

Ordinance No. 13-14

**AN ORDINANCE APPROVING THE THIRD SUPPLEMENTAL PLAT FOR
CONSTRUCTED UNITS AT THE BELLES AT EMPIRE PASS CONDOMINIUMS
AMENDING UNIT 4, LOCATED AT 59 SILVER STRIKE TRAIL, PARK CITY, UTAH**

WHEREAS, the owners of the property known as The Belles at Empire Pass Condominium Unit 4, have petitioned the City Council for approval of the Third Supplemental plat for Constructed Units at the Belles at Empire Pass, a Utah Condominium project; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was published in the Park Record and notice letters were sent to all affected property owners, in accordance with the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on April 24, 2013, to receive input on the supplemental plat;

WHEREAS, the Planning Commission, on April 24, 2013, forwarded a positive recommendation to the City Council; and,

WHEREAS, on May 9, 2013, the City Council held a public hearing on the amended record of survey plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Third Supplemental plat for Constructed Units at the Belles at Empire Pass, a Utah Condominium project to document the as-built conditions and constructed Unit Equivalents for this completed condominium unit.

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Third Supplemental plat for Constructed Units at the Belles at Empire Pass, a Utah Condominium project, as shown in Exhibit A, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property, Unit 4 of the Amended, Consolidated, and Restated Condominium Plat of The Belles at Empire Pass and associated common area, is located at 59 Silver Strike Trail. The property is located on portions of Lot 2 of the Silver Strike subdivision and is within Pod A of the Flagstaff Mountain Development, in an area known as the Village at Empire Pass.

2. The property is located within the RD –MPD zoning district and is subject to the Flagstaff Mountain Development Agreement and Village at Empire Pass MPD.
3. The City Council approved the Flagstaff Mountain Development Agreement and Annexation Resolution 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum densities, location of densities, and developer-offered amenities.
4. On July 28, 2004, the Planning Commission approved a Master Planned Development (MPD) for the Village at Empire Pass, aka Pod A. The MPD identified the area of the proposed condominium plat as the location for 18 PUD –style detached single family homes and duplexes.
5. On June 29, 2006, the City Council approved the Silver Strike Subdivision creating two lots of record. Unit 4 is located on Lot 2 of the Silver Strike Subdivision.
6. On August 17, 2007, the City Council approved 4 units on Lot 2 as the Christopher Homes at Empire Pass Phase I condominium plat. The plat was recorded at Summit County on October 3, 2007.
7. On November 29, 2007, the City Council approved the first amended Christopher Homes at Empire Pass Phase II condominium plat creating an additional 4 units on Lot 2. The plat was recorded at Summit County on February 20, 2008.
8. On April 23, 2008, the City Council approved two more condominium units on Lot 1 of the Silver Strike subdivision as Christopher Homes at Empire Pass Phase III condominium plat. The plat was recorded at Summit County on December 1, 2008.
9. On August 28, 2008, the City Council approved the Christopher Homes at Empire Pass Phase IV plat for eight additional condominium units on Lots 1 and 2, specifically units 5/6, 7/8, 13/14, and 17/18 in duplex configurations. The plat was recorded at Summit County on November 19, 2008.
10. March 24, 2011, the City Council approved the Amended, Consolidated, and Restated Condominium Plat of The Belles at Empire Pass amending, consolidating, and restating the previously recorded Christopher Homes at Empire Pass condominium plats Phases I, II, III, and IV. Also on March 24, 2011, the City Council approved the First Supplemental Plat for Constructed Units 1, 2, and 12 of the Belles at Empire Pass Condominiums. These plats were recorded November 28, 2011.
11. On June 28, 2012, the City Council approved the Second Supplemental Plat for Constructed Unit 9. This plat was recorded on November 20, 2012.
12. On February 5, 2013, the Planning Department received a complete application for the Third Supplemental Plat for Constructed Unit 4.
13. The purpose of the supplemental plat is to describe and document the as-built conditions and the UE calculations for constructed Unit 4 at the Belles Condominiums prior to issuance of a certificate of occupancy and to identify private, limited common and common area for this unit.
14. The supplemental plat complies with the conditions of approval of the underlying plats, namely the Silver Strike subdivision plat and the Amended, Consolidated, and Restated Condominium plat of The Belles at Empire Pass. The plat is consistent with the development pattern envisioned by the Village at Empire Pass MPD and the 14 Technical Reports of the MPD and the Flagstaff Development Agreement.
15. Unit 4 is located on Lot 2 of the Silver Strike subdivision plat.
16. The approved maximum house size is 5,000 square feet of Gross Floor Area, as

defined by the LMC. Gross Floor Area exempts basement areas below final grade and 600 square feet of garage area. Unit 4 contains 4,811 sf Gross Floor Area.

17. The Flagstaff Development Agreement requires calculation of unit equivalents (UE) for all Belles units, in addition to the maximum house size. The UE formula includes all interior square footage "calculated from the inside surfaces of the interior boundary wall of each completed unit, excluding all structural walls and components, as well as all shafts, ducts, flues, pipes, conduits and the wall enclosing such facilities. Unit Equivalent floor area includes all basement areas. Also excluded from the UE square footage are garage space up to 600 square feet per unit and all space designated as non-habitable on this plat." Within the Flagstaff Development Agreement one residential unit equivalent equals 2,000 sf.
18. Unit 4 contains a total of 5,629.3 square feet and utilizes 2.815 UE. The total UE for units 1, 2, 4, 9, and 12 is 14.633 Unit Equivalents of the 45 total UE allocated for the Belles at Empire Pass.
19. As conditioned, this supplemental plat is consistent with the approved Flagstaff Development Agreement, the Village at Empire Pass MPD, and the conditions of approval of the Silver Strike Subdivision.
20. The findings in the analysis section are incorporated herein.

Conclusions of Law:

1. There is good cause for this supplemental plat as it memorializes the as-built conditions for Unit 4.
2. The supplemental plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed supplemental plat.
4. Approval of the supplemental plat, subject to the conditions of approval stated below, will not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form of the supplemental plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at Summit County within one year from the date of City Council approval. If recordation has not occurred within the one year timeframe, this approval will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. All conditions of approval of the Village at Empire Pass Master Planned Development, the Silver Strike Subdivision plat, and the Amended, Consolidated, and Restated Condominium Plat of The Belles at Empire Pass shall continue to apply.
4. As a condition precedent to issuance of a final certificate of occupancy for Unit 4, the supplemental plat shall be recorded at Summit County.
5. A note shall be added to the plat prior to recordation stating the following, "At the

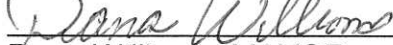
time of resurfacing of Silver Strike Trail, the Master Association shall be responsible to adjust wastewater manholes to grade according to Snyderville Basin Water Reclamation District Standards".

6. The size and UE shall be reflected on the plat as they are to reflect the actual size and UE of the Unit.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.


PASSED AND ADOPTED this 9th day of May, 2013.

PARK CITY MUNICIPAL CORPORATION



Dana Williams, MAYOR

ATTEST:



Janet M. Scott, City Recorder

APPROVED AS TO FORM:



Thomas A. Daley, Deputy City Attorney



EXHIBIT A

BOUNDARY DESCRIPTIONS

PARCELS 9
 UNIT 4, of the proposed, Unincorporated and Proposed Condominium Project, The Belles at Empire Pass, located in the County of Summit, State of Utah, is bounded as follows: to the north by the boundary of the County of Summit, State of Utah; to the south by the boundary of the County of Summit, State of Utah; to the east by the boundary of the County of Summit, State of Utah; and to the west by the boundary of the County of Summit, State of Utah.

SURVEYOR'S CERTIFICATE

I, Jeffery D. Thompson, do hereby certify that I am a Registered Land Surveyor and that I have personally surveyed and plotted the plat shown hereon, and that the same is a true and correct representation of the survey as conducted by me, and that the same is a true and correct representation of the survey as conducted by me, and that the same is a true and correct representation of the survey as conducted by me.

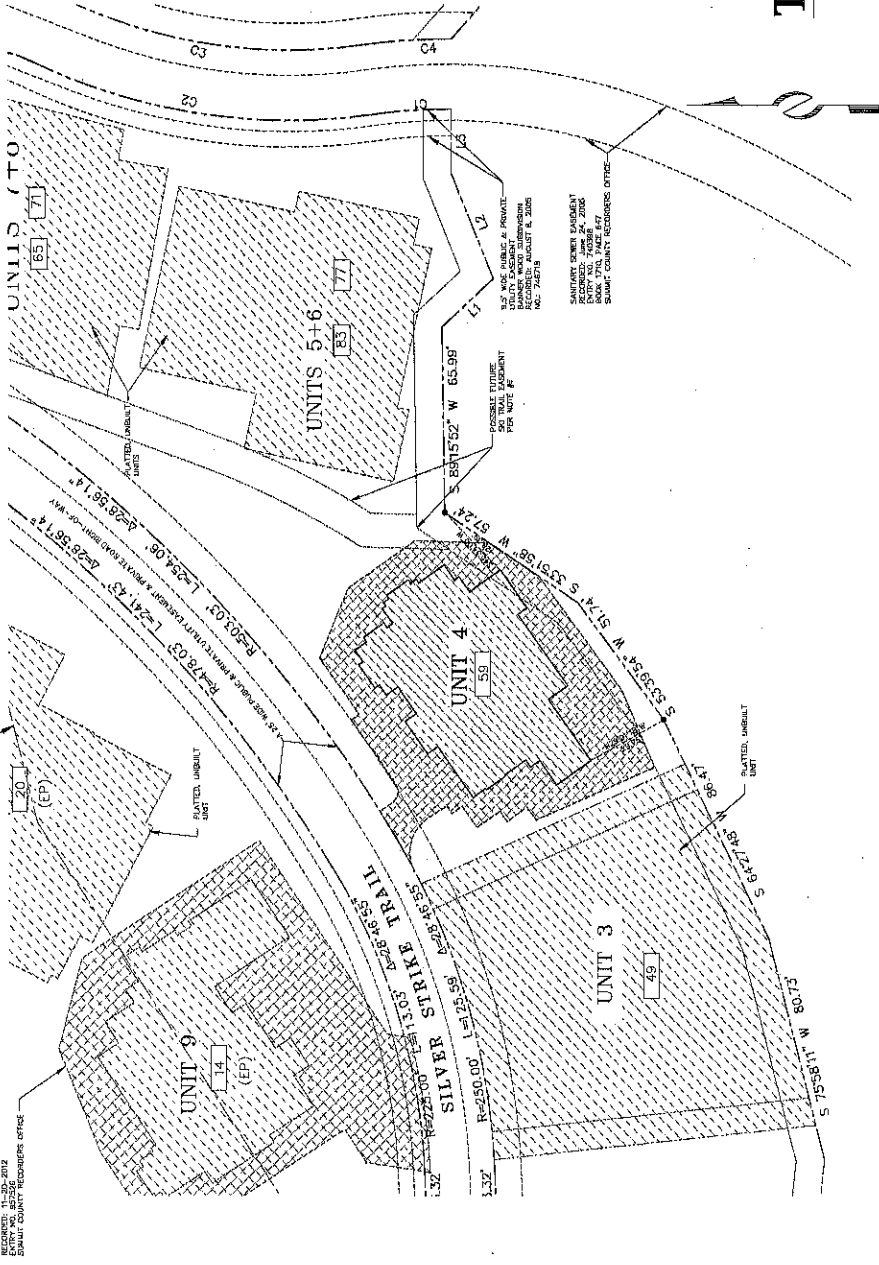


OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that, the undersigned, the owner of the above described land, do hereby dedicate and consent to record the same in the public records of the County of Summit, State of Utah, for the purpose of creating a record of the same, and that the same is a true and correct representation of the survey as conducted by me, and that the same is a true and correct representation of the survey as conducted by me.

ACKNOWLEDGMENT

This instrument was acknowledged before me on this _____ day of _____, 2013, by Mark H. Propper, the president of Belles at Empire Pass, LLC.



SECOND SUPPLEMENTAL PLAT FOR CONSTRUCTED UNITS
 SUMMIT COUNTY RECORDERS OFFICE

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that, the undersigned, the owner of the above described land, do hereby dedicate and consent to record the same in the public records of the County of Summit, State of Utah, for the purpose of creating a record of the same, and that the same is a true and correct representation of the survey as conducted by me, and that the same is a true and correct representation of the survey as conducted by me.

ACKNOWLEDGMENT

This instrument was acknowledged before me on this _____ day of _____, 2013, by Mark H. Propper, the president of Belles at Empire Pass, LLC.

NOTES

- All other sections in the attached Condominium and Restricted Development Plat of The Belles at Empire Pass, recorded November 28, 2011.
- Unimproved Common Area will include 33' from the true boundary of said Completed Unit and 10' on the other end and of the Completed Unit (shown as 10' in the plat) for the purpose of providing a common area for the use of the owners of the units in the project.
- All Common Area is dedicated to the use of the owners of the units in the project, and the same is to be used for the purposes of providing common area for the use of the owners of the units in the project.
- Unit 4 is shown by project number 497. The Empire Pass Master Development Plat, The Empire Pass Condominium Association, Inc. (The "Master Association") and the Empire Pass Homeowners Association, Inc. (The "Homeowners Association") are the owners of the units in the project.
- Unit 4 is shown by project number 497. The Empire Pass Master Development Plat and the Empire Pass Condominium Association, Inc. (The "Master Association") are the owners of the units in the project.
- All conditions of approval of The Belles at Empire Pass Master Development Plat and the Silver Striber Subdivision Plat shall continue to apply.

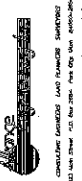
LINE	BEARING	LENGTH	AREA
L1	S 80°37'58\"	W 42.81'	1827.56
L2	S 80°37'58\"	W 42.81'	1827.56
L3	N 89°44'05\"	W 22.73'	957.12

CURVE	BEARING	LENGTH	AREA
C1	S 80°37'58\"	W 42.81'	1827.56
C2	S 80°37'58\"	W 42.81'	1827.56
C3	N 89°44'05\"	W 22.73'	957.12

THIRD SUPPLEMENTAL PLAT FOR CONSTRUCTED UNITS

THE BELLES AT EMPIRE PASS

A UTAH EXPANDABLE CONDOMINIUM PROJECT AMENDING UNIT 4
 LOCATED IN SECTION 26, TOWNSHIP 23 NORTH, RANGE 10 EAST, LAKE PALE AND HARBORLAND PARK
 CITY, SUMMIT COUNTY, UTAH



RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
 AT THE REQUEST OF _____ PAGE _____
 DATE _____ TIME _____ BOOK _____

BY _____ MAYOR

COUNCIL APPROVAL AND ACCEPTANCE
 APPROVAL AND ACCEPTANCE BY THE PARK CITY
 COUNCIL THIS _____ DAY OF _____, 2013 A.D.

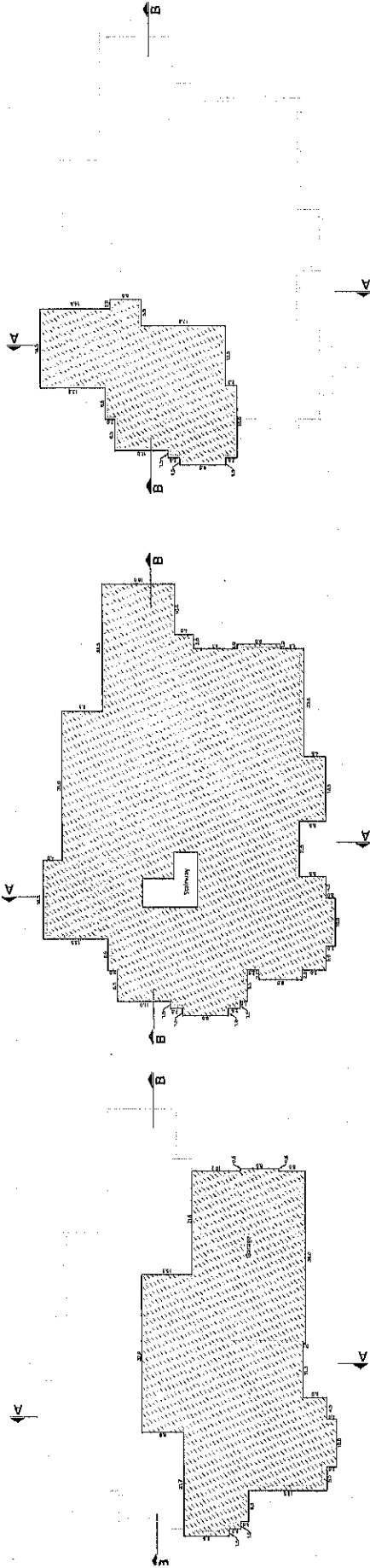
CERTIFICATE OF ATTEST
 I CERTIFY THIS RECORD OF SURVEY
 WAS FILED IN THE PUBLIC RECORDS OF THE
 COUNTY OF SUMMIT, UTAH, ON THIS _____ DAY
 OF _____, 2013 A.D.
 BY _____ PARK CITY RECORDER

APPROVAL AS TO FORM
 APPROVED AS TO FORM THIS _____ DAY OF _____, 2012 A.D.
 BY _____ PARK CITY ATTORNEY

ENGINEER'S CERTIFICATE
 I FIND THIS PLAT TO BE IN
 ACCORDANCE WITH THE REQUIREMENTS OF THE
 UTAH LAND SURVEYING ACT, AS AMENDED, AND
 THE RULES OF THE BOARD OF LAND SURVEYORS,
 STATE OF UTAH, AS AMENDED.
 DAY OF _____, 2013 A.D.
 BY _____ PARK CITY ENGINEER

PLANNING COMMISSION
 APPROVED BY THE PARK CITY
 PLANNING COMMISSION THIS _____ DAY OF _____, 2013 A.D.
 BY _____ CHAIRMAN

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
 REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER
 RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2013 A.D.
 BY _____ S.B.W.R.D.



1 LOWER LEVEL AREAS
SCALE: 1" = 10'

2 MAIN LEVEL AREAS
SCALE: 1" = 10'

3 UPPER LEVEL AREAS
SCALE: 1" = 10'

- COMMON AREA
- PRIVATE OWNERSHIP UNIT
- LIMITED COMMON AREAS AND FACILITIES

UNIT SQUARE FOOTAGE TABLE*

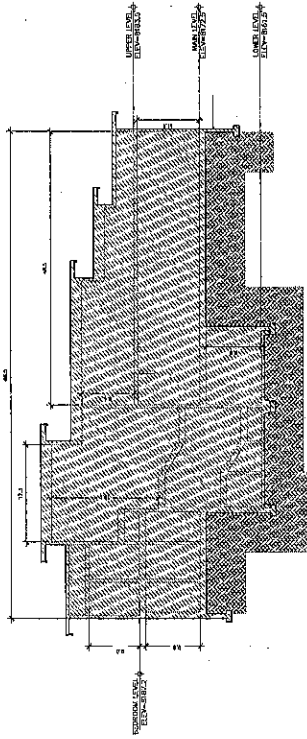
LEVELS	SQUARE FOOTAGE	GROSS FLOOR AREA
LOWER	11622.2 SF	3459.9 SF
MAIN	3682.2 SF	682.3 SF
UPPER	774.5 SF	774.5 SF
TOTAL SF	16078.9 SF	4916.7 SF
GARAGE**	600 SF	600 SF

* Per Architectural Drawings
** Maximum garage allowance

THIRD SUPPLEMENTAL PLAT FOR CONSTRUCTED UNITS

THE BELLES AT EMPIRE PASS

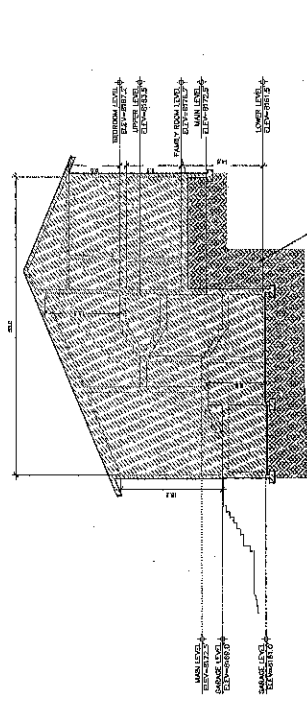
A UTAH EXPANDABLE CONDOMINIUM PROJECT AMENDING UNIT 4
LOCATED IN SECTION 24, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN AND MERIDIANA, PARK



The area under the roof structure is 7' high above the lowest finished floor & designated Limited Common.
Additional Limited Common area on the ground surface & below is shown on Sheet 1.

A BUILDING SECTION
SCALE: 1" = 10'

- COMMON AREA
- PRIVATE OWNERSHIP UNIT
- LIMITED COMMON OWNERSHIP



B BUILDING SECTION
SCALE: 1" = 10'

THIRD SUPPLEMENTAL PLAT FOR CONSTRUCTED UNITS

THE BELLES AT EMPIRE PASS

A UTAH EXPANDABLE CONDOMINIUM PROJECT AMENDING UNIT 4
LOCATED IN SECTION 24, TOWNSHIP 2 NORTH, RANGE 2 EAST, SALT LAKE BASIN AND AMERICAN PARK
CITY, SALT LAKE COUNTY, UTAH

JOB NO. 6-1-10
 RECORDED
 STATE OF UTAH, COUNTY OF SALT LAKE, AND FILED
 AT THE REQUEST OF _____
 DATE: _____ TIME: _____ BOOK: _____ PAGE: _____
 FILE NUMBER: _____