

Canopy/Marquee License Agreement
United Staffing Alliance Project – 210 N. University Ave.

Recitals

WHEREAS, on March 3, 2009, T.R.R. Enterprises was granted a conditional use permit to extend a canopy/marquee over a portion of the public sidewalk along University Ave. and 200 North, which canopy/marquee is illustrated in Attachment "A" as part of the west and south elevations of the United Staffing Alliance Project located on Utah County Parcel #05:036:0002 described as the property in Attachment "B".

WHEREAS, the canopy or marquee will tend to improve the visual environment of the City, will not be harmful to any existing tree or landscaping element, will increase downtown property values, and will promote the objectives and characteristics of the Central Business District zone as approved by an Administrative Hearing Officer acting on behalf of the Planning Commission on March 3, 2009.

WHEREAS, all Conditional Use Permit and CBD code requirements have been met.

License Approval

In conformance with the provisions of Section 14.21.150(4) & 14.02.040 of the Provo City Code and as granted by the Planning Commission through the approval of a conditional use permit on March 3, 2009, Provo City Corporation hereby grants a license to T.R.R. Enterprises (hereafter referred to as "Licensee") to extend a canopy/marquee over a portion of the public sidewalk along University Ave and 200 North. This approval is based upon assurances by the Community Development Director that all Conditional Use Permit and CBD code requirements for such canopies/marquees have been met, and that building permits have been or will be obtained. Said assurances were provided in a Planning Commission Report of Action dated March 3, 2009, which is attached hereto as Attachment "C" and incorporated into this License.

Conditions of Approval

The following conditions shall apply to this license to extend a canopy/marquee over a portion of the public sidewalk:

1. The Licensee or Licensee's designee shall assume and pay all costs of installation, maintenance, and removal of said canopy or marquee. The Licensee or Licensee's designee shall agree to repair and/or replace any public sidewalk, landscaping, street furnishings, or other public fixtures that are damaged during the construction of the canopy or marquee.
2. The Licensee or Licensee's designee shall agree to save and hold harmless the City on any and all damage to any property or persons arising from the construction and maintenance of such canopies or marquees.
3. The Licensee or Licensee's designee shall agree to pay damages and hold the City harmless from any claim that may arise through the Licensee's or designee's use of public property for the purpose of installation, maintenance or continuance of use of the canopy or marquee.
4. Said License may be revoked after ninety (90) days of written notice to the Licensee or Licensee's designee, at which time all improvements must be removed from the public right-of-way at the full expense of said Licensee or Licensee's designee. The City right-of-way shall be restored by the Licensee or Licensee's designee at his own expense to a condition equivalent or better than that existing in the remainder of the block face, and to a condition satisfactory and acceptable to the Mayor. Canopies or marquees shall remain open and unencumbered

on three (3) sides except for required supporting columns, stanchions, or architectural features approved by the Planning Commission and Design Review Committee.

5. Except for the canopy/marquee itself and any signage located thereon, in no event shall any portion of the public right-of-way be used for commercial storage, display, or other private use.

6. The construction of any canopy or marquee shall in no way deprive the public of use of the public right-of-way, except for those locations where the supporting columns, stanchions or other architectural features are located as approved by the Planning Commission and Design Review Committee. In addition, the location of supporting columns or stanchions will not obstruct pedestrian traffic on the sidewalk, and will not materially affect existing landscaping or street furniture installations in the public right-of way.

7. The provisions of this License are not intended to any way nullify or repeal any portions of the International Building Code provisions. All canopy or marquee installations shall be in full conformance with the provisions of the latest edition of the International Building Code as adopted by Provo City.

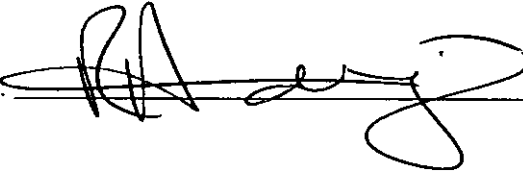
8. The canopy/marquee shall comply with the existing CBD code requirements for canopies/marquees. In the event Licensee shall seek to alter or modify the canopy/marquee, such altered or modified canopy/marquee shall comply with the then current CBD code requirements for canopies/marquees.

9. The canopy or marquee shall be harmonious in design and appearance with the building upon which it is being located, and with the general architectural and visual theme of the CBD zone, as approved by the Planning Commission on March 3, 2009.

10. The canopy/marquee design and materials were approved by the Provo City Design Review Committee on December 11, 2008.


11. This License is conditioned upon the issuance of a building permit for the United Staffing Alliance Project.

In WITNESS WHEREOF, the authorized representatives of T.R.R. Enterprises, agree to the above terms of this License on this 9 day of April, 2009.

By: 

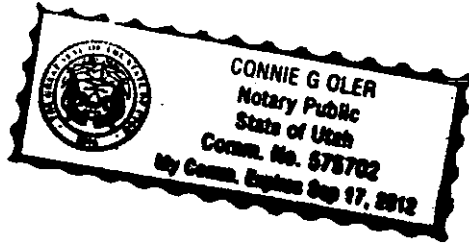
State of Utah)
 :SS
County of Utah)

The foregoing instrument was acknowledged before me on this 9th day of April, 2009, by authorized representatives of T.R.R. Enterprises.



Notary Public

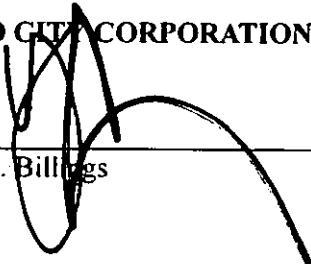
State of Utah)
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County of Utah)



The Mayor of Provo City Corporation hereby licenses this 16 day of April, 2009, the construction of the United Staffing Alliance Project Canopy/Marquee on the conditions and the terms listed above and in the incorporated attachments, and agreed to by the authorized representatives of T.R.R. Enterprises.

PROVO CITY CORPORATION

COMMUNITY DEVELOPMENT DEPARTMENT




Lewis K. Billings
Mayor

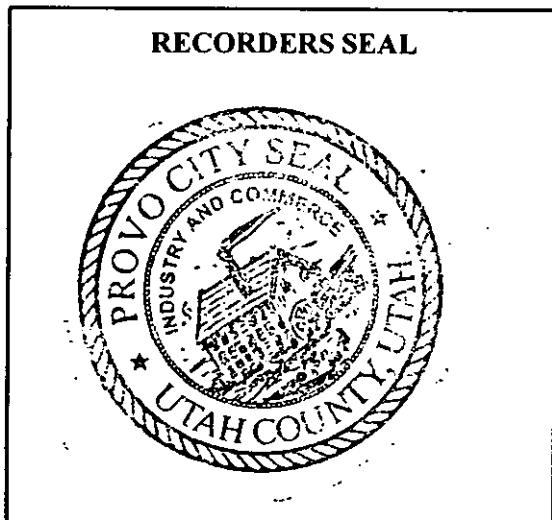


Gary McGinn
Director
Date Signed: 13 April 2009

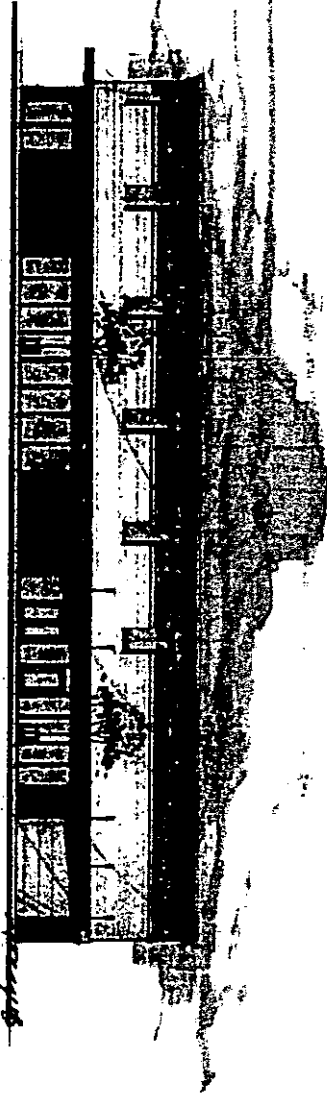
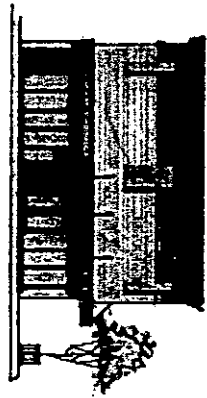
ATTEST:



LaNice Groesbeck, City Recorder
Dated this 17 day of April 2009.



"Attachment A"
Design Review Approved Elevation
December 11, 2009



Design Review Approved Drawings
[Signature]
Planning Consultant

UNITED STAFFING SERVICES
PROVO
UTAH



"Attachment B"
Property Legal Description
210 N. University Ave.

COM. AT SW COR OF LOT 3, BLK 36, PLAT B, PROVO CITY SURVEY; E 33 FT; N 85 FT; W 3
3 FT; S 85 FT TO BEG.

"Attachment C"
 Planning Commission Report of Action
 March 3, 2009

Provo City Planning Commission Administrative Hearing
Report of Action
 March 3, 2009

ITEM 1 Bob Halliday, agent for T.R.R. Enterprises, requests a conditional use permit for the installation of three awnings to extend into the public right of way along the property line generally located at 210 N. University Ave. within the CBD (Central Business District Commercial) zone. *CBD Neighborhood 09-0003CUP*

The following action was taken on the above described item by an Administrative Hearing Officer, acting in behalf of the Provo City Planning Commission, on March 3, 2009:

CONDITIONAL APPROVAL

Administrative Hearing Officer: Matthew Taylor

Includes facts of the case, analysis, and conclusions outlined in the Staff Report, with any changes noted. Administrative Hearing Officer determination is consistent with the Staff analysis and determination.

Conditions of Approval:

1. That the applicant enter into a hold harmless agreement with the City as outlined in 14.21.150(4) of the Provo City Code before issuance of a building permit;
2. That the applicant obtain a building permit for the placement of the awnings, and that the proposed awning be maintained in compliance at all times with the code requirements outlined in Section 14.21.150(4), Provo City Code;
3. That the applicant obtain a sign permit from Provo City Community Development before installation of any new signs or lettering on the awnings.

RELATED ACTIONS

08-0050PPA- Project Plan Approval for facade changes

STAFF PRESENTATION

The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations.

NEIGHBORHOOD AND PUBLIC COMMENT

Neither the applicant or any other members of the public were present to speak to this item.



 Administrative Hearing Officer

See Key Land Use Policies of the Provo City General Plan, applicable Titles of the Provo City Code, and the Staff Report for further detailed information. The Staff Report is a part of the record of the decision of this item.

Administrative decisions of the may be appealed by submitting an application/notice of appeal, with the required application and noticing fees, to the Community Development Department, 330 West 100 South, Provo, Utah, within fourteen (14) calendar days of the Hearing Officer's decision (Provo City office hours are Monday through Thursday, 7:00 a.m. to 6:00 p.m.).

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS