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**14068198 B: 11398 P: 9324 Total Pages: 10**  
**02/01/2023 04:32 PM By: salvarado Fees: \$40.00**  
Rashelle Hobbs, Recorder, Salt Lake County, Utah  
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36 SOUTH STATE STREET, SUITE 1SALT LAKE CITY, UT 84111

**CORRECTIVE  
FIRST AMENDMENT TO  
AMENDED AND RESTATED  
RESIDENTIAL TOWER AIRSPACE LEASE  
(Richards Court Condominiums)**

**THIS CORRECTIVE FIRST AMENDMENT TO AMENDED AND RESTATED RESIDENTIAL TOWER AIRSPACE LEASE IS BEING RECORDED TO CORRECT THE LEGAL DESCRIPTION OF THE PROPERTY ENCUMBERED BY THAT CERTAIN FIRST AMENDMENT TO AMENDED AND RESTATED RESIDENTIAL TOWER AIRSPACE LEASE RECORDED ON JULY 29, 2020, AS INSTRUMENT NO. 13343704, BOOK 10988, PAGE 7039-7047, IN THE OFFICIAL RECORDS OF THE SALT LAKE COUNTY RECORDER, STATE OF UTAH. THIS CORRECTIVE FIRST AMENDMENT TO AMENDED AND RESTATED RESIDENTIAL TOWER AIRSPACE LEASE SHALL SUPERSEDE AND REPLACE SAID FIRST AMENDMENT TO AMENDED AND RESTATED RESIDENTIAL TOWER AIRSPACE LEASE FOR ALL INTENTS AND PURPOSES. THE EFFECTIVE DATE OF THIS CORRECTIVE FIRST AMENDMENT TO AMENDED AND RESTATED RESIDENTIAL TOWER AIRSPACE LEASE SHALL DATE BACK TO THE EFFECTIVE DATE OF SAID FIRST AMENDMENT TO AMENDED AND RESTATED RESIDENTIAL TOWER AIRSPACE LEASE.**

This **FIRST AMENDMENT TO AMENDED AND RESTATED RESIDENTIAL TOWER AIRSPACE LEASE** (this "Amendment") is executed this 1<sup>st</sup> day of February, 2022, by and between **CITY CREEK RESERVE, INC.**, a Utah nonprofit corporation ("Landlord"), and **RICHARDS COURT CONDOMINIUMS OWNERS ASSOCIATION, INC.**, a Utah nonprofit corporation, as successor in interest to City Creek Living, LLC, a Utah limited liability company ("Tenant").

RECITALS

A. Landlord and Tenant previously entered into that certain Residential Tower Airspace Lease, recorded in the Recorder's Office of Salt Lake County, State of Utah, as Entry No. 10877767, in Book 9796, beginning at Page 5253, on January 12, 2010, as amended by that certain Amended and Restated Residential Tower Airspace Lease, recorded in the Recorder's

Office of Salt Lake County, State of Utah, as Entry No. 11622282, in Book 10129, beginning at Page 3744, on April 19, 2013 (the “Lease”) to lease the three dimensional portion of airspace described on Schedule A attached hereto (the “Airspace”).

B. Landlord and Tenant have agreed that Landlord shall take legal ownership of that certain rooftop area on the third floor of the West Tower depicted on Schedule B attached hereto (the “Third Floor Rooftop Area”).

C. In order to accomplish the parties’ agreement to fully vest legal ownership of the Third Floor Rooftop Area in Landlord, Landlord and Tenant deem it necessary and desirable to amend the Lease as set forth in this Amendment.

### AGREEMENT

NOW, THEREFORE, Landlord and Tenant, in consideration of the foregoing facts and circumstances, the mutual promises contained herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and intending to be legally bound, agree as follows:

1. **Recitals.** The above Recitals are incorporated herein by this reference.
2. **New Description of the Airspace.** Notwithstanding anything in the Lease to the contrary, the Third Floor Rooftop Area including all airspace directly above the Third Floor Rooftop Area shall be removed from the Airspace and the Premises (the “Removed Area”). Beginning on the date of this Amendment, Landlord shall have fully legal responsibility for the Removed Area.
3. **Maintenance/Restrictions.** With respect to the Removed Area, Landlord shall maintain the Removed Area in good working order and in a condition equal to the condition as of the date of this Amendment and shall not allow any of the following to be done or conditions to exist on the Removed Area: (a) installation of any pool or hot tub; (b) any public or private nuisance; or (c) any violation of applicable federal, state and local laws, rules, regulations, ordinances, codes, statutes, decrees, mandates, edicts, or similar jurisdictional requirements. The Removed Area shall be used only for the benefit of adjoining property owned or controlled by Landlord or a related entity.
4. **Defined Terms.** Except as otherwise expressly provided herein, capitalized terms used in this Amendment shall have the meanings given them in the Lease.
5. **Conflicting Provisions; Ratification.** Landlord and Tenant reserve any and all rights and interests existing pursuant to the Lease which are not affected by this Amendment and except as expressly modified herein, the Lease remains in full force and effect in accordance with its terms. This Amendment amends the Lease. In the event of any conflict or inconsistency between the terms of this Amendment and the terms of the Lease, the terms of this Amendment shall control.

6. **Costs; Additional Documentation/Action**. Except for the costs and expenses to obtain any required approval from Tenant's members, which shall be borne solely by Tenant, Landlord shall bear all financial obligations in connection with the conveyance of the Removed Area. At either party's request and without further consideration, the other party shall execute and deliver any further instruments of conveyance and take such other actions as the requesting party may reasonably require to complete more effectively the transfer of the Removed Area.


*[Signatures and Acknowledgments Follow]*

SIGNATURE PAGE

IN WITNESS WHEREOF, Landlord and Tenant have executed this Amendment as of the date first written above.

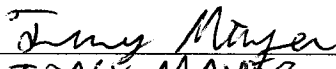
**LANDLORD:**

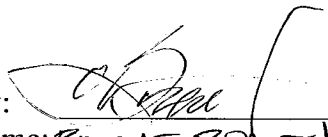
**CITY CREEK RESERVE, INC.,**  
a Utah nonprofit corporation

By:   
Name: \_\_\_\_\_  
Its: ASHLEY POWELL  
PRESIDENT

**TENANT:**

**RICHARDS COURT CONDOMINIUMS  
OWNERS ASSOCIATION, INC.,**  
a Utah nonprofit corporation

By:   
Name: TRACY MAYER  
Its: Secretary

By:   
Name: BRENT BRAITHWAITE  
Its: PRESIDENT

ACKNOWLEDGMENT PAGE

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

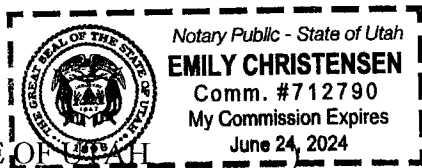
On this 1<sup>st</sup> day of February, 2022, personally appeared before me Ashley Powell who, being by me duly sworn, did say that he/she is the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same in his/her authorized capacity as President of City Creek Reserve, Inc., a Utah nonprofit corporation, for and on behalf of said corporation.



Lynette Asay  
NOTARY PUBLIC

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

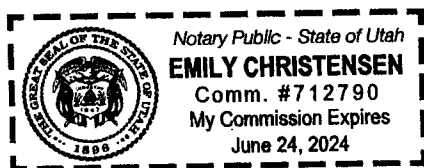
On this 26<sup>th</sup> day of January, 2022, personally appeared before me Tracy Mayer who, being by me duly sworn, did say that he/she is the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same in his/her authorized capacity as Secretary of Richards Court Condominiums Owners Association, Inc., a Utah nonprofit corporation, for and on behalf of said corporation.



Emily Christensen  
NOTARY PUBLIC

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

On this 26<sup>th</sup> day of January, 2022, personally appeared before me Brent Braithwaite who, being by me duly sworn, did say that he/she is the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same in his/her authorized capacity as President of Richards Court Condominiums Owners Association, Inc., a Utah nonprofit corporation, for and on behalf of said corporation.



Emily Christensen  
NOTARY PUBLIC

## SCHEDULE A

### Description of Airspace

#### LEGAL DESCRIPTION EAST TOWER

An airspace lease parcel lying and situate in the Northeast Quarter of Section 1, Township 1 South, Range 1 West, Salt Lake Base and Meridian, Salt Lake City, Salt Lake County, Utah, being a part of Lot 7, and Richards Street, a vacated street, Block 76, Plat "A", Salt Lake City Survey. Basis of bearing for subject parcel being North 00°00'58" West 791.94 feet coincident with the monument line of West Temple Street from the brass cap well monument monumentalizing the center of intersection of 100 South Street and said West Temple Street and a four inch brass cap monument set flush with concrete at the intersection of West Temple and South Temple Streets, stamped "Salt Lake City, REDCON LS#8498, 12-1998". Project Benchmark being the Salt Lake Initial Point Sand Stone Monument, located at the northwest corner of South Temple and Main Streets, at the southeast corner of the Temple Square Wall, elevation 4330.83, North American Vertical Datum 1929, on the top of said sand stone monument (twelve inches square at the base, ten inches square at the top tapering the last six inches to a pyramidal point, with "Great Salt Lake Base and Meridian" chiseled on the side), elevation at the base of the monument being 4327.62 feet. Subject parcel being more particularly described as follows:

Commencing at said point of intersection of 100 South and West Temple Streets, thence North 00°00'58" West 723.90 feet coincident with the monument line of said West Temple Street; Thence North 89°59'41" East 68.76 feet to the Northwest corner of said Block 76; Thence North 89°59'41" East 384.18 feet coincident with the north boundary of said Block 76; Thence vertical up to elevation 4337.66 to the TRUE POINT OF BEGINNING of a parcel comprising the air space contained between elevations 4337.66 and 4393.30; Thence North 89°59'41" East 107.93 feet coincident with the north boundary of said Block 76 at said elevations; Thence SOUTH 144.30 feet; Thence WEST 129.34 feet; Thence NORTH 118.39 feet; Thence EAST 8.95 feet; Thence NORTH 3.08 feet; Thence North 28°38'10" East 26.00 feet to the point of beginning. Thence vertical up to elevation 4393.30 to the TRUE POINT OF BEGINNING of an parcel comprising the air space contained between elevations 4393.30 and up; Thence North 89°59'41" East 52.26 feet coincident with the north boundary of said Block 76 at said elevations; Thence SOUTH 7.51 feet; Thence EAST 11.67 feet; Thence SOUTH 12.03 feet; Thence WEST 9.67 feet; Thence SOUTH 124.75 feet; Thence WEST 75.67 feet; Thence NORTH 118.39 feet; Thence EAST 8.95 feet; Thence NORTH 3.08 feet; Thence North 28°38'10" East 26.00 feet to the point of beginning.

Less and Excepting therefrom the following described Air Space:

Commencing at the Salt Lake City brass cap well monument monumentalizing the point of intersection of 100 South and West Temple Streets, thence North 00°00'58" West 723.90 feet coincident with the monument line of said West Temple Street; Thence North 89°59'41" East 68.76 feet to the Northwest corner of said Block 76; Thence North 89°59'41" East 384.18 feet coincident with the north boundary of said Block 76; Thence South 28°38'10" West 26.00 feet; Thence SOUTH 3.08 feet; Thence WEST 8.95 feet; Thence SOUTH 73.68 feet; Thence EAST 49.99 feet; Thence vertical up to elevation 4337.66 to the TRUE POINT OF BEGINNING of a parcel

comprising the air space contained between elevations 4337.66 and 4354.00 (Parcel 7); Thence EAST 10.59 feet; Thence SOUTH 9.30 feet; Thence WEST 10.59 feet; Thence NORTH 9.30 feet to the point of beginning of said Parcel 7; Thence SOUTH 9.30 feet; Thence EAST 10.59 feet; Thence North 78°40'50" East 7.52 feet to the TRUE POINT OF BEGINNING of a parcel comprising the air space contained between elevations 4337.66 and 4354.00 (Parcel 8); Thence EAST 5.36 feet; Thence SOUTH 6.32 feet; Thence EAST 11.62 feet; Thence NORTH 6.04 feet; Thence EAST 19.46 feet; Thence NORTH 57.33 feet; Thence EAST 16.44 feet; Thence SOUTH 21.74 feet; Thence EAST 8.50 feet; Thence SOUTH 72.17 feet; Thence WEST 61.38 feet; Thence NORTH 36.88 feet to the point of beginning of said Parcel 8.

Together with the following described Main Floor (Level 1) Air Space Easements:

Commencing at the Salt Lake City brass cap well monument monumentalizing the point of intersection of 100 South and West Temple Streets, thence North 00°00'58" West 723.90 feet coincident with the monument line of said West Temple Street; Thence North 89°59'41" East 68.76 feet to the Northwest corner of said Block 76; Thence North 89°59'41" East 402.25 feet coincident with the north boundary of said Block 76; Thence vertical up to elevation 4319.66 feet and the TRUE POINT OF BEGINNING of a parcel comprising the air space contained between elevations 4319.66 and 4337.66 (Parcel 4); Thence North 89°59'41" East 31.71 feet coincident with the north boundary of said Block 76 at said elevations; Thence SOUTH 27.78; Thence WEST 0.50 feet; Thence SOUTH 9.67 feet; Thence EAST 1.42 feet; Thence SOUTH 13.19 feet; Thence WEST 1.42 feet; Thence SOUTH 30.65 feet; Thence WEST 10.77 feet; Thence NORTH 2.04 feet; Thence WEST 11.25 feet; Thence SOUTH 10.06 feet; Thence EAST 11.25 feet; Thence SOUTH 10.30 feet; Thence WEST 9.93 feet; Thence NORTH 0.62 feet; Thence WEST 11.74 feet; Thence NORTH 39.75 feet; Thence EAST 4.19 feet; Thence NORTH 30.24 feet; Thence WEST 2.96 feet; Thence North 28.97 feet to the point of beginning of said Parcel 4; Thence North 89°59'41" East 79.61 feet coincident with the north boundary of said Block 76; Thence vertical up to elevation 4321.89 to the TRUE POINT OF BEGINNING of a parcel comprising the air space contained between elevations 4321.89 and 4337.66 (Parcel 5); Thence North 89°59'41" East 10.25 feet coincident with the north boundary of said Block 76 at said elevations; Thence SOUTH 30.83 feet; Thence WEST 8.06 feet; Thence NORTH 16.09 feet; Thence WEST 2.19 feet; Thence NORTH 14.74 feet to the point of beginning of said Parcel 5; Thence North 89°59'41" East 10.25 feet coincident with the north boundary of said Block 76; Thence SOUTH 144.30 feet; Thence WEST 129.34 feet; Thence vertical down to elevation 4319.66 and the TRUE POINT OF BEGINNING of a parcel comprising the air space contained between elevations 4319.66 and 4337.66 (Parcel 6); Thence NORTH 8.20 feet; Thence EAST 17.69 feet; Thence SOUTH 1.08 feet; Thence EAST 17.83 feet; Thence NORTH 4.07 feet; Thence EAST 25.15 feet; Thence SOUTH 4.13 feet; Thence WEST 18.59 feet; Thence SOUTH 7.05 feet; Thence WEST 42.07 feet to the point of beginning of said Parcel 6;

LEGAL DESCRIPTION WEST TOWER

An airspace lease parcel lying and situate in the Northeast Quarter of Section 1, Township 1 South, Range 1 West, Salt Lake Base and Meridian, Salt Lake City, Salt Lake County, Utah, being a part of Lot 6, Block 76, Plat "A", Salt Lake City Survey. Basis of bearing for subject parcel being North

00°00'58" West 791.94 feet coincident with the monument line of West Temple Street from the brass cap well monument monumentalizing the center of intersection of 100 South Street and said West Temple Street and a four inch brass cap monument set flush with concrete at the intersection of West Temple and South Temple Streets, stamped "Salt Lake City, REDCON LS#8498, 12-1998". Project Benchmark being the Salt Lake Initial Point Sand Stone Monument, located at the northwest corner of South Temple and Main Streets, at the southeast corner of the Temple Square Wall, elevation 4330.83, North American Vertical Datum 1929, on the top of said sand stone monument (twelve inches square at the base, ten inches square at the top tapering the last six inches to a pyramidal point, with "Great Salt Lake Base and Meridian" chiseled on the side), elevation at the base of the monument being 4327.62 feet. Subject parcel being more particularly described as follows:

Commencing at said point of intersection of 100 South and West Temple Streets, thence North 00°00'58" West 723.90 feet coincident with the monument line of said West Temple Street; Thence North 89°59'41" East 68.76 feet to the Northwest corner of said Block 76; Thence North 89°59'41" East 234.30 feet coincident with the north boundary of said Block 76; Thence vertical up to elevation 4336.75 and the TRUE POINT OF BEGINNING of a parcel comprising the air space between elevations 4336.75 and 4361.08; Thence North 89°59'41" East 39.73 feet coincident with the north line of said Block 76 at said elevations; Thence South 28°38'10" East 25.99 feet; Thence SOUTH 3.08 feet; Thence EAST 8.95 feet; Thence SOUTH 118.39 feet; Thence WEST 125.72 feet; Thence NORTH 30.05 feet; Thence EAST 56.84 feet; Thence NORTH 9.74 feet; Thence EAST 2.66 feet; Thence NORTH 5.59 feet; Thence EAST 5.08 feet; Thence NORTH 98.89 feet to the point of beginning. Thence vertical up to elevation 4361.08 feet and the TRUE POINT OF BEGINNING of a parcel comprising the air space between said elevation 4361.08 and up; Thence North 89°59'41" East 39.73 feet coincident with the north line of said Block 76 at said elevations; Thence South 28°38'10" East 25.99 feet; Thence SOUTH 3.08 feet; Thence EAST 8.95 feet; Thence SOUTH 118.39 feet; Thence WEST 61.14 feet; Thence NORTH 144.28 feet to the point of beginning.

Together with the following described Main Floor (Level 1) Air Space Easements:

Commencing at the Salt Lake City brass cap well monument monumentalizing the point of intersection of 100 South and West Temple Streets, thence North 00°00'58" West 723.90 feet coincident with the monument line of said West Temple Street; Thence North 89°59'41" East 68.76 feet to the Northwest corner of said Block 76; Thence North 89°59'41" East 234.30 feet coincident with the north boundary of said Block 76; Thence vertical up to elevation 4315.72 feet and the TRUE POINT OF BEGINNING of a parcel comprising the air space contained between elevations 4315.72 and 4336.75 (Parcel 1); Thence North 89°59'41" East 27.78 feet coincident with the north line of said Block 76 at said elevations; Thence SOUTH 30.10 feet; Thence EAST 1.52 feet; Thence SOUTH 24.21 feet; Thence WEST 5.73 feet; Thence SOUTH 21.16 feet; Thence WEST 16.48 feet to a vertical step up to elevation 4318.58 and the TRUE POINT OF BEGINNING of a parcel comprising the air space between elevations 4318.58 and 4336.75 (Parcel 2); Thence SOUTH 7.10 feet; Thence WEST 4.70 feet; Thence SOUTH 6.71 feet; Thence EAST 21.09 feet; Thence SOUTH 9.69 feet; Thence WEST 21.89 feet; Thence SOUTH 14.70 feet; Thence WEST 3.01; Thence SOUTH 30.61 feet; Thence WEST 17.80 feet; Thence NORTH 12.14 feet; Thence EAST 7.90 feet; Thence NORTH 15.86 feet; Thence EAST 4.45 feet; Thence NORTH 11.80 feet;



Thence EAST 2.30 feet; Thence NORTH 15.58 feet; Thence EAST 4.57 feet; Thence NORTH 13.44 feet to a vertical step down to elevation 4315.72 feet to a point on said parcel 1; Thence NORTH 75.46 feet to the point of beginning of said Parcel 1;

Commencing at the Salt Lake City brass cap well monument monumentalizing the point of intersection of 100 South and West Temple Streets, thence North 00°00'58" West 723.90 feet coincident with the monument line of said West Temple Street; Thence North 89°59'41" East 68.76 feet to the Northwest corner of said Block 76; Thence North 89°59'41" East 234.30 feet coincident with the north boundary of said Block 76; Thence North 89°59'41" East 27.78 feet coincident with the north line of said Block 76; Thence SOUTH 30.10 feet; Thence EAST 1.52 feet; Thence SOUTH 24.21 feet; Thence WEST 5.73 feet; Thence SOUTH 21.16 feet; Thence WEST 16.48 feet; Thence SOUTH 7.10 feet; Thence WEST 0.70 feet; Thence vertical up to elevation 4332.75 and the TRUE POINT OF BEGINNING of a parcel comprising the air space between elevations 4332.75 and 4336.75 (Parcel 3); Thence SOUTH 6.71 feet; Thence WEST 4.00 feet; NORTH 6.71 feet; Thence EAST 4.00 feet to the point of beginning.

FOR INFORMATIONAL PURPOSES ONLY THE FOLLOWING TAX PARCELS ARE INCLUDED WITHIN THE ABOVE LEGAL DESCRIPTIONS:

15-01-231-001, 15-01-231-002, 15-01-231-003, 15-01-231-004, 15-01-231-005, 15-01-231-006, 15-01-231-007, 15-01-231-008, 15-01-231-009, 15-01-231-010, 15-01-231-011, 15-01-231-012, 15-01-231-013, 15-01-231-014, 15-01-231-015, 15-01-231-016, 15-01-231-017, 15-01-231-018, 15-01-231-019, 15-01-231-020, 15-01-231-021, 15-01-231-022, 15-01-231-023, 15-01-231-024, 15-01-231-025, 15-01-231-026, 15-01-231-027, 15-01-231-028, 15-01-231-029, 15-01-231-030, 15-01-231-031, 15-01-231-032, 15-01-231-033, 15-01-231-034, 15-01-231-035, 15-01-231-036, 15-01-231-037, 15-01-231-038, 15-01-231-039, 15-01-231-040, 15-01-231-041, 15-01-231-042, 15-01-231-043, 15-01-231-044, 15-01-231-045, 15-01-231-046, 15-01-231-047, 15-01-231-048, 15-01-231-049, 15-01-231-050, 15-01-231-051, 15-01-231-052, 15-01-231-053, 15-01-231-054, 15-01-231-055, 15-01-231-056, 15-01-231-057, 15-01-231-058, 15-01-231-059, 15-01-231-060, 15-01-231-061, 15-01-231-062, 15-01-231-063, 15-01-231-064, 15-01-231-065, 15-01-231-066, 15-01-231-067, 15-01-231-068, 15-01-231-069, 15-01-231-070, 15-01-231-071, 15-01-231-072, 15-01-231-073, 15-01-231-074, 15-01-231-075, 15-01-231-076, 15-01-231-077, 15-01-231-078, 15-01-231-079, 15-01-231-080, 15-01-231-081, 15-01-231-082, 15-01-231-083, 15-01-231-084, 15-01-231-085, 15-01-231-086, 15-01-231-087, 15-01-231-088, 15-01-231-089, 15-01-231-090, 15-01-231-091, 15-01-231-092, 15-01-231-093, 15-01-231-094, 15-01-231-095, 15-01-231-096

**SCHEDULE B**

