

ATTORNEY CONFLICT WAIVER

Smith Hartvigsen, PLLC (“Smith Hartvigsen”) represents and assists the Greater Salt Lake Municipal Services District (“MSD”) regarding planning, development, and zoning issues, in addition to special projects; and also represents the City of Kearns (the “City”), in effect acting as the City’s legal department.

The MSD hereby (a) acknowledges Smith Hartvigsen’s representation of the City and (b) waives any conflict or potential conflict arising from Smith Hartvigsen’s representation of the City in connection with one or more Interlocal Cooperation Agreements (“Interlocal Agreements”) between the MSD and the City, including certain infrastructure and soundwall projects in the City of Kearns at 6200 South, Heath Area, 4015 West Bridge, NW Avenue, and/or South Kearns Elementary & Sams Boulevard. The City shall obligate (enter remaining dollar amount here) to the MSD to be used for and any other project identified in the fully executed Interlocal Agreement and Kearns Resolution Obligor ARPA Funds, while continuing to advise and represent the MSD concerning the aforesaid planning, zoning, development, and special projects. The MSD acknowledges that it will not seek, in any way, to remove or disqualify Smith Hartvigsen from representing the City in the City’s Interlocal Agreement negotiations with the MSD.

The City hereby (a) acknowledges Smith Hartvigsen’s limited legal representation of the MSD as aforesaid and (b) waives any conflict or potential conflict arising from Smith Hartvigsen’s limited legal representation of the MSD regarding planning, zoning, development, and special projects.

This Waiver may be executed and delivered electronically or by facsimile signature and in two or more counterparts, each of which shall be deemed an original and all of which together shall constitute a single instrument.

Dated: September __, 2024

Greater Salt Lake Municipal Services District

City of Kearns

By: _____

By: _____

Its: _____

Its: _____