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07/12/2018 04:32 PM \$0.00
Book - 10692 Pg - 9236-9242A-B
ADAM GARDINER
RECORDER, SALT LAKE COUNTY, UTAH
SL CITY PROPERTY MANAGEMENT
PO BOX 145460
SLC UT 84114
BY: SSP, DEPUTY - WITZEL

When recorded, return to:

Salt Lake City Corporation
451 South State Street, Room 425
P.O. Box 145471
Salt Lake City, Utah 84114
Attn: Dan Rip

With a copy to:

Kirton McConkie
50 East South Temple, Suite 400
Salt Lake City, Utah 84111
Attn: Tyler L. Buswell

RECORDED
JUL 03 2018
CITY RECORDER

NOTICE OF INTEREST

THIS NOTICE OF INTEREST (this "Notice") recorded against Plum Alley (defined below), is made and entered into as of the ___ day of June, 2018, by and between SALT LAKE CITY CORPORATION, a Utah municipal corporation (the "City"), with an address of 451 South State Street, Room 425, P.O. Box 145460, Salt Lake City, Utah 84114, Attn: Dan Rip, Email: dan.rip@slcgov.com, and PROPERTY RESERVE, INC., a Utah nonprofit corporation ("PRI"), with an address of 51 South Main Street, Suite 301, Salt Lake City, Utah 84111, Attn: David L. Jones, Email: jonesdl@citycreekslc.com. The City and PRI are at times hereinafter referred to individually as, a "Party" and collectively as, the "Parties."

RECITALS

A. PRI and PRI's predecessors in interest have an interest in that certain real property located in Salt Lake County, State of Utah ("Plum Alley"), as more particularly described on Exhibit A attached hereto and incorporated herein by this reference. PRI owns all of those certain tax parcels (parcel 16-06-151-023, parcel 16-06-151-029, parcel 16-06-151-025, and parcel 16-06-151-009) surrounding and adjacent to Plum Alley (collectively, the "PRI Properties"). Additionally, PRI has taken full responsibility for the maintenance and upkeep of Plum Alley, including, but not limited to, all snow removal and any maintenance and repairs needing to be made to Plum Alley in excess of forty (40) years. For these and other reasons, PRI has an interest in Plum Alley.

B. Plum Alley is a public right-of-way that was never vacated, as suggested by those certain Salt Lake City Survey Plats, as more particularly depicted on Exhibit B, attached hereto and incorporated herein by this reference. For this and other reasons, the City also has an interest in Plum Alley.

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4817-7591-9205

C. Although both PRI and the City may have an interest in Plum Alley, the Parties desire to work together on issues affecting Plum Alley until further notice pursuant to the following terms and conditions.

TERMS AND CONDITIONS

NOW THEREFORE, in consideration of the mutual covenants contained herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. **Agreement to Cooperate.** PRI and the City both acknowledge the existence of an open dispute regarding the ownership of Plum Alley. In an effort to facilitate development in and around Plum Alley, including the development of the PRI Properties, the Parties agree to work together to further such development. In addition, the City agrees to grant consent to PRI for the installation of all commercially reasonable utilities and improvements within Plum Alley to facilitate the development of the PRI Properties, in accordance with all applicable regulations and following all applicable City processes, including, without limitation, all gas, electrical, telecommunication, water, sewer, and ventilation systems, exhaust outlets, grease traps, fans, and all other related utility lines, facilities, and improvements.

2. **Consent for Construction.** Any Party wishing to engage in any construction or activity in Plum Alley shall first receive the prior, written consent of the non-constructing Party, which consent shall not be unreasonably withheld. Notwithstanding the foregoing, the Parties agree to work together in good faith to facilitate any activity, construction, or development within Plum Alley and/or the PRI Properties.

3. **Maintenance and Restoration.** PRI agrees to continue all routine maintenance and upkeep of Plum Alley as it has done previously including all repairs, cleaning, and snow removal (collectively, the "**Maintenance Activities**"). Under no circumstances shall PRI be required to provide notice to, or obtain consent from, the City in order to perform the Maintenance Activities.

4. **Notices.** All notices shall be in writing and sent to the City and PRI at the addresses provided in the introductory paragraph and shall be given by personal delivery, overnight courier service, electronic mail or United States registered mail return receipt requested. Notices shall be deemed delivered the date actually delivered.

5. **Miscellaneous.** This Notice shall be governed by and construed in accordance with the laws of the State of Utah. This Notice (including all attached exhibits) constitutes the entire agreement of the Parties. All prior and contemporaneous agreements, representations and understandings of the Parties hereto, oral or written, are hereby superseded and merged herein. No supplement, modification or amendment of this Notice shall be binding unless in writing and executed by the Parties hereto. If either Party brings or commences a legal proceeding to enforce any of the terms of this Notice, the prevailing Party in such action shall have the right to recover reasonable attorneys' fees and all other associated costs from the other Party. The captions of this Notice are for convenience and reference only and in no way define, describe, extend, or

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limit the scope or intent of this Notice, or the intent of any provision hereof. This Notice may be signed in multiple counterparts, all of which taken together shall constitute one and the same agreement. Further, copied or electronically transmitted signatures of an original signature shall be treated for all purposes as an original signature. After execution and delivery of this Notice, a copy of the signed Notice shall be considered for all purposes as an original of the Notice to the maximum extent permitted by law, and no party to this Notice shall have any obligation to retain a version of the Notice that contains original signatures in order to enforce the Notice, or for any other purpose, except as otherwise required by law.

6. REPRESENTATION REGARDING ETHICAL STANDARDS FOR CITY OFFICERS AND EMPLOYEES AND FORMER CITY OFFICERS AND EMPLOYEES.
PRI represents it has not: (1) provided an illegal gift or payoff to a City officer or employee or former City officer or employee, or his or her relative or business entity; (2) retained any person to solicit or secure this Permit upon an agreement or understanding for a commission, percentage, or brokerage or contingent fee, other than bona fide employees or bona fide commercial selling agencies for the purpose of securing business; (3) knowingly breached any of the ethical standards set forth in the City's conflict of interest ordinance, Chapter 2.44, Salt Lake City Code; or (4) knowingly influenced, and hereby promises that it will not knowingly influence, a City officer or employee or former City officer or employee to breach any of the ethical standards set forth in the City's conflict of interest ordinance, Chapter 2.44, Salt Lake City Code.

[Signatures to Follow]

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IN WITNESS WHEREOF the Parties have executed this Notice as of the date first set forth above.

PRI:

CITY:

PROPERTY RESERVE, INC.,
a Utah nonprofit corporation

SALT LAKE CITY CORPORATION a Utah municipal corporation SALT LAKE CITY CORPORATION, a Utah municipal corporation By: _____ Name: <u>Jackie Biskupski</u> Its: Jackie Biskupski, Mayor

AP
 By: Ashley Powell
 Name: **ASHLEY POWELL**
PRESIDENT
 Its: _____

ATTEST & COUNTERSIGN:
Salt Lake City Recorder's Office

APPROVED AS TO FORM:
Salt Lake City Attorney's Office

By: Korrie Solovic
 Assistant City Recorder

By: Megan J. DePaulis
 Megan J. DePaulis, Senior City Attorney
 Date: 6/27/18

RECORDED
JUL 03 2018
CITY RECORDER

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



David Litvack

On the 3 day of June, 2018, personally appeared before me Jaqueline M. Biskupski, who being by me duly sworn did acknowledge that she is the Mayor of Salt Lake City Corporation, a Utah municipal corporation, and that the within and foregoing instrument was signed by her on behalf of the City.

Robin Pratt
 NOTARY PUBLIC
 Residing at: SL County

My Commission Expires:
2-16-2020



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

On the 14th day of June, 2018, personally appeared before me Ashley Powell, who being by me duly sworn did acknowledge that he is the president of Property Reserve, Inc., a Utah nonprofit corporation ("PRI"), and that the within and foregoing instrument was signed by him on behalf of PRI.



Lynette Asay
NOTARY PUBLIC
Residing at: 515 main st. Salt Lake City ut

My Commission Expires:
02/13/2022

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EXHIBIT A

(Legal Description of Plum Alley)

That certain real property located in Salt Lake County, State of Utah, described as follows:

Beginning on the East line of Plum Alley at a point North $89^{\circ}52'37''$ west, along the South line of Block 70, (a distance of) 70.00 feet and North $0^{\circ}03'21''$ East along the East line of Plum Alley 166.28 feet from the Southeast Corner of Lot 2, Block 70, Plat A, Salt Lake City Survey and running thence North $0^{\circ}03'21''$ East along said East line 277.64 feet to the South line of Orpheum Avenue; thence North $89^{\circ}55'20''$ West 16.00 feet to the West line of Plum Alley; thence South $0^{\circ}03'21''$ West along said west line 277.63 feet; thence South $89^{\circ}52'37''$ East 16.00 feet to the point of beginning.

Adjacent Parcels: 16-06-151-023, 16-06-151-029, 16-06-151-025, and 16-06-151-009

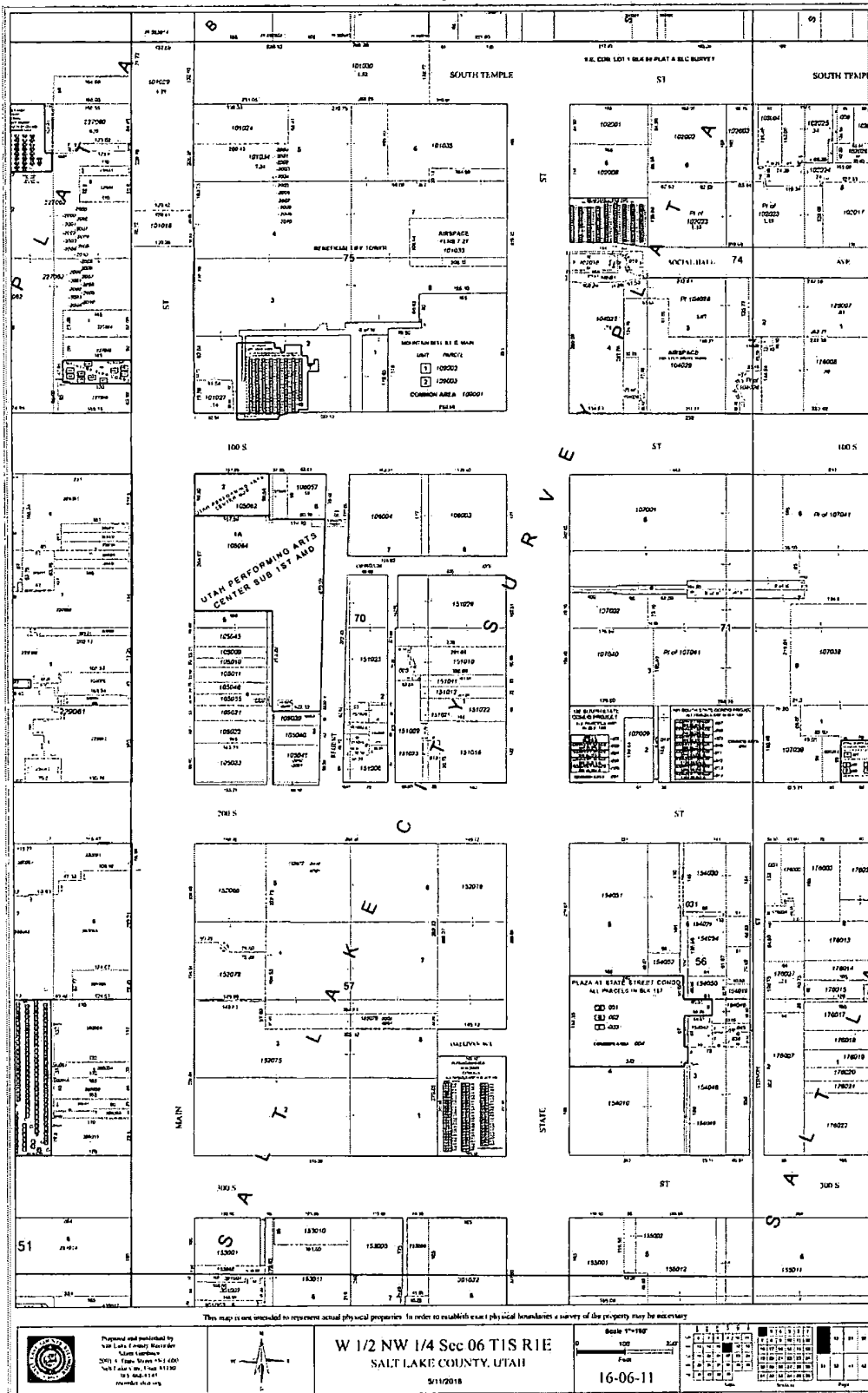
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EXHIBIT B

(Plat Depiction)



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ATLAS PLAT

PLAT 7

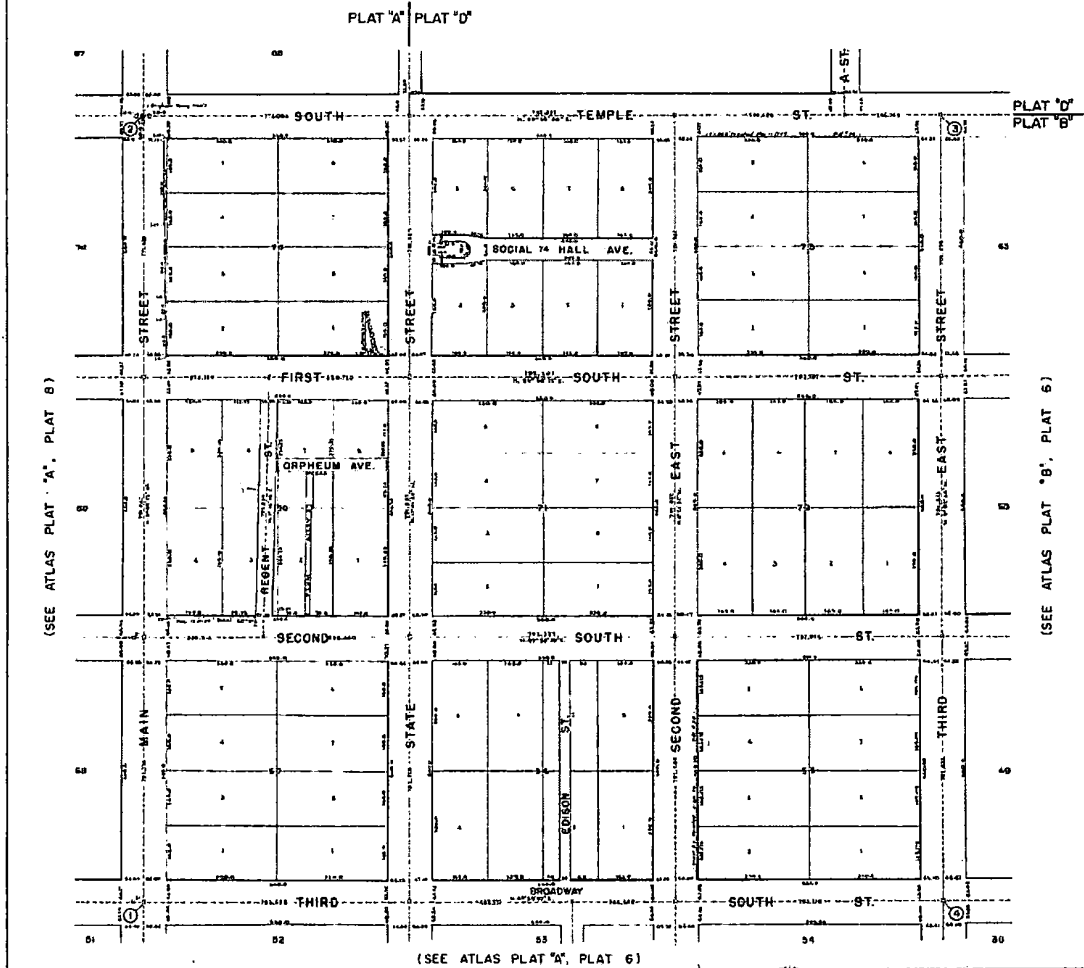
OF BLOCKS 55, 56, 57, 70, 71, 72, 73, 74, 75

AS SHOWN IN THE

OFFICIAL SURVEY OF PLAT A
SALT LAKE CITY SURVEY

Scale: 1" = 150'

(SEE ATLAS PLAT " ", PLAT)

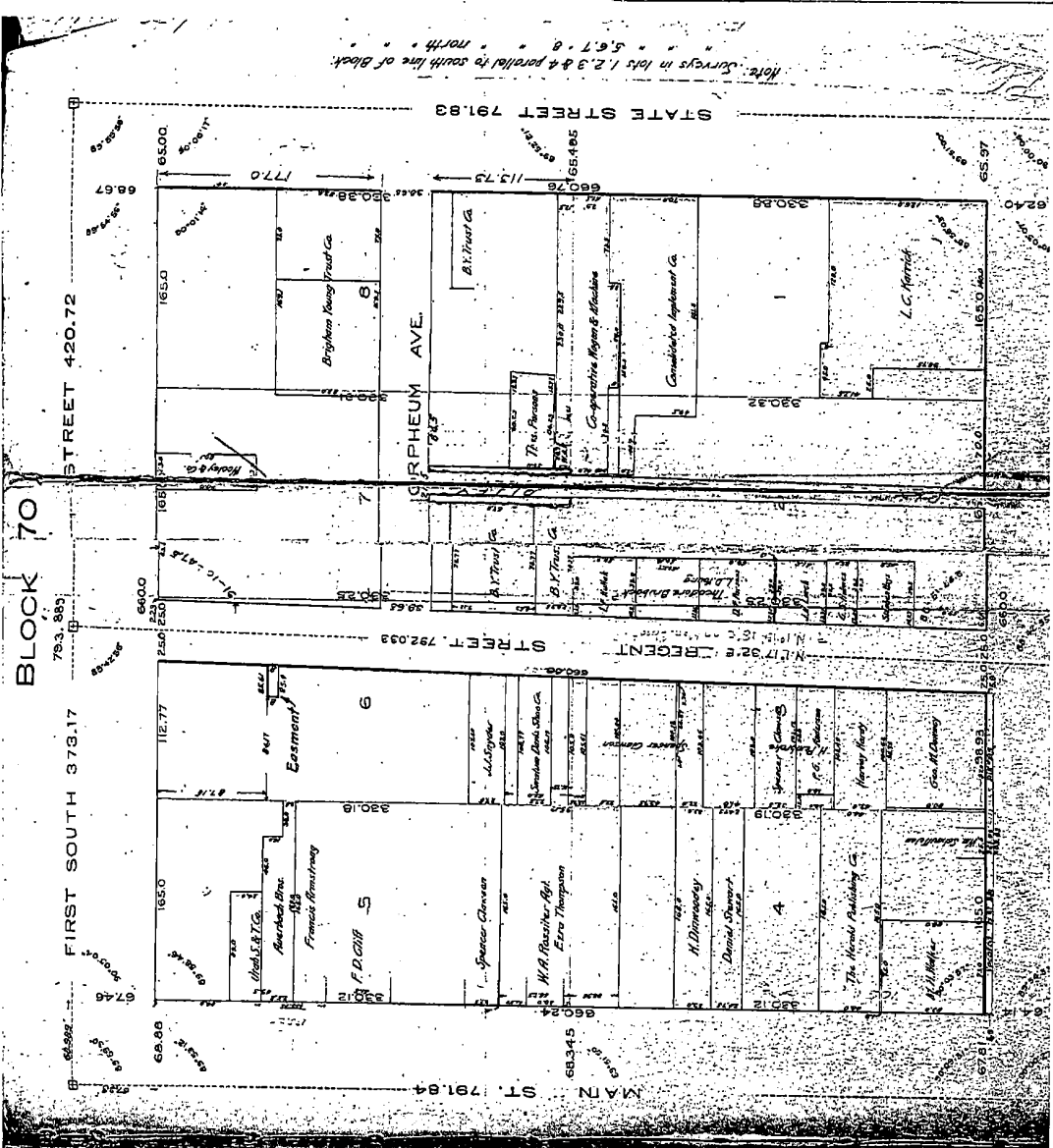


STATE PLANE GRID COORDINATES			NOTES	SALT LAKE CITY CORPORATION	-REVISIONS-				DESIGNED BY DRAWN BY CHECKED BY DATE		PLAT "A" PLAT 7	NUMBER ACCOUNT SHEET OF SHEETS		
NO.	BY	DATE			NO.	DATE	NO.	DATE					NO.	DATE

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LOT	DATE OF SURVEY	NAME	FIELD BOOK
10	3-31-08	Jacob Morritz	L 0056
3	12-1-08	John Gelliger	"
5	10-15-09	Commercial Block Assn.	"
9	5-31-10	W.F. Armstrong	"
9	11-14-10	Elizabeth Heper Dumber	"
9	6-7-11	Western Union Bldg Co.	"
53	6-7-08	Reese, Critchlow & Barretts	"
76	8-1-11	"	"
79	9-1-11	M.H. Walker	"
92	11-21-11	M.H. Walker Realty Co.	"
91	12-12-11	"	"
90	3-14-12	"	"
92	11-6-12	John Stringham	"
76	6-12-13	W.H. Dickson	"
41	9-11-16	Tracy L. & T. Co.	"
93	10-30-17	W.H. Dickson	"
99	4-24-19	Hollman-Wiss Co.	"
26	11-14-19	G.S. Holmes	"
99	1-19-20	Utah Home Fire Ins. Co.	"
28	7-8-21	Clayton Inv. Co.	"
97	5-9-23	"	"
261	1-24-24	Kearns Corporation	"
117	6-11-24	Extra Thompson Inv. Co.	"
18	1-19-26	Arnovitz & White	"
36	3-11-26	Tribune Pub. Co.	"
97	9-8-27	Tribune Pub. Co.	"
60	5-10-28	E.L. Sheets Tr. Co.	"
187	6-13-38	Tribune Pub. Co.	"
448	2-26-39	Beckman & Beckman	"

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