

**Ordinance No. 14-54**

**AN ORDINANCE APPROVING A SECOND 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 a second 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; the City Council, held a public hearing on October 17, 2013 and approved an extension of the condominium plat approval to August 9, 2014;

WHEREAS; the City Council held a public hearing on October 30, 2014 and approved a second extension of the subdivision plat approval to August 9, 2015; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the extension of the Ontario Mine Bench Condominium plat approval to allow time to resolve issues of interest to the City that are also required to be complied with prior to plat recordation.

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 in effect at the time of permit application.
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 a one year time frame was given, until August 9, 2013, to record the plat at Summit County.
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. The first extension was granted by the City Council until August 9, 2014.
15. On August 8, 2014, the applicant submitted a written request for a second extension of the approval to August 9, 2015.

16. 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.
17. The Land Management Code allows for the City Council to approve extensions of plat approvals.
18. The previous non-conforming bakery use hasn't been in use for over one (1) year and has been abandoned.

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, 2015. 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 30th day of October, 2014.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas  
Jack Thomas, MAYOR

ATTEST:

Marci Heil  
Marci Heil, City Recorder

APPROVED AS TO FORM:

Mark Harrington  
Mark Harrington, City Attorney



# EXHIBIT A

## SURVEYOR'S CERTIFICATE

I, the undersigned, do hereby certify that I am a Registered Land Surveyor and that I have caused to be made under my direction and by the use of correct instruments and methods, a true and correct plat of the above described land, and that the same is in accordance with the provisions of the Utah Condominium Ownership Act; further certify that the information herein is true and correct.



KEITH DEMKOWICZ, L.S. #75481 DATE \_\_\_\_\_

## BOUNDARY DESCRIPTION

Lot 1, Ontario Mine Basin Subdivision, according to the official plat burned on file and of record in the office of the recorder, Summit County, Utah.

## OWNER'S DEDICATION AND CONSENT TO RECORD

NOTE: ALL USES OF THESE PROVISIONS ARE SUBJECT TO THE TERMS OF THE ORIGINAL DEED CONVEYING THE LAND TO THE DEVELOPER, WHICH APPLICABLE PROVISIONS SHALL BE APPLIED TO THE CONVEYANCE TO THE SUBDIVISION. THE DEVELOPER'S OBLIGATIONS TO THE SUBDIVISION ARE NOT TRANSFERRED TO THE SUBDIVISION BY THIS CONVEYANCE.

In witness whereof, I, the undersigned, have hereunto set my hand and the seal of the State of Utah, at Salt Lake City, Utah, this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

UNITED PARK CITY, INC.  
A Utah Limited Liability Company  
By \_\_\_\_\_  
Title \_\_\_\_\_

## CORPORATE ACKNOWLEDGMENT

This is to certify that \_\_\_\_\_  
Secretary of \_\_\_\_\_  
has acknowledged that she is the duly authorized officer of the above named corporation and that she has caused this instrument to be signed and acknowledged on behalf of the corporation in accordance with its articles of incorporation and bylaws, and that the instrument is in accordance with the laws of the State of Utah.

## OWNER'S DEDICATION AND CONSENT TO RECORD

I, the undersigned, do hereby certify that I am a Registered Land Surveyor and that I have caused to be made under my direction and by the use of correct instruments and methods, a true and correct plat of the above described land, and that the same is in accordance with the provisions of the Utah Condominium Ownership Act; further certify that the information herein is true and correct.

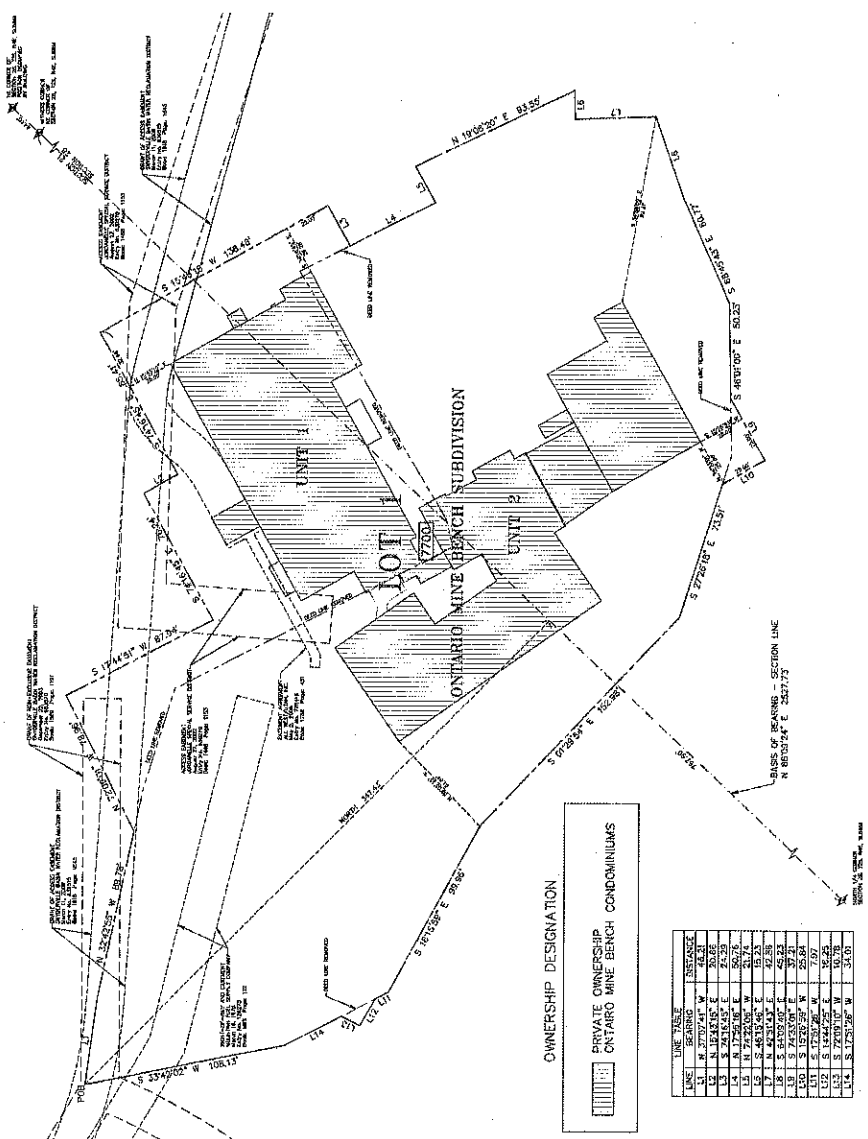
UNITED PARK CITY, INC.  
A Utah Limited Liability Company  
By \_\_\_\_\_  
Title \_\_\_\_\_

## ACKNOWLEDGMENT

This instrument has been acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2014, by \_\_\_\_\_ of \_\_\_\_\_, a duly authorized officer of the above named corporation, and that the instrument is in accordance with the laws of the State of Utah.

UNITED PARK CITY, INC.  
A Utah Limited Liability Company  
By \_\_\_\_\_  
Title \_\_\_\_\_

- NOTES:**
- See the plat of ONTARIO MINE BASIN SUBDIVISION for easements and other information.
  - Modified 13-D fire sprinklers are required for new construction and any future renovation of existing structures.
  - This plat is subject to Park City Ordinances 12-28 and 13-44.
  - Compliance with the applicable conditions of approval for this subdivision is the responsibility of the applicant. The Utah State Office of Public Safety, Bureau of Fire, and the Utah State Office of Health Services, Division of Occupational Safety and Health, are the agencies responsible for reviewing and approving the plans for this subdivision. The Utah State Office of Health Services, Division of Occupational Safety and Health, is the agency responsible for reviewing and approving the plans for this subdivision.
  - Public water service to individual buildings must be provided by owner at the existing water service on lots. The owner is responsible for providing water service to individual buildings. Water meters, service lines, or other improvements or easements will be provided by Park City Municipal Corporation.



**OWNERSHIP DESIGNATION**

LINE	BEARING	DISTANCE
L1	N 77°45'14\"	34.00
L2	S 44°45'41\"	24.00
L3	N 77°45'14\"	34.00
L4	S 44°45'41\"	24.00
L5	N 77°45'14\"	34.00
L6	S 44°45'41\"	24.00
L7	N 77°45'14\"	34.00
L8	S 44°45'41\"	24.00
L9	N 77°45'14\"	34.00
L10	S 44°45'41\"	24.00
L11	N 77°45'14\"	34.00
L12	S 44°45'41\"	24.00
L13	N 77°45'14\"	34.00
L14	S 44°45'41\"	24.00

# ONTARIO MINE BASIN CONDOMINIUMS

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 21 AND THE NORTHEAST QUARTER OF SECTION 28 TOWNSHIP 2 SOUTH, RANGE 12 EAST, SALT LAKE BASE AND MERIDIAN PARK CITY, SUMMIT COUNTY, UTAH

FILE NO. 14-10-10 FILE AN AMERICAN LAND SURVEYING DISTRICT NO. 11-12-10 SHEET 1 OF 2

RECORDED  
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED  
AT THE REQUEST OF \_\_\_\_\_ PAGE \_\_\_\_\_  
DATE \_\_\_\_\_ TIME \_\_\_\_\_ BOOK \_\_\_\_\_  
FEE \_\_\_\_\_ RECORDER \_\_\_\_\_

COUNCIL APPROVAL AND ACCEPTANCE  
APPROVED AND ACCEPTED BY THE PARK CITY COUNCIL THIS 17th DAY OF OCTOBER, 2013 A.D.  
BY \_\_\_\_\_ MAYOR

CERTIFICATE OF ATTEST  
I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY THE PARK CITY COUNCIL THIS 17th DAY OF OCTOBER, 2014 A.D.  
BY \_\_\_\_\_ PARK CITY RECORDER

APPROVAL AS TO FORM  
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN THE OFFICE OF THE PLANNING COMMISSION THIS 15th DAY OF JUNE, 2012 A.D.  
BY \_\_\_\_\_ CHAIRMAN

ENGINEER'S CERTIFICATE  
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN THE OFFICE OF THE ENGINEER THIS 15th DAY OF JUNE, 2012 A.D.  
BY \_\_\_\_\_ CHAIRMAN

PLANNING COMMISSION  
APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 15th DAY OF JUNE, 2012 A.D.  
BY \_\_\_\_\_ CHAIRMAN

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT  
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014 A.D.  
BY \_\_\_\_\_ S.B.W.R.D.

APPROVAL AS TO FORM  
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN THE OFFICE OF THE PLANNING COMMISSION THIS 15th DAY OF JUNE, 2012 A.D.  
BY \_\_\_\_\_ CHAIRMAN

ENGINEER'S CERTIFICATE  
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN THE OFFICE OF THE ENGINEER THIS 15th DAY OF JUNE, 2012 A.D.  
BY \_\_\_\_\_ CHAIRMAN