

Please return to:
Salt Lake City Public Utilities
Attn.: Peggy Garcia
1530 South West Temple
Salt Lake City, Utah 84115
Salt Lake County Parcel ID No.
14-02-100-003, 14-02-400-002,003,004

EASEMENT

FCI SALT LAKE, LLC, a limited liability company, whose mailing address is 50 West Broadway, Salt Lake City, UT 84101, by its managing member, FOREST CITY COMMERCIAL GROUP, INC., an Ohio corporation whose mailing address is 50 Public Square, Suite 1160, Cleveland, Ohio, ("Grantor"), hereby conveys to SALT LAKE CITY CORPORATION, a municipal corporation of the State of Utah, whose mailing address for purposes of this Easement is 1530 South West Temple, Salt Lake City, Utah 84115, its successors-in-interest and assigns ("Grantee"), for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and reaffirmed, a perpetual easement and right-of-way for the construction, operation, and continued maintenance, repair, alteration, inspection and replacement of a 24-inch sanitary sewer main, together with all facilities attendant thereto, including any and all other related equipment and improvements (collectively, the "Facilities"), in, upon, over, under, across and through certain real property situated in Salt Lake County, State of Utah, and more particularly described on Exhibit A attached hereto ("Easement Property"), and hereby incorporated herein by this reference, 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 (collectively, the "Easement").

Without limiting the generality of the foregoing, Grantor does hereby covenant, warrant and agree with respect to the Easement as follows:

1. Grantor may construct improvements or landscaping (except for trees and permanent structures or buildings) within the easement as long as such improvements do not interfere with the City's access and use of the Easement and such improvements and landscaping are approved in writing by the Salt Lake City Public Utilities Director.
2. Grantee shall have the right to cut and remove timber, trees, brush, overhanging branches, landscaping and improvements or other obstructions of any kind and nature which may injure or interfere with the Grantee's use, occupation or enjoyment of this Easement, without liability to Grantor, and without any obligation of restoration or compensation.
3. Grantee shall be entitled to unrestricted 24-hour per day, 365-days per year access to the Easement Property for all purposes related to the ownership, operation, maintenance, alteration, repair, inspection and replacement of the Facilities.
4. This Easement shall be liberally construed in the favor of the Grantee.

WITNESS the hand of the Grantor this 26 day of May, 2005.

FCI SALT LAKE, LLC, a limited liability
Company,

By it's manager:

FOREST CITY COMMERCIAL GROUP,
INC., an Ohio corporation


By: EVERETT H. SHINE
Its: VICE PRESIDENT

ACKNOWLEDGMENT

STATE OF UTAH)
 :SS
County of Salt Lake)

On the _____, personally appeared before me David J. Larue, who being by me duly sworn, did say that he executed the foregoing instrument as the president of Forest City Commercial Group, Inc., an Ohio corporation, managing member of FCI SALT LAKE . LLC, a limited liability company and that the statements contained therein are true.

NOTARY PUBLIC, residing in Salt Lake
County, Utah

ALL - PURPOSE ACKNOWLEDGMENT

ACKNOWLEDGMENT

State of California)ss.

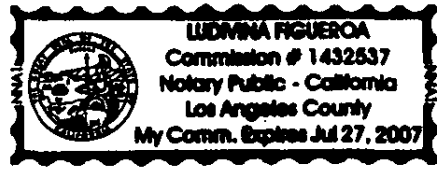
County of Los Angeles)

On May 26, 2005, before me Ludmilla Figueroa,
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Everett H. Shine,
Name(s) of Signer (s)

- personally known to me
- proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



L.S.

WITNESS my hand and official seal
Ludmilla Figueroa
Signature of Notary Public

Exhibit "A"

An easement over, across and through a strip of land located in the East Half of Section 2 and in the Northeast Quarter of Section 11, Township 1 South, Range 2 West, Salt Lake Base and Meridian more particularly described as follows:

Beginning at a point which lies 45.00 feet North $89^{\circ}54'09''$ West and 55.33 feet South $00^{\circ}13'25''$ East from the Salt Lake County Survey monument found marking the Southeast corner of said Section 2 (the basis of bearing is North $00^{\circ}13'25''$ West 2640.77 feet measured along the Section line between the Southeast corner and the East Quarter corner of said Section 2), and running thence South $89^{\circ}46'35''$ West 40.00 feet; thence North $00^{\circ}13'25''$ West 413.56 feet; thence North $89^{\circ}54'09''$ West 80.24 feet to a point of curvature with a 958.00 foot radius curve to the left; thence southwesterly 419.69 feet along the arc of said curve through a central angle of $25^{\circ}06'02''$ (chord bears South $77^{\circ}32'51''$ West 416.34 feet) to a non-tangent line; thence North $23^{\circ}01'44''$ West 156.38 feet to a point of curvature with a 854.00 foot radius curve to the right; thence northwesterly 339.92 feet along the arc of said curve through a central angle of $22^{\circ}48'19''$ (chord bears North $11^{\circ}37'34''$ West 337.68 feet) to a tangent line; thence North $00^{\circ}13'25''$ West 1919.64 feet; thence South $89^{\circ}49'53''$ East 66.00 feet; thence South $00^{\circ}13'25''$ East 1919.19 feet to a point of curvature with a 788.00 foot radius curve to the left; thence southeasterly 313.65 feet along the arc of said curve through a central angle of $22^{\circ}48'19''$ (chord bears South $11^{\circ}37'34''$ East 311.58 feet) to a tangent line; thence South $23^{\circ}01'44''$ East 48.39 feet to a point of curvature with a 25.00 foot radius curve to the left; thence southeasterly 37.91 feet along the arc of said curve through a central angle of $86^{\circ}53'02''$ (chord bears South $66^{\circ}28'15''$ East 34.38 feet) to a point of reverse curvature with a 1042.00 foot radius curve to the right; thence easterly 363.92 feet along the arc of said curve through a central angle of $20^{\circ}00'37''$ (chord bears North $80^{\circ}05'33''$ East 362.07 feet) to a tangent line; thence South $89^{\circ}54'09''$ East 119.77 feet; thence South $00^{\circ}13'25''$ East 497.34 feet to the point of beginning.

Contains 4.968 acres.