

Ordinance No. 2017-13

AN ORDINANCE APPROVING THE EIGHTH (8TH) SUPPLEMENTAL PLAT FOR CONSTRUCTED UNITS AT THE BELLES AT EMPIRE PASS CONDOMINIUMS AMENDING UNITS 13 AND 14, LOCATED AT 40 AND 46 SILVER STRIKE TRAIL, PARK CITY, UTAH.

WHEREAS, the owners of the property known as The Belles at Empire Pass Condominium Units 13 and 14, have petitioned the City Council for approval of the Eight (8th) Supplemental Plat for Constructed Units at the Belles at Empire Pass, a Utah Condominium project; and

WHEREAS, on February 22, 2017 the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was published in the Park Record on February 22, 2017, and notice letters were sent to all affected property owners on February 22, 2017, in accordance with the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on March 8, 2017, to receive input on the supplemental plat;

WHEREAS, the Planning Commission, on March 8, 2017, forwarded a positive recommendation to the City Council; and,

WHEREAS, on March 30, 2017, the City Council held a public hearing on the Condominium Plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Eighth (8th) Supplemental Plat for Constructed Units at the Belles at Empire Pass, a Utah Condominium project to document the as-built conditions and constructed Unit Equivalents for constructed Units 13 and 14.

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 Eight (8th) Supplemental plat for Constructed Units at the Belles at Empire Pass, a Utah Condominium project, 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, Units 13 and 14 of the Amended, Consolidated, and Restated Condominium Plat of The Belles at Empire Pass and associated common area, are

located at 40 and 46 Silver Strike Trail. The property is located on portions of Lot 1 of the Silver Strike subdivision and is within Pod A of the Flagstaff Mountain Development, in an area known as the Village at Empire Pass.

2. The property is located within the Residential Development – Master Planned Development zoning district and is subject to the Flagstaff Mountain Development Agreement and Village of Empire Pass Master Planned Development.
3. The City Council approved the Flagstaff Mountain Development Agreement and Annexation Resolution 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum densities, location of densities, and developer-offered amenities.
4. On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass, aka Pod A. The Master Planned Development identified the area of the proposed condominium plat as the location for 18 Planned Unit Development style detached single family homes and duplexes.
5. On June 29, 2006, the City Council approved the Silver Strike Subdivision creating two (2) lots of record. Units 13 and 14 are located on a portion of Lot 1 of the Silver Strike Subdivision.
6. On August 17, 2007, the City Council approved 4 units on Lot 2 as the Christopher Homes at Empire Pass Phase I Condominium Plat. The plat was recorded at Summit County on October 3, 2007.
7. On November 29, 2007, the City Council approved the first amended Christopher Homes at Empire Pass Phase II condominium plat creating an additional 4 units on Lot 2. The plat was recorded at Summit County on February 20, 2008.
8. On April 23, 2008, the City Council approved two (2) more condominium units on Lot 1 of the Silver Strike Subdivision as Christopher Homes at Empire Pass Phase III condominium plat. The plat was recorded at Summit County on December 1, 2008.
9. On August 28, 2008, the City Council approved the Christopher Homes at Empire Pass Phase IV plat for eight additional condominium units on Lots 1 and 2, specifically units 5/6, 7/8, 13/14, and 17/18 in duplex configurations. The plat was recorded at Summit County on November 19, 2008.
10. On March 24, 2011, the City Council approved the Amended, Consolidated, and Restated Condominium Plat of The Belles at Empire Pass amending, consolidating, and restating the previously recorded Christopher Homes at Empire Pass condominium plats Phases I, II, III, and IV. Also on March 24, 2011, the City Council approved the First Supplemental Plat for Constructed Units 1, 2, and 12 of the Belles at Empire Pass Condominiums. These plats were recorded November 28, 2011.
11. On June 28, 2012, the City Council approved the Second Supplemental Plat for Constructed Unit 9. This plat was recorded on November 20, 2012.
12. On May 9, 2013, the City Council approved the Third Supplemental Plat for Constructed Unit 4 and the Fourth Supplemental Plat for Constructed Units 5 and 6. These plats were recorded on October 28, 2013.
13. On February 6, 2014, the City Council approved the Fifth Supplemental Plat for Constructed Units 10 and 11.
14. On April 3, 2014, the City Council approved the Sixth Supplemental Plat for Constructed Units 7, 8, and 17. On December 11, 2014, the City Council approved an amendment to the Sixth Supplemental Plat.

15. On July 30, 2015, the City Council approved the Seventh Supplemental Plat for Constructed Units 15 and 16.
16. On February 1, 2017 the Planning Department received a complete application for the Eighth (8th) Supplemental Plat for Constructed Units 13 and 14.
17. The purpose of the supplemental plat is to describe and document the as-built conditions and the unit equivalent calculations for all constructed units at the Belles Condominiums prior to issuance of a certificate of occupancy and to identify private, limited common and common area for this unit.
18. The supplemental plat complies with the conditions of approval of the underlying plats, namely the Silver Strike Subdivision plat and the Amended, Consolidated, and Restated Condominium plat of The Belles at Empire Pass. The plat is consistent with the development pattern envisioned by the Village at Empire Pass Master Planned Development, including the 14 technical reports of the Master Planned Development and the Flagstaff Development Agreement.
19. Units 13 and 14 are located on a portion of Lot 1 of the Silver Strike Subdivision Plat.
20. The approved maximum house size is 5,000 square feet of gross floor area, as defined by the Land Management Code. Gross floor area exempts basement areas below final grade and 600 square feet of garage area.
21. Unit 13 contains 4,199.8 sf. of gross floor area plus a 495 sf. garage area and accounts for 2.099 unit equivalents based on the total floor area of 4,199.8 sf. (does not include garage area).
22. Unit 14 contains 4,127.3 sf. of gross floor area plus a 507 sf. garage area and accounts for 2.063 unit equivalents based on the total floor area of 4,127.3 sf. (does not include garage area).
23. Unit 13 and 14 do not include a basement area.
24. The fourteen (14) units platted to date (Units 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, 16 and 17) utilize 37.833 unit equivalents. Adding Units 13 and 14 brings the current total to 41.99 unit equivalents.
25. The Flagstaff Development Agreement requires calculation of unit equivalents for all Belles units, in addition to the maximum house size. The unit equivalents formula includes all interior square footage "calculated from the inside surfaces of the interior boundary wall of each completed unit, excluding all structural walls and components, as well as all shafts, ducts, flues, pipes, conduits and the wall enclosing such facilities. Unit equivalent floor area includes all basement areas. Also excluded from the unit equivalent square footage are garage space up to 600 square feet per unit and all space designated as non-habitable on this plat." Within the Flagstaff Development Agreement one (1) residential unit equivalent equals 2,000 sf.
26. As conditioned, this supplemental plat is consistent with the approved Flagstaff Development Agreement, the Village at Empire Pass Master Planned Development, and the conditions of approval of the Silver Strike Subdivision.
27. The findings in the analysis section are incorporated herein.

Conclusions of Law:

1. There is good cause for this supplemental plat as it memorializes the as-built conditions for Units 13 and 14.

2. The supplemental plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed supplemental plat.
4. Approval of the supplemental plat, subject to the conditions of approval stated below, will not adversely affect the health, safety and welfare of the citizens of Park City.

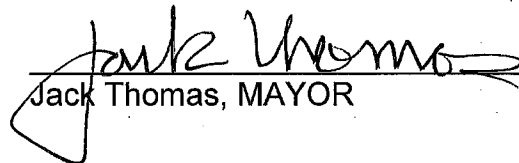
Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form of the supplemental 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 present the final signed mylar plat to the City, for City signatures and recordation at Summit County, within one year of the date of City Council approval, or this approval will be considered void; unless an extension request is made in writing prior to the expiration date and an extension is granted by the City Council.
3. All conditions of approval of the Village at Empire Pass Master Planned Development, the Silver Strike Subdivision plat, and the Amended, Consolidated, and Restated Condominium Plat of The Belles at Empire Pass shall continue to apply.
4. As a condition precedent to issuance of a final certificate of occupancy for Units 13 and 14, this supplemental plat shall be recorded at Summit County.
5. A note shall be added to the plat prior to recordation stating the following, "At the time of resurfacing of Silver Strike Trail, the Master Association shall be responsible to adjust wastewater manholes to grade according to Snyderville Basin Water Reclamation District Standards".
6. The unit sizes and unit equivalents shall be reflected on the plat.

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

PASSED AND ADOPTED this 30th day of March, 2017.

PARK CITY MUNICIPAL CORPORATION


Jack Thomas, MAYOR

ATTEST:

Michelle Kellogg
Michelle Kellogg, City Recorder



APPROVED AS TO FORM:

Mark Harrington
Mark Harrington, City Attorney

Attachment 1 - Proposed Supplemental Condo Plat

BOUNDARY DESCRIPTIONS

(PARCEL 1)
 UNITS 13 and 14, of the Amended, Consolidated, and Restated Condominium of THE BELLES AT EMPIRE PASS, [formerly known as Christaeger Homes at Empire Pass], a Utah expandable condominium project, together with an undivided interest in the common areas and facilities as described in the official plat recorded November 28, 2011 as Entry No. 934780 and the Amended and Restated Declaration of Condominium recorded November 28, 2011 as Entry No. 934781 in Book 2015 at Page 981; Summit County Recorder's Office.
 (EASEMENT 1)
 Together with the following easement:
 Together with a right-of-way and easement for public and private utilities and a private road over the Silver Strike Trail as delineated on the official plat of Banner Wood Subdivision as recorded August 12, 2005 as Entry No. 748718 in the records of the Summit County Recorder.

LINE	BEARING	DISTANCE
L1	N. 87°14'44" E.	18.52
L2	N. 82°45'15" E.	14.67
L3	N. 97°14'44" E.	24.33
L4	N. 82°45'15" E.	21.33
L5	S. 28°43'20" E.	21.85
L6	N. 97°14'44" E.	25.63
L7	S. 80°43'00" W.	18.80
L8	N. 82°45'15" E.	12.00
L9	S. 27°48'19" E.	16.14
L10	S. 27°48'19" E.	14.14
L11	N. 86°22'42" E.	10.02
L12	N. 37°45'18" W.	14.14

LEGEND:

- STREET ACCESS ON SILVER STRIKE TRAIL.
- COMMON OWNERSHIP
- PRIVATE OWNERSHIP
- LIMITED COMMON OWNERSHIP



SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 4938739, as prescribed by the laws of the State of Utah, and that by authority of the owners, this Eighth Supplemental Plat for Constructed Units of THE BELLES AT EMPIRE PASS CONDOMINIUM, a Utah Condominium Project, has been prepared under my direction and that the same has been or will be monumented on the ground as shown on this plat. I further certify that the information on the plat is accurate.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT MOSTA, LP, a Utah Limited Partnership, the owner of Units 13 and 14, hereby certifies that it has caused a survey to be made and this Eighth Supplemental Plat for Constructed Units, The Belles at Empire Pass Condominium to be prepared, and does hereby consent to the re-recording of this Eighth Supplemental Plat for Constructed Units and submit to the Utah Condominium Ownership Act.

In witness whereof the undersigned has executed this certificate and dedication this ____ day of _____, 2017.

Wichita, LP
 a Utah Limited Partnership
 By Belakhor, Inc., a Utah corporation
 18 Managing General Partner

By: Mark H. Prothro
 President

State of _____
 County of _____

ACKNOWLEDGMENT

This instrument was acknowledged before me this ____ day of _____, 2017, by Mark H. Prothro, as president of Belakhor, Inc., a Utah corporation, Managing General Partner of Wichita, LP, a Utah limited partnership.

Notary Public: _____

Printed Name: _____

Reading In: _____

My commission expires: _____

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT the undersigned President of The Belles at Empire Pass Homeowners Association, Inc., a Utah corporation and an owner of the Common Areas described herein does hereby certify that it has caused this survey to be made and this Eighth Supplemental Condominium Plat for Constructed Units, The Belles at Empire Pass to be prepared and hereby consents to the re-recording of this Eighth Supplemental Condominium Plat for Constructed Units, The Belles at Empire Pass and submit to the Utah Condominium Ownership Act. As President, he also certifies that more than 67% of the Owners of the Units have approved this Eighth Supplemental Condominium Plat.

Joseph Muehleisen, President
 The Belles at Empire Pass Homeowners Association, Inc., a Utah corporation

State of _____
 County of _____

ACKNOWLEDGMENT

On this ____ day of _____, 2017, personally appeared before me Joseph Muehleisen, whose identity is personally known to me (or has proven on the basis of satisfactory evidence) and who by me acknowledged, did say that he is the President of The Belles at Empire Pass Homeowners Association, Inc., a Utah corporation and that said document was signed by him on behalf of said Corporation by Authority of its Board or Resolution of its Board of Directors, and said Joseph Muehleisen acknowledged to me that said Corporation executed the same.

Notary Public: _____

Printed Name: _____

Reading In: _____

My commission expires: _____

NOTES:

- All conditions of approval of the Village of Empire Pass Master Development Plan and the Silver Strike Subdivision plat, and the Amended, Consolidated, and Restated Condominium Plat of The Belles at Empire Pass, recorded November 28, 2011, Entry No. 934780 and 934781 are intended to apply.
- A Limited Common Area includes 10' on all sides of the Completed Unit ("Buffer Area") and also includes the patio and driveway for that unit and a 7' space below the boundary of the unit for the purpose of providing utility access with access directly into the exclusive right to use and occupy such land surrounding their respective Unit. All other lands within the described property shall be Common Area. The use of Common and Limited Common areas is described in more detail in the Amended Declaration, but shall include pedestrian and auto trails.
- All Common Area is dedicated as a non-exclusive easement to Park City Municipal Corporation, Snyderville Basin Water Reclamation District (SNWRD), Park City Fire Protection District, Summit County and the Belles at Empire Pass Homeowners Association for the purpose of providing access for utility and drainage installation, use, maintenance and structural reinforcement.
- Units 13 and 14 are served by private wastewater lateral lines. The Empire Pass Master Homeowners Association, Inc. (the "Master Association") shall be responsible for the maintenance and replacement of all necessary sewer laterals serving the The Belles at Empire Pass Units within the plat. The cost of such maintenance and replacement shall be paid by the Belles at Empire Pass Owners Association, Inc. as part of the Common Expenses.
- Lots designated as Ejector Pump (EP) lots may require privately owned ejector pump.
- At the time of reurfacing of Silver Strike Trail, the Master Association shall be responsible to adjust easement monuments to grade according to Snyderville Basin Water Reclamation District Standards.
- This plat is subject to the Conditions of Approval in Ordinance 2017-____.
- The lot square footage for Unit 13 is 4,199.8 square feet and the Gross Residential Floor Area is 4,199.8 square feet. The Unit Equipment for Unit 13 is 2,100.
- The lot square footage for Unit 14 is 4,127.3 square feet and the Gross Residential Floor Area is 4,127.3 square feet. The Unit Equipment for Unit 14 is 2,064.

EIGHTH SUPPLEMENTAL PLAT FOR CONSTRUCTED UNITS

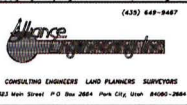
THE BELLES AT EMPIRE PASS

A UTAH EXPANDABLE CONDOMINIUM PROJECT AMENDING UNITS 13 & 14

LOCATED IN SECTION 28, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

SHEET 1 OF 3

UTAH JOB NO. 6-8-10 FILE: X:\Empire\dwg\SilverStrikeSub\Plat\Belles\Units 13 & 14\Belles Units 13 & 14_LDD.dwg



SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
 REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ____ DAY OF _____, 2017
 BY: S.B.W.R.D.

PLANNING COMMISSION
 APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ____ DAY OF _____, 2017
 BY: CHAIR

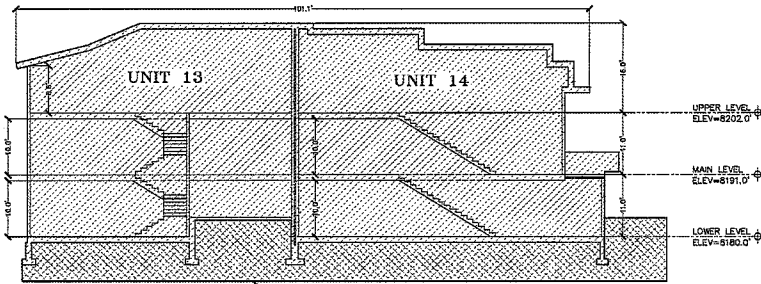
ENGINEER'S CERTIFICATE
 I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ____ DAY OF _____, 2017
 BY: PARK CITY ENGINEER

APPROVAL AS TO FORM
 APPROVED AS TO FORM THIS ____ DAY OF _____, 2017
 BY: PARK CITY ATTORNEY

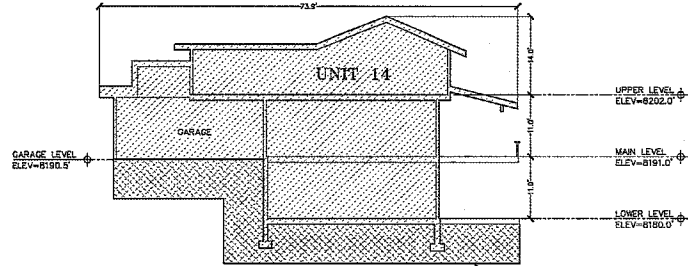
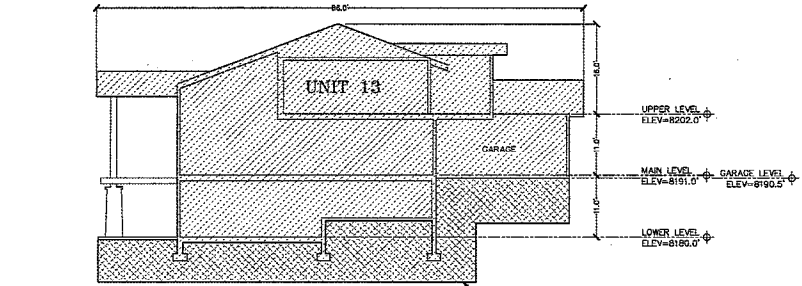
COUNCIL APPROVAL AND ACCEPTANCE
 APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ____ DAY OF _____, 2017
 BY: MAYOR

CERTIFICATE OF ATTEST
 I CERTIFY THIS PLAT MAP WAS APPROVED BY PARK CITY COUNCIL THIS ____ DAY OF _____, 2017
 BY: PARK CITY RECORDER

RECORDED
 STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF ____ DATE ____ TIME ____ ENTRY NO. ____ FEE ____ RECORDER



1 SECTION A-A
SCALE: 1" = 10'



2 SECTION B-B
SCALE: 1" = 10'



EIGHTH SUPPLEMENTAL PLAT FOR CONSTRUCTED UNITS
THE BELLES AT EMPIRE PASS

A UTAH EXPANDABLE CONDOMINIUM PROJECT AMENDING UNITS 13 & 14
 LOCATED IN SECTION 28, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN AND MERRICK PARK
 CITY, SUMMIT COUNTY, UTAH

JOB NO.: 8-8-10 FILE: 8:\Projects\10\08\Structural\Plat\08plat Units 13 & 14.dwg Date: 12/26/2010 10:57:00 AM

SHEET 3 OF 3

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED

AT THE REQUEST OF _____

DATE _____ TIME _____ ENTRY NO. _____

FEE _____ RECORDER _____