

**AN ORDINANCE APPROVING THE SIXTH SUPPLEMENTAL PLAT FOR
CONSTRUCTED UNITS AT THE BELLES AT EMPIRE PASS CONDOMINIUMS
AMENDING UNITS 7, 8, and 17, LOCATED AT 65, 71, and 70 SILVER STRIKE
TRAIL, PARK CITY, UTAH.**

WHEREAS, the owners of the property known as The Belles at Empire Pass Condominium Units 7, 8, and 17, have petitioned the City Council for approval of the Sixth 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 March 12, 2014, to receive input on the supplemental plat;

WHEREAS, the Planning Commission, on March 12, 2014, forwarded a positive recommendation to the City Council; and,

WHEREAS, on April 3, 2014, 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 Sixth 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 Sixth Supplemental plat for Constructed Units at the Belles at Empire Pass, a Utah Condominium project, as shown in Attachment A, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property, Units 7, 8, and 17 of the Amended, Consolidated, and Restated Condominium Plat of The Belles at Empire Pass and associated common area, are located at 65, 71, and 70 Silver Strike Trail.
2. The property is located on Lots 1 and 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.

3. The property is located within the RD –MPD zoning district and is subject to the Flagstaff Mountain Development Agreement and Village of Empire Pass MPD.
4. 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.
5. 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 17 PUD –style detached single family homes and duplexes.
6. On June 29, 2006, the City Council approved the Silver Strike Subdivision creating two lots of record. Units 7 and 8 are located on Lot 2 and Unit 17 is located on Lot 1 of the Silver Strike Subdivision.
7. 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. 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.
8. On June 28, 2012, the City Council approved the Second Supplemental Plat for Constructed Unit 9. This plat was recorded on November 20, 2012.
9. On May 9, 2013, the City Council approved the Third Supplemental Plat for Constructed Unit 4 and the Fourth Supplemental Plat for Constructed Unit 5 and 6. These plats were recorded on October 28, 2013.
10. On February 6, 2014, the City Council approved the Fifth Supplemental Plat for Constructed Units 10 and 11.
11. On January 16, 2014, the Planning Department received a complete application for the Sixth Supplemental Plat for Constructed Units 7, 8, and 17.
12. The purpose of the supplemental plat is to describe and document the as-built conditions and the UE calculations for constructed Units 7, 8, and 17 at the Belles Condominiums prior to issuance of a certificate of occupancy and to identify private, limited common and common area for this unit.
13. 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.
14. Units 7 and 8 are located on Lot 2 and Unit 17 is located on Lot 1 of the Silver Strike subdivision plat.
15. 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 7 contains 4,585.3 sf Gross Floor Area, Unit 8 contains 3,922.8 sf Gross Floor Area and Unit 17 contains 4,926.6 sf Gross Floor Area.

16. 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.
17. Unit 7 contains a total of 4,585.3 square feet and utilizes 2.393 UE. Unit 8 contains a total of 3,922.5 square feet and utilizes 1.961 UE. Unit 17 contains a total of 5,629 square feet and utilizes 2.815 UE. The total UE for Units 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 17 is 31.49 Unit Equivalents of the 45 total UE allocated for the Belles at Empire Pass.
18. 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.
19. 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 Units 7, 8, and 17.
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 (1) 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 Units 7, 8, and 17, 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

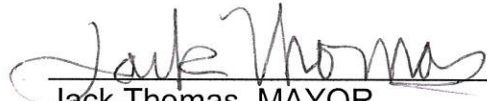
time of resurfacing of Silver Strike Trail, the Master Association shall be responsible to adjust wastewater manholes to grade according to Snyderville Basin Water Reclamation District Standards".

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

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

PASSED AND ADOPTED this 3rd day of April, 2014.

PARK CITY MUNICIPAL CORPORATION

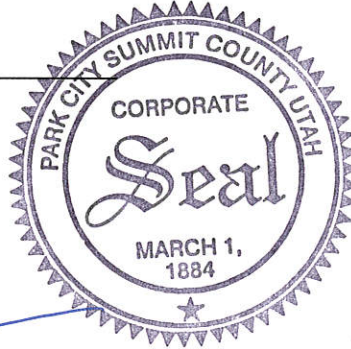


Jack Thomas, MAYOR


ATTEST:



Marci Heil, City Recorder



APPROVED AS TO FORM:



Mark Harrington, City Attorney

EXHIBIT A

SURVEYOR'S CERTIFICATE

I, the undersigned, do hereby certify that the foregoing plat and survey were made by me or under my direct supervision and that I am a duly licensed and qualified surveyor in the State of Utah. I further certify that the information herein is true and correct.

BOUNDARY DESCRIPTIONS

UNIT 15: The boundary between the proposed subdivision and the adjacent property of the State of Utah is as follows: ...

UNIT 17: The boundary between the proposed subdivision and the adjacent property of the State of Utah is as follows: ...

OWNER'S DEDICATION AND CONSENT TO RECORD

I, the undersigned, do hereby dedicate and consent to record the foregoing plat and survey for the purpose of creating the units shown hereon.

ACKNOWLEDGMENT

I, the undersigned, do hereby acknowledge the foregoing plat and survey and the creation of the units shown hereon.

OWNER'S DECLARATION AND CONSENT TO RECORD

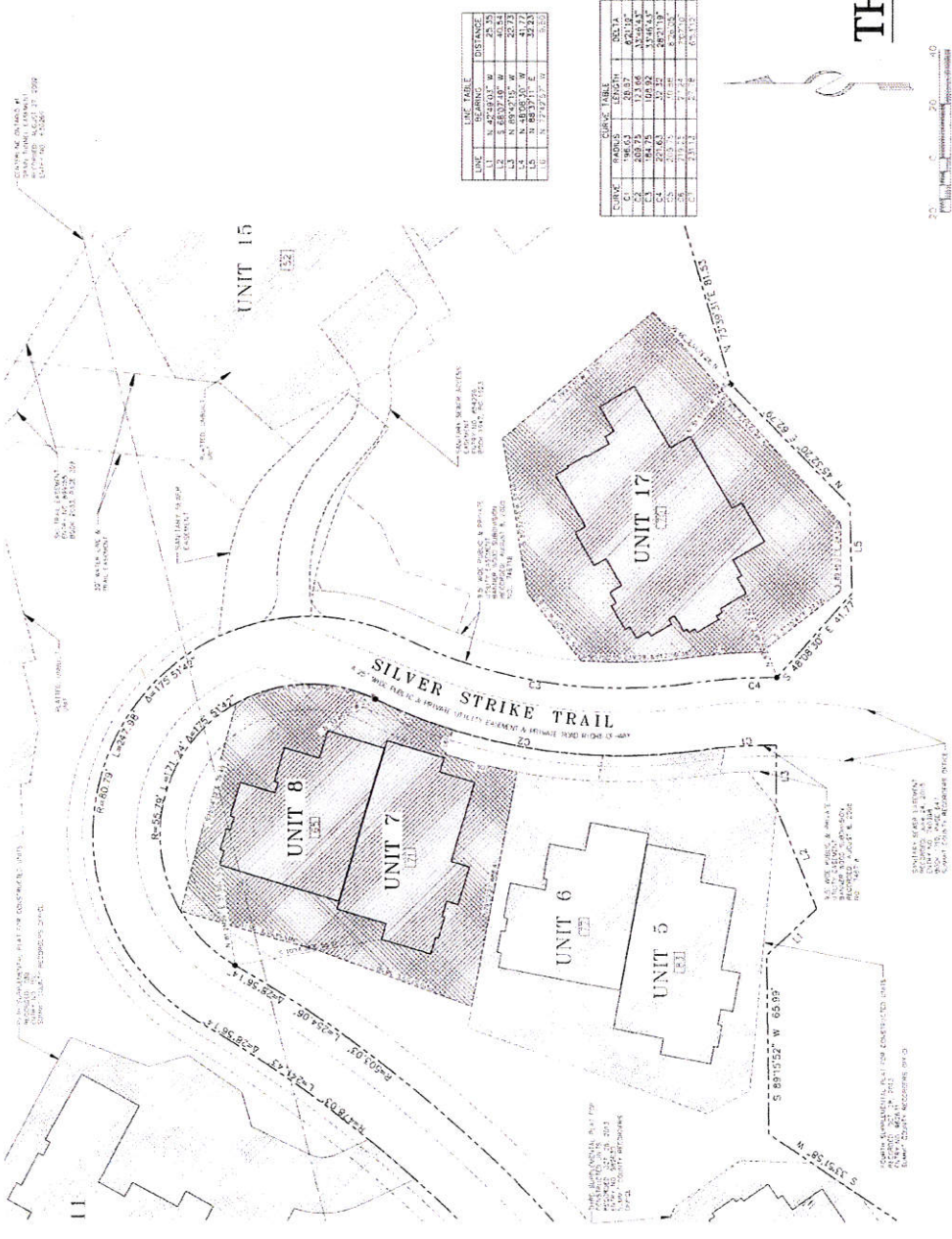
I, the undersigned, do hereby declare and consent to record the foregoing plat and survey for the purpose of creating the units shown hereon.

ACKNOWLEDGMENT

I, the undersigned, do hereby acknowledge the foregoing plat and survey and the creation of the units shown hereon.

NOTES

- The units shown on this plat are subject to the same restrictions and covenants as those shown on the plat of the Belles at Empire Park, recorded November 28, 2014.
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LINE	BEARING	DISTANCE
1	N 47° 42' 01" W	20.35
2	S 88° 37' 29" W	50.54
3	S 88° 37' 29" W	50.54
4	N 47° 42' 01" W	20.35
5	N 88° 37' 29" E	50.54
6	S 88° 37' 29" W	50.54
7	N 47° 42' 01" W	20.35

CURVE	RADIUS	LENGTH	AREA
C1	186.62	28.57	421.74
C2	186.62	28.57	421.74
C3	186.62	28.57	421.74
C4	186.62	28.57	421.74
C5	186.62	28.57	421.74
C6	186.62	28.57	421.74
C7	186.62	28.57	421.74
C8	186.62	28.57	421.74
C9	186.62	28.57	421.74
C10	186.62	28.57	421.74

- LEGEND:**
- STREET ADDRESS OR SILVER STRIKE TRAIL
 - COMMON OWNERSHIP
 - PRIVATE OWNERSHIP
 - LIMITED COMMON OWNERSHIP

SIXTH SUPPLEMENTAL PLAT FOR CONSTRUCTED UNITS
THE BELLES AT EMPIRE PASS
 A LUTAH EXPANDABLE CONDOMINIUM PROJECT AMENDING UNITS 7, 8, & 17
 LOCATED IN SECTION 28, TOWNSHIP 37N, RANGE 12E AND MERIDIAN 10W
 CITY, SALT LAKE COUNTY, UTAH

PLAT NO. 2014-0011

RECORDED IN SECTION 28, TOWNSHIP 37N, RANGE 12E AND MERIDIAN 10W, CITY, SALT LAKE COUNTY, UTAH

DATE: 2014.08.27

BY: [Signature]

PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION ON 2014.08.27

ENGINEER'S CERTIFICATE FILED IN MY OFFICE THIS 2014.08.27

APPROVED AS TO FORM BY PARK CITY ATTORNEY

CERTIFICATE OF ATTEST MAP WAS APPROVED BY PARK CITY COUNCIL THIS 2014.08.27

COUNCIL APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 2014.08.27

STATE OF UTAH, COUNTY OF SALT LAKE, CITY OF SALT LAKE

DATE: 2014.08.27

BY: [Signature]

RECORDED IN SECTION 28, TOWNSHIP 37N, RANGE 12E AND MERIDIAN 10W, CITY, SALT LAKE COUNTY, UTAH

