

January 11, 2011

**ITEM:** 7.A. 2)

**RE:** CONSIDERATION AND ADOPTION OF A RESOLUTION OF THE BOARD OF DIRECTORS OF THE REDEVELOPMENT AGENCY OF SALT LAKE CITY APPROVING A MAINTENANCE AND PEDESTRIAN EASEMENT BETWEEN SALT LAKE CITY CORPORATION AND THE REDEVELOPMENT AGENCY OF SALT LAKE CITY ACROSS AGENCY-OWNED PROPERTY LOCATED AT 1193-1233 EAST WILMINGTON AVENUE

**PROJECT AREA:** Sugar House Project Area

**PREPARED BY:** Valda Tarbet and Justin Belliveau

**EXECUTIVE SUMMARY:** A 20-foot Maintenance and Pedestrian Easement was retained by Salt Lake City Corporation during the land trades that created Hidden Hollow and the Wilmington Avenue parcels. The easement needs to be relocated to the eastern-most 20 feet of the Wilmington Avenue property in order for Wilmington Gardens Group L.L.C. to construct its proposed mixed-use development. The relocation of the easement requires approval of the Board of Directors.

**ALTERNATIVES:** 1) Approve the Resolution.  
2) Do not approve the Resolution.

**ANALYSIS AND ISSUES:** A Maintenance and Pedestrian Easement currently exists on the Wilmington Avenue property, however, it is located approximately 25 feet from the eastern edge of the property. Given the proposed plans of Wilmington Gardens Group, the easement needs to be relocated to the eastern-most 20 feet of the property.

Staff met with representatives of Public Services to discuss the relocation of the easement. They had no concerns about relocating the easement for maintenance purposes, but are currently in the process of contacting Salt Lake County to discuss the location for the PRATT Trail. We see no reason that the proposed location cannot also be used as part of the trail project, but those negotiations need to include the Wilmington Gardens Group L.L.C. in order to make sure that the liability and maintenance issues work for both groups.

In the short term, preparing and recording a new Maintenance and Pedestrian Easement prior to conveying the property to the Wilmington Gardens Group L.L.C. and recording any other instruments on the property will assure its priority over liens relating to construction of the Wilmington project. Staff will be available to answer questions concerning this issue.

**BACKGROUND:**

- August 18, 2009 – Issued Request for Proposals.
- January 7, 2010 – Received nine responses to RFP.
- March 9, 2010 – Board of Directors granted Wilmington Gardens Group L.L.C. a nine-month Exclusive Right to Negotiate.
- September 21, 2010 – Board of Directors accepted Wilmington Gardens Group L.L.C.’s final proposal with the exception of the financing plan.
- December 14, 2010 – Board of Directors approved the Schematic Design Submission

**ATTACHMENTS:** Draft Resolution

RESOLUTION OF THE BOARD OF DIRECTORS OF THE REDEVELOPMENT AGENCY OF SALT LAKE CITY APPROVING A MAINTENANCE AND PEDESTRIAN EASEMENT BETWEEN SALT LAKE CITY CORPORATION AND THE REDEVELOPMENT AGENCY OF SALT LAKE CITY ACROSS AGENCY-OWNED PROPERTY LOCATED AT 1193-1233 EAST WILMINGTON AVENUE

WHEREAS, the Redevelopment Agency of Salt Lake City (“Agency”) was created to transact the business and exercise the powers provided for in the Utah Community Development and Renewal Agencies Act; and

WHEREAS, the Agency adopted the “Sugar House Neighborhood Development Plan” on September 19, 1986; and

WHEREAS, the Agency owns certain property within the Sugar House Project Area and desires to redevelop it in accordance with the “Sugar House Neighborhood Development Plan;” and

WHEREAS, in July 2009, the Agency approved the terms for a Request for Proposals for the development of the Agency-owned property located at 1193 – 1233 East Wilmington Avenue (the “Property”); and

WHEREAS, a Request for Proposals was published for the Property on August 18, 2009 with responses due on January 7, 2010; and

WHEREAS, nine firms responded to the Request for Proposals; and

WHEREAS, the Selection Committee recommended the Wilmington Gardens Group L.L.C. as the first-ranked developer, Hidden Hollow Court as the second-ranked developer, and Taeryeo Corporation as the third-ranked developer; and

WHEREAS, the Agency determined that the Wilmington Gardens Group L.L.C. responded with a proposal that best addresses the Program Considerations identified in the Request for Proposals; and

WHEREAS, on March 9, 2010, the Agency selected Wilmington Gardens Group L.L.C. as the developer to enter into exclusive negotiations with regard to the development of the Property; and

WHEREAS, Wilmington Gardens Group L.L.C. prepared a final proposal for the development of the property that was reviewed and approved by the Agency with the exception of the financing plan on September 21, 2010; and

WHEREAS, Wilmington Gardens Group L.L.C. prepared and submitted Schematic Design documents for the project;

WHEREAS, the Agency determined that the Schematic Drawings were consistent with the approved final proposal and approved the Schematic Design at its meeting on December 14, 2010, and

WHEREAS, the approved Schematic Drawings require that the Maintenance and Pedestrian Easement retained by Salt Lake City Corporation be relocated to the eastern boundary of the property.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE REDEVELOPMENT AGENCY OF SALT LAKE CITY, that we do hereby approve the recording of a new 20-foot Maintenance and Pedestrian Easement affecting the 20-foot strip along the entire eastern boundary of the Wilmington Avenue property and subsequently terminating the existing easement, and

BE IT FURTHER RESOLVED, that we do hereby authorize the Chief Administrative Officer and the Executive Director to approve and execute the Maintenance and Pedestrian Easement and the termination of the existing easement which shall also incorporate such other terms as recommended by Agency legal counsel.

Passed by the Board of Directors of the Redevelopment Agency of Salt Lake City, this 11th day of January, 2011

\_\_\_\_\_  
Luke Garrott, Chairperson

ATTEST:

\_\_\_\_\_  
D. J. Baxter, Executive Director

Transmitted to the Chief Administrative Officer on \_\_\_\_\_. The Chief Administrative Officer

\_\_\_ does not request reconsideration  
\_\_\_ requests reconsideration at the next regular Agency meeting.

\_\_\_\_\_  
Ralph Becker, Chief Administrative Officer

ATTEST:

\_\_\_\_\_  
D. J. Baxter, Executive Director

Approved as to form: \_\_\_\_\_  
Fabian and Clendenin