

BRUCE R. BAIRD PLLC

ATTORNEY AND COUNSELOR

2150 SOUTH 1300 EAST, FIFTH FLOOR

SALT LAKE CITY, UTAH 84106

TELEPHONE (801) 328-1400

BBAIRD@DIFFICULTDIRT.COM

November 10, 2021

VIA FEDEX, USPS AND EMAIL

Utah Division of State History
Attn: Mr. Chris Merritt, Utah State Preservation Officer
300 Rio Grande
Salt Lake City, UT 84101
Email: cmerritt@utah.gov

**Re: OBJECTION TO NOMINATION TO NATIONAL REGISTER OF
HISTORIC PLACES
Utah Pantages Theater located at 144 South Main Street, Salt Lake City
Main Street Tower Owner LLC, a Utah limited liability company**

Dear Mr. Merritt:

I am counsel for Main Street Tower Owner, LLC, a Utah limited liability company (“**MSTO**”). This letter is to inform you that the Redevelopment Agency of Salt Lake has sold and transferred the above-referenced property (“**Property**”) to MSTO. MSTO is a private, non-governmental, entity. This transaction was the culmination of an agreement entered into between the RDA and MSTO’s affiliate in 2019.

MSTO understands that a group of individuals nominated the Property for inclusion in the National Register of Historic Places (“**Nomination**”), and that the Nomination will be considered by the Utah Board of State History (“**Board**”) on November 18, 2021. However, federal law requires that the owner of private property affected by a nomination have an opportunity to object to a proposed nomination. Specifically, pursuant to 36 C.F.R. § 60.6(g), “any owner . . . of a private property who wish[es] to object [to a nomination] shall submit to the State Historic Preservation Officer a notarized statement certifying that the party is the sole . . . owner of the private property . . . and objects to the listing.” “If the owner of a private property . . . object[s] to the nomination prior to the submittal of a nomination, the State Historic Preservation Officer shall submit the nomination to the Keeper only for a determination of eligibility . . .” 36 C.F.R. § 60.6(n).

Based on the foregoing regulations, MSTO hereby certifies that it is the sole owner of the Property and objects to the Property’s listing in the National Register of Historic Places. As such, MSTO respectfully requests that if the State Preservation Officer forwards the nomination to the United States Department of Interior it: 1) notes MSTO’s objection to the Nomination; and 2) requests that the Keeper only make a “determination of eligibility” pursuant to 36 C.F.R. §§ 60.6(n) and 60.6(s). MSTO’s objection to the Nomination prohibits the Property from being

Mr. Chris Merritt, Utah State Preservation Officer
November 10, 2021
Page 2

included in National Register of Historic Places without the consent of MSTO or a subsequent owner ¹.

MSTO is an affiliate of Hines, a 64-year-old firm with a proven commitment to excellence and integrity in any market in which we develop. We take pride in tailoring our projects to create the right experience for both our occupiers and the communities. Hines has a long-standing history in Salt Lake City. Since 1988, we have demonstrated our commitment to preservation through our stewardship of the historic Kearns Building, and we will continue to strive to create a thriving downtown environment for the community while preserving the city's history.

Many attempts have been made over the decades since the Property went dormant to determine a physical and financially feasible solution to restoring the Property, not only by Hines and the RDA but by many other qualified people in Salt Lake City. The unfortunate reality is that the Property is beyond repair and there is not a financially viable use for restoration. For more detailed information, see slcrda.com/theater.

So that you are aware, MSTO intends to demolish the Property and pursue a commercial development already approved for the Property by the Salt Lake City Planning Commission (the "Project"). We are working closely with the designers and architects of the Project to create significant public benefits including much needed affordable housing, public art installations, a mid-block walkway and a family friendly park that will accommodate outdoor film, theater and live music to honor the Property's legacy.

Sincerely,



Bruce R. Baird

¹ "If the owner of private property (or the majority of such owners for a district or single property with multiple owners) has objected to the nomination by notarized statement prior to listing, the Keeper shall review the nomination and make a determination of eligibility within 45 days of receipt, unless an appeal is filed. The Keeper shall list such properties determined eligible in the National Register upon receipt of notarized statements from the owner(s) of private property that the owner(s) no longer object to listing." 36 C.F.R. § 60.6(s)

The undersigned certifies that it is the sole owner of the Property and objects to the Property and/or Theater's listing in the National Register of Historic Places.

MSTO:

MAIN STREET TOWER OWNER LLC,
a Delaware limited liability company

By: Hines Main Street Tower Associates LP,
Its operating member


By: Hines Main Street Tower GP LLC,
Its general partner

By: Hines Interests Limited Partnership,
Its sole member

SRM
E By: 
Dustin Harris, Senior Managing Director

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

On this 9 day of November, 2021, personally appeared before me Dustin Harris, the Senior Managing Director of Hines Interests Limited Partnership, the sole member of Hines Main Street Tower GP LLC, the general partner of Hines Main Street Tower Associates LP, the operating member of Main Street Tower Owner LLC, a Delaware limited liability company, on behalf of such entity.

SEAL:  PAUL LEIGH WEILER
Notary Public, State of Utah
Commission # 702144
My Commission Expires On
September 04, 2022


NOTARY PUBLIC

