

39
AFTER RECORDING RETURN TO:
SHAYLA SPRUNT
PRICE DEVELOPMENT COMPANY
35 CENTURY PARK-WAY
SALT LAKE CITY, UTAH 84115
362WCMSA.DOC
6/28/94 11:45 AM

#362 - 90th & Redwood
West Jordan, Utah

5963095
11/09/94 2:27 PM 39.00
KATIE L. DIXON
RECORDER, SALT LAKE COUNTY, UTAH
FIRST AMERICAN TITLE
REC BY: B GRAY DEPUTY - WI

5963095

FIRST AMERICAN TITLE CO.
ACCOMMODATION RECORDING ONLY

**SECOND AMENDMENT TO AMENDED AND RESTATED
COMMON AREA MAINTENANCE AGREEMENT**

THIS SECOND AMENDMENT TO AMENDED AND RESTATED COMMON AREA MAINTENANCE AGREEMENT ("Second Amendment") is made and entered into this 21st day of July, 1994, by and among Albertson's, Inc., a Delaware corporation ("Albertson's"), Price Development Company, Limited Partnership, a Maryland limited partnership (formerly Price River Pointe Plaza Company, Ltd., a Utah limited partnership) ("Price"), and ShopKo Stores, Inc., d/b/a Uvalko/ShopKo Stores, Inc., a Minnesota corporation ("ShopKo").

RECITALS:

A. Albertson's is the owner of Parcel 2, Price is the owner of Parcels 1, 1A, 3 and 5, and ShopKo is the owner of Parcel 4 of that certain real property located in West Jordan, Utah, commonly known as River Pointe Plaza shown on Exhibit "A" and particularly described on Schedule I attached hereto and incorporated herein by this reference (the "Subject Property").

B. Albertson's, ShopKo, and Price Development Company, the predecessor-in-interest of Price, entered into that certain Amended and Restated Common Area Maintenance Agreement dated May 27, 19876 and recorded June 5, 1987 as Instrument No. 4470261, Records of Salt Lake County, Utah, as modified by the First Amendment to Amended and Restated Common Area Maintenance Agreement dated June 7, 1988 and recorded July 18, 1988 as Instrument No. 4650834, Records of Salt Lake County, Utah (collectively, the "CAMA").

C. Section 13.5 of the CAMA provides that the CAMA may be modified only with the consent of the Owners and Prime Lessees of Parcels containing ninety percent (90%) of the total Building Area of the Subject Property at the time of such modification.

D. The parties own all Parcels of the Subject Property and there is currently no Prime Lessee of any Parcel of the Subject Property.

E. As of October 14, 1992, Price completed a 3,600-square foot expansion of its building located at Shops F on Parcel 3 of the Subject Property.

ACCOMMODATION RECORDING ONLY
FIRST AMERICAN TITLE MAKES NO
REPRESENTATION AS TO CONDITION
OF TITLE, NOR DOES IT ASSUME
ANY RESPONSIBILITY FOR VALIDITY,
SUFFICIENCY OR AFFECT OF DOCUMENT

F. The parties desire to amend the CAMA to correct the site plan to show Shops F as expanded and to re-compute the proportionate shares of Maximum Building Area of the Subject Property owned by each party based on the expansion of Shops F.

NOW, THEREFORE, in consideration of the foregoing Recitals and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties amend the CAMA as follows:

AGREEMENTS:

1. The parties affirm the truth and accuracy of the foregoing Recitals and incorporate the same into the agreements contained in this Second Amendment.
2. All capitalized terms in this Second Amendment shall have the same meanings ascribed to them in the CAMA.
3. Exhibit "A" to the CAMA is deleted, and Exhibit "A" attached to this Second Amendment is substituted therefor.
4. The first table contained in Section 7.1 of the CAMA is deleted in its entirety and the following table is substituted therefor:

	Maximum Building Area (excluding Expansion Area)	Percent
Parcel 1	11,824 sq.ft.	5.57
Parcel 1A	4,200 sq.ft.	1.98
Parcel 2	41,407 sq.ft.	19.49
Parcel 3	36,642 sq.ft.	17.25
Parcel 4	94,300 sq.ft.	44.39
Parcel 5	<u>24,054 sq.ft.</u>	<u>11.32</u>
TOTAL:	<u>212,427 sq.ft.</u>	<u>100.00</u>

5. The effective date of this Second Amendment is October 14, 1992.
6. Except as modified by this Second Amendment, the CAMA shall remain in full force and effect and the parties ratify and confirm the CAMA as amended hereby. In the event of any conflict between this Second Amendment and the CAMA, the terms of this Second Amendment shall prevail.
7. Each party executing this Second Amendment represents and warrants to the other that it has full authority and right to execute this instrument.

8. This Second Amendment may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, this Second Amendment has been executed as of the day and year first above written.

ALBERTSON'S:
Albertson's, Inc., a Delaware corporation

By Thomas R. Saldin
Thomas R. Saldin
Executive Vice President

PRICE:
Price Development Company,
Limited Partnership, a
Maryland limited partnership

By: JP Realty, Inc., a Maryland
corporation, its general partner

By G. Rex Frazier
G. Rex Frazier
President

LEGAL DEPT.
APPROVAL
JS

Attest:

Paul K. Mendenhall
Paul K. Mendenhall
Secretary

DT **SHOPKO:**
ShopKo Stores, Inc., d/b/a
Uvalko/ShopKo Stores, Inc.,
Stores, Inc., a Minnesota corporation

By Dale P. Kamm
Name: _____
Title: _____

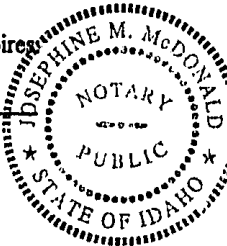
STATE OF IDAHO)
) ss.
County of Ada)

On this 1st day of July, 1994, before me, the undersigned, a Notary Public in and for said State, personally appeared Thomas R. Saldin, known to me to be Executive Vice President of Albertson's, Inc., a Delaware corporation, 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 he is authorized to execute said instrument.

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

My commission expires:

2-01-99



Josephine M. McDonald
Notary Public in and for the
State of Idaho
Residing at Boise, Idaho
Nampa

STATE OF UTAH)
) ss.
County of)

On this 21 day of July, 1994, before me, the undersigned, a Notary Public in and for said State, personally appeared G. Rex Frazier and Paul K. Mendenhall, to me known to be the President and Secretary respectively, of JP Realty, Inc., a Maryland corporation, the general partner of Price Development Company, Limited Partnership, a Maryland 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 limited partnership, for the uses and purposes therein mentioned, and on oath stated that they are 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:

10-1-95

Shayla Sprunt
Notary Public in and for the
State of Utah
Residing at Salt Lake



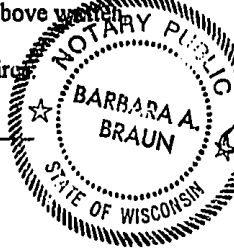
STATE OF WISCONSIN)
County of BROWN) ss.

On this 15th day of September, 1994, before me, the undersigned, a Notary Public in and for said State, personally appeared Val P. Kramer known to me to be the President of ShopKo Stores, Inc., doing business as Uvalko/ShopKo Stores, Inc., a Minnesota corporation, 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 he is authorized to execute said instrument.

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

My commission expires

11-30-97



Barbara A. Braun
Notary Public in and for the
State of Wisconsin
Residing at Green Bay, Wisconsin

SCHEDULE I

LARSEN & MALMQUIST, INC.
CONSULTING ENGINEERS & LAND SURVEYORS
2736 South 2700 West • West Valley City, Utah 84119 • (801) 972-2634

LEGAL DESCRIPTION

RIVER POINTE PLAZA
REVISED PARCEL 1

BEGINNING at a point on the East line of Redwood Road (1700 West Street), said point being South 00°03'25" East 370.48 feet along the Quarter Section line and North 89°53'45" East 53.00 feet from the Center of Section 3, Township 3 South, Range 1 West, Salt Lake Base and Meridian, and running thence North 89°53'45" East 84.61 feet; thence South 00°06'15" East 199.34 feet; thence North 89°53'45" East 75.00 feet; thence South 00°06'15" East 169.00 feet; thence South 89°53'45" West 4.50 feet; thence South 00°06'15" East 52.33 feet; thence South 99°53'45" West 155.46 feet to the East line of Redwood Road; thence North 00°03'25" West along said East line 420.67 feet to the POINT OF BEGINNING. Contains 1.1945 acres.

PREPARED FOR: Price Development Co.
35 Century Parkway
Salt Lake City, Utah 84115

PREPARED BY: Robert S. Markham, P.E.
L & M No. 01435-86E/S
Nov. 18, 1987

1-PG01 G07V-
CO. RECORDS

BK 7052 Pg 1641

SCHEDULE I

LARSEN & MALMQUIST, INC.
CONSULTING ENGINEERS & LAND SURVEYORS
2730 South 2700 West • West Valley City, Utah 84119 • (801) 972-2634

LEGAL DESCRIPTION

**RIVER POINTE PLAZA
PARCEL 1A
(HARDER'S PARCEL)**

BEGINNING at a point on the East line of Redwood Road (1700 West Street), said point being South $00^{\circ}03'25''$ East 193.01 feet along the Quarter Section line and North $89^{\circ}53'45''$ East 53.00 feet from the Center of Section 3, Township 3 South, Range 1 West, Salt Lake Base and Meridian, and running thence North $89^{\circ}53'45''$ East 160.00 feet; thence South $00^{\circ}03'25''$ East 162.47 feet; thence South $89^{\circ}53'45''$ West 160.00 feet to the East line of Redwood Road; thence North $00^{\circ}03'25''$ West along said East line 162.47 feet to the POINT OF BEGINNING. Contains 0.5968 acres.

PREPARED FOR: Price Development Co.
38 Century Parkway
Salt Lake City, Utah 84115

PREPARED BY: Robert B. Markham, P.E.
L & M No. 01435-86E/S
September 10, 1987

PLANNING
CO. RECORDS

BK 7052 Pg 1642

SCHEDULE I

LARSEN & MALMQUIST, INC.
CONSULTING ENGINEERS & LAND SURVEYORS
2736 South 2700 West • West Valley City, Utah 84119 • (801) 972-2634

LEGAL DESCRIPTION

RIVER POINTE PLAZA
REVISED PARCEL 2

BEGINNING at a point on the South line of 9000 South Street, said point being North 89°53'45" East 213.00 feet along the Quarter Section line and South 00°03'25" East 73.00 feet from the Center of Section 3, Township 3 South, Range 1 West, Salt Lake Base and Meridian, and running thence North 89°53'45" East along said line 35.20 feet; thence South 00°06'15" East 158.82 feet; thence North 89°53'45" East 239.50 feet; thence South 00°06'15" East 207.14 feet; thence South 89°53'45" West 82.00 feet; thence South 00°06'15" East 259.86 feet; thence North 89°53'45" East 150.00 feet; thence South 00°06'15" East 144.66 feet; thence South 89°53'45" West 507.33 feet to East line of Redwood Road (1700 West Street); thence North 00°03'25" West along said East line 52.33 feet; thence North 89°53'45" East 155.46 feet; thence North 00°06'15" West 52.33 feet; thence North 89°53'45" East 4.50 feet; thence North 00°06'15" West 169.00 feet; thence South 89°53'45" West 75.00 feet; thence North 00°06'15" West 199.34 feet; thence South 89°53'45" West 84.61 feet to the East line of Redwood Road; thence North 00°03'25" West along said East line 15.00 feet; thence North 89°53'45" East 160.00 feet; thence North 00°03'25" West 282.47 feet to the POINT OF BEGINNING. Contains 4.3258 acres.

PREPARED FOR: Price Development Co.
35 Century Parkway
Salt Lake City, Utah 84115

PREPARED BY: Robert S. Markham, P.E.
L & M No. 01435-86E/S
Nov. 18, 1987

1. PG 1 OF 1
CO. RECORDS

BK 7052 PG 1643

SCHEDULE I

LARSEN & MALMQUIST, INC.
CONSULTING ENGINEERS & LAND SURVEYORS
2736 South 2700 West • West Valley City, Utah 84119 • (801) 972-2034

LEGAL DESCRIPTION

RIVER POINTE PLAZA
REVISED PARCEL 3

BEGINNING at a point on the South line of 9000 South Street, said point being North $89^{\circ}53'45''$ East 848.14 feet along the Quarter Section line and South $00^{\circ}06'15''$ East 73.01 feet from the Center of Section 3, Township 3 South, Range 1 West, Salt Lake Base and Meridian, and running thence North $89^{\circ}53'45''$ East 329.32 feet along said South line to a point of an 11,512.20 foot radius curve to the left (center bears North $00^{\circ}06'15''$ West 11,512.20 feet of which the central angle is $01^{\circ}03'22''$); thence Northeasterly along the arc of said curve and said South line 212.19 feet; thence South $00^{\circ}06'15''$ East 141.77 feet; thence South $89^{\circ}53'45''$ West 136.00 feet; thence South $00^{\circ}06'15''$ East 331.00 feet; thence North $89^{\circ}53'45''$ East 136.00 feet; thence South $00^{\circ}06'15''$ East 185.00 feet; thence South $89^{\circ}53'45''$ West 384.00 feet; thence North $00^{\circ}06'15''$ West 259.86 feet; thence North $89^{\circ}53'45''$ East 82.00 feet; thence North $00^{\circ}06'15''$ West 207.14 feet; thence South $89^{\circ}53'45''$ West 239.50 feet; thence North $00^{\circ}06'15''$ West 158.82 feet to the POINT OF BEGINNING. Contains 4.6708 acres.

PREPARED FOR: Price Development Co.
35 Century Parkway
Salt Lake City, Utah 84115

PREPARED BY: Robert S. Markham, P.E.
L & M No. 01435-86E/S
November 19, 1987

BR 7052 Pg 1644

LARSEN & MALMQUIST, INC.
CONSULTING ENGINEERS & LAND SURVEYORS
2736 South 2700 West • West Valley City, Utah 84119 • (801) 972-2634

SCHEDULE I

LEGAL DESCRIPTION

**RIVER POINTE PLAZA
PARCEL 4**

BEGINNING at a point on the South line of 9000 South Street, said point being North 89°53'45" East 789.64 feet along the Quarter Section line and South 00°06'15" East 71.04 feet from the Center of Section 3, Township 3 South, Range 1 West, Salt Lake Base and Meridian, said point also being on an 11,512.20 foot radius curve to the left (center bears North 01°09'37" West 11,512.20 feet of which the central angle is 01°27'14"); and running thence Northeasterly along the arc of said curve and South line 292.15 feet; thence South 00°06'15" East 256.86 feet; thence North 89°53'45" East 41.00 feet; thence South 00°06'15" East 216.00 feet; thence North 89°53'45" East 141.14 feet; thence South 00°00'50" East 367.00 feet; thence South 89°53'45" West 134.22 feet; thence North 00°06'15" West 25.00 feet; thence South 89°53'45" West 381.00 feet; thence North 60°06'15" West 66.68 feet; thence South 89°53'45" West 134.60 feet; thence North 00°06'15" West 144.66 feet; thence North 89°53'45" East 234.00 feet; thence North 00°06'15" West 155.00 feet; thence South 89°53'45" West 136.00 feet; thence North 00°06'15" West 331.00 feet; thence North 89°53'45" East 136.00 feet; thence North 00°06'15" West 141.77 feet to the POINT OF BEGINNING. Contains 9.0005 acres.

PREPARED FOR: Price Development Co.
35 Century Parkway
Salt Lake City, Utah 84115

PREPARED BY: Robert S. Markham, P.E.
L & M No. 01433-66E/S
February 17, 1987

• PDR 0971
GO. RECORDED

CONSULTING CIVIL - STRUCTURAL ENGINEERING AND LAND SURVEYING

8K7052ps1645

LARSEN & MALMQUIST, INC.
CONSULTING ENGINEERS & LAND SURVEYORS
2738 South 2700 West • West Valley City, Utah 84119 • (801) 972-2634

SCHEDULE I

LEGAL DESCRIPTION

**RIVER POINTE PLAZA
PARCEL 5**

BEGINNING at a point on the South line of 9000 South Street, said point being North 89°53'45" East 1081.64 feet along the Quarter Section line and South 00°06'15" East 61.95 feet from the Center of Section 3, Township 3 South, Range 1 West, Salt Lake Base and Meridian, said point also being on an 11,512.20 foot radius curve to the left; thence Northeasterly along the arc of said curve and said South line 152.799 feet to a point of tangency; thence North 86°37'31" East 46.87 feet to the point of an 11,406.16 foot radius curve to the right; thence along the arc of said curve and South line 43.573 feet; thence South 00°00'50" East 852.64 feet; thence South 89°53'45" West 60.00 feet; thence North 00°00'50" West 367.00 feet; thence South 89°53'45" West 141.14 feet; thence North 00°06'15" West 216.00 feet; thence South 89°53'45" West 41.00 feet; thence North 00°06'15" West 256.86 feet to the POINT OF BEGINNING. Contains 2.9690 acres.

PREPARED FOR: Price Development Co.
35 Century Parkway
Salt Lake City, Utah 84115

PREPARED BY: Robert S. Markham, P.E.
L & M No. 01435-B6E/S
February 11, 1987

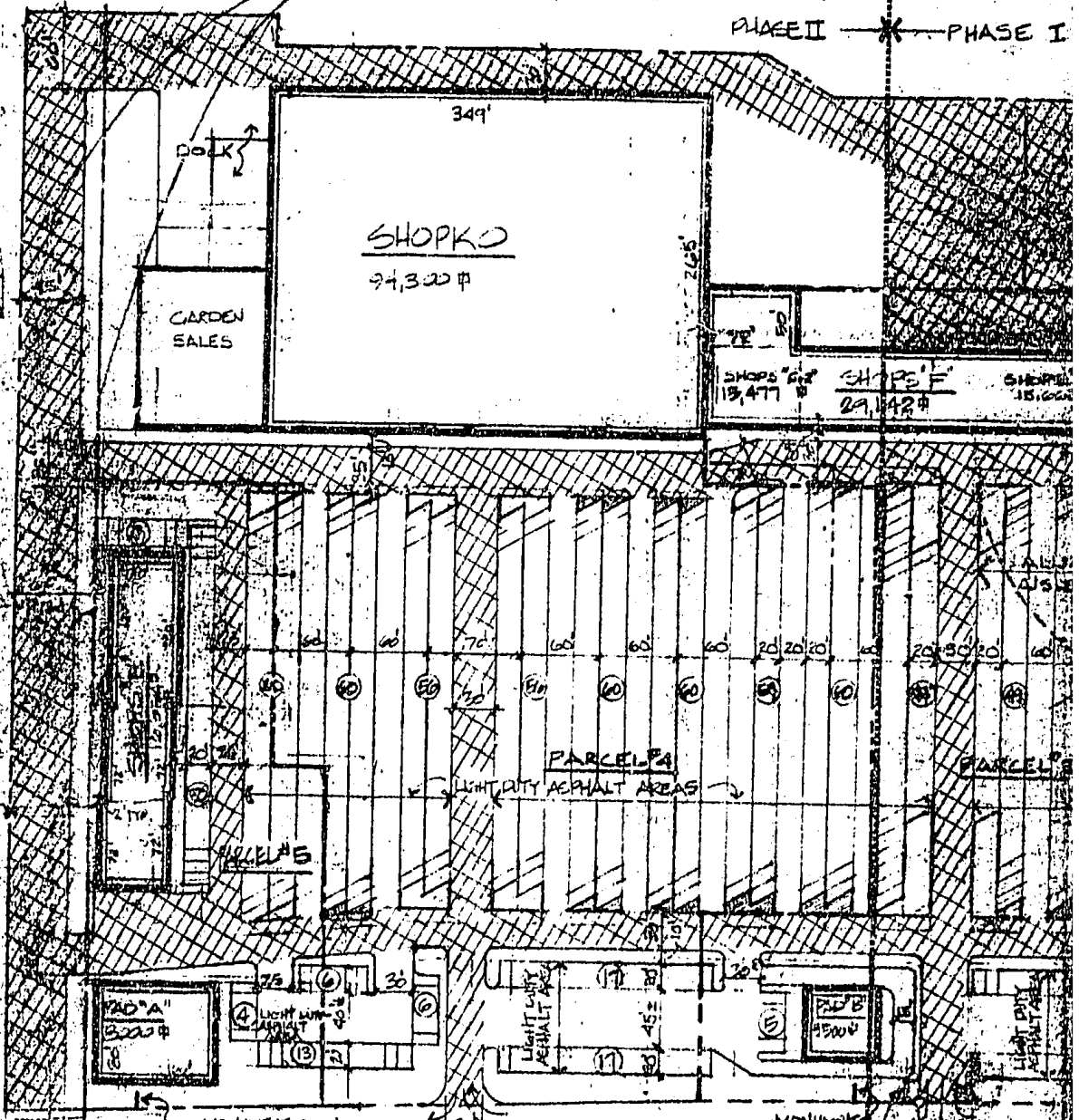
FOR COPY
BY REQUEST

CONSULTING CIVIL - STRUCTURAL ENGINEERING AND LAND SURVEYING

BR 7052PE 1646

NOT A PART OF SITE WORK

PHASE II * PHASE I



GENERAL NOTES

- Drawn W/out Benefit of Survey
- No Truckwells, Natural Deck Only
- Parking Requirements:
• 5.0 SPACES / 10000 G.L.A.
- Building Setbacks:
• 0' ALL SIDES
- Landscape Requirements:
• 10% OF OPEN SPACE
- Zoning Requirements:
• Existing - "12"
- Required - "PC"

LEGEND

- Property Line
- Parcel Line
- Expansion Limit Line
- Building Area

HEAVY DUTY ASPHALT

MEDIUM Duty Asphalt Area

SEE LEGEND FOR MATERIALS
C.D. REIDER

