

11391386
05/15/2012 04:28 PM \$24.00
Book - 10017 Pg - 5550-5557
GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
BENNETT TUELLER JOHNSON DEERE
BY: DCD, DEPUTY - W I S P.

When Recorded Return to:

Robert H. Hughes
Associate Corporate Counsel
Utah Transit Authority
3600 South 700 East
Salt Lake City, Utah 84106-1154

NOTICE OF UTAH TRANSIT AUTHORITY'S INTENTION TO DEVELOP THE SUGARHOUSE SPUR OF THE UNION PACIFIC RIGHT-OF-WAY CONSISTENT WITH THE REQUIREMENTS OF THE AGREEMENT AND COVENANT NOT TO SUE BETWEEN AND AMONG THE UNITED STATES ON BEHALF OF THE ENVIRONMENTAL PROTECTION AGENCY (the "EPA") AND THE UTAH TRANSIT AUTHORITY ("UTA")

EPA Docket. No. CERCLA-08-2002-04

The AGREEMENT AND COVENANT NOT TO SUE UTAH TRANSIT AUTHORITY, EPA Docket No. CERCLA-08-2002-04, filed by the EPA Region VIII Hearing Clerk on May 10, 2002 (the "Agreement"), was recorded in the Salt Lake County Recorder's Office on November 14, 2008, as Entry No. 10561789.

The Agreement among other things, affects the UTA Surface Passenger Rail Transportation Corridor (the "Property") currently traversing four counties within the state of Utah, namely: Weber, Davis, Salt Lake and Utah. The term "Property" is more particularly defined in Exhibit 1 to the Agreement as amended.

Development of the Sugarhouse Spur of the Union Pacific Right-of-Way is subject to the terms and covenants of the Agreement, including the requirements of the Statement of Work ("SOW") attached to the Agreement as Exhibit 4.

Utah Transit Authority intends to develop the Sugarhouse Spur as set forth herein and in the Notice to the EPA, dated March 5, 2012 and attached hereto as Exhibit A, consistent with and subject to the terms and covenants of the Agreement.

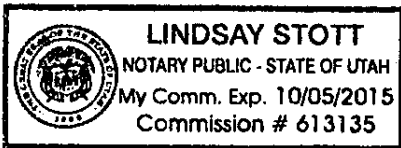
The Sugarhouse Spur is identified as "Property" as that term is defined in the Agreement and described in Substitution Exhibit 1 to the Agreement filed in EPA Region 8, September 1, 2005 as amended, Amended Exhibit 1, Salt Lake County, Utah page 1 of 22. A description of the Sugarhouse Spur Property is set forth and attached hereto as Exhibit B.

UTAH TRANSIT AUTHORITY


DOUGLAS J. PARRY
Counsel for Utah Transit Authority

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

Subscribed and sworn to before me this 14th day of May, 2012.



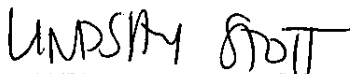

NOTARY PUBLIC

EXHIBIT A



Douglas J. Parry
Direct Dial: (801) 438-2045
Email: dparry@btjd.com

March 5, 2012

VIA U.S. MAIL

Richard Sisk, Esq.
U.S. EPA Region 8
ENF-L
1595 Wynkoop
Denver, CO 80202-1129

Re: *Notice of Utah Transit Authority's Intention to Develop the Sugarhouse Spur of the Union Pacific Right-of-Way Consistent with the Requirement of the PPA to Include the Sugarhouse Streetcar Line and Platform Stations and Will Allow for Public Use Along the Right-of-Way.*

Dear Mr. Sisk:

The Sugarhouse Spur of the Union Pacific Right-of-Way is subject to the terms of the US EPA Agreement and Covenant Not to Sue the Utah Transit Authority EPA Docket No. CIRCLA-08-2002-04, filed in Region 8, May 10, 2002. ("Agreement"), including the requirements of the Statement of Work ("SOW") attached to the Agreement as Exhibit 4. The Sugarhouse Spur is identified as "Property" as that term is defined in the Agreement and described in Substitution Exhibit 1 to the Agreement filed in EPA Region 8, September 1, 2005 as amended. (Amended Exhibit 1, Salt Lake County, Utah on page 1 of 22.)

Since execution of the Agreement, the Utah Transit Authority ("UTA"), has continued to progress with the design and constructions of its commuter/light rail system. The ongoing process has required several design modifications based on the location of that portion of the corridor being designed and constructed. The Sugarhouse Spur passes through adjacent developed residential and commercial private properties.

UTA now intends to design and construct a rail passenger service line and seven platform stations within the entire length of the Sugarhouse Spur Right-of-Way. The Sugar House Streetcar Project (the "Project"), because of its location will include public amenities that will be constructed within the Right-of-Way. In the design and construction of the Project, UTA has and will comply with all applicable Federal, State and local environmental requirements.

Consistent with the terms of the Agreement and the SOW, UTA, jointly with the Redevelopment Agency of Salt Lake City and the City of South Salt Lake intends to develop

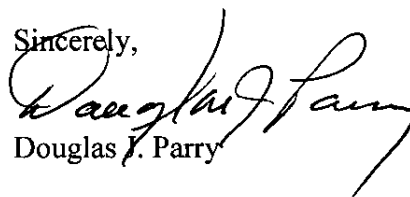
3165 East Millrock Drive
Suite 500
Salt Lake City, Utah
84121-4704

t (801) 438-2000
f (801) 438-2050
www.btjd.com

improvements for the public use of the right-of-way including areas for public recreation, trails, bikeways, gardens, esthetically pleasing landscaping, etc. A proposed list of the public use amenities is attached hereto as Exhibit A. The Steering Committee for the Project includes the Salt Lake City RDA, the Cities of Salt Lake and South Salt Lake, and other non-profit organizations such as an independent trail committee with input and participation of the Sugarhouse Community Council, adjacent property owners and interested community residents.

UTA has retained an environmental firm, IHI to take and characterize soil samples every 100 feet along the right-of-way and where indicated, IHI will sample and characterize all soils to be excavated to a depth greater than 6 inches. All excavated soils that are determined to be contaminated will be handled and/or disposed of in accord with applicable State and Federal law and regulations. UTA will maintain all environmental reports and sampling results it obtains in relation to the environmental assessment of the Sugarhouse Spur Right-of Way. These will be maintained and available to the EPA and the Utah Division of Environmental Quality upon request.

Sincerely,



Douglas J. Parry

DJP/ljs
Enclosure

EXHIBIT A

- Parley's Trail
- Native landscape with irrigation
- Pedestrian lighting
- Wayfinding signage
- Artistic/Historic Interpretive elements
- Benches
- Enhanced landscaping
- Crushed gravel path
- Park features
- Plaza hardscape
- Bike racks
- Bike share kiosk
- Shelter canopy
- Artwork
- Above grade ped/bike crossing
- Landscape screen to neighbors
- Parley's Trail as bike lane
- Community gardens

EXHIBIT B

Amended Exhibit 1

Salt Lake County, Utah

That portion of the Sugarhouse Branch of the Union Pacific Railroad Company (formerly the Denver & Rio Grand Railroad Company), as now constructed and operated, said branch extends easterly from the easterly right of way line of the Provo Subdivision of the Union Pacific Railroad Company at said railroad branch mile post 0.00, to said railroad branch mile post 2.74, said portion being situate in, over and across the following legal subdivisions of Salt Lake County, Utah:

| Subdivision | Section | Township | Range | Meridian |
|-------------|---------|----------|-------|-----------|
| NW 1/4 | 24 | 1S | 1W | Salt Lake |
| NE 1/4 | 24 | 1S | 1W | Salt Lake |
| NW 1/4 | 19 | 1S | 1E | Salt Lake |
| NE 1/4 | 19 | 1S | 1E | Salt Lake |
| NW 1/4 | 20 | 1S | 1E | Salt Lake |
| NE 1/4 | 20 | 1S | 1E | Salt Lake |

Union Pacific Railroad Co.
Real Estate Department
Omaha, NE.
September 12 2002 T.D.A.

Segment 3.2e