RESOLUTION NO. 2019-6RDA

A RESOLUTION TERMS OF THE 764 WEST CENTER STREET ACCESS AGREEMENT.

WHEREAS, the Redevelopment Agency of Midvale City ("Agency") was created to transact the business and exercise the powers provided for in the Utah Redevelopment Agencies Act; and

WHEREAS, the Board of Directors of the Agency Adopted the Midvale Main Street Small Area Plan, which identifies the support of existing businesses as a strategy for revitalizing the Main Street neighborhood; and

WHEREAS, the Agency owns Property at 764 West Center Street ("Property"); and

WHEREAS, Leatherby’s Family Creamery is an established retail business in the Main Street neighborhood; and

WHEREAS, Cell Wholesale, LLC is affiliated with Leatherby’s Family Creamery; and

WHEREAS, Cell Wholesale has requested to construct an auto access through the Property for uses that will benefit Leatherby’s Family Creamery; and

WHEREAS, the Agency and Cell Wholesale LLC have negotiated the terms of an access agreement for the Use of the Property; and

NOW THEREFORE BE IT RESOLVED BY THE REDEVELOPMENT AGENCY OF MIDVALE CITY, that the Board of Directors does hereby approve the terms of the 764 West Center Street Access Agreement and authorize the Chief Administrative Officer and Executive Director to execute an Access Agreement subject to the 764 West Center Street Access Agreement Term Sheet and such other terms and conditions as recommended by Agency’s legal counsel.
PASSED AND ADOPTED BY THE BOARD OF DIRECTORS OF THE REDEVELOPMENT AGENCY OF MIDVALE CITY, STATE OF UTAH, this 21st day of May, 2019.

Robert Hale
Chief Administrative Officer

Kane Loader
Executive Director

ATTEST:
Rori L. Andreason, MMC
Secretary

Voting by the Board:

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<tr>
<th>Name</th>
<th>&quot;Aye&quot;</th>
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<td>Dustin Gettel</td>
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<td>Paul Glover</td>
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<td>Paul Hunt</td>
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### 764 West Center Street Access Agreement Term Sheet

| Parties | Cell Wholesale, LLC (Beneficiary)  
| Redevelopment Agency of Midvale City (Agency) |
|---------|-----------------------------------|
| Property | 764 West Center Street (Property) |
| Use: | 1. The Beneficiary must follow all state and local laws in the use of the Property.  
2. The Beneficiary may use the Property for Auto access to adjacent properties. The access between the two properties use a hard surface, such as concrete or asphalt and may not exceed two a width of two parking stalls ("Access Point") |
| Term | 1. The initial term shall be five (5) years.  
2. At the discretion of the Agency, the Beneficiary may exercise five (5) one-year extensions beginning at the end of the initial term.  
3. Beneficiary shall give the Agency written notice of their intent to exercise each one (1) year extension at least 60 days prior to the expiration of the current term.  
4. The Access Agreement will automatically expire upon the sale or transfer of 774 West Center Street.  
5. The Agency may terminate the Access Agreement if the Beneficiary defaults on the conditions in the Access Agreement and fails to cure in the prescribed timeframe. |
| Consideration | $200 Annually |
| General Provisions | 1. The Beneficiary shall maintain general liability insurance in the amount of $1,000,000.  
2. The Beneficiary shall be responsible for the maintenance of the access point between the Property and 774 West Center Street, which shall include, but not be limited to, garbage, vegetation, and snow removal. The Access Point shall include the improvements and parking stalls that were installed or used to facilitate the connection. |
3. Prior to the expiration of the Access Agreement, the Beneficiary shall remove all improvements and return the Property to its original condition, unless otherwise determined in writing by the Agency.

4. The Beneficiary shall indemnify and hold the Agency harmless for any damage to private or public property resulting from the use of the Access Point or the exercise of the rights provided in the Access Agreement.

| Improvements and Signage: | 1. All improvements and signage must comply with applicable state and local laws.  
2. All improvements must be approved by the Agency in writing prior to construction.  
3. The Beneficiary may install an auto connection between the Property and 774 West Center Street. All improvements associated with the auto connection must be removed and associated damage repaired prior to the end of the Access Agreement term. |
Site Map

Google Earth

- **Blue**: Agency Property 764 West Center Street
- **Red**: Leatherby’s/Cell Wholesale Property
- **Yellow**: Access Point