

***Attachment A***  
Application Submittals



# Master Plan Amendment

PLN ~~30A~~ PCM 2010-00558  
 OFFICE USE ONLY  
 Petition No.: 8/27/10 2010  
 Date Received:  
 Reviewed By: Thomas Inui

SALT LAKE CITY PLANNING

**Address of Subject Property:**  
2705 E. Parleys Way, Salt Lake City

**Project Name:**  
Walmart Parleys Way

**Name of Applicant:** Ballard Spahr LLP, Cristina Coronado on behalf of Walmart Stores, Inc. **Phone:** 801-531-3038

**Address of Applicant:**  
201 S. Main St., Ste 800, Salt Lake City, UT 84111

**E-mail Address of Applicant:** coronadoc@ballardspahr.com **Fax:** 801-531-3001

**Applicant's Interest in Subject Property:**  
Agent

**Name of Property Owner:** Wal-Mart Real Estate Business Trust **Phone:**

**E-mail Address of Property Owner:** Please contact Applicant **Cell/Fax:**

**Please include with the application:**

1. A statement declaring the purpose for the amendment and the exact language. Include proposed boundaries, master plan area, and / or zoning district changes. Please see attached.
2. Declare why the present master plan requires amending. Please see attached.
3. A copy of the Sidwell Map(s) that cover for the subject area and list of affected properties Sidwell Numbers. Please see attached.
4. If applicable, a signed and notarized statement of consent from property owner authorizing applicant to act as agent. Please see attached.
5. Filing fee of \$830.55, plus \$110.74 for each acre over one acre and the cost of first class postage for each property within 450 feet is due at time of application. Attached is the check for filing fee of \$1,937.95 (\$830.55 + \$110.74 x 10) (Subject Property is approximately 10.42 acres). Also attached is the check for postage.

**Notice:** Additional information may be required by the project planner to ensure adequate information is provided for staff analysis.  
 Any information submitted as part of the application may be copied and made public including professional architectural or engineering drawings which will be made available to decision makers, public and any interested party.

County tax parcel ("Sidwell") maps and names of property owners are available at:  
 Salt Lake County Recorder  
 2001 South State Street, Room N1600  
 Salt Lake City, UT 84190-1051  
 Telephone: (801) 468-3391

File the complete application at:  
 Salt Lake City Buzz Center  
 PO Box 145471  
 451 South State Street, Room 215  
 Salt Lake City, UT 84114  
 (801) 535-7700

Signature of Property Owner: Cristina Coronado, Ballard Spahr LLP  
 Or authorized agent

**Attachments to Master Plan Amendment Application:**

1. Statement with answers to questions 1 and 2.
2. Copy of Sidwell Maps and list of affected properties Sidwell Numbers.
3. Signed and acknowledged statement of Property Owner's consent authorizing Applicant to act as agent.
4. Check for Master Plan Amendment filing fee and check for postage.

**Answers to Master Plan Amendment Application Questions 1 & 2 (Use an Additional Sheet if Necessary):**

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The Subject Property is shown on the attached Salt Lake County Sidwell Map. The Property Owner proposes to demolish the existing, 42-year-old building and garden center on the Subject Property (113,227 square foot building plus 6,940 square foot outdoor sales area for a total sales area of 120,167) and replace it with a new, energy-efficient 91,750 square foot building (which is approximately 28,417 square feet smaller than the existing sales area). In order to do this, the current zoning of the Subject Property must be changed from Community Business (CB) to Community Shopping (CS). The Applicant requests that this Master Plan Amendment be considered in connection with the Zoning Amendment Application, which is being submitted concurrent with this Master Plan Amendment Application.

In connection with such a zone change, Salt Lake City requires a corresponding change in the future land use map included in the East Bench Master Plan. The future land use map included in the East Bench Master Plan designates the Subject Property and other retail properties, like Foothill Village (which is zoned Community Shopping (CS)), as "Neighborhood Business." "Neighborhood Business" is the only land use designation for retail uses in the East Bench. This land use designation appears to be consistent with the Property Owner's proposal. However, in 1995, Salt Lake City adopted Ordinance No. 26 that effectively replaces the future land use map in the master plans with the zoning maps adopted by the city from time to time. Therefore, the Property Owner's request to rezone the property to Community Shopping (CS) effectively means that the Property Owner is requesting a change in the future land use map of the East Bench Master Plan to a designation equivalent to the Community Shopping (CS) zone.

This request for a Master Plan Amendment does not require any changes to the text of the East Bench Master Plan. Property Owner's proposed zone change and the corresponding Master Plan Amendment are consistent with the text of the East Bench Master Plan as follows:

- When the East Bench Master Plan was adopted in 1987, the Subject Property was zoned B-3, which allowed general retail uses, including the former Big Kmart, at the Subject Property. The East Bench Master Plan encourages the redevelopment of existing businesses in these formerly B-3 zoned areas to accommodate the East Bench residents' desire for additional services in the community. Property Owner's proposal to rezone the Subject Property is consistent with this East Bench Master Plan goal because the proposal will allow the redevelopment of a vacant commercial site in what was the B-3 zone, and a new retail store will provide East Bench residents with additional products and services.
- The East Bench Master Plan discourages rezoning residential property to commercial and discourages the expansion of existing commercial properties into residential areas. Property Owner's proposal to rezone the Subject Property is consistent with this East Bench Master Plan goal because no residential property will be rezoned nor will any existing commercial areas expand. The Subject Property has been used for commercial development for at least 42 years.
- The East Bench Master Plan states that since the East Bench is basically developed, there are not as many opportunities for energy conservation as in areas where there is more significant development potential. The East Bench Master Plan still encourages the city to (i) advertise and support energy conservation techniques such as car-pooling, home insulation, and site design, (ii) help remove barriers to wise energy use by proposing bicycle paths and modifying building regulations that unnecessarily constrain solar energy or earth structures, and (iii) work with residents interested in constructing greenhouses, solar panels, and other energy-efficient systems (particularly when remodeling existing dwellings that are already built to minimum site specifications). Property Owner's proposal to rezone the Subject Property is consistent with these East Bench Master Plan goals because the proposal would allow the redevelopment of the site and building to implement progressive energy-efficient design, construction materials, and technology.
- The East Bench Master Plan states that the most important element of a pedestrian circulation system is good sidewalks on each street with controlled crosswalks at busy intersections. Property Owner's proposal to rezone the Subject Property is consistent with this East Bench Master Plan goal because the proposal would allow the redevelopment of the site to add improved pedestrian walkways that will better integrate the Subject Property with the adjoining high-density apartments, retail shops, restaurants, and offices and better connect the Subject Property to public transit and trails.



# Zoning Amendment

PLN/PCM 2010-00557  
OFFICE USE ONLY  
Petition No.:  
Date Received: 8/27/2010  
Reviewed By: Thomas Irvin

- Amend the text of the Zoning Ordinance by amending Section:
- Amend the Zoning Map by reclassifying the above property from a zone to a zone. (attach map or legal description)

SALT LAKE CITY PLANNING

**Address of Subject Property:**

2705 E. Parleys Way, Salt Lake City

**Name of Applicant:**

Ballard Spahr LLP, Cristina Coronado on behalf of Walmart Stores, Inc.

**Phone:**

801-531-3038

**Address of Applicant:**

201 S. Main St., Ste 800, Salt Lake City, UT 84111

**E-mail Address of Applicant:**

coronadoc@ballardspahr.com

**Fax:**

801-531-3001

**Applicant's Interest in Subject Property:**

Agent

**Name of Property Owner:**

Wal-Mart Real Estate Business Trust

**Phone:****E-mail Address of Property Owner:**

Please contact Applicant

**Cell/Fax:****County Tax ("Sidwell #"):**

16-23-152-004

**Zoning:**

Community Business (CB)

**Legal Description (if different than tax parcel number):**

See attached

<b>Existing Property Use:</b> Superstore/Hypermarket		<b>Proposed Property Use:</b> Superstore/Hypermarket
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**Please include with the application:**

1. A statement of the text amendment or map amendment describing the purpose for the amendment and the exact language, boundaries and zoning district. See attached.
2. A complete description of the proposed use of the property where appropriate. See attached.
3. Reasons why the present zoning may not be appropriate for the area. See attached.
4. The cost of first class postage for each address within 450 feet is due at time of application. Please do not provide postage stamps.
5. Legal description of the property. See attached.
6. Six (6) copies of site plans drawn to scale and one (1) 11 x 17 inch reduced copy of each plan and elevation drawing. See attached.
7. If applicable, a signed, notarized statement of consent from property owner authorizing applicant to act as agent. See attached.
8. Filing fee of \$885.92, plus \$110.74 for each acre over one acre and the cost of first class postage is due at time of application. Attached is the check for the filing fee of \$1,993.32 (\$885.92 + \$110.74 x 10) (Subject Property is approximately 10.42 acres). Also attached is the check for the postage.

**Notice:** Additional information may be required by the project planner to ensure adequate information is provided for staff analysis. All information submitted as part of the application may be copied and made public including professional architectural or engineering drawings which will be made available to decision makers, public and any interested party.

**File the complete application at:** Salt Lake City Buzz Center, PO Box 145471, 451 South State Street, Room 215, (801) 535-7700

Signature of Owner or Agent:

*Cristina Coronado, Ballard Spahr LLP*

Date: 8/27/10

**Attachments to Zoning Amendment Application:**

1. Statement with answers to questions 1, 2 and 3.
2. Aerial photo showing the Subject Property.
3. Legal description of Subject Property.
4. Signed and acknowledged statement of Property Owner's consent authorizing Applicant to act as agent.
5. Check for Zoning Amendment filing fee and check for postage.
6. Pictures of existing building.
7. Site plan of existing building.
8. Restrictions and Declaration of Easements that governs Subject Property and adjoining properties.
9. Warranty Deed from Woodbury-Morris Co. to Salt Lake East Property granting easement over private road off Parleys Way across from Maywood Drive that will be used by delivery trucks to access the new building.
10. Traffic analysis for new building and possible pad site prepared by A-Trans Engineering.
11. Six copies of full-sized site plan for new building and site improvements along with six 11x17 copies; six copies of 11x17 color site plan.

**Answers to Zoning Amendment Application Questions 1, 2 & 3 (Use an Additional Sheet if Necessary):**

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The Subject Property is shown on the attached Salt Lake County Sidwell Map. Pictures and a site plan showing the existing building on the Subject Property are attached to this Zoning Amendment Application. The Property Owner proposes to demolish the existing, 42-year-old building and garden center on the Subject Property (113,227 square foot building plus 6,940 square foot outdoor sales area for a total sales area of 120,167) and replace it with a new, energy-efficient 91,750 square foot building (which is approximately 28,417 square feet smaller than the existing sales area). In order to do this, the current zoning of the Subject Property must be changed from Community Business (CB) to Community Shopping (CS). In connection with such a zone change Salt Lake City requires a corresponding change in the future land use map included in the East Bench Master Plan. The Master Plan Amendment is being submitted concurrent with this Zoning Amendment Application, and the Applicant requests that they be considered together.

The existing building and site improvements on the Subject Property were built in 1968. Until recently, the building and garden center were operated as a Big Kmart (except the eastern portion of the building, which was operated as many things, most recently as a gym until it was vacated), all under a long-term lease. When the building and site improvements were originally constructed, retail stores like the Big Kmart were allowed in the Community Business (CB) zone as "retail goods establishments." In November 2005, new definitions, including the "superstore and hypermarket" definition, were added to the commercial zoning districts, and the "superstore and hypermarket" use was not permitted in the Community Business (CB) zone. As a result, the use of the existing building is a nonconforming use as a "superstore/hypermarket." The building is also a noncomplying structure because it does not comply with the applicable bulk regulations, including size and setbacks of the building, that were adopted by the city in 1995. Consequently if the Property Owner were to raze the existing building the allowed nonconforming use of the building would terminate.

The existing building and site improvements are subject to a Restrictions and Declaration of Easements entered into in 1968 (and amended in 1997) with the owners of the office, retail and restaurant properties that are adjacent to both the west side and the southeast side of the Subject Property. The Restrictions and Declaration of Easements contains cross-access easements, site plan specifications, parking and landscaping requirements, and use restrictions so that all of these properties operate as a coordinated mixed-use development. A site plan showing the properties that are subject to the Restrictions and Declaration of Easements is attached to the First Amendment to Restrictions and Declaration of Easements as Exhibit "D." The Subject Property is also bordered on the north by a high-density, multi-family apartment complex.

The main entrance to the Subject Property is located on Parleys Way, which is a five lane arterial facility (as defined by UDOT and Salt Lake City) that connects to I-80 and I-215. This main entrance is also utilized by the offices, retail shops and restaurants adjacent to the Subject Property. The Subject Property has a secondary access over the private road off Parleys Way across from Maywood Drive that will be used by delivery trucks to access the new building. This access was granted by easement in the Warranty Deed from Woodbury-Morris Co. to Salt Lake East Property that is attached to this Zoning Amendment Application. There is also a third access point to the Subject Property through the public road to the northeast of the Subject Property called "Stringham Avenue" that connects to SR 186 (Foothill Boulevard), which is a five lane arterial facility (as defined by UDOT and Salt Lake City) that connects to I-80 and I-215.

The character of the area around the Subject Property is defined by the presence of the interstate highways and the respective on-ramps. Such an area is the ideal location for a superstore/hypermarket that operates as part of a larger mixed-use development with multi-story offices, retail shops, and restaurants. As mentioned above, this has been the use of the Subject Property since the existing building was built and will continue to be the use under Property Owner's proposal. The ideal zoning for this use is the Community Shopping (CS) zone because the purpose of the Community Shopping (CS) zone is to provide an environment for efficient and attractive shopping center development at a community level scale. Other properties that are zoned Community Shopping (CS) is the East Bench area are of a similar size as the Subject Property and are also located on arterial streets that allow for convenient and efficient automotive access to a shopping center. This is further evidenced by the fact that other shopping center sites in the area, like Foothill Village, are zoned Community Shopping (CS).

By rezoning the Subject Property to Community Shopping (CS), Property Owner can redevelop the Subject Property to provide the community with a new, smaller, energy-efficient building, as well as improved pedestrian walkways to better integrate the Subject Property with the adjoining high-density apartments, retail shops, restaurants, and offices. Such a redevelopment is consistent with the goals of the East Bench Master Plan as described in the Master Plan Amendment Application submitted by the Applicant in connection with this Zoning Amendment Application.

For reference, attached please find a site plan showing the proposed layout of the new building and improvements as well as a possible commercial pad site along Parleys Way. If the zone change to Community Shopping (CS) is approved, then the proposed new building and site improvements will be subject to the review and approval of the Planning Commission as part of the city's Planned Development review process.

A traffic analysis of the proposed uses at the Subject Property is attached as well.

EXHIBIT "A"

Parcel 1: (Fee Simple Interest)

All that part of the State of Utah, County of Salt Lake, Salt Lake City, being part of the West half of Section 23, Township 1 South, Range 1 East, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at a point South 00°13'14" West grid (Utah coordinate system NAD 83 (1994) Central Zone) along the West Section line of said Section 23; a distance of 1999.94 feet, and South 89°46'46" East 193.08 feet, from the Northwest corner of said Section 23; thence South 89°47'46" East 20.00 feet; thence North 00°13'14" East 39.19 feet to the South line of the land conveyed in the Warranty Deed recorded as Entry No. 5129429, in Book 6358, Page 1170, Official Records; thence South 89°47'46" East along said line 526.83 feet; thence North 60°50'45" East 40.45 feet along said line to the Southwest line of a 60 foot public street named Stringham Avenue; thence South 29°12'06" East 60.00 feet along said Southwest line, to the Northwest line of the land conveyed in the Quit Claim Deed recorded as Entry No. 8242453, in Book 8601, Page 1984, Official Records; thence South 60°50'45" West 13.37 feet along said line to the West line of said land; thence South 00°15'05" West 257.46 feet along said West line to the South line of said land; thence South 89°44'55" East 45.00 feet along said line to the West line of the Eastland Regency Subdivision recorded as Entry No. 7606680, in Book 2000P, Page 82, Official Records; thence South 00°15'05" West 599.67 feet along said line to the Northeasterly line of Parleys Way; thence along said line of Parleys Way the following four (4) courses: 1) North 59°39'06" West 139.77 feet; 2) North 67°16'23" West 242.38 feet; 3) South 39°14'47" West 14.60 feet, and 4) North 50°45'13" West 373.69 feet to the East line of the land described in a deed recorded as Entry No. 8070333, Book 8530, Page 6983, Official Records; thence North 00°12'14" East along said East line 469.88 feet to the point of beginning.

Parcel 1A: (Easement Estate Interest)

Together with a "non-exclusive" easement for vehicular and pedestrian ingress and egress to and from the aforescribed property over a 30 foot wide roadway being 15 feet measured at right angles each side of the following described center line (said easement having been created by Warranty Deed recorded December 27, 1968 as Entry No. 2271797 in Book 2718 at Page 294):

Beginning on the Northeasterly line of Parley's Way at a point South 0°01' West 2311.195 feet and South 51°00' East 20.78 feet from the Northwest corner of Section 23, Township 1 South, Range 1 East, Salt Lake Base and Meridian and running thence North 39° East 8.00 feet; thence along the arc of a curve to the left (radius 35.00 feet bearing North 51° West) 21.38 feet; thence North 4°00' East 216.00 feet; thence along the arc of a curve to the right (radius 55.00 feet bearing South 86° East) 76.47 feet; thence North 83°40' East 53.00 feet; thence along the arc of a curve to the left (radius 100.00 feet bearing North 6°20' West) 68.94 feet; thence North 44°10' East 10.88 feet to the West line of the tract first above described.

**AFFIDAVIT OF PROPERTY OWNER**  
**AND**  
**AGENT AUTHORIZATION**

STATE OF Arkansas )  
                                          :  
COUNTY OF Benton )

I, Frank Pampalone, who is the Director  
of WAL-MART REAL ESTATE BUSINESS TRUST, a Delaware statutory trust, being duly  
sworn, deposes and say that Wal-Mart Real Estate Business Trust is the owner of the property  
identified as Sidwell No. 16-23-152-004 (the "Property") and that Wal-Mart Real Estate  
Business Trust authorizes BALLARD SPAHR LLP to act as its agent with regard to the  
**ZONING** AMENDMENT application to be submitted to Salt Lake City and all related  
proceedings with respect to the Property.

I affirm under the penalties of perjury that the foregoing statements are true and correct.  
Effective this 5<sup>th</sup> day of August, 2010.

WAL-MART REAL ESTATE BUSINESS TRUST,  
a Delaware statutory trust

By: \_\_\_\_\_  
Its: Director

The foregoing instrument was acknowledged before me this 5<sup>th</sup> day of August,  
2010, by Frank Pampalone, who is the Director  
of WAL-MART REAL ESTATE BUSINESS TRUST, a Delaware statutory trust.

LINDA STELLJES  
NOTARY PUBLIC  
Benton County, Arkansas  
My Commission Expires 12/25/2015

Linda Stelljes  
NOTARY PUBLIC  
Residing at Bentonville, AR

My Commission Expires:  
12/25/2015



Foothill

2705 E. Parley's Way

Parley's Way

© 1997-2005 AirPhotoUSA





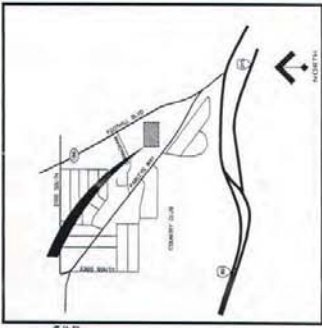
**CLC ASSOCIATES**  
 1875 SOUTH 2000 WEST  
 SUITE 100  
 SALT LAKE CITY, UTAH 84119  
 (801) 488-3333  
 FAX (801) 488-3334  
 www.clcassociates.com

**K-MART RETAIL SPACE**  
 EXISTING SITE PLAN  
 2705 PARLEVY WAY  
 SALT LAKE CITY, UTAH

DATE	DESCRIPTION
11/20/07	REVISIONS
11/20/07	EXISTING SITE

PROJECT # 2007-11  
 SHEET # 101  
 CHECKED BY: [ ]

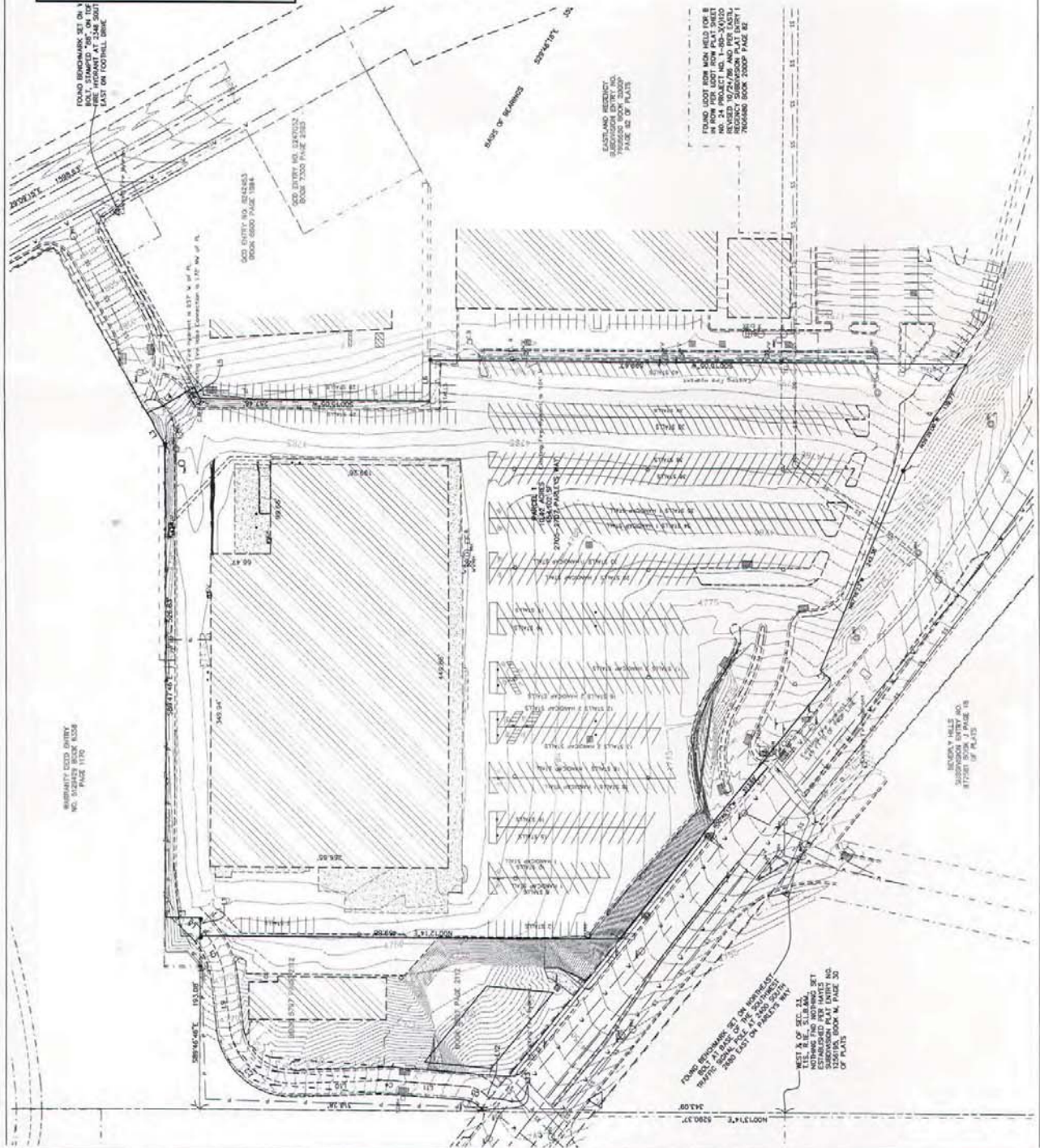
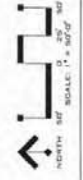
EXIST



**PARKING DATA**  
 EXISTING STRUCTURE 10,227 SF  
 STANDARD SPACES 544 SPACES  
 ACCESSIBLE SPACES 18 SPACES  
 TOTAL PARKING 560 SPACES  
 RATIO 4.94/1,000 SF.

**SITE DATA** 10.44 ± AC  
 LOT 1 (WAL-MART)  
 LAND USE CLASSIFICATION: COMMERCIAL  
 LOCAL JURISDICTION: SALT LAKE CITY, UTAH  
 FLOOD ZONE CLASSIFICATION: NONE  
 LANDSCAPING IN PARKING LOT: 0%

**BUILDING DATA**  
 GROSS BUILDING AREA 10,227 SF.





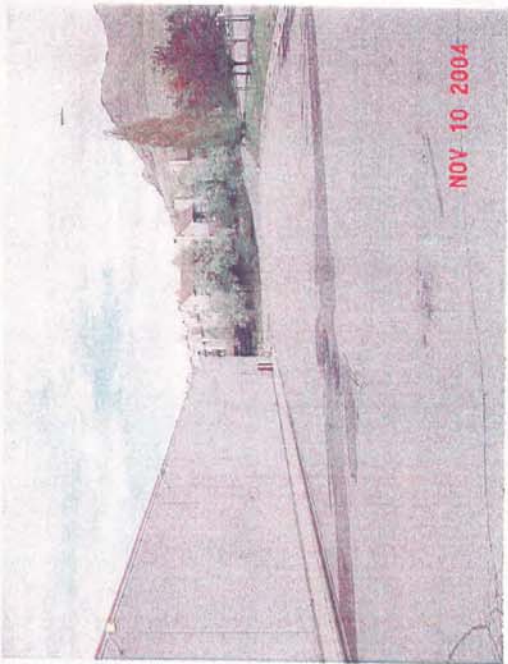
Existing K-Mart Building



Office Building to East



Building to East

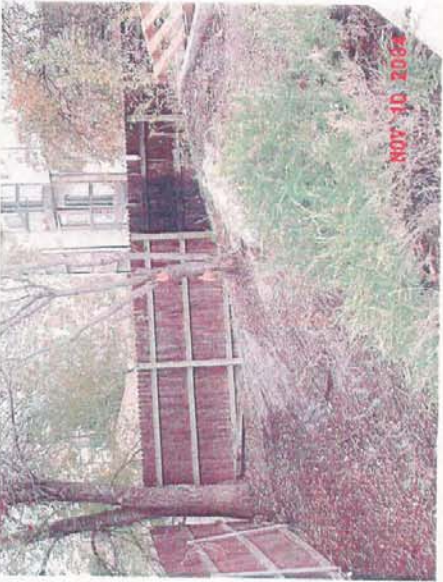


East Side of Exist K-Mart



Building Rear (North)





Along North Property Line



Exist Offices- Rear

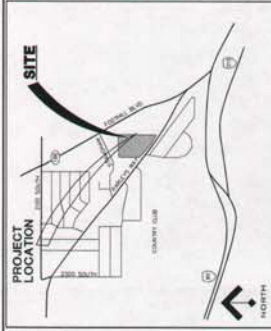


West Side of K-Mart

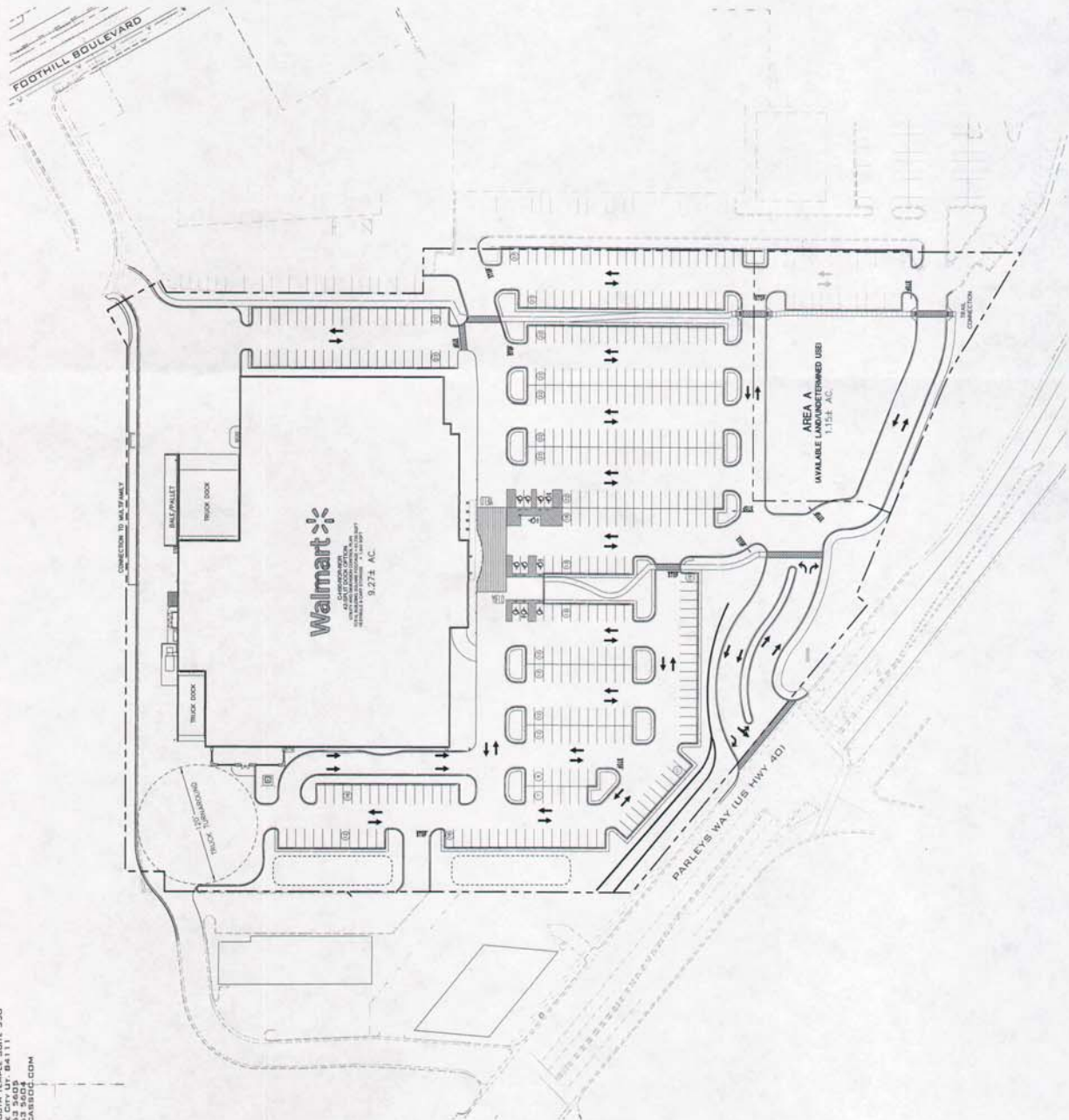


Exist Office -- Front

**CLC ASSOCIATES**  
 420 E. SOUTH TEMPLE SUITE 550  
 SALT LAKE CITY, UT 84111  
 P 801 383 5604  
 F 801 383 5604  
 WWW.CLCASSOCIATES.COM



**VICINITY MAP**  
 1/8" = 100'



**PARKING DATA**

WALMART	91,760 SF.
STANDARD SPACES	398 SPACES
ACCESSIBLE SPACES	11 SPACES
TOTAL PARKING	410 SPACES
RATIO	4.46/1,000 SF.

**SITE DATA**

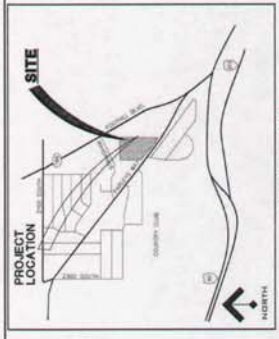
WALMART	9.27 +/- AC.
AREA A	1.15 +/- AC.
TOTAL AREA	10.42 +/- AC.

# PROPOSED WALMART 2705 PARLEY'S WAY SALT LAKE CITY, UT



**CLC ASSOCIATES**  
 420 E. SOUTH TEMPLE SUITE 550  
 SALT LAKE CITY, UT 84111  
 P 801 383 5604  
 F 801 383 5604  
 WWW.CLCASSOCIATES.COM

CLC ASSOCIATES  
 420 E. SOUTH TEMPLE SUITE 550  
 P.O. BOX 363 SALT LAKE CITY, UT 84111  
 WWW.CLCASBDC.COM



**PARKING DATA**

WALMART	91750 SF
STANDARD SPACES	399 SPACES
ACCESSIBLE SPACES	11 SPACES
TOTAL PARKING	410 SPACES
RATIO	4.48/1000 SF.

**SITE DATA**

WALMART	9.27 +/- AC.
AREA A	1.15 +/- AC.
TOTAL AREA	10.42 +/- AC.



**PROPOSED  
 WALMART**  
 2705 PARLEY'S WAY  
 SALT LAKE CITY, UT



CLC ASSOCIATES  
 420 E. SOUTH TEMPLE SUITE 550  
 SALT LAKE CITY, UT 84111  
 P.O. BOX 363 SALT LAKE CITY, UT 84111  
 WWW.CLCASBDC.COM



When recorded, return to:  
Woodbury Corporation  
2677 East Parley's Way  
Salt Lake City, UT 84109

05/13/97 6643123 72:0  
11:32 AM  
NANCY WORKMAN  
RECORDER, SALT LAKE COUNTY, UTAH  
TITLE WEST  
REG BY: E FROGGET  
DEPUTY - WI

FIRST AMENDMENT TO RESTRICTIONS  
AND DECLARATION OF EASEMENTS

6643123

THIS FIRST AMENDMENT OF RESTRICTIONS AND DECLARATION OF EASEMENTS is made this 26 day of February, 1997 by EASTLAND REGENCY CO., a Utah general partnership ("Eastland") and SALT LAKE/NORTH HAVEN LIMITED PARTNERSHIP, a Connecticut limited partnership ("Salt Lake/North Haven") (collectively called "Declarants").

WHEREAS, on December 23, 1968, Woodbury-Morris Company, a Utah limited partnership as owner of the land and improvements ("Property"), more particularly described on Exhibit "A", Original Legal Description comprised of Parcels # 1, #2 and #3 incorporated herein by this reference and shown and designated on attached Exhibit "B", Original Site Plan incorporated herein by this reference, executed a document entitled Restrictions and Declaration of Easements relating to the Property ("Declaration"), which Declaration was duly filed in the office of the Salt Lake County Recorder on December 27, 1968 and which included the Original Legal Description and the Original Site Plan as Exhibits X and Y respectively; and

WHEREAS, the Declaration established mutual restrictions and reciprocal easements among said three (3) Parcels which contemplated facilitating the uses to which each Parcel was likely to be put and the improvements which were likely to be constructed thereon respectively; and

WHEREAS, in a deed recorded in the Salt Lake County Recorder's office on July 31, 1986 said Parcels #2 and #3 plus an additional parcel of real property to the north of the Property were deeded to Eastland with (i) Parcel #2 being redesignated as Parcels 1 and 2 and (ii) Parcel #3 being redesignated as Parcels 4 and 5 and (iii) said additional property being designated as Parcel 3; and

WHEREAS, in a deed recorded on April 6, 1993 at the Salt Lake County Recorder, certain adjustments were made to and between the descriptions of Parcels 4 and 5; and

WHEREAS, for purposes of continuing consistent designation herein, the Property is redescribed on Exhibit "C", Revised Legal Description, attached hereto and incorporated by reference, and comprised of Parcels 1, 2, 4 and 5 together with said Parcel #1 designated thereon as Parcel 6; and

WHEREAS, Parcel 6 was conveyed to Salt Lake/North Haven by a deed recorded in the Salt Lake County Recorder's office on September 5, 1984. Parcel 6 has been leased to Kmart Corporation (formerly known as the S.S. Kresge Company) pursuant to a Lease dated September 22, 1967 (together with all modifications, the "Kmart Lease"); and

WHEREAS, since the execution of the Declaration the boundaries of the K-Mart Building have been unilaterally expanded beyond the westerly boundary of the Building Site depicted on

Salt Lake City, UT #4273  
2/13/97

*(Handwritten signature)*

3K 7655 PG 1582

TW 14130

Exhibit "B" and the number of parking spaces on Parcel 6 has been below the number required by the Declaration; and

WHEREAS, the parties wish to amend the Original Site Plan in order to ratify the existing Kmart Building Site and to reduce the number of parking spaces and to incorporate the Overall Site Plan attached hereto as Exhibit "D"; and

WHEREAS, a building has been built within Building Site #1 on Exhibit "B" and designated on Exhibit "D" as the "Regency Building" on Parcel 5; and

WHEREAS, Parcel 4 contains the "Eastland Building Site" as depicted on Exhibit "D" which Building Site is approximately the same size and location of the original Building Site #1 set forth on Exhibit "B"; and

WHEREAS, planned construction of improvements on the Eastland Building Site requires improvements to be built on the Property to meet the approval of Salt Lake City and certain amendments to the Declaration as agreed among the Declarants as set forth below.

NOW THEREFORE, for mutual valuable consideration the receipt and sufficiency of which are hereby acknowledged, and for the purpose of further evolving restrictions, and easements under the Declaration particularly resulting from said planned construction of improvements on the Eastland Building Site and due to the expansion of the K-Mart Building Site and the less than required number of parking spaces on Parcel 6, the Declarants agree to and declare amendments to the Declaration as follows:

1. Revised Legal Description. Exhibit X to the Declaration is hereby deleted in its entirety and replaced by Exhibit "C", Revised Legal Description attached hereto and incorporated by reference.

2. Revised Site Plan. Exhibit Y to the Declaration is hereby deleted in its entirety and replaced by Exhibit "D", Overall Site Plan attached hereto and incorporated by reference.

3. Article 1 of the Declaration is hereby deleted in its entirety and replaced with the following Article 1:

1.(a) Conformity to Overall Site Plan. All buildings in existence or to be maintained or constructed on the Property shall be constructed in accordance with the Overall Site Plan attached hereto as Exhibit "D". Any changes to the Exhibit "D", Overall Site Plan may only be made with the prior written consent of Kmart and all owners of the Property.

*W.P. Mc*  
*S.L.C.*



(b) Kmart Building Site. The parties hereto ratify the current K-Mart Building Site on Parcel 6 as set forth on Exhibit "D".

(c) Construction on Parcel 4. Eastland together with a restaurant tenant shall construct certain improvements on the Eastland Building Site comprised of an office building restaurant complex in accordance with the configurations depicted on Exhibit "D" (the "Eastland Construction"). The staging area for the Eastland Construction and all construction activities shall be entirely on Parcel 4. The Eastland Construction shall be done in accordance with plans and specifications previously reviewed and approved by Kmart and as approved by the City of Salt Lake and shall be done in a manner that (i) does not disrupt the traffic flow, parking, ingress/egress or business operations of Kmart and (ii) shall not occur between November 15th through January 1st of any year.

4. Articles 4 and 5 are deleted in their entirety and replaced with the following Articles 4 and 5:

4. Construction of Entrance. Eastland shall construct at its own cost and expense a new entranceway onto Parcel 6, including a new traffic signal, on the southerly boundary of the Property on Parleys Way ("Entrance Construction") as set forth on Exhibit "D" pursuant to standards required by Salt Lake City and in accordance with Plans approved by Kmart. As part of the Entrance Construction, the main north/south traffic aisle in front of the Kmart store shall be located one parking bay to the east. No Entrance Construction shall occur between November 15th and January 1st of any year. At all times during construction, Eastland shall maintain the Kmart driveway at the intersection free and clear of all debris, construction equipment and all related materials so that pedestrians and automobiles have continuous access in and out of the Kmart driveway from one hour before the opening of the Kmart store to one hour after the closing of the Kmart store. No Entrance Construction shall occur between November 15th and January 1st of any year and Eastland shall provide to Kmart a construction schedule. Eastland shall install at its own cost and expense new landscaping on Parcel 6 and on the frontage of Parley's Way as depicted on Exhibit "D". As owner of Parcel 4, Eastland and any successor in interest to Eastland on Parcel 4 shall have the responsibility to maintain landscaping along certain parts of the southerly boarder of Parcel 6 on Parleys Way adjacent to said new intersection as designated on Exhibit "D". Otherwise, all current and future owners of parcels comprising the Property shall continue to be responsible for maintaining landscaping along the exterior boundaries of their own parcels and shall otherwise remain fully responsible for maintenance of all improvements on their respective parcels. Salt Lake Haven/North Harvey and Kmart hereby grant Eastland a license to enter upon Parcel 6 to undertake the Entrance Construction and to install and maintain the landscaping referenced above.

5. Parking. As a result of the Entrance Construction reducing the potential number of parking spaces on Parcel 6 and in any event in order to ratify a smaller

Salt Lake City, UT #4273  
2/13/97

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*WRK*  
*SRG*

SK 7665 PG 1684

number of parking spaces on Parcel 6 than is required by the Declaration, the minimum number of parking spaces which shall be maintained at all times on Parcel 6 shall be Five Hundred Fifty Five (555), which is the existing number of parking spaces as shown on Exhibit "D". Correspondingly, the minimum number of parking spaces to be maintained on Parcels 4 and 5 collectively shall be Three Hundred Seventy Five (375) although the number of spaces shown on Exhibit "D" and planned therefor are Four Hundred Sixty One (461).

5. Term of Agreement. All of the licenses, rights, privileges and easements set forth in the Declaration and the Declaration as amended herein shall run with the land and shall be binding upon the heirs, executors and administrators, for 50 years from the date hereof, irrespective of the extension and continuance of said lease to Kmart Corporation (formerly known as S.S. Kresge Company).

6. Declaration in Full Force and Effect. Except as specifically amended herein the terms of the Declaration remain in full force and effect.

"Eastland":

EASTLAND REGENCY CO.,  
a Utah general partnership

WALLACE R. WOODBURY INTERVIVOS TRUST  
Its: General Partner

By: Wallace R. Woodbury, TRUSTEE  
Wallace R. Woodbury, Trustee

PRACTICAL BUILDING COMPANY  
Its: General Partner

By: Wallace R. Woodbury, TRUSTEE  
Wallace R. Woodbury,  
Trustee of the Wallace R. Woodbury  
Intervivos Trust, General Partner

By: Orin R. Woodbury, TRUSTEE  
Orin R. Woodbury,  
Trustee of the Orin Richards Woodbury  
Intervivos Trust, General Partner

Salt Lake City, UT #4273  
2/13/97

4

JK 7665 PG 1685

**THIRD TIERRA**

Its: General Partner

By: W. Richards Woodbury  
W. Richards Woodbury, General Partner

By: O. Randall Woodbury  
O. Randall Woodbury, General Partner

"Salt Lake/North Haven":

**SALT LAKE/NORTH HAVEN LIMITED  
PARTNERSHIP, a Connecticut limited  
partnership**

*FLORIAN GUY, D.C., ITS GENERAL PARTNER*  
By: Dennis Harvey VP  
Its: General Partner

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CONSENT

Kmart Corporation (formerly known as S.S. Kresge Company) hereby consents to the terms of this First Amendment to Restrictions and Declaration of Easements ("Consent"). This Consent is not a as a consent by Kmart Corporation to any amendments to the Declaration or the Lease that are not specifically addressed herein.

KMART CORPORATION

L. T. Kellar  
LORRENCE T. KELLAR  
Its: Vice President



Real Estate Rep: DWD

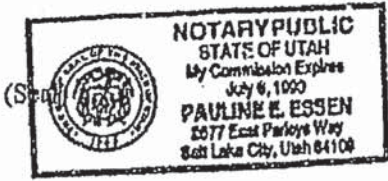
Dickinson, Wright:

Approved: \_\_\_\_\_

ACKNOWLEDGMENT Reviewed (see comments): WMB

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

The foregoing instrument was acknowledged before me this 26 day of February, 1997, by WALLACE R. WOODBURY, Trustee for WALLACE R. WOODBURY INTERVIVOS TRUST, a General Partner of Eastland Regency Co., a Utah general partnership on behalf of the partnership.



Pauline E. Esser  
Notary Public  
Salt Lake County, Utah  
My commission expires: 7/6/99

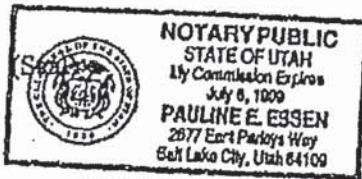
Salt Lake City, UT #4273  
2/13/97

3K7665PG1687  
ur  
PD

ACKNOWLEDGMENT

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

The foregoing instrument was acknowledged before me this 26th day of February, 1997, by WALLACE R. WOODBURY, Trustee of the Wallace R. Woodbury Intervivos Trust general partner of PRACTICAL BUILDING COMPANY, a general partnership and General Partner of Eastland Regency Co., a Utah general partnership on behalf of the partnership.

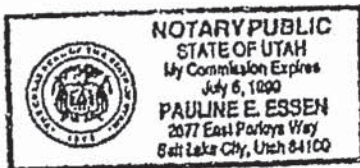


[Signature]  
Notary Public  
Salt Lake County Utah  
My commission expires: 7/6/99

ACKNOWLEDGMENT  
(PARTNERSHIP)

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

The foregoing instrument was acknowledged before me this 26th day of February, 1997, by ORIN R. WOODBURY, Trustee of the Orin Richards Woodbury Intervivos Trust, general partner of PRACTICAL BUILDING COMPANY, a general partnership and General Partner of Eastland Regency Co., a Utah partnership on behalf of the partnership.



[Signature]  
Notary Public  
Salt Lake County  
My commission expires: 7/6/99

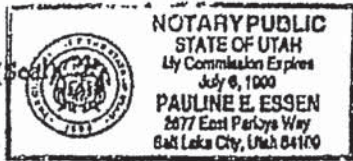
3K7665PG1688

[Signature]

ACKNOWLEDGMENT

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

The foregoing instrument was acknowledged before me this 26th day of February, 1997, by W. RICHARDS WOODBURY, general partner of THIRD TIERRA, a general partnership and its General Partner of Eastland Regency Co., a Utah general partnership on behalf of the partnership.

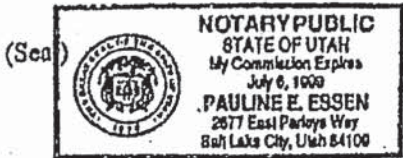


[Signature]  
Notary Public  
Salt Lake County, Michigan Utah  
My commission expires: 7/6/99

ACKNOWLEDGMENT

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

The foregoing instrument was acknowledged before me this 26th day of February, 1997, by O. RANDALL WOODBURY, general partner of THIRD TIERRA, a general partnership and its General Partner of Eastland Regency Co., a Utah general partnership on behalf of the partnership.



[Signature]  
Notary Public  
Salt Lake County, Michigan Utah  
My commission expires: 7/6/99

Salt Lake City, UT #4273  
2/13/97

[Signature]

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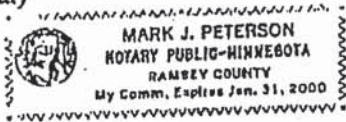
ACKNOWLEDGMENT

STATE OF Minnesota )  
COUNTY OF Ramsey ) ss.

The foregoing instrument was acknowledged before me this 30<sup>th</sup> day of April, 1997, by Dennis M. Govednik the Vice President of Florida Gulf Inc., a Minnesota Corporation, the general partner of SALT LAKE/NORTH HAVEN LIMITED PARTNERSHIP, a CONNECTICUT limited partnership.

Mark J. Peterson  
Notary Public  
Ramsey County, ~~Michigan~~ Minnesota  
My commission expires: 1-31-2000

(Seal)



ACKNOWLEDGMENT

STATE OF MICHIGAN )  
COUNTY OF OAKLAND ) ss.

The foregoing instrument was acknowledged before me this 14<sup>th</sup> day of April, 1997, by Lawrence T. Keller, the Vice President of Kmart Corporation, a Michigan corporation.

Carol L. Fletcher  
Notary Public  
OAKLAND County, Michigan  
My commission expires: March 24, 1999



AA00A5F50B 11335/4235 BL01 124779-1

CAROL L. FLETCHER  
Notary Public, Oakland County, Mich.  
My Commission Expires Mar. 24, 1999

Salt Lake City, UT #4273  
2/13/97

*(Handwritten initials)*

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EXHIBIT "A"

PARCEL #1

Beginning at a point South 0°01' West 2000.0 feet along the section line and East 193.084 feet from the Northwest corner of Section 23, Township 1 South, Range 1 East, Salt Lake Base and Meridian, and running thence East 20.0 feet; thence North 0°01' East 40.0 feet; thence East 528.816 feet; thence North 60°35'40" East 40.0 feet; thence South 29°24'20" East 60.0 feet; thence South 60°35'40" West 13.305 feet (said point being North 29°24'20" West 735.8 feet and South 60°35'40" West 277.97 feet from a Salt Lake City monument); thence South 257.46 feet; thence East 45.0 feet; thence South 599.337 feet; thence North 59°51'20" West 140.057 feet; thence North 67°29'30" West 242.38 feet; thence South 38°58' West 14.6 feet to the northerly line of Parley's Way; thence North 51°02' West 205.185 feet (said point being North 38°59' East 50.0 feet from the Salt Lake City monument at the intersection of Parley's Way and Wilshire Drive); thence North 51° West 170.865 feet; thence North 467.624 feet to the point of beginning.

PARCEL #2

Beginning at a point on the Westerly line of Foothill Drive, which point is 345.80 feet North 29°24'20" West and 50.0 feet South 60°35'40" West from a Salt Lake City monument, said Salt Lake City monument is located 31.261 feet South 89°41'10" East and 908.18 feet South 26°56'40" East and 1944.43 feet South 29°24'20" East from the Northwest corner of Section 23, Township 1 South, Range 1 East, Salt Lake Base and Meridian, and running thence South 60°35'40" West 19.62 feet to a pipe monument; thence South 22°58' East 268.06 feet to a point of curve marked by a pipe monument; thence Southerly along the arc of a curve to the right the chord of which bears South 14°53'30" East 65.10 feet to a pipe monument; thence South 7°05'20" East 465.6 feet to a pipe monument; thence North 74°32'40" West 484.15 feet; thence North 59°51'20" West 46.543 feet; thence North 599.337 feet; thence East 190.68 feet; thence North 60°35'40" East 149.07 feet to the Westerly line of Foothill Drive; thence South 29°24'20" East 50.0 feet to the point of beginning.

POOR COPY  
CO. RECORDER

PARCEL #3

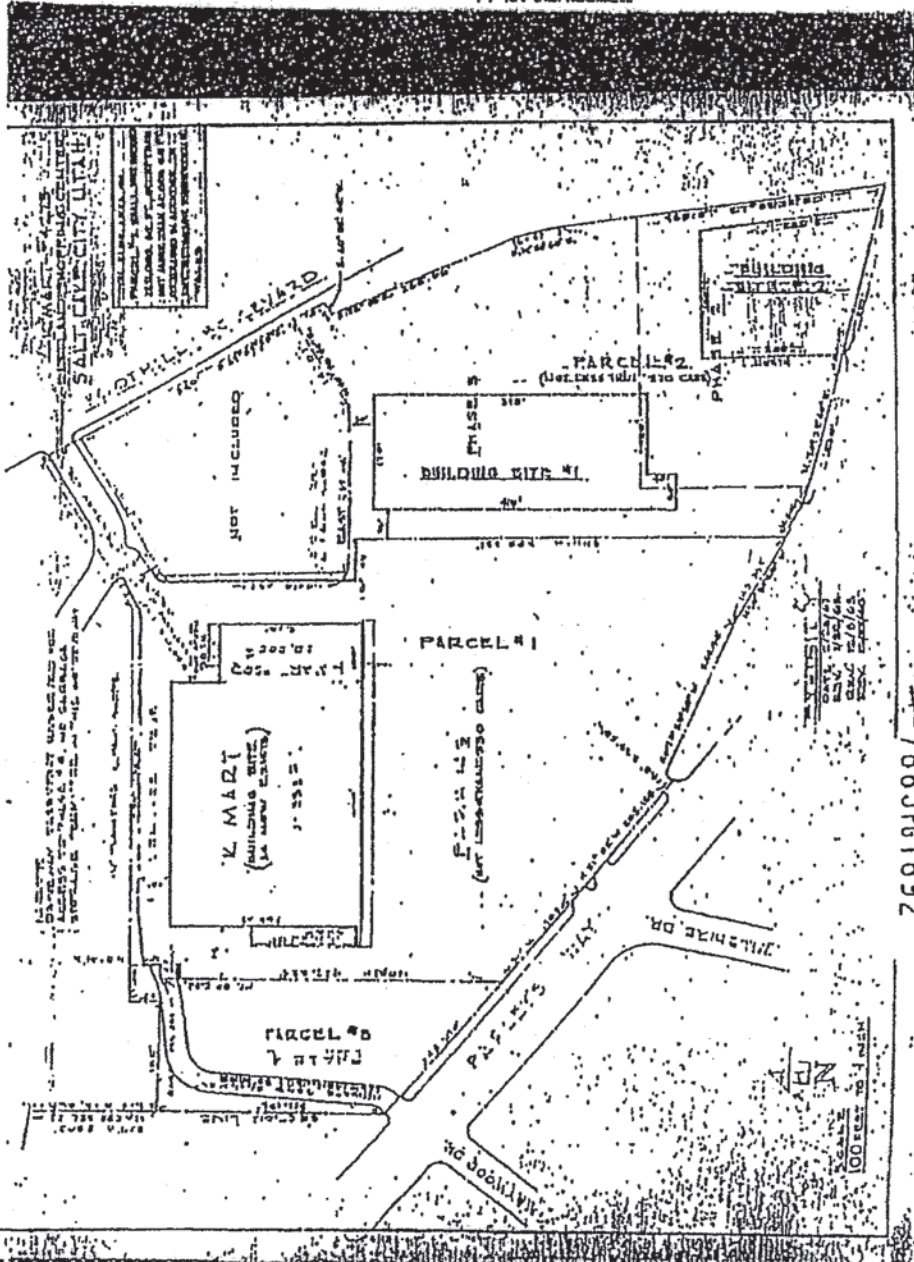
Beginning at a point South 0°01' West 2000.0 feet along the Section line from the Northwest corner of Section 23, Township 1 South, Range 1 East, Salt Lake Base and Meridian, and running thence East 160.0 feet; thence North 0°01' East 40.0 feet; thence East 53.084 feet; thence South 0°01' West 40.0 feet; thence West 20.0 feet; thence South 467.624 feet to the Northerly line of Parley's Way; thence North 51°00' West 240.570 feet to the West line of Section 23; thence North 0°01' East 311.195 feet to the point of beginning.

*all well  
12/2/83*

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"EXHIBIT B"



FILED AS RECEIVED  
CD RECORDER  
POOR COPY  
CD RECORDER

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*[Handwritten signature]*

BOOK 2718 PAGE 270

EXHIBIT "C"

Recorded DEC 27 1968 at 1:22 PM at Request of Wallace R. Woodbury  
711 East So Temple  
SALT LAKE COUNTY, UTAH  
FILED BY [Signature] REC'D BY [Signature] Not 2-62-81-98-10

2271792

Miss. Ind. 45 / 24

RESTRICTIONS AND  
DECLARATION OF EASEMENTS

THIS DECLARATION OF EASEMENT made this 23<sup>rd</sup> day of December, 1968, by WOODBURY-MORRIS CO., a limited partnership, having its principal office at 711 East on South Temple, Salt Lake City, Utah, 84102, herein called the DECLARANT,

WHEREAS, the DECLARANT is the owner of land and improvements shown and designated as PARCEL #1, PARCEL #2, and PARCEL #3, on attached Exhibit "X," which exhibit is incorporated herein by reference and which composite land has been designated as Eastland Shopping Center;

AND WHEREAS, the improvements constructed upon Parcel #1 have been leased to S. S. KRESGE COMPANY for a term of twenty-five years (25), (expires November 30, 1993), commencing November 14, 1968, together with three five-year renewal options, as set forth in that lease dated September 22, 1967, a memorandum of which lease was recorded in the office of the Salt Lake County Recorder in Book 2713 at Page 245, et. seq., as Entry No. 2269672;

AND WHEREAS, the said Kresge Lease does provide and grant, among other things to the S. S. KRESGE COMPANY, its agents, employees, customers, licensees, and invitees, full licenses, rights, privileges, and easements to use the common areas on Parcel #1 and Parcel #2 (when improved) in common with landlord and other tenants, if any, of land described as Parcel #2, and their respective agents, employees, customers, licensees, and invitees;

AND WHEREAS, Parcel #2 as herein described, is the composite of PHASE #2 and PHASE #3 as shown on Exhibit "B," attached to the Kresge Lease;

AND WHEREAS, it is desirable to outline generally the areas within which future buildings may be constructed in order to better define the interrelation of the common areas and likely building locations;

AND WHEREAS, Parcel #2 requires a reasonable perpetual

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Pg 1693

*[Signature]*  
117502

and non-exclusive easement for egress and ingress of pedestrians and vehicles to and from Parley's Way, over Parcel #1;

AND WHEREAS, Parcel #3 requires a reasonable perpetual and non-exclusive easement for egress and ingress to Stringham Avenue over roadways built upon the North forty (40) feet of Parcel #1;

AND WHEREAS, it is the intent of DECLARANT in the near future, subject to the Kresge Lease, to convey Parcel #1 and a non-exclusive easement over a thirty (30) foot wide roadway on Parcel #3 to SALT LAKE EAST PROPERTY, a New York partnership;

AND WHEREAS, it is the desire and intent of DECLARANT to reserve to WOODBURY-MORRIS CO., and its successors and the respective agents, tenants, employees, customers, licensees, and invitees of each, the right to utilize common areas on Parcel #1 and Parcel #2 in common with S. I. KRESGE COMPANY, SALT LAKE EAST PROPERTY, WOODBURY-MORRIS CO., and their respective tenants, successors, agents, employees, customers, licensees and invitees;

AND WHEREAS, it is similarly the desire of DECLARANT TO RESERVE a reasonable perpetual easement and right-of-way from Parcel #2 to Parley's Way;

NOW, THEREFORE, the DECLARANT:

1. Does hereby declare, certify, and establish for the benefit of all owners and their respective successors of property within Parcel #1, Parcel #2, and Parcel #3, that buildings may be built and maintained on Parcel #1 and Parcel #2 only within areas designated on the attached Building Site Locations denominated as Exhibit "Y" and incorporated herein by reference, and that no buildings shall be located or erected on Parcel #1 or Parcel #2, except within the boundaries outlined.

*LA*  
*02/27/94*

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2. Does hereby require and declare that to the extent consistent with said S. S. Kresge Company lease, no fence or pedestrian limitation of access shall be erected upon that portion of the common property line between Parcel #1 and Parcel #3 lying directly West of any portion of the S.S. Kresge building which would prevent reasonable access between Parcel #1 and the easterly portion of Parcel #3.

3. Does hereby require and declare that no one shall lease, rent, use or occupy Parcel #2 or Parcel #3 or any portion of either for the operation of a "cut-rate store" or "discount store" for the duration of said "Kresge" lease and any extension or renewal thereof; except that this limitation may cease if it later be determined that paragraph 18 of the Kresge lease is no longer operative because of the occurrence of any conditions subsequent, as enumerated in said paragraph 18, which make a similar restriction in said lease no longer applicable.

4. Does hereby declare and establish that no less than Seven Hundred Thirty (730) automobile parking spaces shall at all times be maintained on Parcel #1, (except for temporary carnivals, etc. as permitted by Kresge Lease); and that at such time as buildings are constructed upon Parcel #2 such construction shall also provide a minimum of Two Hundred Seventy (270) automobile parking spaces consistent with the requirements of the existing Kresge Lease.

5. Does hereby declare that Parcel #3 shall include its own separate off-street parking facilities sufficient to meet requirements of any state, county or municipal department having jurisdiction at the time of construction of any facilities on said Parcel #3.

6. Does hereby declare and reserve over the North Forty (40) feet of Parcel #1, a thirty (30) foot wide non-exclusive easement reasonably located from time to time for vehicular and pedestrian traffic between Parcel #3 and Stringham Avenue, such easement to be perpetual and survive the expiration of other restrictions herein created.

7. Does hereby reserve and establish for the benefit of the owners of Parcel #1 and Parcel #2, their successors and assigns and their respective agents, tenants, employees, customers, licensees and invitees, the right to utilize common areas on Parcel #1 and Parcel #2 in common with S. S. KRESGE COMPANY and its respective agents, tenants, successors, employees, customers, licensees and invitees, subject to the rights of the respective owners to reasonably regulate the parking consistent with the Kresge lease.

8. Does hereby declare and reserve a perpetual non-exclusive easement and right of way for vehicular and pedestrian traffic between Parcel #2 and Parley's Way over a portion of Parcel #1. Such easement shall reasonably be located and designated by the owner of Parcel #1.

9. Does hereby agree for the benefit of S. S. KRESGE COMPANY, SALT LAKE EAST PROPERTY and DECLARANTS that successors in interest to DECLARANTS shall maintain and repair their respectively owned portions of Parcel #1 and Parcel #2, to the extent necessary so that such common facilities and areas may be used for the purposes stated in the aforementioned Kresge lease, and in particular as set forth in Paragraph 9, thereof, throughout the term of said lease and any renewal or extension thereof.

10. Does hereby declare, certify and establish that said full licenses, rights, privileges and easements shall run with the land and shall be binding upon the heirs, executors, administrators, successors, assigns and grantees of WOODBURY-MORRIS CO., for as long as the term of the Kresge lease including all modifications, renewals and extensions thereof; and shall terminate and cease, and be of no further force and effect, upon the termination date of the Kresge lease without renewals and extensions, except that the easements set forth in paragraphs 6 and 8 hereof are perpetual and shall survive such termination.

11. Does hereby agree that the obligations herein set forth shall be binding upon declarant's heirs, executors, administrators, successors, assigns, grantees and licensees.

WOODBURY-MORRIS CO., A Limited Partnership

By Wallace R. Woodbury  
WALLACE R. WOODBURY,  
General Partner

STATE OF UTAH }  
COUNTY OF SALT LAKE } SS:

On the 23<sup>rd</sup> day of December, 1968, personally appeared before me WALLACE R. WOODBURY, known to me to be the General Partner of WOODBURY-MORRIS CO., a limited partnership, the signers of the within instrument, who duly acknowledged to me that he executed the same for and on behalf of said partnership.

*Wallace R. Woodbury*  
NOTARY PUBLIC  
Residing at *Paul Hill, Salt Lake, Utah*  
My Commission Expires *May 15, 1972*

*Handwritten initials*

SK 7665 PG 1697

EXHIBIT "D"

Parcel 1:

Commencing at a point on the Northeast side of Parley's Way which point is south 0 degrees 01 minutes west along the Section line 2311.195 feet from the Northwest corner of Section 23, Township 1 south, Range 1 east, Salt Lake Base and Meridian, and running thence north 0 degrees 01 minutes east 311.195 feet; thence east 160.0 feet; thence north 0 degrees 01 minutes east 40.0 feet; thence east 53.084 feet; thence south 0 degrees 01 minutes west 40.0 feet; thence west 20.0 feet; thence south 297.624 feet; thence north 51 degrees 00 minutes West 145.0 feet; thence west 30.0 feet more or less to the easterly line of a private roadway; thence southerly along said easterly roadway line to the northeasterly line of Parley's Way; thence north 51 degrees 00 minutes west 38.57 feet more or less to the place of commencement. The aforementioned private roadway is 30 feet wide being 15 feet measured at right angles each side of the following described centerline. Beginning on the northeasterly line of Parley's Way at a point south 51 degrees 00 minutes east 20.78 feet from the aforementioned point of commencement, and running thence north 39 degrees east 8.0 feet; thence along the arc of a curve to the left (radius 35.0 feet bearing north 51 degrees 00 minutes west) 21.38 feet; thence north 4 degrees 00 minutes east 216.0 feet; thence along the arc of a curve to the right (radius 55.0 feet bearing south 86 degrees east) 76.47 feet; thence north 83 degrees 40 minutes east 53.0 feet; thence along the arc of a curve to the left (radius 100.0 feet bearing north 6 degrees 20 minutes west) 68.94 feet; thence north 44 degrees 10 minutes east 10.88 feet to the east boundary of aforesaid.

Parcel 2:

Commencing at a point on the northeast side of Parley's Way which point is south 0 degrees 01 minutes west along the section line 2311.195 feet and south 51 degrees 00 minutes east along the northeast side of Parley's Way 248.570 feet from the Northwest corner of section 23, Township 1 south, Range 1 east, Salt Lake Base and Meridian, and running thence north 170 feet; thence north 51 degrees 00 minutes west 145 feet; thence west 30 feet more or less to the easterly line of a private roadway; thence southerly along said easterly roadway line to the northeasterly line of Parley's Way; thence south 51 degrees 00 minutes east 210 feet more or less to the place of beginning. Together with a right of ingress and egress over, upon and across a certain private roadway adjoining the above described property on the west described as follows: a 30 foot wide roadway being 15 feet measured at right angles each side of the following described centerline; beginning on the northeasterly line of Parley's Way to a point south 0 degrees 01 minutes west 2311.195 feet and south 51 degrees 00 seconds east 20.78 feet from the Northwest corner of Section 23, Township 1 south, Range 1 east, Salt Lake Base and Meridian and running thence north 39 degrees east 8.00 feet; thence along the arc of a curve to the left (radius 35.00 feet bearing north 51 degrees west) 21.38 feet; thence north 4 degrees 00 minutes east 216.00 feet; thence along the arc of a curve to the right (radius 55.00 feet bearing south 86 degrees east) 76.47 feet; thence north 83 degrees 40 minutes east 53.00 feet; thence along the arc of a curve to the left (radius 100.00 feet bearing north 6 degrees 20 minutes west) 68.94 feet; thence north 44 degrees 10 minutes east 10.88 feet.

Parcel 4:

Beginning at a point on the Westerly line of Foothill Drive which point is 345.80 feet North 29 degrees 24'20" West and 50.0 feet South 60 degrees 35'40" West from a Salt Lake City Monument, said Salt Lake City Survey Monument being located 31.261 feet South 89 degrees 41'16" East and 908.18 feet South 26 degrees 56'40" East and 1944.43

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WD  
2005/10/13

EXHIBIT "D"

feet South 29 degrees 24'20" East from the Northwest corner of Section 23, Township 1 South, Range 1 East, Salt Lake Base and Meridian, and running thence South 60 degrees 35'40" West 19.62 feet to a pipe monument; thence South 22 degrees 58' East 268.06 feet to a point of curve marked by a pipe monument; thence Southerly along the arc of a curve to the right the chord which bears South 14 degrees 58'30" East 65.10 feet to a pipe monument; thence South 7 degrees 05'20" East 112.0 feet; thence West 396.36 feet; thence South 229.25 feet; thence North 74 degrees 32'40" West 27.64 feet; thence North 59 degrees 51'20" West 46.543 feet; thence North 599.337 feet; thence East 190.68 feet; thence North 60 degrees 35'40" East 149.07 feet; thence South 29 degrees 24'20" East 50.0 feet to the point of beginning.

Together with

Beginning at a point on the Westerly line of Foothill Drive which point is 345.80 feet North 29 degrees 24'20" West and 50.0 feet South 60 degrees 35'40" West from a Salt Lake City Monument, said Salt Lake City Monument being located 31.261 feet South 89 degrees 41' 16" East and 908.18 feet South 26 degrees 56'40" East and 1944.43 feet South 29 degrees 24'20" East from the Northwest corner of Section 23, Township 1 South, Range 1 East, Salt Lake Base and Meridian, and running thence South 60 degrees 35'40" West 19.62 feet to a pipe monument; thence South 22 degrees 58' East 268.06 feet to a point of curve marked by a pipe monument; thence Southerly along the arc of a curve to the right, the chord of which bears South 14 degrees 58'30" East 65.10 feet to a pipe monument; thence South 7 degrees 05'20" East 112.0 feet true point of beginning, and running thence South 7 degrees 05'20" East 353.60 feet to a pipe monument; thence North 74 degrees 32'40" West 456.51 feet; thence North 229.25 feet; thence East 396.36 feet to true point of beginning.

Less and excepting

Beginning at a point on the Westerly line of Foothill Drive, which point is 345.80 feet North 29°24'20" West and 50.0 feet South 60°35'40" West from a Salt Lake City Monument, said Salt Lake City Monument being located 31.261 feet South 89°41'16" East and 908.18 feet South 26°56'40" East and 1944.43 feet South 29°24'20" East from the Northwest Corner of Section 23, Township 1 South, Range 1 East, Salt Lake Base and Meridian, and running thence South 60°35'40" West 19.62 feet to a pipe monument; thence South 22°58' East 268.06 feet to a point of curve marked by a pipe monument; thence Southerly along the arc of a curve to the right, the chord of which bears South 14°58'30" East 65.10 feet to a pipe monument; thence South 7°05'20" East 114.01 feet to the True Point of Beginning, and running along the Westerly line of Foothill Drive South 7°05'20" East 359.80 feet to a pipe monument which is the point where the West Foothill Drive Right-of-Way line intersects the North Parley's Way Right-of-Way line; thence along the North line of Parley's Way North 74°32'40" West 434.15 feet; thence North 59°51'20" West 46.543 feet; thence North 58.35 feet; thence East 46.26 feet; thence North 29.88 feet; thence East 111.76 feet; thence North 59.75 feet; thence East 96.48 feet; thence North 56.69 feet; thence East 207.99 feet to True Point of Beginning.

Parcel 5:

Beginning at a point on the Westerly line of Foothill Drive, which point is 345.80 feet North 29°24'20" West and 50.0 feet South 60°35'40" West from a Salt Lake City Monument, said Salt Lake City Monument being located 31.261 feet South 89°41'16" East and 908.18 feet South 26°56'40" East and 1944.43 feet South 29°24'20" East from the Northwest Corner of Section 23, Township 1 South, Range 1 East, Salt Lake Base and Meridian, and running thence South 60°35'40" West 19.62 feet to a pipe monument; thence South 22°58' East 268.06 feet to a point of curve marked by a pipe monument; thence Southerly along the arc of a curve to the right, the chord of which bears South



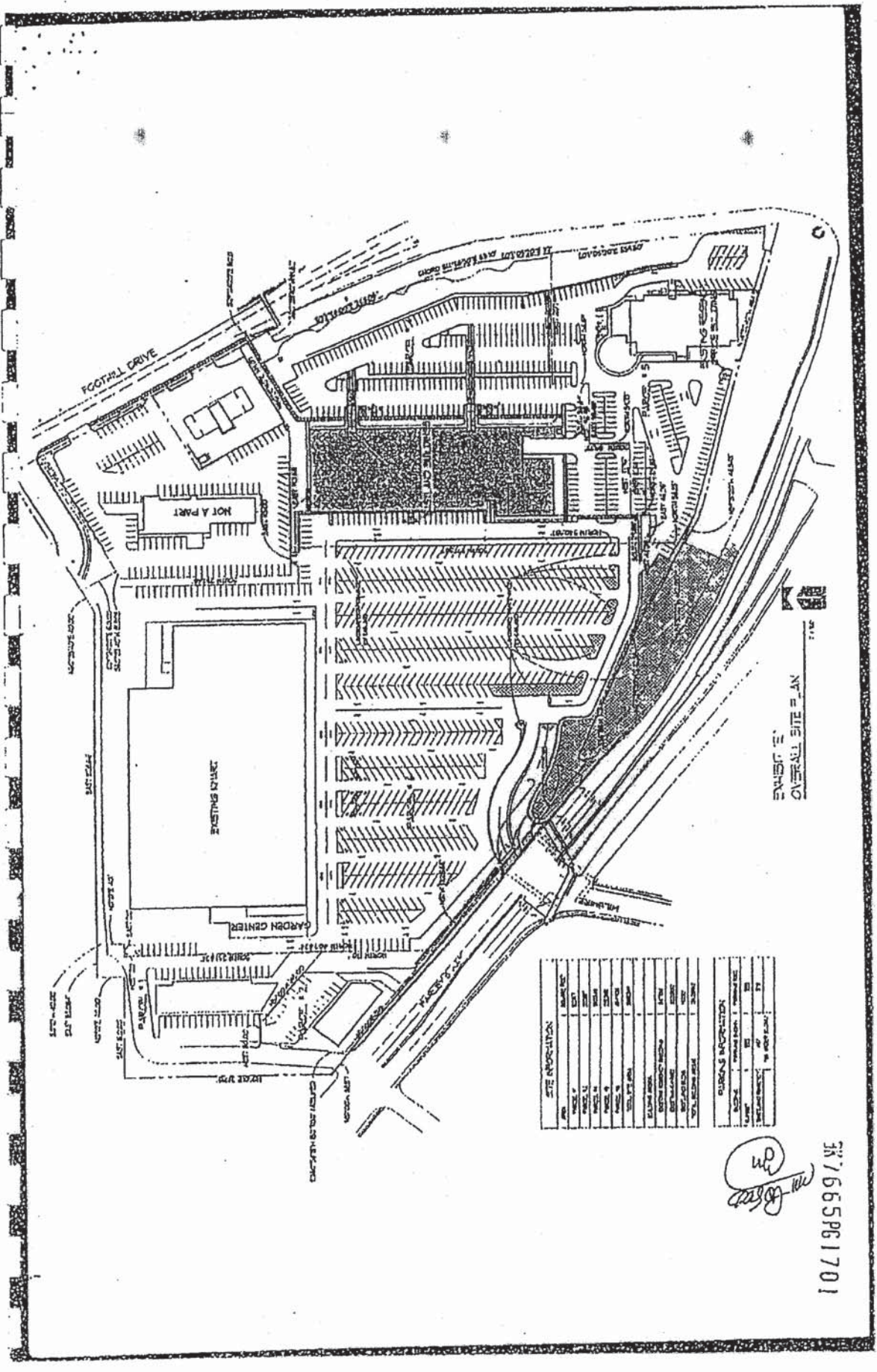
EXHIBIT "D"

14°58'30" East 65.10 feet to a pipe monument; thence South 7°05'20" East 114.01 feet to the True Point of Beginning, and running along the Westerly line of Foothill Drive South 7°05'20" East 359.80 feet to a pipe monument which is the point where the West Foothill Drive Right-of-Way line intersects the North Parley's Way Right-of-Way line; thence along the North line of Parley's Way North 74°32'40" West 484.15 feet; thence North 59°51'20" West 46.543 feet; thence North 58.35 feet; thence East 46.26 feet; thence North 29.88 feet; thence East 111.76 feet; thence North 59.75 feet; thence East 96.48 feet; thence North 56.69 feet; thence East 207.99 feet to True Point of Beginning.

Parcel 6:

Beginning at a point South 0°01' West 2000.0 feet along the section line and East 193.084 feet from the Northwest corner of Section 23, Township 1 South, Range 1 East, Salt Lake Base and Meridian and running thence East 20.0 feet; thence North 0°01' East 40.0 feet; thence East 528.816 feet; thence North 60°35'40" East 40.0 feet; thence South 29°24'20" East 60.0 feet; thence South 60°35'40" West 13.305 feet said point being North 29°24'20" West 735.8 feet and South 60°35'40" West 277.97 feet from a Salt Lake City monument; thence South 257.46 feet; thence East 45.0 feet; thence South 599.337 feet; thence North 59°51'20" West 140.057 feet; thence North 67°29'30" West 242.38 feet; thence South 38°58' West 14.6 feet to the northerly line of Parley's Way; thence North 51°02' West 205.185 feet (said point being North 38°59' East 50.0 feet from the Salt Lake City monument at the intersection of Parley's Way and Wilshire Drive); thence North 51° West 170.865 feet; thence North 467.624 feet to the point of beginning.

ul  
3/7/565 PG 1700



SITE INFORMATION	
NO.	MARKING
1	EXIST
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OVERALL SITE PLAN

*Handwritten signature*

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EXHIBIT "C"

Parcel 1:

Commencing at a point on the Northeast side of Parley's Way which point is south 0 degrees 01 minutes west along the Section line 2311.195 feet from the Northwest corner of Section 23, Township 1 south, Range 1 east, Salt Lake Base and Meridian, and running thence north 0 degrees 01 minutes east 311.195 feet; thence east 160.0 feet; thence north 0 degrees 01 minutes east 40.0 feet; thence east 53.084 feet; thence south 0 degrees 01 minutes west 40.0 feet; thence west 20.0 feet; thence south 297.624 feet; thence north 51 degrees 00 minutes West 145.0 feet; thence west 30.0 feet more or less to the easterly line of a private roadway; thence southerly along said easterly roadway line to the northeasterly line of Parley's Way; thence north 51 degrees 00 minutes west 38.57 feet more or less to the place of commencement. The aforementioned private roadway is 30 feet wide being 15 feet measured at right angles each side of the following described centerline. Beginning on the northeasterly line of Parley's Way at a point south 51 degrees 00 minutes east 20.78 feet from the aforementioned point of commencement, and running thence north 39 degrees east 8.0 feet; thence along the arc of a curve to the left (radius 35.0 feet bearing north 51 degrees 00 minutes west) 21.38 feet; thence north 4 degrees 00 minutes east 216.0 feet; thence along the arc of a curve to the right (radius 55.0 feet bearing south 86 degree east) 76.47 feet; thence north 83 degrees 40 minutes east 53.0 feet; thence along the arc of a curve to the left (radius 100.0 feet bearing north 6 degrees 20 minutes west) 68.94 feet; thence north 44 degrees 10 minutes east 10.88 feet to the east boundary of aforesaid.

Parcel 2:

Commencing at a point on the northeast side of Parley's Way which point is south 0 degrees 01 minutes west along the section line 2311.195 feet and south 51 degrees 00 minutes east along the northeast side of Parley's Way 248.570 feet from the Northwest corner of section 23, Township 1 south, Range 1 east, Salt Lake Base and Meridian, and running thence north 170 feet; thence north 51 degrees 00 minutes west 145 feet; thence west 30 feet more or less to the easterly line of a private roadway; thence southerly along said easterly roadway line to the northeasterly line of Parley's Way; thence south 51 degrees 00 minutes east 210 feet more or less to the place of beginning. Together with a right of ingress and egress over, upon and across a certain private roadway adjoining the above described property on the west described as follows: a 30 foot wide roadway being 15 feet measured at right angles each side of the following described centerline; beginning on the northeasterly line of Parley's Way to a point south 0 degrees 01 minutes west 2311.195 feet and south 51 degrees 00 seconds east 20.78 east 20.78 feet from the Northwest corner of Section 23, Township 1 south, Range 1 east, Salt Lake Base and Meridian and running thence north 39 degrees east 8.00 feet; thence along the arc of a curve to the left (radius 35.00 feet bearing north 51 degrees west) 21.38 feet; thence north 4 degrees 00 minutes east 216.00 feet; thence along the arc of a curve to the right (radius 55.00 feet bearing south 86 degrees east) 76.47 feet; thence north 83 degrees 40 minutes east 53.00 feet; thence along the arc of a curve to the left (radius 100.00 feet bearing north 6 degrees 20 minutes west) 68.94 feet; thence north 44 degrees 10 minutes east 10.88 feet.

POOR COPY  
CO. RECORDED

Parcel A:

Beginning at a point on the Westerly line of Foothill Drive which point is 345.80 feet North 29 degrees 24'20" West and 50.0 feet South 60 degrees 35'40" West from a Salt Lake City Monument, said Salt Lake City Survey Monument being located 31.261 feet South 89 degrees 41'16" East and 908.18 feet South 26 degrees 56'40" East and 1944.43

JK7665PG1702

EXHIBIT "C"

feet South 29 degrees 24'20" East from the Northwest corner of Section 23, Township 1 South, Range 1 East, Salt Lake Base and Meridian, and running thence South 60 degrees 35'40" West 19.62 feet to a pipe monument; thence South 22 degrees 58' East 268.06 feet to a point of curve marked by a pipe monument; thence Southerly along the arc of a curve to the right the chord which bears South 14 degrees 58'30" East 65.10 feet to a pipe monument; thence South 7 degrees 05'20" East 112.0 feet; thence West 396.36 feet; thence South 229.25 feet; thence North 74 degrees 32'40" West 27.64 feet; thence North 59 degrees 51'20" West 46.543 feet; thence North 599.337 feet; thence East 190.68 feet; thence North 60 degrees 35'40" East 149.07 feet; thence South 29 degrees 24'20" East 50.0 feet to the point of beginning.

Together with

Beginning at a point on the Westerly line of Foothill Drive which point is 345.80 feet North 29 degrees 24'20" West and 50.0 feet South 60 degrees 35'40" West from a Salt Lake City Monument, said Salt Lake City Monument being located 31.261 feet South 89 degrees 41' 16" East and 908.18 feet South 26 degrees 56'40" East and 1944.43 feet South 29 degrees 24'20" East from the Northwest corner of Section 23, Township 1 South, Range 1 East, Salt Lake Base and Meridian, and running thence South 60 degrees 35'40" West 19.62 feet to a pipe monument; thence South 22 degrees 38' East 268.06 feet to a point of curve marked by a pipe monument; thence Southerly along the arc of a curve to the right, the chord of which bears South 14 degrees 58'30" East 65.10 feet to a pipe monument; thence South 7 degrees 05'20" East 112.0 feet true point of beginning, and running thence South 7 degrees 05'20" East 353.60 feet to a pipe monument; thence North 74 degrees 32'40" West 456.51 feet; thence North 229.25 feet; thence East 396.36 feet to true point of beginning.

Less and excepting

Beginning at a point on the Westerly line of Foothill Drive, which point is 345.80 feet North 29°24'20" West and 50.0 feet South 60°35'40" West from a Salt Lake City Monument, said Salt Lake City Monument being located 31.261 feet South 89°41'16" East and 908.18 feet South 26°56'40" East and 1944.43 feet South 29°24'20" East from the Northwest Corner of Section 23, Township 1 South, Range 1 East, Salt Lake Base and Meridian, and running thence South 60°35'40" West 19.62 feet to a pipe monument; thence South 22°58' East 268.06 feet to a point of curve marked by a pipe monument; thence Southerly along the arc of a curve to the right, the chord of which bears South 14°58'30" East 65.10 feet to a pipe monument; thence South 7°05'20" East 114.01 feet to the True Point of Beginning, and running along the Westerly line of Foothill Drive South 7°05'20" East 359.80 feet to a pipe monument which is the point where the West Foothill Drive Right-of-Way line intersects the North Parley's Way Right-of-Way line; thence along the North line of Parley's Way North 74°32'40" West 484.15 feet; thence North 59°51'20" West 46.543 feet; thence North 58.35 feet; thence East 46.26 feet; thence North 29.88 feet; thence East 111.76 feet; thence North 59.75 feet; thence East 96.48 feet; thence North 56.69 feet; thence East 207.99 feet to True Point of Beginning.

Parcel 5:

Beginning at a point on the Westerly line of Foothill Drive, which point is 345.80 feet North 29°24'20" West and 50.0 feet South 60°35'40" West from a Salt Lake City Monument, said Salt Lake City Monument being located 31.261 feet South 89°41'16" East and 908.18 feet South 26°56'40" East and 1944.43 feet South 29°24'20" East from the Northwest Corner of Section 23, Township 1 South, Range 1 East, Salt Lake Base and Meridian, and running thence South 60°35'40" West 19.62 feet to a pipe monument; thence South 22°58' East 268.06 feet to a point of curve marked by a pipe monument; thence Southerly along the arc of a curve to the right, the chord of which bears South

PL 008 CURT-  
DL FERRERES

JK 7665 PG 1703

EXHIBIT "C"

14°58'30" East 65.10 feet to a pipe monument; thence South 7°05'20" East 114.01 feet to the True Point of Beginning, and running along the Westerly line of Foothill Drive South 7°05'20" East 359.80 feet to a pipe monument which is the point where the West Foothill Drive Right-of-Way line intersects the North Parley's Way Right-of-Way line; thence along the North line of Parley's Way North 74°32'40" West 484.15 feet; thence North 59°51'20" West 46.543 feet; thence North 58.35 feet; thence East 46.26 feet; thence North 29.88 feet; thence East 111.76 feet; thence North 59.75 feet; thence East 96.48 feet; thence North 56.69 feet; thence East 207.99 feet to True Point of Beginning.

Parcel 6:

Beginning at a point South 0°01' West 2000.0 feet along the section line and East 193.084 feet from the Northwest corner of Section 23, Township 1 South, Range 1 East, Salt Lake Base and Meridian and running thence East 20.0 feet; thence North 0°01' East 40.0 feet; thence East 528.816 feet; thence North 60°35'40" East 40.0 feet; thence South 29°24'20" East 60.0 feet; thence South 60°35'40" West 13.305 feet said point being North 29°24'20" West 735.8 feet and South 60°35'40" West 277.97 feet from a Salt Lake City monument; thence South 257.46 feet; thence East 45.0 feet; thence South 599.337 feet; thence North 59°51'20" West 140.057 feet; thence North 67°29'30" West 242.38 feet; thence South 38°58' West 14.6 feet to the northerly line of Parley's Way; thence North 51°02' West 205.185 feet (said point being North 38°59' East 50.0 feet from the Salt Lake City monument at the intersection of Parley's Way and Wilshire Drive); thence North 51° West 170.865 feet; thence North 467.624 feet to the point of beginning.

2005 COPY  
CD. RECORDER

3K7665PG1704

SK7665P61705

SITE REVISIONATION	
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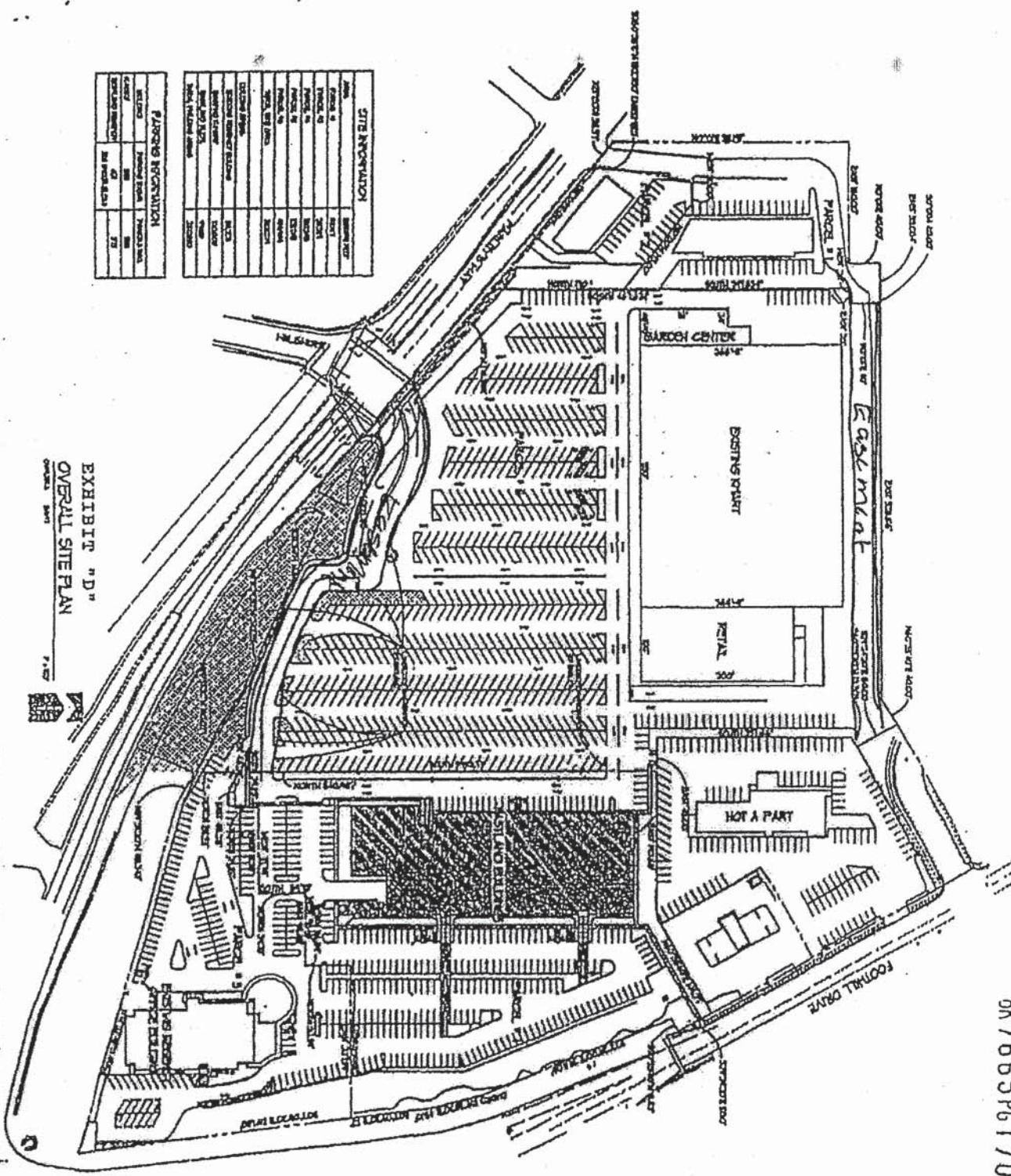


EXHIBIT "D"  
OVERALL SITE PLAN  
SCALE: 1" = 100'

BOOK 2718 PAGE 294

Wallace R. Woodbury  
711 East So Temple

DEC 27 1968 at 1:27 p.m. Request of  
SALT LAKE COUNTY, UTAH  
320 By *[Signature]* Deputy Rec.

2271797

WARRANTY DEED

WOODBURY-MORRIS CO., a limited partnership, of 711 East South Temple, Salt Lake City, County of Salt Lake, State of Utah, GRANTOR; hereby conveys and warrants to SALT LAKE EAST PROPERTY, a New York partnership, of 33-35 81st Street, Jackson Heights, New York, New York, 11372, GRANTEE, for the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the following described tract of land in Salt Lake County, State of Utah, to-wit:

Beginning at a point South 0°01' West 2000.0 feet along the section line and East 193.084 feet from the Northwest corner of Section 23, Township 1 South, Range 1 East, Salt Lake Base and Meridian, and running thence East 20.0 feet; thence North 0°01' East 40.0 feet; thence East 528.816 feet; thence North 60°35'40" East 40.0 feet; thence South 29°24'20" East 60.0 feet; thence South 60°35'40" West 13.305 feet (said point being North 29°24'20" West 735.8 feet and South 60°35'40" West 277.97 feet from a Salt Lake City monument); thence South 257.46 feet; thence East 45.0 feet; thence South 599.337 feet; thence North 59°51'20" West 140.057 feet; thence North 67°29'30" West 242.38 feet; thence South 38°58' West 14.6 feet to the northerly line of Parley's Way; thence North 51°02' West 205.185 feet (said point being North 38°59' East 50.0 feet from the Salt Lake City monument at the intersection of Parley's Way and Wilshire Drive); thence North 51° West 170.865 feet; thence North 467.624 feet to the point of beginning.

SUBJECT TO AND TOGETHER WITH A "NON-EXCLUSIVE" EASEMENT for vehicular and pedestrian ingress and egress to and from the aforescribed property over a 30 foot wide roadway being 15 feet measured at right angles each side of the following described centerline:

Beginning on the Northeasterly line of Parley's Way at a point South 0°01' West 2,311.195 feet and South 51°00' East 20.78 feet from the Northwest corner of Section 23, Township 1 South, Range 1 East, Salt Lake Base and Meridian and running thence North 39° East 8.00 feet; thence along the arc of a curve to the left (radius 35.00 feet bearing North 51° West) 21.38 feet; thence North 4°00' East 216.00 feet; thence along the arc of a curve to the right (radius 55.00 feet bearing South 86° East) 76.47 feet; thence North 83°40' East 53.00 feet; thence along the arc of a curve to the left (radius 100.00 feet bearing North 6°20' West) 68.94 feet; thence North 44°10' East 10.88 feet to the west line of the tract first above described.

Subject to restrictive covenants in respect to the North 50 feet of said tract as set forth in that certain deed recorded March 19, 1968 in the office of the Salt Lake County Recorder as Entry No. 2237905.

Subject to a Lease in favor of S. S. KRESGE COMPANY, a memorandum of which is recorded in Book 2713 at Page 245 as Entry No. 2269672.

Subject to utility easements of record.

Subject to declaration of easements dated December 23, 1968.

WITNESS the hand of said Grantor this 18<sup>th</sup> day of December, 1968.

WOODBURY-MORRIS CO.,

By Wallace R. Woodbury  
Wallace R. Woodbury

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

On the 18th day of December, 1968, personally appeared before me, WALLACE R. WOODBURY, known to me to be the General Partner of WOODBURY-MORRIS CO., a limited partnership, the signer of the within instrument, who duly acknowledged to me that he executed the same for and on behalf of said partnership.



Commission expires: 25.12.1971

Keith B. Souers  
Notary Public  
Residing at: Salt Lake City, Utah

WRW/kt



August 26, 2010

Mr. Troy Herold  
CLC Associates  
420 E South Temple, Ste 500  
Salt Lake City, UT 84111



## TRANSPORTATION ENGINEERING

Dear Troy,

The following identifies the projected traffic changes from redeveloping the existing building (with outdoor sales area) located at 2705/07 E. Parleys Way in Salt Lake City into a new, smaller building (without outdoor sales area). In addition, I have included an analysis of the capacities of the roadways that are adjacent to the site.

### *Size and Land Use of Existing Building*

The existing building contains 113,227 square feet and has an outdoor sales area of 6,940 square feet (for a total sales area of 120,167 square feet). Big Kmart occupied 93,027 square feet of the existing building and 6,940 square feet of outdoor garden sales area (for a total sales area of 99,967 square feet). Total Body Fitness occupied 20,200 square feet of the existing building.

### *Size and Land Use of New Building*

The proposed new 91,750 square foot building would be a Walmart with grocery but without an outdoor sales area.

### *Trip Generation*

Big Kmart and Walmart are ITE Land Use 813. Total Body Fitness is ITE Land Use 492. The trip generation rates for the land uses come from the ITE Trip Generation Manual, 8<sup>th</sup> Edition. Table One shows the trip generation rates based on a per unit basis as provided for the AM, PM and Saturday peak periods and daily traffic rates for a weekday and Saturday. Multiplying the trip rate by the facility sizes provides the trip generation for the site by land use.

Based on the ITE Trip generation rates, the proposed new Walmart building is smaller than the existing Big Kmart/gym building and therefore generates less traffic than the existing Big Kmart/gym building. During the PM peak, the site will generate 24% less traffic and 19% less traffic on a daily basis.

### *Capacities of Adjacent Roadways*

The main entrance to the site is on Parleys Way. There is a secondary access over the private road off Parleys Way across from Maywood Drive. There is a third access point

P.O. Box 521651 Salt Lake City, UT 84152

(801) 949-0348 fax (801) 582-6252

[atrans@comcast.net](mailto:atrans@comcast.net)

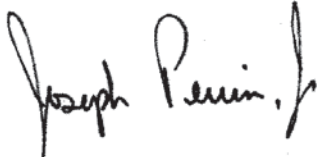
through the public road to the northeast of the site called "Stringham Avenue" that connects to SR 186 (Foothill Blvd).

Both Parleys Way and SR 186 (Foothill Blvd) are five lane arterial facilities as defined by UDOT and Salt Lake City. A five lane facility has a daily capacity (Level of Service, LOS E) of 39,000 Average Daily Traffic (ADT) with a LOS D operating at 30,500 ADT and a LOS C at a 26,500 ADT. In 2008, Parleys Way had a daily ADT of 12,050 and SR 186 (Foothill Blvd) had an ADT of 41,110. SR 186 (Foothill Blvd) is operating above capacity and therefore is experiencing congestion during the peak times. Parleys Way is operating below capacity (it is only using 31% of its capacity) indicating that it is operating at a LOS A. If the new building were assumed to be a new land use and if all 4,515 ADT were placed on Parleys Way, then the utilization of Parleys Way would increase to 42%, still a LOS A.

It should be noted that since the new Walmart building is smaller than the original building, the area required to support the building is less than the entire site and approximately 1 acre of excess land is now available. No uses have been identified for this excess land.

Please contact me if you have any questions.

Sincerely,  
**A-Trans Engineering**

A handwritten signature in black ink that reads "Joseph Perrin, PE". The signature is written in a cursive style with a large initial "J" and "P".

Joseph Perrin, PhD, PE, PTOE  
Principal

Table One												
Trip Generation												
Facility	Size (in 1,000 sf)	ITE Land Use	Trip Rate			Trips						
			AM Peak	PM Peak	Saturday Peak	Weekday	Saturday	AM Peak	PM Peak	Saturday Peak	Weekday	Saturday
Existing												
Big K (with outdoor sales area)	99.967	813	1.84	3.87	5.01	49.21	57.5	184	387	501	4,919	5,748
Body Fitness	20.200	492	1.21	4.06	2.6	32.93	20.87	24	82	53	665	422
<b>Total</b>								208	469	553	5,585	6,170
New												
Walmart	91.750	813	1.84	3.87	5.01	49.21	57.5	169	355	460	4,515	5,276
<b>Difference</b>								-39	-114	-93	-1070	-894