

Ent: 395015 - Pg 1 of 7
Date: 1/31/2014 4:11:00 PM
Fee: \$25.00
Filed By: eCASH
Jerry M. Houghton, Recorder
Tooele County Corporation
For: First American NCS - South Temple

When Recorded, Mail To:

Utah Industrial Depot
Owners Association
Attn: Peter Corroon
1700 South 4650 West
Salt Lake City, UT 84104

(Space above for Recorder's use only)

**FIRST AMENDMENT TO CORRECTIVE
ACCESS DRIVE EASEMENT AGREEMENT**

THIS FIRST AMENDMENT TO CORRECTIVE ACCESS DRIVE EASEMENT AGREEMENT (this "**Amendment**") is made this 30th day of January, 2014, by and between UTAH INDUSTRIAL DEPOT OWNERS ASSOCIATION, INC., a Utah nonprofit corporation ("**Association**"), and NINIGRET DEPOT, L.C., a Utah limited liability company ("**Depot**").

RECITALS

A. On January 13, 2010, the Association and Depot's predecessors-in-interest entered into a Corrective Access Drive Easement Agreement, recorded January 21, 2010, as Entry No. 337437, in the Official Records of Tooele County, Utah (the "**Original Easement**")

B. The Original Easement conveyed certain easement rights to the Association on, over, and across Access Drives (as defined in the Original Easement) located within the Utah Industrial Depot, in Tooele County, Utah.

C. The Association and Depot desire to relocate a portion of one of the Access Drives (as defined in the Original Easement), subject to the terms and conditions set forth herein.

TERMS AND CONDITIONS

NOW, THEREFORE, for Ten Dollars and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree to amend the Original Easement as follows:

1. **Incorporation of Recitals.** The above Recitals are incorporated herein by reference.

2. **Defined Terms.** All terms used herein and which are not herein otherwise defined shall have the meanings set forth in the Original Easement.

3. **Amendment.** The Original Easement is hereby amended so that the legal description of the Access Drive title Emerald Road and K Avenue; Subdivision 39, specifically described in Exhibit A of the Original Easement thereof, is replaced by the “New Emerald Road and K Avenue; Subdivision 39 Access Drive,” specifically described on Exhibit A, attached to this Amendment and incorporated herein by this reference. The intent of Depot and the Association is that the description of the original Emerald Road and K Avenue; Subdivision 39 Access Road, be redefined and replaced by the New Emerald Road and K Avenue; Subdivision 39 Access Road, described by Exhibit A attached to this Amendment.

4 **Effect of this Amendment on the Cross Access Easement.** The Original Easement and the Access Roads defined therein are hereby amended, and except as explicitly amended hereby, the Original Easement is hereby ratified and confirmed in all respects and shall remain in effect in accordance with its original terms.

5. **Termination of Easements.** The Association and Depot consent to the termination of any easements located within the portion of the original description of Emerald Road and K Avenue; Subdivision 39 abandoned by this Amendment (the “Abandoned Portion of the Access Drives”). All easements held by the Association and Depot within the Abandoned Portion of the Access Drives created by the Original Easement, are hereby terminated and abandoned, and the Association and Depot hereby relinquish all easement rights and title created by the Original Easement.

6. **Effective Date.** This Amendment will take effect on the date it is recorded at the Office of the Tooele County Recorder.

7. **Counterparts.** This Amendment may be executed in any number of counterparts, provided each counterpart is identical in its terms. Each such counterpart, when executed and delivered will be deemed to be an original, and all such counterparts shall be deemed to constitute one and the same instrument. For convenience in recording, signature pages from multiple counterparts may be detached from their counterparts and attached to a single counterpart to be recorded.

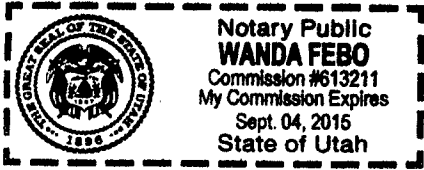
8. **Owner’s Consent.** A portion of the New Emerald Road and K Avenue; Subdivision 39 Access Drive is located on real property owned by Ninigret Depot, L.C., a Utah limited liability company, and Jade Street Enterprises, L.L.C., a Utah limited liability company (collectively, the “Owners”). The Owners, by their execution of this Amendment, hereby consent to the New Emerald Road and K Avenue; Subdivision 39 Access Drive easement created by this amendment, as such may be located on each of their properties, and said Owners do hereby convey to the Association an access easement over the portions of their properties underlying the New Emerald Road and K Avenue; Subdivision 39 Access Drive.

[signatures and acknowledgments are on the following pages]

IN WITNESS WHEREOF, the Association has executed this Amendment as of the _____ day of January, 2014.

Association: UTAH INDUSTRIAL DEPOT OWNERS ASSOCIATION, INC.,
a Utah nonprofit corporation

By [Signature]
Name (Print): Peter M. Corroon
Its: President



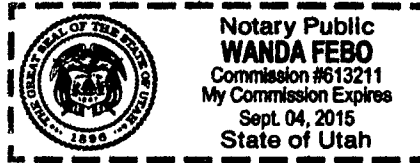
By [Signature]
Name (Print): JESSE SABLON
Its: TRUSTEE

STATE OF Utah)
: ss.
COUNTY OF Tooele)

The foregoing instrument was acknowledged before me on the 30th day of January, 2014, by Peter Corroon, the President UTAH INDUSTRIAL DEPOT OWNERS ASSOCIATION, INC., a Utah nonprofit corporation.

My Commission Expires: Sept 4, 2015 Wanda Febo
Notary Public
Residing at

STATE OF Utah)
: ss.
COUNTY OF Tooele)



The foregoing instrument was acknowledged before me on the 30th day of January, 2014, by Jesse Sablan, the Trustee UTAH INDUSTRIAL DEPOT OWNERS ASSOCIATION, INC., a Utah nonprofit corporation.

My Commission Expires: Sept. 4, 2015 Wanda Febo
Notary Public
Residing at

IN WITNESS WHEREOF, Depot has executed this Amendment as of the _____ day of _____, 2014, as both the Declarant and the Owner of property underlying the new easement area.

NINIGRET DEPOT, L.C.,
a Utah limited liability company

By: The Ninigret Group, L.C.,
a Utah limited liability company
Its: Manager

By: *Randolph G. Abood*
Randolph G. Abood, Manager

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

The foregoing instrument was acknowledged before me on the 30 day of January, 2014, by Randy Abood, in the capacity indicated.

My Commission Expires: 7-9-14

Anna M Irons
Notary Public
Residing at UTAH

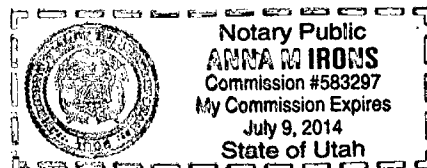
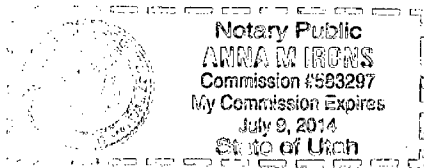


EXHIBIT A

(Legal Description of the New Emerald Road and K Avenue; Subdivision 39 Access Road)

EMERALD ROAD

From Utah Avenue to the north line of Utah Industrial Depot subdivision no. 13

A 40' WIDE STRIP OF LAND SITUATE IN SECTIONS 19, 20, 29, & 30 OF TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN. SAID STRIP BEING A PRIVATE ROAD LOCATED WITHIN THE UTAH INDUSTRIAL DEPOT, TOOELE CITY, COUNTY OF TOOELE, STATE OF UTAH AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY BOUNDARY OF SAID UTAH INDUSTRIAL DEPOT PARCEL, RECORDED AS ENTRY NO.: 125079, ON FILE WITH THE TOOELE COUNTY RECORDERS OFFICE, SAID POINT BEING NORTH 30°33'28" EAST, A DISTANCE OF 438.68 FEET, FROM THE NORTHEAST CORNER OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 4 SOUTH, SALT LAKE BASE AND MERIDIAN,

AND RUNNING THENCE S31° 26' 53"W 280.74 FEET TO A POINT ON A 1970.08 FOOT RADIUS CURVE TO THE LEFT, THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE 635.19 FEET (NOTE: CHORD TO SAID CURVE BEARS S22° 12' 42"W A DISTANCE OF 632.44 FEET) TO A POINT ON A 1000.00 FOOT RADIUS CURVE TO THE RIGHT, THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE 104.92 FEET (NOTE: CHORD TO SAID CURVE BEARS S15° 58' 50.36"W A DISTANCE OF 104.87 FEET); THENCE S18° 59' 11"W 523.30 FEET TO A POINT ON A 980.00 FOOT RADIUS CURVE TO THE LEFT, THENCE SOUTHERLY ALONG THE ARC OF SAID CURE 157.82 FEET (NOTE: CHORD TO SAID CURVE BEARS S14° 22' 22"W A DISTANCE OF 157.65 FEET); THENCE S09° 45' 34"W 204.65 FEET TO THE NORTH LINE OF THE UTAH INDUSTRIAL DEPOT SUBDIVISION NO. 13, PER ENTRY NO. 316649; THENCE N60° 26' 33"W 42.51 FEET ALONG SAID NORTH LINE; THENCE N09° 45' 34"E 190.25 FEET TO A POINT ON A 1020.00 FOOT RADIUS CURVE TO THE RIGHT, THENCE NORTHERLY ALONG THE ARC OF SAID CURVE 164.27 FEET (NOTE: CHORD TO SAID CURVE BEARS N14° 22' 22"E A DISTANCE OF 164.09 FEET); THENCE N18° 59' 11"E 523.30 FEET A POINT ON A 960.00 FOOT RADIUS CURVE TO THE LEFT, THENCE NORTHERLY ALONG THE ARC OF SAID CURVE 100.72 FEET (NOTE: CHORD TO SAID CURVE BEARS N15° 58' 50"E A DISTANCE OF 100.68 FEET); TO A POINT OF CURVATURE ON A 2010.08 FOOT RADIUS CURVE TO THE RIGHT, THENCE NORTHERLY ALONG THE ARC OF SAID CURVE 648.08 FEET (NOTE: CHORD TO SAID CURVE BEARS : N22° 12' 41"E A DISTANCE OF 645.28 FEET); THENCE N31° 26' 53"E 289.71 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF UTAH AVENUE; THENCE S45° 54' 29"E 40.99 FEET ALONG SAID SOUTHERLY RIGHT OF WAY LINE TO THE POINT OF BEGINNING.

AREA: 76,459 SQ. FT. OR 1.76 ACRES

'K' AVENUE

From Garnet Street to Emerald Road

A 40' WIDE STRIP OF LAND SITUATE IN SECTION 30 OF TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN. SAID STRIP BEING A PRIVATE ROAD LOCATED WITHIN THE UTAH INDUSTRIAL DEPOT, TOOELE CITY, COUNTY OF TOOELE, STATE OF UTAH AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY RIGHT OF WAY LINE OF GARNET STREET, RECORDED AT ENTRY NO.: 308583, ON FILE WITH THE TOOELE COUNTY RECORDERS OFFICE, SAID POINT BEING SOUTH 55°20'51" WEST, A DISTANCE OF 2033.34 FEET, FROM THE NORTHEAST CORNER OF SECTION 30, TOWNSHIP 3 SOUTH, RANGE 4 SOUTH, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE N29° 30' 55"E 90.05 FEET TO A POINT ON A 25.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT, THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE 39.19 FEET (NOTE: CHORD TO SAID CURVE BEARS S15° 23' 20"E A DISTANCE OF 35.30 FEET); THENCE S60° 17' 34"E 584.99 FEET TO A POINT ON A 366.84 FOOT RADIUS CURVE TO THE LEFT, THENCE EASTERLY ALONG THE ARC OF SAID CURVE 22.94 FEET (NOTE: CHORD TO SAID CURVE BEARS S62° 05' 03"E A DISTANCE OF 22.94 FEET) TO A POINT ON A 468.00 FOOT RADIUS CURVE TO THE LEFT, THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE 545.57 FEET (NOTE: CHORD TO SAID CURVE BEARS N82° 43' 43"E A DISTANCE OF 515.19 FEET); THENCE N31° 08' 46"E 97.77 FEET TO A POINT ON A 70.00 FOOT RADIUS CURVE TO THE RIGHT, THENCE EASTERLY ALONG THE ARC OF SAID CURVE 83.83 FEET (NOTE: CHORD TO SAID CURVE BEARS N65° 27' 10"E A DISTANCE OF 78.91 FEET); THENCE S80° 14' 27"E 9.60 FEET; THENCE S09° 45' 33"W 40.00 FEET; THENCE N80° 14' 27" W 9.60 FEET TO A POINT ON A 30.00 FOOT RADIUS CURVE TO THE LEFT, THENCE SOUTHWESTERLY 35.93 FEET ALONG THE ARC OF SAID CURVE (NOTE: CHORD TO SAID CURVE BEARS S65° 27' 10"W A DISTANCE OF 33.82 FEET); THENCE S31° 08' 46"W 104.04 FEET TO A POINT ON A 508.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE WESTERLY ALONG THE ARC OF SAID CURVE 598.72 FEET (NOTE: CHORD TO SAID CURVE BEARS S82° 21' 38"W A DISTANCE OF 564.67 FEET); TO A POINT ON A 406.84 FOOT RADIUS CURVE TO THE RIGHT, THENCE WESTERLY ALONG THE ARC OF SAID CURVE 25.44 FEET (NOTE: CHORD TO SAID CURVE BEARS N62° 05' 03"W A DISTANCE OF 25.44 FEET); THENCE N60° 17' 34"W 584.69 FEET TO A POINT ON A 25.05 FOOT RADIUS CURVE TO THE LEFT, THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE 39.38 FEET (NOTE: CHORD TO SAID CURVE BEARS S74° 33' 08"W A DISTANCE OF 35.45 FEET); TO THE POINT OF BEGINNING.

AREA: 55,331 SQ. FT. OR 1.27 ACRES