

RECORDING REQUESTED BY  
AND WHEN RECORDED MAIL TO:

Elizabeth M. Haslam  
Jones, Waldo, Holbrook & McDonough  
170 South Main Street, # 1500  
Salt Lake City, Utah 84101

E 1504315 B 2480 P 1308  
SHERYL L. WHITE, DAVIS CNTY RECORDER  
1999 APR 13 11:29 AM FEE 29.00 DEP MT  
REC'D FOR METRO NATIONAL TITLE

1 thru 6, 8 thru 11 Centerville Marketplace  
02-161-0001 thru 0006, 201, 202 Centerville Market Place 2  
0008 thru 0011

**SECOND AMENDMENT TO OPERATION AND EASEMENT AGREEMENT**

02-176-0201, 0202

THIS SECOND AMENDMENT TO OPERATION AND EASEMENT AGREEMENT (this "Amendment") is made and entered into as of the 7<sup>th</sup> day of April, 1999, by DAYTON HUDSON CORPORATION, a Minnesota corporation ("Target").

RECITALS

A. Target entered into that certain Operation and Easement Agreement dated February 4, 1998 and recorded with the Davis County Recorder as Entry No. 1378982, Book 2235 at Page 1228, as amended (the OEA). The OEA governs the operation of a shopping center located in Centerville City, County of Davis, State of Utah and more particularly described in Exhibit "A".

B. Target is the fee owner of the Target Tract (as such term is defined in the OEA) among other parcels of real property in the Shopping Center.

C. Concurrently with the execution of the OEA, Target conveyed a portion of the Shopping Center to Home Depot. The real property acquired by Home Depot is defined in the OEA as Tract I.

D. Target desires to convey, or has conveyed Lot 10 and Lot 11 of the Shopping Center. In connection with such conveyances, the City of Centerville requires that Exhibit X of the OEA be modified to indicate an access easement and road with corresponding curb cuts (the "Access") from Marketplace Drive over Lots 10 and 11 at the location shown on Exhibit X-2 attached hereto and incorporated herein by reference.

E. Target and Home Depot are the Approving Parties (as such term is defined in the OEA) designated to give certain approvals pursuant to the terms of the OEA. As set forth in Section 1.1 of the OEA, however, Home Depot's approval is not required for this Amendment because the modification affects only Lots 10 and 11.



## EXHIBIT "A"

## LEGAL DESCRIPTION OF SHOPPING CENTER

Real property located in Davis County, State of Utah, described as follows:

All of Lots 1 through 6, inclusive, and 8 through 11, inclusive, CENTERVILLE MARKETPLACE SUBDIVISION, according to the official plat thereof filed in Book 1867 of Plats, at Page 32 of Official Records of Davis County. 02-161-0001 thru 0006,

LESS AND EXCEPTING from Lot 1 the following described parcel conveyed to Centerville City, as Entry No. 1217919, in Book 1949, at page 1263 of Official Records and being described as follows: 0008 thru 0011

Beginning at a point on the West line of said Lot 1, which lies North 00 deg. 05'23" West, a distance of 2376.02 feet along the Section line and North 89 deg. 54'27" East a distance of 1165.42 feet from the Southwest corner of said Section 7; thence North 00 deg. 06'15" West along the West line of said Lot 1, a distance of 13.23 feet; thence continuing along the Westerly line said Lot 1 along the arc of a curve to the right, through a central angle of 90 deg. 00'17" an arc distance of 39.27 feet, a radius of 25.00 feet and a chord bearing of North 44 deg. 53'54" East with a distance of 35.36 feet to the North line of said Lot 1; thence North 89 deg. 54'02" East along said North line, a distance of 88.09 feet; thence South 88 deg. 15'50" West, a distance of 78.14 feet; thence South 44 deg. 04'48" West a distance of 50.20 feet to the point of beginning.

All of Lots 201 and 202, inclusive, CENTERVILLE MARKETPLACE SUBDIVISION PHASE 2, according to the official plat thereof filed in Book 2235 of Plats, at Page 350 of Official Records of Davis County. 02-174-0201, 0202

PUBLIC WORK SHEET  
SEE SHEET C-3

7'04"  
53'  
59')

H.C. PARKING SIGN

EVOLUTION  
2000

200 59'  
CATED OR  
WASE POWER  
WASRE

24'0" SET  
E 7'0" WITH  
1/4" ENCLOSURE WALL  
10% FIELDSTONE AND  
SEE C/2-A AND H/2-B.

LOT 10



DELTA 43'00"  
= 305.90  
= 229.33

RELOCATED OR  
WITHIN 5' RADIUS

RELOCATED HYDRANT

SEE CIV. DRAWINGS  
FOR  
LAYOUT

36'± 60'  
ACCESS EASEMENT

