered into various agreements regarding the development of Parcel A as a shopping center and the sale of certain portions of Parcel A to Albertson's.

C. Declarant desires to create a perpetual ingress and egress easement upon, over and across Parcel C (which Declarant desires to improve as a fifty [50] foot wide private street), for the benefit of Parcels A and B.

NOW, THEREFORE, Declarant hereby declares as follows:

1. Declarant hereby reserves for itself and grants to each future Owner of Parcels A and B and each portion thereof, and their respective tenants, contractors, employees, agents, licensees and invitees, and the subtenants, contractors, employees, agents, licensees and invitees of such tenants, as grantees (collectively, "Grantees"), for the benefit of Parcels A and B and each portion thereof, a perpetual non-exclusive easement for ingress and egress by vehicular and pedestrian traffic (but not for vehicular parking) upon, over and across Parcel C.

2. The easement described in paragraph 1 above shall be a permanent burden upon Parcel C and each portion thereof. The provisions of this Declaration shall be binding upon Declarant and its successors and assigns, and upon any person or entity acquiring Parcel C, or any portion thereof, or any interest therein, whether by operation of law or otherwise. The easement described in paragraph 1 above shall be appurtenant to and for the benefit of Parcels A and B and each portion thereof, and shall run with the land. The provisions of this Declaration shall inure to the benefit of Grantees and their successors and assigns, and to any other person or entity acquiring

Schedule I
to Declaration of Easement

E 1451280 B 2379 P 377

MYO
10-20-98

Parcel A:

All of Lots 1 through 12, inclusive, Clinton Towne Center, Clinton City, Davis County, Utah, according to the official plat thereof.

Parcel B:

Lot 13, Clinton Towne Center, Clinton City, Davis County, Utah, according to the official plat thereof.

Parcel C: Private Drive

Beginning North $89^{\circ}59'06''$ West 1,167.18 feet and NORTH 42.0 feet from the Southeast Corner of the Northeast Quarter of Section 28, Township 5 North, Range 2 West, Salt Lake Base and Meridian; said point being on the north right of way line of 1800 North Street; thence along said right of way line North $89^{\circ}59'06''$ West 50.0 feet; thence NORTH 86.96 feet to a point of a 140.00 foot radius curve to the right; thence northerly along the arc of said curve and through a delta angle of $36^{\circ}01'13''$ 88.01 feet to a point of a reverse to the left, the radius point of which is North $53^{\circ}58'47''$ West 99.50 feet; thence northerly along the arc of said curve and through a delta angle of $36^{\circ}01'13''$ 62.55 feet; thence NORTH 156.38 feet to a point of a 100 foot radius curve to the left; thence northerly along the arc of said curve and through a delta angle of $22^{\circ}34'17''$ 39.39 feet; thence EAST 49.18 feet to a point on a curve to the right, the radius point of which is South $67^{\circ}25'13''$ West 150.00 feet; thence southerly along the arc of said curve and through a delta angle of $19^{\circ}21'46''$ 50.69 feet; thence SOUTH 145.03 feet to a point of a 149.50 foot radius curve to the right; thence southerly along the arc of said curve and through a delta angle of $36^{\circ}01'13''$ 93.99 feet to a point of a reverse curve to the left, the radius point of which is South $53^{\circ}58'47''$ East 149.50 feet; thence southerly along the arc of said curve and through a delta angle of $36^{\circ}01'13''$ 56.58 feet; thence SOUTH 86.97 feet to the point of beginning.
Contains 21,571 square feet or 0.50 acres.

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Job # 44902
09/23/98
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