



\*W2293736\*

E# 2293736 PG 1 OF 11  
ERNEST D ROWLEY, WEBER COUNTY RECORDER  
24-SEP-07 2:35 PM FEE \$36.00 DEP VD  
REC FOR: FOUNDERS TITLE COMPANY - SYRAC  
ELECTRONICALLY RECORDED

WHEN RECORDED RETURN TO:  
R. Scott Priest  
P.O. Box 2000  
Layton, Utah 84041

*0-39087*

**DECLARATION OF EASEMENTS**

The undersigned Sandstone Shopping Center, LLC, a Utah limited liability company, is the owner ("Owner") of a parcel of land described in Exhibit "A" attached hereto and made a part hereof (the "Original Parcel"). The Owner has applied to Ogden City to create the "Wall Commercial Subdivision," which will subdivide the Original Parcel into three lots, consisting of Lot 1, Lot 2, and Lot 3, each of which is more particularly described respectively on Exhibits 1, 2, and 3, attached hereto and made a part hereof, and defined respectively as "Lot 1," "Lot 2," and "Lot 3." The westerly line of Lot 2 is contiguous to a portion of the easterly line of Lot 1, and the easterly line of Lot 3 is contiguous to a portion of the westerly line of Lot 1.

**EASEMENT IN FAVOR OF LOT 2**

The Owner hereby declares for the benefit of Lot 2, and grants to the owner of Lot 2 and its respective successors, and assigns, for the use and benefit of Lot 2 and of such owner and its employees, representatives, agents, invitees, guests and tenants, with Lot 1 being the burdened property and Lot 2 being the benefited property, a non-exclusive easement for vehicle and pedestrian access, ingress and egress to and from Lot 2, but not for parking, over and across the portion of Lot 1 described on Exhibit "C," which exhibit is attached hereto and made a part hereof (the "Easement in Favor of Lot 2"). Such Easement in favor of Lot 2 shall run with the land and shall be appurtenant to Lot 2, and shall be for the benefit of the owner of Lot 2.

**EASEMENT IN FAVOR OF LOT 1**

The Owner hereby declares for the benefit of Lot 1, and grants to the owner of Lot 1 and its respective successors, and assigns, for the use and benefit of Lot 1 and of such owner and its employees, representatives, agents, invitees, guests and tenants, with Lot 3 being the burdened property and Lot 1 being the benefited property, a non-exclusive easement for vehicle and pedestrian access, ingress and egress to and from Lot 1, but not for parking, over and across the portion of Lot 3 described on Exhibit "D," which exhibit is attached hereto and made a part hereof, (the "Easement in Favor of Lot 1"). Such Easement in Favor of Lot 1 shall run with the land and shall be appurtenant to Lot 1, and shall be for the benefit of the owner of Lot 1.

**EASEMENT IN FAVOR OF LOT 3**

The Owner hereby declares for the benefit of Lot 3, and grants to the owner of Lot 4 and its respective successors, and assigns, for the use and benefit of Lot 3 and of such owner and its employees, representatives, agents, invitees, guests and tenants, with Lot 1 being the

burdened property and Lot 3 being the benefited property, a non-exclusive easement for vehicle and pedestrian access, ingress and egress to and from 3300 South Street, but not for parking, over and across the portion of Lot 1 described on Exhibit "E," which exhibit is attached hereto and made a part hereof, (the "Easement in Favor of Lot 2"). Such Easement in Favor of Lot 3 shall run with the land and shall be appurtenant to Lot 3, and shall be for the benefit of the owner of Lot 3.

**OTHER TERMS:**

1. The respective owner of each Lot shall maintain the easement area burdening its own Lot. The respective owner of each Lot agrees to restore the easement area burdening its own Lot to the condition it was in before any disturbance caused by or arising from such owner's construction, operation, maintenance, or repair of its own Lot, including such easement area. Each of the owners of a Lot burdened by one of the easement areas shall defend, indemnify and hold the owner(s) of the Lot benefited by such easement and all of their employees or agents harmless from any and all claims, demands, or liability arising from alleged acts or omissions of the owner of the burdened Lot or of its employees or agents, or the negligent maintenance, construction, or dangerous condition of that owner's easement area and improvements. Likewise, the respective owner of each Lot that is benefited by an easement area shall defend, indemnify and hold the owner of the burdened Lot harmless from any and all claims, demands, or liability arising from alleged acts or omissions, or the negligent use of the easement area, by that benefited owner or its licensees, invitees, employees or agents.

2. This Declaration shall be binding on and inure to the benefit of the parties, their heirs, successors and assigns.

3. Any breach of the terms of this Declaration shall entitle the non-breaching party, to pursue all remedies available at law or in equity in order to enforce the terms of this Declaration, and to recover all costs, including reasonable attorney fees, incurred in enforcing the terms of this Declaration.

4. This Declaration may be amended or terminated only in writing by the owners of the Lots affected thereby.

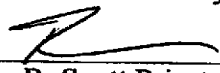
5. This Declaration shall be governed by and construed in accordance with the laws of the State of Utah.

6. Nothing contained herein shall be deemed to create a partnership or a joint venture between any of the parties, nor shall anything contained herein be deemed to create

third party beneficiary rights in anyone not a party to this Declaration.

Executed and made effective this 31 day of August, 2007

Sandstone Shopping Center, LLC  
A Utah limited liability company

By:   
R. Scott Priest  
Its: Managing Member

**NOTARIZATION FOR SANDSTONE SHOPPING CENTER, LLC  
DECLARATION OF EASEMENTS**

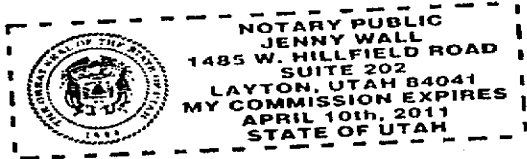
STATE OF UTAH)  
DAVIS COUNTY)

On the 4 day of September 2007 AD personally appeared before me P. Scott Priest, the signer of the foregoing instrument, who duly acknowledged to me that he executed the instrument, and that he executed it on behalf of Sandstone Shopping Center, LLC.

Jenny Wall  
Signature of Notary Public

Notary Public for the State of Utah

My commission expires: April 10, 2011



**EXHIBIT 1****LEGAL DESCRIPTION OF LOT 1**

A PART OF THE SOUTHEAST QUARTER OF SECTION 36, T.6N., R.2W., S.L.B.&M.,  
U.S. SURVEY.

BEGINNING AT A POINT ON THE NORTH RIGHT OF WAY LINE OF 3300 SOUTH STREET, SAID POINT BEING N89°50'28"W 1258.33 FEET AND N00°09'32"E 33.00 FEET FROM THE SOUTHEAST CORNER OF SECTION 36; THENCE N89°50'28"W ALONG SAID NORTH RIGHT OF WAY LINE 801.56 FEET; THENCE N02°12'59"E 468.07 FEET; THENCE N89°50'28"W 24.47 FEET; THENCE N01°15'00"E 363.50 FEET; THENCE S89°50'28"E 5.33 FEET; THENCE N05°52'30"W 455.50 FEET TO THE SOUTHERLY LINE OF THE OREGON SHORT LINE RAILROAD RIGHT OF WAY; THENCE ALONG SAID SOUTHERLY LINE ALONG A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 34.93 FEET, A RADIUS OF 4483.80 FEET, A CHORD BEARING OF N60°45'13"E, AND A CHORD LENGTH OF 34.93 FEET; THENCE S89°11'43"E 742.42 FEET TO THE FMC TECHNOLOGIES INC., PROPERTY LINE THENCE ALONG SAID LINE THE FOLLOWING FOUR (4) COURSES: (1) S00°01'17"W 411.06 FEET, (2) S89°50'28"E 3.00 FEET, (3) S00°21'53"E 296.67 FEET, (4) S89°50'28"E 60.00 FEET; THENCE S00°21'53"E 585.27 FEET TO THE NORTH RIGHT OF WAY LINE OF SAID STREET AND THE POINT OF BEGINNING;

CONTAINING 995,465 SQ.FT. OR 22.85 ACRES

15-099-0006 ✓

**EXHIBIT 2**

**LEGAL DESCRIPTION OF LOT 2**

A PART OF THE SOUTHEAST QUARTER OF SECTION 36, T.6N., R.2W., S.L.B.&M., U.S. SURVEY.

BEGINNING AT A POINT ON THE NORTH RIGHT OF WAY LINE OF 3300 SOUTH STREET, SAID POINT BEING N89°50'28"W 892.67 FEET AND N00°09'32"E 33.00 FEET FROM THE SOUTHEAST CORNER OF SECTION 36; THENCE N89°50'28"W ALONG SAID NORTH RIGHT OF WAY LINE 425.67 FEET; THENCE N00°21'53"W 585.27 FEET TO THE FMC TECHNOLOGIES INC., PROPERTY LINE; THENCE S89°50'28"E ALONG SAID LINE 429.26 FEET; THENCE S00°00'47"E ALONG THE WEST LINE OF THE WEBER HUMAN SERVICES PROPERTY AS MONUMENTED ON THE GROUND 585.24 FEET TO THE POINT OF BEGINNING;

CONTAINING 5.74 ACRES

15-099-0006 ✓

**EXHIBIT 3**

**LEGAL DESCRIPTION OF LOT 3**

A PART OF THE SOUTHEAST QUARTER OF SECTION 36, T.6N., R.2W., S.L.B.&M.,  
U.S. SURVEY.

BEGINNING AT A POINT ON THE NORTH RIGHT OF WAY LINE OF 3300 SOUTH  
STREET, SAID POINT BEING N89°50'28"W 2059.89 FEET AND N00°09'32"E 33.00  
FEET FROM THE SOUTHEAST CORNER OF SECTION 36; THENCE N89°50'28"W  
ALONG SAID NORTH RIGHT OF WAY LINE 298.39 FEET; THENCE N01°15'00"E  
467.85 FEET; THENCE S89°50'28"E 306.29 FEET; THENCE S02°12'59"W 468.07 FEET  
TO THE POINT OF BEGINNING;

CONTAINING 3.25 ACRES

15-099-0006 ✓

## EXHIBIT A

## LEGAL DESCRIPTION OF THE ORIGINAL PARCEL

A PART OF THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY.

BEGINNING AT A POINT ON THE NORTH LINE OF 3300 SOUTH STREET 892.57 FEET NORTH 89°50'28" WEST ALONG THE SECTION LINE AND 33.00 FEET NORTH 00°00'47" WEST FROM THE SOUTHEAST CORNER OF SAID SECTION 36; SAID POINT OF BEGINNING BEING 33.00 FEET NORTH 00°01'55" EAST ALONG THE SIXTEENTH SECTION LINE AND 428.62 FEET SOUTH 89°50'28" EAST ALONG THE NORTH LINE OF 3300 SOUTH STREET FROM THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 36; AND RUNNING THENCE NORTH 00°00'47" WEST 585.24 FEET ALONG THE WEST LINE OF THE WEBER HUMAN SERVICES PROPERTY AS MONUMENTED ON THE GROUND TO THE SOUTH LINE OF THE FMC TECHNOLOGIES INC., PROPERTY; THENCE ALONG SAID FMC TECHNOLOGIES INC., PROPERTY THE FOLLOWING FOUR (4) COURSES: NORTH 89°50'28" WEST 429.26 FEET; NORTH 00°21'53" WEST 296.67 FEET; NORTH 89°50'28" WEST 3.00 FEET NORTH 00°01'17" EAST 411.06 FEET; THENCE NORTH 89°11'43" WEST 742.42 FEET TO THE SOUTHERLY LINE OF THE OREGON SHORT LINE RAILROAD RIGHT OF WAY; THENCE SOUTHWESTERLY ALONG THE ARC OF A 4483.80 FOOT RADIUS CURVE TO THE LEFT A DISTANCE OF 34.93 FEET (LONG CHORD BEARS SOUTH 60°45'13" WEST 34.93 FEET) ALONG SAID RAILROAD RIGHT OF WAY; THENCE SOUTH 05°52'30" EAST 455.50 FEET; THENCE NORTH 89°50'28" WEST 5.33 FEET; THENCE SOUTH 01°15' WEST 363.50 FEET; THENCE NORTH 89°50'28" WEST 281.82 FEET; THENCE SOUTH 01°15' WEST 467.85 FEET TO THE NORTH LINE OF 3300 SOUTH STREET; THENCE SOUTH 89°50'28" EAST 1465.62 FEET ALONG SAID NORTH LINE OF STREET TO THE POINT OF BEGINNING.

CONTAINING 1351935 S.F. OR 31.04 ACRES

15-099-0006 ✓



**EXHIBIT "B"**

**LEGAL DESCRIPTION OF EASEMENT IN FAVOR OF LOT 2**

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASE & MERIDIAN, U.S. SURVEY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF 3300 SOUTH STREET 1318.04 FEET NORTH 89°50'28" WEST ALONG THE SECTION LINE AND 33.00 FEET NORTH 00°21'53" WEST FROM THE SOUTHEAST CORNER OF SAID SECTION 36 AND RUNNING THENCE NORTH 00°21'53" WEST 584.67 FEET; THENCE NORTH 89°38'07" EAST 60.00 FEET; THENCE SOUTH 00°21'53" EAST 585.22 FEET TO SAID NORTH LINE OF 3300 SOUTH STREET, THENCE NORTH 89°50'28" WEST ALONG SAID LINE 60.00 FEET TO THE POINT OF BEGINNING.

15-099-0006 ✓

**EXHIBIT "C"**

**LEGAL DESCRIPTION OF EASEMENT IN FAVOR OF LOT 1**

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASE & MERIDIAN, U.S. SURVEY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF 3300 SOUTH STREET 2084.58 FEET NORTH  $89^{\circ}50'28''$  WEST ALONG THE SECTION LINE AND 33.00 FEET NORTH  $00^{\circ}21'53''$  WEST FROM THE SOUTHEAST CORNER OF SAID SECTION 36 AND RUNNING THENCE NORTH  $02^{\circ}12'59''$  EAST 468.07 FEET; THENCE SOUTH  $89^{\circ}50'28''$  EAST 25.00 FEET; THENCE SOUTH  $02^{\circ}12'59''$  WEST 468.07 FEET TO THE SAID NORTH LINE OF 3300 SOUTH STREET, THENCE NORTH  $89^{\circ}50'28''$  WEST ALONG SAID NORTH LINE 25.00 FEET TO THE POINT OF BEGINNING.

15 099.0006 ✓

**EXHIBIT "D"**

**LEGAL DESCRIPTION OF EASEMENT IN FAVOR OF LOT 3**

**LOCATED IN THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASE & MERIDIAN, U.S. SURVEY DESCRIBED AS FOLLOWS:**

**BEGINNING AT A POINT ON THE NORTH LINE OF 3300 SOUTH STREET 2084.58 FEET NORTH 89°50'28" WEST ALONG THE SECTION LINE AND 33.00 FEET NORTH 00°21'53" WEST FROM THE SOUTHEAST CORNER OF SAID SECTION 36 AND RUNNING THENCE NORTH 02°12'59" EAST 468.07 FEET; THENCE NORTH 89°50'28" WEST 25.00 FEET; THENCE SOUTH 02°12'59" WEST 468.07 FEET TO THE SAID NORTH LINE OF 3300 SOUTH STREET, THENCE SOUTH 89°50'28" EAST ALONG SAID NORTH LINE 25.00 FEET TO THE POINT OF BEGINNING.**

15-099-0006 ✓