

**CITY OF HOLLADAY**

**RESOLUTION NO. 2014-**

**A RESOLUTION AMENDING THE ALLOCATIONS FOR CDBG  
FUNDING FOR THE 2014-2015 FISCAL YEAR.**

**WHEREAS**, the City of Holladay (the “City”) was allocated \$66,600 in Community Development Block Grant funding from Salt Lake County for the 2014-2015 fiscal year; and

**WHEREAS**, the City has funds from prior years that need to be reallocated and re-directed.

**WHEREAS**, said amount represents a reduction in funds due to the uncertainty in the total grant amount as a result of pending federal budget concerns; and

**WHEREAS**, the City Council held a public hearing on March 6, 2014, pursuant to published notice, to receive citizen input on the proposed projects to which the CDBG funds may be allocated; and

**WHEREAS**, the City Council has determined that it is in the best interest, safety and welfare of Holladay citizens to expend the funding for the good of its low to moderate income citizens; and

**WHEREAS**, these funds will not become available for expenditure until July 1, 2014; and

**WHEREAS**, the sum of \$10,752 in additional funds was received and needs to be allocated.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Holladay as follows:

**Section 1.** Funding Allocation. The Community Development Block Grant funds received by the City of Holladay shall be allocated as set forth in Exhibit “A,” attached hereto and incorporated herein by reference.

**Section 2.** Severability. If any section, part or provision of this Resolution is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Resolution, and all sections, parts and provisions of this Resolution shall be severable.

**Section 3.** Effective Date. This Resolution shall become effective immediately upon its passage.

**PASSED AND APPROVED** this 10<sup>th</sup> day of July, 2014.

**HOLLADAY CITY COUNCIL**

By: \_\_\_\_\_  
Robert Dahle, Mayor

[SEAL]

**VOTING:**

Lynn H. Pace	Yea	___	Nay	___
J. James Palmer, Jr.	Yea	___	Nay	___
Sabrina R. Petersen	Yea	___	Nay	___
Steven H. Gunn	Yea	___	Nay	___
Patricia Pignanelli	Yea	___	Nay	___
Robert Dahle	Yea	___	Nay	___

**ATTEST:**

\_\_\_\_\_  
Stephanie N. Carlson, MMC  
City Recorder

**DEPOSITED** in the office of the City Recorder this 10<sup>th</sup> day of July, 2014.

**RECORDED** this 10<sup>th</sup> day of July, 2014.



# HOLLADAY CITY COUNCIL SUMMARY REPORT

**MEETING DATE:** July 10, 2014

**AGENDA ITEM:**

**SUBJECT:** Rezoning of Public and Quasi-Public Properties to the Public Zone

**SUBMITTED BY:** Planning Commission

**SUMMARY:**

Earlier this year, Councilman Pace asked for a recommendation from the Planning Commission regarding the rezoning of the properties on the corner of 2300 East and 3900 South, formerly the auto repair shop and the vacant property directly to the east. These properties have been incorporated into the new Olympus High campus and the current zone designations do not reflect that change. During discussions, it was suggested that all the public and quasi-public properties should be reviewed for a similar recommendation.

Previously, when public or quasi-public properties were annexed into the City, they were rezoned to the Public Zone. However, there are still a number of properties that have not been reviewed or rezoned since the original rezoning at incorporation. This recommendation incorporates the remaining 60 properties that are still not in the P zone and would comply with the zoning throughout the City for these types of uses. (See *Public zone standards attached to this staff report*).

**RECOMMENDATION:**

On June 17, 2014 the Planning Commission held a public hearing on this rezone request. There were several members of the community in attendance and most had questions regarding the impacts on issues such as traffic, changes in access to irrigation water, future development on these properties and the effect of the rezone on the property values of their properties. Most of the questions were answered during the meeting and no significant opposition to the proposal was voiced. However, there were two agents for property owners who asked that their properties be removed from the rezone because of future redevelopment plans. Those properties are the Evangelical Church on Lion Lane and the Carmelite Monastery on Holladay Blvd.

The Planning Commission voted unanimously to recommend the rezone of the listed properties with the exception of the two noted above.

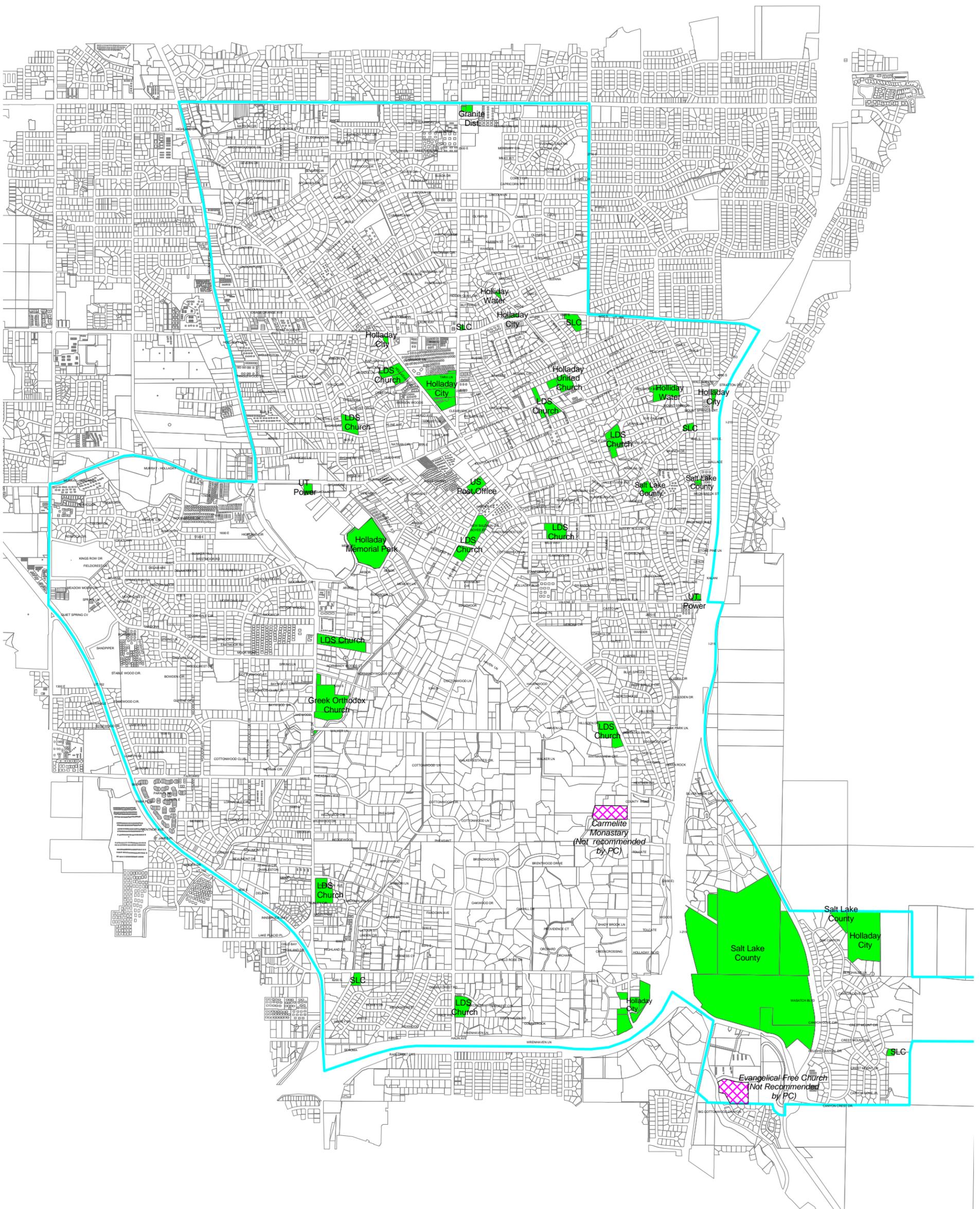
**FISCAL IMPACT:** None

**CONTACT PERSON:** Paul Allred or Pat Hanson

**EXHIBITS**

- Public and Quasi-Public Properties Map
- Amended Zone Map
- Table of recommended properties
- Public notice post card
- P zone standards
- Pertinent e-mails

# PUBLIC/QUASI-PUBLIC PROPERTIES



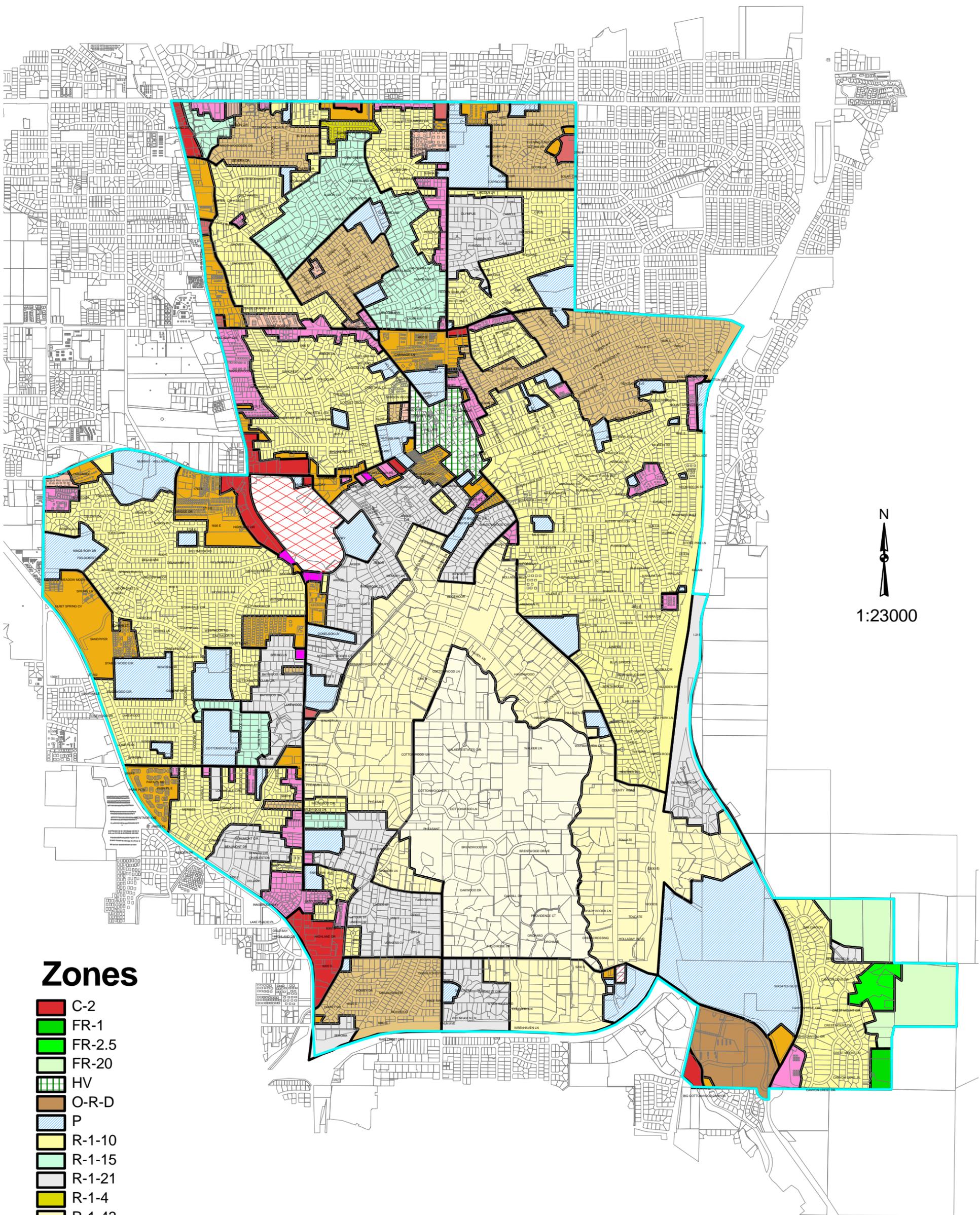
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**Recommended by the Planning Commission for rezone to the P zone**



**Not Recommended by the Planning Commission for rezone to the P zone**



N  
1:23000

## Zones

- C-2
- FR-1
- FR-2.5
- FR-20
- HV
- O-R-D
- P
- R-1-10
- R-1-15
- R-1-21
- R-1-4
- R-1-43
- R-1-8
- R-1-87
- R-2-10
- R-2-8
- R-M
- C-1
- LU
- R/M-U
- NC

# City of Holladay Zoning Map

August 2014

The following properties were considered by the Planning Commission and recommended for rezoning to the Public Zone (P), except for two properties noted below.

PROPERTY OWNER	PROPERTY LOCATION	AC.	CURRENT ZONING
CITY OF HOLLADAY	2120 E 4500 S	0.29	R-M
CITY OF HOLLADAY	2475 E 4500 S	0.26	R-1-10
CITY OF HOLLADAY	2834 E 6200 S	2.51	R-1-21
CITY OF HOLLADAY	3501 E CANYON WINDS LN	15.16	FR-20
CITY OF HOLLADAY	4570-4580 S 2300 E	5	HV
CITY OF HOLLADAY	4590 S 2300 E	2.36	HV
CITY OF HOLLADAY	4601 S STRATTON DR	0.59	R-1-10
CITY OF HOLLADAY	4625 S HOLLADAY BLVD	1.35	HV
CITY OF HOLLADAY	6270 S HOLLADAY BLVD	0.63	R-1-21
CITY OF HOLLADAY	6293 S HOLLADAY BLVD	1.63	R-1-21
CITY OF HOLLADAY	6312 S HOLLADAY BLVD	0.7	R-1-21
CITY OF HOLLADAY	6350 S HOLLADAY BLVD	0.65	R-1-21
CITY OF HOLLADAY	6352 S HOLLADAY BLVD	2.19	R-1-21
CORP CH OF JC OF LDS, HOLLADAY THIRD	4636 S CHAPEL DR	0.29	R-1-10
CORP OF CH OF JC OF LDS, COTTONWOOD SECOND	2080 E DONELSON LN	4.83	R-1-21
CORP OF CH OF JC OF LDS, COTTONWOOD THIRD	6301 S 2300 E	2.7	R-1-21
CORP OF CH OF JC OF LDS, COTTONWOOD FIRST	5913 S HIGHLAND DR	1	R-1-10
CORP OF PRES BISHOP OF CH OF JC OF LDS	2051-2065 E 4675 S	2.53	R-1-10
CORP OF PRES BISHOP OF CH OF JC OF LDS	2555 E MURRAY HOLLADAY RD	0.62	R-1-10
CORP OF PRES BISHOP OF CH OF JC OF LDS	2600 E MURRAY HOLLADAY RD	1.79	R-1-10
CORP OF PRES BISHOP OF CH OF JC OF LDS	2601 E MILO WY	3	R-1-10
CORP OF PRES BISHOP OF CH OF JC OF LDS	4568 S HOLLADAY BLVD	2	R-1-10
CORP OF PRES BISHOP OF CH OF JC OF LDS	4568 S HOLLADAY BLVD	1.48	R-1-10
CORP OF PRES BISHOP OF CH OF JC OF LDS	4650 S NANILOA DR	1.15	R-1-10
CORP OF PRES BISHOP OF CH OF JC OF LDS	4650 S NANILOA DR	1.12	R-1-10
CORP OF PRES BISHOP OF CH OF JC OF LDS	4650 S NANILOA DR	0.85	R-1-10
CORP OF PRES BISHOP OF CH OF JC OF LDS	4917 S VIEWMONT ST	0.26	R-1-10
CORP OF PRES BISHOP OF CH OF JC OF LDS	4917 S VIEWMONT ST	4.72	R-1-10
CORP OF PRES BISHOP OF CH OF JC OF LDS	5450 S HOLLADAY BLVD	3	R-1-43
CORP OF PRES BISHOP OF CH OF JC OF LDS	5496 S HOLLADAY BLVD	0.86	R-1-43
GRANITE SCHOOL DISTRICT	2330 E 3900 S	0.46	R-M
GRANITE SCHOOL DISTRICT	3911 S 2300 E	0.23	C-1
GREEK ORTHODOX CHURCH OF GREATER SALT LAKE	1990 E 5290 S	0.47	R-1-21
GREEK ORTHODOX CHURCH, HOLY TRINITY	5335-5341 S HIGHLAND DR	6	R-1-21
GREEK ORTHODOX CHURCH, HOLY TRINITY	5391 S HIGHLAND DR	1.9	R-1-21
HOLLADAY MEMORIAL PARK INC	4969 S MEMORY LN	14.14	R-1-21
HOLLADAY UNITED CHURCH OF CHRIST	2631 E MURRAY HOLLADAY RD	0.69	R-1-10
HOLLADAY UNITED CHURCH OF CHRIST	2631 E MURRAY HOLLADAY RD	1.85	R-1-10
HOLLIDAY WATER COMPANY	2895 E LIVE OAK CIR	0.26	R-1-8
HOLLIDAY WATER COMPANY	2897 E LIVE OAK CIR	2.54	R-1-10
HOLLIDAY WATER COMPANY	4350 S WANDER LN	0.32	R-1-10

JORDAN VALLEY WATER CONSERVANCY DISTRICT	2981 E BRANCH DR	0.01	R-1-10
SALT LAKE CITY	2080 E 6200 S	0.94	R-1-8
SALT LAKE CITY	2315 E 4500 S	0.19	R-1-10
SALT LAKE CITY	2660 E 4500 S	1.97	R-1-8
SALT LAKE CITY	5453 S HIGHLAND DR	0.15	R-1-43
SALT LAKE CITY	6459 S CREST MOUNT DR	0.49	R-1-10/ FR-20
SALT LAKE CITY	6459 S CREST MOUNT DR	0.03	R-1-10/ FR-20
SALT LAKE COUNTY	3501 E CANYON WINDS LN	2.23	FR-20
SALT LAKE COUNTY	6080 S WASATCH BLVD	9.8	R-1-43
SALT LAKE COUNTY	6080 S WASATCH BLVD	51.33	R-1-43
SALT LAKE COUNTY	6080 S WASATCH BLVD	13.04	R-1-43
SALT LAKE COUNTY	6080 S WASATCH BLVD	17.46	R-1-43
SALT LAKE COUNTY	6080 S WASATCH BLVD	58.84	R-1-43
SALT LAKE COUNTY WATER CONSERVANCY DISTRICT	4656 S WALLACE LN	0.63	R-1-10
SALT LAKE COUNTY WATER CONSERVANCY DISTRICT	4756 S WALLACE LN	0.2	R-1-10
SALT LAKE COUNTY WATER CONSERVANCY DISTRICT	4766 S WALLACE LN	0.01	R-1-10
SALT LAKE COUNTY WATER CONSERVANCY DISTRICT	4766 S WALLACE LN	0.08	R-1-10
SALT LAKE COUNTY WATER CONSERVANCY DISTRICT	4772 S NANILOA DR	0.82	R-2-10
UNITED STATES POSTAL SERVICE	2350 E ARBOR LN	1.71	HV
UTAH POWER & LIGHT CO	1950 E MURRAY HOLLADAY RD	0.87	R-2-10
UTAH POWER & LIGHT CO	3053 E CASTO LN	0.57	R-1-10

**\*Not recommended for rezone as per request of property owner.**

CARMEL OF THE IMMACULATE HEART OF MARY	5714 S HOLLADAY BLVD*	4.31	R-1-43
EVANGELICAL FREE CHURCH OF SALT LAKE CITY UTAH	6515 S LION LN*	5.74	O-R-D

**Chapter 13.46**  
**P PUBLIC USE ZONE**

13.46.010: PURPOSE OF PROVISIONS: The purpose of the P zone is to provide areas in the city for the development of parks, schools, libraries, churches and other public and quasi-public buildings and land uses. (Ord. 2012-15, 9-20-2012)

13.46.020: PRIMARY USES:

- A. Primary Uses Allowed: The permitted and conditional uses allowed in the P zone shall be as set forth in chapter 13.100, "Appendix A - Allowed Uses", of this title. Any primary land use not shown as a permitted or conditional use in chapter 13.100, "Appendix A - Allowed Uses", of this title shall be prohibited.
- B. Combined Uses: Any combination of uses may be established within the same building or on the same lot or parcel. If any of the proposed uses is a conditional use, that use shall be reviewed and approved by the planning commission as required by section 13.08.040 of this title. (Ord. 2012-15, 9-20-2012)

13.46.030: ACCESSORY USES: Permitted and conditional uses set forth in chapter 13.100, "Appendix A - Allowed Uses", of this title shall be deemed to include accessory uses and activities that are necessarily and customarily associated with and incidental and subordinate to such primary uses allowed by chapter 13.100, "Appendix A - Allowed Uses", of this title.

- A. Accessory uses shall be subject to the same regulations that apply to permitted and conditional uses in the zone except as otherwise expressly provided in this title.
- B. No accessory use, building or structure shall be allowed on a lot or parcel unless a primary permitted or conditional use is currently established on the parcel, except as allowed by section 13.09.020 of this title.
- C. Specific accessory uses allowed in the P zone are as set forth in chapter 13.100, "Appendix A - Allowed Uses", of this title. (Ord. 2012-15, 9-20-2012)

13.46.040: LOT WIDTH: The minimum lot width of any lot in a P zone shall be sixty five feet (65'), at a distance twenty five feet (25') back from the front lot line. (Ord. 2012-15, 9-20-2012)

13.46.050: FRONT YARD: In a P zone, the minimum depth of the front yard for buildings shall be twenty five feet (25'). (Ord. 2012-15, 9-20-2012)

13.46.060: SIDE YARD: In a P zone, the minimum side yard shall be twenty feet (20') unless reduced by the planning commission pursuant to section 13.08.040 of this title. On corner lots, the side yard which faces on a street, for both main and accessory buildings, shall be not less than twenty feet (20'). (Ord. 2012-15, 9-20-2012)

13.46.070: REAR YARD: In P zones, the minimum depth of the rear yard for any main building shall be thirty feet (30'), and for accessory buildings shall be ten feet (10'). (Ord. 2012-15, 9-20-2012)

13.46.080: COVERAGE RESTRICTIONS: No building or group of buildings in a P zone, with their accessory buildings, shall cover more than fifty percent (50%) of the area of the lot. (Ord. 2012-15, 9-20-2012)

13.46.090: BUILDING HEIGHT:

No building or structure in a P zone shall contain more than three (3) stories or forty five feet (45') maximum in height including screened mechanical equipment but excluding: a) chimneys of six feet (6') or less; b) architecturally compatible elevator shafts six feet (6') or less; and/or c) gables four feet (4') or less. No structure shall contain less than one story.

Exceptions to this limit shall only be allowed by conditional use permit, for typical ornamental architectural features such as steeples and towers, etc., for buildings usually found in this zone. Such features shall not exceed sixty feet (60'). (Ord. 2012-15, 9-20-2012)

Property Owner:

A limited number of schools, churches, and other similar public or quasi-public uses in Holladay are being considered for rezoning to the Public Zone to adequately reflect their true character. The following properties in your neighborhood are included in this action:

The Planning Commission will hold a public hearing on **Tuesday, June 17, 2014 at 7:00 PM.**

The City Council will consider the Planning Commission's recommendation at a public hearing on **Thursday, July 10, 2014 at 6:00 PM.**

Both meetings will be held in the Holladay City Council Chambers at **4580 S 2300 E.**  
**You are invited to attend and comment at these meetings.**

If you have questions, please contact Paul Allred, Community Development Director, at 801-527-3890 during regular business hours or by email, [pallred@cityofholladay.com](mailto:pallred@cityofholladay.com).

**From:** Steve Clark [mailto:steve@slcevfrees.org]  
**Sent:** Thursday, June 05, 2014 2:27 PM  
**To:** Paul Allred  
**Cc:** S Peterson; Mitch Menning; Harold Chen; Mahoney, Don  
**Subject:** proposed rezoning of the Evangelical Free Church property

Dear Mr. Allred,

We received a letter from your office dated May 29, 2014. This letter informed us of a proposal to rezone our property, the Evangelical Free Church at 6515 South Lion Lane, from its current "O-R-D" to what we understand to be a recently adopted "Public Zone (P)."

We have no interest in having our land rezoned under any conditions. While it is true that our property is used for a church and a school, we see no benefit in a rezoning and in fact have concern for how such a rezoning, were it to happen, might negatively impact our possible future plans.

We have been in discussion with Millrock Capital about the possibility of Millrock acquiring this property in order to develop it. We have entered into a long-term agreement with Millrock that has both parties undertaking steps to make such a sale/purchase possible in the future, if both parties would desire it. A rezoning of this parcel could negatively affect those plans. Consequently, we request that the City of Holladay not rezone our property.

Thank you.

Sincerely,

Rev. Steven F. Clark  
Pastor, Evangelical Free Church of Salt Lake City

Dear Deacon George,

Thank you for your input. I will make sure that we forward your feelings and request in this matter to the City Council prior to their hearing on July 10th.

Paul Allred  
Community Development Director  
City of Holladay

**RE: Proposed Rezoning of Carmelite Monastery**

**PAUL ALLRED**

On Jun 28, 2014, at 11:07 PM, "Deacon Reade" <[deacon.reade@dioslc.org](mailto:deacon.reade@dioslc.org)> wrote:

Dear Mr. Allred,

We received your letter of May 29, 2014 and I attended the public hearing on June 17. The Commission was kind enough to allow me to come up and speak and they did a nice job of addressing questions. It appeared at the meeting that if we requested not being rezoned to the public zone then that should not be a problem if we notified you in writing prior to the City Council meeting.

By suggestion of the Planning Commission, I am writing to request that Carmel of the Immaculate Heart of Mary (Parcel ID 22141510100000 at 5714 S Holladay Blvd) remain zoned R-1-43. Any change in the zoning could negatively impact possible future planning.

Thanks for your consideration.

Regards,

Deacon George

Deacon George Reade  
Diocesan Real Estate & Property Manager  
Diocese of Salt Lake City  
27 C Street, Salt Lake City, UT 84103

(801) 328-8641 ext 364  
(801) 949-5617 cell  
[deacon.reade@dioslc.org](mailto:deacon.reade@dioslc.org)  
[www.dioslc.org](http://www.dioslc.org)

<b>2014-15 Community Development Block Grant Applications</b>				
<b>Total Grant: \$66,133</b>				
<b>Applicant</b>	<b>Amount Requested</b>	<b>2014-15 Funding</b>	<b>Notes</b>	<b>Project</b>
Alliance House - Transional Hsg Units	816.55	816.55	public facility	Remodel project creating 10 new housing units
Boys & Girls Club - HVAC	3,523.00	3,523.00	public facility	Energy efficiency upgrade (HVAC system)
The Haven - structural improvements	5,000.00	5,000.00	public facility	modernize & upgrade apt. units
Odyssey House - Adult Residential Program	8,146.30	8,146.30	public facility	Boiler system retrofit
Odyssey House - Transitional Housing	5,557.80	5,557.80	public facility	Parking lot repaving
Refugee & Immigrant Center - HVAC	552.00	552.00	public facility	HVAC replacements
South Valley Sanctuary - Kitchen	415.00	415.00	public facility	shelter kitchen
South Valley Sanctuary - Playground	1,231.00	1,231.00	public facility	playground upgrade for safety and to add equipment for children w/disabilities
Road Home - Shelter Parking Lot Fencing	961.00	961.00	public facility	parking lot fencing/gates
Road Home - Transitional Housing	786.00	786.00	public facility	repair & maintenance to transitional housing unit
UT Microenterprise Loan Fund	4,434.00	4,434.00	economic development	fund loans
ASSIST	5,000.00	5,000.00	housing	emergency home repairs
CDC - Critical Home Needs Program	25,000.00	25,000.00	housing	rehabilitation loan program
City of Holladay Accessibility Improvements (BSA)	5,177.00	5,177.00	ADA	ADA improvements
City of Holladay - housing program	\$40,980.00	40,980.00	housing	Housing Rehab Program - project pending
City of Holladay - general plan	10,752.06	10,752.06	General plan	city's portion of matching grant to update ge
<b>TOTAL</b>	<b>\$118,331.71</b>	<b>\$118,331.71</b>		
	<u>Reallocation</u>		<u>Funding available</u>	
	\$10,752.00		\$66,133.00	
	\$8,089.17	valley services	\$52,198.71	
	\$10,693.64	Assist	\$118,331.71	
	\$21,654.00	CDD	\$118,331.71	
	\$9.90	CAP	\$0.00	
	\$500.00	EyeCare for Kids		
	\$500.00	BBBS		
<b>TOTAL</b>	<b>\$52,198.71</b>	Funds to Reallocate		

CITY OF HOLLADAY

RESOLUTION NO. 2014-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLADAY APPROVING A LICENSE AGREEMENT WITH HOLLADAY VILLAGE, LLC.

WHEREAS, Holladay Village desires to use property owned by the City for its development; and

WHEREAS, the City Council has considered the request of Holladay Village and finds that the public interest will be best served by the entry of a license agreement between the parties to allow the utilization of City property by Holladay Village, LLC;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Holladay as follows:

Section 1. Adoption. The City Council hereby approves that certain license agreement with Holladay Village attached hereto as Exhibit A and incorporated herein by reference, and authorizes the Mayor to execute the same for and in behalf of the City.

Section 2. Severability. If any section, part or provision of this Resolution is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Resolution, and all sections, parts and provisions of this Resolution shall be severable.

Section 3. Effective Date. This Resolution shall become effective immediately upon its passage.

PASSED AND APPROVED this \_\_\_ day of July, 2014.

HOLLADAY CITY COUNCIL

By: \_\_\_\_\_ Robert Dahle, Mayor

[SEAL]

VOTING:

Lynn H. Pace Yea \_\_\_ Nay \_\_\_
J. James Palmer, Jr. Yea \_\_\_ Nay \_\_\_
Sabrina R. Petersen Yea \_\_\_ Nay \_\_\_
Steven H. Gunn Yea \_\_\_ Nay \_\_\_
Patricia Pignanelli Yea \_\_\_ Nay \_\_\_
Robert Dahle Yea \_\_\_ Nay \_\_\_

**ATTEST:**

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Stephanie N. Carlson, MMC  
City Recorder

**DEPOSITED** in the office of the City Recorder this \_\_ day of July, 2014.

**RECORDED** this \_\_\_\_ day of July, 2014.

**CITY OF HOLLADAY**

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE HOLLADAY CITY COUNCIL APPROVING  
AND AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR  
LEGAL SERVICES WITH THE LAW FIRM OF HAYES GODFREY  
BELL, P.C.**

**WHEREAS**, Holladay City is authorized by state law to contract for legal services for the City;  
and

**WHEREAS**, the City desires to enter into an Agreement with the law firm of HAYES GODFREY BELL, P.C. for the provision of legal services to the City;

**NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:**

**Section 1. Agreement Approved.** The City Council of Holladay City hereby accepts and approves the attached Agreement for Legal Services between Holladay City and HAYES GODFREY BELL, P.C..

**Section 2. Signature Authorization.** The Mayor of Holladay City is hereby authorized to sign the attached Agreement for and in behalf of Holladay City.

**Section 3. Severability.** If any section, part or provision of this Resolution is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Resolution, and all sections, parts and provisions of this Resolution shall be severable.

**Section 4. Effective Date.** This Resolution shall become effective immediately upon its passage.

**PASSED AND APPROVED** this \_\_\_ day of July, 2014.

**HOLLADAY CITY COUNCIL**

By: \_\_\_\_\_  
Robert Dahle, Mayor

[SEAL]

**VOTING:**

Lynn H. Pace	Yea	___	Nay	___
J. James Palmer, Jr.	Yea	___	Nay	___
Sabrina R. Petersen	Yea	___	Nay	___
Patricia Pignanelli	Yea	___	Nay	___
Steven H. Gunn	Yea	___	Nay	___
Robert Dahle	Yea	___	Nay	___

**ATTEST:**

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Stephanie N. Carlson, MMC  
City Recorder

**DEPOSITED** in the office of the City Recorder this \_\_\_ day of July, 2014.

**RECORDED** this \_\_\_ day of July, 2014.

**WHEN RECORDED MAIL TO:**

Holladay Village Square, LLC  
Attn. Ken Melby  
4725 Holladay Blvd., #230  
Holladay, Utah 84117

**LICENSE AGREEMENT**

This License Agreement (this “**Agreement**”) is made this July \_\_\_\_, 2014 (the “**Effective Date**”) by and between the City of Holladay (the “**City**”) and Holladay Village Square, LLC, a Utah limited liability company (“**Holladay Village.**”)

**RECITALS**

A. The City owns public right-of-way located in the City of Holladay, Salt Lake County, Utah. The legal description for the right-of-way, and a graphic depiction of the same, is referenced in **Exhibit A**, attached hereto and incorporated herein by reference, (the “**Gap Properties**”). The Gap Properties consist of small slivers of land within City of Holladay Right of Way known as Murray-Holladay Road and 2300 East Street.

B. Holladay Village is the owner of the project commonly known as “Holladay Village” including real property described in **Exhibit B** attached hereto and incorporated herein by reference, (the “**Project**”), which is located generally at the intersection of 2300 East Street and Murray-Holladay Road. The Gap Properties are adjacent to the Holladay Village Project.

C. The purposes of this Agreement are to: (i) provide benefit to the City through obligating Holladay Village to improve and maintain the Gap Properties; (ii) allow for the construction of a retaining wall and related improvements on the Gap Properties along Murray Holladay Road; (iii) allow for construction of an elevated sidewalk ramp and related improvements upon the Gap Properties along 2300 East to provide improved access to commercial buildings within the Holladay Village; and (iv) mitigate the negative impacts caused by the construction of private improvements on City properties. The constructed improvements (the “**Improvements**”) located within the Gap Properties are shown in (and shall be limited to) those improvements shown in **Exhibit C**, attached hereto and incorporated herein by reference.

**DECLARATION**

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. **Recitals**. The above recitals are incorporated herein.
2. **License Granted**. The City hereby grants for the benefit of the Project a license for: (i) the construction and placement of the Improvements, as shown in **Exhibit C**, upon the Gap

Properties, including retaining walls and landscaping, elevated sidewalk ramp and related improvements; and (ii) the owner, owner's agents, employees, contractors, guests and invitees, to have ingress and egress over and upon the Gap Properties, including for the replacement and repair of any improvements upon the Gap Properties.

3. **Maintenance of Gap Properties.** Holladay Village has constructed the Improvements on the Gap Properties and the Parties hereby agree that the constructed Improvements are consistent with the plans for the Project. Holladay Village shall maintain the Gap Properties and the Improvements in a clean, neat and orderly condition.

4. **Agreement Relating to Duration of Improvements.** The City hereby agrees that the Improvements, as allowed in accordance with the provisions of this Agreement, shall be allowed to remain on the Gap Properties so long as the structures to which the Improvements are affixed and of which they are a part remain in active use, and in their current general design and configuration. The Parties hereby agree that the City shall have the right to require removal of the Improvements, which removal shall be at Holladay Village's sole expense, only in the event the Gap Properties are required to be placed in use for the general benefit of the public to remedy a condition impacting negatively on public health, safety or welfare.

5. **Indemnification.** Holladay Village agrees to indemnify, hold harmless and defend the City, its agents and employees, from and against all claims, mechanics liens, demands, damages, actions, costs and charges, for personal injury or property damage and other liabilities, including attorneys' fees, arising out of or by any reason of Holladay Village's use of the Gap Properties, the construction and maintenance of the Improvements, or any activities conducted thereon by Holladay Village, its agents, employees, invitees or trespassers.

6. **Binding Effect.** All provisions of this Agreement, including the benefits and burdens, are binding upon and shall inure to the benefit of the successors and assigns of the City and Holladay Village.

7. **Remedies.** In the event of any violations or threatened violation by either party of any of the terms, restrictions, covenants and conditions of this Agreement, the other owner shall have, in addition to the right to damages, the right to enjoin such violation or threatened violation in any court of competent jurisdiction. In addition, the City shall have the right to terminate this Agreement and to remove or require removal of the Improvements if Holladay Village fails to cure any condition of default within ninety (90) days of notice from the City. All costs incurred by the City in removing the Improvements shall be a charge and a lien against the Project.

8. **Amendment.** This Agreement may not be amended or modified except with the consent of the owners and only by written instrument, duly executed and acknowledged and recorded in the office of the Salt Lake County Recorder, Utah.

9. **Severability.** If any term or provision or conditions contained in the Agreement shall to any extent be deemed invalid or unenforceable, the remainder of the Agreement shall not be affected thereby, and each remaining term, provision and condition of the Agreement shall be valid and enforceable to the fullest extent permitted by law.

10. **Applicable Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of Utah.

11. **Recordation.** This Agreement shall be recorded in the Office of the Recorder of Salt Lake County, Utah.

*(Signatures Follow)*

The City and Holladay Village are signing this Agreement as of the Effective Date.

CITY OF HOLLADAY  
a Utah municipal corporation

By: \_\_\_\_\_  
Robert Dahle, Mayor

ATTEST:

By: \_\_\_\_\_  
Stephanie Carlson, City Recorder

APPROVED AS TO FORM:

By: \_\_\_\_\_  
City Attorney

STATE OF UTAH        )  
                          ) ss.  
County of Salt Lake    )

On the \_\_\_ day of July, 2014, the \_\_\_\_\_ of the City of Holladay, personally appeared before me and duly acknowledged tome that he/she executed the same on behalf of the City.

\_\_\_\_\_  
Notary Public

My commission expires:  
\_\_\_\_\_

Residing at:  
\_\_\_\_\_

HOLLADAY VILLAGE SQUARE, LLC  
a Utah Limited Liability Company

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF UTAH        )  
                          ) ss.  
County of Salt Lake    )

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 2014 by \_\_\_\_\_  
\_\_\_\_\_ as \_\_\_\_\_ of Holladay Village Square, LLC, on behalf of said company.

\_\_\_\_\_  
Notary Public

My commission expires:  
\_\_\_\_\_

Residing at:  
\_\_\_\_\_

**EXHIBIT A**  
**LEGAL DESCRIPTION FOR GAP PROPERTIES**

**EXHIBIT B**  
**HOLLADAY VILLAGE PROJECT PROPERTY**

**EXHIBIT C**  
**IMPROVEMENT DRAWINGS**

The following properties were considered by the Planning Commission and recommended for rezoning to the Public Zone (P), except for two properties noted below.

PROPERTY OWNER	PROPERTY LOCATION	AC.	CURRENT ZONING
CITY OF HOLLADAY	2120 E 4500 S	0.29	R-M
CITY OF HOLLADAY	2475 E 4500 S	0.26	R-1-10
CITY OF HOLLADAY	2834 E 6200 S	2.51	R-1-21
CITY OF HOLLADAY	3501 E CANYON WINDS LN	15.16	FR-20
CITY OF HOLLADAY	4570-4580 S 2300 E	5	HV
CITY OF HOLLADAY	4590 S 2300 E	2.36	HV
CITY OF HOLLADAY	4601 S STRATTON DR	0.59	R-1-10
CITY OF HOLLADAY	4625 S HOLLADAY BLVD	1.35	HV
CITY OF HOLLADAY	6270 S HOLLADAY BLVD	0.63	R-1-21
CITY OF HOLLADAY	6293 S HOLLADAY BLVD	1.63	R-1-21
CITY OF HOLLADAY	6312 S HOLLADAY BLVD	0.7	R-1-21
CITY OF HOLLADAY	6350 S HOLLADAY BLVD	0.65	R-1-21
CITY OF HOLLADAY	6352 S HOLLADAY BLVD	2.19	R-1-21
CORP CH OF JC OF LDS, HOLLADAY THIRD	4636 S CHAPEL DR	0.29	R-1-10
CORP OF CH OF JC OF LDS, COTTONWOOD SECOND	2080 E DONELSON LN	4.83	R-1-21
CORP OF CH OF JC OF LDS, COTTONWOOD THIRD	6301 S 2300 E	2.7	R-1-21
CORP OF CH OF JC OF LDS, COTTONWOOD FIRST	5913 S HIGHLAND DR	1	R-1-10
CORP OF PRES BISHOP OF CH OF JC OF LDS	2051-2065 E 4675 S	2.53	R-1-10
CORP OF PRES BISHOP OF CH OF JC OF LDS	2555 E MURRAY HOLLADAY RD	0.62	R-1-10
CORP OF PRES BISHOP OF CH OF JC OF LDS	2600 E MURRAY HOLLADAY RD	1.79	R-1-10
CORP OF PRES BISHOP OF CH OF JC OF LDS	2601 E MILO WY	3	R-1-10
CORP OF PRES BISHOP OF CH OF JC OF LDS	4568 S HOLLADAY BLVD	2	R-1-10
CORP OF PRES BISHOP OF CH OF JC OF LDS	4568 S HOLLADAY BLVD	1.48	R-1-10
CORP OF PRES BISHOP OF CH OF JC OF LDS	4650 S NANILOA DR	1.15	R-1-10
CORP OF PRES BISHOP OF CH OF JC OF LDS	4650 S NANILOA DR	1.12	R-1-10
CORP OF PRES BISHOP OF CH OF JC OF LDS	4650 S NANILOA DR	0.85	R-1-10
CORP OF PRES BISHOP OF CH OF JC OF LDS	4917 S VIEWMONT ST	0.26	R-1-10
CORP OF PRES BISHOP OF CH OF JC OF LDS	4917 S VIEWMONT ST	4.72	R-1-10
CORP OF PRES BISHOP OF CH OF JC OF LDS	5450 S HOLLADAY BLVD	3	R-1-43
CORP OF PRES BISHOP OF CH OF JC OF LDS	5496 S HOLLADAY BLVD	0.86	R-1-43
GRANITE SCHOOL DISTRICT	2330 E 3900 S	0.46	R-M
GRANITE SCHOOL DISTRICT	3911 S 2300 E	0.23	C-1
GREEK ORTHODOX CHURCH OF GREATER SALT LAKE	1990 E 5290 S	0.47	R-1-21
GREEK ORTHODOX CHURCH, HOLY TRINITY	5335-5341 S HIGHLAND DR	6	R-1-21
GREEK ORTHODOX CHURCH, HOLY TRINITY	5391 S HIGHLAND DR	1.9	R-1-21
HOLLADAY MEMORIAL PARK INC	4969 S MEMORY LN	14.14	R-1-21
HOLLADAY UNITED CHURCH OF CHRIST	2631 E MURRAY HOLLADAY RD	0.69	R-1-10
HOLLADAY UNITED CHURCH OF CHRIST	2631 E MURRAY HOLLADAY RD	1.85	R-1-10
HOLLIDAY WATER COMPANY	2895 E LIVE OAK CIR	0.26	R-1-8
HOLLIDAY WATER COMPANY	2897 E LIVE OAK CIR	2.54	R-1-10
HOLLIDAY WATER COMPANY	4350 S WANDER LN	0.32	R-1-10

JORDAN VALLEY WATER CONSERVANCY DISTRICT	2981 E BRANCH DR	0.01	R-1-10
SALT LAKE CITY	2080 E 6200 S	0.94	R-1-8
SALT LAKE CITY	2315 E 4500 S	0.19	R-1-10
SALT LAKE CITY	2660 E 4500 S	1.97	R-1-8
SALT LAKE CITY	5453 S HIGHLAND DR	0.15	R-1-43
SALT LAKE CITY	6459 S CREST MOUNT DR	0.49	R-1-10/ FR-20
SALT LAKE CITY	6459 S CREST MOUNT DR	0.03	R-1-10/ FR-20
SALT LAKE COUNTY	3501 E CANYON WINDS LN	2.23	FR-20
SALT LAKE COUNTY	6080 S WASATCH BLVD	9.8	R-1-43
SALT LAKE COUNTY	6080 S WASATCH BLVD	51.33	R-1-43
SALT LAKE COUNTY	6080 S WASATCH BLVD	13.04	R-1-43
SALT LAKE COUNTY	6080 S WASATCH BLVD	17.46	R-1-43
SALT LAKE COUNTY	6080 S WASATCH BLVD	58.84	R-1-43
SALT LAKE COUNTY WATER CONSERVANCY DISTRICT	4656 S WALLACE LN	0.63	R-1-10
SALT LAKE COUNTY WATER CONSERVANCY DISTRICT	4756 S WALLACE LN	0.2	R-1-10
SALT LAKE COUNTY WATER CONSERVANCY DISTRICT	4766 S WALLACE LN	0.01	R-1-10
SALT LAKE COUNTY WATER CONSERVANCY DISTRICT	4766 S WALLACE LN	0.08	R-1-10
SALT LAKE COUNTY WATER CONSERVANCY DISTRICT	4772 S NANILOA DR	0.82	R-2-10
UNITED STATES POSTAL SERVICE	2350 E ARBOR LN	1.71	HV
UTAH POWER & LIGHT CO	1950 E MURRAY HOLLADAY RD	0.87	R-2-10
UTAH POWER & LIGHT CO	3053 E CASTO LN	0.57	R-1-10

\*Not recommended for rezone as per request of property owner.

CARMEL OF THE IMMACULATE HEART OF MARY	5714 S HOLLADAY BLVD*	4.31	R-1-43
EVANGELICAL FREE CHURCH OF SALT LAKE CITY UTAH	6515 S LION LN*	5.74	O-R-D