

AN ORDINANCE APPROVING THE SILVER BIRD CONDOMINIUMS AT DEER VALLEY SECOND AMENDED –AMENDING UNIT 29 CONDOMINIUM PLAT, LOCATED AT 7379 SILVER BIRD DRIVE, PARK CITY, UTAH.

WHEREAS, the owner of the property known as the Silver Bird Condominiums at Deer Valley – Unit 29, located at 7379 Silver Bird Drive and the Silver Bird Condominium HOA, have petitioned the City Council for approval of the Silver Bird Condominiums at Deer Valley Second Amended – Amending Unit 29 condominium plat to convert existing common area into private area, so that they can convert it to living space for Unit 29; and

WHEREAS, August 15, 2016 the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, August 15, 2016 proper legal notice was sent to all affected property owners according to the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on August 24, 2016, to receive input on the proposed amended condominium plat and continued the item to September 14, 2016; and

WHEREAS, on September 14, 2016, the Planning Commission forwarded a positive recommendation to the City Council; and,

WHEREAS, on October 6, 2016, the City Council held a public hearing on the proposed amended condominium plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed Silver Bird Condominiums at Deer Valley Second Amended – Amending Unit 29 condominium plat to allow the owners to convert existing common space to private space without increasing the unit equivalents or parking requirements, consistent with provisions of the Deer Valley MPD, as amended (11th Amended MPD).

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 Silver Bird Condominiums at Deer Valley First Amendment 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 7379 Silver Bird Drive Unit 29 within the Residential Development (RD) District and is subject to the Eleventh Amended Deer Valley MPD (DVMPD).

2. Within the DVMPD, a project can utilize either the City's Unit Equivalent (UE) formula of 2,000 square feet per UE or develop the allowed number of units without a stipulated unit size so long as the project has %60 or more of open space.
3. A total of 6 units were constructed with allowed number of units per the Deer Valley MPD. The Silver Bird Condominiums parcels are all included in the 11th Amended Deer Valley Master plan and are developed using allowed number of units without a stipulated unit size with provision that at least 60% open space is maintained.
4. Silver Bird Condominiums record of survey plat was approved by City Council on October 7, 1982 and recorded at Summit County on October 22, 1982.
5. The Silver Bird Condominiums First Amended condominium plat was approved by City Council on September 4, 2015 and recorded at Summit County on April 24, 2015. The condominium plat amendment was to convert limited common deck space to private area for Units 25, 26, 27, 28, 29 & 30, so that they could enclose a covered patio and convert it to living space. Units 27, 28, 29, & 30 requested to convert common area deck space to private so that they could extend their deck. Units 25 & 29 request to enclose existing hallways and convert them from common area into private space.
6. On June 09, 2016, the applicants submitted an application for a condominium plat amendment to convert common space to private area for Unit 29, so that they can convert it to living space.
7. The application was deemed complete on June 28, 2016.
8. The square footage of the unit, including the area being converted is as follows: Unit 29 private area: 4001.2 sq. ft.;
9. The Silver Bird Condominiums parcels were developed using allowed number of units without a stipulated unit size. The amendment does not change the number of residential units and at least 60% open space is maintained.
10. The plat amendment does not increase the parking requirements for these units.
11. The HOA received 100% approval from the owners to convert this unit on April 12, 2016.
12. The findings in the analysis section are incorporated herein.
13. The applicants will be required to provide a survey at the building permit stage for the Planning Department's review.

Conclusions of Law:

1. There is good cause for this condominium plat amendment.
2. The amended condominium plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. The amended condominium plat is consistent with the 11th Amended and Restated Deer Valley Master Planned Development.
4. Neither the public nor any person will be materially injured by the proposed condominium plat amendment.
5. Approval of the condominium plat amendment, 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 amended condominium plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the

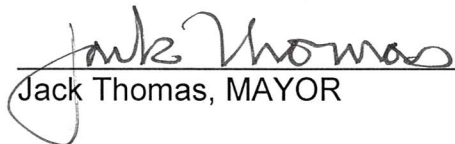
- condominium plat.
2. The applicant will record the amended condominium plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the condominium plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
 3. Fire suppression must extend into the addition.
 4. All conditions of approval of the Silver Bird Condominiums at Deer Valley condominium plat and the Deer Valley MPD as amended shall continue to apply.
 5. This Plat is required to be recorded prior to any building permit issuance.

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

PASSED AND ADOPTED this 6th day of October, 2016.

PARK CITY MUNICIPAL CORPORATION





Jack Thomas, MAYOR

ATTEST:



Michelle Kellogg, City Recorder

APPROVED AS TO FORM:



Mark Harrington, City Attorney

Exhibit A - Proposed Plat

**CONDOMINIUM PLAT
SILVER BIRD CONDOMINIUMS
AT DEER VALLEY
SECOND AMENDMENT
-A UTAH CONDOMINIUM PROJECT-**

UNIT 29 AND UNIT 30
IN THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 4 EAST
SALT LAKE BASIN & MERRICK PARK CITY, SUMMIT COUNTY, UTAH

LEGAL DESCRIPTION OF SILVER BIRD CONDOMINIUMS AT DEER VALLEY
BEING A PLAT WHICH LIES EAST 280.70 FEET AND SOUTH 14.00 FEET FROM THE EASTWEST CORNER OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASIN & MERRICK PARK CITY, SUMMIT COUNTY, UTAH. BEING A PLAT WHICH LIES EAST 280.70 FEET AND SOUTH 14.00 FEET FROM THE EASTWEST CORNER OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASIN & MERRICK PARK CITY, SUMMIT COUNTY, UTAH. BEING A PLAT WHICH LIES EAST 280.70 FEET AND SOUTH 14.00 FEET FROM THE EASTWEST CORNER OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASIN & MERRICK PARK CITY, SUMMIT COUNTY, UTAH. BEING A PLAT WHICH LIES EAST 280.70 FEET AND SOUTH 14.00 FEET FROM THE EASTWEST CORNER OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASIN & MERRICK PARK CITY, SUMMIT COUNTY, UTAH.

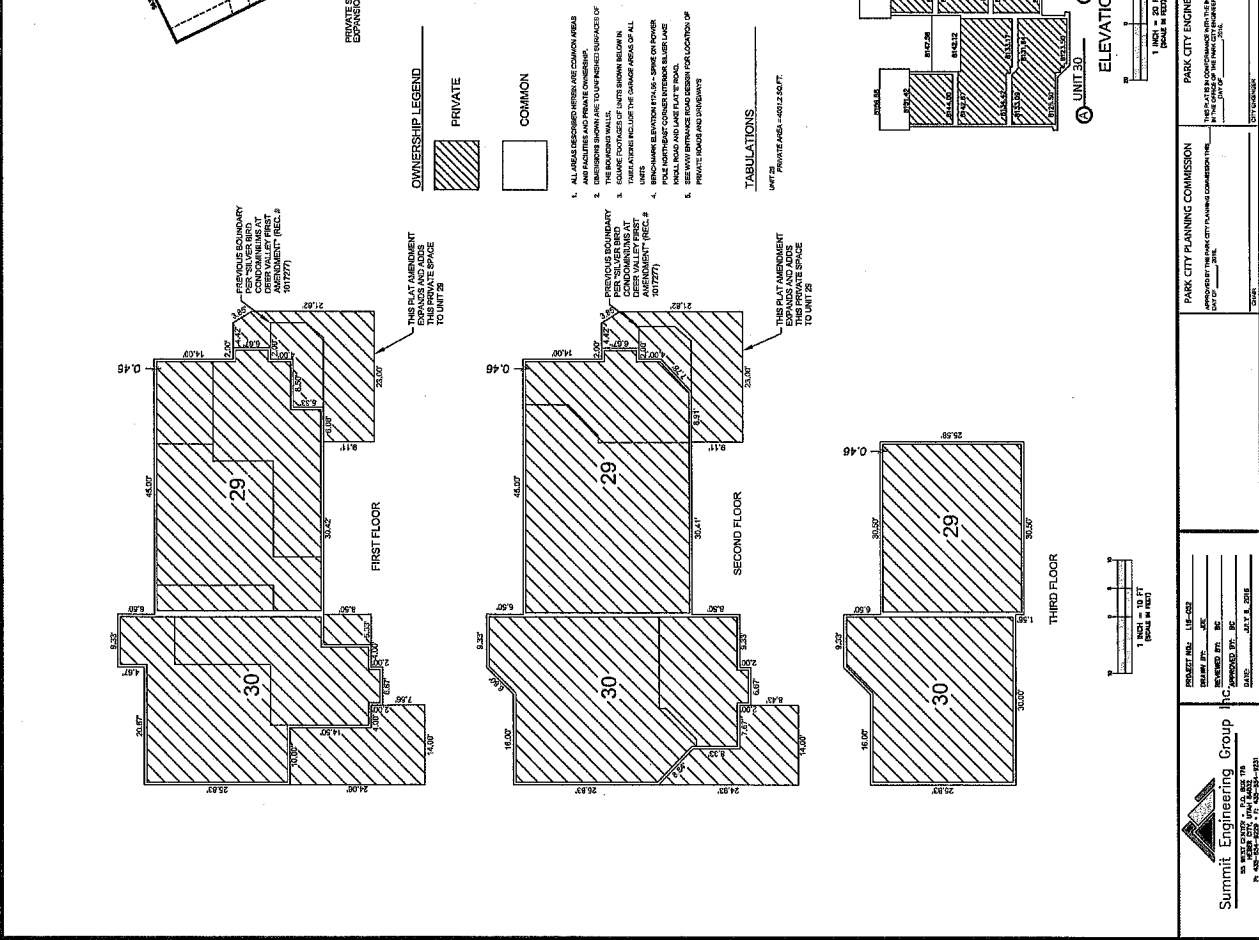
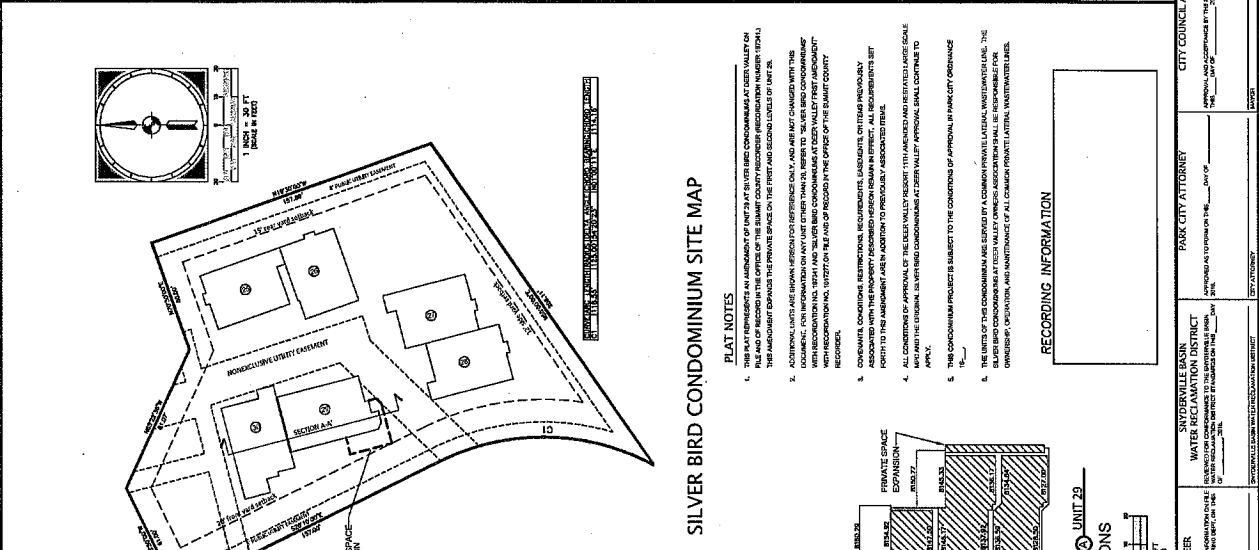
SURVEYOR'S CERTIFICATE
I, _____, BEING A LICENSED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR, AND THAT I HAVE EXAMINED THE PLAT AND FOUND THAT IT CONFORMS TO THE REQUIREMENTS OF THE UTAH CONDOMINIUM ACT, UTAH CODE ANNOTATED, TITLE 66, CHAPTER 10, AND THAT I HAVE MADE A SURVEY OF THE PROPERTY SHOWN ON THIS PLAT AND RECORDED ABOVE, AND HAVE ADDED THE CORRECTED DATA AS SHOWN HEREON. I HEREBY CERTIFY THAT THE INFORMATION CONTAINED ON THIS PLAT WAS OBTAINED FROM THE PERSONS WHOSE NAMES AND ADDRESSES ARE SHOWN ON THIS PLAT, AND THAT THE INFORMATION CONTAINED ON THIS PLAT WAS OBTAINED FROM THE PERSONS WHOSE NAMES AND ADDRESSES ARE SHOWN ON THIS PLAT, AND THAT THE INFORMATION CONTAINED ON THIS PLAT WAS OBTAINED FROM THE PERSONS WHOSE NAMES AND ADDRESSES ARE SHOWN ON THIS PLAT.

OWNERS' CONSENT TO RECORD - H.O.A.
I, _____, PRESIDENT OF THE HOMEOWNERS ASSOCIATION OF THE SILVER BIRD CONDOMINIUMS AT DEER VALLEY, DO HEREBY CERTIFY THAT I HAVE BEEN AUTHORIZED BY THE BOARD OF DIRECTORS OF THE HOMEOWNERS ASSOCIATION OF THE SILVER BIRD CONDOMINIUMS AT DEER VALLEY TO EXECUTE THIS PLAT AMENDMENT TO BE RECORDED, AND ON BEHALF OF ALL OF THE UNIT OWNERS DO I HEREBY CONSENT TO THE REVISION OF THE PLAT.

ACKNOWLEDGEMENT
I, _____, PRESIDENT OF THE HOMEOWNERS ASSOCIATION OF THE SILVER BIRD CONDOMINIUMS AT DEER VALLEY, DO HEREBY CERTIFY THAT I HAVE BEEN AUTHORIZED BY THE BOARD OF DIRECTORS OF THE HOMEOWNERS ASSOCIATION OF THE SILVER BIRD CONDOMINIUMS AT DEER VALLEY TO EXECUTE THIS PLAT AMENDMENT TO BE RECORDED, AND ON BEHALF OF ALL OF THE UNIT OWNERS DO I HEREBY CONSENT TO THE REVISION OF THE PLAT.

OWNERS' CONSENT TO RECORD - UNIT 29
I, _____, OWNER OF UNIT 29, DO HEREBY CERTIFY THAT I HAVE BEEN AUTHORIZED BY THE BOARD OF DIRECTORS OF THE HOMEOWNERS ASSOCIATION OF THE SILVER BIRD CONDOMINIUMS AT DEER VALLEY TO EXECUTE THIS PLAT AMENDMENT TO BE RECORDED, AND ON BEHALF OF ALL OF THE UNIT OWNERS DO I HEREBY CONSENT TO THE REVISION OF THE PLAT.

ACKNOWLEDGEMENT
I, _____, OWNER OF UNIT 29, DO HEREBY CERTIFY THAT I HAVE BEEN AUTHORIZED BY THE BOARD OF DIRECTORS OF THE HOMEOWNERS ASSOCIATION OF THE SILVER BIRD CONDOMINIUMS AT DEER VALLEY TO EXECUTE THIS PLAT AMENDMENT TO BE RECORDED, AND ON BEHALF OF ALL OF THE UNIT OWNERS DO I HEREBY CONSENT TO THE REVISION OF THE PLAT.



NOTARY PUBLIC
I, _____, DO HEREBY CERTIFY THAT I AM A LICENSED NOTARY PUBLIC IN THE STATE OF UTAH, AND THAT I HAVE EXAMINED THE PLAT AND FOUND THAT IT CONFORMS TO THE REQUIREMENTS OF THE UTAH CONDOMINIUM ACT, UTAH CODE ANNOTATED, TITLE 66, CHAPTER 10.

CITY COUNCIL APPROVAL
I, _____, CITY CLERK OF THE CITY OF DEER VALLEY, DO HEREBY CERTIFY THAT I HAVE BEEN AUTHORIZED BY THE CITY COUNCIL OF THE CITY OF DEER VALLEY TO EXECUTE THIS PLAT AMENDMENT TO BE RECORDED, AND ON BEHALF OF ALL OF THE CITY OWNERS DO I HEREBY CONSENT TO THE REVISION OF THE PLAT.

PARK CITY ENGINEER
I, _____, ENGINEER, DO HEREBY CERTIFY THAT I HAVE EXAMINED THE PLAT AND FOUND THAT IT CONFORMS TO THE REQUIREMENTS OF THE UTAH CONDOMINIUM ACT, UTAH CODE ANNOTATED, TITLE 66, CHAPTER 10.

PARK CITY PLANNING COMMISSION
I, _____, CHAIRMAN OF THE PARK CITY PLANNING COMMISSION, DO HEREBY CERTIFY THAT I HAVE BEEN AUTHORIZED BY THE PARK CITY PLANNING COMMISSION TO EXECUTE THIS PLAT AMENDMENT TO BE RECORDED, AND ON BEHALF OF ALL OF THE PLANNING COMMISSION OWNERS DO I HEREBY CONSENT TO THE REVISION OF THE PLAT.

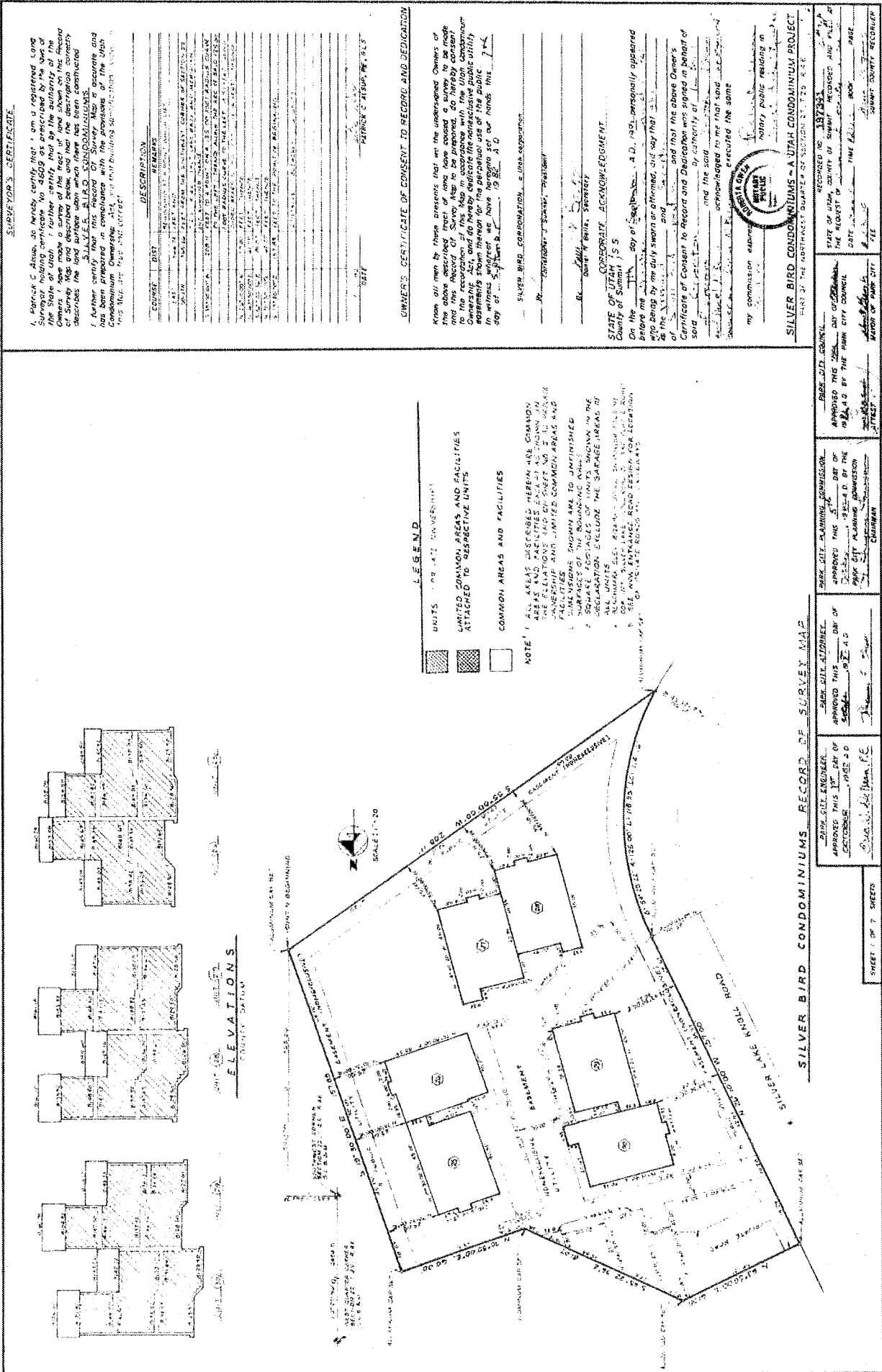
SALT LAKE BASIN & MERRICK PARK CITY
I, _____, PRESIDENT OF THE HOMEOWNERS ASSOCIATION OF THE SILVER BIRD CONDOMINIUMS AT DEER VALLEY, DO HEREBY CERTIFY THAT I HAVE BEEN AUTHORIZED BY THE BOARD OF DIRECTORS OF THE HOMEOWNERS ASSOCIATION OF THE SILVER BIRD CONDOMINIUMS AT DEER VALLEY TO EXECUTE THIS PLAT AMENDMENT TO BE RECORDED, AND ON BEHALF OF ALL OF THE UNIT OWNERS DO I HEREBY CONSENT TO THE REVISION OF THE PLAT.

RECORDED INFORMATION
I, _____, OWNER OF UNIT 29, DO HEREBY CERTIFY THAT I HAVE BEEN AUTHORIZED BY THE BOARD OF DIRECTORS OF THE HOMEOWNERS ASSOCIATION OF THE SILVER BIRD CONDOMINIUMS AT DEER VALLEY TO EXECUTE THIS PLAT AMENDMENT TO BE RECORDED, AND ON BEHALF OF ALL OF THE UNIT OWNERS DO I HEREBY CONSENT TO THE REVISION OF THE PLAT.

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Summit Engineering Group Inc.
100 WEST 200 SOUTH, SUITE 100
SALT LAKE CITY, UTAH 84119
P. 801-532-5555, F. 801-532-5555

EXHIBIT D- Silver Bird Condominiums ROS plat



SURVEYOR'S CERTIFICATE

I, Patrick C. Abou, do hereby certify that I am a registered Land Surveyor holding certificate No. 4609 as prescribed by the laws of the State of Utah. I further certify that by the authority of the State of Utah, I have surveyed and laid out the boundaries of the Survey Map and described below and that the description correctly describes the land surface upon which there has been constructed the Silver Bird Condominiums. I further certify that the Silver Bird Condominiums have been prepared in compliance with the provisions of the Utah Condominium Ownership Act, and that building construction has been completed in accordance with the Survey Map.

CONTRACT NO.	DATE	DESCRIPTION
1	1987	CONDOMINIUM PROJECT
2	1987	CONDOMINIUM PROJECT
3	1987	CONDOMINIUM PROJECT
4	1987	CONDOMINIUM PROJECT
5	1987	CONDOMINIUM PROJECT
6	1987	CONDOMINIUM PROJECT
7	1987	CONDOMINIUM PROJECT
8	1987	CONDOMINIUM PROJECT
9	1987	CONDOMINIUM PROJECT
10	1987	CONDOMINIUM PROJECT

OWNER'S CERTIFICATE OF CONSENT TO RECORD AND DEDICATION

I, the undersigned, being the undersigned Owners of the above described tract of land, have caused a survey to be made of the same, and the same to be recorded in the public records of the State of Utah, and I do hereby dedicate the non-exclusive public utility easements shown thereon for the perpetual use of the public, and I do hereby certify that I have no other interest in the same.

SILVER BIRD CORPORATION, a Utah corporation
 By: Patrick C. Abou, Secretary
 Dated: 1987 day of August, A.D. 1987, personally appeared before me Patrick C. Abou, a D. 1987, personally appeared Patrick C. Abou, Secretary of Silver Bird Corporation, and that the above Owner's Certificate of Consent to Record and Dedication was signed in behalf of said corporation, and the said corporation is a duly organized and existing legal entity under the laws of the State of Utah, and I do hereby certify that I am a duly qualified and acting public notary in and for the State of Utah, and I do hereby certify that the foregoing is a true and correct copy of the original as recorded in the same.

SILVER BIRD CONDOMINIUMS - A UTAH CONDOMINIUM PROJECT
 PART OF THE NORTHWEST QUARTER OF SECTION 27, T2S, R3E

RECORDED IN 1987
 STATE OF UTAH, COUNTY OF SUMMIT RECORDS AND FILED AT
 DATE 1987 BY THE PUBLIC CITY COUNCIL
 PARCEL NO. 1987
 SECTION 27
 TOWNSHIP 27S
 RANGE 3E
 COUNTY SUMMIT

SILVER BIRD CONDOMINIUMS RECORD OF SURVEY MAP

ENGINEER
 APPROVED THIS 1st DAY OF SEPTEMBER, 1987
 EXISTENCE 1987 A.D.
Patrick C. Abou
 CHAIRMAN

ENGINEER
 APPROVED THIS 1st DAY OF SEPTEMBER, 1987
 EXISTENCE 1987 A.D.
Patrick C. Abou
 CHAIRMAN