

CTC (SH)

RECORDED AT THE REQUEST OF:
SMITH'S FOOD & DRUG CENTERS, INC.

UPON RECORDING, RETURN TO:
SMITH'S FOOD & DRUG CENTERS, INC.
1550 South Redwood Road
Salt Lake City, UT 84104
Attention: Director of Real Estate Legal Services

ENT 761933 Bk 1012 Pg 158
DATE 30-May-2001 10:31AM FEE 21.00
MICHAEL L GLEED, RECORDER - FILED BY TJ
CACHE COUNTY, UTAH
FOR CACHE TITLE COMPANY

SPACE ABOVE FOR RECORDER'S USE

DECLARATION ESTABLISHING SHARED PARKING AND ACCESS

THIS DECLARATION ESTABLISHING SHARED PARKING AND ACCESS
("Declaration") is executed this 16 day of May, 2001, by **SMITH'S FOOD & DRUG
CENTERS, INC.**, a Delaware corporation ("Smith's").

RECITALS:

- A. Smith's is the owner of that certain real property located at 175 East 442 North, Logan, Utah, which property is more particularly described in Exhibit "A" attached hereto ("Property").
- B. Smith's has constructed and is operating a grocery store ("Store") on the Property as depicted on the site plan ("Site Plan") attached hereto as Exhibit "B".
- C. Smith's, in cooperation with Conoco Gas, intends to construct and operate a fueling station in the area so designated on the Site Plan.
- D. In order to confirm and assure parking and access on and over the Property for the employees and customers of the fueling station, Smith's desires to establish this Declaration.

DECLARATION

1. In addition to the privileges and rights currently established on the Property for Smith's customers, all customers of the fueling station shall have the right of ingress and egress on, over and across the Property, and shall also have the right to park in the common areas on the Property. Additionally, any employees of the fueling station shall have complete and unfettered

access to the restrooms in the Store so long as the Store is open and operating. At any and all times that the Store is closed (i.e., Christmas day, etc.), the fueling station shall also be unattended.

2. This Declaration shall encumber the Property and shall continue until the sooner of (i) the date the fueling station ceases operation on the Property, or (ii) fifty-five (55) years from the date of this Declaration.


IN WITNESS WHEREOF, Smith's has executed this Declaration as of the date first set forth above.

SMITH'S FOOD & DRUG CENTERS, INC.

By: Wade S. Williams
Its: Sr. Vice President

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

On the 10th day of May, 2001, before me, a Notary Public in and for said state, personally appeared WADE S. WILLIAMS, SR. VICE PRESIDENT of SMITH'S FOOD & DRUG CENTERS, INC., known to me to be the person whose name is subscribed to the within instrument, who acknowledged to me that he executed the same for and on behalf of said corporation.

 Notary Public
SUSAN T. THOMSON
2661 Harvest Lane
West Jordan, Utah 84084
My Commission Expires
February 7, 2002
State of Utah
My Commission Expires:

2-7-2002

Susan T. Thomson
Notary Public
Resident of the State of Utah

Parcel from Smith's site to Corner Parcel

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

Beginning at a point on the West line of said Block 48 being 99.00 feet North $1^{\circ}48'14''$ East along said West line from the Southwest Corner of Lot 2, of said Block 48, and running thence North $1^{\circ}48'14''$ East 10.00 feet along said West line; thence South $88^{\circ}27'16''$ East 169.00 feet; thence South $1^{\circ}48'14''$ West 109.00 feet to the South line of said Block 48; thence North $88^{\circ}27'16''$ West 81.50 feet along said South line; thence North $1^{\circ}48'14''$ East 99.00 feet; thence North $88^{\circ}27'16''$ West 87.50 feet to the street line and the point of beginning.

Contains 9,758 sq. ft.

Corner Parcel -- After Lot Line Adjustment

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

Smith's #87 Logan -- Store Site After Lot Line Adjustment

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

Beginning at the Southeast Corner of Lot 1 of said Block 48, and running thence North 88°27'16" West 432.48 feet along the South Line of said Block 48 to a point 169.00 feet South 88°27'16" East of the Southwest Corner of Lot 2 of said Block 48; thence North 1°48'14" East 109.00 feet; thence North 88°27'16" West 169.00 feet to the West Line of said Block 48; thence North 1°48'14" East 340.40 feet along said West Line to a point 0.5 feet South of the Northwest Corner of Lot 4 of said Block; thence South 88°15'57" East 150.29 feet parallel to the North Line of said Lot 4; thence South 87°48'51" East 249.96 feet to a point 2.47 feet South of the North Line of Lot 7 of said Block; thence South 88°15'57" East 200.12 feet parallel to the North Line of said Block 48 to the East Line of said Block 48; thence South 1°39'39" West 445.45 feet along the East Line of said Block 48 to the Point of Beginning.

Less and Excepting therefrom that portion conveyed to Joseph D. Anderson and Edesa Z. Anderson in that certain Warranty Deed recorded June 27, 1989 as Entry No. 524031 in Book 452 at Page 451 described as follows:

Beginning at a point which is North 1°39'39" East 82.67 feet along the East Line of Block 48, Plat "A", Logan City Survey, and North 88°20'21" West 91.33 feet from the Southeast Corner of Lot 1 of said Block 48; running thence South 1°39'39" West 40.00 feet; thence North 88°20'21" West 129.60 feet; thence North 1°39'39" East 40.00 feet; thence South 88°20'21" East 129.60 feet to the Point of Beginning.

Contains 245,212 sq. ft.
or 5.629 Acres

