

ENTRY 2000001916
BOOK 728 PAGE 444.452 \$26.00
03-APR-00 02:05
RANDY SIMMONS
RECORDER, UTAH COUNTY, UTAH
TOWN AND COUNTRY TITLE COMPANY
PO BOX 1530 VERNAL UT 84078
REC BY: PAT ABPLANALP , DEPUTY

00V9445U

When recorded return to:
Ms. Adele Lucas
Wal-Mart Stores, Inc.
2001 S.E. 10th Street
Bentonville, AR 72712-6489

ENTRY 2000001916
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part
S-80-13
nws6

Vernal, UT

STORM DRAIN AND TEMPORARY GRADING EASEMENT

²⁰⁰⁸~~1999~~ This Easement Agreement ("Agreement"), is made this 10th day of Feb,
1999, by and between **PITT ROOFING & CONSTRUCTION, INC.**, ("Grantor") and
WAL-MART STORES, INC., a Delaware corporation ("Wal-Mart").

RECITALS:

Grantor is the owner of that certain real property legally described on Exhibit A
attached hereto and incorporated herein by this reference (the "Grantor Property");

Wal-Mart is the owner of that certain real property legally described on Exhibit B
attached hereto and incorporated herein by this reference (the "Wal-Mart Property");

Wal-Mart has requested that Grantor grant Wal-Mart certain easements over those
portions of the Grantor Property described on Exhibit C-1 attached hereto and incorporated
herein (the "Easement Property") and Exhibit C-2 attached hereto and incorporated herein (the
"Additional Easement Property"), each for the purposes described below.

NOW, THEREFORE, in consideration of the premises and promises contained
herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby
acknowledged, the parties agree as follows:

AGREEMENTS:

1. Accuracy of the Recitals: The parties hereby acknowledge the accuracy of
the Recitals.

2. Grant of Easements.

(a) Grantor hereby grants and conveys to Wal-Mart and its successors
and assigns forever for the benefit of Wal-Mart and the Wal-Mart Property, a perpetual easement
for storm water drainage and runoff from the Wal-Mart Property, together with the necessary
right of ingress and egress and the right to enter upon the Grantor Property for the purpose of
installation, maintenance and replacement of such improvements as may be necessary (in
TEH:seb 318250.03 9/23/99

Wal-Mart's sole discretion) to channel and/or direct such drainage and runoff from the Wal-Mart Property over, on or under the Easement Property, to have and to hold the same together with all the appurtenances thereunto belonging to the Grantor, its successors and assigns forever. *1/1/03*

(b) Grantor hereby grants and conveys to Wal-Mart for the benefit of Wal-Mart and the Wal-Mart Property, a temporary non-exclusive easement over and on the Easement Property, and the Additional Easement Property for ingress, egress and grading purposes. This easement shall automatically expire and be of no further force or effect on December 1, 2001. *2/28/03*

3. Running With the Land/Binding Effect. The easements granted herein shall be appurtenant to and run with the land thereby benefited and burdened. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

4. Counterparts. This Agreement may be executed in one or more counterparts, each of which in the aggregate shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date and year first written above.

ATTEST
PITT ROOFING & CONSTRUCTION, INC.

Melvin Thomas
By *Steve Dally*
Its President

ATTEST
WAL-MART STORES, INC., a Delaware corporation

By *Leht M. Kadal*
Its Assistant Vice President

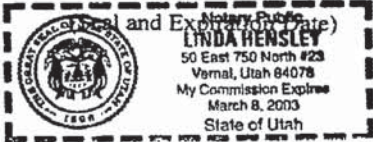
1/1/03 ① UPON INSTALLATION AND REPAIR AS PROVIDED HEREIN, THE EASEMENT PROPERTY SHALL BE RESTORED TO ITS ORIGINAL CONDITION.
1/1/03 ② IF WAL-MART REMOVES PITTS EXISTING FENCE THEY WILL INSTALL A TEMPORARY SECURITY FENCE DURING CONSTRUCTION AND REPLACE THE EXISTING FENCE FOLLOWING CONSTRUCTION.

Approved as to legal terms only
By *[Signature]*
WAL-MART LEGAL TEAM
Date *1-1-03*

State of Utah

County of Uintah

The foregoing instrument was acknowledged before me this 10th day of Feb, 2000, 1999, by Stacy Alley the President of Pitt Roofing & Construction, Inc., on behalf of the Corporation.



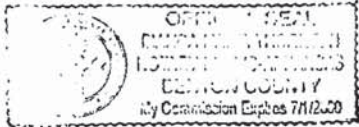
Linda Hensley
Notary Public

State of Arkansas

County of Benton

The foregoing instrument was acknowledged before me this 21st day of February, 2000, 1999, by ROBERT M. BEDARD, the ASST. VICE PRES. of Wal-Mart Stores, Inc., a Delaware corporation, on behalf of the corporation.

(Seal and Expiration Date)



Bianca Maria Thornton
Notary Public

EXHIBIT A
LEGAL DESCRIPTION

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Identification: Pitt Roofing & Construction, Inc. Tract
Located in the SE ¼, Section 28
T 4 S, R 21 E, Salt Lake Base & Meridian
Vernal, Uintah County, Utah

Owner: Pitt Roofing & Construction, Inc. Tract

A piece, parcel or tract of land located in the Southeast Quarter of Section 28, Township 4 South, Range 21 East of the Salt Lake Base & Meridian, Vernal, Uintah County, Utah, and being more particularly described as follows:

Beginning at a point which lies on the southerly right-of-way line of U.S. Highway 40, said point being the most westerly corner of the Wal-Mart tract and is located South 70°09'43" West at a distance of 2510.74 feet from the East Quarter corner of said Section 28 (deed South 881.47 feet and West 2396.31 feet from the East Quarter corner);

Thence South 46°00'53" East for a distance of 180.05 feet (deed South 59°09'42" East - 180.05 feet);

Thence South 0°45'47" East for a distance of 413.96 feet (deed South 01°47'11" East - 414.06 feet);

Thence South 88°08'19" West for a distance of 200.47 feet (deed South 88°12'49" West - 200.59 feet);

Thence North 2°23'29" West for a distance of 254.97 feet (deed North 02°18'47" West - 255.09 feet);

Thence North 46°00'53" West for a distance of 147.26 feet to a point on the southerly right-of-way line of said U.S. Highway 30 (deed North 59°09'42" West - 152.32 feet);

Thence North 43°59'07" East along said right-of-way line for a distance of 261.93 feet to the point of beginning (deed North 44°07'45" East - 250.00 feet).

The above described tract contains an area of 2.557 acres, more or less, and is subject to any rights-of-way and/or easements which have been legally acquired. The basis of bearing for said parcel is South 01°40'21" East along the east line of the southeast quarter of said Section 28.

EXHIBIT B

Legal Description

WAL-MART TRACT

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A tract of land located in the Northwest Quarter of the Southeast Quarter of Section 28, Township 4 South, Range 21 East of the Salt Lake Meridian being more particularly described as follows: Beginning at a point located on the East line of the Northwest Quarter Southeast Quarter of Section 28, Township 4 South, Range 21 East, Salt Lake Base and Meridian, said point being located South 2°01'50" East at a distance of 549.31 feet from the Northeast corner of the said Northwest Quarter Southeast Quarter and running thence South 2°01'50" East along the East line of the said Northwest Quarter Southeast Quarter for a distance of 771.56 feet; thence South 88°08'19" West for a distance of 932.88 feet along the South line said Northwest Quarter Southeast Quarter to a point 400.59 feet East of the Southwest corner said Northwest Quarter Southeast Quarter; thence North 0°45'47" West for a distance of 413.96 feet; thence North 46°00'53" West for a distance of 180.05 feet to the Southeasterly right-of-way line of U.S. Highway 40; thence North 43°59'07" East along said right-of-way line for a distance of 710.32 feet; thence South 46°00'53" East for a distance of 200.00 feet; thence South 74°45'32" East for a distance of 417.60 to the point of beginning.



1515 NINTH STREET, SUITE A
ROCK SPRINGS, WYOMING 82901
PHONE: (307) 362-7519
FAX: (307) 362-7569

EXHIBIT C - 1

Legal Description

29 July, 1999

JFC File 4723-99S

Identification: *Proposed Wal-Mart
Temporary 15' x 15' Grading &
Stormwater Facilities Easement
Located in the SE 1/4, Section 28,
T 4 S, R 21 E, S.L.B. & M
Vernal, Uintah County, Utah*

Owner: Pitt Roofing & Construction, Inc.

A parcel of land located in the Northwest Quarter of the Southeast of Section 28, Township 4 South, Range 21 East of the Salt Lake Base & Meridian, Vernal, Uintah County, Utah and being more particularly described as follows:

Beginning at the most northerly corner of the Pitt Roofing tract, said point lies on the southerly right-of-way of U.S. Highway 40 and from which point the East Quarter corner bears North $70^{\circ}09'43''$ East at a distance of 2510.74 feet;

Thence South $46^{\circ}00'53''$ East along the northeasterly boundary of said Pitt Roofing tract for a distance of 24.68 feet to the TRUE POINT OF BEGINNING;

Thence continuing South $46^{\circ}00'53''$ East along said northeasterly boundary for a distance of

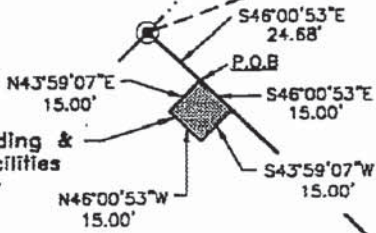
EXHIBIT C-1

U.S. HIGHWAY 40

N7°09'43"E 2510.74'
TO EAST 1/4 COR SEC 28

WAL-MART TRACT

Temporary Grading &
Stormwater Facilities
Easement



PITT ROOFING &
CONSTRUCTION

Roofing World Building

SCALE: 1"=50'

WAL-MART

Temporary Grading & Stormwater
Facilities Easement Across The

JFC ENGINEERS ARCHITECTS SURVEYORS	1515 NORTH STREET ROCK SPRINGS, WYOMING 82901 (307) 362-7519	Pitt Roofing & Construction Tract SE1/4, SEC 28, T4S, R21E, SLB&M Vernal, Uintah County, Utah	
		DWN BY: CAS DATE: 28 JUL 99	SCALE: 1"=50' 4723EX5



1515 NINTH STREET, SUITE A
ROCK SPRINGS, WYOMING 82901
PHONE: (307) 362-7519
FAX: (307) 362-7569

EXHIBIT C - 2

Legal Description

29 July, 1999

JFC File 4723-99S

Identification:

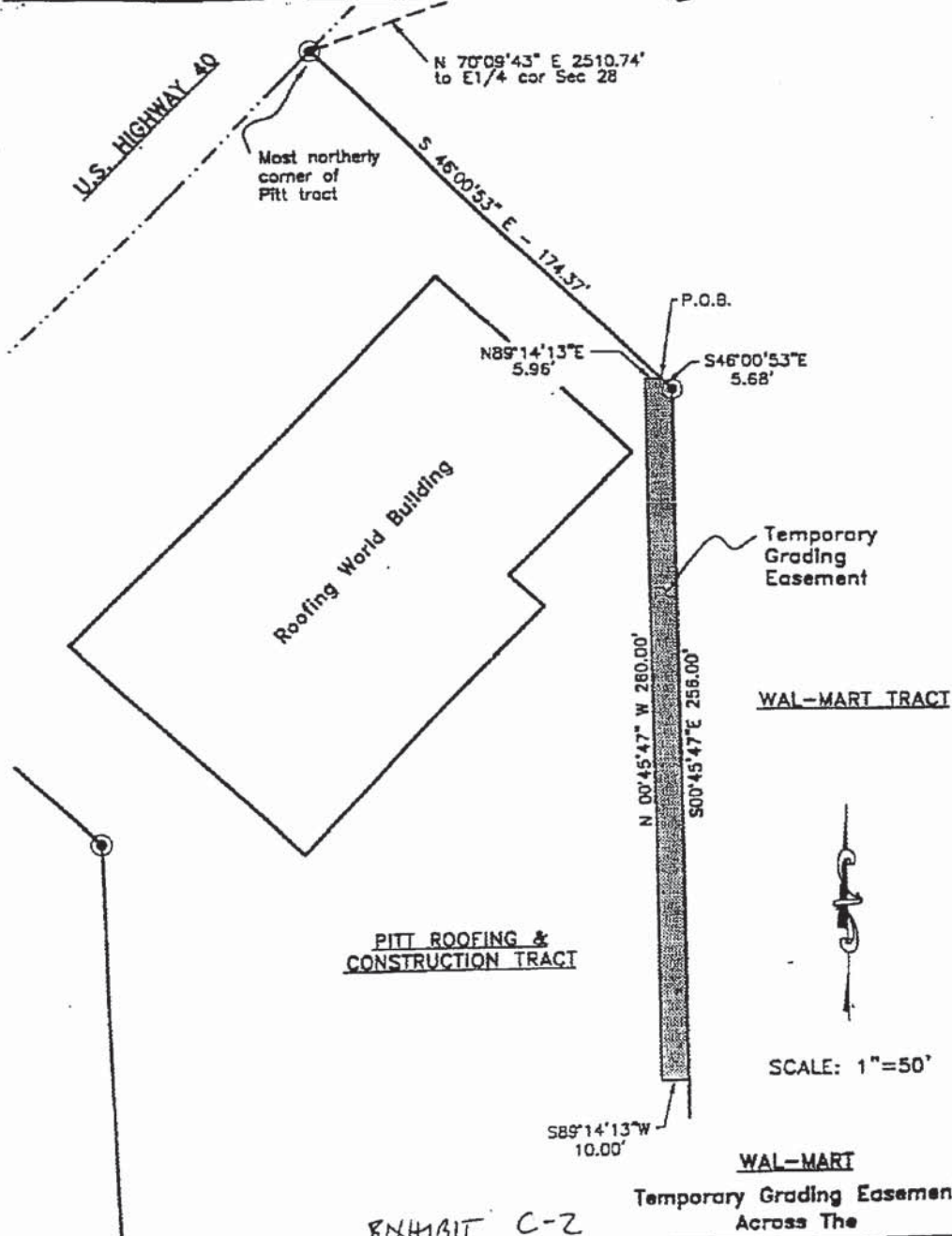
*Proposed Wal-Mart
Temporary Grading Easement
Located in the SE 1/4, Section 28,
T 4 S, R 21 E, S.L.B. & M
Vernal, Uintah County, Utah*


Owner: Pitt Roofing & Construction, Inc.

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Beginning at the most northerly corner of the Pitt Roofing tract, said point lies on the southerly right-of-way of U.S. Highway 40 and from which point the East Quarter corner bears North 70°09'43" East at a distance of 2510.74 feet;

Thence South 46°00'53" East along the northeasterly boundary of said Pitt Roofing tract for a



 JFC ENGINEERS ARCHITECTS SURVEYORS	1515 NORTH STREET ROCK SPRINGS, WYOMING 82901 (307) 362-7519	Pitt Roofing & Construction Tract SE1/4, SEC 28, T4S, R21E, SLB&M Vernal, Uintah County, Utah	
	DRAWN BY: CAS DATE: 28 JUL 99	SCALE: 1"=50'	4723EX6