

01/09/98 11:20 FAX 801 355 7725

JARDINE, L. & D

002

RECORDED AT THE REQUEST OF,  
AND AFTER RECORDING RETURN TO:  
Royce J. Richards  
WOOD RICHARDS & ASSOCIATES  
3755 Washington Boulevard, Suite D  
Ogden, Utah 84401

### *Cross Easement Agreement*

THIS AGREEMENT (the "Agreement") is entered into this 9<sup>th</sup> day of January 1998 by:

- ACRES, L.L.C. a Utah limited liability company ("Acres"), which is the owner of lot no. 3 of Acre's Subdivision, a part of Lots 42, 44, 45, 46 and 47, Plat "B" North Ogden Survey, a part of the Southeast Quarter of Section 29 and the Northeast Quarter of Section 32, Township 7 North, Range 1 West, Salt Lake Base and Meridian, as such plat is recorded in the records of the Weber County, Utah Recorder (the subdivision being referred to herein as "Acre's Subdivision" and lot no. 3 being referred to herein as the "Acres Property"); and
- ALAN DAYLEY, as trustee (the "Trustee"), who is the owner of lot no. 6 of Acre's Subdivision (the "Barker Property"), which Barker Property includes a strip (the "Access Strip") that is described more particularly on exhibit A that is attached to this Agreement and that is incorporated herein by reference.

FOR GOOD AND VALUABLE CONSIDERATION, the receipt and sufficiency which are hereby acknowledged, the parties hereby agree as follows:

1. *Grant of Easement to Acres.* The Trustee hereby grants and conveys to the owners of the following lots a perpetual, non-exclusive easement over, under and across the Access Strip for the purposes of (a) providing vehicular and pedestrian ingress to and egress from, and utility lines for the benefit of, lot nos. 1, 2, 3, 4, 5, and 7 of Acre's Subdivision; and (b) installing and maintaining improvements on the Access Strip for the foregoing purposes.

2. *Grant of Easement to Trustee.* Acres hereby grants and conveys to the Trustee a perpetual, non-exclusive easement over, under and across the parking areas and spaces, driveways and access ways, sidewalks and walkways, entrances and exits and other common areas located on the Barker Property (as such areas shall, from time to time, be developed, altered or modified) for the purposes of providing (a) vehicular parking, vehicular and pedestrian ingress to and egress from, and utility lines for the benefit of, the Barker Property; and (b) drainage of surface water runoff from the Barker Property.

3. *Character of Easement.* The foregoing easements (a) shall bind every person having any fee, leasehold or other interest in any portion of the burdened properties at any time or from time to time; (b) shall inure to the benefit of and shall be binding upon the parties hereto and the owners of the benefited properties, their respective successors and assigns and their respective tenants, sub-tenants, customers and invitees; and (c) is subject and subordinate to that certain "Declaration of Restrictions, Grant of Easements and Common Facilities Maintenance Agreement [Acre's Shopping Center]" that (i) is dated on or about the date of this Agreement, (ii) encumbers lot nos. 1-5 and 6 of Acre's Subdivision and (iii) was recorded prior to the date of this Agreement in the records of the Weber County, Utah Recorder.

4. *Expenses.* Nothing contained in this Agreement shall obligate the Trustee to pay any costs for installing or maintaining improvements on the Access Strip. At the time that a building is constructed on the Barker Property, the Trustee and Acres may enter into a reciprocal easement

#: 1515579 BK1902 PG46  
DOUG CROFTS, WEBER COUNTY RECORDER  
15-JAN-98 11:01 AM FEE \$22.00 DEP MB  
REC FOR: FOUNDERS.TITLE

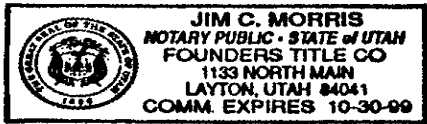
agreement that provides, among other things, for the payment of ongoing maintenance costs.

ACRES, LLC  
a Utah limited liability company

By [Signature] Member  
Alan Dayley  
ALAN DAYLEY, as trustee

STATE OF UTAH )  
  ): ss.  
COUNTY OF WEBER )

The foregoing instrument was acknowledged before me this 12<sup>th</sup> day of January 1998 by Richard J. Christensen, as a member of ACRES, LLC, a Utah limited liability company.

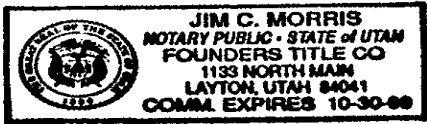


[Signature]  
Notary Public  
Residing in: Davis County

STATE OF UTAH )  
  ): ss.  
COUNTY OF WEBER )

The foregoing instrument was acknowledged before me this 9<sup>th</sup> day of January 1998 by Alan Dayley, as trustee.

[Signature]  
Notary Public  
Residing in: Davis County



# GREAT BASIN ENGINEERING - SOUTH

2010 North Redwood Road • P.O. Box 16747 • Salt Lake City, Utah 84116  
(801) 521-8529 • (801) 394-7188 • Fax (801) 521-9551



## Acres Market Shopping Center

January 6, 1998

18-084-0006 - SUBJECT TO:

A 44.00 foot wide easement described as follows: - 18-084-0001 TO 0005, 0007 + 0008  
TOGETHER WITH:

A part of Lot 47, Plat "B" North Ogden Survey, Weber County, Utah:

Beginning at a point on the West Line of Washington Boulevard being 353.55 feet North 0°15'00" East along the West Line of said Washington Boulevard from the Southeast Corner of said Lot 47; and running thence North 89°43'42" West 200.00 feet to the property line common to the Barker Properties; thence South 0°15'00" West 44.00 feet along said property line; thence South 89°43'42" East 200.00 feet to the West Line of said Washington Boulevard; thence North 0°15'00" East 44.00 feet along said West Line to the point of beginning.

Contains 8,800 sq. ft.

acresmar.doc

1515579 BK1902 PG48

Const. Planter  
Island (Typ.)

Paving

(Typ.)

Const. Asphalt Paving  
Const. 24" Curb & Gutter

Temp. Asphalt Edge

SERIES 2000  
42 SPACES

PLAYING  
1400 SF

Hatched Area to be  
Rough Graded Only  
(By Owner)

Temp. Asphalt Edge

44' P.A.W. EASEMENT

Const. 24" Curb & Gutter

CITY PARK  
See Sheet C4

543.86'

89.43  
107.11

147.98'

9.50'

Landscape

**Shington**

**B I V D.**

See Sheet C7 for Street Improvements