

RESOLUTION NO. \_\_\_\_\_ OF 2008

EXTENSION OF DEADLINE IN ORDINANCE 55 OF 2006 REQUIRING EXECUTION AND  
CONFIRMATION OF DEVELOPMENT AGREEMENT FOR REZONING PROPERTIES ON  
THE EAST AND WEST SIDES OF 300 WEST STREET, BETWEEN 500 NORTH STREET  
AND 600 NORTH STREET AND AMENDING THE CAPITOL HILL MASTER PLAN

WHEREAS, Salt Lake City Ordinance 55 of 2006 (the "Ordinance") requires that as a condition of the rezoning contained therein a Development Agreement with the Redevelopment Agency of Salt Lake City must be approved and executed within one year of the adoption of the Ordinance or the Ordinance becomes "null and void";

WHEREAS, the Ordinance provides that said deadline may be extended by the Salt Lake City Council by resolution for "good cause shown";

WHEREAS, in August 2007, the City Council passed resolution No. 50 of 2007 by which it extended the original deadline to execute the development agreement until August 8, 2008;

WHEREAS, the owner of the Property has submitted a letter requesting an additional one year extension of the deadline set forth in the Ordinance to August 8, 2009.

WHEREAS, the City Council finds that good cause exists for a further extension of the deadline contained in the Ordinance;

THEREFORE, BE IT RESOLVED by the City Council of Salt Lake City, Utah:

1. That it does hereby further extend the deadline set forth within Section 5 of the Ordinance by one year. The Ordinance shall now become "null and void" on August 8, 2009 in the event that the conditions contained therein are not satisfied.

Passed by the City Council of Salt Lake City, Utah, this \_\_\_\_\_ day of August, 2008.

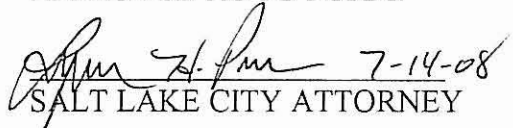
Salt Lake City Council

By \_\_\_\_\_  
Chairperson

ATTEST:

\_\_\_\_\_  
CHIEF DEPUTY CITY RECORDER

APPROVED AS TO FORM:

 7-14-08  
SALT LAKE CITY ATTORNEY



June 20, 2008

Cindy Gust-Jenson  
Executive Director of Salt Lake City Council  
451 South State Rm 304  
PO BOX 145476  
Salt Lake City, UT 84114-5476

VIA: Email [cindy.gust-jenson@slcgov.com](mailto:cindy.gust-jenson@slcgov.com)

RE: Ordinance 55 of 2006 extension for 1 year

Dear Ms. Gust-Jenson,

We seek to petition the Salt Lake City Council to amend Ordinance number 55 of 2006 and extend it for a period of one year. The ordinance is set to expire on August 8, 2008. Consequently, we would like to expedite the extension in a July 2008 City Council meeting.

Ordinance 55 of 2006 sets forth a condition that if the Development Agreement between the Redevelopment Agency of Salt Lake City and HOWA Capital remains unsigned by August 2008 then the approved Residential Mixed Project Zoning for the Marmalade project will revert back to its previous zoning.

The signing of the Development Agreement between HOWA and the RDA has been delayed for several sensible reasons. Primarily, the Development Agreement is now on a different timeframe than anticipated at the time of the original ordinance. Over the course of the last two years, HOWA has been making steady progress in close partnership with the RDA Staff and its Board of Directors in order to fulfill its obligations to the Purchase and Sale Agreement of which the Development Agreement is an attachment. HOWA fully expects both the Redevelopment Agency and the RDA Board of Directors to be in favor of this request.

We thank the City Council for their consideration of this extension and appreciate their patience of the City Council as all parties work together to build a community project of enduring value.

Thank you for your assistance. Please feel free to contact me should you have any further questions.

Sincerely,

Dru Damico  
Director of Development

CC:

[Janice.jardine@slcgov.com](mailto:Janice.jardine@slcgov.com)  
[Eric.jergensen@slcgov.com](mailto:Eric.jergensen@slcgov.com)  
[Janice.aramaki@slcgov.com](mailto:Janice.aramaki@slcgov.com)  
[Jill.Wilkerson-Smith@slcgov.com](mailto:Jill.Wilkerson-Smith@slcgov.com)

RESOLUTION NO. 50 OF 2007

EXTENSION OF DEADLINE IN ORDINANCE 55 OF 2006 REQUIRING EXECUTION AND  
CONFIRMATION OF DEVELOPMENT AGREEMENT FOR REZONING PROPERTIES ON THE  
EAST AND WEST SIDES OF 300 WEST STREET, BETWEEN 500 NORTH STREET AND 600  
NORTH STREET AND AMENDING THE CAPITOL HILL MASTER PLAN

WHEREAS, Salt Lake City Ordinance 55 of 2006 (the "Ordinance") requires that as a condition of the rezoning contained therein a Development Agreement with the Redevelopment Agency of Salt Lake City must be approved and executed within one year of the adoption of the Ordinance or the Ordinance becomes "null and void";

WHEREAS, the one year deadline is set to expire on August 8, 2007;

WHEREAS, the Ordinance provides that said deadline may be extended by the Salt Lake City Council by resolution for "good cause shown";

WHEREAS, HOWA Capital, LLC and the Redevelopment Agency of Salt Lake City have been negotiating the Development Agreement in good faith but the unexpected escalation of construction costs has resulted in delays in obtaining financing and finalizing cost estimates;

WHEREAS, the Redevelopment Agency Board of Directors has also provided several extensions to the closing date as a result of such delays;

WHEREAS, as a result it is unlikely that the Development Agreement will be executed on or before August 8, 2007;

WHEREAS, the Council finds that these circumstances are sufficient good cause for an extension of the deadline contained in the Ordinance;

THEREFORE, BE IT RESOLVED by the City Council of Salt Lake City, Utah:

1. That it does hereby extend the deadline set forth within Section 5 the Ordinance by one year. The Ordinance shall now become "null and void" on August 8, 2008 in the event conditions contained therein are not satisfied.

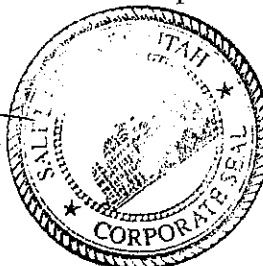
Passed by the City Council of Salt Lake City, Utah, this 7<sup>th</sup> day of August, 2007.

Salt Lake City Council

By *Tom Blasi*  
Chairperson

ATTEST:

*Christina Meeker*  
CHIEF DEPUTY CITY RECORDER



APPROVED AS TO FORM:

*[Signature]*  
SALT LAKE CITY ATTORNEY

SALT LAKE CITY ORDINANCE

No. 55 of 2006

(Rezoning Properties on the East and West Sides of 300 West Street, Between 500 North Street and 600 North Street, and Amending the Capitol Hill Master Plan)

REZONING PROPERTIES GENERALLY LOCATED ON THE EAST AND WEST SIDES OF 300 WEST STREET, BETWEEN 500 NORTH STREET AND 600 NORTH STREET, FROM THEIR RESPECTIVE ZONING DESIGNATIONS, INCLUDING SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT (SR-1), COMMUNITY SHOPPING DISTRICT (CS), MODERATE/HIGH DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT (RMF-45), MODERATE DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT (RMF-35), AND MIXED USE DISTRICT (MU), TO RESIDENTIAL/MIXED USE DISTRICT (R-MU), AND AMENDING THE CAPITOL HILL MASTER PLAN, PURSUANT TO PETITION NO. 400-05-40.

WHEREAS, the Planning Commission and the City Council of Salt Lake City, Utah, have held public hearings and have taken into consideration citizen testimony, filing, and demographic details of the area, the long range general plans of the City, and any local master plan as part of their deliberations. Pursuant to these deliberations, the City Council has concluded that the proposed amendments to the Master Plan and change of zoning for the properties generally located on the East and West sides of 300 West Street, between 500 North Street and 600 North Street, is appropriate for the development of the community in that area and in the best interest of the city.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. REZONING OF PROPERTIES. The properties generally located on the East and West sides of 300 West Street, between 500 North Street and 600 North Street, which

are more particularly described on Exhibit "A" attached hereto and identified therein as the "East Parcel" and "West Parcel," shall be and hereby are rezoned from their respective zoning designations, including: 1) Special Development Pattern Residential District (SR-1), 2) Community Shopping District (CS), 3) Moderate/High Density Multi-Family Residential District (RMF-45), 4) Moderate Density Multi-Family Residential District (RMF-35), and 5) Mixed Use District (MU), to Residential/Mixed Use District (R-MU).

SECTION 2. AMENDMENT TO ZONING MAP. The Salt Lake City Zoning Map, adopted by the Salt Lake City Code, relating to the fixing of boundaries and zoning districts, shall be, and hereby is amended consistent with the rezoning of properties identified above.

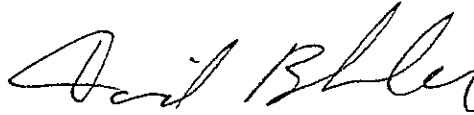
SECTION 3. AMENDMENT OF MASTER PLAN. The Capitol Hill Master Plan, as previously adopted by the Salt Lake City Council, shall be, and hereby is amended consistent with the rezoning set forth herein and shall be further amended to reflect "high density mixed use" rather than "general commercial" for the properties located on the East side of 300 West Street, between 500 North Street and 600 North Street, which are more particularly described on Exhibit "A" attached hereto and identified therein as the "East Parcel."

SECTION 4. CONDITIONS. This Ordinance is conditioned upon a Development Agreement executed by the RDA Board and confirmed by resolution of the City Council.

SECTION 5. EFFECTIVE DATE. The City Recorder is instructed not to publish or record this Ordinance until the Director of the RDA has identified that the conditions set forth herein have been satisfied. If the conditions set forth herein have not been satisfied within one year after adoption, the Ordinance shall become null and void.

SECTION 6. TIME. The City Council may, by resolution, for good cause shown, extend the deadlines set forth herein.

Passed by the City Council of Salt Lake City, Utah this 8<sup>th</sup> day of AUGUST, 2006.

  
CHAIRPERSON

ATTEST:

  
CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on 9-12-06.

Mayor's Action: X Approved.        Vetoed.

  
MAYOR

  
CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. 55 of 2006.  
Published:                     



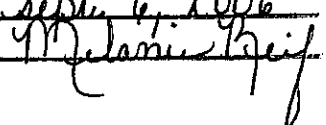
APPROVED AS TO FORM  
Salt Lake City Attorney's Office  
Date: Sept. 6, 2006  
By: 

Exhibit "A"  
Boundary Descriptions

Approximate Location:

Both Sides of 300 West Street, between 500 and 600 North Streets

Affected Sidwell Numbers:

East side: 08-36-205-001, -005, -006, -007, -008, -010, -012, -019, -020, -021, -022,  
-026, -027, -028, -031, -033, -035

West side: 08-36-204-019, -020, -022, -027, -028, -029, -030, -032

EAST PARCEL

BEGINNING AT THE SOUTHWEST CORNER OF LOT 4, BLOCK 132, PLAT A, SALT LAKE CITY SURVEY, AND RUNNING THENCE NORTH  $00^{\circ}01'28''$  EAST ALONG THE WESTERLY LINE OF SAID BLOCK 132, 660.24 FEET TO THE NORTHWEST CORNER OF LOT 5 OF SAID BLOCK 132; THENCE NORTH  $89^{\circ}59'33''$  EAST ALONG THE NORTHERLY LINE OF SAID BLOCK 132, 201.92 FEET; THENCE SOUTH  $00^{\circ}01'15''$  WEST 177.50 FEET; THENCE SOUTH  $89^{\circ}59'33''$  WEST 37.00 FEET TO A POINT ON THE EASTERLY LINE OF SAID LOT 5; THENCE SOUTH  $00^{\circ}01'15''$  WEST ALONG SAID EASTERLY LINE 70.14 FEET; THENCE NORTH  $89^{\circ}59'33''$  EAST 20.00 FEET; THENCE SOUTH  $00^{\circ}01'15''$  WEST 82.50 FEET TO A POINT ON THE NORTHERLY LINE OF LOT 3 OF SAID BLOCK 132; THENCE NORTH  $89^{\circ}59'59''$  EAST ALONG SAID NORTHERLY LINE 144.94 FEET TO THE NORTHEAST CORNER OF SAID LOT 3; THENCE SOUTH  $00^{\circ}01'02''$  WEST ALONG THE EASTERLY LINE OF SAID LOT 3, 330.16 FEET TO THE SOUTHEAST CORNER OF SAID LOT 3; THENCE NORTH  $89^{\circ}59'35''$  WEST ALONG THE SOUTHERLY LINE OF SAID BLOCK 132, 329.92 FEET TO THE POINT OF BEGINNING.

CONTAINS: 171,579 SQ.FT. OR 3.939 ACRES

WEST PARCEL

BEGINNING AT THE NORTHEAST CORNER BLOCK 133, PLAT A, SALT LAKE CITY SURVEY, AND RUNNING THENCE SOUTH  $00^{\circ}02'52''$  WEST ALONG THE EASTERLY LINE OF SAID BLOCK 133, 521.82 FEET TO A POINT SOUTH  $00^{\circ}02'52''$  WEST ALONG SAID EASTERLY LINE 26.64 FEET FROM THE SOUTHEAST CORNER OF LOT 8 OF SAID BLOCK 133; THENCE NORTH  $89^{\circ}54'03''$  WEST 131.66; THENCE NORTH  $00^{\circ}02'45''$  EAST 155.06 FEET; THENCE NORTH  $89^{\circ}53'28''$  WEST 16.83 FEET; THENCE NORTH  $00^{\circ}02'45''$  EAST 73.33 FEET; THENCE SOUTH  $89^{\circ}53'28''$  EAST 16.83 FEET; THENCE NORTH  $00^{\circ}02'45''$  EAST 146.80 FEET; THENCE NORTH  $89^{\circ}53'11''$  WEST 16.52 FEET; THENCE NORTH  $00^{\circ}02'45''$  EAST 40.35 FEET; THENCE SOUTH  $89^{\circ}53'11''$  EAST 16.32 FEET; THENCE NORTH  $00^{\circ}02'45''$  EAST 106.33 FEET TO A POINT ON THE NORTHERLY LINE OF SAID BLOCK 133; THENCE SOUTH  $89^{\circ}52'54''$  EAST ALONG SAID NORTHERLY LINE 131.68 FEET TO THE POINT OF BEGINNING.

CONTAINS: 70,604 SQ.FT. OR 1.621 ACRES