

January 7, 2011

**ITEM:** 7.E.

**RE:** CONSIDERATION AND ADOPTION OF A “RESOLUTION OF THE BOARD OF DIRECTORS OF THE REDEVELOPMENT AGENCY OF SALT LAKE CITY APPROVING THE PUBLIC WALKWAY CRITERIA AND EASEMENT GRANTED BY METRO CONDOMINIUMS FOR THE MID-BLOCK WALKWAYS ON BLOCK 53, PLAT “A.”

**PROJECT AREA:** Central Business District

**PREPARED BY:** Valda E. Tarbet

**EXECUTIVE SUMMARY:** Staff has been working with Wasatch Properties to prepare Project Walkway Criteria for the midblock walkways on the block between 300 and 400 South; State and 200 East. These criteria have been drafted for the Board’s review, revision, and approval.

**ALTERNATIVES:**

- 1) Adopt the resolution.
- 2) Do not adopt the resolution.
- 3) Revise the criteria and adopt the resolution

**FUNDING:** Not Applicable.

**ANALYSIS AND ISSUES:** As part of the negotiations with Price/Prowswood Ltd in 1999, pursuant to the terms of the Amended and Restated Declaration of Easements, Covenants, Conditions and Restrictions of City Centre recorded December 22, 1999 (“CC&Rs”), the Agency and Project Director (now Wasatch Commercial Management, Inc., the successor in interest to Price/Prowswood, Ltd., referred to hereinafter as “Wasatch”) were granted the right to approve Public Walkway Criteria for the design and construction of the Public Walkway within the North-South Public Walkway and View Easement and the Public Walkway (referred to in the CC&Rs as the East West Pedestrian Easement) within the East-West Pedestrian Easement Envelope. Capitalized terms not otherwise defined herein shall have the meaning set forth in the CC&Rs.

Wasatch has begun construction of the new Questar building on part of the remaining Block 53 development parcel. The eastern portion of the development site is subject to the North-South Public Walkway and View Easement which contemplates a Public Walkway designed and constructed according to Public Walkway Criteria established by the Agency and Wasatch. In order to approve the design of this portion of the Public Walkway and to establish Public Walkway Criteria for the design and construction of Public Walkways within the remainder of

the North-South Public Walkway and View Easement and the East-West Pedestrian Easement Envelope, staff has prepared the attached Public Walkway Criteria.

A portion of the North-South Public Walkway and View Easement located immediately east of the Questar building will be located on property owned by the Metro Condominium Association. Wasatch and RDA staff met with the Metro Board of Trustees, who approved reducing the size of the planter located on the west wall of the Metro parking structure to allow a wider planting strip between the accessible ramp and pedestrian walkway. In consideration for the easement, Wasatch has agreed to maintain all of the planters (including the one on the Metro property), the ramp, and pedestrian walkway as set forth in the CC&Rs. Security at the Questar Building will be designed to monitor the area to provide a safe and secure pedestrian environment.

Wasatch has also agreed to immediately prepare and record an amendment to the CC&Rs showing the locations and dimensions of the North-South Public Walkway and View Easement and the East-West Pedestrian Easement Envelope as shown on the site plan attached to the Public Walkway Criteria. The RDA will agree that at such time as the remaining Public Walkways are constructed, to make minor adjustments to the location of the easements so long as they meet the minimum width requirements.

Staff and representatives of Wasatch will be available to answer questions concerning the proposed Public Walkway Criteria.

**ATTACHMENTS.** Draft Resolution with Attachments (Site plan to provided on Monday, January 10, 2011)

RESOLUTION OF THE BOARD OF DIRECTORS OF THE REDEVELOPMENT AGENCY OF SALT LAKE CITY APPROVING THE PUBLIC WALKWAY CRITERIA AND EASEMENT GRANTED BY METRO CONDOMINIUMS FOR THE MID-BLOCK PUBLIC WALKWAYS ON BLOCK 53, PLAT "A"

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

WHEREAS, the Agency adopted a redevelopment plan effective February 11, 1971 entitled "CBD Neighborhood Development Plan"; and

WHEREAS, the Agency amended the CBD Neighborhood Development Plan on May 1, 1982; and

WHEREAS, pursuant to the Agreement for Disposition of Land (ADL), the Agency sold certain land on Block 53, Plat "A" to Price/Prowswood, Ltd. for future development; and

WHEREAS, on December 22, 1999 the Amended and Restated Declaration of Easements, Covenants, Conditions and Restrictions of City Centre (CC&Rs) was recorded (Capitalized terms not otherwise defined herein shall have the meaning set forth in the CC&Rs.); and

WHEREAS, the CC&Rs granted to the Agency and Project Director (now Wasatch Commercial Management, Inc., the successor in interest to Price/Prowswood, Ltd., referred to hereinafter as "Wasatch") the right to approve Public Walkway Criteria for the design and construction of the Public Walkways within the North-South Public Walkway and View Easement and the East-West Pedestrian Easement Envelope; and

WHEREAS, the Agency and Wasatch have produced Public Walkway Criteria that have been reviewed and accepted by Wasatch; and

WHEREAS, the Metro Condominium Association has granted Wasatch the right through an easement agreement ("Metro Easement Agreement") to encroach on the western three feet of the Metro property, thereby permitting Wasatch to increase the planting area between the accessible ramp and pedestrian walkway; and

WHEREAS, the Agency agrees that the Metro Easement Agreement will enhance the pedestrian environment of the Public Walkway.

WHEREAS, the Agency and Wasatch agree that the attached Public Walkway Criteria are consistent with the letter and spirit of the requirements enumerated by the CC&Rs, and both the Agency and Wasatch agree that the attached criteria will govern design and construction of all

Public Walkways required by the CC&Rs;

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE REDEVELOPMENT AGENCY OF SALT LAKE CITY, that the Board of Directors does hereby approve the attached Public Walkway Criteria and the Metro Easement Agreement, and authorizes the Executive Director to review and approve construction drawings submitted by the property owner for compliance with the approved criteria; and

BE IT FURTHER RESOLVED, that any variations from the approved Public Walkway Criteria must be returned to the Board of Directors and Wasatch for review, consideration and approval in writing by Agency and Wasatch; and

BE IT FURTHER RESOLVED, that the Board of Directors authorizes the Executive Director to review and approve a recordable amendment to the CC&Rs to include the Public Walkway Criteria, the an updated Exhibit showing the locations and dimensions of the North-South Public Walkway and View Easement and the East-West Pedestrian Easement Envelope prepared by Wasatch; and

BE IT FURTHER RESOLVED, that if the amendment to the CC&Rs is not recorded within the next 90 days, the Executive Director shall report such non-action to the Board of Directors.

Passed by the Board of Directors of the Redevelopment Agency of Salt Lake City, Utah this 11<sup>th</sup> 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 OR  
\_\_\_\_\_ requests reconsideration at the next regular Agency meeting.

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

ATTEST:

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

Approved as to Legal Form:  
Chapman and Cutler

By \_\_\_\_\_

**ATTACHMENT TO RESOLUTION**  
**BLOCK 53 - PUBLIC WALKWAY CRITERIA**

The attached site plan generally shows the location and concept for the North-South Public Walkway and View Easement and the East-West Pedestrian Easement Envelope. The following descriptions provide design requirements and standards for the construction of the Public Walkways and shall be deemed the approved Public Walkway Criteria (Criteria) required in paragraph 5.1.b. of the Amended and Restated Declaration of Easements, Covenants, Conditions and Restrictions of City Centre recorded on December 22, 1999 (“CC&Rs”).

North-South Public Walkway and View Easement. As provided for in Section 5.1.a. of the CC&Rs, the Public Walkway within this easement area will include:

- A pedestrian access of not less than a total width of 28 feet, including not less than 4 feet dedicated to an accessible ramp, and not less than 16 feet to pedestrian use. The remaining 8 feet, but not less than 4 feet, will be used to create planters to enhance the pedestrian environment. The walkway will be designed in such a way as to seamlessly connect to that portion of the walkway constructed as part of the Questar, Metro Condominium and City Centre site improvements. The Public Walkway will also be designed such that when the accessible ramp and pedestrian walkway meet the 400 South sidewalk improvement there will be no steps or will provide reasonable ADA access.

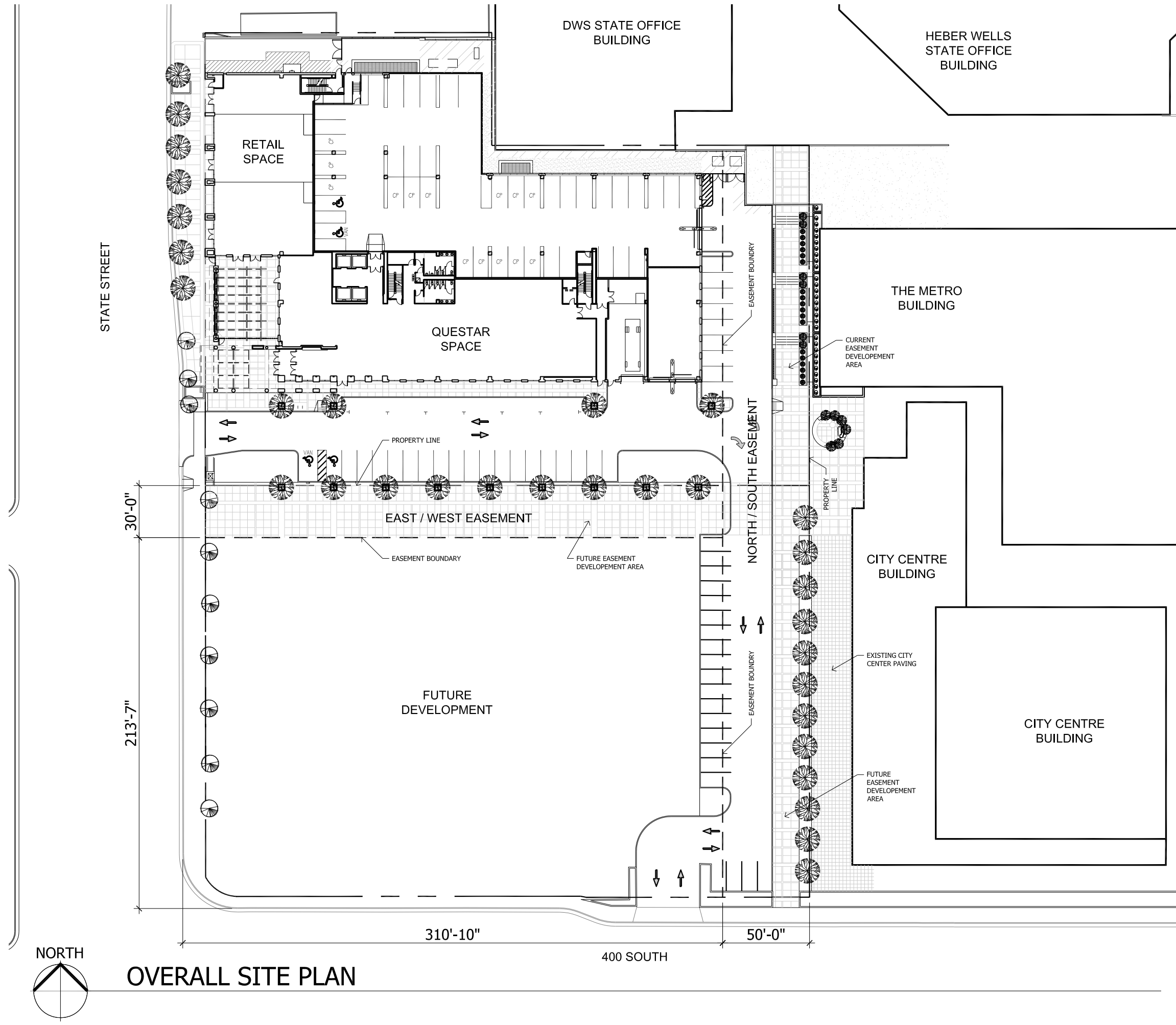
East-West Pedestrian Easement Envelope. As provided for in Section 5.2.a. of the CC&Rs, the Public Walkway within this area shall be a minimum of 30 feet in width, for the benefit of the general public, and will include:

- A pedestrian walkway of not less than 30 feet wide, not accessible to motor vehicles except to cross the easement as within the fire lane area of the North-South Public Walkway and View Easement. The walkway will be both for pedestrian and ADA access and connect seamlessly with the existing pedestrian walkway between the City Centre and Metro Condominium buildings.

Design Requirements and Standards. The following Design Requirements and Standards shall apply to the Public Walkways within both the North-South Public Walkway and View Easement and the East-West Pedestrian Easement Envelope.

1. Landscaping Standards. The Developer shall use the Landscaping Design Standards and Guidelines contained in the Salt Lake City Zoning Ordinance in effect at the time of the development of the remaining development parcel or the following, whichever requires the planting of larger vegetation or is more restrictive.
  - a. Deciduous Trees: All deciduous trees shall have a minimum trunk size of two inches (2”) in caliper.
  - b. Evergreen Trees: No evergreen tree will be permitted in the easements.
  - c. Ornamental Trees: No ornamental trees will be permitted in the easements.

- d. Trees should be planted, at a maximum, of every twenty five (25) feet.
  - e. Shrubs: All shrubs shall have a minimum height or spread of eighteen inches (18") depending on the plant's natural growth habit. Plants in five (5) gallon containers will generally comply with this standard.
  - f. Drought Tolerant Species: Site conditions in Salt Lake City are generally arid, and the selection of plant species suited to dry conditions is appropriate. To promote water conservation, not less than eighty percent (80%) of the trees and eighty percent (80%) of the shrubs used on the site shall be drought tolerant species that can withstand dry conditions once established. Any debate about whether or not a particular species is drought tolerant shall be settled by the Salt Lake City Urban Forester.
  - g. Planting beds shall be mulched with bark chips, decorative stone, or similar materials. Mulch shall not be used as a substitute for plants.
  - h. Irrigation: All planting beds shall include automatic irrigation systems.
  - i. Electrical: All planting beds shall include electrical outlets sufficient to support holiday lighting.
2. Paving Materials. Permitted materials include unit masonry, scored and natural or colored concrete, or combinations of the above.
  3. Other Improvements. The improvements may include non-permanent kiosks and non-permanent furniture on or adjacent to the walkways so long as a path for pedestrian access is maintained.
  4. Construction of Improvements. These improvements shall be constructed simultaneously with the construction of any building greater than 10,000 square feet on the remaining parcel.
  5. North-South Public Walkway and View Easement and the East-West Pedestrian Easement Envelope. These improvements shall be located as shown on the attached site plan. Legal descriptions of the entirety of the easements shall be recorded as part of the amendment to the CC&Rs.



**OVERALL SITE PLAN**