

ENT ~~26564~~ BK ~~2626~~ PG ~~74~~  
NINA B REID UTAH CO RECORDER BY BT  
1989 SEP 8 4:27 PM FEE 18.50  
RECORDED FOR ASSOCIATED TITLE COMPANY

**SECOND RECORDING**

ENT 26675 BK 2626 PG 385  
NINA B REID UTAH CO RECORDER BY BT  
1989 SEP 11 12:46 PM FEE 17.00  
RECORDED FOR ASSOCIATED TITLE COMPANY

GRANT OF EASEMENTS

HARMAN MANAGEMENT CORPORATION ("Harman") as part of an exchange with Boyer-Orem Associates, a Utah Limited Partnership ("Boyer"), hereby grants to SHOPKO STORES, INC., d/b/a UVALKO SHOPKO STORES, INC., a Minnesota corporation ("Shopko"), for the benefit of the land in Orem, Utah, more particularly described in Exhibit "B" attached hereto, the following three easements:

EASEMENTS

1. A perpetual non-exclusive right of way and easement for ingress and egress to serve and accommodate vehicular and pedestrian traffic for deliveries from State Street to Shopko's property (described in Exhibit "C") and for installation, operation and maintenance of underground utilities under and across the 40-foot wide parcel more particularly described in Exhibit "E" attached hereto. This easement is limited in that its use is not to unreasonably interfere with Harman's use of the easement for reasonable access for Harman and Harman's invitees from and to State Street to Harman's property. The easement is further limited in that the owner of the property described in Exhibit "C", including anyone claiming a right to the easement for the benefit of the property on Exhibit "C" must, at their expense, maintain the surface including keeping it free of debris, rubbish, snow, ice and other materials and repair and replace when needed the cement

curbing and asphalt so that the entire easement is in a good useable and attractive condition at all times.

2. A perpetual non-exclusive right of way easement for vehicular and pedestrian ingress and egress over the driveway established by Harman, not to exceed twenty four (24) feet wide (subject to change from time to time by the fee owner of Harman's property) from State Street to the property described in Exhibit "B" over and across part of the property described in Exhibit "F". The easement is limited in that the users thereof cannot park or otherwise obstruct the free flow of traffic and use thereof by Harman and Harman's invitees.

3. A perpetual easement under the east two feet of the property described in Exhibit "F" for construction and maintenance of footings for a building to be built on the adjoining property to the east described in Exhibit "C". The footings must be placed below the regular surface of the ground, and the owner of the building must, at its expense, restore the surface of the ground with proper asphaltting and, at its expense, make any repairs to restore the surface of the ground in the future for those items occasioned by the said footings or the maintenance thereof.

GENERAL PROVISIONS

4. These easements shall be binding upon the undersigned and all successors and assigns of the property described on Exhibits

"E" and "F" and shall be an appurtenance to and a covenant running with the land for the benefit of the property described on Exhibits "B" and "C".

5. Nothing herein is to be construed as a public dedication, but is limited to the owners of the property described herein and for the purposes described herein.

Dated this 31st day of August, 1989.

HARMAN MANAGEMENT CORPORATION

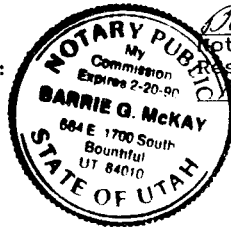
Attest:

By Leoy W. Harman Chairman

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

The foregoing instrument was acknowledged before me this 31st day of August, 1989, by LEON W. HARMAN and \_\_\_\_\_, the Chairman of The Board and \_\_\_\_\_ respectively of HARMAN MANAGEMENT CORPORATION.

My commission expires: 2-20-1990



Barrie G. McKay.

Notary Public

Residing at:

Wentworth, Utah

EXHIBIT "B"Boyer's Entire Shopping Center:

A part of the Southwest Quarter of Section 14, Township 6 South, Range 2 East of the Salt Lake Base and Meridian, U.S. Survey.

Beginning at a point on the South line of Center Street being 392.64 feet South 88 deg 53'35" East along the Quarter Section line and 30.38 feet South from the West Quarter corner of said Section 14; and running thence along said South line of Center Street South 88 deg 49'28" East 943.66 feet to a point on the projection of an existing boundary line fence; thence South 0 deg 01'43" East 371.22 feet along said fence to the Northwest corner of Chapel Park, a subdivision in Orem City, Utah County, Utah; thence South 0 deg 09'39" East 246.62 feet along said subdivision boundary to the North boundary of Royal Oaks Subdivision, Plat "E", in Orem City, Utah County, Utah; thence along said Southwest boundary the following two (2) courses; North 88 deg 45'40" West 143.18 feet and South 0 deg 18'10" East 122.13 feet to a point on an existing boundary line fence; thence South 0 deg 14'27" East 383.76 feet along said boundary line fence; thence North 88 deg 34'06" West 139.04 feet; thence Southwesterly along the arc of an 80.00 foot radius curve to the left a distance of 40.17 feet (Delta equals 28 deg 46'13" and Long Chord bears South 77 deg 02'52" West 39.75 feet) to a point of reverse curvature; thence Southwesterly along the arc of an 80.00 foot radius curve to the right a distance of 40.17 feet (Delta equals 28 deg 46'13" and Long Chord bears South 77 deg 02'52" West 39.75 feet); thence North 88 deg 34'06" West 50.10 feet; thence South 0 deg 33' East 5.00 feet; thence North 89 deg 10' West 227.45 feet; thence North 0 deg 14'27" West 274.15 feet; thence North 88 deg 47'06" West 59.15 feet; thence North 0 deg 14'27" West 88.84 feet; thence North 88 deg 47'06" West 135.73 feet to the Easterly line of State Street; thence North 18 deg 29'04" West 231.18 feet along said Easterly line; thence South 88 deg 54' East 93.90 feet; thence North 0 deg 06' East 131.89 feet; thence North 88 deg 54' West 138.52 feet to the Easterly line of said State Street; thence North 18 deg 29' 04" West 319.69 feet along said Easterly line; thence South 88 deg 59' East 103.51 feet; thence North 1 deg 01' East 134.31 feet to the point of beginning.

EXHIBIT C

Shopko's Property:

The real property referred to in the foregoing instrument is located in Utah County, Utah, and is more particularly described as follows:

A part of the Southwest Quarter of Section 14, Township 6 South, Range 2 East of the Salt Lake Base and Meridian, U.S. Survey.

Proposed Lot 3, Boyer Retail Center.

Beginning at a point on the South line of Center Street being 392.64 feet South 88 deg 53'35" East along the Quarter Section line and 30.38 feet South from the West Quarter corner of said Section 14; and running thence along said South line of Center Street South 88 deg 49'28" East 943.66 feet to a point on the projection of an existing boundary line fence; thence South 0 deg 01'43" East 371.22 feet along said fence to the Northwest corner of Chapel Park, a subdivision in Orem City, Utah County, Utah; thence South 0 deg 09'39" East 246.62 feet along said subdivision boundary to the North boundary of Royal Oaks Subdivision, Plat "E", in Orem City, Utah County, Utah; thence along said Southwest boundary the following two (2) courses; North 88 deg 45'40" West 143.18 feet and South 0 deg 18'10" East 122.13 feet to a point on an existing boundary line fence; thence South 0 deg 14'27" East 383.76 feet along said boundary line fence; thence North 88 deg 34'06" West 139.04 feet; thence Southwesterly along the arc of an 80.00 foot radius curve to the left a distance of 40.17 feet (Delta equals 28 deg 46'13" and Long Chord bears South 77 deg 02'52" West 39.75 feet) to a point of reverse curvature; thence Southwesterly along the arc of an 80.00 foot radius curve to the right a distance of 40.17 feet (Delta equals 28 deg 46'13" and Long Chord bears South 77 deg 02'52" West 39.75 feet); thence North 88 deg 34'06" West 50.10 feet; thence South 0 deg 33' East 5.00 feet; thence North 89 deg 10' West 227.45 feet; thence North 0 deg 14'27" West 274.15 feet; thence North 88 deg 47'06" West 59.15 feet; thence North 0 deg 14'27" West 88.84 feet; thence North 88 deg 47'06" West 135.73 feet to the Easterly line of State Street; thence North 18 deg 29'04" West 231.18 feet along said Easterly line; thence South 88 deg 54' East 93.90 feet; thence North 0 deg 06' East 131.89 feet; thence North 88 deg 54' West 138.52 feet to the Easterly line of said State Street; thence North 18 deg 29' 04" West 319.69 feet along said Easterly line; thence South 88 deg 59' East 103.51 feet; thence North 1 deg 01' East 134.31 feet to the point of beginning.

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ENT26675 BK 2626 PG 390

LEGAL DESCRIPTION  
(CONT'D)

LESS AND EXCEPTING: Beginning at a point in the Easterly line of U.S. Highway No. 91, which point is 232.60 feet East along the quarter section line and 685.70 feet South 18 deg. 30' East along the Easterly line of said Highway from the West one-quarter corner of Section 14, Township 6 South, Range 2 East, Salt Lake Base and Meridian; thence East 125 feet; thence South 10 deg. 39' East 173.70 feet; thence West 100 feet to a point in the Easterly line of said Highway; thence North 18 deg. 30' West 180 feet to the point of beginning.

LESS AND EXCEPTING: Commencing at a point located South 88 deg. 59' East along the one-quarter Section line 873.18 feet and South 402.00 feet and South 0 deg. 46'10" East 100 feet from the West one-quarter corner of Section 14, Township 6 South, Range 2 East, Salt Lake Base and Meridian; thence South 88 deg. 59' East 104.82 feet to the Westerly boundary of 150 East Street; thence South 0 deg. 15'43" East 87.06 feet; thence along the arc of a 10.22 foot radius curve to the right 16.30 feet (chord bears South 45 deg. 25'09" West 14.62 feet); thence North 88 deg. 53'59" West along the North boundary of 100 South Street 96.33 feet; thence North 01 deg. 01' East 90.54 feet; thence North 0 deg. 46'10" West 6.83 feet to the point of beginning.

EXHIBIT "E"

Easement to Shopko Over Property of Harman Management Corporation:

A 40.0 foot wide easement for vehicular traffic and access purposes, described as follows:

A part of the Southwest Quarter of Section 14, Township 6 South, Range 2 East of the Salt Lake Base and Meridian, U. S. Survey:

Beginning at a point on the Easterly line of State Street being 535.73 feet South 88°53'35" East along the Quarter Section line; 904.73 feet South to said Easterly line of State Street; and 249.24 feet South 18°29'04" East along said Easterly line from the West Quarter corner of said Section 14; and running thence South 89°10' East 87.27 feet; thence South 0°14'27" East 40.01 feet; thence North 89°10' West 74.00 feet to the Easterly line of said State Street; thence North 18°29'04" West 42.39 feet along said Easterly line of State Street to the point of beginning.

Contains 3,225 Square Feet  
or 0.074 Acre

EXHIBIT "F"

Property Over Which 24 Foot Right-of-Way And 2 Foot Easement For Footings to Building Traverse:

A 56.0 foot wide no building easement for open space, vehicular traffic and access purposes, described as follows:

A part of the Southwest Quarter of Section 14, Township 6 South, Range 2 East of the Salt Lake Base and Meridian, U. S. Survey:

Beginning at a point 535.73 feet South 88°53'35" East along the Quarter Section line; 904.73 feet South; and 109.31 feet South 88°47'06" East from the West Quarter corner of said Section 14; and running thence South 88°47'06" East 56.02 feet; thence South 0°14'27" East 274.15 feet; thence North 89°10' West 56.01 feet; thence North 0°14'27" West 274.53 feet to the point of beginning.

Contains 15,363 Square Feet

or 0.353 Acre