

When Recorded Return To:  
Arbor Park Associates, L.C.  
126 West Sege Lily Drive, Suite 275  
Sandy, Utah 84070

10975230  
6/22/2010 9:57:00 AM \$23.00  
Book - 9834 Pg - 5977-5982  
Gary W. Ott  
Recorder, Salt Lake County, UT  
MERIDIAN TITLE  
BY: eCASH, DEPUTY - EF 6 P.

MTC File No. 150232

**MODIFICATION OF ACCESS EASEMENT AGREEMENT**  
**dated August 28, 2009**

This Instrument is made by and between Arbor Park Associates, L.C. (herein Arbor Park Associates); and Local Building Authority of Salt Lake Valley Fire Service Area, Utah, a Utah nonprofit corporation (herein SL Fire Authority). For good and valuable consideration, the adequacy of which is hereby acknowledged, the parties hereto understand and agree as follows:

1. WHEREAS, Arbor Park Associates is the owner of the following described property located in Salt Lake County, Utah (herein referred to as the "Servient Property" or the "Burdened Property"):

See Exhibit "A" consisting of two (2) parcels attached hereto.  
Tax Parcel Nos. 14-32-201-042; and 14-32-201-068.

2. WHEREAS, SL Fire Authority is the owner of the following described property located in Salt Lake County, Utah (herein referred to as the "Dominant/Benefited Property"):

See Exhibit "B" attached hereto.  
Tax Parcel No. 14-32-201-070.

3. WHEREAS, an Access Easement Agreement was executed by Arbor Park Associates, as Grantor, in favor of SL Fire Authority, as Grantee, which Agreement was dated August 28, 2009 and was recorded September 1, 2009 as Entry No. 10789350 in Book 9759 at Page 8958 of official records of Salt Lake County Recorder (herein referred to as the Original Access Easement Agreement) the terms of which are incorporated herein by this reference;

4. WHEREAS, the parties hereto have reached an agreement for the modification of the "Easement Area" as originally described in said Agreement in order to facilitate the development of a portion of the Servient Property.

5. WHEREAS, the parties desire to set forth in writing for the record their intent to modify the Easement Area and abandon a portion of the Original Easement as created in the Original Access Easement Agreement described above and to grant an easement and right of way over the new Modified Easement Area as set forth herein.

NOW, THEREFORE, for good and valuable consideration the adequacy of which is hereby

acknowledged the parties hereby agree as follows:

7. SLVFSA does hereby abandon and relinquish and disclaim all right, title and interest in and to any portion of the Original Easement Area referred to above insofar as it lies without the bounds of the Relocated Easement Area as described below.

8. Arbor Park Associates, Grantor, hereby grants, establishes, and creates for the benefit of SLVFSA, as Grantee, as an appurtenance to the Benefited Property, a 30.0 foot wide perpetual nonexclusive easement and right of way upon, over, and across the portion of the Servient Property for pedestrian and vehicular ingress and egress from and to the Benefited Property and the Public Street, (herein referred to as the ("Modified Easement Area")) which Modified Easement Area is located in Salt Lake County, Utah and more particularly legally described as follows:

See Exhibit "C" attached hereto.

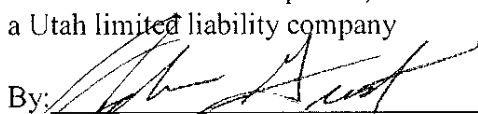
9. It is the intent of the parties that the Easement referred to in the Original Easement and under this Agreement is and shall hereafter affect only the "Modified Easement Area" as described on Exhibit "C" attached hereto.

10. Except as modified herein, all of the terms and conditions contained in the Original Access Agreement referred to above shall remain in full force and effect.

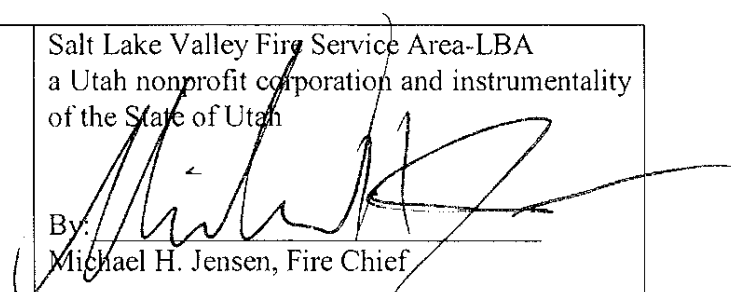
In witness whereof, the parties hereto have executed this instrument this 18<sup>th</sup> day of June, 2010.

Arbor Park Associates, L.C.  
a Utah limited liability company  
by its Manager

Arbor Commercial Properties, L.C.  
a Utah limited liability company

By:   
John Gust, Its Manager

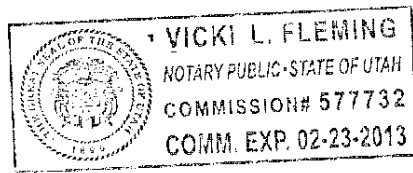
Salt Lake Valley Fire Service Area-LBA  
a Utah nonprofit corporation and instrumentality  
of the State of Utah

By:   
Michael H. Jensen, Fire Chief

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

The forgoing instrument was duly acknowledged to me this 21<sup>st</sup> day of June, 2010 by John Gust, the Manager of Arbor Commercial Properties, L.C., a Utah limited liability company, the Manager of Arbor Park Associates, L.C., a Utah limited liability company, who duly acknowledged that said instrument was executed by authority on behalf of Arbor Park Associates, L.C.

[Signature]  
NOTARY PUBLIC



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

The forgoing instrument was duly acknowledged to me this 16 day of JUNE, 2010 by Michael H. Jensen, the Fire Chief, Local Building Authority of Salt Lake Valley Fire Service Area, Utah, a Utah nonprofit corporation, who duly acknowledged that said instrument was executed by authority.

[Signature]  
NOTARY PUBLIC

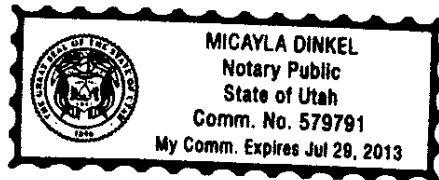


EXHIBIT "A"

MTC File No. 150232

Arbor Park Associates, LC Property consisting of Two (2) Parcels:  
 [Tax Parcel Nos. 14-32-201-042; and 14-32-201-068]

VTDI 14-32-201-042-0000	DIST 26C	TOTAL ACRES	4.35
ARBOR PARK ASSOCIATES, LC	TAX CLASS	UPDATE	REAL ESTATE 509300
		LEGAL	BUILDINGS 559000
% THE BOYER CO		PRINT U	TOTAL VALUE 1068300

90 S 400 W # 200

SALT LAKE CITY UT 84101120090 EDIT 1 FACTOR BYPASS

LOC: 8225-8269 W 3500 S EDIT 0 BOOK 9250 PAGE 1956 DATE 02/15/2006

SUB: SEC 32 TOWNSHIP 1S RANG 2W TYPE SECT PLAT

06/17/2010 PROPERTY DESCRIPTION FOR TAXATION PURPOSES ONLY

BEG S 89-49'24" E 794.38 FT & S 0-10'36" W 40 FT FR N 1/4  
 COR OF SEC 32, T 1S, R 2W, S L M; S 0-03'36" W 361.13 FT; S  
 89-49'24" E 304.54 FT; S 0-10'36" W 38.74 FT; S 89-48'2 " E  
 220 FT; S 0-15'45" W 296.03 FT; N 89- 44'24" W 449.99 FT; N  
 0-10'36" E 155 FT; N 89-49'24" W 94.81 FT; S 42.54 FT; SW'LY  
 ALG CURVE TO R 3.73 FT; S 55-15' W 114.7 FT; N 0-10'36" E  
 265.94 FT; S 89-49'24" E 96.72 FT; N 207.6 FT; N 89-49'24" W  
 50.23 FT; N 17.33 FT; S 89-49'24" E 54.12 FT; N 160 FT; S  
 89-49'24" E 17.79 FT M OR L TO BEG. 4.35 AC M OR L.

VTDI 14-32-201-068-0000	DIST 26C	TOTAL ACRES	2.91
ARBOR PARK ASSOCIATES LC	TAX CLASS	UPDATE N	REAL ESTATE 873200
		LEGAL N	BUILDINGS 0
		PRINT U	TOTAL VALUE 873200

126 W SEGO LILY DR # 275

SANDY UT 84070364426 EDIT 1 FACTOR BYPASS

LOC: 8205 W 3500 S EDIT 0 BOOK 9741 PAGE 7569 DATE 08/07/2009

SUB: SEC 32 TOWNSHIP 1S RANG 2W TYPE SECT PLAT

06/17/2010 PROPERTY DESCRIPTION FOR TAXATION PURPOSES ONLY

BEG S 89^49'24" E 794.38 FT & S 0^10'36" W 40 FT FR N 1/4  
 COR OF SEC 32, T 1S, R 2W, S L M; S 89^49'24" E 286.38 FT; S  
 0^10'36" W 76.9 FT; S 89^49'24" E 18.9 FT; S 0^10'36" W  
 40.55 FT; S 89^49'24" E 40.53 FT M OR L; S 0^03' E 246.40 FT  
 M OR L; N 89^57' E 178.70 FT M OR L; S 0^29'44" W 36.72 FT M  
 OR L; N 89^49'24" W 220 FT; N 0^10'36" E 38.74 FT; N  
 89^49'24" W 304.54 FT; N 0^03'36" E 361.13 FT TO BEG. 2.91  
 AC M OR L. 5692-0737 9138-3971

**Exhibit B**

**Legal Description of the Benefited Property**

A part of the Northeast quarter of Section 32, Township 1 South, Range 2 West, Salt Lake Base and Meridian, U.S. Survey, Salt Lake County, Utah:

Beginning at a point on the South line of 3500 South Street as it exists at 40.00 foot half-width located 1319.56 feet South 89°49'24" East along the Section line, and 40.00 feet South 00°03'00" East from the North quarter corner of said Section 32, and running thence South 00°03'00" East 223.90 feet; thence South 00°28'58" West 139.25 feet; thence South 89°57'00" West 178.70 feet; thence North 00°03'00" West 363.86 feet to the South line of said 3500 South Street; thence South 89°49'24" East 180.00 feet along said South line to the point of beginning.

[For Reference Only: Affects Tax Parcel Serial No. 14-32-201-070]

*Access Easement Agreement*

## EXHIBIT "C"

Arbor Park – Fire Station Access Easement  
[Revised April 28, 2010]

A 30.0 foot wide easement described as follows:

A part of the Northeast Quarter of Section 32, Township 1 South, Range 2 West, Salt Lake Base and Meridian, U.S. Survey in Salt Lake County, Utah: Beginning at a point on the South Line of 3500 South Street as it exists at 40.00 foot half-width located 776.88 feet South 89°49'24" East along the Section Line; and 40.00 feet South 0°10'36" West from the North Quarter Corner of said Section 32; and running thence South 89°49'24" East 30.00 feet along said South Line of 3500 South Street; thence South 0°03'36" West 335.18 feet; thence North 89°57'00" East 240.02 feet to a point of curvature; thence 51.58 feet Northeasterly along the arc of a 97.00 foot Radius curve to the left through a Central Angle of 30°28'06" (Long Chord bears North 74°42'57" East 50.98 feet) to a point of tangency; thence North 59°28'54" East 51.36 feet; thence South 0°03'00" East 34.81 feet; thence South 59°28'54" West 33.71 feet to a point of curvature; thence 67.54 feet Southwesterly along the arc of a 127.00 foot Radius curve to the right through a Central Angle of 30°28'06" (Long Chord bears South 74°42'58" West 66.74 feet) to a point of tangency; thence South 89°57'00" West 270.08 feet; thence North 0°03'36" East 365.30 feet to the point of beginning.

[Contains 21,221 sq.ft.]