

AFTER RECORDING MAIL TO:
First American Title Company
Attn: Jon Bartlett
338 East 400 South
Salt Lake City, Utah 84111

AFFIDAVIT

6328353
04/11/96 3:01 PM 20.00
NANCY WORKMAN
RECORDER, SALT LAKE COUNTY, UTAH
FIRST AMERICAN TITLE
REC BY: J MORETON , DEPUTY - WI

STATE OF Utah }
 } ss.
COUNTY OF Salt Lake }

Jon E. Bartlett , being first duly sworn upon oath, deposes and says:

That he is a citizen of the United States, of legal age, and in every way qualified to make this Affidavit;

That he knows that the attached letter from Rick Smith, Director of Public Works, Sandy City, Utah, is an original letter with an original signature.

This Affidavit is made relative to the following described real property situate in Salt Lake County, State of Utah, to-wit:

See attached Exhibit "A"

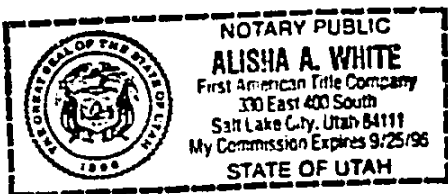
Further Affiant saith naught.



Jon E. Bartlett

STATE OF Utah }
County of Salt Lake } ss.

On the 11th day of April, A.D. 1996 personally appeared before me
Jon Bartlett the signer of the within instrument, who duly acknowledged to me that he executed the
same.





Notary Public

6328353

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Department of Public Works

October 22, 1995

THOMAS M. DOLAN
MAYOR
BYRON JORGENSON
CHIEF ADMINISTRATIVE OFFICER
RICK SMITH
DIRECTOR

Mr. Tim Bruce
Senior Vice President - Development
Equity Properties and Development
Two North Riverside Plaza
Suite 1000
Chicago, IL 60606-2689

Re: South Towne Center

Dear Mr. Bruce:

I have reviewed your letter dated October 18, 1995 regarding the slope easement (Book 6112, Page 2716, Entry Number 4750508) at the above referenced location.

Based on the information you have supplied, I agree the easement is not necessary and therefore, Sandy City hereby vacates all interests in this particular slope easement.

Please contact me if you have any additional questions or comments.

Sincerely,

Rick Smith
Director of Public Works

cc: Dan Simons, Economic Development Director
John Bourne, City Engineer

EXHIBIT "A"

BEGINNING at a point on the West line of State Street (50.00 feet from monument line) North 89°50'56" East 41.33 feet and South 00°01'50" East 583.17 feet and South 00°50'43" East 70.31 feet and South 00°01'50" East 53.16 feet from the Northeast corner of Section 13, Township 3 South, Range 1 West, Salt Lake Base and Meridian (Basis of bearing being South 00°01'50" East 2599.12 feet along the State Street monument line between the monuments found marking the intersections 10600 South and 10200 South Streets), said Northeast corner of Section 13 being South 89°53'20" West 92.33 feet from the monument marking the intersection of State Street and 10200 South and running thence along the West street line South 00°01'50" East 36.74 feet; thence South 89°58'10" West 6.5 feet; thence South 00°01'50" East 1,242.98 feet to the North line of A.P. Stevens property, recorded as Entry No. 1619249 on Page 97 in Book 1556 of Deeds in the Salt Lake County Recorder's Office; thence along said property line, South 89°30'10" West 89.53 feet; South 70°00'10" West 35.00 feet; South 89°05'10" West 204.06 feet; South 00°01'50" East 63.87 feet and North 89°01'10" East 326.50 feet; thence along the new right-of-way South 00°01'50" East 444.47 feet; South 89°58'10" West 6.50 feet; South 00°01'43" East 10.82 feet to the North line of Parcel "A" as shown on the survey map by Robert R. Goff dated August 24, 1985, for Goff Enterprises, Draper, Utah; thence South 45°11'14" West 28.40 feet; thence along the North line of said Parcel "A" for the next four courses North 89°35' West 5.42 feet to a point of tangency with a 7,610.00 foot radius curve, the center of which bears North 00°25' East and along said curve to the right, through a central angle of 02°51'49" a distance of 380.34 feet to a point of reverse curve with a radius of 7,735.00 feet, the center of which bears South 03°16'49" West, and along said curve to the left through a central angle of 02°51'49" a distance of 386.59 feet, and North 89°35' West, for a distance of 215.84 feet; thence North 76°40'15" West 153.77 feet to an iron rod shown on the C.J. Schuchert survey for Engineering Consortium, SLC; thence North 76°58'27" West 37.64 feet to a point that is 120 feet perpendicular distance Northerly from the surveyed State Road Commission (SRC) Engineer's Centerline Station 9+05.86 of State Highway Project 15-7, said point being the end of the non-access line of said project; thence along the highway right-of-way and non-access line of said project the next 5 courses (bearings rotated to agree with basis of bearing); North 89°35' West 198.00 feet to a point of tangency with a 205.63 foot radius curve (SRC = 206.59) the center of which bears North 00°25' East, and along said curve to the right, through a central angle of 58°26'36" a distance of 209.75 feet (SRC = 210.15) and continuing North 34°54'34" West 420.27 feet to a point on the arc of a 1,740.85 foot radius curve, the center of which bears North 57°49'06" East, said point being 65 feet perpendicular distant Northeasterly from Engineer's Station 57+61.83 for the centerline of ramp "C" of said highway project, and continuing Northwesterly along said curve to the right, through a central angle of 24°10'17" a distance of 734.41 feet to a point 65 feet radially distant Northeasterly from Engineer's Station 50+00 for ramp "C" (said point also

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being 145 feet radially distant Northeasterly from I-15 centerline Station 970+00), and continuing North 07°18'09" West 1,353.04 feet to a point on the North line of said Section 13 (North 89°49'53" West 2,198.92 feet from the Northeast corner of said Section 13); thence South 89°49'53" East 63.36 feet to a point on the arc of a 34,179.5 foot radius curve, the center of which bears North 84°14'35.33" East; thence Southeasterly along said curve to the left, through a central angle of 00°15'12.33" a distance of 151.18 feet to a point that is 198.0 feet radially distant Northeasterly from I-15 centerline Station 958+00; thence South 07°18'09" East 307.23 feet; thence parallel with the North line of said Section 13, South 89°49'53" East 760.77 feet to a fence line; thence along said fence line, South 59.05 feet to a point on the Northerly boundary line of the South Towne Mall Ring Road, which point is on a 768.00 foot radius curve to the right (radius point bears South 21°27'29" East); thence along said line Northeasterly 299.68 feet along the arc of said curve through a central angle of 22°21'25", thence South 00°00'36" West 9.99 feet along said line to a point on a 758.00 foot radius curve to the right (radius point bears South 00°54'37" West); thence along said line Southeasterly 712.45 feet along the arc of said curve through a central angle of 53°51'11" to a point of reverse curvature with a 25.00 foot radius curve to the left; thence along said line Southeasterly 37.15 feet along the arc of said curve through a central angle of 85°06'19" to a point on the Northerly boundary line of an access road; thence North 59°37'30" East 74.04 feet along said line to a point of curvature with a 306.00 foot radius curve to the right; thence along said line Northeasterly 162.31 feet along the arc of said curve through a central angle of 30°23'31"; thence South 89°59'00" East 192.15 feet along said line to a point of curvature with a 25.00 foot radius curve to the left; thence along said line Northeasterly 21.60 feet along the arc of said curve through a central angle of 49°30'41" to said West line of State Street and the point of beginning.

LESS AND EXCEPTING THEREFROM the property conveyed to Mervyn's, a California corporation by General Warranty Deed recorded October 21, 1993 as Entry No. 5634888 in Book 6781 at page 761 of Official Records, being a parcel of land in the northeast quarter of Section 13, Township 3 South, Range 1 West, Salt Lake Base & Meridian, being more particularly described as follows:

Beginning at a point 926.18 feet West and 700.84 feet South from the Northeast corner of said Section 13 (basis of bearing being South 00°01'50" East along the State Street monument line between the monuments opposite the Northeast corner and the East Quarter corner of said Section 13), said point being on a 315.48 foot radius curve to the right (radius point bears North 76°12'01" West) and running thence Southwesterly 6.61 feet along the arc of said curve through a central angle of 01°12'01" to a point of tangency; thence South 15°00'00" west 113.39 feet; thence South 83°05'00" East 19.20 feet to a point on a 147.50 foot radius curve to the left (radius point bears south 83°05'00" East); thence Southerly 17.73

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feet along the arc of said curve through a central angle of $06^{\circ}53'25''$ to a point of tangency; thence south $00^{\circ}01'35''$ West 184.00 feet; thence South $89^{\circ}59'52''$ West 263.49 feet; thence North $00^{\circ}01'35''$ East 10.30 feet to the point of curvature with a 49.50 foot radius curve to the right; thence Northeasterly 35.99 feet along the arc of said curve through a central angle of $41^{\circ}39'23''$ to a point of reverse curvature with a 50.50 foot radius curve to the left; thence Northeasterly 36.72 feet along the arc of said curve through a central angle of $41^{\circ}39'23''$ to a point of tangency; thence North $00^{\circ}01'35''$ East 128.85 feet to the point of curvature with a 14.50 foot radius curve to the right; thence Northeasterly 22.78 feet along the arc of said curve through central angle of $90^{\circ}00'00''$ to a point of tangency; thence South $89^{\circ}58'25''$ East 103.56 feet to the point of curvature with a 75.50 foot radius curve to the left; thence northeasterly 69.60 feet along the arc of said curve through a central angle of $52^{\circ}48'57''$ to a point of tangency; thence North $37^{\circ}12'38''$ East 32.85 feet; thence North $15^{\circ}00'00''$ East 56.14 feet; thence South $75^{\circ}00'00''$ East 39.93 feet to the point of beginning.

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