

RECORDING REQUESTED BY:

AND WHEN RECORDED MAIL TO:

CHARLOTTE WIGHTMAN, ESQ.
SMITH'S FOOD & DRUG CENTERS, INC.
1550 SOUTH REDWOOD ROAD
SALT LAKE CITY, UTAH 84104

Ent 1115356 Bk 1826 Pg 1822
Date 03-Nov-2014 09:51AM Fee \$28.00
Michael Gleed, Rec. - Filed By SA
Cache County, UT
For CACHE TITLE- LOGAN
Electronically Submitted by Simplifile

SPACE ABOVE FOR RECORDERS USE

**SECOND AMENDMENT TO RECIPROCAL EASEMENT,
DEVELOPMENT AND MAINTENANCE AGREEMENT WITH
COVENANTS AND RESTRICTIONS AFFECTING LAND**

THIS SECOND AMENDMENT TO RECIPROCAL EASEMENT AND MAINTENANCE AGREEMENT WITH COVENANTS AND RESTRICTITONS AFFECTING LAND ("Second Amendment") dated October 14, 2014, is made by and between **SMITH'S FOOD & DRUG CENTERS, INC.**, an Ohio corporation, formerly a Delaware corporation, ("Smith's"), **BLAKE SKINNER HOLDINGS, LLC**, a Utah limited liability company, successor in interest to M.H. King Company of Utah ("Skinner"), **FISHER PROPERTIES INC.**, successor in interest to Inkley Portraits Plus property owner, Joseph Anderson ("Fisher"), and **CACHE VALLEY TRANSIT DISTRICT**, successor in interest to the City of Logan ("CVTD").

RECITALS

A. This Second Amendment is made with respect to that certain Reciprocal Easement and Maintenance Agreement with Covenants and Restrictions Affecting Land which was recorded on March 27, 2001 as Entry No. 757445 in Book 996, at Page 875, Records of Cache County, Utah (the "REA").

B. The REA was further amended by that certain First Amendment to Reciprocal Easement, Development and Maintenance Agreement with Covenants and Restrictions Affecting Land, dated January 13, 2012 (the "First Amendment").

C. Smith's owns certain real property located in Cache County, State of Utah which is identified as Smith's on the site plan attached to the REA as Exhibit "A" (hereinafter "**Smith's Parcel**").

D. CVTD owns or will acquire fee title to certain real property located in Cache County, State of Utah which is identified as City's on Exhibit "A" to the REA and CVTD's on Exhibit "A-1" attached to the First Amendment (collectively the "**CVTD's Parcels**").

E. Skinner owns certain real property located in Cache County, State of Utah which is identified as King's on Exhibit "A" attached to the REA and more particularly described in Exhibit "D" attached to the First Amendment and made a part hereof (hereinafter "**Skinner's Parcel**").

F. Fisher owns certain real property located in Cache County, State of Utah which is identified as Inkley's on Exhibit "A" to the REA and more particularly described in Exhibit "E" attached to the First Amendment and made a part hereof (hereinafter "**Fisher's Parcel**").

G. The parties to this Second Amendment desire to modify the Smith's and CVTD legal descriptions in accordance with a Lot Line Adjustment between Smith's and CVTD, ratify the First Amendment, and confirm the satisfaction of CVTD's obligations to permit recording of the First Amendment as a part of this Second Amendment.

NOW, THEREFORE, in consideration of the covenants contained in this Second Amendment and other good and valuable consideration, receipt of which is acknowledged, the parties hereby covenant and agree as follows:

1. **Defined Terms.** Unless otherwise defined herein, all capitalized terms shall be as defined in the REA and First Amendment.

2. **Smith's and CVTD Legal Descriptions.** Exhibit "B" to the First Amendment is hereby deleted and replaced in its entirety with Exhibit "B-1" attached hereto. Exhibit "C" to the First Amendment is hereby deleted in its entirety and replaced with Exhibit "C-1" attached hereto.


3. **Ratification and Confirmation of First Amendment.** By execution hereof, Fisher hereby confirms, acknowledges and agrees the First Amendment, a copy of which is attached hereto as Exhibit "D" and incorporated herein by this reference, constitutes a valid and binding encumbrance on the Fisher Parcel.

4. **Recording and Termination of Easements.** This Second Amendment shall be recorded, at CVTD's cost, upon full execution hereof. The Joint Easement Area and King's Easement Area, as shown on Exhibit "A" attached to the REA shall terminate as of the date this Second Amendment is recorded.


5. **Full Force and Effect.** Except as specifically modified herein all terms and conditions contained within the REA shall remain in full force and effect

IN WITNESS WHEREOF, the parties hereto have executed this Second Amendment as of the day and year first above written.

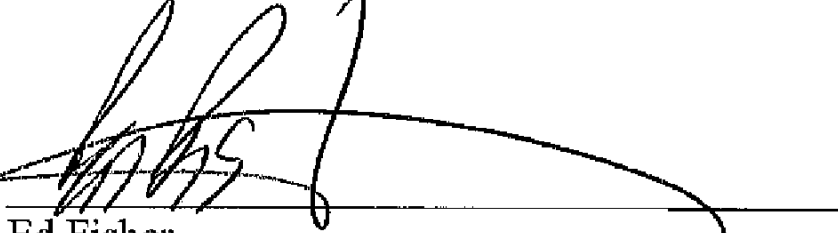
SMITH'S FOOD & DRUG CENTERS, INC.,
an Ohio corporation

By: 
Its: VICE PRESIDENT

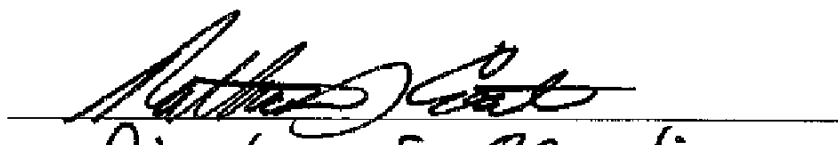
BLAKE SKINNER, LLC
a Utah limited liability company

By: 
Its: Owner

FISHER PROPERTIES INC.

By: 
Ed Fisher
Its: President

CACHE VALLEY TRANSIT DISTRICT

By: 
Its: Director of Operations

Exhibits:

- B-1: Smith's Property Legal Description
- C-1: CVTD Property Legal Description
- D: First Amendment

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

Before me, the undersigned authority, on this day personally appeared STEVEN M. SORESENSEN, VICE PRESIDENT of SMITH'S FOOD & DRUG CENTERS, INC., an Ohio corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated and as the act and deed of said corporation.

Given under my hand and seal of office on this 23rd day of OCTOBER, 2014 ms

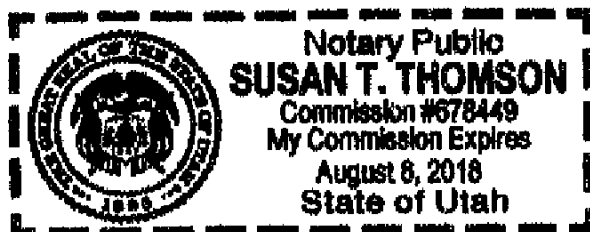
Notary Public:

Susan T. Thomson

Notary's name printed:

SUSAN T. THOMSON

My commission expires: 8-8-18



STATE OF UTAH)
 : ss.
 COUNTY OF CACHE ~~SALT LAKE~~ ms)

Before me, the undersigned authority, on this day personally appeared Blake Skinner, owner of BLAKE SKINNER HOLDINGS, LLC a Utah limited liability company, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated and as the act and deed of said corporation.

Given under my hand and seal of office on this 14 day of October, 2014 ms

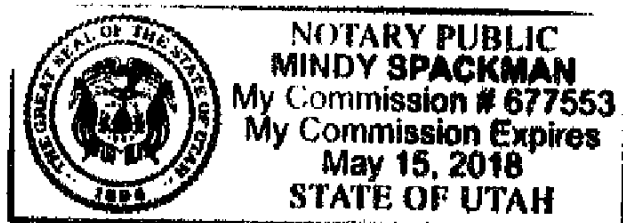
Notary Public:

Mindy Spackman

Notary's name printed:

Mindy Spackman

My commission expires: May 15, 2018



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

Before me, the undersigned authority, on this day personally appeared Ed Fisher, President of FISHER PROPERTIES INC., a Utah corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated and as the act and deed of said corporation.

Given under my hand and seal of office on this 14 day of October, 201⁴, ms.

Notary Public:

Mindy Spackman

Notary's name printed:

Mindy Spackman

My commission expires: May 15, 2018



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

Before me, the undersigned authority, on this day personally appeared Nathan Coats, Director of operations CACHE VALLEY TRANSIT DISTRICT, a special service District, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated and as the act and deed of said corporation.

Given under my hand and seal of office on this 14 day of October, 201⁴, ms.

Notary Public:

Mindy Spackman

Notary's name printed:

Mindy Spackman

My commission Expires: May 15, 2018



Exhibit "B-1"
Smith's Parcel

Store Parcel:

NEW LEGAL DESCRIPTION FOR PARCEL 06-041-0002

PART OF LOTS 1, 2, 3, 4, 6, 7, AND 8, BLOCK 48, PLAT "A", LOGAN CITY SURVEY, LOCATED IN THE CITY OF LOGAN, COUNTY OF CACHE, STATE OF UTAH, DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 1;
THENCE WEST 506.5 FEET ALONG THE SOUTH LINE OF SAID BLOCK TO A POINT THAT IS EAST 87.5 FEET FROM THE SOUTHWEST CORNER OF SAID BLOCK;
THENCE NORTH 99.0 FEET;
THENCE WEST 87.5 TO THE WEST LINE OF SAID BLOCK;
THENCE NORTH 346.5 FEET ALONG SAID WEST LINE TO THE NORTHWEST CORNER OF SAID LOT 4;
THENCE EAST 297.0 FEET ALONG THE NORTH LINE OF SAID LOT TO THE NORTHEAST CORNER OF SAID LOT;
THENCE EAST 287.0 FEET, MORE OR LESS, ALONG THE NORTH LINE OF SAID LOT 7 TO A POINT WEST 10.0 FEET FROM THE NORTHEAST CORNER OF SAID LOT;
THENCE NORTH 29.0 FEET;
THENCE EAST 10.0 FEET TO THE EAST LINE OF SAID BLOCK;
THENCE SOUTH 474.5 FEET ALONG THE EAST LINE OF SAID BLOCK TO THE POINT OF BEGINNING.

LESS THE PARCEL DESCRIBED IN THE WARRANTY DEED RECORDED AS ENTRY 1099120 BOOK 1793 PAGE 14 IN THE OFFICE OF THE RECORDER OF SAID COUNTY (TAX ID 06-041-0017).

SUBJECT TO EXISTING EASEMENTS AS RECORDED.

Fuel Center Parcel:

Parcel ID #06-041-0003

A part of Block 48, Plat "A", Logan City Survey in Cache County, Utah:

Beginning at the Southwest Corner of Lot 2, of said Block 48, and running thence North 1°48'14" East 109.00 feet along said West line; thence South 88°27'16" East 169.00 feet; thence South 1°48'14" West 109.00 feet to the South line of said Block 48; thence North 88°27'16" West 169.00 feet along said South line to the point of beginning.

Contains 18,421 sq. ft.
or 0.423 Acres

Exhibit "C-1"

CVTD's Parcel

Ent 1115356 Bk 1826 Pg 1828

A part of the Northwest quarter of Section 34, Township 12 North, Range 1 East of the Salt Lake Base and Meridian, described as follows: Beginning at a point located South 88°12'36" East 83.33 feet (East 82.50 feet by record) from the Northwest Corner of Block 48, Plat "A" LOGAN CITY SURVEY; and running thence South 01°38'00" West 74.94 feet (South 74.25 feet by record); thence South 88°14'04" East 66.69 feet (East 66 feet by record); thence North 01°46'06" East 74.91 feet (North 74.25 feet by record) to the North line of said block; thence North 88°12'36" West (West by record) along said North line 66.87 feet (66 feet by record) to the point of beginning. (06-041-0006)

A part of the Northwest Quarter of Section 34, Township 12 North, Range 1 East of the Salt Lake Base and Meridian, described as follows: Beginning at a point located North 88°12'36" West 199.99 feet (West 198 feet by record) from the Northeast Corner of Block 48, Plat "A" LOGAN CITY SURVEY; and running thence South 01°42'31" West 151.87 feet (South 148.5 feet by record); thence North 87°48'47" West 249.75 feet; thence North 01°46'06" East 150.13 feet (North 148.5 feet by record) to the North line of said block; thence South 88°12'36" East (East by record) along said North line 249.58 feet to the point of beginning. (06-041-0002)

A part of the Northwest Quarter of Section 34, Township 12 North, Range 1 East of the Salt Lake Base and Meridian described as follows: Beginning at a point located North 88°12'36" West 148.50 feet (West by record) from the Northeast Corner of Block 48, Plat "A" LOGAN CITY SURVEY; and running thence South 01°38'27" West 151.82 feet (South 148.5 feet by record); thence North 88°15'57" West 51.67 feet (West 49.5 feet by record); thence North 01°42'31" East 151.87 feet (North 148.5 feet by record) to the North line of said block; thence South 88°12'36" East (East by record) along said North line 51.49 feet (49.5 feet by record) to the point of beginning. (06-041-0012)

TOGETHER WITH a right of way consisting of an undivided ¼ interest in and to: Beginning at a point 8 rods 4 ½ feet West of the Northeast Corner of the above described land; thence West 12 feet; thence South 9 rods; thence East 12 feet; thence North 9 rods to the beginning.

NEW LEGAL DESCRIPTION FOR PARCEL 06-041-0015

PART OF LOT 6, BLOCK 48, PLAT "A", LOGAN CITY SURVEY, LOCATED IN THE CITY OF LOGAN, COUNTY OF CACHE, STATE OF UTAH, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 6;

THENCE WEST 10.0 FEET ALONG THE SOUTH LINE OF SAID LOT TO THE POINT OF BEGINNING;

THENCE WEST 126.5 FEET;

THENCE NORTH 49.5 FEET;

THENCE EAST 136.5 FEET TO THE EAST LINE OF SAID LOT;

THENCE SOUTH 20.5 FEET;

THENCE WEST 10.0 FEET;

THENCE SOUTH 29.0 FEET TO THE POINT OF BEGINNING. TOGETHER WITH A RIGHT-OF-WAY AS DESCRIBED IN THE WARRANTY DEED RECORDED AS ENTRY 1063571 BOOK 1711 PAGE 1560 IN THE OFFICE OF THE RECORDER OF SAID COUNTY.