

#377 Roy, UT

MEMORANDUM OF SHOPPING CENTER GROUND LEASE

THIS MEMORANDUM OF SHOPPING CENTER GROUND LEASE is entered into as of the 1<sup>st</sup> day of April, 1994, between **Roy City Centre Realty Limited**, a Utah limited partnership ("Landlord"), and **Albertson's, Inc.**, a Delaware corporation ("Tenant").

1. **Premises:** Landlord and Tenant have heretofore entered into a Shopping Center Ground Lease dated as of January 10, 1994, (hereinafter called Lease), whereby Landlord has leased and Tenant has hired those certain premises in the City of Roy, County of Weber, State of Utah, described in the Lease and more particularly described as Parcel 2 in Schedule I hereto and shown on Exhibit "A" hereto ("Leased Premises"), which premises are a part of the Shopping Center described in said Lease and more particularly described in Schedule I attached hereto.

2. **Term:** The term of the Lease is for a primary term of twenty-five (25) consecutive years commencing on the date (the "Commencement Date") on which the Leased Premises have been purchased by Landlord as evidenced by the recording of a deed executed by Tenant granting and conveying the Leased Premises to Landlord in the appropriate public records of Weber County, Utah, and terminating on the last day of the calendar month during which the twenty-fifth (25th) anniversary of the Commencement Date occurs.

*dm*

TW9643

*Roy City Centre Realty Limited*

X

3. **Title to Improvements:** The Lease provides that: Fee title to Tenant's Building, Tenant's Service Facilities and a sixty percent (60%) undivided interest in the Tenant's Site Improvements on the Leased Premises, together with all additions, alterations and improvements thereto, shall be and remain in Tenant during the term of the Lease.

4. **Operating Documents:** The Lease provides that the Landlord remains obligated under and the use and operation of the Leased Premises are subject to and governed by the Development Agreement, the Declaration and the Common Area Maintenance Agreement, all as defined in the Lease.

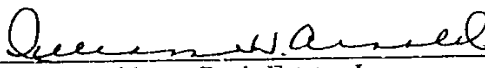
5. **Repurchase Option:** The Lease provides that: Tenant has the right to purchase the Leased Premises under the terms and conditions provided in the Lease.

6. **Lease Incorporated:** All the terms, conditions and covenants of the Lease, which may be inspected at the offices of Landlord at 2677 E. Parley's Way, Salt Lake City, Utah 84109, or the offices of the Tenant at P.O. Box 20, Boise, Idaho 83726, are incorporated herein by this reference.

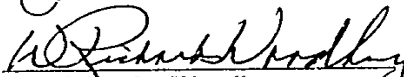
**LANDLORD:**  
Roy City Centre Realty Limited,  
a Utah limited partnership

**TENANT:**  
Albertson's, Inc.  
a Delaware corporation

BY: Woodbury Amsource, Inc.,  
the general partner of  
Roy City Centre Limited

BY:   
Vice President, Real Estate Law

BY:   
John R. Gaskill, President

BY:   
W. Richards Woodbury,  
Vice President

STATE OF IDAHO )  
 ) ss.  
County of Ada )

On this 34th day of March, 1994, before me, JOSEPHINE M. McDONALD, a Notary Public in and for said State, personally appeared William H. Arnold, known or identified to me to be the Vice President, Real Estate Law, of Albertson's, Inc., the corporation that executed the within instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Josephine M. McDonald  
Notary Public for Idaho  
Residing at Nampa, Idaho  
My commission expires 2-01-99

STATE OF UTAH )  
 ) ss.  
County of SLC Weber )

On this 1st day of April, 1994, before me, the undersigned, a Notary Public in and for said state, personally appeared John R. Gaskill and W. Richards Woodbury, known or identified to me to be one of the President and Vice President, respectively, of Woodbury Amsource, Inc., a corporation and the managing general partner of Roy City Centre Realty Limited, a Utah limited partnership, the limited partnership that executed the foregoing instrument, and acknowledged to me that they executed the same in said corporation acting as managing general partner of Roy City Centre Realty Limited, and that Roy City Centre Realty Limited executed the foregoing document.

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

My commission expires:  
9/1/97

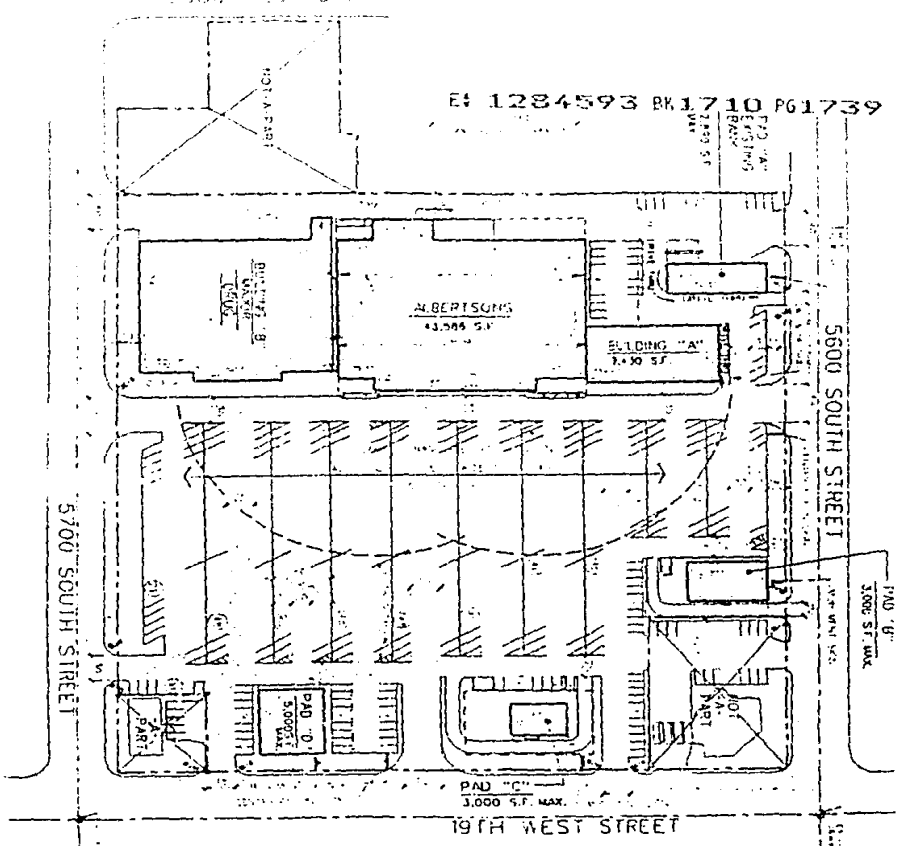


Linda L. Pearson  
Notary Public in and for the State of Utah  
Residing at Salt Lake City, Utah *SLC*

Exhibit A - Site Plan  
Schedule I - Lease Premises Legal Description

*Handwritten initials or signature*

E: 1284593 BK 1710 PG 1739



**GENERAL NOTES**

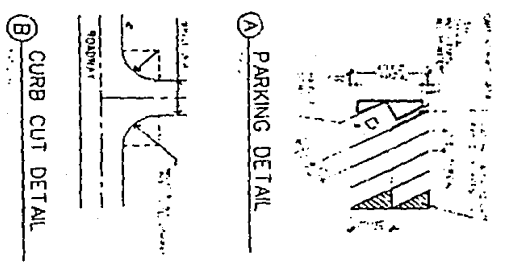
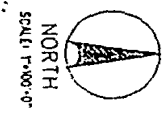
- 1. PERMANENT RECORD OF SURVEY TO BE FILED WITH LOCAL RECORDS OFFICE.
- 2. ALL UTILITIES TO BE SHOWN AND DEPT. OF PUBLIC WORKS TO BE NOTIFIED.
- 3. ALL UTILITIES TO BE SHOWN AND DEPT. OF PUBLIC WORKS TO BE NOTIFIED.
- 4. ALL UTILITIES TO BE SHOWN AND DEPT. OF PUBLIC WORKS TO BE NOTIFIED.
- 5. ALL UTILITIES TO BE SHOWN AND DEPT. OF PUBLIC WORKS TO BE NOTIFIED.
- 6. ALL UTILITIES TO BE SHOWN AND DEPT. OF PUBLIC WORKS TO BE NOTIFIED.
- 7. ALL UTILITIES TO BE SHOWN AND DEPT. OF PUBLIC WORKS TO BE NOTIFIED.
- 8. ALL UTILITIES TO BE SHOWN AND DEPT. OF PUBLIC WORKS TO BE NOTIFIED.
- 9. ALL UTILITIES TO BE SHOWN AND DEPT. OF PUBLIC WORKS TO BE NOTIFIED.
- 10. ALL UTILITIES TO BE SHOWN AND DEPT. OF PUBLIC WORKS TO BE NOTIFIED.

**LEGEND**

- PROPERTY LINE
- PAVED LANE
- EXPANSION LANE LANE
- BUILDING AREA
- HEAVY DUTY ASPHALT
- REGULAR LANE LANE

**EXHIBIT "A" SITE PLAN**

TOTAL GROSS BUILDING AREA  
TOTAL GROSS FLOOR AREA  
TOTAL GROSS VOLUME  
TOTAL GROSS WEIGHT  
TOTAL GROSS AREA



DESCRIPTION	AMOUNT	DATE
CHANGING	11,000	1-28-82
REVISION	11,000	1-28-82
REV. V.A.-A.G.	11,000	1-28-82
REV. V.A.-A.G.	11,000	1-28-82
REV. V.A.-A.G.	11,000	1-28-82
REV. V.A.-A.G.	11,000	1-28-82
REV. V.A.-A.G.	11,000	1-28-82

ALBERTSONS NO. 3-PR (328)  
S.W.C. 19TH WEST ST. & 5600 SOUTH ST.

ROY.U.T.

*Handwritten signature and date: Roy U.T. 1/28/82*

*Handwritten signature*

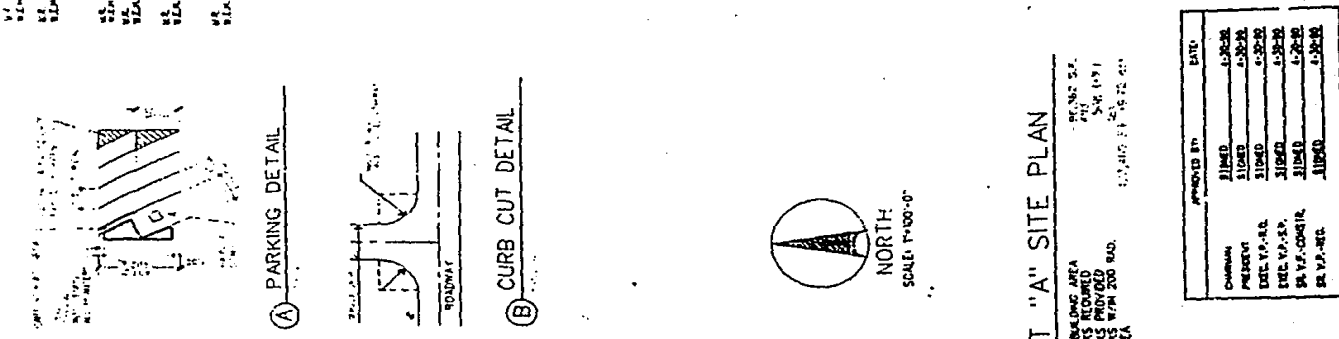
ALBERTSONS NO. 3-PR (228) S.W.C. WITH WEST ST. & 5600 SOUTH ST. ROYAL UT.

ALBERTSONS

DATE: 11/17/80

SCALE: 1"=100'-0"

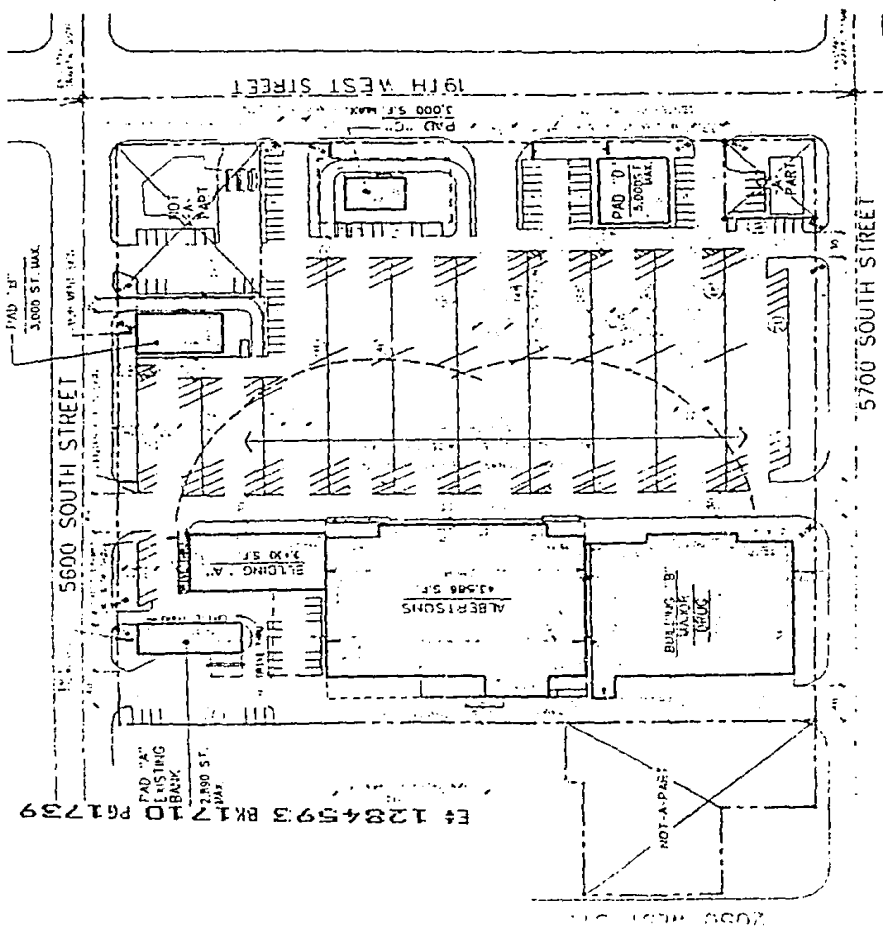
NO. 1



**EXHIBIT "A" SITE PLAN**

PLANS BY: [Name]  
 DATE: 5-8-79  
 TOTAL CROSS BUILDING AREA: 10,740 S.F.  
 TOTAL CARPARKS REQUIRED: 54 (157)  
 TOTAL CARPARKS PROVIDED: 54  
 TOTAL SITE AREA: 107,400 S.F. (2.45 AC.)

DESCRIPTION	DATE
DESIGNED BY	11/17/80
CHECKED BY	11/17/80
DATE P.A.S.S.	11/17/80
DATE P.A.S.S.	11/17/80
DATE P.A.S.S.	11/17/80



**LEGEND**

- PROPERTY LINE
- PARCEL LINE
- EXPANSION LIMIT LINE
- BUILDING AREA
- HEAVY DUTY ASPHALT
- LOADING LANE LINE

**GENERAL NOTES**

- 1. DRAINAGE: NO TRUCK TRAILS, NATURAL DRAIN DAILY
- 2. PARKING REQUIREMENTS: 54 (157)
- 3. BUILDING SETBACK REQUIREMENTS: BY CITY OF UT
- 4. LANDSCAPE REQUIREMENTS: 10% OF SITE AREA AT 20' MINIMUM SPACING
- 5. TYPING REQUIREMENTS: 1/8" MIN. LINE

11/17/80 11:00 AM

PARCEL 1  
ROY CITY CENTRE

Beginning at a point on the south right-of-way line of 5600 South Street, said point being North  $89^{\circ} 43' 34''$  West 594.02 feet along the section line and South  $00^{\circ} 16' 26''$  West 40.83 feet from the Northeast Corner of Section 23, Township 5 North, Range 2 West, Salt Lake Base and Meridian and running;

Thence, South  $00^{\circ} 27' 51''$  West 208.14 feet;  
Thence, South  $89^{\circ} 32' 09''$  East 119.32 feet;  
Thence, North  $00^{\circ} 27' 51''$  East 208.80 feet to the south right-of-way line of 5600 South Street;  
Thence, along the southerly right-of-way line of 5600 South Street, North  $89^{\circ} 50' 57''$  West 119.32 feet to the point of beginning.

Area equals 24,873 sq. ft. (0.5710 acres).

Basis of bearing: Section line from the Northeast Corner to the East Corner South  $00^{\circ} 27' 51''$  West.

19-240-00019

ISW/rg/#48/Parcel1.Des  
July 12, 1991

PARCEL 2  
ALBERTSON'S PARCEL  
ROY CITY CENTRE

Beginning at a point on the west right-of-way line of 1900 West Street, said point being South 00° 27'51" West 386.43 feet and North 89° 32'09" West 50.00 feet from the Northeast Corner of Section 23, Township 5 North, Range 2 West, Salt Lake Base and Meridian and running;

Thence, along the westerly right-of-way line of 1900 West Street, South 00° 27'51" West 38.70 feet;  
 Thence, North 89° 32'09" West 145.00 feet;  
 Thence, South 00° 27'51" West 110.00 feet;  
 Thence, North 89° 32'09" West 279.57 feet;  
 Thence, North 00° 27'51" East 32.68 feet;  
 Thence, North 89° 32'09" West 221.33 feet;  
 Thence, South 00° 27'45" West 215.39 feet to the north right-of-way line of 5700 South Street;  
 Thence, along the north right-of-way line of 5700 South Street North 89° 40'56" West 30.00 feet;  
 Thence, North 00° 27'45" East 674.39 feet to the south right-of-way line of 5600 South Street;  
 Thence, along the southerly right-of-way line of 5600 South Street, South 89° 50'57" East 29.21 feet;  
 Thence, South 00° 27'45" West 201.58 feet;  
 Thence, South 89° 32'09" East 70.80 feet;  
 Thence, South 00° 27'51" West 6.00 feet;  
 Thence, South 89° 32'09" East 151.33 feet;  
 Thence, North 00° 27'51" East 208.80 feet to the southerly right-of-way line of 5600 South Street;  
 Thence, along the southerly right-of-way line of 5600 South Street, South 89° 50'57" East 15.00 feet;  
 Thence, South 00° 27'51" West 213.88 feet;  
 Thence, South 89° 32'09" East 245.23 feet;  
 Thence, South 00° 27'51" West 82.50 feet;  
 Thence, South 89° 32'09" East 39.33 feet;  
 Thence, South 00° 27'51" West 48.00 feet;  
 Thence, South 89° 32'09" East 125.00 feet to the point of beginning.

Area equals 162,398 sq. ft. (3.7281 acres).

Basis of bearing: Section line from the Northeast Corner to the East Corner South 00° 27'51" West.

89-340-0002  
 29-340-0002

LSW/rg/#48/Parcel2.Des  
 July 29, 1991

J  
 or  
 MJ  
 B



PARCEL 3  
ROY CITY CENTRE

Beginning at a point on the south right-of-way line of 5600 South Street, said point being North 89° 43'34" West along the section line 459.71 feet and South 00° 16'26" West 40.45 feet from the Northeast Corner of Section 23, Township 5 North, Range 2 West, Salt Lake Base and Meridian and running;

Thence, South 00° 27'51" West 213.88 feet;  
Thence, South 89° 32'09" East 245.23 feet;  
Thence, North 00° 27'51" East 56.25 feet;  
Thence, South 89° 32'09" East 164.33 feet to the west right-of-way line of 1900 West Street;  
Thence, along the west right-of-way line of 1900 West Street, North 00° 27'51" East 21.25 feet;  
Thence, North 89° 32'09" West 180.00 feet;  
Thence, South 00° 27'51" West 6.70 feet;  
Thence, North 89° 32'09" West 166.00 feet;  
Thence, North 00° 27'51" East 143.41 feet to the southerly right-of-way line of 5600 South Street;  
Thence, along the southerly right-of-way line of 5600 South Street, North 89° 50'57" West 63.57 feet to the point of beginning.

Area equals 29,900 sq. ft. (0.6864 acres).

Basis of bearing: Section line from the Northeast Corner to the East Corner South 00° 27'51" West.

21-240-0113 a

*Handwritten signature/initials*

LSW/rg/#48/Parcel3.Des  
July 29, 1991

PARCEL 4  
PAYLESS DRUG PARCEL E: 1284593 BK1710 PG1743  
ROY CITY CENTRE

Beginning at a point on the west right-of-way line of 1900 West Street, said point being South 00° 27'51" West 612.63 feet along the section line and North 89° 32'09" West 50.00 feet from the Northeast Corner of Section 23, Township 5 North, Range 2 West, Salt Lake Base and Meridian and running:

Thence, North 89° 32'09" West 116.00 feet;  
Thence, North 00° 27'51" East 12.50 feet;  
Thence, North 89° 32'09" West 29.00 feet;  
Thence, North 00° 27'51" East 65.00 feet;  
Thence, North 89° 32'09" West 279.57 feet;  
Thence, North 00° 27'51" East 32.68 feet;  
Thence, North 89° 32'09" West 221.33 feet;  
Thence, South 00° 27'45" West 215.39 feet to the north  
right-of-way line of 5700 South Street;  
Thence, along the northerly right-of-way line of 5700 South  
Street, South 89° 40'56" East 553.89 feet;  
Thence, North 00° 27'51" East 90.00 feet;  
Thence, South 89° 40'56" East 90.00 feet to the west  
right-of-way line of 1900 West Street;  
Thence, along the westerly right-of-way line of 1900 West  
Street, North 00° 27'51" East 13.56 feet to the point of  
beginning.

Area equals 105,738 sq.ft. (2.4274 acres).

Basis of bearing: Section line from the Northeast Corner to  
the East Corner South 00° 27'51" West.

6-1-40-10049

*[Handwritten initials]*

LSW/rg/#48/Parcel4.Des  
July 29, 1991

E: 1284593 BK1710 PG1744

PARCEL 5  
PAD A  
ROY CITY CENTRE

Beginning at a point on the south right-of-way line of 5600 South Street, said point being North 89° 43'34" West along the section line 594.02 feet and South 00° 16'26" West 40.83 feet from the Northeast Corner of Section 23, Township 5 North, Range 2 West, Salt Lake Base and Meridian and running;

Thence, South 00° 27'51" West 208.14 feet;  
Thence, North 89° 12'09" West 32.01 feet;  
Thence, North 00° 27'51" East 6.00 feet;  
Thence, North 89° 12'09" West 70.80 feet;  
Thence, North 00° 27'45" West 201.58 feet to the south right-of-way line of 5600 South Street;  
Thence, along the southerly right-of-way line of 5600 South Street, South 89° 50'57" East 102.82 feet to the point of beginning.

Area equals 20,945 sq. ft. (0.4808 acres).

Basis of bearing: Section line from the Northeast Corner to the East Corner South 00° 27'51" West.

LSW/rg/#48/Parcel5.Des  
July 12, 1991

PARCEL 6  
PAD B  
ROY CITY CENTRE

Beginning at a point on the south right-of-way line of 5600 South Street, said point being North 89° 43'34" West 230.14 feet along the section line and South 00° 16'26" West 40.05 feet from the Northeast Corner of Section 23, Township 5 North, Range 2 West, Salt Lake Base and Meridian and running;

Thence, South 00° 27'51" West 144.32 feet;  
Thence, North 89° 32'09" West 166.00 feet;  
Thence, North 00° 27'51" East 143.41 feet to the south right-of-way line of 5600 South Street;  
Thence, along the southerly right-of-way line of 5600 South Street, South 89° 50'57" East 166.00 feet to the point of beginning.

Area equals 23,882 sq. ft. (0.5482 acres).

Basis of bearing: Section line from the Northeast Corner to the East Corner South 00° 27'51" West.

LSW/rg/#48/Parcel6.Des  
July 12, 1991

PARCEL 7  
PAD C  
ROY CITY CENTRE

EA 1284593 BK1710 PG1746

Beginning at a point on the West right-of-way line of 1900 West Street, said point being South  $00^{\circ} 27' 51''$  West 386.43 feet along the section line and North  $89^{\circ} 32' 09''$  West 50.00 feet from the Northeast Corner of Section 23, Township 5 North, Range 2 West, Salt Lake Base and Meridian and running;

Thence, North  $89^{\circ} 32' 09''$  West 125.00 feet;  
Thence, North  $00^{\circ} 27' 51''$  East 48.00 feet;  
Thence, North  $89^{\circ} 39' 09''$  West 39.33 feet;  
Thence, North  $00^{\circ} 27' 51''$  East 138.75 feet;  
Thence, South  $89^{\circ} 32' 09''$  East 164.33 feet to the west  
right-of-way line of 1900 West Street;

Thence, along the westerly right-of-way line of 1900 West Street, South  $00^{\circ} 27' 51''$  West 186.75 feet to the point of beginning.

Area equals 28,801 sq. ft. (0.6612 acres).

Basis of bearing: Section line from the Northeast Corner to the East Corner South  $00^{\circ} 27' 51''$  West.

LSW/rg/#48/Parcel7.Des  
July 18, 1991  
\*\*

*07-210-0007*  
*[Handwritten signatures]*

PARCEL 8  
PAD D  
ROY CITY CENTRE

Beginning at a point on the west right-of-way line of 1900 West Street, said point being South 00° 27'51" West 612.63 feet along the section line and North 89° 32'09" West 50.00 feet from the Northeast Corner of Section 23, Township 5 North, Range 2 West, Salt Lake Base and Meridian and running;

Thence, North 89° 32'09" West 116.00 feet;  
Thence, North 00° 27'51" East 12.50 feet;  
Thence, North 89° 32'09" West 29.00 feet;  
Thence, North 00° 27'51" East 175.00 feet;  
Thence, South 89° 32'09" East 145.00 feet to the west right-of-way line of 1900 West Street;  
Thence, along the westerly right-of-way line of 1900 West Street, South 00° 27'51" West 187.50 feet to the point of beginning.

Area equals 26,825 sq.ft. (0.6158 acres).

Basis of bearing: Section line from the Northeast Corner to the East Corner, South 00° 27'51" West.

LSW/rq/448/Parcel8.Des  
July 12, 1991

*8/12/91*

*[Signature]*