

When Recorded return to:

Thanksgiving Point Development Company, LC  
199 North 290 West, Suite 100  
Lindon, UT 84042



ENT 58164:2011 PG 1 of 7  
JEFFERY SMITH  
UTAH COUNTY RECORDER  
2011 Aug 17 12:43 pm FEE 22.00 BY SW  
RECORDED FOR THANKSGIVING POINT DEVELOPM

**DECLARATION OF PARKING AND CROSS ACCESS EASEMENT RECORDING**

This Declaration of Parking and Cross-Access Easement (the "Declaration") is made this 11th day of August, 2011 by Thanksgiving Point Development Company, LC, a Utah limited liability company, Thanksgiving Point Institute, Inc., a Utah corporation, Whistle Stop Development Corporation, a Utah corporation, NAMAL Holding Company, LLC, a Utah limited liability company, and Thanksgiving Point-US D, LLC, a Utah limited liability company (collectively referred to herein as ("Declarants").

**WITNESSETH**

WHEREAS, Declarants are owners of that certain real property located at the Thanksgiving Point Village Development with a general address of 3003 Thanksgiving Way, Utah County, State of Utah, and more particularly depicted on Exhibit "A" and legally described in Exhibit "B", both attached hereto and incorporated herein by this reference (the "Property").

WHEREAS, the Property consists of several un-plated, but defined parcels of land including the land upon which are located structures/venues known as the Emporium, the Restaurant, the Art Institute, Farm Country, the Show Barn, the Corn Maze, the North American Museum of Ancient Life, the Theater, and the Electric Park.

WHEREAS, the Property also contains currently defined parking lots, vehicle and pedestrian circulation ways and will have additional future parking lots, vehicle and pedestrian circulation ways.

WHEREAS, Declarants wish to impose upon the Property mutually beneficial easements and restrictions for the benefit of each land parcel, venue, and the successor owners thereof.

NOW THEREFORE, Declarants, for themselves and their successors and assigns, hereby declare that all of the Property shall be owned, held, conveyed, encumbered, leased, improved, used, occupied and enjoyed subject to the easements and other provisions set forth in this Declaration.

**DECLARATIONS**

1. Accuracy of Recitals. Declarants hereby acknowledge the accuracy of the Recitals which are incorporated herein by reference.

2. **Grant of Parking and Cross -Access Easement.** Declarants, as grantors, hereby establish , grant and convey to and for the benefit of the Property and each owner of the Property, and for the agents, customers, invitees, licensees, tenants and employees of said owners:
- a. A non-exclusive license and easement for the purpose of parking motor vehicles on the portion of the Property designated as current Parking & Circulation and any other portion of the Property that, in the future, becomes Parking and Circulation.
  - b. A non-exclusive license and easement over, across, through and around the current and future parking lots and circulation ways for the purpose of providing and permitting pedestrian and vehicular ingress, egress, and cross-access to adjacent lots, parcels and public rights-of-way, including without limitation, ingress, egress, and cross-access for commercial delivery vehicles in accordance with truck route and pedestrian and vehicular circulation patterns as approved by Lehi City, Utah and/or Thanksgiving Point Development Company, LC for the Property.
  - c. The rights granted herein are subject to the following terms and conditions:
    - i. The use of the parking may be conditioned upon such reasonable conditions as may be appropriate under the circumstances of the proposed usage. These conditions will be imposed and or approved by Thanksgiving Point Institute, Inc.
    - ii. The lot/parcel owners, as part of the consideration of the grants herein made shall, to the extent and limits permitted by law, assume liability and responsibility for using the other's property for parking.
    - iii. All parking areas shall be maintained by Thanksgiving Point Institute, Inc., with associated costs allocated to the parcel owners proportionately based on the ratio of required parking for the particular use (as approved by Lehi City) and the total parking spaces available on the Property.
3. **Modification.** This Declaration may be modified by the majority vote of the Declarants with each Declarant having the same number of votes as it does parking stall requirements.
4. **Binding Effect.** This Declaration shall run with the Property at law as an equitable servitude and shall be binding upon the Property, the owners or the Property and their respective successors and assigns. This Declaration shall inure to the benefit and be binding upon every part of the Property and every interest therein.
5. **Counterparts.** This Declaration may be executed in one or more counterparts, each of which in the aggregate shall constitute one and the same instrument.
6. **Subordination.** This Declaration shall be subject and subordinate to any and all public utility easements, rights-of-way, and other easements of record.

IN WITNESS WHEREOF, Declarants have executed this Declaration as of the day and year first set forth above.

**Thanksgiving Point Development Company, LC**  
 a Utah Limited Liability Company  
 by Beesmark Investments, LC, its Manager



Ralph W. Rasmussen, Jr., Manager

State of Utah )  
 )ss.  
County of Utah )

The foregoing instrument was acknowledged before me this 14 day of August 2011 by Ralph W. Rasmussen, Jr., the signer of the within instrument, who duly acknowledged that he executed the same.

Dee Buffington  
Notary Public

Dee Buffington  
(Printed Name)



Thanksgiving Point Institute, Inc.  
A Utah corporation

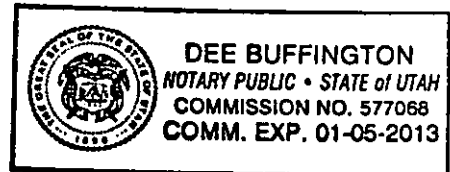
Mike Washburn  
Mike Washburn, President

State of Utah )  
 )ss.  
County of Utah )

The foregoing instrument was acknowledged before me this 14 day of August, 2011 by Mike Washburn, the signer of the within instrument, who duly acknowledged that he executed the same.

Dee Buffington  
Notary Public

Dee Buffington  
(Printed Name)



**Whistle Stop Development Corporation**  
A Utah Corporation

*[Handwritten Signature]*

\_\_\_\_\_  
Ralph W. Rasmussen, Jr., Secretary/Treasurer

State of Utah        )  
                              )ss.  
County of Utah     )

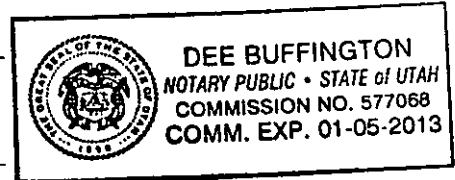
The foregoing instrument was acknowledged before me this 16 day of August, 2011 by Ralph W. Rasmussen, Jr., the signer of the within instrument, who duly acknowledged that he executed the same.

*[Handwritten Signature]*

\_\_\_\_\_  
Notary Public

*[Handwritten Name]*

\_\_\_\_\_  
(Printed Name)



**NAMAL Holding Company, LLC**  
a Utah limited liability company

*[Handwritten Signature]*

\_\_\_\_\_  
Ralph W. Rasmussen, Jr., Manager

State of Utah        )  
                              )ss.  
County of Utah     )

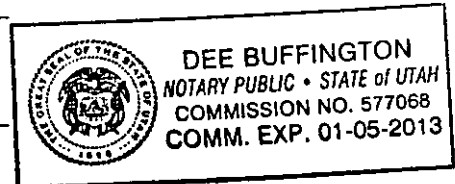
The foregoing instrument was acknowledged before me this 16 day of August, 2011 by Ralph W. Rasmussen, Jr., the signer of the within instrument, who duly acknowledged that he executed the same.

*[Handwritten Signature]*


\_\_\_\_\_  
Notary Public

*[Handwritten Name]*

\_\_\_\_\_  
(Printed Name)




Thanksgiving Point-U.S. D, LLC  
a Utah limited liability company  
by Thanksgiving Point Institute, Inc., its Manager

  
\_\_\_\_\_  
Mike Washburn, President

State of Utah        )  
                          )ss.  
County of Utah     )

The foregoing instrument was acknowledged before this 16 day of August, 2011 by Mike Washburn, the signer of the within instrument, who duly acknowledged that he executed the same.

  
\_\_\_\_\_  
Notary Public

Dee Buffington  
\_\_\_\_\_  
(Printed Name)

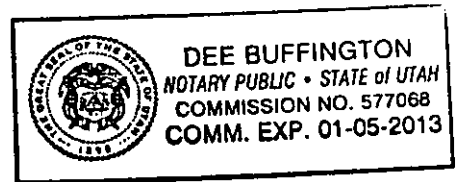
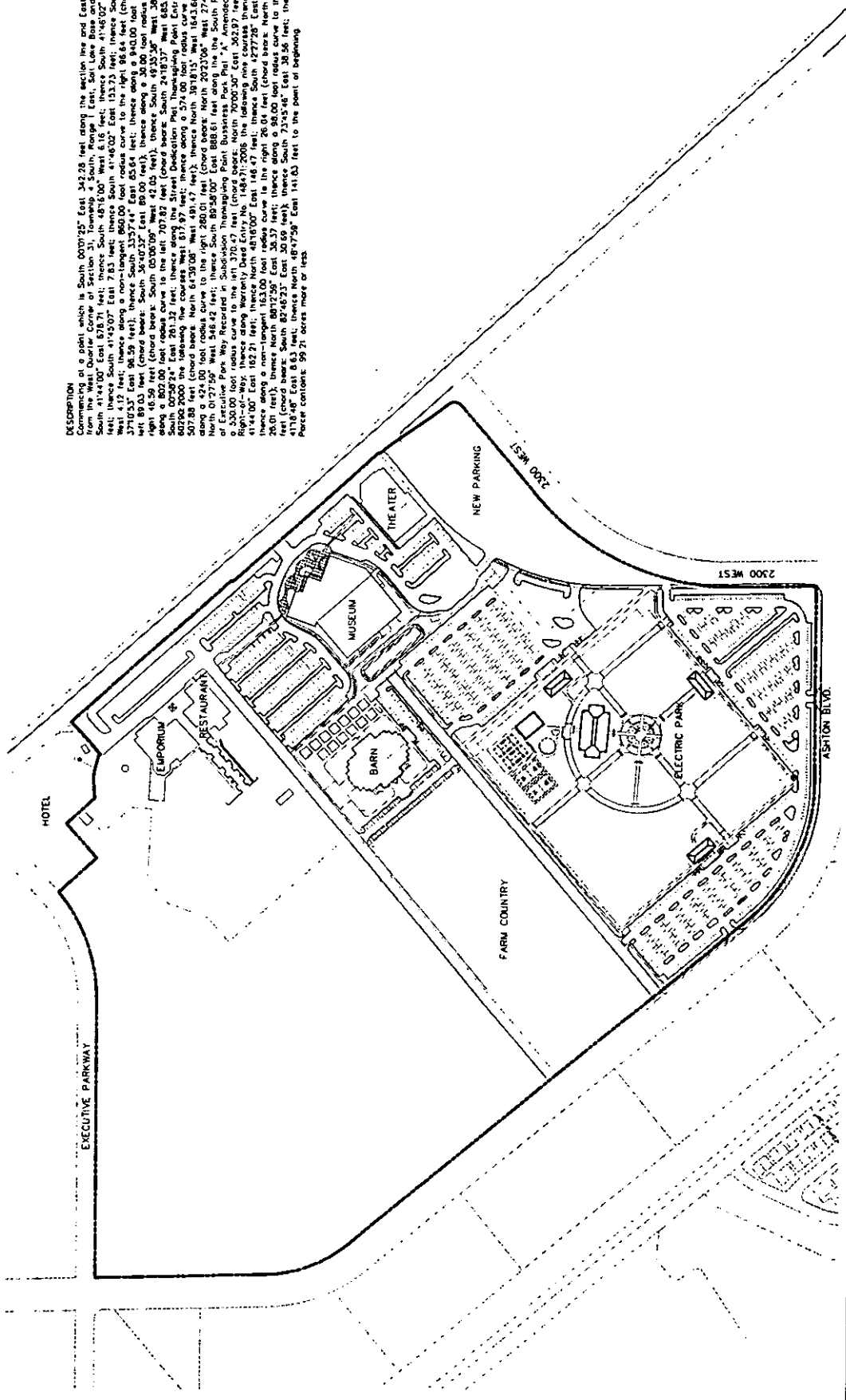


EXHIBIT 'A' - VILLAGE AREA DESCRIPTION

DESCRIPTION  
 of a plan which is South 00°15' East 342.28 feet along the section line and East 163.01 feet from the top of the section line to the center of the section line. Thence South 41°41'00" East 678.71 feet; thence South 48°15'00" West 6.16 feet; thence South 41°46'00" East 466.48 feet; thence South 41°42'07" East 78.3 feet; thence South 41°46'02" East 133.73 feet; thence South 49°25'37" West 4.19 feet; thence along a non-tangent 860.00 foot radius curve to the right 88.64 feet (chord bears: South 41°19'59" East 35.9 feet); thence South 33°57'41" East 65.84 feet; thence along a 940.00 foot radius curve to the right 65.59 feet (chord bears: South 03°00'09" West 42.03 feet); thence South 49°35'39" West 384.09 feet; thence South 02°50'24" East 261.22 feet; thence along the Street Dedication Plat Thanksgiving Point Entry No. 007899, along the right-of-way line 507.88 feet (chord bears: North 64°30'06" East 491.47 feet); thence along a 424.00 foot radius curve to the right 280.01 feet (chord bears: North 202°21'04" West 274.65 feet); thence North 01°27'59" West 546.42 feet; thence South 89°26'00" East 888.61 feet along the South Right-of-Way line or Executive Park Way, Recorded in Subdivision Thanksgiving Point Business Park Plat "A", Amended; thence along a 424.00 foot radius curve to the right 280.01 feet (chord bears: North 70°00'30" East 302.97 feet) along said Right-of-Way; thence along a non-tangent 860.00 foot radius curve to the right 88.64 feet (chord bears: North 41°44'00" East 162.21 feet); thence North 48°16'00" East 146.47 feet; thence South 42°27'28" East 121.48 feet; thence along a non-tangent 863.00 foot radius curve to the right 26.04 feet (chord bears: North 83°38'24" East 26.01 feet); thence North 80°27'39" East 36.37 feet; thence along a 98.00 foot radius curve to the right 20.82 feet (chord bears: North 83°38'24" East 26.01 feet); thence South 72°25'46" East 38.36 feet; thence South 41°14'48" East 85.3 feet; thence North 48°47'58" East 141.63 feet to the point of beginning. Parcel contains 99.71 acres more or less.



JOB TOP		VILLAGE AREA DESCRIPTION
SHEET NO. 1 OF 1		
THANKSGIVING POINT		
LEHI, UTAH		
<b>TRANE ENGINEERING, P.C.</b> CONSULTING ENGINEERS AND LAND SURVEYORS 37 EAST MAIN LEHI, UTAH 84043 (801) 768-4544		

## DESCRIPTION

Commencing at a point which is South 00°01'25" East 342.28 feet along the section line and East 165.01 feet from the West Quarter Corner of Section 31, Township 4 South, Range 1 East, Salt Lake Base and Meridian; thence South 41°44'00" East 678.71 feet; thence South 48°16'00" West 6.16 feet; thence South 41°46'02" East 460.46 feet; thence South 41°45'07" East 7.83 feet; thence South 41°46'02" East 153.73 feet; thence South 49°35'37" West 4.12 feet; thence along a non-tangent 860.00 foot radius curve to the right 96.64 feet (chord bears: South 37°10'53" East 96.59 feet); thence South 33°57'44" East 85.64 feet; thence along a 940.00 foot radius curve to left 89.03 feet (chord bears: South 36°40'32" East 89.00 feet); thence along a 30.00 foot radius curve to the right 46.59 feet (chord bears: South 05°06'09" West 42.05 feet); thence South 49°35'38" West 384.09 feet; thence along a 802.00 foot radius curve to the left 707.82 feet (chord bears: South 24°18'37" West 685.07 feet); thence South 00°58'24" East 261.32 feet; thence along the Street Dedication Plat Thanksgiving Point Entry No. 60290:2000 the following five courses West 617.97 feet; thence along a 574.00 foot radius curve to the right 507.88 feet (chord bears: North 64°39'08" West 491.47 feet); thence North 39°18'15" West 1643.66 feet; thence along a 424.00 foot radius curve to the right 280.01 feet (chord bears: North 20°23'06" West 274.95 feet); thence North 01°27'59" West 546.42 feet; thence South 89°58'00" East 888.61 feet along the the South Right-of-Way line of Executive Park Way Recorded in Subdivision Thanksgiving Point Bussiness Park Plat "A" Amended;; thence along a 530.00 foot radius curve to the left 370.47 feet (chord bears: North 70°00'30" East 362.97 feet) along said Right-of-Way; thence along Warranty Deed Entry No. 148471:2006 the following nine courses thence South 41°44'00" East 162.21 feet; thence North 48°16'00" East 146.47 feet; thence South 42°27'28" East 121.48 feet; thence along a non-tangent 163.00 foot radius curve to the right 26.04 feet (chord bears: North 83°38'24" East 26.01 feet); thence North 88°12'59" East 38.37 feet; thence along a 98.00 foot radius curve to the right 30.82 feet (chord bears: South 82°46'23" East 30.69 feet); thence South 73°45'46" East 38.56 feet; thence South 41°18'48" East 8.63 feet; thence North 48°47'59" East 141.83 feet to the point of beginning.

Parcel contains: 99.21 acres more or less.