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 05/06/2005 04:27 PM \$26.00  
 Book - 9128 Pg - 497-505  
 GARY W. OTT  
 RECORDER, SALT LAKE COUNTY, UTAH  
 LANDMARK TITLE  
 BY: SBM, DEPUTY - WI 9 P.

WHEN RECORDED, PLEASE RETURN TO:

REDEVELOPMENT AGENCY OF SALT LAKE CITY  
 Room 418, City & County Building  
 451 South State Street  
 Salt Lake City, Utah 84111  
 Attn: Executive Director

**RECORDED**

MAY 03 2005

**CITY RECORDER**  
**FIRST AMENDMENT**  
**TO DEPOT PEDESTRIAN AND PUBLIC USE EASEMENT**

THIS FIRST AMENDMENT TO DEPOT PEDESTRIAN AND PUBLIC USE EASEMENT (this "Amendment") is made this 3<sup>rd</sup> day of May, 2005, by the undersigned fee owner of the Restricted Property ("Owner"), Redevelopment Agency of Salt Lake City, a public agency organized and existing under the Redevelopment Agencies Act ("Agency"), and Salt Lake City Corporation, a municipal corporation of the State of Utah (the "City"). Capitalized terms not otherwise defined herein shall have the same meaning given to such terms in the Easement Agreement (defined below).

RECITALS:

A. Gateway Associates, Ltd., a Utah limited partnership ("Gateway Associates"), Agency and City entered into that certain Depot Pedestrian and Public Use Easement dated December 23, 1999, and recorded in the office of the Salt Lake County Recorder on January 5, 2000 as Entry No. 7553966 in Book 8336, Pgs. 1284-1301 (the "Easement Agreement").

B. The Owner is the successor in interest of Gateway Associates to the real property which is the subject of the Easement Agreement.

C. Exhibit A to the Easement Agreement contemplates that upon further subdivision or the creation of certain condominiums on the Restricted Property, the legal descriptions of the Restricted Property would be revised and updated to reflect such further subdivision and/or the creation of such condominium units. Such further subdivided lots and condominium units have been created by mesne documents of record.

D. The undersigned desire to amend the Easement Agreement as provided herein.



and that no other signature, act or authorization is necessary to bind such entities to the provisions of this First Amendment. This First Amendment may be executed in counterpart originals, each of which when duly executed and delivered shall be deemed an original and all of which when taken together shall constitute one instrument. Executed originals (or counterpart originals) of this First Amendment may be delivered by facsimile transmission, which facsimile transmission copies shall be deemed originals.


*(signature pages follow)*

IN WITNESS WHEREOF, the parties have caused this Amendment to be executed as of the day and year first above written.

**OWNERS:**


**GATEWAY RETAIL HOLDINGS, L.C.**, a Utah limited liability company, by its manager

**GATEWAY RETAIL MANAGER, INC**, a Utah corporation

By:   
Name: Steven B. Ostler  
Title: Manager/President

**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 legal form:

Jones, Waldo, Holbrook & McDonough, P.C.



CITY:

SALT LAKE CITY CORPORATION

By: *Ross C. Anderson*  
Ross C. Anderson, Mayor

RECORDED

Attest and Countersign:

MAY 03 2005

*Christine Meeks* CITY RECORDER  
Chief Deputy City Recorder

Approved as to form by: *C. B. Melillo*



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

The foregoing instrument was acknowledged before me this 27<sup>th</sup> day of April, 2005, by Steven B. Ostler, the President of Gateway Retail Manager, Inc., which is the manager of Gateway Retail Holdings, L.C.



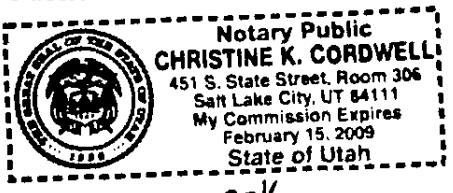
Rachael N. Niusulu  
Notary Public

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

The foregoing instrument was acknowledged before me this 27 day of April, 2005, by Ross C. Anderson, the Chief Administrative Officer of the Redevelopment Agency of Salt Lake City, a public agency.

Christine K. Cordwell  
Notary Public

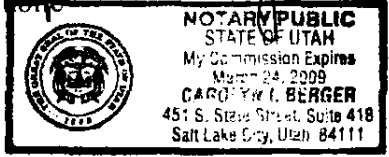
STATE OF UTAH )  
 ) SS:  
COUNTY OF SALT LAKE )



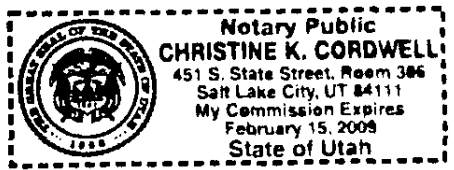
The foregoing instrument was acknowledged before me this 25<sup>th</sup> day of April, 2005, by David J. Oka, Executive Director of the Redevelopment Agency of Salt Lake City, a public agency.

Carolyn I. Berger  
Notary Public

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



The foregoing instrument was acknowledged before me this 27 day of April, 2005, by Ross C. Anderson, the Mayor of Salt Lake City Corporation.



Christine K. Cordwell  
Notary Public



**Exhibit A-1**

**Revised Legal Description of the Restricted Property**

LOT 3, Boyer Gateway Subdivision Plat, recorded in the office of the Salt Lake County Recorder on February 23, 2001, as Entry No. 7828967, in Book 2001P at Page 37 of Plats.

Tax Parcel No.: 08-36-376-016-0000



**Exhibit B**

**Deleted**