

UTAH INLAND PORT AUTHORITY

RESOLUTION 2023-11

A RESOLUTION OF THE UTAH INLAND PORT AUTHORITY BOARD AUTHORIZING THE EXECUTION OF THE FIRST AMENDMENT TO DECLARATION OF RESTRICTIVE COVENANTS

WHEREAS, pursuant to Utah Code §11-58-301(1), the Utah Inland Port Authority (“UIPA”) is “governed by a board which shall manage and conduct the business and affairs of the Authority”; and

WHEREAS, pursuant to Utah Code § 11-58-202(2)(e), the UIPA may acquire an interest in real property as is necessary or advisable to carry out its statutory duties and responsibilities; and

WHEREAS, UIPA created the UIPA Crossroads Public Infrastructure District (“PID”), a subsidiary of UIPA, by adoption of a resolution by the Board on September 8, 2021, pursuant Utah Code Title 17D, Chapter 4 and Utah Code Title 11, Chapter 58, for the purpose of financing infrastructure costs and providing operation and maintenance of infrastructure; and

WHEREAS, the Authority desires to purchase land owned by the School and Institutional Trust Lands Administration (“SITLA”) located in Salt Lake City, Utah consisting of approximately 769.85 acres (“North Temple Landfill”); and

WHEREAS, the land is subject to a certain Declaration of Restrictive Covenants dated February 28, 2018, entered into by and between SITLA and Kennecott Utah Copper LLC (“Kennecott”) which encumbers the property and restricts development activities on a portion of said land (“No Build Area”); and

WHEREAS, Kennecott and the UIPA, acting through the PID, desire to amend the Declaration of Restrictive Covenants and expand the permissible development activities on the No Build Area of the land; and

WHEREAS, the UIPA Board desires to direct the UIPA’s executive director or his designee to execute the First Amendment to the Declaration of Restrictive Covenants on behalf of the UIPA as guarantor of certain of the PID’s obligations and thereby relaxing the development restrictions contained in the Declaration of Restrictive Covenants executed by SITLA and Kennecott.

NOW, THEREFORE, BE IT RESOLVED BY THE UIPA BOARD as follows:

1. The Board acknowledges that it has had the opportunity to ask questions of and receive answers from the UIPA’s executive team relative to the Declaration of Restrictive Covenants and the proposed Amendment thereto.
2. The Board finds that it is necessary and appropriate to approve the execution of the First Amendment to the Declaration of Restrictive Covenants in order to facilitate the purchase and development of the North Temple Landfill.
3. The Board hereby authorizes and directs the UIPA executive director or his designee to execute the First Amendment to the Declaration of Restrictive Covenants necessary for the purchase and development of the North Temple Landfill.

PASSED AND ADOPTED by the Authority Board this 16th day of November 2023.

Utah Inland Port Authority

Miles Hansen
Chair

Attest:

Authority Staff