

RECORDING REQUESTED BY  
AND WHEN RECORDED RETURN TO:

Sidwell No. \_\_\_\_\_

Redevelopment Agency of Salt Lake City  
Room 418, City and County Building  
451 South State Street  
Salt Lake City, Utah 84111

9598249  
12/30/2005 12:57:00 PM \$27.00  
Book - 9237 Pg - 5545-5551  
Gary W. Ott  
Recorder, Salt Lake County, UT  
PROVO LAND TITLE COMPANY  
BY: eCASH, DEPUTY - EF 7 P.

(Above space for recorder's use only)

**THIRD AMENDMENT TO DECLARATION OF COVENANTS,  
CONDITIONS, RESTRICTIONS AND EASEMENTS**

THIS THIRD AMENDMENT TO DECLARATION OF COVENANTS,  
CONDITIONS, RESTRICTIONS AND EASEMENTS (this "Third Amendment") is made this 16<sup>th</sup>  
\_\_ day of December, 2005, by and among REDEVELOPMENT AGENCY OF SALT LAKE  
CITY, a public agency ("Agency") and THIRD WEST LODGING ASSOCIATES, L.C., a Utah  
limited liability company ("Developer"), both of whom are sometimes collectively referred to as  
the "Parties" and individually as a "Party".

RECITALS:

WHEREAS, Agency and Renaissance Associates, Ltd. ("Renaissance") entered into that  
certain Declaration of Covenants, Conditions, Restrictions and Easements, dated August 11,  
1994, and recorded August 16, 1994 with the Salt Lake County Recorder as Entry No. 5900276  
("Original Declaration") pertaining to certain real property legally described on Exhibit "A"  
attached hereto and incorporated herein by reference, as such Original Declaration was amended  
by that certain Amendment to Declaration of Covenants, Conditions, Restrictions and Easements  
by and Between Redevelopment Agency of Salt Lake City and Renaissance Associates, Ltd.,  
dated June 2, 1995 and recorded on July 28, 1995 with the Salt Lake County Recorder as Entry  
No. 6130095 ("First Amendment"), and further amended by that certain Second Amendment to  
Declaration of Covenants, Conditions, Restrictions and Easements by and between  
Redevelopment Agency of Salt Lake City and Renaissance Associates, Ltd., dated July 9, 1996  
and recorded on August 2, 1996 with the Salt Lake County Recorder as Entry No. 6404030  
("Second Amendment") (the Original Declaration, First Amendment and Second Amendment are  
collectively referred to as the "Declaration"); and

WHEREAS, Developer is the successor in interest to Renaissance's ownership of a portion of the real property burdened by the Declaration, which real property is defined in the Declaration as the Phase Three Housing parcel; and

WHEREAS, the Parties desire to further amend the Declaration to release a use restriction on the Phase Three Housing parcel;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree to amend the Declaration as it pertains to the Phase Three Housing parcel as follows:

1. Paragraphs 4 and 5 set forth in the Second Amendment are deleted in their entirety, and the following substituted therefor:

The owner of the Phase Three Housing Parcel may operate the Phase Three Housing Parcel for any purposes consistent with the zoning of such parcel, including, without limitation, as a hotel or as long stay hotel suites.

2. Capitalized terms used herein which are not otherwise defined, shall have the meanings set forth in the Declaration.

3. Except as amended herein, the Declaration shall continue in full force and effect.

4. This Third Amendment may be signed in any number of counterparts, each of which for all purposes shall be deemed an original and all of which when taken together shall constitute one instrument.

IN WITNESS WHEREOF, this Third Amendment has been executed as of the date first above written.

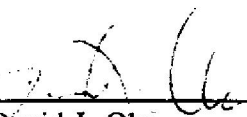
**AGENCY::**

**REDEVELOPMENT AGENCY OF SALT  
LAKE CITY**

By


  
\_\_\_\_\_  
Ross C. Anderson  
Its Chief Administrative Officer

By

  
\_\_\_\_\_  
David J. Oka  
Its Executive Director

Approved as to form:

Jones, Waldo, Holbrook & McDonough

  
\_\_\_\_\_  
Elizabeth Haslam, Esq.

**THIRD WEST LODGING ASSOCIATES, L.C.,  
a Utah limited liability company**

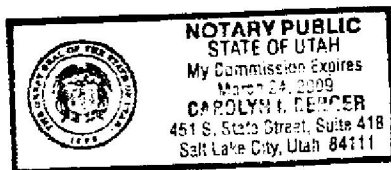
  
By \_\_\_\_\_  
William M. Bancroft, Manager

STATE OF UTAH )

: ss.

COUNTY OF SALT LAKE )

On the 28 day of December, 2005, personally appeared before me Ross C. Anderson, who being by me duly sworn did say that he is the Chief Administrative Officer of The Redevelopment Agency of Salt Lake City, and that the within and foregoing instrument was signed on behalf of said Agency.



*Carolyn I. Berger*  
NOTARY PUBLIC

STATE OF UTAH )

: ss.

COUNTY OF SALT LAKE )

On the 22nd day of December, 2005, personally appeared before me David J. Oka, who being by me duly sworn did say that he is the Executive Director of The Redevelopment Agency of Salt Lake City, and that the within and foregoing instrument was signed on behalf of said Agency.

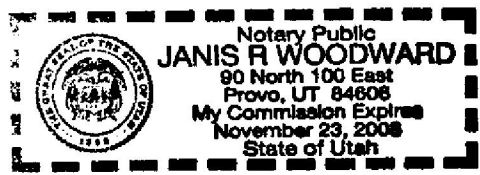


*Carolyn I. Berger*  
NOTARY PUBLIC

STATE OF UTAH            )  
                                      : ss.  
COUNTY OF UTAH        )

On the 16<sup>th</sup> day of December, 2005, personally appeared before me William M. Bancroft, who being by me duly sworn did say he is the manager of Third West Lodging Associates, L.C., a Utah limited liability company, and that the within and foregoing instrument was signed on behalf of Third West Lodging Associates, L.C.

*Janis R Woodward*  
\_\_\_\_\_  
NOTARY PUBLIC





## EXHIBIT A

### (Legal Description)

#### **PARCEL 1:**

BEGINNING at the Southeast corner of the intersection of 300 South Street and 300 West Street, said point being the Northwest corner of Block 49, Plat "A", Salt Lake City Survey, and running thence North 89°58'01" East along the South right of way line of 300 South Street 300.66 feet; thence South 0°01'06" East 207.66 feet; thence South 89°58'01" West 135.66 feet; thence South 0°01'06" East 204.67 feet; thence South 89°58'01" West 33.00 feet; thence South 0°01'06" East 0.17 feet; thence South 89°58'01" West 132.00 feet to the East right of way line of 300 West Street; thence North 0°01'06" West along said East right of way line 412.50 feet to the point of BEGINNING.

#### **PARCEL 2:**

BEGINNING at a point on the South right of way line of 300 South Street, said point being North 89°58'01" East 340.66 feet from the Northwest corner of Block 49, Plat "A", Salt Lake City Survey; and running thence South 0°01'06" East 257.00 feet; thence South 89°58'01" West 15.33 feet; thence South 0°01'06" East 238.00 feet; thence South 89°58'01" West 160.33 feet; thence South 0°01'06" East 8.25 feet; thence South 89°58'01" West 33.00 feet; thence North 0°01'06" West 90.92 feet; thence North 89°58'01" East 33.00 feet; thence North 0°01'06" West 204.67 feet; thence North 89°58'01" East 135.66 feet; thence North 0°01'06" West 207.66 feet; thence North 89°58'01" East 40.00 feet to the point of BEGINNING.

#### **EASEMENT PARCEL A:**

PARCELS 1 AND 2 ABOVE BEING SUBJECT TO AND TOGETHER WITH the non- exclusive Easement Rights created by Declaration of Covenants, Conditions, Restrictions and Easements recorded August 16, 1994, as Entry No. 5900276, in Book 7001, at Page 1550 in the office of the Salt Lake County Recorder, as said Declaration has been amended by that certain Amendment to Declaration of Covenants, Conditions, Restrictions and Easements recorded July 28, 1995 as Entry No. 6130095, in Book 7195, at Page 1999 in the office of the Salt Lake County Recorder, and by that certain Second Amendment to Declaration of Covenants, Conditions, Restrictions and Easements recorded July 22, 1996 as Entry No. 6404030, in Book 7441, at Page 2640 in the office of the Salt Lake County Recorder, within the following described property:

Beginning at the Southeast corner of the intersection of 300 South Street and 300 West Street, said point being the Northwest corner of Block 49, Plat "A", Salt Lake City Survey and running thence North 89°58'01" East along the South Right-of-Way line of 300 South Street 660.00 feet to the Northeast corner of said Block 49 and the West Right-of-Way line of 200 West Street; thence South 0°01'06" East along said West line 570.00 feet; thence South 89°58'01" West 165.00 feet; thence North 0°01'06" West 75.00 feet; thence South 89°58'01" West 330.00 feet; thence South 0°01'06" East 8.25 feet; thence South 89°58'01" West 33.00 feet; thence North 0°01'06" West 90.75 feet; thence South 89°58'01" West 132.00 feet to the East Right-of-Way line of 300 West Street; thence North 0°01'06" West along said East line 412.50 feet to the point of beginning.

(continued)

**EASEMENT PARCEL B:**

PARCEL 2 ABOVE BEING TOGETHER WITH an easement for the use of 17 parking stalls located on the following described property as established by Paragraph 3 of the Second Amendment to Declarations of Covenants, Conditions, Restrictions and Easements recorded July 11, 1996, as Entry No. 6404030, in Book 7441, at Page 2640, the location of which being more specifically identified in the Amended Agreement for Exclusive Use of Parking Area recorded March 6, 2001, as Entry No. 7837061, in Book 8431, at Page 5103 of the Official Records, as said Amended Agreement was amended by that certain Amendment To Amended Agreement recorded March 7, 2001 as Entry No. 7838976, in Book 8432, at Page 2743 of the Official Records:

Beginning at the Southeast corner of the Intersection of 300 South and 300 West Streets, said point being the Northwest corner of Block 49, Plat "A", Salt Lake City Survey; and running thence North 89°58'01" East along the South Right of Way line of 300 South Street 300.66 feet; thence South 0°01'06" East 207.66 feet; thence South 89°58'01" West 135.66 feet; thence South 0°01'06" East 204.67 feet; thence South 89°58'01" West 165.00 feet to the East right of way line of 300 West Street; thence North 0°01'06" West along said East line 412.50 feet to the point of beginning.

[FOR REFERENCE PURPOSES ONLY: Tax Parcel No. 15-01-258-011 and Tax Parcel No. 15-01-258-013]