

RETURNED
JAN 26 2006

SW 12
NW 13 37-1W

08-043-0086
08-051-0069, 0074

2140476

BK 3958 PG 433

E 2140476 B 3958 P 433-435
RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
01/26/2006 12:00 PM
FEE \$0.00 Pgs: 3
DEP RT REC'D FOR UTAH DEPARTMENT OF
F TRANS

WHEN RECORDED, RETURN TO: :

Utah Department of Transportation :
Right of Way, Fourth Floor :
Box 148420 :
Salt Lake City, UT 84114-8420 :

SPACE ABOVE FOR RECORDER'S USE

Parcel No. 0067:272:A
Project No. SP-0067 (1) 0

Tax ID Numbers 08-043-0086
08-051-0069
08-051-0074

Davis County
SPECIAL WARRANTY DEED

SMITH'S FOOD & DRUG CENTERS, INC., an Ohio corporation, successor by merger to **SMITH'S FOOD KING PROPERTIES, INC.**, Grantor, for the sum of Ten Dollars (\$10.00) and other valuable consideration, hereby conveys to the **UTAH DEPARTMENT OF TRANSPORTATION**, Grantee, the following described real property located in Davis County, State of Utah:

See Exhibit "A" attached hereto and incorporated herein.

SUBJECT TO: Existing taxes, assessments, liens, encumbrances, covenants, conditions, restrictions, rights-of-way and easements of record.

And Grantor warrants the title against all acts of Grantor and none other, subject to the matters set forth above.

WITNESS, the hand of said Grantor, this 15 day of November, 2005.

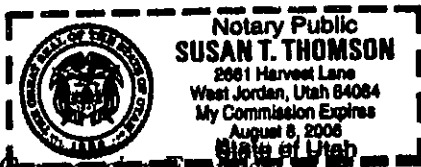
SMITH'S FOOD & DRUG CENTERS, INC.,
an Ohio corporation, successor by merger to
SMITH'S FOOD KING PROPERTIES, INC.

By: *K. S. White*
Its: Vice President

By: *[Signature]*
Its: V. of Oklahoma

STATE OF UTAH)
 : ss.
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged and executed before me this 15th day of November, 2005, by KYLE S. MCKAY and KENNY KIMBALL, the VICE PRESIDENT and VICE PRESIDENT, respectively, of SMITH'S FOOD & DRUG CENTERS, INC., an Ohio corporation, successor by merger to SMITH'S FOOD KING PROPERTIES, INC., on behalf of the corporation.



My Commission Expires.

8-8-06

Notary Public
Resident of the State of Utah

EXHIBIT "A"
Davis County

Parcel No. 0067:272:A
Project No. SP-0067(1)0

A parcel of land in fee for the widening of an expressway State Route 89 known as Project No. 0067, being part of an entire tract of property, situate in the NW~~1/4~~NW~~1/4~~ of Section 13, and the SW~~1/4~~SW~~1/4~~ of Section 12 all in T. 3 N., R. 1 W., S.L.B. & M. The boundaries of said parcel of land are described as follows:

Beginning at the Southwest corner of said entire tract, being the intersection of the easterly highway right of way and limited-access line of said existing State Route 89 and the northerly right of way line of the existing Shepard Lane, which point is 529.606 m (1,737.55 ft.) S 89°50'53" W along the north line of said Section 13 and 109.019 m (357.67 ft.) S 21°21'37" E along said easterly highway right of way and limited-access line from the North Quarter corner of said Section 13 as monumented with a county Brass Cap; and running thence N 21°21'37" W (deed of record N 21° W) 232.581 m (763.06 ft.) along said easterly highway right of way and limited-access line to the Northwest corner of said entire tract; thence N 69°05'03" E (deed of record N 69°00'00" E) 19.605 m (64.32 ft.) along the southerly line of 1400 North Street of record; thence Easterly 0.424 m (1.39 ft.) along the arc of a 105.814 m (347.16 ft.) radius curve to the left, continuing along said southerly line. (Note: Chord to said curve bears N 68°57'48" E for a distance of 0.424 m (1.39 ft.)); thence S 21°20'21" E 1.092 m (3.58 ft.); thence S 69°57'31" W 1.477 m (4.85 ft.); thence Southwesterly 3.943 m (12.94 ft.) along the arc of a 5.750 m (18.86 ft.) radius curve to the left (Note: Chord to said curve bears S 50°18'33" W for a distance of 3.867 m (12.69 ft.)); thence Southerly 15.843 m (51.98 ft.) along the arc of a 17.450 m (57.25 ft.) radius curve to the left (Note: Chord to said curve bears S 4°38'59" W for a distance of 15.305 m (50.21 ft.)); thence S 21°21'40" E 19.307 m (63.34 ft.); thence Southerly 108.560 m (356.17 ft.) along the arc of a 1,192.750 m (3,913.22 ft.) radius curve to the left (Note: Chord to said curve bears S 23°58'07" E for a distance of 108.522 m (356.04 ft.)); thence S 26°34'35" E 4.730 m (15.52 ft.); thence Southerly 60.292 m (197.81 ft.) along the arc of a 807.250 m (2,648.46 ft.) radius curve to the right (Note: Chord to said curve bears S 24°26'11" E for a distance of 60.278 m (197.76 ft.)); thence Southerly 30.479 m (100.00 ft.) along the arc of a 174.983 m (574.09 ft.) radius curve to the left (Note: Chord to said curve bears S 27°11'02" E for a distance of 30.440 m (99.87 ft.)); thence N 75°03'36" E 7.485 m (24.56 ft.); thence S 42°35'55" E 6.202 m (20.35 ft.), more or less, to said northerly line of Shepard Lane; thence N 87°24'48" W 32.329 m (106.07 ft.), more or less, along said northerly line to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation. The above described parcel of land contains 2,933.4 square meters (0.725 acre), more or less.

To enable the Utah Department of Transportation to construct and maintain a public highway as an expressway, as contemplated by Title 72, Chapter 6, Section 117, Utah Code Annotated, 1998, as amended, the Owners of said entire tract of property hereby release and relinquish to said Utah Department of Transportation any and all rights appurtenant to the remaining property of said Owners by reason of the location thereof with reference to said highway, including, without limiting the foregoing, all rights of ingress to or egress from said Owner's remaining property contiguous to the lands hereby conveyed to or from said highway; EXCEPTING and reserving to said Owners, their successors or assigns, the right of access to the nearest roadway of said highway over and across the easterly right of way line for two sections, the first section is 13.540 m (44.92 ft.) and centers at a point directly opposite Highway Engineer Station 6+525.734 and the second section is 13.500 m (44.29 ft.) and centers at a point directly opposite Highway Engineer Station 6+620.836.