

Return to R.D.A.
Rm 418 City & County Bldg
457 So State St
SLC, UT 84111

6551315

**FIRST AMENDMENT OF THE
DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS
AND EASEMENTS PERTAINING TO A PORTION OF THE
SURFACE OF BLOCK 57, SALT LAKE CITY, UTAH**

THIS FIRST AMENDMENT ("First Amendment") OF THE DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS PERTAINING TO A PORTION OF THE SURFACE OF BLOCK 57, SALT LAKE CITY, UTAH (the "Declaration") is executed this 20th day of December, 1996 by the Redevelopment Agency of Salt Lake City ("Agency") and American Stores Properties, Inc. ("ASPI").

RECITALS:

- A. This First Amendment amends the Declaration, which is dated June 30, 1995 and recorded July 3, 1995 as Entry No. 6113370 in the Records of the Salt Lake County Recorder. The definitions contained in the Declaration also apply to this First Amendment.
- B. Agency and ASPI are currently the only Members of the Association.
- C. This First Amendment is made pursuant to Article 12.7 of the Declaration by agreement of all of the Members.

AMENDMENTS:

D. Section 4.5 of the Declaration is amended in its entirety to read as follows:

4.5 Restrictions on Retail Uses in Parcel C and Along Plaza Drive.
In addition to the uses prohibited in Sections 4.4.1 and 4.4.2, unless waived by mutual agreement of Agency and the Owner of Parcel C, none of the following uses shall be conducted in improvements which front either on Plaza Drive or 300 South Street located on either Parcel C or the Plaza Parcel: (a) any store the principal business of which is the sale of alcoholic beverages for consumption off premises but excluding a wine store; (b) any production, manufacturing, industrial, or storage use of any kind or nature, except for storage and/or production of products incidental to the retail sale thereof; (c) massage parlor; (d) "head shop," any book, video, or similar store which offers for sale or rental pornographic material or other material (except cigarettes) which may not be lawfully sold to persons under 18; (e) car washes, gasoline or service stations, or the displaying, repairing, renting, leasing, or sale of any motor vehicle, boat or trailer; (f) dry cleaner with on-premises cleaning using Hazardous Materials described in Section 4.9; (g) any use which creates a nuisance or materially increases noise or the emission of dust, smoke, gases, or materially increases fire, explosion or radioactive hazards; (h) second hand or thrift

BK7579PG1911

stores or flea markets; (i) any use involving Hazardous Material, except as may be customary in first class neighborhood shopping centers or first class office buildings in the Salt Lake metropolitan area.

E. Section 4.7 of the Declaration is amended in its entirety to read as follows:

4.7 Public Parking. The Owner of Parcel C shall at all times operate any facilities erected on Parcel C for parking of motor vehicles, so that not less than one hundred (100) parking stalls at grade level and/or any level below grade are available for paid parking by the general public, at rates and hours to be determined at the reasonable discretion of the Owner of Parcel C, apart and separate from stalls which are reserved or otherwise made available to persons who work or office in the improvements constructed on Parcel C. The Owner of Parcel C shall make available to retail and restaurant businesses located on Parcel C and the Plaza validations for use of such parking facilities.

Except as amended herein, said Declaration continues in full force and effect.

APPROVED AS TO FORM:

FABIAN & CLENDENIN,
a Professional Corporation

By George D. Melling, Jr., Esq.
George D. Melling, Jr., Esq.

AGENCY:

THE REDEVELOPMENT AGENCY OF SALT
LAKE CITY, a public agency

By Deedee Corradini
Deedee Corradini
Its Chief Administrative Officer

And By Alice Larkin Steiner
Alice Larkin Steiner
Its Executive Director

ASPI:

APPROVED AS TO FORM:

SNELL & WILMER, L.L.P.

By Cary D. Jones, Esq.
Cary D. Jones, Esq.

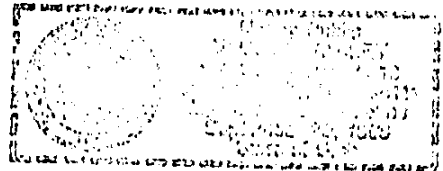
AMERICAN STORES PROPERTIES, INC.,
a Delaware corporation

By Vice President
Its Vice President

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

On this 13th day of January, 1997, personally appeared before me Deedee Corradini, personally known to me or proved to me on the basis of satisfactory evidence, and who, being by me duly sworn, did say that she is the Chief Administrative Officer of The Redevelopment Agency of Salt Lake City, a public agency, and that said document was signed by her in behalf of said corporation by authority of its bylaws, and said Deedee Corradini acknowledged to me that said corporation executed the same.

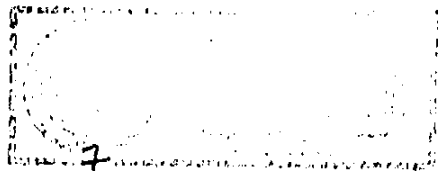
Deedee Corradini
NOTARY PUBLIC



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

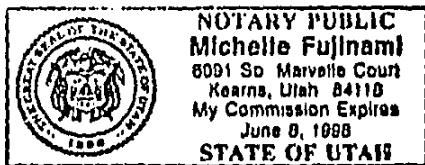
On this 30th day of December, 1996, personally appeared before me Alice Larkin Steiner, personally known to me or proved to me on the basis of satisfactory evidence, and who, being by me duly sworn, did say that she is the Executive Director of The Redevelopment Agency of Salt Lake City, a public agency, and that said document was signed by her in behalf of said corporation by authority of its bylaws, and said Alice Larkin Steiner acknowledged to me that said corporation executed the same.

Alice Larkin Steiner
NOTARY PUBLIC



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

On this 8th day of January, 1997, personally appeared before me Mark N. Schneider, personally known to me or proved to me on the basis of satisfactory evidence, and who, being by me duly sworn, did say that he is the Vice President of American Stores Properties, Inc., a Delaware corporation, and that said document was signed by him in behalf of said corporation by authority of its bylaws, and said Mark N. Schneider acknowledged to me that said corporation executed the same.



Michelle Fujinami
NOTARY PUBLIC

LEGAL DESCRIPTION OF THE PORTION OF BLOCK 57
EFFECTED BY THE DECLARATION

Beginning at the Southwest corner of Lot 2 of Block 57, Plat "A", Salt Lake City Survey, said point being North 0°00'32" West 64.51 feet parallel to the block monument line and South 89°59'08" East 67.10 feet parallel to the block monument line from the Salt Lake City Block Monument in the intersection of Main Street and 300 South; thence North 0°09'09" East 451.37 feet along the westerly lines of Lot 2, Lot 3, and part of Lot 4 of said Block 57; thence South 89°50'51" East 50.25 feet; thence South 50°05'13" East 31.22 feet; thence South 89°50'51" East 76.50 feet; thence North 0°09'09" East 228.79 feet; thence South 89°50'40" East 509.57 feet to the northeast corner of Lot 6 of said Block 57; thence South 0°08'14" West 660.22 feet to the southeast corner of Lot 1 of said Block 57; thence North 89°50'34" West 660.50 feet to the point of beginning.

6551315
01/17/97 08:49 AM 16.00
NANCY WORKMAN
RECORDER, SALT LAKE COUNTY, UTAH
RDA
451 S STATE ST 418
SLC UT 84111
REC BY: P ANDERSON , DEPUTY - WJ