

**AN ORDINANCE APPROVING THE ROUND VALLEY PARK CITY
ANNEXATION AND ZONING MAP AMENDMENT
ANNEXING INTO THE PARK CITY MUNICIPAL BOUNDARY AND ZONING AS
RECREATION OPEN SPACE (ROS), THE ROUND VALLEY OPEN SPACE AREA,
OSGUTHORPE FIELDS, AND GORDO PARCELS GENERALLY LOCATED NORTH
OF STATE ROAD 248, WEST OF HIGHWAY US 40, AND EAST OF OLD RANCH
ROAD LOCATED IN SECTIONS 28, 33, 34 AND 35 TOWNSHIP 1 SOUTH, RANGE 4
EAST, AND IN SECTIONS 2 AND 3, TOWNSHIP 2 SOUTH, RANGE 4 EAST OF THE
SALT LAKE BASE AND MERIDIAN, SUMMIT COUNTY, UTAH**

WHEREAS, on March 11, 2013, the owners of the property known as the Round Valley Open Space, including the Osguthorpe Fields and the Gordo Parcels, namely Park City Municipal Corporation and Afton Stephen Osguthorpe Family Trust, petitioned the City Council for approval of an annexation of land into the Park City limits as shown on the attached Annexation Plat and Legal Descriptions (Exhibit A), the "Property"; and

WHEREAS, the property is approximately 1,368 acres in area and is located generally north of State Road 248, west of US 40, and east of Old Ranch Road within, as described in the attached Vicinity Map (Exhibit B); and

WHEREAS, the Property will be zoned Recreation Open Space (ROS) with Frontage Protection Zone (FPZ) where the annexation properties have frontage on State Road 248; and

WHEREAS, the Property is included within the Park City Annexation Expansion Area, and is not included within any other municipal jurisdiction; and

WHEREAS, the Park City Council accepted the Round Valley Park City Annexation petition on March 21, 2013; and

WHEREAS, the City reviewed the petition against the criteria stated in Sections 10-2-403 (2), (3), and (4) of the Utah Code, annotated 1953 as amended, and found the petition complied with all applicable criteria of the Utah Code; and

WHEREAS, On April 22, 2013, the City Recorder certified the annexation petition and delivered notice letters to the "affected entities" required by Utah Code, Section 10-2-405, and published notice in the Park Record for three consecutive weeks, giving notice, that the petition had been certified and the required 30-day protest period had begun; and

WHEREAS, no protests were filed by any "affected entities" or other jurisdictions within the 30-day protest period and the petition was considered accepted on June 2, 2013; and

WHEREAS, on February 11th and August 12, 2014, written notice was sent to surrounding property owners, the property was posted, and legal notice was published in the Park Record providing legal notice of Planning Commission and City Council hearing dates; and

WHEREAS, the Planning Commission held public hearings on February 26, 2014, August 27, 2014, and September 24, 2014 to receive public input on the proposed annexation and zoning; and

WHEREAS, on June 26, 2014, the Planning Commission and Staff circumnavigated the annexation area by van and conducted a site visit to the Gordo parcel area; and

WHEREAS, on September 24, 2014, the Planning Commission forwarded to City Council a positive recommendation on the proposed Round Valley Park City Annexation and the Zoning Map Amendment; and

WHEREAS, on October 30, 2014, the City Council held a public hearing to receive input on the proposed annexation and zoning; and

WHEREAS, the City Council finds that the requested annexation and zoning map amendment are consistent with the Park City General Plan; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Annexation and Park City Zoning Map amendment, as this annexation will bring the City Owned open space property known as Round Valley Open Space, as well as the deed restricted Osguthorpe fields and the City and UDOT owned parcels, known as the Gordo parcels, into the City Limits; and

WHEREAS, an Annexation Agreement, between the City and Petitioners pursuant to the Land Management Code, Section 15-8-5 (C), setting forth further terms and conditions of the Annexation shall be executed and recorded at Summit County with recordation of the Annexation Plat (Exhibit C).

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

SECTION 1. ANNEXATION APPROVAL. The Property is hereby annexed into the corporate limits of Park City, Utah according to the Annexation Plat executed in substantially the same form as is attached hereto as Exhibit A and according to the Findings of Fact, Conclusions of Law, and Conditions of Approval as stated below.

The Property so annexed shall enjoy the privileges of Park City as described in the Annexation Agreement attached as Exhibit C and shall be subject to all City levies and assessments, conditions, and restrictions as described in the terms of said Annexation Agreement.

The Property shall be subject to all City laws, rules and regulations upon the effective date of this Ordinance.

SECTION 2. ANNEXATION AGREEMENT. Council hereby authorizes the Mayor to execute the Annexation Agreement in substantially the same form as is attached hereto as Exhibit C and as approved by the City Attorney.

SECTION 3. COMPLIANCE WITH STATE LAW, GENERAL PLAN, AND ANNEXATION POLICY PLAN. This annexation and the proposed zoning meets the standards for annexation set forth in Title 10, Chapter 2 of the Utah Code, the Park City General Plan, and The Annexation Policy Plan - Land Management Code Chapter 8, Annexation.

SECTION 4. OFFICIAL PARK CITY ZONING MAP AMENDMENT. The Official Park City Zoning Map is hereby amended to include said Round Valley Park City Annexation area in the Recreation Open Space (ROS) zoning district and the Frontage Protection Zone (FPZ), as shown in Exhibit D.

SECTION 5. FINDINGS OF FACT, CONCLUSIONS OF LAW, AND CONDITIONS OF APPROVAL.

Findings of Fact:

1. The annexation petition is a request to annex approximately 1,368 acres into the Park City municipal boundary and to amend the official zoning map to include the property in the Recreation Open Space (ROS) zoning district.
2. The Round Valley Park City annexation area is currently located in unincorporated Summit County.
3. The non-deed restricted "Gordo" parcels, both UDOT and City owned, are within the Quinn's Junction neighborhood and along the main 248 entry corridor to Park City.
4. The proposed land uses are consistent with the purpose statements of the ROS zoning district and the Planning Commission recommends that the entire annexation area be zoned ROS.
5. The proposed annexation meets the purposes stated in the Annexation Policy Plan, in that this annexation contributes to the achievement of the goals and policies of the Park City General Plan and further protects the general interests and character of Park City.
6. The annexation will bring City owned open space land into the Park City Municipal boundary and enable services to be provided to the Property, such as police and community development services, which are more easily accessible from the City than the County.
7. The annexation does not change or remove any existing deed restrictions or conservation easements from the Property and only the four lower "Gordo" parcels are not restricted from development due to deed restrictions and conservation easements.

8. Annexation of this parcel will not create an island, peninsula, or irregular city boundary. The annexation is a logical extension of the City Boundary.
9. This property is located within the Park City Annexation Expansion Area, adopted by the City Council in 2003.
10. Provision of municipal services, such as police, water, and community development, for this property is more efficiently provided by Park City than by Summit County, in particular for non-deed restricted "Gordo" parcels.
11. The annexation petition has been reviewed pursuant to Utah Code Annotated (UCA) Sections 10-2-401, 402, and 403. The annexation petition requirements set forth in these sections of the UCA have been met; including issues of 1) contiguity and municipal annexation expansion area, 2) boundaries drawn along existing local districts, special districts and other taxing entities, and 3) for the content of the petition.
12. The proposed annexation is consistent with the purpose statements of the Annexation Policy Plan and will protect the general interests and character of the community; assure orderly growth and development of the Park City community in terms of utilities and public services; will preserve open space and ensure environmental quality; will protect a prominent entry corridor, view sheds, and environmentally Sensitive Lands; will enhance pedestrian connectivity and create buffer areas; and will protect the general public health, safety, and welfare.
13. The City Staff and Review Team have reviewed the proposed annexation against the general requirements established for annexation to Park City as presented in LMC Section 15-8-2 and as further described in the Analysis section of the October 30, 2014, Staff report.
14. No development or subdivision of the land is proposed at this time.

Conclusions of Law:

1. The Annexation and Zoning Map amendment are consistent with Annexation Policy Plan and the Park City General Plan.
2. Approval of the Annexation and Zoning Map amendment does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The Official Zoning Map shall be amended to designate the Round Valley Park City Annexation parcels zoning as Recreation Open Space (ROS) with the Entry Corridor Zone (ECZ) along the property frontage with State Road 248.
2. The annexation agreement shall be fully executed and recorded with the Annexation Plat.
3. All current ROWs will remain under their respective jurisdiction.

SECTION 6. EFFECTIVE DATE. This Ordinance shall take effect upon publication of this Ordinance, recordation of the Annexation Plat and Annexation Agreement, and compliance with state annexation filing requirements, pursuant to the Utah Code Annotated Section 10-2-425.

ENACTED this 20th day of April, 2015.

PARK CITY MUNICIPAL CORPORATION


Jack Thomas, MAYOR

ATTEST:

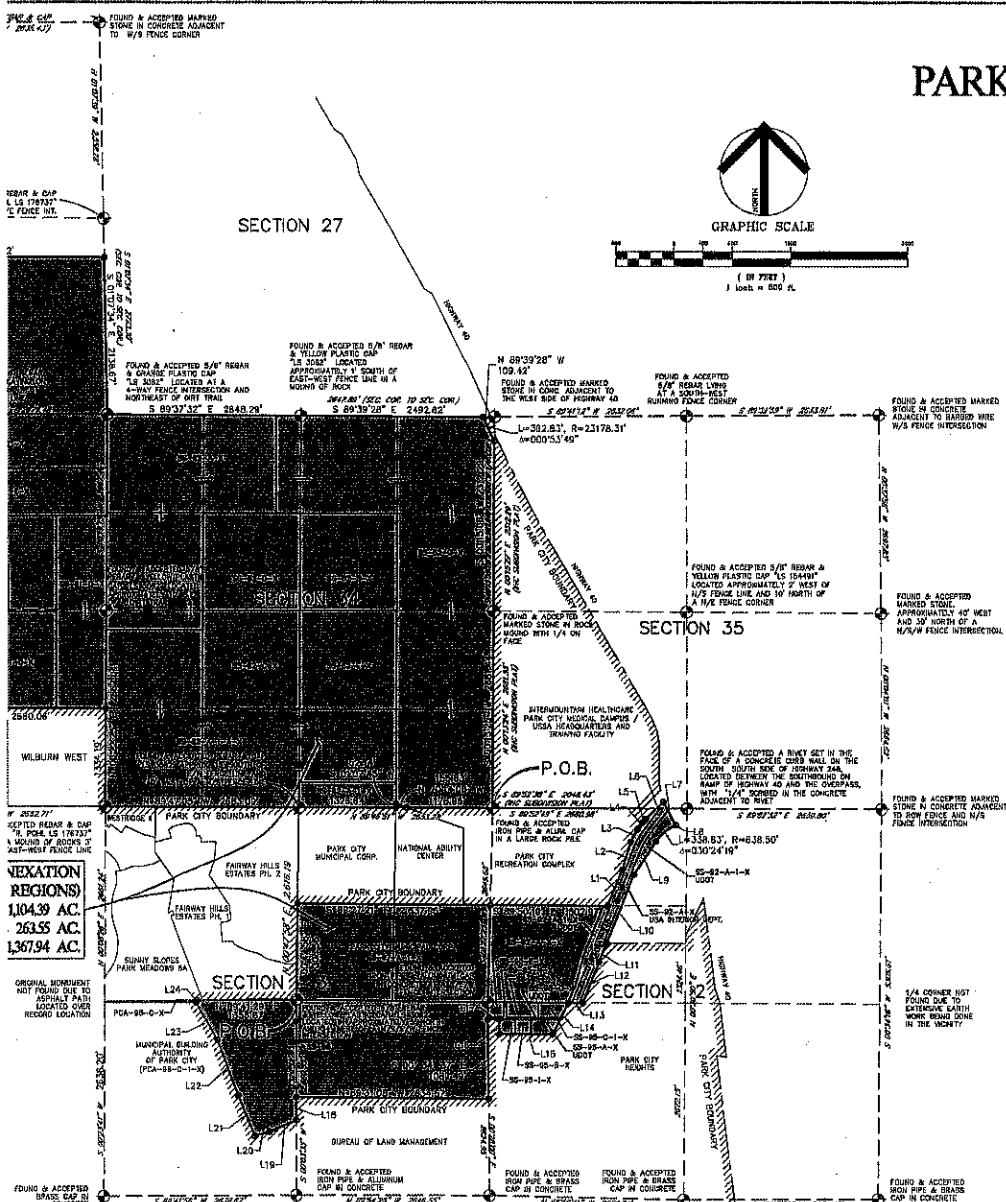
Marci Heil, City Recorder

APPROVED AS TO FORM:

Mark D. Harrington, City Attorney

ROUND VALLEY PARK CITY ANNEXATION PLAT

LOCATED IN SECTIONS 28, 33, 34 & 35,
TOWNSHIP 1 SOUTH, RANGE 4 EAST,
AND IN SECTIONS 2 & 3,
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE & MERIDIAN,
SUMMIT COUNTY, UTAH



Line No.	Bearing	Distance
L1	N 22° 01' 00" E	327.41'
L2	N 17° 42' 40" E	309.76'
L3	N 28° 04' 08" E	200.00'
L4	N 37° 37' 06" E	115.81'
L5	N 42° 52' 13" E	87.93'
L6	S 46° 13' 24" W	339.66'
L7	N 27° 45' 07" W	360.10'
L8	N 83° 51' 50" E	13.75'
L9	N 34° 07' 11" E	644.70'
L10	S 22° 02' 39" W	1008.10'
L11	S 21° 58' 40" W	273.27'
L12	N 22° 02' 06" E	692.78'

Line No.	Bearing	Distance
L13	S 89° 47' 17" W	109.82'
L14	S 28° 17' 01" W	477.04'
L15	N 89° 47' 02" W	732.08'
L16	N 02° 03' 08" E	200.60'
L17	N 89° 47' 52" W	153.20'
L18	S 60° 03' 33" W	310.33'
L19	S 66° 53' 26" W	402.89'
L20	S 75° 15' 12" W	211.20'
L21	N 21° 57' 05" W	593.43'
L22	N 20° 37' 32" W	811.08'
L23	N 28° 33' 29" W	581.81'
L24	N 23° 04' 37" E	33.30'

PARCEL IDENTIFICATION
SEE SHEET 2 OF 2

BOUNDARY DESCRIPTION (GAINED PARCELS)
SEE SHEET 3 OF 2

OWNER'S CONSENT TO RECORD
I, THE UNDERSIGNED, BEING THE OWNER OF THE HEREIN DESCRIBED TRACT OF LAND, AND BEING MAJOR OF THE PARK CITY MUNICIPAL CORPORATION, AND FULLY COMPETENT TO BE KNOWN TO ME THAT SAID CORPORATION EXERCISES THE SAME BY ACTION OF THE CITY COUNCIL.

WITNESSES MY HAND AND SEAL OF SAID CORPORATION THIS _____ DAY OF _____, 2014.

CORPORATE ACKNOWLEDGMENT
STATE OF UTAH } JACK THOMAS MAYOR
COUNTY OF SUMMIT }

NOTARY PUBLIC
BY COMMISSION EXPIRES: _____
RENEWED IN: _____ COUNTY, _____ STATE

SURVEYOR'S CERTIFICATE
I, GREGORY R. KOLBARDI, BEING A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH, HEREBY CERTIFY THAT I HAVE PREPARED THIS PLAT BASED UPON THE INFORMATION ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY REGISTER, I FURTHER CERTIFY THAT THIS PLAT ACCURATELY REPRESENTS THE AREA OF WHICH PARK CITY MUNICIPAL CORPORATION HAS PETITIONED TO ANNEX TO ITS CORPORATE LIMITS, THIS PLAT AND THE DESCRIPTION HEREON HAVE BEEN PREPARED FOR ANNEXATION PURPOSES AND DO NOT PURPORT TO REPRESENT OR ESTABLISH ACTUAL PROPERTY BOUNDARIES UNLESS FURTHER CERTIFY THAT THIS ANNEXATION PLAT HAS BEEN PREPARED IN CONFORMITY WITH THE USUAL STANDARDS AND REGULATIONS OF THE LAW.

GREGORY R. KOLBARDI
STATE OF UTAH
COUNTY OF SUMMIT
NO. 187798
DATE: _____

<p>VAL</p> <p>CITY ENGINEER</p> <p>THIS PLAT IS IN CONFORMANCE WITH INFORMATION ON FILE IN THE OFFICE OF THE PARK CITY ENGINEERING DEPARTMENT ON THIS DAY OF _____ A.D. 20____</p> <p>_____ CITY ENGINEER</p>	<p>APPROVAL AS TO FORM</p> <p>APPROVED AS TO FORM ON THIS DAY OF _____ A.D. 20____</p> <p>_____ CITY ATTORNEY</p>	<p>COUNCIL APPROVAL AND ACCEPTANCE</p> <p>APPROVED AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____ A.D. 20____</p> <p>_____ MAYOR</p>	<p>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT</p> <p>REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____ A.D. 2014.</p> <p>BY: _____ SNYDERVILLE BASIN WATER RECLAMATION DISTRICT</p>	<p>Evergreen Engineering, Inc.</p> <p>Civil Engineering • Land Surveying • Land Planning 1920 Blinnwood Drive • Suite 104 P.O. Box 2881 • Park City • Utah • 84309 Phone: (435) 940-1867 • Fax: (435) 944-9278 E-mail: info@evergreeneng.com</p>
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ROUND VALLEY PARK CITY ANNEXATION PLAT

LOCATED IN SECTIONS 28, 33, 34 & 35,
TOWNSHIP 1 SOUTH, RANGE 4 EAST,
AND IN SECTIONS 2 & 3,
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE & MERIDIAN,
SUMMIT COUNTY, UTAH

BOUNDARY DESCRIPTION (CONTINUED)

ALSO INCLUDING THE FOLLOWING:

BEGINNING AT THE CENTER OF SECTION 3, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, SUMMIT COUNTY, UTAH, (BASE OF BEARING NORTH 00°47'38" EAST A DISTANCE OF 2,616.19 FEET BETWEEN THE CENTER OF SAID SECTION 3 (A FOUND REBAR WITH YELLOW CAP MARKED "LS #3082") AND THE NORTH QUARTER CORNER OF SAID SECTION 3 (A FOUND REBAR WITH YELLOW CAP MARKED "LS #3082"); THENCE ALONG THE NORTH-SOUTH CENTER SECTION LINE OF SAID SECTION 3, NORTH 00°47'38" EAST A DISTANCE OF 1,308.56 FEET; THENCE LEAVING SAID NORTH-SOUTH CENTER SECTION LINE SOUTH 89°27'21" EAST A DISTANCE OF 2,637.85 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 3, SAID POINT ALSO BEING ON THE SOUTHERLY BOUNDARY OF PARK CITY RECREATION COMPLEX SUBDIVISION; THENCE ALONG SAID SOUTHERLY BOUNDARY LINE SOUTH 89°27'21" EAST A DISTANCE OF 1,002.87 FEET TO THE NORTHWESTERLY RIGHT-OF-WAY OF STATE ROUTE 248; THENCE ALONG SAID NORTHWESTERLY RIGHT-OF-WAY AND EASTERLY BOUNDARY OF SAID PARK CITY RECREATION COMPLEX SUBDIVISION THE FOLLOWING SIX (6) CALLS: (1) THENCE NORTH 22°00'00" EAST A DISTANCE OF 651.41 FEET, (2) THENCE NORTH 17°42'46" EAST A DISTANCE OF 368.75 FEET, (3) NORTH 28°04'06" EAST A DISTANCE OF 200.00 FEET, (4) THENCE NORTH 37°37'06" EAST A DISTANCE OF 116.81 FEET, (5) THENCE NORTH 42°21'11" EAST A DISTANCE OF 87.83 FEET, (6) THENCE NORTH 44°13'24" EAST A DISTANCE OF 33.59 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF HIGHWAY 40; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY SOUTH 27°45'07" EAST A DISTANCE OF 362.10 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY OF STATE ROUTE 248; THENCE ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE THE FOLLOWING SIX (6) CALLS: (1) THENCE SOUTH 83°51'50" WEST A DISTANCE OF 11.75 FEET TO A POINT ON A 536.80 FOOT RADIUS CURVE TO THE LEFT, (2) THENCE ALONG THE ARC OF SAID CURVE 338.83 FEET THROUGH A CENTRAL ANGLE OF 90°41'11", (3) THENCE SOUTH 34°07'11" WEST A DISTANCE OF 544.70 FEET, (4) THENCE SOUTH 22°00'39" WEST 1,025.16 FEET, (5) THENCE SOUTH 21°58'40" WEST A DISTANCE OF 273.27 FEET, (6) THENCE SOUTH 22°00'39" WEST 802.79 FEET TO A POINT ON THE EAST-WEST CENTER SECTION LINE OF SAID SECTION 2; THENCE LEAVING SAID SOUTHEASTERLY RIGHT-OF-WAY LINE AND CONTINUING ALONG SAID EAST-WEST CENTER SECTION LINE SOUTH 89°47'17" WEST A DISTANCE OF 169.82 FEET TO THE NORTHWESTERLY RIGHT-OF-WAY LINE OF SAID STATE ROUTE 248; THENCE ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE, SOUTH 28°17'01" WEST A DISTANCE OF 477.04 FEET; THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY LINE NORTH 89°47'52" WEST A DISTANCE OF 732.69 FEET; THENCE NORTH 00°00'00" EAST A DISTANCE OF 200.00 FEET; THENCE NORTH 89°47'52" WEST A DISTANCE OF 153.20 FEET TO THE EASTERLY LINE OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; THENCE ALONG SAID EASTERLY QUARTER SECTION LINE SOUTH 00°34'37" EAST A DISTANCE OF 1,082.49 FEET TO THE EAST-WEST 1/40TH LINE OF SAID SECTION 3; THENCE ALONG SAID EAST-WEST 1/40TH LINE NORTH 89°30'08" WEST A DISTANCE OF 2,636.57 FEET TO THE NORTH-SOUTH CENTER SECTION LINE OF SAID SECTION 3; THENCE ALONG SAID NORTH-SOUTH CENTER SECTION LINE SOUTH 00°34'37" WEST A DISTANCE OF 310.33 FEET TO A POINT ON THE NORTHERLY BOUNDARY LINE OF TAX PARCEL PCA-98-D-1-4; THENCE ALONG SAID NORTHERLY BOUNDARY LINE THE FOLLOWING FIVE (5) CALLS: (1) THENCE SOUTH 86°33'28" WEST A DISTANCE OF 492.85 FEET, (2) THENCE SOUTH 78°13'12" WEST A DISTANCE OF 211.20 FEET, (3) THENCE NORTH 21°57'05" WEST A DISTANCE OF 593.43 FEET, (4) THENCE NORTH 20°37'22" WEST A DISTANCE OF 811.06 FEET, (5) THENCE NORTH 29°13'22" WEST A DISTANCE OF 581.91 FEET TO A POINT ON THE EASTERLY LINE OF TAX PARCEL PCA-98-D-1-4; THENCE ALONG SAID EASTERLY LINE NORTH 23°04'37" EAST A DISTANCE OF 33.30 FEET TO THE SOUTHERLY LINE OF "SUNNY SLOPES PARK MEADOWS SUBDIVISION NO. 8A"; THENCE ALONG SAID SOUTHERLY LINE OF "SUNNY SLOPES PARK MEADOWS SUBDIVISION NO. 8A" AND ALONG THE SOUTHERLY LINE OF "FAIRWAY HILLS ESTATES PHASE 1" SUBDIVISION NORTH 86°41'29" EAST A DISTANCE OF 1,358.67 FEET TO THE CENTER OF SAID SECTION 3, ALSO BEING THE POINT OF BEGINNING.

CONTAINING APPROXIMATELY 1,387.18 ACRES.

PARCEL IDENTIFICATION

PARK CITY MUNICIPAL CORPORATION LAND, AS FOLLOWS:

- SECTION 28, TOWNSHIP 1 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN:
 - * SUMMIT COUNTY TAX SERIAL NO. SS-89-A-X (PCMC)
- SECTION 33, TOWNSHIP 1 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN:
 - * SUMMIT COUNTY TAX SERIAL NO. SS-81-X (PCMC)
 - * SUMMIT COUNTY TAX SERIAL NO. SS-81-D-X (PCMC)
 - * SUMMIT COUNTY TAX SERIAL NO. SS-81-E-X (PCMC)
 - * SUMMIT COUNTY TAX SERIAL NO. SS-81-F-X (PCMC)
- SECTION 34, TOWNSHIP 1 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN:
 - * SUMMIT COUNTY TAX SERIAL NO. SS-82-A-X (PCMC)
 - * SUMMIT COUNTY TAX SERIAL NO. SS-82-B-X (PCMC)
 - * SUMMIT COUNTY TAX SERIAL NO. SS-82-C-X (PCMC)
 - * SUMMIT COUNTY TAX SERIAL NO. SS-82-D-X (PCMC)
 - * SUMMIT COUNTY TAX SERIAL NO. SS-82-E-X (PCMC)
 - * SUMMIT COUNTY TAX SERIAL NO. SS-82-F-X (PCMC)
 - * SUMMIT COUNTY TAX SERIAL NO. SS-82-G-X (PCMC)
 - * SUMMIT COUNTY TAX SERIAL NO. SS-82-H-X (PCMC)
 - * SUMMIT COUNTY TAX SERIAL NO. SS-82-I-X (PCMC)
 - * SUMMIT COUNTY TAX SERIAL NO. SS-82-J-X (PCMC)
 - * SUMMIT COUNTY TAX SERIAL NO. SS-82-K-X (PCMC)
 - * SUMMIT COUNTY TAX SERIAL NO. SS-82-L-X (PCMC)
 - * SUMMIT COUNTY TAX SERIAL NO. SS-82-M-X (PCMC)
 - * SUMMIT COUNTY TAX SERIAL NO. SS-82-N-X (PCMC)
 - * SUMMIT COUNTY TAX SERIAL NO. SS-82-O-X (PCMC)
 - * SUMMIT COUNTY TAX SERIAL NO. SS-82-P-X (PCMC)
 - * SUMMIT COUNTY TAX SERIAL NO. SS-82-Q-X (PCMC)
 - * SUMMIT COUNTY TAX SERIAL NO. SS-82-R-X (PCMC)
 - * SUMMIT COUNTY TAX SERIAL NO. SS-82-S-X (PCMC)
 - * SUMMIT COUNTY TAX SERIAL NO. SS-82-T-X (PCMC)
 - * SUMMIT COUNTY TAX SERIAL NO. SS-82-U-X (PCMC)
 - * SUMMIT COUNTY TAX SERIAL NO. SS-82-V-X (PCMC)
 - * SUMMIT COUNTY TAX SERIAL NO. SS-82-W-X (PCMC)
 - * SUMMIT COUNTY TAX SERIAL NO. SS-82-X-X (PCMC)
 - * SUMMIT COUNTY TAX SERIAL NO. SS-82-Y-X (PCMC)
 - * SUMMIT COUNTY TAX SERIAL NO. SS-82-Z-X (PCMC)
- SECTION 2, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN:
 - * SUMMIT COUNTY TAX SERIAL NO. SS-92-A-X (U.S.A., INTERIOR DEPT.)
 - * SUMMIT COUNTY TAX SERIAL NO. SS-92-A-X-X (PCMC)
 - * SUMMIT COUNTY TAX SERIAL NO. SS-92-B-X (PCMC)
 - * SUMMIT COUNTY TAX SERIAL NO. SS-92-C-X (PCMC)
 - * SUMMIT COUNTY TAX SERIAL NO. SS-92-D-X (PCMC)
 - * SUMMIT COUNTY TAX SERIAL NO. SS-92-E-X (PCMC)
 - * SUMMIT COUNTY TAX SERIAL NO. SS-92-F-X (PCMC)
 - * SUMMIT COUNTY TAX SERIAL NO. SS-92-G-X (PCMC)
 - * SUMMIT COUNTY TAX SERIAL NO. SS-92-H-X (PCMC)
 - * SUMMIT COUNTY TAX SERIAL NO. SS-92-I-X (PCMC)
 - * SUMMIT COUNTY TAX SERIAL NO. SS-92-J-X (PCMC)
 - * SUMMIT COUNTY TAX SERIAL NO. SS-92-K-X (PCMC)
 - * SUMMIT COUNTY TAX SERIAL NO. SS-92-L-X (PCMC)
 - * SUMMIT COUNTY TAX SERIAL NO. SS-92-M-X (PCMC)
 - * SUMMIT COUNTY TAX SERIAL NO. SS-92-N-X (PCMC)
 - * SUMMIT COUNTY TAX SERIAL NO. SS-92-O-X (PCMC)
 - * SUMMIT COUNTY TAX SERIAL NO. SS-92-P-X (PCMC)
 - * SUMMIT COUNTY TAX SERIAL NO. SS-92-Q-X (PCMC)
 - * SUMMIT COUNTY TAX SERIAL NO. SS-92-R-X (PCMC)
 - * SUMMIT COUNTY TAX SERIAL NO. SS-92-S-X (PCMC)
 - * SUMMIT COUNTY TAX SERIAL NO. SS-92-T-X (PCMC)
 - * SUMMIT COUNTY TAX SERIAL NO. SS-92-U-X (PCMC)
 - * SUMMIT COUNTY TAX SERIAL NO. SS-92-V-X (PCMC)
 - * SUMMIT COUNTY TAX SERIAL NO. SS-92-W-X (PCMC)
 - * SUMMIT COUNTY TAX SERIAL NO. SS-92-X-X (PCMC)
 - * SUMMIT COUNTY TAX SERIAL NO. SS-92-Y-X (PCMC)
 - * SUMMIT COUNTY TAX SERIAL NO. SS-92-Z-X (PCMC)

SECTION 34, TOWNSHIP 1 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, SUMMIT COUNTY, UTAH, (BASE OF BEARING NORTH 89°40'01" WEST A DISTANCE OF 1,308.56 FEET BETWEEN THE CENTER OF SAID SECTION 3 (A FOUND REBAR WITH YELLOW CAP MARKED "LS #3082") AND THE NORTH QUARTER CORNER OF SAID SECTION 3 (A FOUND REBAR WITH YELLOW CAP MARKED "LS #3082")); THENCE ALONG THE NORTH-SOUTH CENTER SECTION LINE OF SAID SECTION 3, NORTH 00°47'38" EAST A DISTANCE OF 1,308.56 FEET; THENCE LEAVING SAID NORTH-SOUTH CENTER SECTION LINE SOUTH 89°27'21" EAST A DISTANCE OF 2,637.85 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 3, SAID POINT ALSO BEING ON THE SOUTHERLY BOUNDARY OF PARK CITY RECREATION COMPLEX SUBDIVISION; THENCE ALONG SAID SOUTHERLY BOUNDARY LINE SOUTH 89°27'21" EAST A DISTANCE OF 1,002.87 FEET TO THE NORTHWESTERLY RIGHT-OF-WAY OF STATE ROUTE 248; THENCE ALONG SAID NORTHWESTERLY RIGHT-OF-WAY AND EASTERLY BOUNDARY OF SAID PARK CITY RECREATION COMPLEX SUBDIVISION THE FOLLOWING SIX (6) CALLS: (1) THENCE NORTH 22°00'00" EAST A DISTANCE OF 651.41 FEET, (2) THENCE NORTH 17°42'46" EAST A DISTANCE OF 368.75 FEET, (3) NORTH 28°04'06" EAST A DISTANCE OF 200.00 FEET, (4) THENCE NORTH 37°37'06" EAST A DISTANCE OF 116.81 FEET, (5) THENCE NORTH 42°21'11" EAST A DISTANCE OF 87.83 FEET, (6) THENCE NORTH 44°13'24" EAST A DISTANCE OF 33.59 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF HIGHWAY 40; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY SOUTH 27°45'07" EAST A DISTANCE OF 362.10 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY OF STATE ROUTE 248; THENCE ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE THE FOLLOWING SIX (6) CALLS: (1) THENCE SOUTH 83°51'50" WEST A DISTANCE OF 11.75 FEET TO A POINT ON A 536.80 FOOT RADIUS CURVE TO THE LEFT, (2) THENCE ALONG THE ARC OF SAID CURVE 338.83 FEET THROUGH A CENTRAL ANGLE OF 90°41'11", (3) THENCE SOUTH 34°07'11" WEST A DISTANCE OF 544.70 FEET, (4) THENCE SOUTH 22°00'39" WEST 1,025.16 FEET, (5) THENCE SOUTH 21°58'40" WEST A DISTANCE OF 273.27 FEET, (6) THENCE SOUTH 22°00'39" WEST 802.79 FEET TO A POINT ON THE EAST-WEST CENTER SECTION LINE OF SAID SECTION 2; THENCE LEAVING SAID SOUTHEASTERLY RIGHT-OF-WAY LINE AND CONTINUING ALONG SAID EAST-WEST CENTER SECTION LINE SOUTH 89°47'17" WEST A DISTANCE OF 169.82 FEET TO THE NORTHWESTERLY RIGHT-OF-WAY LINE OF SAID STATE ROUTE 248; THENCE ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE, SOUTH 28°17'01" WEST A DISTANCE OF 477.04 FEET; THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY LINE NORTH 89°47'52" WEST A DISTANCE OF 732.69 FEET; THENCE NORTH 00°00'00" EAST A DISTANCE OF 200.00 FEET; THENCE NORTH 89°47'52" WEST A DISTANCE OF 153.20 FEET TO THE EASTERLY LINE OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; THENCE ALONG SAID EASTERLY QUARTER SECTION LINE SOUTH 00°34'37" EAST A DISTANCE OF 1,082.49 FEET TO THE EAST-WEST 1/40TH LINE OF SAID SECTION 3; THENCE ALONG SAID EAST-WEST 1/40TH LINE NORTH 89°30'08" WEST A DISTANCE OF 2,636.57 FEET TO THE NORTH-SOUTH CENTER SECTION LINE OF SAID SECTION 3; THENCE ALONG SAID NORTH-SOUTH CENTER SECTION LINE SOUTH 00°34'37" WEST A DISTANCE OF 310.33 FEET TO A POINT ON THE NORTHERLY BOUNDARY LINE OF TAX PARCEL PCA-98-D-1-4; THENCE ALONG SAID NORTHERLY BOUNDARY LINE THE FOLLOWING FIVE (5) CALLS: (1) THENCE SOUTH 86°33'28" WEST A DISTANCE OF 492.85 FEET, (2) THENCE SOUTH 78°13'12" WEST A DISTANCE OF 211.20 FEET, (3) THENCE NORTH 21°57'05" WEST A DISTANCE OF 593.43 FEET, (4) THENCE NORTH 20°37'22" WEST A DISTANCE OF 811.06 FEET, (5) THENCE NORTH 29°13'22" WEST A DISTANCE OF 581.91 FEET TO A POINT ON THE EASTERLY LINE OF TAX PARCEL PCA-98-D-1-4; THENCE ALONG SAID EASTERLY LINE NORTH 23°04'37" EAST A DISTANCE OF 33.30 FEET TO THE SOUTHERLY LINE OF "SUNNY SLOPES PARK MEADOWS SUBDIVISION NO. 8A"; THENCE ALONG SAID SOUTHERLY LINE OF "SUNNY SLOPES PARK MEADOWS SUBDIVISION NO. 8A" AND ALONG THE SOUTHERLY LINE OF "FAIRWAY HILLS ESTATES PHASE 1" SUBDIVISION NORTH 86°41'29" EAST A DISTANCE OF 1,358.67 FEET TO THE CENTER OF SAID SECTION 3, ALSO BEING THE POINT OF BEGINNING.

Sheet 8 of 8
MUTED MARK #8, 801
ENGINEERING DRAWING, INC.

**Evergreen
Engineering, Inc.**

Civil Engineering • Land Surveys • Landa Planning
1810 Geneva Drive • Suite 101
P.O. Box 2881 • Park City • Utah • 84060
Phone: (435) 848-8887 • Fax: (435) 819-9215
E-mail: info@evergreen-eng.com



DRAFT

When recorded, please return to:

PARK CITY MUNICIPAL CORPORATION

City Recorder

P O Box 1480

Park City UT 84060

ANNEXATION AGREEMENT

THIS ANNEXATION AGREEMENT (this "**Agreement**") is made by and between Park City Municipal Corporation (hereinafter, "**PCMC**" or the "**City**") and Park City Municipal Corporation (Sponsor), Afton Stephen Osguthorpe, and Utah Department of Transportation (UDOT) (hereinafter, "**Petitioners**") to set forth the terms and conditions under which Park City will annex certain land owned by Petitioners (hereinafter, "**Round Valley Park City**" or "**Petitioner's Properties**" or "**Annexation Properties**"), consisting of approximately 1,368 acres and located in unincorporated Summit County, Utah, north of State Road 248, east of Old Ranch Road, west of US 40, and south of the Trailside Neighborhood in unincorporated Summit County. The Round Valley Park City Annexation Properties consist of multiple parcels grouped into a north area and a south area. Both areas are proposed to be annexed into Park City's municipal boundaries. The north area includes the 1,104 acre north Round Valley Open Space parcels. The south area includes the 264 acre south Round Valley Open Space parcels, the 121 acre Osguthorpe owned agricultural fields, and eight small parcels (total of 8.42 acres) located off of SR 248 across from the Quinn's Water Treatment Plant at the intersection of SR 248 and Richardson Flats Road, aka the "Gordo parcels", as depicted on the proposed Annexation Plat (**Exhibit A- annexation plat**).

The north parcels are undeveloped open space consisting of rolling hills, ridges, draws, and a main central valley (Round Valley). Vegetation is primarily sage brush, oak, grasses and other native trees and shrubs. Numerous non-motorized trails have been constructed in the area, utilized by hikers, bikers, runners, snowshoers and skiers. Access to these parcels and trails is from various public trailheads. The south parcels are also undeveloped open space, of similar nature to the north parcels and contain a network of non-motorized public trails, accessed from a trailhead located south of the Park City Quinn's Recreation Complex. Agricultural uses are permitted on the Osguthorpe parcel (subject to a Conservation easement deed and agreement), and will continue to be allowed as an existing non-conforming use within the ROS zone. (**Exhibit B- existing conditions**). Two of the eight "Gordo parcels", located within the south parcel area, are owned by UDOT and are unrestricted, with the remaining six parcels owned by Park City. Four of the City "Gordo parcels" parcels are encumbered with deed restrictions limiting use to recreation open space, as described below. Two of the City "Gordo parcels" are not encumbered with restrictions, as they were purchased by the City, in 2008 for the purpose of land banking the property to allow time for Council to discuss the best potential uses for the land which may include; open space, affordable housing or additional areas needed for current operations on City land, such as recreation and/or public works support.

With the exception of the UDOT parcels and two of the Gordo parcels, the entirety of the Annexation Properties are subject to conservation easements and/or various deed restrictions, as

described below and are intended to stay as open space consistent with applicable restricted covenants and/or funding source. Most of the property has been purchased by Park City as open space with open space funds and is permanently restricted for open space uses as spelled out in each deed restriction and conservation easement (**Exhibit C- conservation easement and deed restricted property**). The annexation does not change or remove any of these existing restrictions or easements.

Together, the annexation of these parcels shall be referred to as the Round Valley Park City Annexation; the petition to annex these parcels shall be referred to as the "Annexation Petition;" and both the north and south areas shall be referred to as the "Annexation Property" or "Annexation Properties." The Round Valley Park City Annexation Petition requests annexation into the corporate limits of Park City and extension of municipal services to the Annexation Property as needed for anticipated future uses. The City and Petitioner are sometimes collectively referred to in this Agreement as the "Parties" or individually as a "Party". This Agreement is made under authority of §§ 10-2-401 et. Seq. of the Utah Code, Annotated 1953, as amended "MLUDMA").

WHEREAS, the Round Valley Park City Annexation includes the following parcels:

PARK CITY MUNICIPAL CORPORATION LAND, AS FOLLOWS:

SECTION 28, TOWNSHIP 1 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN:

* SUMMIT COUNTY TAX SERIAL NO. SS-59-X (PCMC)

SECTION 33, TOWNSHIP 1 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN:

* SUMMIT COUNTY TAX SERIAL NO. SS-61-X (PCMC)

* SUMMIT COUNTY TAX SERIAL NO. SS-61-C-X (PCMC)

* SUMMIT COUNTY TAX SERIAL NO. SS-61-D-X (PCMC)

* SUMMIT COUNTY TAX SERIAL NO. SS-61-E-X (PCMC)

* SUMMIT COUNTY TAX SERIAL NO. SS-61-F-X (PCMC)

SECTION 34, TOWNSHIP 1 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN:

* SUMMIT COUNTY TAX SERIAL NO. SS-62-A-X (PCMC)

* SUMMIT COUNTY TAX SERIAL NO. SS-62-B-X (PCMC)

* SUMMIT COUNTY TAX SERIAL NO. SS-62-C-X (PCMC)

* SUMMIT COUNTY TAX SERIAL NO. SS-62-D-X (PCMC)

* SUMMIT COUNTY TAX SERIAL NO. SS-62-E-X (PCMC)

* SUMMIT COUNTY TAX SERIAL NO. SS-62-G-X (PCMC)

* SUMMIT COUNTY TAX SERIAL NO. SS-62-A-1-X (PCMC)

* SUMMIT COUNTY TAX SERIAL NO. SS-62-A-1-A-X (PCMC)

SECTION 2, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN:

* SUMMIT COUNTY TAX SERIAL NO. SS-92-A-X (U.S.A., INTERIOR DEPT.)

* SUMMIT COUNTY TAX SERIAL NO. SS-92-A-X-X (PCMC)

* SUMMIT COUNTY TAX SERIAL NO. SS-92-A-1-X (UDOT)

* SUMMIT COUNTY TAX SERIAL NO. SS-95-A-X (UDOT)

* SUMMIT COUNTY TAX SERIAL NO. SS-95-B-X (PCMC)

* SUMMIT COUNTY TAX SERIAL NO. SS-95-C-1-X (PCMC)

- * SUMMIT COUNTY TAX SERIAL NO. SS-95-C-X (UDOT)
- * SUMMIT COUNTY TAX SERIAL NO. SS-95-D-X (PCMC)
- * SUMMIT COUNTY TAX SERIAL NO. SS-95-E-X (PCMC)
- * SUMMIT COUNTY TAX SERIAL NO. SS-95-1-X (PCMC)
- * SUMMIT COUNTY TAX SERIAL NO. SS-95-N-X (PCMC)
- SECTION 3, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN:
- * SUMMIT COUNTY TAX SERIAL NO. SS-97-A-1-X (PCMC)
- * SUMMIT COUNTY TAX SERIAL NO. SS-98 (STEPHEN A. OSGUTHORPE, TRUSTEE)

WHEREAS, in furtherance of the foregoing, the Petitioners desire to annex the Round Valley Park City property into the corporate limits of the City and, to that end, a complete Annexation Petition for the Annexation Property was filed with the City on March 11, 2013. The Annexation Petition was accepted by the City Council on March 21, 2013, and certified by the City Recorder on April 22, 2013. The first public hearing was conducted by the Planning Commission on February 26, 2014. A subsequent public hearing was conducted by the Planning Commission on August 27, 2014 and a recommendation was forwarded to the City Council on September 24, 2014.

WHEREAS, in connection with the Round Valley Park City Annexation, the entire Annexation Property is proposed to be zoned Recreation Open Space (ROS). The purpose of the ROS zone is to establish and preserve open space areas, covered with vegetation and substantially free from structures, streets, and parking lots. The ROS zone permits as allowed, and as conditional, recreational uses, such as trails and trailheads; outdoor recreation equipment; essential municipal public utility use, service or structures; accessory buildings; agricultural and conservation activities; raising and grazing of horses and livestock; and a wide variety of recreation facilities. The ROS zoning district is more fully described in the City's Land Management Code, Section 15-2.7.

NOW, THEREFORE, in furtherance of the Annexation Petition, in consideration of City's action to annex Petitioner's property, and in consideration of the mutual promises contained herein, as well as the mutual benefits to be derived here from, the Parties agree that the terms and conditions of the Round Valley Park City Annexation shall be as follows:

1. **Property.** The Round Valley Park City Annexation Properties to be annexed consist of approximately 1,368 acres in area, as depicted on the annexation plat attached as **Exhibit A** (the "**Annexation Plat**") and as more fully described in the legal descriptions on Sheet Two.
2. **Zoning.** Upon Annexation, the Round Valley Park City parcels will be zoned Recreation Open Space (ROS) and Frontage Protection Zone (FPZ), for those properties with frontage on State Road 248. The official zoning map of Park City shall be amended to include these properties and zoning designations (see **Exhibit D- Zoning Map amendment**).
3. **Subdivision; Density and Phasing.** With the exception of the UDOT parcels and Parcels SS-95-I-X and SS-95-B-X, the two one acre City owned "Gordo parcels", the Annexation Property is subject to various deed restrictions and/or Conservation Easements described below.

Uses of the Park City Round Valley Annexation Properties must comply with the ROS zoning and existing deed restrictions and conservation easements on record with Summit County. Future development of the unrestricted City and UDOT "Gordo parcels" may require a separate Subdivision Plat depending on the uses proposed and whether future building permits require legally platted lots. Uses consistent with the ROS zone, including Essential Municipal Public Utility, Use, Facility, Service, and Structures, shall be permitted subject to approval of a Conditional Use Permit, as required by the Land Management Code. Further restrictions of the property may be included in the conditions of approval of any required Subdivision plat and/or Conditional Use Permit.

The land use development of the Property shall be governed by this Annexation Agreement, all existing and recorded deed restrictions and conservation easements described herein, the ROS and FPZ zoning designation provided herein, and by any required Subdivision Plat conditions of approval.

Construction and alignment of any required sanitary sewer line extensions and any required storm water detention facilities shall be established as part of any required Subdivision Plat for the Property (to be as accepted by the City and filed in the official real estate records of Summit County, Utah, the "**Subdivision Plat**"). The preferred alignment of any required sanitary sewer and/or on-site storm water detention facilities, or alternatives, as approved by the Park City Engineer, shall be that alignment and/or location which results in the least visual impact and site disturbance while meeting the site design and construction requirements of the Snyderville Basin Water Reclamation District and City Engineer. The timing for construction of storm water detention facilities shall be determined by the City Engineer, (the "**Storm Detention Facilities**"). Maintenance of on-site storm water detention facilities will be the responsibility of the Property Owner.

Subject to fulfillment of all the conditions of the Subdivision Ordinance and, further, Park City's final approval of the construction of any such public improvements, those water facilities, utilities, fire hydrants, and easements as may be agreed by Parties in connection with the Subdivision Plat review and approval process (the "Public Improvements"), shall be conveyed and dedicated to the City, for public purposes.

4. **Trails and Sidewalks.** Any obligations or guarantees with respect to the construction of trails and sidewalks on the Property shall be consistent with the City's Trails Master Plan.

5. **Fire Prevention Measures.** Because of potential wild land interface issues on the Petitioner's Property, the Petitioner (or, as specified in connection with any such assignment, its assigns) agrees to implement a fire protection and emergency access plan, to be submitted prior to the issuance of any building permits, to be reviewed and approved by the Fire Marshall and Chief Building Official for compliance with applicable building and fire codes. Such plan may include a requirement for fire sprinkler systems for all structures. Fire and emergency access and fire hydrants shall be installed as required by the fire protection plan prior to issuance of any full building permits on the Property.

6. **Roads and Road Design.** No public streets are proposed to be constructed on any of the Petitioner's Property. Any roads incorporated as part of this annexation will remain under their current jurisdiction. Any changes to road ownership must follow a separate process as defined in the state statutes.

7. **Water Rights.** Pursuant to the Annexation Petition Report (**Exhibit E- annexation petition report**) known water rights associated with the Annexation Properties are limited to the Osguthorpe Parcel (SS-98-X) with 102 acre feet within an 1878 priority. The Osguthorpe Parcel was placed in a conservation easement in 2010, removing development rights and ensuring agricultural use of the property. Park City Municipal Corporation has first right of refusal for purchase or lease of the property.

8. **Affordable Housing Requirement.** Affordable/employee housing shall be provided in a manner consistent with the City's Affordable Housing Resolution 20-07 to be determined at the time any required Subdivision Plat is approved by the City Council depending on uses proposed.

9. **Sustainable Development requirements.** All construction within any required Subdivision shall utilize sustainable site design, development and building practices and otherwise comply with requirements of the ROS Zone.

10. **Planning Review Fees.** Property Owners within the Annexation Property shall be responsible for all standard and customary fees, including generally-applicable planning, building, subdivision and construction inspection fees imposed by the City in accordance with the Park City Land Management Code, Park City Administrative Policy and the Park City Municipal Code.

11. **Impact and Building Fees.** Lot owners of lots within any future subdivision shall be responsible for all standard and customary, and generally-applicable, fees, such as development, impact, park and recreation land acquisition, building permit and plan check fees due and payable for construction on the Property at the time of application for any building permits, unless such fees are waived by the City Council or City Manager. Ownership of water rights shall not change the application of the Impact Fee Ordinance to the Property.

12. **Snow Removal and Storage.** Snow removal from private roads shall be the responsibility of the Property Owners. Park City shall not be obligated to remove snow from private sidewalks or trails unless such sidewalks or trails are classified as part of a community trail system and incorporated into the City wide snow removal program.

13. **Fiscal Impact Analysis.** The revised Annexation Report, prepared by Alliance Engineering for the Petitioners, dated June 17, 2013, included a Fiscal Impact Analysis that has been reviewed by the Planning Staff and Planning Commission. The Fiscal Impact Analysis concludes that the Annexation will not alter any existing or projected demographic or economic conditions in the Park City area, or within the Annexation Properties, as there is no population or economic base within the Annexation Properties at the time of this annexation. Projected revenue as a result of this annexation is negligible as no revenue generating activities are proposed. The annexation will not result in an overall negative impact on the City or School District.

14. **Effective Date.** This Annexation Agreement is effective upon recordation of the annexation plat and the filing and recordation of the annexation ordinance, and further, the City provides notice of the recordation to the parties of this Annexation Agreement.

15. **Governing Law; Jurisdiction and Venue.** The laws of the State of Utah shall govern this Annexation Agreement. The City and Petitioners agree that jurisdiction and venue are proper in Summit County.

16. **Real Covenant, Equitable Servitude.** This Annexation Agreement constitutes a real covenant and an equitable servitude on the Properties. The terms of this Agreement touch and concern and both benefit and burden the Property. The benefits and burdens of this Agreement run with the land, and are intended to bind all successors in interest to any portion of the Property. This Agreement, a certified copy of the ordinance approving the Annexation (**the “Annexation Ordinance”**), and the Annexation Plat shall be recorded in the County Recorder’s Office of Summit County, Utah.

17. **Assignment.** Neither this Agreement nor any of the provisions, terms or conditions hereof may be assigned to any other party, individual or entity without assigning the rights as well as the responsibilities under this Agreement and without the prior written consent of the City, which consent shall not be unreasonably withheld, conditioned or delayed. Any such request for assignment may be made by letter addressed to the City and the prior written consent of the City may also be evidenced by letter from the City to Petitioners or its successors or assigns; provided that, notwithstanding the foregoing, the City hereby consents to the assignment of the rights and responsibilities, and the benefits, of this Agreement, in whole or in part, upon written notice to the City; and provided that, in connection with and to the extent of any such assignment, Petitioners shall not have any further rights or responsibilities under this Agreement as and to the extent accruing from and after the date of any such assignment. Moreover, any substantive amendments to this Annexation Agreement shall be processed in accordance with the Park City Land Management Code and MLUDMA in effect at the time an application for amendment is filed with the City Planning Department.

18. **Compliance with City Code.** Notwithstanding Paragraph 19 of this Agreement, from the time the Park City Council (the **“City Council”**) approves of this Agreement and upon completion of the Annexation by recordation of the annexation plat with the County Recorder’s Office of Summit County, Utah, the Property shall be subject to compliance with any and all City Codes and Regulations pertaining to the Property.

19. **Full Agreement.** This Agreement, together with the recitals and exhibits attached to this Agreement (which are incorporated in and made a part of this Agreement by this reference), and the written agreements expressly referenced herein, contain the full and complete agreement of the Parties regarding the Annexation of the Annexation Properties into the City. Only a written instrument signed by all Parties, or their successors or assigns, may amend this Annexation Agreement.

20. **No Joint Venture, Partnership or Third Party Rights.** This Agreement does not create any joint venture, partnership, undertaking or business arrangement among the Parties. Except as otherwise specified herein, this Agreement, the rights and benefits under this Agreement, and the terms or conditions hereof, shall not inure to the benefit of any third party.

21. **Vested Rights.** Subject to the provisions of this Agreement, Petitioners (or their assigns) shall have the right to propose future uses, whether allowed or conditioned uses, in accordance with this Annexation Agreement, all existing or future deed restrictions and conservation easements as described herein, the ROS Zoning, and where applicable the Frontage Protection Zoning (FPZ), Regulations in

effect at the time any proposal for future use is submitted to the City, and any conditions of approval of a Subdivision Plat, if such plat is required, subject to and in compliance with other applicable ordinances and regulations of Park City.

22. Nature of Obligations of Petitioners. Petitioners are liable for performance of the obligations imposed under this Agreement only with respect to the portion of property which it owns and shall not have any liability with respect to the portion of the property owned by the City.

23. Severability. If any part or provision of this Annexation Agreement shall be determined to be unconstitutional, invalid or unenforceable by a court of competent jurisdiction, then such a decision shall not affect any other part or provision of this Annexation Agreement except that specific provision determined to be unconstitutional, invalid, or enforceable. If any condition, covenant or other provision of the Annexation Agreement shall be deemed invalid due to its scope or breadth, such provision shall be deemed valid to the extent of the scope or breadth permitted by the law.

IN WITNESS WHEREOF, the parties hereto have executed this Annexation Agreement as of the _____ day of _____, 2014.

(Signatures begin on following page)

PARK CITY MUNICIPAL CORPORATION,
A political subdivision of the State of Utah

By: _____
Jack Thomas, Mayor

Dated this _____ day of _____, 2014.

ATTEST: City Clerk

By: _____
Marci Heil, City Recorder

Dated this _____ day of _____, 2014.

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Dated this _____ day of _____, 2014.

Park City Municipal Corporation, Petitioner

By: _____

Name: _____

Dated this _____ day of _____, 2014

Acknowledgement (notary)

Afton Stephen Osguthorpe Family Trust, Petitioner

By: _____

Name: _____

Dated this _____ day of _____, 2014

Acknowledgement (notary)

UDOT, Petitioner

By: _____

Name: _____

Dated this ____ day of _____, 2014

Acknowledgement (notary)

Exhibits (see staff report for these exhibits- will be attached to Annexation Agreement for publication and recordation)

- A. Annexation Plat and Legal Descriptions
- B. Existing Conditions Map
- C. Conservation Easement and Deed Restricted Property Map
- D. Zoning Map Amendment
- E. Annexation Petition Report