

WHEN RECORDED, MAIL TO:

Robert N. and Joan N. Price Joint Trust
P.O. Box 4369
Houston, Texas 77210

10920536
3/24/2010 11:53:00 AM \$23.00
Book - 9812 Pg - 6628-6633
Gary W. Ott
Recorder, Salt Lake County, UT
MONUMENT TITLE INS. CO.
BY: eCASH, DEPUTY - EF 6 P.

PARKING EASEMENT AGREEMENT

THIS PARKING EASEMENT AGREEMENT ("Agreement") is made this ____ day of _____, 2009 by and between the STATE OF UTAH, DIVISION OF FACILITIES CONSTRUCTION AND MANAGEMENT, a division of the Department of Administrative Services ("STATE OF UTAH"), and Robert N. and Joan N. Price Joint Trust , ("PRICE TRUST") (each may be referred to as a "Party" or collectively as "Parties").

RECITALS

WHEREAS, STATE OF UTAH is the owner of a certain parcel of real property located in Holladay City, Salt Lake County, Utah (Salt Lake Count Parcel Nos. 2209206015 and 2209206014, hereinafter referred to as the "STATE OF UTAH Property"), legally described on Exhibit "A"; and

WHEREAS, PRICE TRUST is the owner of certain adjoining real property located in Holladay City, Salt Lake County, Utah (4800 South 1804 East, Salt Lake Count Parcel No. 2209206008, hereinafter referred to as the "PRICE TRUST Property"), legally described on Exhibit "B"; and

WHEREAS, STATE OF UTAH, DIVISION OF FACILITIES CONSTRUCTION AND MANAGEMENT desires to grant and PRICE TRUST desire to receive an easement across STATE OF UTAH Property as more fully described on the terms and conditions set forth below,

NOW THEREFORE, for good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, the Parties covenant, grant and agree as follows:

AGREEMENT

1. Parking Easements.

(a) Easement. STATE OF UTAH hereby grants, conveys and transfers to PRICE TRUST, and to its successors and assigns, a perpetual, non-exclusive easement for automobile parking of five, (5), vehicles upon the STATE OF UTAH Property, and vehicular and pedestrian ingress and egress to and from the PRICE TRUST Property, over, upon and across the STATE OF UTAH Property described in Exhibit "A", attached.

(b) Approval Rights. The area generally highlighted on Exhibit "C", which includes the driveways from Highland Circle and Murray-Holladay Road and five (5) parking stalls immediately adjacent to the PRICE TRUST Property, may only be modified by mutual consent of the Parties.

2. Not a Public Dedication. Nothing contained herein shall be deemed to be a gift or dedication of any portion of easement areas described herein to the general public or for the general public or for any public purposes whatsoever.

3. Covenants Running with the Land. This Agreement and all of the terms and conditions contained herein shall inure to the benefit of, and be binding upon the Parties hereto and their respective successors and assigns, and shall be covenants running with the land.

4. No Waiver. A delay in enforcing or a failure to enforce any breach or violation of any restriction herein contained shall not be deemed to be a waiver or abandonment of any such restriction, or a waiver of the right to enforce any subsequent breach or violation of such restriction. The foregoing shall apply regardless of whether any person affected hereby (or having the right to enforce these restrictions) had knowledge of the breach or violation.

5. Governing Law, Attorney's Fees. This Agreement shall be construed and enforced in accordance with the laws of the State of Utah. If any legal action or other proceeding is brought for the enforcement of this Agreement, or because of an alleged dispute, breach, default, or misrepresentation in connection with any of the provisions of this Agreement, the successful or prevailing Party or Parties shall be entitled to recover reasonable attorneys' fees and other costs incurred in that action or proceeding, in addition to any other relief to which it or they may be entitled.

IN WITNESS WHEREOF the parties have executed this Agreement as of the date first set forth above.

(Signature Page Follows)

STATE OF UTAH

David G. Buxton

David G. Buxton

11-25-09

Director

Division of Facilities Construction
and Management

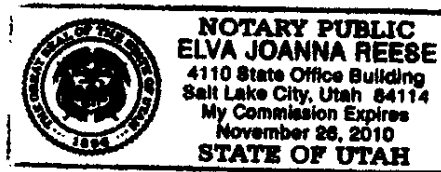
Robert N. and Joan N. Price Joint Trust

Robert N. Price
By: *Joan N. Price*
Its: *Trustee*

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

On the 25 day of November 2009, personally appeared before me David G. Buxton, the signer of the foregoing instrument who duly acknowledged to me that he is the Director of the DIVISION OF FACILITIES CONSTRUCTION AND MANAGEMENT, a division of the Department of Administrative Services of the State of Utah, and acknowledged that he executed this document on behalf of such State in his authorized and stated capacity.

Elva Joanna Reese
Notary Public



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

On the ___ day of _____ 2009, personally appeared before me _____, the signer of the foregoing instrument who duly acknowledged to me that he is the _____, of Robert N. and Joan N. Price Joint Trust, and acknowledged that he executed this document on behalf of such company in his authorized and stated capacity.

Notary Public

EXHIBIT A
STATE OF UTAH PROPERTY

Salt Lake County Parcel No. 2209206015:

Beginning at a point on the South line of the Murray-Holladay Road (4800 South Street), said point being East 904.76 feet and South 708.16 feet from the North quarter corner of Section 9, Township 2 South, Range 1 East, Salt Lake Base and Meridian, said point also being North 89°12'30" West 305.46 feet and South 01°46'30" West 40.94 feet from the Salt Lake County Surveyor's Monument in the intersection of Highland Drive and said Murray-Holladay Road, and running thence along said South line of the Murray-Holladay Road the following: South 79°12'30" East 69.52 feet and South 89°12'30" East 179.66 feet to the West line of old alignment of Highland Circle; thence along said West line South 28°59'00" West 293.93 feet to the North line of new alignment of Highland Circle and a point on the arc of a 105.00 foot radius curve to the left (chord bears North 49°11'41" West 43.10 feet); thence along said North line of Highland Circle the following: Northwesterly along the arc of said curve 43.41 feet; thence North 61°02'15" West 65.79 feet to a point on the arc of a 160.00 foot radius curve to the right (chord bears North 56°25'06" West 25.77 feet); thence Northwesterly along the arc of said curve 25.80 feet; thence North 01°46'30" East 198.43 feet to the point of Beginning.

Contains approximately 0.98 acres.

Salt Lake County Parcel No. 2209206014:

A part of the Northeast Quarter of Section 9, Township 2 South, Range 1 East, Salt Lake Base and Meridian, U.S. Survey:

Beginning at a point 1738.78 feet North 89°23'31" West along the Section line, 708.13 feet South and 131.44 feet South 1°46'30" West from the Northeast corner of said Quarter Section; said point is also 305.46 feet North 89°12'30" West along the Centerline of Murray Holladay Road (4800 South Street) and 172.38 feet South 1°46'30" West from the Salt Lake County Surveyor's Monument in the intersection of Highland Drive and Murray Holladay Road (4800 South Street); and running thence North 88°13'30" West 52.60 feet to the Northeasterly right of way line of Highland Circle; thence Southeasterly along the arc of a 160.00 foot radius curve to the left a distance of 86.22 feet (Long Chord bears South 36°21'40" East 85.18 feet) along said Northeasterly right of way line; thence North 1°46'30", East 67.00 feet to the point of beginning.

Contains approximately 2,091 Square Feet or 0.048 Acres.

EXHIBIT B
PRICE TRUST PROPERTY

Salt Lake Count Parcel No. 2209206008:

Beginning 839.79 feet East and South 706.33 feet from the North quarter corner of Section 9, Township 2 South, Range 1 East, Salt Lake Base and Meridian; and running thence South 89°12'30" East 59.73 feet; thence South 79°12'30" East 5.34 feet; thence South 1°46'30" West 129.07 feet; thence North 89°12'30" West 55 feet, more or less; thence Northerly along said curve to the right 51 feet, more or less; thence North 1°46'30" East 69.48 feet to the point of beginning.

Contains approximately 0.19 acres.

Also containing:

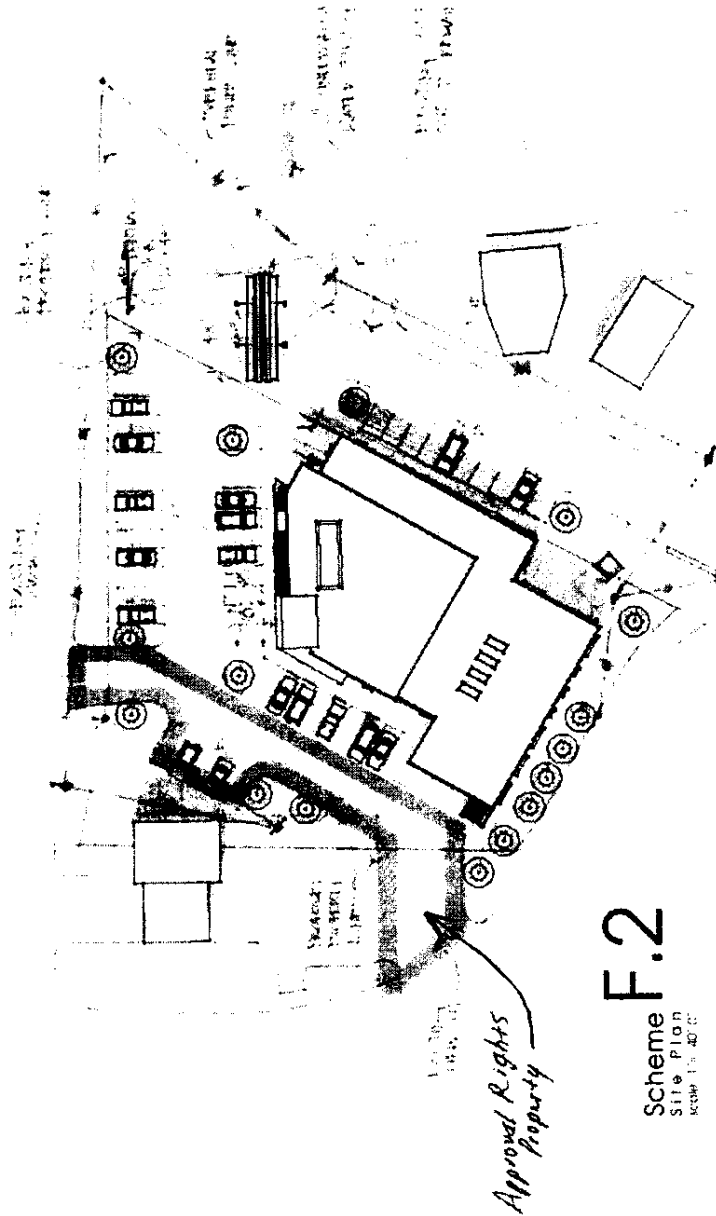
A part of the Northeast quarter of Section 9, Township 2 South, Range 1 East, Salt Lake Base & Meridian, U.S. Survey:

Beginning at a point on the South right of way line of Murray-Holladay Road (4800 South Street) said point is 1738.78 feet North 89°23'31" West along the Section line and 708.13 feet South to said right of way line from the Northeast corner of said quarter section said point is also 305.46 feet North 89°12'30" West along the centerline of said Murray-Holladay Road (4800 South Street) and 40.94 feet South 1°46'30" West to said right of way line from the Salt Lake County Surveyors Monument in the Intersection of Highland Drive and Murray-Holladay Road (4800 South Street) and running thence South 79°12'30" East 15.19 feet along said right of way line; thence South 1°46'30" West 129.06 feet; thence North 38°13'30" West 15.00 feet; thence North 1°46'30" East 131.44 feet to the point of beginning.

Contains 1,954 Square Feet or 0.045 Acres.

EXHIBIT C
APPROVAL RIGHTS

D.A.B.C. Cottonwood Store
Final Schematic Drawings
2009.03.23



F.2

Scheme
Site Plan
Scale 1:40'0"