

2052

FIRST AMENDMENT TO DECLARATION OF RESTRICTIONS AND  
**3984818** GRANT OF EASEMENTS,  
COMMON AREA MAINTENANCE AGREEMENT, DEVELOPMENT AGREEMENT  
AND CROSS EASEMENT AGREEMENT (CHURCH PARCEL)

THIS FIRST AMENDMENT TO DECLARATION OF RESTRICTIONS AND GRANT OF EASEMENTS, COMMON AREA MAINTENANCE AGREEMENT, DEVELOPMENT AGREEMENT AND CROSS EASEMENT AGREEMENT (CHURCH PARCEL) ("First Amendment") is made as of the 13th day of October, 1983, between GFI Ltd. II - WVC Investments, Ltd., a Utah limited partnership ("First Party"), Albertson's, Inc., a Delaware corporation ("Albertson's"), and Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints, a Utah corporation Sole ("Second Party").

RECITALS:

A. On July 28, 1983, First Party and Albertson's entered into the Declaration of Restrictions and Grant of Easements ("Declaration"), Common Area Maintenance Agreement ("CAMA") and Development Agreement ("Agreement"); and First Party, Second Party, and Albertson's entered into the Cross Easement Agreement (Church Parcel) ("Church Parcel Agreement"); covering real property located at the northwest corner of the intersection of 5600 West and 3500 South in the City of West Valley City, County of Salt Lake, State of Utah, as described on Schedule I attached hereto and incorporated herein by this reference.

B. The parties hereto desire to amend the Exhibit "A" and the Exhibit "B" site plans, and to conform the CAMA, the Agreement and the Church Parcel Agreement to the site plans.

AGREEMENTS:

1. The Exhibit "A" site plan dated July 28, 1983 and the Exhibit "A" site plan, page 2, dated July 27, 1983 attached to the Declaration, CAMA and Agreement are hereby deleted and the Exhibit "A" site plan dated February 15, 1984 and the Exhibit "A" site plan page 2, dated July 27, 1983 attached hereto are substituted therefor.

2. All references to the building area size of Albertson's supermarket in the Declaration, CAMA and Agreement shall mean 42,457 square feet.

WHEN RECORDED RETURN TO:  
Albertson's, Inc.  
P.O. Box 20  
Boise, Idaho 83726  
Attention: Legal Department

*Albertson's*  
*Boise ID*  
*53726*  
*207*  
*Regulation for*  
*Equine Pope*  
AUG 21 10 32 AM '84  
KATHLEEN DIXON  
RECORDER  
SALT LAKE COUNTY,  
UTAH

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3. Article 7.2 of the CAMA is hereby amended by deleting the chart which shows "Maximum Building Area" and "Percent" figures, and substituting therefor the following chart:

	Maximum Bldg. Area	Percent
Parcel 1	3,000 sq. ft.	4.05
Parcel 2	14,000 sq. ft.	18.90
Parcel 3	3,000 sq. ft.	4.05
Parcel 4	3,500 sq. ft.	4.73
Parcel 7	42,457 sq. ft.	57.33
Parcel 8	4,200 sq. ft.	5.67
Parcel 9	3,900 sq. ft.	5.27
	<hr/>	<hr/>
Total	74,057 sq. ft.	100.00

4. Article 11.1 of the Agreement is hereby amended by deleting "nineteen and 7/100ths percent (19.07%);" in the thirteenth and fourteenth lines of said Article and substituting "nineteen and 71/100ths percent (19.71%);" therefor; and by deleting "eighty and 3/100ths percent (80.03%)" in the fourteenth and fifteenth lines of said Article and substituting "eighty and 29/100ths percent (80.29%)" therefor.

5. The Exhibit "B" site plan dated July 27, 1983 attached to the Church Parcel Agreement is hereby deleted and the Exhibit "B" site plan dated September 22, 1983 attached hereto is substituted therefor.

6. Article 1.3 of the Church Parcel Agreement is hereby amended by deleting the word "location" in the eighth line of said Article and substituting the word "locations"; and by deleting the word "Drive" in the eleventh line of said Article and substituting the word "Drives".

7. This First Amendment shall be recorded in the records of Salt Lake County, Utah.

8. Except as amended herein the Declaration, CAMA, Agreement and Church Parcel Agreement shall remain in full force and effect.

9. Second Party hereby subordinates all liens, mortgages or deeds of trust held by Second Party on all property described on Schedule I attached hereto to this First Amendment.

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EXECUTED as of the date first above mentioned.

Albertson's, Inc.,  
a Delaware corporation

BY: Thomas R. Saldin cfc  
Vice President & General Counsel

BY: Marianne O. Armstrong  
Secretary

SECOND PARTY:  
Corporation of the Presiding Bishop of  
the Church of Jesus Christ of Latter-  
day Saints, a Utah corporation Sole

BY: Jared A. Buh  
Authorized Agent

FIRST PARTY:  
GFI Ltd. II - WVC Investments, Ltd.  
a Utah limited partnership

BY: A. Walker  
General Partner

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STATE OF IDAHO )  
 ) ss.  
County of Ada )

On this 13<sup>th</sup> day of October, 1983, before me, the undersigned, a Notary Public in and for said State, personally appeared Thomas R. Saldin and Minnie O. Armstrong, to me known to be the Vice President and General Counsel and the Secretary, respectively, of Albertson's, Inc., the corporation that executed the foregoing instrument, and acknowledged to me that the said instrument is the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that they are authorized to execute the said instrument and that the seal affixed is the corporate seal of said corporation.

WITNESS MY HAND and official seal hereto affixed the day, month and year in this certificate first above written.

My Commission Expires:  
Notary Public, Carol L. Wood  
My Commission Expires Boise, Idaho 83705  
Notary Public

Carol L. Wood  
Notary Public in and for the  
State of Idaho.  
Residing at Boise, Idaho.

STATE OF UTAH )  
 ) ss.  
County of SALT LAKE )

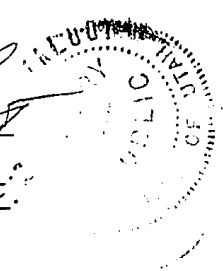
On this 13<sup>th</sup> day of March, 1984, before me, the undersigned, a Notary Public in and for said State, personally appeared G. WALTER GASSER to me known to be a general partner of GFI Ltd. II, - WVC Investments, Ltd., a Utah limited partnership, the limited partnership that executed the foregoing instrument, and acknowledged to me that the said instrument is the free and voluntary act and deed of said partnership, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute the said instrument.

WITNESS MY HAND and official seal hereto affixed the day, month and year in this certificate first above written.

My commission expires:

11/09/87

G. Walter Gasser  
Notary Public in and for the  
State of UTAH  
Residing at SALT LAKE CITY



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STATE OF )  
 ) ss.  
County of )

On this \_\_\_\_\_ day of \_\_\_\_\_, 1983, before me the undersigned, a Notary Public in and for said State, personally appeared \_\_\_\_\_ and \_\_\_\_\_, to me known to be the \_\_\_\_\_ and \_\_\_\_\_, respectively, of the Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-day Saints, a Utah corporation Sole, the corporation that executed the foregoing instrument, and acknowledged to me that the said instrument is the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned and on oath stated that they are authorized to execute the said instrument and that the seal affixed is the corporate seal of said corporation.

WITNESS MY HAND and official seal hereto affixed the day, month and year in this certificate first above written.

My commission expires:

\_\_\_\_\_

Notary Public in and for the  
State of \_\_\_\_\_  
Residing at \_\_\_\_\_

STATE OF UTAH )  
 : ss  
COUNTY OF SALT LAKE )

On this 14<sup>th</sup> day of March, 19 84 personally appeared before me FRED A. BAKER, personally known to me to be the Authorized Agent of the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints, who acknowledged to me that he signed the foregoing instrument as Authorized Agent for the Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-day Saints, a Utah corporation sole, and that the seal impressed on the within instrument is the seal of said corporation, and the said FRED A. BAKER acknowledged to me that the said Corporation executed the same.

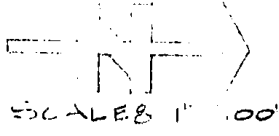
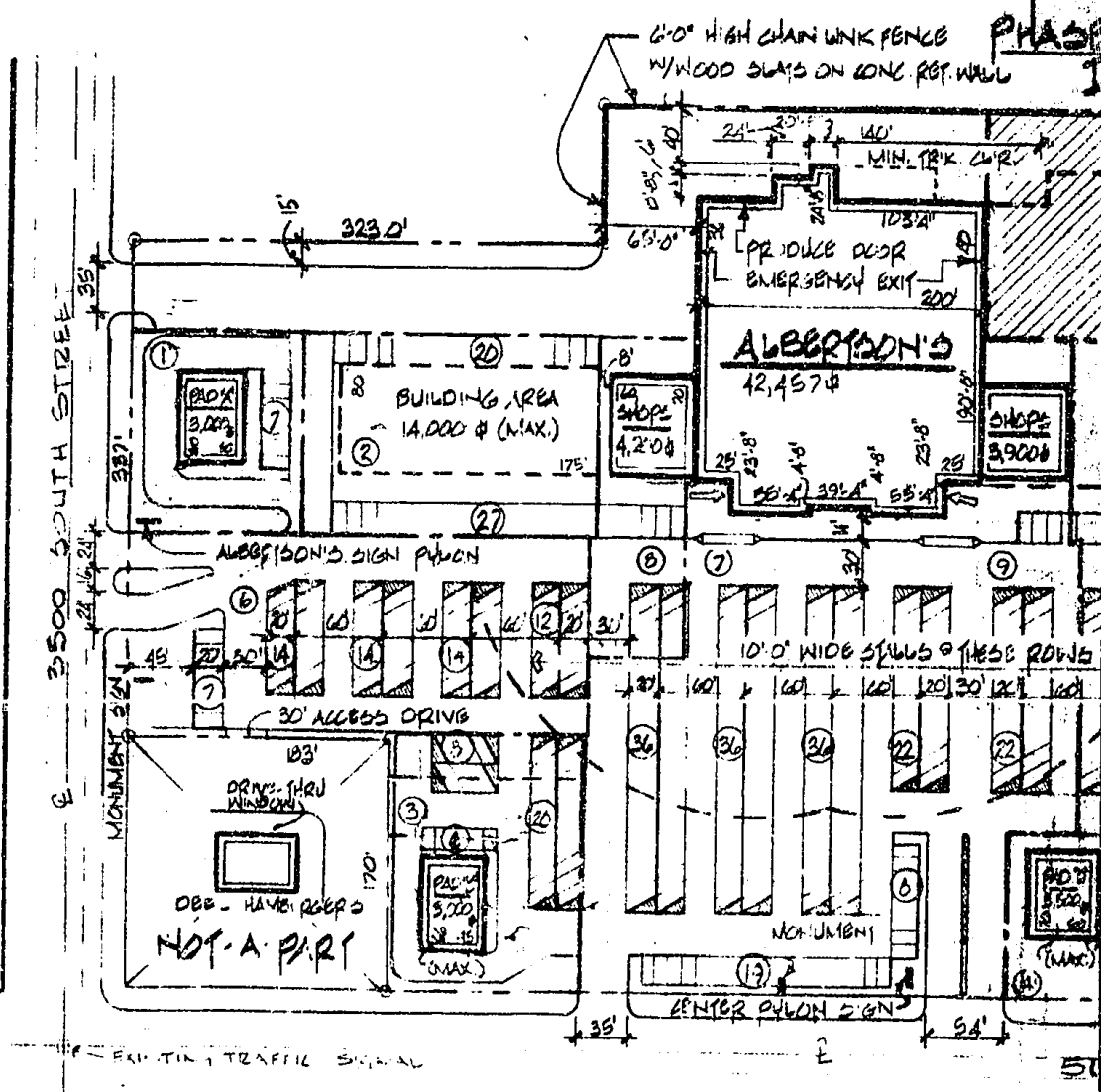
My commission expires:

October 19, 1987

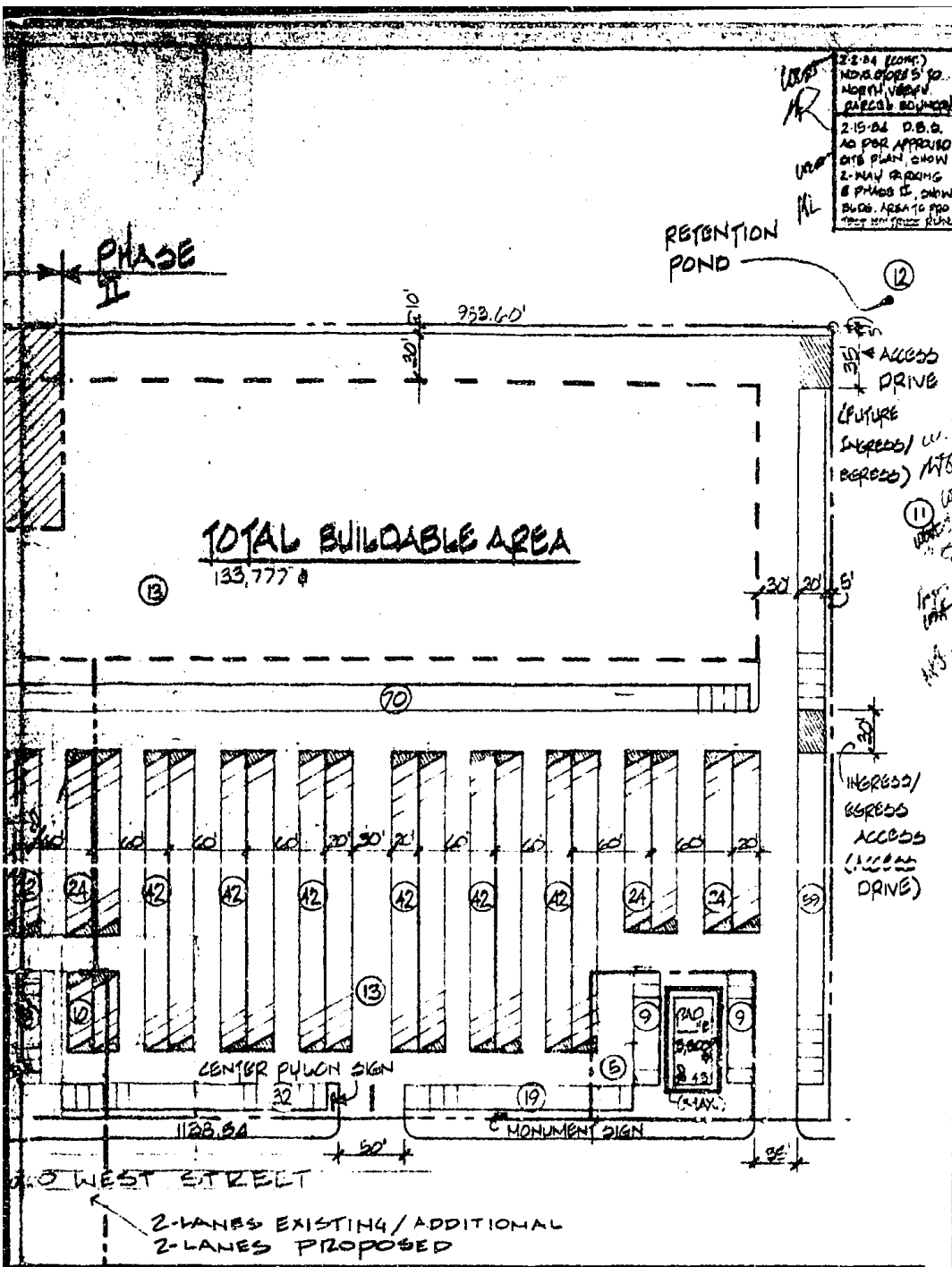
William H. Donaldson  
Notary Public in and for the State of  
Utah

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E 3500 SOUTH STREET



800-5584 INT 2251



2-2-84 (L.M.C.)  
 MOVE BOUNDARY TO  
 NORTH PROPERTY  
 PARCELS BOUNDARY  
 2-15-84 D.B.C.  
 AS PER APPROVED  
 DITS PLAN, SHOW  
 2-LANE PARKING  
 & PHASE II, SHOW  
 BLDG. AREA TO PRO-  
 TECT THE FUTURE R/W.

- REVISIONS
- 2-11-84 (L.M.C.)  
 REPLY LETTER  
 DRIVE IN PARCELS  
 BY REGULAR MAIL  
 CHANGE CITY NAME
  - 6-10-85 D.B.C.  
 MOVE BLDG. TO  
 NORTH, SHOW AC-  
 CESS AREA & UNDER  
 LOCATION, SHOW  
 PLACE LINE, SERVICE  
 PARKING AREA 20'  
 TO 20', SHOW BLDG.  
 LIMIT LINE, MOVE  
 PAVING TO WEST,  
 SERVICE DITS 2',  
 CHANGE CITY NAME.
  - 7-1-85 D.B.C.  
 CHANGE TO  
 EXHIBIT "A"
  - 7-22-85 D.B.C.  
 SERVICE DRIVE PROP.  
 TYPE NEW CONCEPT,  
 REMOVE SERVICE DRIVE  
 & SERVICE DRIVE AREA  
 PLAN, SERVICE DRIVE  
 & SERVICE DRIVE PROP.  
 BOUNDARY.
  - 8-19-85 SERVICE  
 DRIVE DIMENSIONS 14'-0"
  - 8-24-85 D.B.C.  
 SHOW SERVICE DRIVE  
 ACCESS & N.W. CORNER  
 OF DITS.
  - 9-23-85 D.B.C.  
 SHOW SERVICE DRIVE  
 ACCESS & CENTER OF  
 NORTH PROPERTY  
 LINE.
  - 2-2-84 D.B.C.  
 AS PER CITY APPROVED  
 DITS PLAN, SHOW SERVICE  
 DRIVE & SERVICE DRIVE  
 & SERVICE DRIVE PROP.  
 BOUNDARY.

**SITE PLAN**

ALBERTSONS

DEVELOPING STORE IN  
 WEST VALLEY CITY, UTAH  
 3600 SOUTH

PROJECT  
 N.W. CORNER  
 3600 WEST  
 &  
 3500 SOUTH

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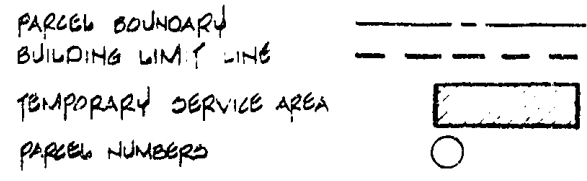
WEST VALLEY CITY, UTAH

STORE NO  
 360

**EXHIBIT "A" SITE PLAN**

NOTE - DRAWN WITHOUT BENEFIT OF SURVEY

	PHASE I	PHASE II
TOTAL BUILDING AREA	74,057 sq ft	137,277 sq ft
TOTAL CAR PARKS	384	518
CAR PARKS N/WIN 200 RADII	164	0



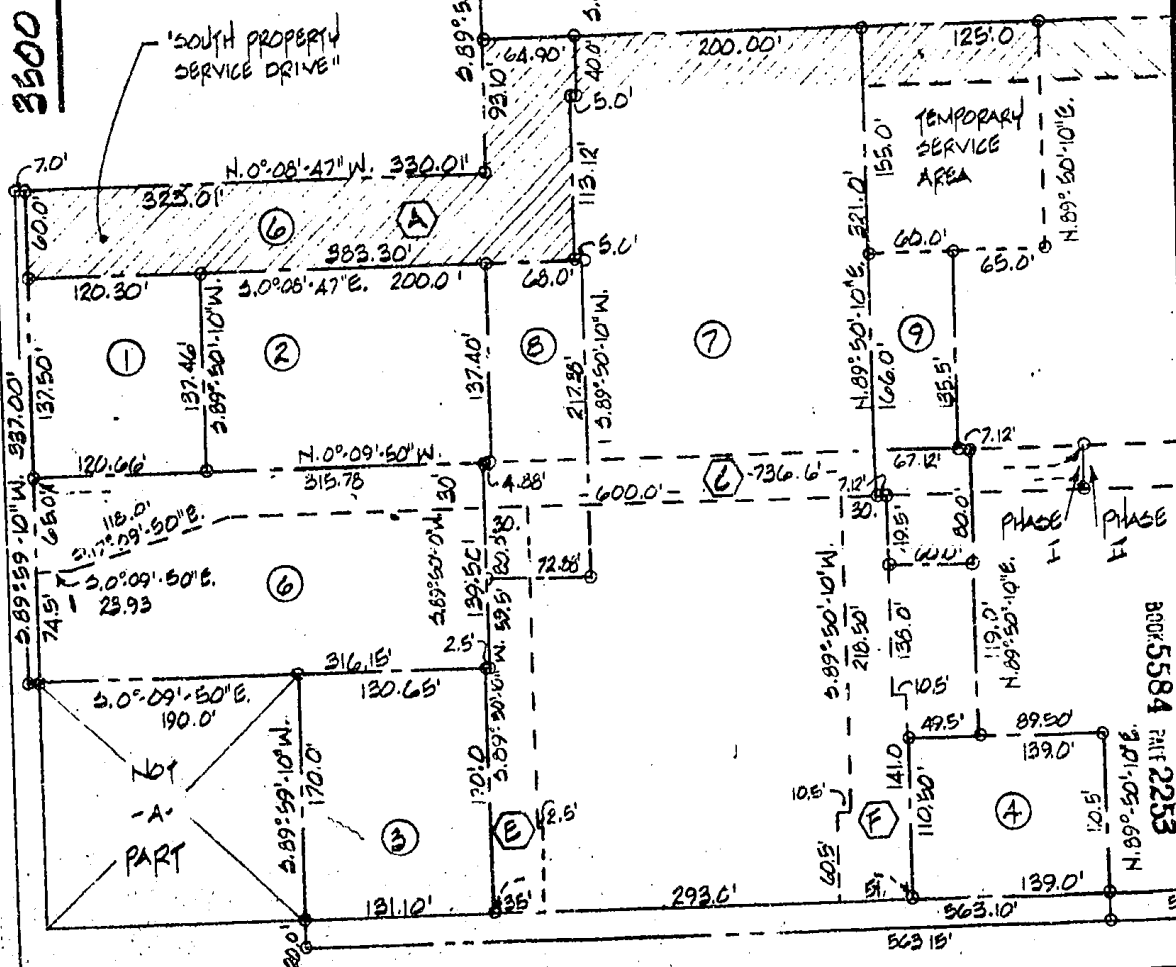
APPROVED

MCCAIN	
BOLINDER	
MICHAEL	
CARLEY	
HANSON	
HORNECKER	

Drawn By S.E.H.  
 Checked By  
 Date 7-5-82  
 Sheet 01  
 No

3500 SOUTH STREET

N. 0° 09' 6" E  
983.6



OF 5600 WEST STREET

PARCEL MAP  
EXHIBIT "B" SITE PLAN

LEGEND:

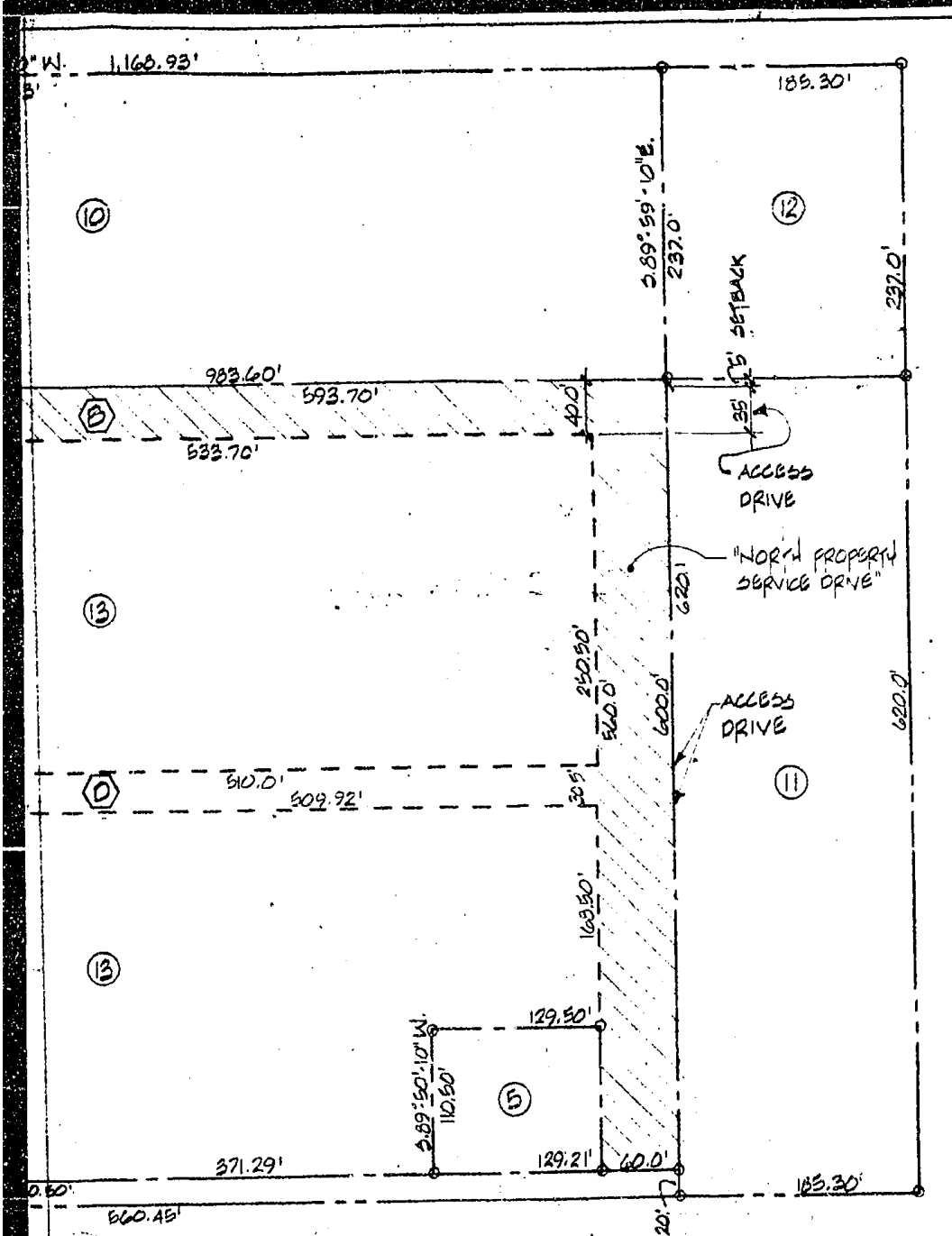
- PARCEL BOUNDARY ————
- EASEMENT BOUNDARY - - - - -
- PARCEL NUMBER ○
- EASEMENT NUMBER ⬡
- PROPERTY BOUNDARY - - - - -
- BOUNDARY PIN ⊙

ALL BEARING LINES, UNLESS OTHERWISE SPECIFIED:  
 • EAST-WEST - S. 89° 59' 10" E.  
 • NORTH-SOUTH - N. 0° 09' 50" W.

- ACCESS EASEMENT "A" [Hatched Box]
- ACCESS EASEMENT "B" [Hatched Box]
- TEMPORARY SERVICE AREA [White Box]

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REVISIONS  
 9-22-83 D.B.D.  
 PROVIDE ACCESS  
 TO NORTH E.

**SITE PLAN**



PROJECT N.W.C.  
 OF 3500 SOUTH  
 STREET &  
 5600 WEST  
 STREET

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WEST  
 VALLEY CITY,  
 WASH.  
 STORE NO.  
 #3-P

**NORTH** →  
 SCALE: 1"=100'-0"

STATED, ARE;



APPROVED	
MCCAIN	
SOLINDER	
MICHAEL	
CARLEY	
REVLING	
WOMMECKER	

Drawn By: D.B.D.  
 Checked By:  
 Date: 7/27/83  
 Sheet 01  
 No.

SCHEDULE I

Parcel 1: (Pad 1)

Beginning at a point which is South 89°59'10" West along the section line 362.50 feet and North 0°09'50" West 40.00 feet from the Southeast corner of Section 26, Township 1 South, Range 2 West, Salt Lake Base and Meridian, and running thence South 89°59'10" West 137.50 feet; thence North 0°08'47" West 120.30 feet; thence North 89°50'10" East 137.46 feet; thence South 0°09'50" East 120.66 feet to the point of beginning. Contains 16,563.4 square feet or 0.380 acre.

Parcel 2: (Pad 2)

Beginning at a point which is South 89°59'10" West along the section line 362.50 feet and North 0°09'50" West 160.66 feet from the Southeast corner of Section 26, Township 1 South, Range 2 West, Salt Lake Base and Meridian, and running thence South 89°50'10" West 137.46 feet; thence North 0°08'47" West 200.00 feet; thence North 89°50'10" East 137.40 feet; thence South 0°09'50" East 200.00 feet to the point of beginning. Contains 27,486.1 square feet or 0.631 acre.

Parcel 3: (Pad 3)

Beginning at a point which is North 0°09'50" West along the section line 223.00 feet and South 89°59'10" West 53.00 feet from the Southeast corner of Section 26, Township 1 South, Range 2 West, Salt Lake Base and Meridian, and running thence South 89°59'10" West 170.00 feet; thence North 0°09'50" West 130.65 feet; thence North 89°50'10" East 170.00 feet; thence South 0°09'50" East 131.10 feet to the point of beginning. Contains 22,249.2 square feet or 0.511 acre.

Parcel 4: (Pad 4)

Beginning at a point which is North 0°09'50" West along the section line 647.24 feet and South 89°50'10" West 53.00 feet from the Southeast corner of Section 26, Township 1 South, Range 2 West, Salt Lake Base and Meridian and running thence South 89°50'10" West 110.50 feet; thence North 0°09'50" West 139.00 feet; thence North 89°50'10" East 110.50 feet; thence South 0°09'50" East 139.00 feet to the point of beginning. Contains 15,359.5 square feet or 0.353 acre.

Parcel 5: (Pad 5)

Beginning at a point which is North 0°09'50" West along the section line 1157.53 feet and South 89°50'10" West 53.00 feet from the Southeast corner of Section 26, Township 1 South, Range 2 West, Salt Lake Base and Meridian and running thence South 89°50'10" West 110.50 feet; thence North 0°09'50" West 129.50 feet; thence North 89°59'10" East 110.50 feet; thence South 0°09'50" East 129.21 feet to the point of beginning. Contains 14,293.7 square feet or 0.328 acre.

Parcel 6: (South Property, Parcels)

Beginning at a point which is South 89°59'10" West along the section line 223.00 feet and North 0°09'50" West 40.00 feet from the Southeast corner of Section 26, Township 1 South, Range 2 West, Salt Lake Base and Meridian and running thence South 89°59'10" West 139.50 feet; thence North 0°09'50" West 315.78 feet; thence North 89°50'10" East 139.50 feet; thence South 0°09'50" East 316.15 feet to the point of beginning. Contains 44,077.5 square feet or 1.012 acres. JAB

ALSO: Beginning at a point which is South 89°59'10" West along the section line 500.01 feet and North 0°08'47" West 40.00 feet from the Southeast corner of Section 26, Township 1 South, Range 2 West, Salt Lake Base and Meridian and running thence South 89°59'10" West 60.00 feet; thence North 0°08'47" West 323.01 feet; thence South 89°58'47" West 93.10 feet; thence North 0°09'50" West 64.90 feet; thence North 89°50'10" East 40.00 feet; thence South 0°09'50" East 5.00 feet; thence North 89°50'10" East 113.12 feet; thence South 0°08'47" East 383.30 feet to

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Parcel 7: (Albertsons Site)

Beginning at a point which is North 0°09'50" West along the section line 354.24 feet and South 89°50'10" West 53.00 feet from the Southeast corner of Section 26, Township 1 South, Range 2 West, Salt Lake Base and Meridian and running thence South 89°50'10" West 170.00 feet; thence North 0°09'50" West 2.50 feet; thence South 89°50'10" West 59.50 feet; thence North 0°09'50" West 72.88 feet; thence South 89°50'10" West 217.38 feet; thence South 0°08'47" East 5.00 feet; thence South 89°50'10" West 113.12 feet; thence North 0°09'50" West 5.00 feet; thence South 89°50'10" West 40.00 feet; thence North 0°09'50" West 200.00 feet; thence North 89°50'10" East 321.00 feet; thence North 0°09'50" West 7.12 feet; thence North 89°50'10" East 49.50 feet; thence North 0°09'50" West 60.00 feet; thence North 89°50'10" East 119.00 feet; thence South 0°09'50" East 49.50 feet; thence North 89°50'10" East 110.50 feet; thence South 0°09'50" East 293.00 feet to the point of beginning. Contains 148,003.2 square feet or 3.39 acres.

Parcel 8: (Retail Shps No. 1)

Beginning at a point which is South 89°59'10" West along the section line 362.50 feet and North 0°09'50" West 360.66 feet from the Southeast corner of Section 26, Township 1 South, Range 2 West, Salt Lake Base and Meridian and running thence South 89°50'10" West 137.40 feet; thence North 0°08'47" West 68.00 feet; thence North 89°50'10" East 217.38 feet; thence South 0°09'50" East 72.88 feet; thence South 89°50'10" West 80.00 feet; thence North 0°09'50" West 4.88 feet to the point of beginning. Contains 15172.9 square feet or 0.348 acre.

Parcel 9: (Retail Shops No. 2)

Beginning at a point which is South 89°59'10" West along the section line 362.50 feet and North 0°09'50" West 628.66 feet from the Southeast corner of Section 26, Township 1 South, Range 2 West, Salt Lake Base and Meridian and running thence South 89°50'10" West 135.50 feet; thence North 0°09'50" West 60.00 feet; thence North 89°50'10" East 135.50 feet; thence North 0°09'50" West 7.12 feet; thence North 89°50'10" East 80.00 feet; thence South 0°09'50" East 60.00 feet; thence South 89°50'10" West 49.50 feet; thence South 0°09'50" East 7.12 feet; thence South 89°50'10" 30.50 feet to the point of beginning. Contains 1317.12 square feet or 0.302 acre.

Parcel 10: (West Church Parcel)

Beginning at a point which is South 89°59'10" West along the section line 653.00 feet and North 0°09'50" West 363.00 feet from the Southeast corner of Section 26, Township 1 South, Range 2 West, Salt Lake Base and Meridian and running thence South 89°58'47" West 237.00 feet; thence North 0°09'50" West 983.63 feet; thence North 89°59'10" East 237.00 feet; thence South 0°09'50" East 983.60 feet to the point of beginning. Contains 233,116.4 Square feet or 5.352 acres.

Parcel 13: (North Property)

Beginning at a point which is North 0°09'50" West along the section line 786.24 feet and South 89°50'10" West 53.00 feet from the Southeast corner of Section 26, Township 1 South, Range 2 West, Salt Lake Base and Meridian and running thence South 89°50'10" West 110.50 feet; thence South 0°09'50" East 89.50 feet; thence South 89°50'10" West 199.00 Feet; thence South 0°09'50" East 7.12 feet; thence South 89°50'10" West 135.50 feet; thence South 0°09'50" East 60.00 feet; thence South 89°50'10" West 155.00 feet; thence North 0°09'50" West 718.70 feet; thence North 89°59'10" East 600.00 feet; thence South 0°09'50" East 60.00 feet; thence South 89°59'10" West 110.50 feet; thence South 0°09'50" East 129.50 feet; thence North 89°50'10" East 110.50 feet; thence South 0°09'50" East 371.29 feet to the point of beginning. Contains 377,660.6 square feet or 8.670 acres.

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