

Ordinance No. 14-27

AN ORDINANCE APPROVING THE BROPH'S PLACE CONDOMINIUMS LOCATED AT 500 DEER VALLEY DRIVE, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 500 Deer Valley Drive has petitioned the City Council for approval of the record of survey 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 Planning Commission held a public hearing on May 14, 2014, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on May 14, 2014, forwarded a recommendation to the City Council; and,

WHEREAS, on June 5, 2014, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Broph's Place Condominiums Record of Survey Plat.

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

SECTION 1. APPROVAL. The Broph's Place Condominiums Record of Survey Plat as shown in Attachment 1 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 500 Deer Valley Drive.
2. The property is in the Residential (R-1) District.
3. The property consists of Lots 15 and 16, Block 63 of the Park City Survey.
4. In 1995 the property owner built a duplex on the property.
5. In the 1990's the City did not require the property owner to combine the lots in order to obtain a building permit.
6. A duplex is currently an allowed use in the R-1 District.
7. The proposed condominium Record of Survey plat memorializes each dwelling unit within the duplex as a separate unit that can be leased or owned separately.
8. A condominium is not a type of use but a form of ownership.

9. The duplex does not meet the minimum requirements of front and rear yard setbacks of 20 and 10 feet, respectively.
10. When the duplex was built in 1995 it met the front and rear yard setback requirements of 10 and five feet, respectively, as was required by the Land Management Code at the time of the permit.
11. The structure is considered a legal non-complying structure because it does not meet current development standards but was legally constructed.
12. There are no provisions that would prohibit approval of a Condominium Record of Survey plat for a legal non-complying structure.
13. The proposed record of survey plat removes the common lot line between Lots 15 and 16 and separates the duplex into two (2) separate units.
14. This application allows unit 1 to be 2,118 square feet and unit 2 to be 1,232 square feet.
15. Common spaces include the roof, foundation, exterior walls, and shared staircase.
16. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law:

1. The condominium record of survey plat is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
2. Neither the public nor any person will be materially injured by the proposed condominium record of survey.
3. Approval of the condominium record of survey, 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 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 the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A 10 foot (ten foot) wide public snow storage easement shall be provided along Deer Valley Drive.
4. A tie breaker mechanism shall be included in the CC&Rs.

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

publication. PASSED AND ADOPTED this 5th day of June, 2014.

PARK CITY MUNICIPAL CORPORATION



Jack Thomas, MAYOR

ATTEST:



Marci Heil, City Recorder



APPROVED AS TO FORM:



Mark Harrington, City Attorney



SURVEYOR'S CERTIFICATE

I, Mark A. Morrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 12345, as provided by the State of Utah, and that by this certificate I am authorized to practice my profession as a Surveyor in the State of Utah. I have personally examined the plat and the original field notes and find that the same have been prepared and reduced in accordance with the laws of this State and that the same have been prepared and reduced in accordance with the laws of this State and that the same have been prepared and reduced in accordance with the laws of this State.

BOUNDARY DESCRIPTION

LOTS 15 AND 16, BLOCK 63, PARK CITY SURVEY, (and as Amended), according to the Record of the same, on file in the Office of the Salt Lake County Recorder.

ALSO, beginning at the apartment corner of said Lot 16; and running thence North 10 degrees 30'00" West along the northerly line of said Lot 16, a distance of 62.76 feet to the intersection of the line of said Lot 16 with the line of the east line of the 2.25 acre tract; thence South 70 degrees 30'00" East parallel with the east line of the 2.25 acre tract, a distance of 100.00 feet to the intersection of the northerly extension of the northerly line of said Lot 16; thence South 88 degrees 22'00" West 0.68 feet to the point of beginning.

OWNER'S DEDICATION AND CONSENT TO RECORD

EDWARD K. BROPH, the owner of the above described tract of land, has caused this plat to be prepared and reduced in accordance with the laws of this State and that the same have been prepared and reduced in accordance with the laws of this State and that the same have been prepared and reduced in accordance with the laws of this State.

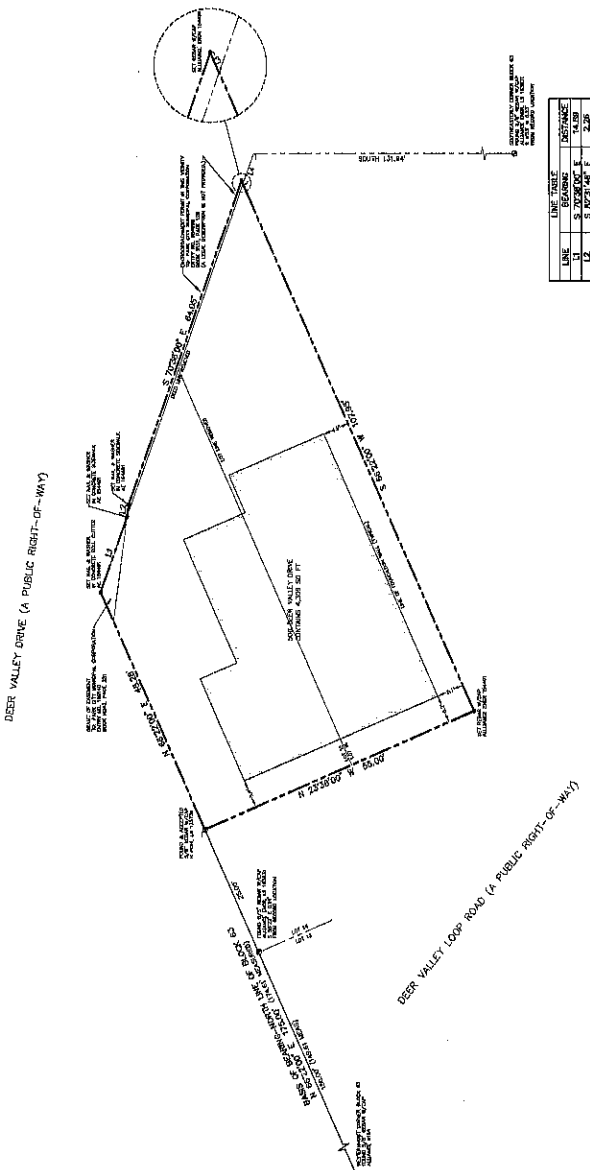
In witness whereof, the undersigned set his hand this _____ day of _____, 2014.

ACKNOWLEDGMENT

Edward K. Broph, Trustee
 State of _____
 County of _____

On this _____ day of _____, 2014, Edward K. Broph, Trustee, personally appeared before me, _____, a Notary Public in and for the State of Utah, and acknowledged to me that he is the owner of the above described tract of land, and that he has caused this plat to be prepared and reduced in accordance with the laws of this State and that the same have been prepared and reduced in accordance with the laws of this State.

A Notary Public commissioned in Utah
 My commission expires: _____



BROPH'S PLACE CONDOMINIUMS

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16
 TOWNSHIP 2 SOUTH, RANGE 12 EAST, COUNTY, UTAH



FILE NO. 11-10-13 FILE NO. 11-10-13 FILE NO. 11-10-13 FILE NO. 11-10-13 FILE NO. 11-10-13

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED

AT THE REQUEST OF _____

DATE _____ TIME _____ BOOK _____ PAGE _____

ENTRY NO. _____ FEE _____ RECORDER _____

BY _____ MAYOR

BY _____ PARK CITY ATTORNEY

BY _____ CHAIR

BY _____ S.B.W.R.E.

BY _____ PARK CITY ENGINEER

BY _____ PARK CITY RECORDER

CERTIFICATE OF ATTEST

I HEREBY THIS RECORD OF SURVEY MAP APPROVED BY PARK CITY COUNCIL THIS _____, 2014 A.D.

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS _____, 2014 A.D.

ENGINEER'S CERTIFICATE

I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____, 2014 A.D.

PLANNING COMMISSION

APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____, 2014 A.D.

SYDNEYVILLE BASIN WATER RECLAMATION DISTRICT

REVIEWED FOR COMPLIANCE TO RESPONSIBLE BACK WATER RECLAMATION DISTRICT STANDARDS ON THIS _____, 2014 A.D.