

**TELECOMMUNICATIONS DISTRIBUTION SHELTER EASEMENT**

**SMITH'S FOOD & DRUG CENTERS, INC.**, an Ohio corporation (formerly a Delaware corporation) with its principal office at 1550 South Redwood Road, Salt Lake City, UT 84104, , Grantor, hereby grants and conveys to **PROVO CITY CORPORATION**, of 351 West Center, Provo, Utah, 84601, its successors in interest and assigns, Grantee, for the sum of One (\$1.00) Dollar and other valuable consideration, a perpetual easement and right-of-way for the continued maintenance, repair, alteration, and replacement of the telecommunications distribution shelter and associated power/communications distribution circuits (overhead or underground) and electronic equipment of the Grantee, with the necessary foundation, environmental controls, security, and other attachments thereon, or affixed thereto, for the support of said shelter and circuits, to be maintained upon and across the premises of the Grantor, in Utah County, Utah, described as follows:

See Attached Exhibit "A"

Together with all rights of ingress and egress necessary or convenient for the full and complete use, occupation and enjoyment of the easement hereby granted, and all rights and privileges incident thereto, including but not limited to, the right to cut and remove timber, trees, brush, overhanging branches and other obstructions which may injure or interfere with the Grantee's use, occupation or enjoyment of this easement.

This easement will terminate if the use of the facility is abandoned or changed from its current use.

IN WITNESS WHEREOF, the Grantors have executed this instrument this 11<sup>th</sup> day of DECEMBER, 2008.

GRANTOR:

SMITH'S FOOD & DRUG CENTERS, INC.,  
an Ohio corporation (formerly a Delaware corporation)

[Signature]  
By: STEVEN M. SORENSON  
Its: VA

State of Utah )

County of SALT LAKE SS. )

On this 11<sup>th</sup> day of DECEMBER, 2008, personally appeared before me STEVEN M. SORENSON who being by me duly sworn did say that he is the VICE PRESIDENT of Smith's Food & Drug Centers, Inc., an Ohio corporation (formerly a Delaware corporation), and that the within and foregoing instrument was signed in behalf of said corporation by authority of a resolution of its board of directors and said STEVEN M. SORENSON duly acknowledged to me that said corporation executed the



[Signature]  
Notary Public

**Exhibit "A"**

The East 35 feet of Lot Area 2, Dell Cox Family Partnership, being bounded on the east by the west line of West Park Subdivision and on the south by the north line of Lot 2, Plat A, Fort Union Center Subdivision. Beginning at the Northeast Corner of Lot 2, Fort Union Center, Plat A, a Commercial Subdivision located 1121.93 feet South 0 degrees 30' 29" East along the Section Line and 885.61 feet; South 89 degrees East from the West Quarter corner of Section 2, Township 7 South, Range 2 East, Salt Lake Meridian; thence North 89 degrees West for a distance of 35.01 feet along the north line of said Lot 2; thence North 0 degrees 16' 32" West for a distance of 34.32 feet along a line parallel with and 35 feet offset westward from the west boundary of said West Park Subdivision; thence North 89 degrees 53' East for a distance of 35.00 feet to the northeast corner of said Lot Area 2, Dell Cox Family Partnership; thence South 0 degrees 16' 32" East for a distance of 35.00 feet along the west boundary of said West Park Subdivision to the point of beginning. Area = 1,213 sq. ft., more or less.