

Ordinance No. 13-44

**AN ORDINANCE APPROVING AN EXTENSION OF THE AUGUST 9, 2012
APPROVAL OF THE ONTARIO MINE BENCH CONDOMINIUMS LOCATED AT 7700
MARSAC AVENUE, PARK CITY, UTAH.**

WHEREAS, the owners of property located at 7700 Marsac Avenue have petitioned the City Council for approval of an extension of the Ontario Mine Bench Condominiums approval;

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

WHEREAS, proper legal notice was sent to all affected property owners;

WHEREAS, the Planning Commission held a public hearing on June 13, 2012, to receive input on the proposed three-unit condominium plat located at the aforementioned address;

WHEREAS, the Planning Commission, on the aforementioned date, forwarded a recommendation to the City Council to approve the proposed condominium plat according to the Findings of Fact, Conclusions of Law and Conditions of approval as stated herein;

WHEREAS; the City Council, held a public hearing on August 9, 2012, and approved the Ontario Mine Bench Condominium plat;

WHEREAS, it is in the best interest of Park City, Utah to approve the extension of the Ontario Mine Bench Condominium plat as proposed.

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 Ontario Mine Bench Condominium plat 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 is located at 7700 Marsac Avenue within the Recreation Open Space (ROS) Zoning District.
2. The property was annexed into the City in 1999 under the June 24, 1999 Flagstaff Mountain area annexation.
3. The applicants are proposing to create a three-unit condominium plat that will separate the ownership of the existing Mine Bench (Number 3 shaft) building.

4. The condominium plat is necessary to correct the noncompliant issue with the previous deed to split the ownership of the building.
5. The condominium plat consists of one parcel of 2.01 acres which has one building connected by common walls and infrastructure and surrounding open space that will be held in common for the use of all property owners.
6. Any expansion of the existing building will require an amendment to the condominium plat.
7. The building is accessed through an existing recorded access easement and common use driveway that traverses Lot 2 of the Ontario Mine Bench Subdivision which leads to Marsac Avenue. The driveway is also the location of an easement for several utilities including water and sewer.
8. The condominium plat consists of one building with 3 units, one of which is attached by infrastructure, and there is no further development proposed at this time. Any future development will be subject to the allowed or conditional uses listed in the ROS zone under Section 15-2.7 of the LMC.
9. The proposed condominium plat will not create any nonconformity with respect to unit size or setbacks permitted by the ROS zone.
10. Current uses of each unit are consistent with the allowed and conditional uses section of the ROS zone designation, and such uses were acknowledged during the original annexation of the property in 1999.
11. There is good-cause for the approval of this condominium plat extension in that the proposed plat will meet the requirements as outlined in the ROS Zone designation, the plat will memorialize a previous deed transfer that was not recognized by the City, and that the condominiums will not cause nonconformity with respect to existing setbacks, etc.
12. The proposal does not result in new development and thus requires no removal of vegetation or grading of the site. There is no anticipated increased level of intensity of uses within the building, and thus there is no additional mitigation measures necessary at this time.
13. The Ontario Mine Bench Condominium plat was approved by the City Council on August 9, 2012 and given a one year time frame, until August 9, 2013, to record the plat at Summit County. This extension would allow an additional year, until August 9, 2014, for the plat to be recorded.
14. On August 1, 2013, the applicant submitted a written request for an extension of the approval to allow additional time to address the required conditions of approval that have to be completed prior to plat recordation.
15. There have been no changes of circumstance of either the property, the Land Management Code, or the zoning map, since the date of approval, that create the need to make additional changes to the proposed plat prior to action on the extension request.
16. The Land Management Code allows for the City Council to approve extensions of plat approvals.

Conclusions of Law:

1. There is good cause for this condominium plat application and for the extension of the plat approval.

2. The condominium plat is consistent with the Park City Land Management Code and applicable State law regarding condominium record of survey plats.
3. Neither the public nor any person will be materially injured by the proposed subdivision plat.
4. Approval of the condominium plat, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

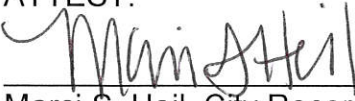
1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the condominium plat at the County by August 9, 2014. If recordation has not occurred by this time, the plat 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. A note shall be included on the plat stating that Modified 13-D sprinklers will be required for new construction and any future renovation of the existing structures located on the property.
4. The applicant will need obtain a building permit from the Park City Building Department to make necessary improvements to the existing building required to separate the ownership of each unit, prior to the recordation of the condominium plat. The building permit cannot be issued until the associated subdivision plat is recorded.
5. Compliance with applicable conditions of approval for the Ontario Mine Bench Subdivision shall also apply. The units of the Ontario Mine Bench Condominiums are served by a Common Private Lateral Wastewater Line. The Ontario Mine Bench Condominium Association shall be responsible for ownership, operation and maintenance of the Common Private Lateral Wastewater Line.

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

PASSED AND ADOPTED this 17th day of October, 2013.

PARK CITY MUNICIPAL CORPORATION

 Dana Williams, MAYOR

ATTEST:

 Marci S. Heil, City Recorder


APPROVED AS TO FORM:

 Mark Harrington, City Attorney



EXHIBIT A

SURVEYOR'S CERTIFICATE

I, the undersigned, being duly qualified and sworn, do hereby certify that the foregoing is a true and correct copy of the original record of the Survey of the Ontario Mine Bench Subdivision, as shown to me by the person or persons claiming to be the owner or owners thereof, and that the same has been compared with the original record of the Survey, and found to be a true and correct copy thereof.



BOUNDARY DESCRIPTION

The Ontario Mine Bench Subdivision is bounded as follows: On the north by the line of the Ontario Mine Bench Subdivision, as shown on the plan attached hereto; on the south by the line of the Ontario Mine Bench Subdivision, as shown on the plan attached hereto; on the east by the line of the Ontario Mine Bench Subdivision, as shown on the plan attached hereto; and on the west by the line of the Ontario Mine Bench Subdivision, as shown on the plan attached hereto.

OWNER'S DESIGNATION AND CONSENT TO RECORD

I, the undersigned, being duly qualified and sworn, do hereby certify that the foregoing is a true and correct copy of the original record of the Survey of the Ontario Mine Bench Subdivision, as shown to me by the person or persons claiming to be the owner or owners thereof, and that the same has been compared with the original record of the Survey, and found to be a true and correct copy thereof.

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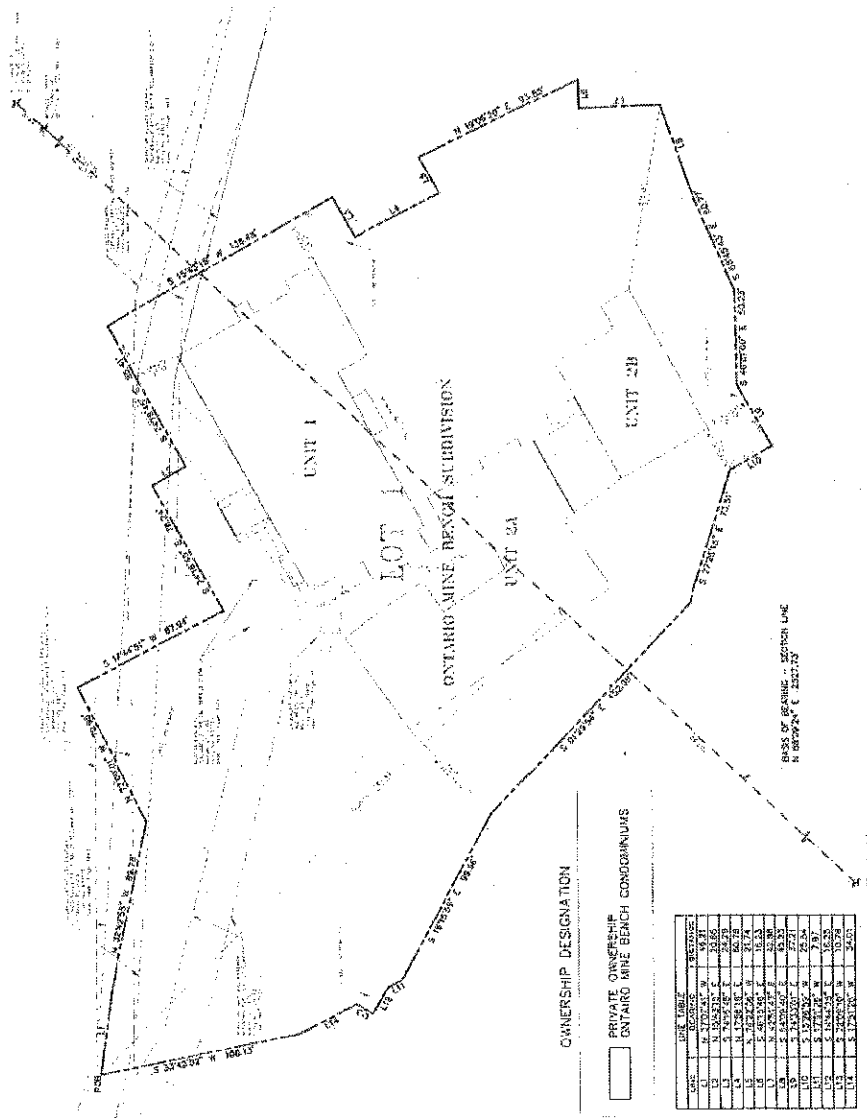
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NOTE: See the plan of Ontario Mine Bench Subdivision for boundaries and other information.



OWNERSHIP DESIGNATION

PRIVATE OWNERSHIP
ONTARIO MINE BENCH CONDOMINIUMS

UNIT	OWNER	ADDRESS	PHONE
U1
U2
U3
U4
U5
U6
U7
U8
U9
U10
U11
U12
U13
U14
U15
U16
U17
U18
U19
U20

ONTARIO MINE BENCH CONDOMINIUMS

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 31 AND THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 2 SOUTH, RANGE 10 EAST AND MERIDIAN PARK CITY, SUMMIT COUNTY, UTAH

<p>STATE OF UTAH, COUNTY OF SUMMIT, AND FILE AT THE OFFICE OF THE CLERK OF THE DISTRICT COURT OF THE COUNTY OF SUMMIT, UTAH, THIS _____ DAY OF _____, 2012.</p> <p>DATE _____ TIME _____ BY _____</p>	<p>COUNCIL APPROVAL AND ACCEPTANCE</p> <p>APPROVED AND ACCEPTED BY THE BOARD OF _____</p> <p>DATE _____ TIME _____ BY _____</p>	<p>CERTIFICATE OF ATTEST</p> <p>I, _____, being duly qualified and sworn, do hereby certify that the foregoing is a true and correct copy of the original record of the Survey of the Ontario Mine Bench Subdivision, as shown to me by the person or persons claiming to be the owner or owners thereof, and that the same has been compared with the original record of the Survey, and found to be a true and correct copy thereof.</p>	<p>APPROVAL AS TO FORM</p> <p>APPROVED AS TO FORM THIS _____ DAY OF _____, 2012.</p> <p>DATE _____ TIME _____ BY _____</p>	<p>ENGINEER'S CERTIFICATE</p> <p>I, _____, being duly qualified and sworn, do hereby certify that the foregoing is a true and correct copy of the original record of the Survey of the Ontario Mine Bench Subdivision, as shown to me by the person or persons claiming to be the owner or owners thereof, and that the same has been compared with the original record of the Survey, and found to be a true and correct copy thereof.</p>	<p>PLANNING COMMISSION</p> <p>APPROVED BY THE PLANNING COMMISSION THIS _____ DAY OF _____, 2012.</p> <p>DATE _____ TIME _____ BY _____</p>	<p>AMBERHILL BASIN WATER RECLAMATION DISTRICT</p> <p>APPROVED BY THE AMBERHILL BASIN WATER RECLAMATION DISTRICT THIS _____ DAY OF _____, 2012.</p> <p>DATE _____ TIME _____ BY _____</p>	<p>OWNER'S DESIGNATION</p> <p>PRIVATE OWNERSHIP ONTARIO MINE BENCH CONDOMINIUMS</p>	<p>OWNER'S DESIGNATION AND CONSENT TO RECORD</p> <p>I, the undersigned, being duly qualified and sworn, do hereby certify that the foregoing is a true and correct copy of the original record of the Survey of the Ontario Mine Bench Subdivision, as shown to me by the person or persons claiming to be the owner or owners thereof, and that the same has been compared with the original record of the Survey, and found to be a true and correct copy thereof.</p>
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