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RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
11/30/2006 10:49 AM
FEE \$0.00 Pgs: 4
DEP RTT REC'D FOR UTAH DEPARTMENT
OF TRANSPORT

NE 285N-2W
14-019-0091

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

STP-0108(11)8
0108:21:E

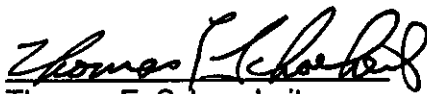
CONSENT OF TENANT

THE UNDERSIGNED, FAMILY DOLLAR, INC., a North Carolina corporation, as Tenant under that certain Lease Agreement dated April 22, 2003 ("Lease"), by and between Tenant and SBH FAMILY, a Utah limited liability company, which Lease was assigned by SBH FAMILY to WESTWOOD ASSOCIATES, L. C., by Assignment of Lease dated December 15, 2003 ("Landlord"), hereby consents to the granting by Westwood Associates, L. C. of that certain Easement set forth in Exhibit A, which is a part of the Clinton 2000 West project from 1300 North to 2300 North by and between Westwood Associates, L. C., Grantor, and the Utah Department of Transportation, Grantee, subject to the qualifications, terms and conditions set forth in the Letter Agreement attached hereto as Exhibit B and made a part hereof, dated July 31, 2006, to Family Dollar, Inc. from J-U-B Engineers, Inc., executed by Michael F. Worrall, PE, Consultant Project Manager on behalf of Utah Department of Transportation being fully satisfied and acceptable to Family Dollar, Inc. and in that certain Right-of-Way Contract, attached hereto as Exhibit C and made a part hereof, dated June 3, 2006 and executed by Thomas Mulcock of Westwood Associate, L. C.

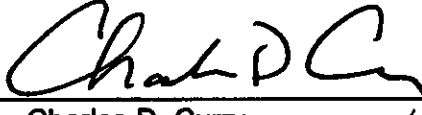
IN WITNESS WHEREOF, this Consent has been duly executed and sealed as of this 17th day of October, 2006.

ATTEST:

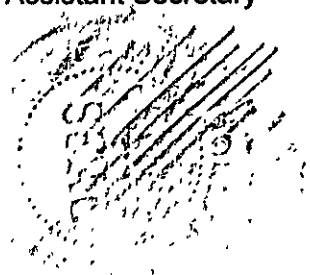
FAMILY DOLLAR, INC.



Thomas E. Schoenheit
Assistant Secretary

By: 

Charles D. Curry
Vice President-Store Planning and Store
Development

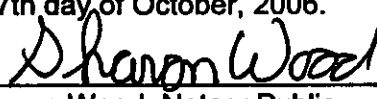


STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

NOTARY

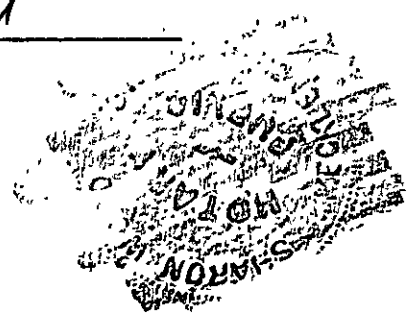
I, Sharon Wood, a Notary Public in and for the aforesaid State and County, do hereby certify that CHARLES D. CURRY and THOMAS E. SCHOENHEIT, Vice President and Assistant Secretary, respectively, of FAMILY DOLLAR, INC., personally appeared before me this day and that by the authority duly given and as the act of the corporation the foregoing instrument was signed and executed by them for the purposes therein expressed.

WITNESS my hand and notarial seal this the 17th day of October, 2006.



Sharon Wood, Notary Public

My Commission Expires:
August 15, 2011



Tax ID No. 14-019-0091
Parcel No. 0108:21:E
Project No. STP-0108(11)8

EXHIBIT A

CONSTRUCTION EASEMENT
(LIMITED LIABILITY COMPANY)
Davis County

WESTWOOD ASSOCIATES, L. C., a Limited Liability Company of the State of Utah, Grantor, hereby GRANTS AND CONVEYS TO THE UTAH DEPARTMENT OF TRANSPORTATION, 4501 South 2700 West, Salt Lake City, Utah 84119, Grantee, for the sum of Ten Dollars,

A perpetual slope easement upon part of an entire tract of land, situate in the Northeast quarter of Section 28, Township 5 North, Range 2 West, Salt Lake Base and Meridian for the purpose of providing access to remove and reconstruct approximately 72 feet of curb and 63 feet of sidewalk, including cut and/or fill slopes and appurtenant parts thereof for the widening and grading of the existing highway SR-108 known as 2000 West Street, known as Project No. STP-0108(11)8, and said entire tract of property as Entry 1940529, Book 3435, Page 499, at the Davis County Recorder's office, said portion being described more particularly as follows:

Beginning at a point which is North 00°07'29" East 824.89 feet along the section line and North 89°52'31" West 55.00 feet from the East Quarter corner of said Section 28; thence North 89°52'31" West 5.59 feet (*WEST by record*) along the grantor's south boundary line; thence North 00°07'29" East 109.66 feet to the grantor's north boundary line as called for in a boundary line agreement recorded as Entry 1413440, Book 2308, Pages 263-265; thence South 89°59'25" East 5.59 feet (*EAST by record*) along said north boundary line; thence South 00°07'29" West 109.67 feet to the point of beginning.

Parcel containing 613 square feet, more or less.

Basis of bearings: Davis County Coordinate System.

Continued on Page 2
LIMITED LIABILITY COMPANY RW-09II(12-01-03)

PAGE 2

After said construction improvements incident to 2000 West Street, and appurtenant parts thereof are constructed at the expense of the Utah Department of Transportation, said Utah Department of Transportation is thereafter relieved of any further claim or demand for costs, damages or maintenance charges which may accrue against cut and or fill slopes, and appurtenant parts thereof.

Grantee agrees that throughout construction, ingress and egress to the property shall be open at all times to provide access to the Tenant, Family Dollar, Inc, and its customers and invitees. Access to the property shall not be totally blocked at any time during construction. Grantee agrees the landscaping west of the existing sidewalk and the Family Dollar, Inc.'s road sign and the existing parking and service areas on the property will not be disturbed during construction, nor will overhead utilities be installed in the easement area. Any existing irrigation improvements in the easement will be replaced with like kind and shall function as well as the existing irrigation system. All improvements will comply fully with code.

~~IN WITNESS WHEREOF, said Westwood Associates, L. C. has caused this instrument to be executed by its proper officers thereunto duly authorized, this _____ day of _____ A.D. 20_____.~~

~~STATE OF)
COUNTY OF)~~

~~)ss.
)~~

~~WESTWOOD ASSOCIATES, L. C.
By: _____
Manager~~

~~On the date first above written personally appeared before me _____, who, being by me duly sworn, says that he is the Manager of WESTWOOD ASSOCIATES, L. C., a Limited Liability Company, and that the within and foregoing instrument was signed in behalf of said company by authority of its Articles of Organization, and said _____ acknowledged to me that said company executed the same.~~

~~WITNESS my hand and official stamp the date in this certificate first above written:~~

~~_____
Notary Public~~