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UTAH CODE ANNOTATED § 11-13-102

ENTRY NO. 01073956

07/25/2017 02:01:34 PM B: 2419 P: 1842

Ordinance PAGE 1/4

MARY ANN TRUSSELL, SUMMIT COUNTY RECORDER
FEE 0.00 BY PARK CITY MUNICIPAL CORP



Ordinance No. 2017-37

AN ORDINANCE APPROVING THE VACATION OF A 250 SQUARE FOOT PUBLIC UTILITY EASEMENT ASSOCIATED WITH 442/444 MAIN STREET, PARK CITY, UTAH

WHEREAS, Frank Andrew Building, L.C. has petitioned the City Council for a vacation of 250 square feet of public utility easement adjacent to Swede Alley at 442/444 Main Street; and

WHEREAS, the requirements of State Code 10-9a-609.5 Vacating a Street, Right-of-Way, or Easement were followed; and

WHEREAS, the guidelines provided in Resolution 08-98 was followed in analyzing the request for vacation; and

WHEREAS, on July 13, 2017, the City Council held a public hearing to receive input on the proposed vacation; and

WHEREAS, the City Council voted on July 13, 2017, to vacate the public utility easement; and

WHEREAS, it is the best interest of Park City, Utah to approve the vacation.

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

SECTION 1. FINDINGS. The following findings are hereby adopted.

1. The public utility easement to be vacated covers a 250 sf metes and bounds parcel associated with 442/444 Main Street, which is adjacent to Swede Alley.
2. The easement area currently contains a second-level deck for the building at 442/444 Main Street, with the area below the deck being used for restaurant storage.
3. Resolution 08-98 sets forth review criteria for the vacation of City right-of-ways (Public Easement). Staff reviewed this proposal against the same criteria, since it is also labeled as a public easement.
4. Resolution 08-98 requires the applicant to demonstrate that there is no density increase; the project is compatible with the neighborhood; the City is compensated for the vacated right-of-way; and the utility of the existing ROW.
 - a. No Increase in Density - The property will be used similarly to its current use; however, the vacation of this easement will allow for development upon the 250 sf area adjacent to Swede Alley, which the Applicant already owns. The owner has plans for an addition onto the existing structure that falls into this area, but the size of the addition will be very minimal once the proposal meets requirements relating to size, bulk, and mass found in the LMC, as well as the Historic District Design Guidelines.
 - b. Neighborhood Compatibility – The proposal was analyzed according to the seventeen (17) criteria provided in Resolution 08-98 and was determined that the application complies with these criteria for neighborhood compatibility.

- c. Consideration – Because the 250 sf of area in question currently belongs to the property owner of 442/444 Main Street, there is no consideration for the transaction.
- 5. Utility of Existing Right-of-Way - Improvements within the public utility easement area include a second-level deck supported by two (2) columns, with what appears to be storage for the restaurant underneath the deck. The Applicant has procured written acknowledgment from Comcast, Rocky Mountain Power, Park City Water and Snyderville Basin Water Reclamation District (SBWRD) that they have no foreseeable need for the easement, and they have no issue if the City chooses to vacate. Rocky Mountain Power has requested that the Applicant work around an existing power pole that falls within the easement area, which will not be a problem.

SECTION 2. CONCLUSIONS OF LAW. The following Conclusions of Law are hereby adopted.


- 1. The vacation request is consistent with the City’s standards for vacation of public right-of-way as set forth in Resolution 08-98.
- 2. No material increase in density will result from the right-of-way vacation.
- 3. The proposed project is compatible with the neighborhood.
- 4. Neither the public interest nor any person will be materially injured by the vacation.
- 5. Good cause exists for the vacation.

SECTION 3. VACATION APPROVAL. The vacation is approved as shown on Exhibit A.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 13th day of July, 2017.

PARK CITY MUNICIPAL CORPORATION



 Jack Thomas, MAYOR

ATTEST  

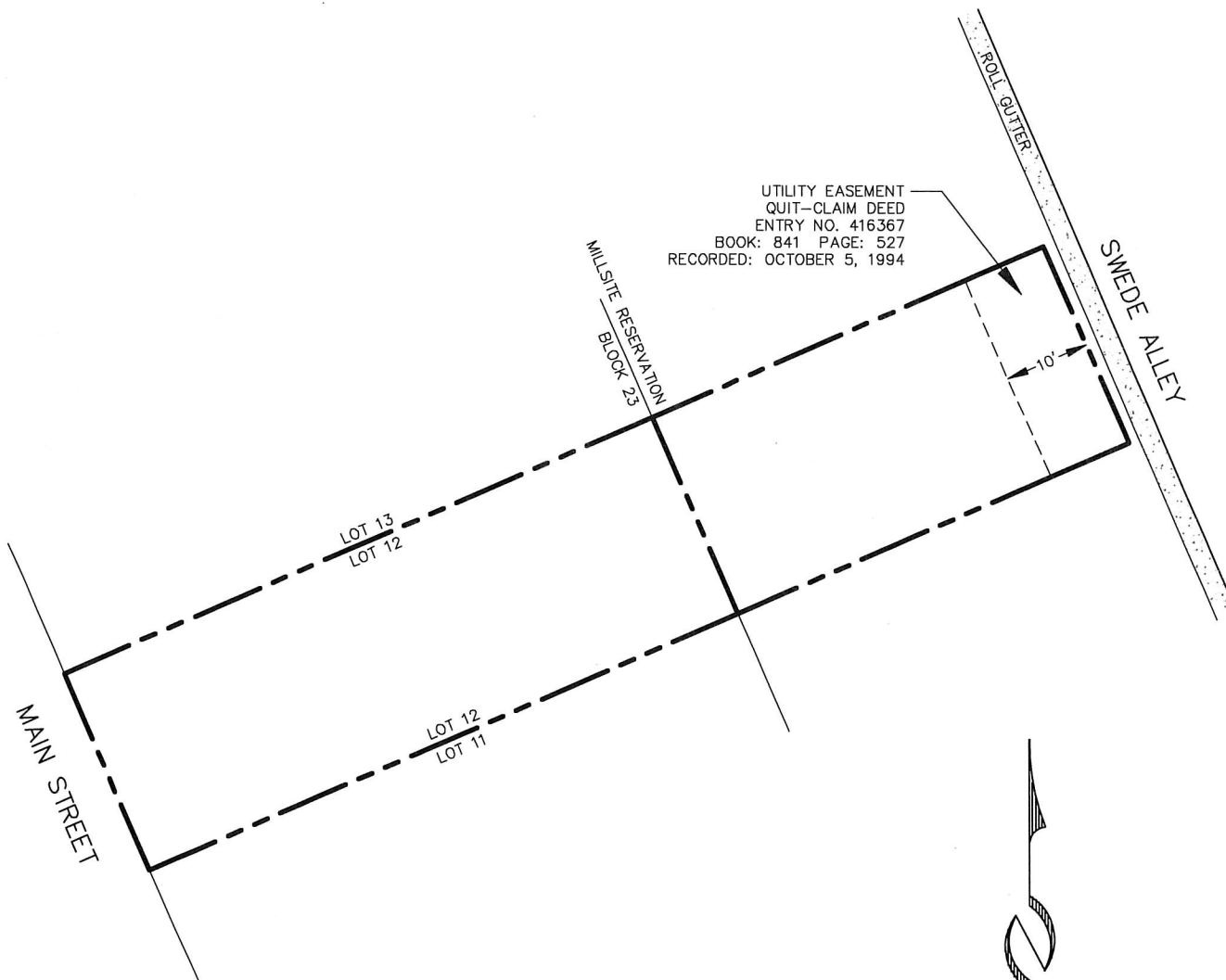
 Michelle Kellogg, CITY RECORDER

APPROVED AS TO FORM:



 Mark D. Harrington, CITY ATTORNEY

442/444 MAIN STREET PROPOSED UTILITY EASEMENT ABANDONMENT



UTILITY EASEMENT
QUIT-CLAIM DEED
ENTRY NO. 416367
BOOK: 841 PAGE: 527
RECORDED: OCTOBER 5, 1994

MILL SITE RESERVATION
BLOCK 23

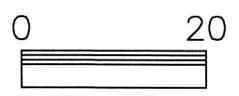
LOT 13
LOT 12

LOT 12
LOT 11

MAIN STREET

SWEVE ALLEY

ROLL GUTTER



A parcel of land adjacent to Swede Alley and east of 442 Main Street, more particularly described as follows:

Beginning at a point North 66°34' East 40.0 feet from the southeast corner of Lot 12, Block 23, Park City Survey; thence North 66°34' East 10.00 feet; thence North 23°31' West 25.0 feet; thence South 66°34' West 10.0 feet; thence South 23°31' East along the easterly line of said Lot 12, 25.0 feet to the point of beginning. Contains 250.0 square feet.

PC-297