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GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
SL CITY RECORDER
451 S STATE ST RM 415
SALT LAKE CITY UT 84111
BY: CDC, DEPUTY - WI 6 P.

SALT LAKE CITY ORDINANCE
No. 17 of 2008

(Vacating a portion of the airspace over Main Street at approximately 50 South Main Street, to the extent necessary to construct a skybridge as part of the new City Creek Center, with conditions and sunset provision.)

AN ORDINANCE VACATING A PORTION OF THE AIRSPACE OVER MAIN STREET, AT APPROXIMATELY 50 SOUTH MAIN STREET, TO THE EXTENT NECESSARY TO CONSTRUCT A SKYBRIDGE AS PART OF THE NEW CITY CREEK CENTER, PURSUANT TO PETITION NO. 400-06-38.

WHEREAS, the City Council of Salt Lake City, Utah, finds after public hearings that:

- A. The City owns Main Street in fee simple absolute.
- B. This ordinance relates only to the specified portion of the airspace over main street, specifically indicated herein, which is more particularly described below and in Exhibit A attached hereto. The City otherwise retains all portions of the subsurface, surface and airspace of Main Street located on all sides of the partial street vacation described herein.
- C. It is in the public interest to vacate the use by the general public of the specified portion of the airspace of Main Street because:
 - 1. Such portion is not necessary for use by the general public as a street;
 - 2. The partial vacation of the Main Street airspace has been requested in order to enhance pedestrian circulation within the new City Creek Center;
 - 3. The enhanced pedestrian circulation accomplished through this partial vacation of the Main Street airspace is in the best interest of the public;

4. This partial vacation of the Main Street airspace will not be adverse to the general public's interest;
5. This partial vacation of the Main Street airspace is subject to the reservations, disclaimers, limitations and other conditions as set forth below.

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

SECTION 1. A portion of the airspace above Main Street, at approximately 50 South Main Street, which is more particularly described on Exhibit A attached hereto, shall be, and the same hereby is, vacated and declared to be no longer needed or available as a public street, but only to the extent necessary to construct a skybridge across Main Street as set forth in Exhibit A attached hereto.

SECTION 2. Reservations and disclaimers. The above partial vacation of the Main Street airspace is expressly made subject to all existing rights of way and easements of all public utilities of any and every description now located on and under or over the confines of this property, and also subject to the rights of entry thereon for the purposes of maintaining, altering, repairing, removing or rerouting said utilities, including the City's water and sewer facilities. Said partial vacation of the Main Street airspace is also subject to any existing rights of way or easements of private third parties.

SECTION 3. Conveyance of property interest. The conveyance of the property interest from the City for the vacated portion of the above-referenced Main Street airspace shall not convey the City's fee simple absolute interest in the property, but rather shall retain a future interest in the property for the City, whether it be by lease for a term of years, a deed with a right

of reverter, or some other equivalent mechanism. The Mayor will consult with the City Council in negotiating the terms and conditions of the conveyance.

SECTION 4. Conditions. This ordinance and the resulting transfer are hereby expressly conditioned upon the following:

a. Payment to the City of fair market value of the vacated portion of the Main Street airspace and title to that portion of the Main Street airspace shall remain with the City until payment for fair market value, or the receipt of equivalent value, in accordance with Salt Lake City Code Chapter 2.58; and

b. All existing public and private utility infrastructure must be maintained in a manner acceptable to the City's Public Utilities Department; and

c. The approved plan for the skybridge shall use transparent glass in lieu of the applicant's proposal, in order to minimize the visual impacts of the etched glass; and

d. The permit for the City Creek project, shall require that the amount of Main Street retail, as represented in the applicant's most recent plan, be maximized to encourage the use of the crosswalk at ground level; and that all four restaurant retail spaces adjacent to the skybridge have one primary ingress on Main Street; and

e. The approved plan for the interior of the skybridge shall be designed to include design elements and/or furniture to create a destination focal point.

SECTION 5. Effective Date. This Ordinance shall become effective on the date of its first publication and shall be recorded with the Salt Lake City Recorder. The City Recorder is instructed not to publish or record this ordinance until the conditions identified above have been

met, as certified by the Salt Lake City Public Utilities Department, the Salt Lake City Property Manager, and the Salt Lake City Planning Director.

SECTION 6. Sunset Provision. If the payment required as a condition above has not been made within one year after adoption, or if the plans required as conditions above have not been approved within one year after adoption, this ordinance shall become null and void. The City Council may, for good cause shown, by resolution, extend the time period for satisfying the conditions identified above.

Passed by the City Council of Salt Lake City, Utah this 8th day of April, 2008.

Will Love
CHAIRPERSON

ATTEST:

Christine Meeker
CHIEF DEPUTY CITY RECORDER



Transmitted to Mayor on 4-18-08

Mayor's Action: Approved. Vetoed.

[Signature]
MAYOR

Christine Meeker
CHIEF DEPUTY CITY RECORDER

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date 4-17-08
By *[Signature]*

(SEAL)

Bill No. 17 of 2008.

Published: 6-30-09

HB_ATTY-#3309-v1-Ord_Creek_Center__Main_Street_Closure__Skybridge_Approval.DOC

LYN CRESWELL
DIRECTOR

SALT LAKE CITY CORPORATION

DEPARTMENT OF MANAGEMENT SERVICES
City Recorder

RALPH BECKER
MAYOR

STATE OF UTAH, City and County of Salt Lake,

I, Christine Meeker, City Recorder of Salt Lake City, Utah, do hereby certify that the attached document, Ordinance 17 of 2008, Vacating a portion of the airspace over Main Street at approximately 50 South Main Street, to the extent necessary to construct a skybridge as part of the new City Creek Center, with conditions and sunset provision.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said City, this 24th day of June, 2009



Christine Meeker
City Recorder, Salt Lake City, Utah

LOCATION: 451 SOUTH STATE STREET, ROOM 415, SALT LAKE CITY, UTAH 84111
MAILING ADDRESS: PO BOX 145515, SALT LAKE CITY, UTAH 84114-5515
TELEPHONE: 801-535-7671 FAX: 801-535-7681

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