

When recorded please return to:
Park City Municipal Corporation
Attn: City Engineer
PO Box 1480
Park City UT 84060

Ordinance No. 14-22

AN ORDINANCE APPROVING THE VACATION OF A PORTION OF THE PLATTED DEER VALLEY DRIVE ADJACENT TO THE ROUNDABOUT CONDOMINIUMS PLAT, PARK CITY, UTAH

WHEREAS, the owner of the property known as Roundabout LLC has petitioned the City Council for approval of the Roundabout Condominiums Plat; and

WHEREAS, the Roundabout LLC has petitioned the City Council for a vacation of 875 square feet of platted Deer Valley Drive adjacent to the Roundabout Condominiums Plat; and

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

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

WHEREAS, the requirements of State Code 10-9a-609.5 Vacating a Street, Right-of-Way, or Easement were followed; and

WHEREAS, the guideline provided in Resolution 08-98 was followed in analyzing the request for vacation; and

WHEREAS, on May 8, 2014 the City Council held a public hearing to receive input on the proposed vacation; and

WHEREAS, the City Council voted on May 8, 2014 to approve the Roundabout Condominiums Plat; and

WHEREAS, it is the best interest of Park City, Utah to approve the vacation.

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

SECTION 1. FINDINGS. The following findings are hereby adopted.

1. 875 square feet portion of right-of-way being vacated is located adjacent to the Roundabout Condominiums Plat as depicted in Exhibit A.
2. The lots immediately adjacent to the vacated portion of Deer Valley Drive are the Roundabout LLC owned property.

3. The portion of right-of-way is currently being used as a bus pull-out.
 4. 164 square feet is being dedicated to the City by the applicant. In 2007 the applicant also dedicated 3,152.54 square feet to the City with the approval of the Roundabout Subdivision for Deer Valley Drive improvements, including the existing bus pull-out.
 5. The existing bus pull-out will be relocated to the west with the approval of the ROW vacation and will be built by the applicant to City specifications.
 6. Relocating the bus pull-out to the west will facilitate the location of one common driveway off of Deer Valley Drive to access an underground parking structure that vehicles can pull out front-facing will be much safer and a better alternative to backing out onto the already dangerous Deer Valley Loop Road, as was previously approved in 2007.
4. Resolution 08-98 sets forth review criteria for the vacation of City right-of-ways.
 5. Resolution 08-98 requires the applicant to demonstrate that there is no density increase for the vacated right-of-way; and the utility of the existing ROW.
 - a. No Increase in Density - The property will be used similarly to its current use. There is no building addition proposed on this section of property so density will not be increased.
 - b. Neighborhood Compatibility – The proposal was analyzed according to the seventeen (17) criteria provided in Resolution 08-98 and was determined that the application complies with these criteria for neighborhood compatibility.
 - c. Consideration - With this section of Deer Valley Drive being changed from a public right-of-way to private property and with the history of the applicant providing the City a portion of their property in 2007, there is no consideration for the transaction.
 - d. Utility of Existing Right-of-Way - This section of Deer Valley Drive Right-of-Way has not been used as a street. Current improvements within this section of right-of-way include a bus pull-out and will simply be relocated to the west. Utility lines that exist in this section of the Deer Valley Drive Right-of-Way will remain as is and located under public improvements.

SECTION 2. CONCLUSIONS OF LAW. The following Conclusions of Law are hereby adopted.

1. The vacation request is consistent with the City's standards for vacation of public right-of-way as set forth in Resolution 08-98.
2. No increase in density will result from the right-of-way vacation.
3. The proposed project is compatible with the neighborhood.
4. Neither the public interest nor any person will be materially injured by the vacation.
5. Good cause exists for the vacation.

SECTION 3. VACATION APPROVAL. The vacation is approved as shown on Exhibit A.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 8th day of May, 2014.

PARK CITY MUNICIPAL CORPORATION



Jack Thomas, MAYOR

ATTEST:



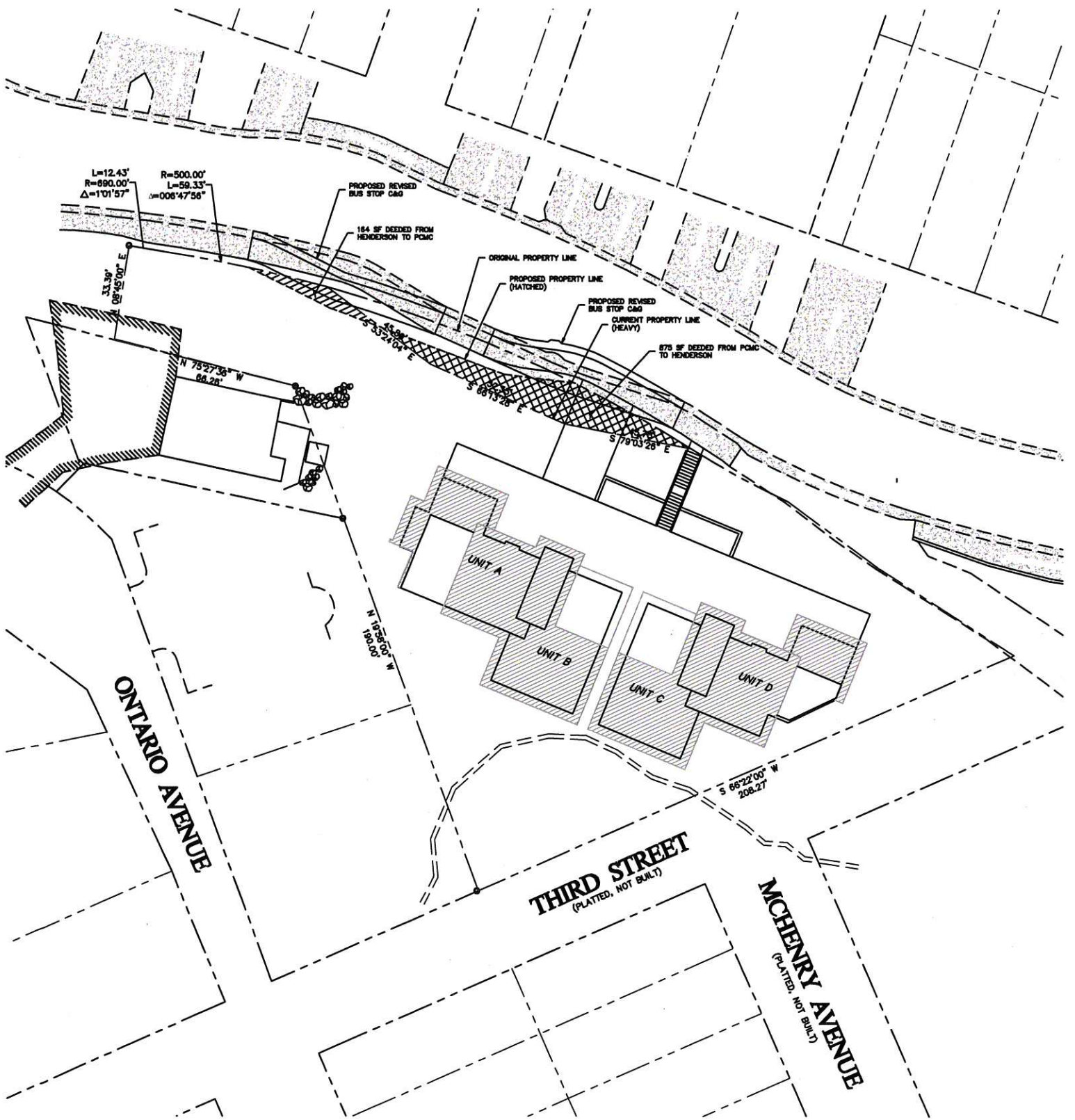
Marci Heil, CITY RECORDER

APPROVED AS TO FORM:



Mark Harrington, CITY ATTORNEY

EXHIBIT A



LEGAL DESCRIPTION: HENDERSON TO PCMC

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT THAT IS NORTH 66°22'00" EAST 265.00 FEET FROM THE SOUTHERNMOST CORNER OF BLOCK 57, PARK CITY SURVEY, ENTRY NO. 197765, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE RECORDER, SUMMIT COUNTY, UTAH, AND NORTH 19°58'00" WEST 190.00 FEET AND NORTH 75°27'36" WEST 66.26 FEET AND NORTH 08°45'00" EAST 33.39 FEET TO A POINT ON A NON TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 690.00 FEET, OF WHICH THE RADIUS POINT BEARS NORTH 09°51'57" EAST, SAID POINT ALSO BEING ON THE SOUTHERLY BOUNDARY OF THE DEER VALLEY ROAD RIGHT-OF-WAY, ENTRY NO. 165809, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE RECORDER, SUMMIT COUNTY, UTAH, AND ALONG THE SOUTHERLY BOUNDARY OF SAID RIGHT-OF-WAY THE FOLLOWING TWO (2) COURSES: 1) EASTERLY ALONG THE ARC OF SAID CURVE 12.43 FEET THROUGH A CENTRAL ANGLE OF 01°01'57" TO A POINT OF REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 500.00 FEET, OF WHICH THE RADIUS POINT BEARS SOUTH 08°50'00" WEST; 2) EASTERLY ALONG THE ARC OF SAID CURVE 31.00 FEET THROUGH A CENTRAL ANGLE OF 03°33'10" TO THE TRUE POINT OF BEGINNING. THENCE CONTINUING EASTERLY ALONG SAID DEER VALLEY ROAD RIGHT-OF-WAY AND ALONG THE ARC OF SAID 500.00 FOOT RADIUS CURVE TO THE RIGHT, 28.33 FEET THROUGH A CENTRAL ANGLE OF 03°14'45" TO A POINT ON THE WESTERLY MOST CORNER OF A PARCEL OWNED IN FEE SIMPLE BY PARK CITY MUNICIPAL CORPORATION FOR THE PURPOSE OF A BUS TURNOUT, AS SHOWN ON THE ROUNDABOUT SUBDIVISION, ENTRY NO. 838123, ACCORDING TO THE OFFICIAL PLAT, THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER; THENCE ALONG THE SOUTHERLY BOUNDARY OF SAID PARK CITY MUNICIPAL CORPORATION BUS TURNOUT PARCEL SOUTH 53°24'04" EAST 24.11 FEET; THENCE LEAVING SAID SOUTHERLY BOUNDARY LINE, NORTH 69°16'47" WEST 19.75 FEET; NORTH 63°20'09" WEST 31.74 FEET TO THE POINT OF BEGINNING.

CONTAINS: 167.40 SQUARE FEET.

LEGAL DESCRIPTION: PCMC TO HENDERSON

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT THAT IS NORTH 66°22'00" EAST 265.00 FEET FROM THE SOUTHERNMOST CORNER OF BLOCK 57, PARK CITY SURVEY, ENTRY NO. 197765, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE RECORDER, SUMMIT COUNTY, UTAH, AND NORTH 19°58'00" WEST 190.00 FEET AND NORTH 75°27'36" WEST 66.26 FEET AND NORTH 08°45'00" EAST 33.39 FEET TO A POINT ON A NON TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 690.00 FEET, OF WHICH THE RADIUS POINT BEARS NORTH 09°51'57" EAST, SAID POINT ALSO BEING ON THE SOUTHERLY BOUNDARY OF THE DEER VALLEY ROAD RIGHT-OF-WAY, ENTRY NO. 165809, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE RECORDER, SUMMIT COUNTY, UTAH, AND ALONG THE SOUTHERLY BOUNDARY OF SAID RIGHT-OF-WAY THE FOLLOWING TWO (2) COURSES: 1) EASTERLY ALONG THE ARC OF SAID CURVE 12.43 FEET THROUGH A CENTRAL ANGLE OF 01°01'57" TO A POINT OF REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 500.00 FEET, OF WHICH THE RADIUS POINT BEARS SOUTH 08°50'00" WEST; 2) EASTERLY ALONG THE ARC OF SAID CURVE 59.33 FEET THROUGH A CENTRAL ANGLE OF 06°47'56" TO A POINT ON THE WESTERLY MOST CORNER OF A PARCEL OWNED IN FEE SIMPLE BY PARK CITY MUNICIPAL CORPORATION FOR THE PURPOSE OF A BUS TURNOUT, AS SHOWN ON THE ROUNDABOUT SUBDIVISION, ENTRY NO. 838123, ACCORDING TO THE OFFICIAL PLAT, THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER; THENCE ALONG THE SOUTHERLY BOUNDARY OF SAID PARK CITY MUNICIPAL CORPORATION BUS TURNOUT PARCEL SOUTH 53°24'04" EAST 24.11 FEET TO THE TRUE POINT OF BEGINNING. THENCE SOUTH 69°16'47" EAST 46.71 FEET; THENCE SOUTH 83°13'32" EAST 25.16 FEET TO THE POINT OF A 500.00' FOOT RADIUS CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT BEARS SOUTH 26°27'24" WEST; THENCE ALONG THE ARC OF SAID CURVE 239.32 FEET THROUGH A CENTRAL ANGLE OF 05°27'36" TO A POINT ON SAID PARCEL OWNED IN FEE SIMPLE BY PARK CITY MUNICIPAL CORPORATION FOR THE PURPOSE OF A BUS TURNOUT; THENCE ALONG THE SOUTHERLY BOUNDARY OF SAID PARK CITY MUNICIPAL CORPORATION BUS TURNOUT PARCEL THE FOLLOWING THREE (3) COURSES; 1) NORTH 79°03'26" WEST 45.78 FEET; 2) NORTH 66°13'28" WEST 52.35 FEET; 3) NORTH 53°24'04" WEST 21.68 FEET TO THE POINT OF BEGINNING.

CONTAINS: 875.59 SQUARE FEET.