

1988 ORDINANCE LOG

Ord. No.	Date	Subject	Title
88-13	5/12	Banners	An ordinance amending Sections 8.10 and 8.11, entitled Banners of the Park City Sign Code
88-12	12/15	HR-2	An Ordinance amending the Park City Land Management Code to add an Historic Residential Overlay zone (HR-2), which would allow commercial uses in existing historic structures along the east side of Park Avenue, upper Main Street from the intersection of Swede Alley and Hillside Avenue and the east side of Swede Alley and Grant Avenue.
88-11	12/8	Prospector Land-scaping	Prospector Landscaping and Maintenance of Soil Cover Ordinance
88-10	12/1	American Saddler	An Ordinance vacating a portion of Platted American Saddler Drive in Park Meadows Subdivision No. 3, Park City, Utah.
88-9	11-10	Master Festivals	An Ordinance governing public festivals and events, providing for Master Festival Licensing, fee schedules, and public hearing process and repealing Section 10, Public Festivals, Street Closures, of Ordinance 82-27 in its entirety.

82-17(5)	Water Development Fees	An Ordinance Amending Section 13, Water Development Fees, of Ordinance 82-17, to clarify the circumstances under which Water Rights may be Substituted for Water Development Fees
88-8	Vacation of 7th St.	An Ordinance Vacating a Portion of 7th Street in Park City, Utah
88-7	Land Management	An Ordinance Amending Section 1.17, Entitled Appeals and Call-Up Process of the Park City Land Management Code
88-6	Land Management	An Ordinance Amending Section 7.8 of the Land Management Code to Allow Continuing Uses of Existing Commercial Structures in the Residential Medium Density (RM) Zone.
88-5	Land Management	An Ordinance Amending Section 9.5(b) of the Land Management Code to Allow the Planning Commission to Review and Approve the Limited Use of Aluminum Siding
88-4	Zoning Map	An Ordinance Amending the Official Zoning Map of Park City, Utah, to Include the Smith Ranch Annexation
88-3	Land Management	An Ordinance Amending Section 3.1 of the Land Management Code Regarding the Number of Members Appointed to the Planning Commission Board

88-2	1/7	Street Name Change	An Ordinance Changing Good Trump Circle located in the Queen Esther Subdivision to Good Trump Court
88-1	1/7	Meetings	An Ordinance establishing a Regular Meeting Date, Time and Location for Meetings of the City Council for Park City for 1988

88-13

ORDINANCE

Ordinance No. ~~84-7(5)~~

ORDINANCE AMENDING SECTIONS 8.10 AND 8.11, ENTITLED BANNERS,
OF THE PARK CITY SIGN CODE

WHEREAS, a uniform sign code has been adopted by the City Council of Park City, Utah to promote the health, safety and welfare of the residents of Park City; and

WHEREAS, the City Council is desirous to amend Sections 8.10(c) and 8.11 regarding banner specifications and fees, to clarify the intent of the ordinance in accommodating the public;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah that Sections 8.10 and 8.11 of the Park City Sign Code be amended as follows:

SECTION 1. AMENDMENTS.

1. The following referenced subsections to Section 8.10(c) shall be replaced in their entirety by the following language:

- (2) The banner may only be displayed immediately prior to and during the community event which it advertises, and in no case shall the banner be displayed in excess of nineteen (19) days for less than five (5) days or more than ten (10) days.
- (4) Reservation of dates for a banner site may be made up to three (3) months prior to the date of display. Site(s) shall be reserved are generally reserved on a first-come, first-serve basis; except that however, a preference may be given for recurring annual events, historically or traditionally tied to a specific date, holiday or season. Additionally, a request to advertise the reoccurrence of the same event or same type of event within any one calendar year (i.e., plays or class registrations) will be honored only if no requests for the banner site for an unrepeatd scheduling is received.
- (5) Banners shall be constructed of canvas or other approved materials which is wind and weather resistant. All banners over public property shall be hung by City personnel, and must meet the following specifications:
 - (a) Maximum banner size over public property (Park Avenue location) shall not exceed four (4) feet by thirty (30) feet and the minimum size shall not be less than three and

one-half (3 1/2) feet by twenty-four (24) feet. Banners not over the Park Avenue location shall not exceed the above-mentioned maximum size, and must be approved by the Planning Department.

- (b) Day-glow, or fluorescent colors shall not be allowed.
- (c) Banners shall be constructed of durable canvas or similar type weather resistant fabric.
- (d) All banners to be hung over public property must be slit for wind resistance.
- (e) For proper hanging over public property, banners must be reinforced with rope within a casing at the bottom of the banner edge.
- (f) For proper hanging over public property, each corner of the banner must have a grommet and a lead of 1/4 " rope from each corner, no less than four (4) feet long.
- (g) For proper hanging over public property, banners must have a minimum of seven (7) grommets (including the two corner grommets) across the top edge, which allows the banner to be attached to a cable.
- (h) An additional one hundred and fifty (150) feet of 1/4" rope is required to hang each banner, and shall be provided to the Public Works Department by the applicant or sponsor of the banner.

2. Subsections 8.10(c)(5) to (8) shall be deleted in their entirety and Subsections 8.10(c)(9) through (11) renumbered accordingly.

3. The following sections are additional provisions in Subsection 8.10(c) and should be incorporated as follows:

- (9) If the banner is not picked up from the Public Works Department by the applicant or sponsor within ten (10) days after it has been taken down, the banner shall become the property of the City and will be disposed of.
- (10) Banners should be received by the Public Works Department prior to the date of scheduled display.
- (11) The City is not responsible for any damage that may occur to the banner from any cause.

4. Section 8.11 shall be amended as follows:

Fee. A reasonable fee, as established by the City Manager, not to exceed \$100, may be charged for the hanging of a sign or banner by City personnel. If the banner is not picked up from the Park City Public Works Department within ten (10) working days after it is taken down, the banner shall become the property of the City and may be disposed of.

Fee. A fee of thirty-five dollars (\$35) shall be payable to the City when the banner is dropped off at the Public Works Department before its reservation commences, refundable upon pick-up no later than ten (10) days after the banner is taken down.

-or-

Fee. A fee of thirty-five dollars (\$35) shall be payable to the City when the banner is dropped off at the Public Works Department before its reservation commences, to cover manpower costs associated with installation of and taking down the banner.

-or-

Fee. A fee of thirty-five dollars (\$35) shall be payable to the City when the banner is dropped off at the Public Works Department before its reservation commences, to cover manpower costs associated with installation of and taking down the banner. The fee may be waived, however, if the applicant is a non-profit organization, or volunteer community organization, with no corporate sponsor and no full-time paid staff.

SECTION 2. EFFECTIVE DATE. This amendment shall become effective upon publication.

PASSED AND ADOPTED this 12th day of May, 1988.

PARK CITY MUNICIPAL CORPORATION

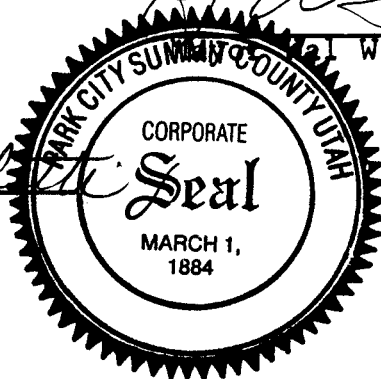
H. W. Taylor

H. W. Taylor

Attest:

Anita Coletti
Anita Coletti
City Recorder

Banner/ORD7



ORDINANCE

Ordinance No. 88-~~1012~~

AN ORDINANCE AMENDING THE PARK CITY LAND MANAGEMENT CODE TO ADD AN HISTORIC RESIDENTIAL OVERLAY ZONE (HR-2) WHICH WOULD ALLOW COMMERCIAL USES IN EXISTING HISTORIC STRUCTURES ALONG THE EAST SIDE OF PARK AVENUE, UPPER MAIN STREET FROM THE INTERSECTION OF SWEDE ALLEY AND HILLSIDE AVENUE AND THE EAST SIDE OF SWEDE ALLEY AND GRANT AVENUE

WHEREAS, the Park City Council is committed to the preservation of Park City's mining heritage; and

WHEREAS, the City's historic mining houses add to that mining heritage; and

WHEREAS, it may not be economically feasible for historic houses immediately adjacent to commercial areas to be preserved as residential structures; and

WHEREAS, it is the desire of the City Council to offer an adaptive reuse of historic structures for commercial purposes if they are brought up to Uniform Building Code standards;

NOW, THEREFORE BE IT ORDAINED by the City Council that:

SECTION 1. AMENDMENT DEFINING THE HR-2 ZONE. Section 7, Districts and Regulations, is hereby amended by adding a new Subsection 17, Historic Residential - Low Intensity Commercial Overlay (HR-2) as follows:

7.17. HISTORIC RESIDENTIAL - LOW INTENSITY COMMERCIAL OVERLAY (HR-2) DISTRICT.

7.17.1. PURPOSE. To allow for the adaptive reuse of the historic structures on Upper Main Street, on the east side of Park Avenue, and along Swede Alley, by permitting, as Conditional Uses, commercial and office uses, thereby providing an economically viable alternative to the uses permitted in the HR-1 zone which would encourage the renovation of historic structures and which would establish a transition between the HCB and the HR-1 zones, and provide space for uses not presently being provided for in Park City's existing zones. This overlay zone applies only to historic buildings, all others must comply with the requirements of the HR-1 zone.

7.17.2. CONDITIONAL USES. In this overlay zone, a historic building may be used for one or more of the uses designated on the Use Table as a Conditional Use ("C"), as determined by the Planning Commission to be in the best interest of the Historic District, and

as formally recommended for Conditional Use by the Historic District Commission.

7.17.3 HISTORIC DISTRICT COMMISSION REVIEW. Prior to consideration by the Planning Commission, the Conditional Use Permit request shall be reviewed by the Historic District Commission and a recommendation made to the Planning Commission on the use's compatibility and appropriateness within the Historic District and determination that the building is historically significant.

All facade improvements and signage shall be reviewed and approved by the Historic District Commission to ensure compliance with the Historic District Design Guidelines and the Park City Sign Ordinance, and the necessary permits shall be secured. (Note: Amend Sign Ordinance to allow one sign of maximum 6 sq.ft.).

All structures must comply with the Uniform Building Code requirements for the approved use. The owner must receive the required Building Permits, Certificates of Occupancy, and meet any other requirements of the Park City Building Department to ensure the adequate health and safety of the occupants and surrounding properties. For many commercial uses, substantial improvements to the property may be necessary to comply with the Uniform Building Code which may include, among other things, fire sprinklers and fire walls. The Chief Building Official should be contacted as soon as a commercial use is contemplated.

7.17.4. PARKING REQUIREMENTS. An effort shall be made by the applicant to provide on-site parking for two or more vehicles wherever possible.

7.17.5. DONATION OF A FACADE EASEMENT. The owner shall be encouraged to donate a preservation easement to assure preservation of the building. The easement shall include, as minimum stipulations, design approval for exterior changes, and an architectural program for restoration and maintenance following the Secretary of Interior's Standards for Rehabilitation. A time frame for completion of the restoration program may be specified in the easement agreement. This easement agreement will utilize the City's standard form available from the Legal Department, with specific items to be negotiated with the Commission.

7.17.6. MECHANICAL SERVICE. No free standing mechanical equipment is permitted in the HR-2 zone. Mechanical equipment attached to or on the roofs of buildings must be screened with a visual barrier so that it is not open to view from nearby properties looking down on the roofs of buildings in the zone. Screening may not exceed the allowable height for the zone, unless incorporated into an architectural element that is permitted to exceed the maximum allowable height by this code. Mechanical

equipment in the HR-2 zone shall also be acoustically screened to minimize noise infiltration to adjoining properties. Refuse collection and storage areas shall be fully enclosed and properly ventilated so that a nuisance is not created by odors or sanitation problems.

7.17.7. USES TO BE WITHIN ENCLOSED BUILDINGS. All uses shall be conducted within a completely enclosed building, except that the Planning Commission may permit limited outdoor uses which it determines are in the best interest of the Historic District. All storage shall be within a completely enclosed building.

SECTION 2. AMENDMENT TO SCHEDULE OF REQUIREMENTS - LAND USE TABLES. The balance of Section 7, Schedule of Requirements - Land Use Tables shall be renumbered accordingly as Section 7.18. The Reference Notes, following the Schedule of Requirements, shall be amended to include a new paragraph as follows:

10. Other uses are conditional for historic structures only. New construction must comply with the HR-1 underlying zone requirements.

The Land Use Tables shall be amended to include all entries describing the HR-2 Zone, a copy of which is attached and made a part of this Ordinance.

SECTION 3. EFFECTIVE DATE. This Ordinance shall become effective upon publication.

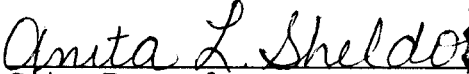
PASSED AND ADOPTED this 15th day of December, 1988.

PARK CITY MUNICIPAL CORPORATION



Mayor Carl Taylor

Attest:



Anita L. Sheldon
City Recorder



LAND USE TABLES (Continued)

USE DESCRIPTION	E	SF	SF-N	RD	RDM	R-1	HR-1	HR-2	RM	GC	HCB	HRC	RC	LI	ROS	HRL
Professional offices, medical and dental clinics	*	*	*	*	C	*	*	C	*	A	A	C ⁵	C ⁴	C	*	*
Business office	*	*	*	*	*	*	*	C	*	A	A	C ⁵	A	*	*	*
Temporary building for construction project management and temporary sales, in conjunction with active building permit for development project	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Commercial parking lot or garage	*	*	*	*	*	*	*	*	*	A	A	A	A	C	*	*
Passenger tramway stations and base facilities (see Supplemental Regulations)	C	*	*	*	*	*	*	*	*	C	C	C	C	*	A	*
Liftway, no loading or unloading (see Supplemental Regulations)	A	*	*	*	*	*	C	C	C	C	C	C	C	*	A	C
Retail commercial establishments limited to the following and similar uses: antique store, art gallery, art supply store, bakery, book store, camera store, clothing store, candy store, tobacco and cigarette store, florist, food store, gift shop, liquor store, pharmacy, sporting goods store, and variety																
	*	*	*	*	*	*	*	C ¹⁰	*	A	A	A	A ⁷	C ⁵	*	*

Retail commercial establishments limited to the following and similar

LAND USE TABLES (Continued)

USE DESCRIPTION

E SF SF-N RD RDM R-1 HR-1 HR-2 RM GC HCB HRC RC LI ROS HRL

uses: department store, furniture store, hardware store, job printing shop, and office supply store * * * * * A A * * C *

Retail commercial establishments limited to the following and similar uses: automobile sales, plant nursery stock production and sales; and service commercial establishments limited to the following and similar uses: auto rental customer outlet, business office, financial institutions, handicraft production, personal services, including barber and beauty shops, dry cleaning pick-up station, laundromat, studio for instruction in the arts, travel agency * * * * * C¹⁰ * A A C⁵ C⁵ C *

Service commercial establishments limited to the following and similar uses: catering service, mortuary, tailoring and shoe repair, radio or television broadcast facility * * * * * C¹⁰ * A A C⁵ C⁵ C *

Service commercial establishments limited to the following and similar uses: animal hospitals, automobile repairing and washing, bulk dry cleaning and laundry, transportation services, trucking services, printing shops, product assembly, auto rental, or storage lot, wholesale business * * * * * A * C⁵ C⁵ C *

Gasoline service station * * * * * C * * * C *

LAND USE TABLES (Continued)

USE DESCRIPTION	E	SF	SF-N	RD	RDM	R-1	HR-1	HR-2	RM	GC	HGB	HRC	RC	LI	ROS	HRL
Restaurant	*	*	*	*	*	*	*	C ¹⁰	*	A	A	C ⁷	C ⁵	C	*	*
Restaurant, outdoor dining	*	*	*	*	*	*	*	C ¹⁰	*	C	C	C ⁵	C ⁵	C	*	*
Restaurant, drive-in, or drive-up window	*	*	*	*	*	*	*	*	*	C ⁶	*	*	*	C	*	*
Bar, tavern, private liquor club, fraternal organization	*	*	*	*	*	*	*	*	*	C	C	C ⁸	C ⁵	*	*	*
Hospital, emergency medical care facility	*	*	*	*	*	*	*	*	*	A	A	*	C ⁵	C	*	*
Indoor entertainment such as bowling alleys, skating rinks, movie theatre, performing arts center	*	*	*	*	*	*	*	*	*	A	A	C ⁷	C ⁵	C	*	*
Golf courses, outdoor entertainment, and recreation facilities	C	C	C	C	C	*	*	*	*	C	*	C ⁵	C	*	A	*
Timeshare projects	*	*	*	*	*	*	*	*	*	C	C	A	C	*	*	*
Timeshare conversions	*	*	*	*	*	*	*	*	*	C	C	A	C	*	*	*
Timeshare sales office, off-site within an enclosed building	*	*	*	*	*	*	*	*	*	C	C	*	C	*	*	*

Recreation facilities owned by a home owner or property owners

LAND USE TABLES (Continued)

USE DESCRIPTION

E SF SF-N RD RDM R-1 HR-1 HR-2 RM GC HCB HRC RC LI ROS HRL

association for private use by members, including tennis court, and swimming pool

A A A A A A A * A A A A A A

Commercial recreation facility, racquet club, athletic club, or gymnasium, not including stables

C C C C C * * * * C C C⁷ C⁵ C C *

Commercial stables, riding academy

C C C C C * * * * * * * A * C C *

Mines and mine exploration, ore loading, but not processing

C * * * * * * * * * * * * * * * C

Ore shipping and loading facilities, truck and rail heads

* * * * * * * * * * * * * * * *

Mine milling and ore processing

* * * * * * * * * * * * * * * C *

Hotel, motel, inn, boarding house with 16 or more rooms

C¹ * * * C¹ C¹ * * * * A A A A * *

Hotel, motel, inn, boarding house with fewer than 16 rooms

C¹ * * * C¹ C¹ * * * * C¹ A A A A * *

Bed and Breakfast Inns

* * * * * C C C A A A A * *

LAND USE TABLES (Continued)

| USE DESCRIPTION | E | SF | SF-N | RD | RDM | R-1 | HR-1 | HR-2 | RM | GC | HCB | HRC | RC | LI | ROS | HRL |
|---|---|----|------|----|-----|-----|------|------|----|----|-----|----------------|----|----|-----|-----|
| Master planned development including service and limited retail commercial support services | C | * | * | C | C | * | * | * | * | C | C | C ⁷ | C | * | * | * |
| Master planned development with full commercial uses, heavy retail, and services designed for general public use rather than support services | * | * | * | * | * | * | * | * | * | C | C | * | C | * | * | * |
| Master planned development with residential and transient lodging uses only | C | * | * | C | C | C | C | * | C | C | C | C | C | C | * | * |
| Master planned developments with moderate income housing density bonus | C | * | * | C | C | * | * | * | C | C | * | C | C | * | * | * |
| Mobile homes, trailer parks | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * |
| Commercial campgrounds | * | * | * | * | * | * | * | * | * | * | * | * | * | C | * | * |
| Publicly owned campgrounds | C | * | * | * | * | * | * | * | * | * | * | * | * | * | C | * |
| Commonly owned garage for four or more cars, above grade or below, and not connected to dwellings or commercial structure | C | * | * | * | C | C | C | * | C | C | C | A | * | * | * | C |

Recorded at the request of and return
to: Park City Municipal Corp.
P. O. Box 1480, Park City, UT 84060
ATTN- CITY RECORDER

REC NOTE AB 8-8-16

311124

Park City Municipal Corp.
89 *High* AM 9:28

**PROSPECTOR LANDSCAPING AND MAINTENANCE
OF SOIL COVER ORDINANCE**

ALAN SPRIGGS
SUMMIT COUNTY RECORDER
Fee Exempt per Utah Code
Annotated 1953 21-7-2

Ordinance No. 88-11

REC'D BY *SA N.C.*

WHEREAS, the presence of mine tailings which have heavy metals as constituents have been a cause for study and testing in regard to public health and environment; and

WHEREAS, the exhaustive testing of the soil, air, water and residents of Prospector has not found a health concern to the residents of Park City; and

WHEREAS, the Environmental Protection Agency ("EPA") has identified the existence of mine tailings with constituent heavy metals in the Prospector area of Park City and has made specific recommendations for mitigation of any potential public health and environmental concerns; and

WHEREAS, the City Council of Park City, Utah, desires to take every reasonable step to protect the health of its residents by implementing the EPA's recommendations to assure the continued health, safety and welfare of the residents of Park City

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

Section 1. Title: The title of this ordinance is the Prospector Landscaping and Maintenance of Soil Cover Ordinance.

Section 2. Area: This Ordinance shall be in full force and effect only in that portion of Park City, Utah described in Exhibit A which is commonly known as that portion which is bounded

by State Highway 248 on the north, by the Union Pacific Railroad right-of-way on the south, by Bonanza Drive on the west and by the easterly boundary of the park on the east. (See Figure 1.)

Section 3. Definitions:

Mine Tailings - Any soil which has the following lead concentration: Lead 1000 parts per million (ppm) or greater, as determined by using the Standard Method 15th Edition 302 [Nitric Acid Digestion] analysis by Atomic Absorption Spectrometer Standard. Method 303. Results reported as dry weight.

Approved topsoil - New topsoil is required to be tested and cannot exceed the following: lead 200 ppm; as determined by testing a representative sample at a state certified laboratory using the method described in Section 3, Mine Tailings, above. Results reported as received [not dry weight].

Prospector - That area of Park City described in Section 2, Exhibit A, and shown on Figure 1.

Hazardous waste - Any tailings, soil, or other material which exceeds the action level of lead at 1000 ppm for the purpose of this Ordinance shall be considered hazardous waste. The testing to be done according to the method described in Section 3, Mine Tailings, above.

New Construction - That construction, requiring a permit issued by Park City for which the permit is issued after the effective date of this Ordinance.

Section 4. Minimum Coverage with Topsoil: All real property within Prospector must be covered and maintained with a minimum cover of 6" of approved topsoil over mine tailings except

where such real property is covered by asphalt, concrete or permanent structures or paving materials.

Section 5. Vegetation: All areas in Prospector where real property is covered with six inches or more of approved topsoil must be vegetated with plant material suitable to prevent erosion of topsoil.

Section 6. Additional Landscaping Requirements: In addition to the minimum coverage of topsoil requirements set forth in Section 4 and the vegetation requirements set forth in Section 5, the following additional requirements shall also be applicable:

a. Flower or vegetable planting bed at grade - All flower or vegetable planting beds at grade shall be clearly defined with edging material to prevent edge drift and shall have a minimum depth of 24" of approved topsoil so that tailings are not mixed with the soil through normal tilling procedures. Such topsoil shall extend 12" beyond the edge of the flower or vegetable planting bed. (See Figure 2)

b. Flower or vegetable planting bed above grade - All flower or vegetable planting beds above grade shall extend a minimum of 16" above the grade of the 6" of approved topsoil cover and shall contain only approved topsoil. (See Figure 3)

c. Shrubs and Trees - All shrubs planted after the passage of this Ordinance shall be surrounded by approved topsoil for an area which is three times bigger than the rootball and extends 6 inches below the lowest root of

the shrub at planting. All trees planted after the passage of this Ordinance shall have a minimum of 18" of approved topsoil around the rootball with a minimum of 12" of approved topsoil below the lowest root of the tree. (See Figure 4)

Section 7. Disposal or Removal of Prospector Soil: All soil disturbed or removed from Prospector, unless a representative sample tested at a State certified laboratory determines the soil is not a hazardous waste, shall be disposed of only at a facility approved by the Utah State Department of Health, or covered on site with six inches of approved topsoil and re-vegetated as required by this Ordinance.

Section 8. Dust Control: Contractor or owner is responsible for controlling dust during the time between beginning of construction activity and the establishment of plant growth sufficient to control the emissions of dust from any site. Due care shall be taken by the contractor or owner, to protect workmen while working within the site from any exposure to dust emissions during construction activity by providing suitable breathing apparatus or other appropriate control.

Section 9. Certificate of Compliance: Upon application by the owner of record or agent to the Park City Building Department and payment of the fee established by the department, the Park City Building Department shall inspect the applicant's property for compliance with this Ordinance. When the property inspected complies with this Ordinance, a Certificate of Compliance shall be issued to the owner by the Park City Building Department.

Section 10 Disposal: Any work that produces excess tailings not contained on the site, according to the standards set forth in this ordinance, must have a representative sample of the soil to be transported off the site tested by a State certified laboratory to determine if it is hazardous waste. If the excess soil is determined to be a hazardous waste, it must be transported to a disposal facility approved by the Utah State Health Department. Any work causing tailings to possibly be regenerated to the surface, such as digging, must collect and properly dispose of the tailings, either on site according to the standards set forth in this ordinance or off site as required by this Ordinance and state and federal law.

Section 11. Enforcement: With the exception of new construction, which shall be inspected and required to comply in accordance with other City permitting and inspections, this ordinance shall be enforced through voluntary requests for inspections to obtain Certificates of Compliance. If a request is made for the Certificate of Compliance as set forth in Section 9, then the owner of the property shall be required to comply with the standards set forth in this ordinance.

Section 12. Wells: All wells for culinary irrigation or stock watering use are prohibited in the Prospector area.

Section 13. Failure to Comply with Ordinance: The failure to landscape, maintain landscaping, control dust or dispose of tailings as required by this Ordinance shall constitute a public nuisance as determined by the City Council of Park City.

Section 14. Severability: If any section or portion of

this ordinance is declared unconstitutional or unenforceable by a Court of competent jurisdiction, the remainder of the ordinance shall remain in full force and effect.

Section 15. Effective Date: This ordinance shall take effect immediately on the date of its first publication.

PASSED AND ADOPTED this 8th day of December, 1988.

PARK CITY MUNICIPAL CORPORATION

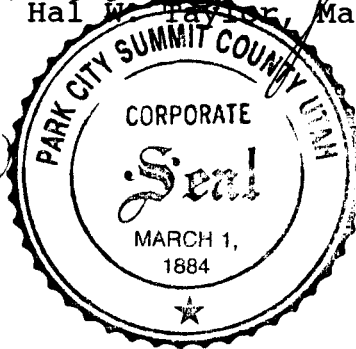
Hal W. Taylor

Hal W. Taylor, Mayor

Attest:

Anita L. Sheldon

Anita L. Sheldon
City Recorder



STATE OF UTAH)
 ss
COUNTY OF SUMMIT)

The foregoing Prospector Land Reclamation Maintenance of Soil Cover Ordinance was acknowledged before me by Hal W. Taylor, who executed the same, this 8th day of December, 1988.

NOTARY PUBLIC
My Commission Expires April 27, 1992
JAMES W. CARTER
8266 Emigration Canyon Rd.
Salt Lake City, Notary public
UT 84143
[Signature]

EXHIBIT A TO PROSPECTOR LANDSCAPING
AND MAINTENANCE OF SOIL COVER ORDINANCE

✓ All of Lots 1 through 52, inclusive, of Prospector Park Subdivision No. 1, as recorded in the office of the Summit County Recorder.

✓ Lots 65 through 106, inclusive, and 143 through 155, inclusive, of Prospector Park Subdivision No. 2, as recorded in the office of the Summit County Recorder

✓ Lots 53 through 64, inclusive, 107 through 142, inclusive, and 156 through 166, inclusive of Prospector Park Subdivision No. 3, as recorded in the office of the Summit County Recorder

✓ Lots 1 through 19, inclusive, and 41 through 135, inclusive, of Prospector Village Subdivision, as recorded in the office of the Summit County Recorder.

✓ Lots 2A through 38A, inclusive, Lots 42, 43, 45, 47 and 48 of Prospector Square Subdivision, as recorded in the office of the Summit County Recorder.

Figure 4

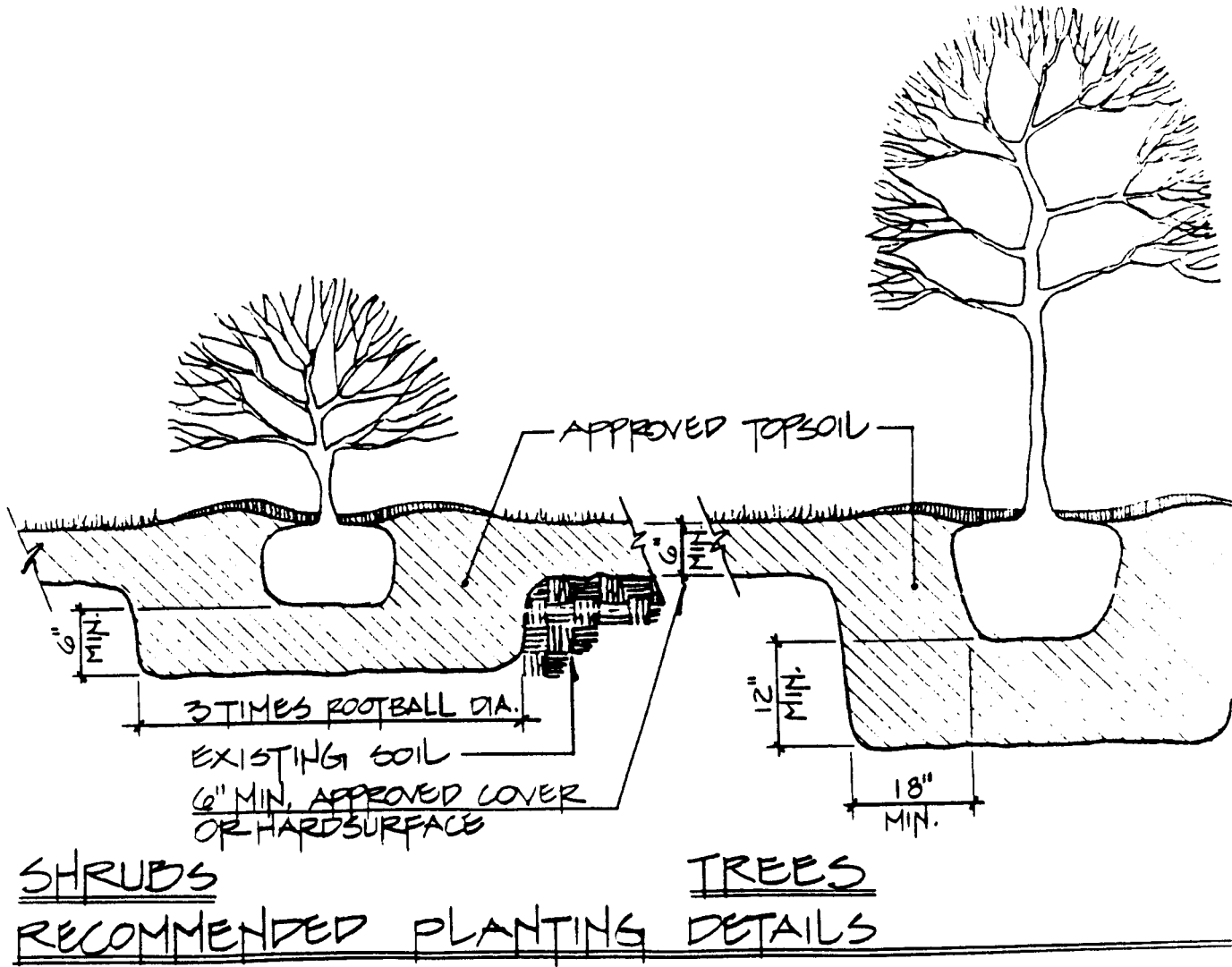


Figure 2

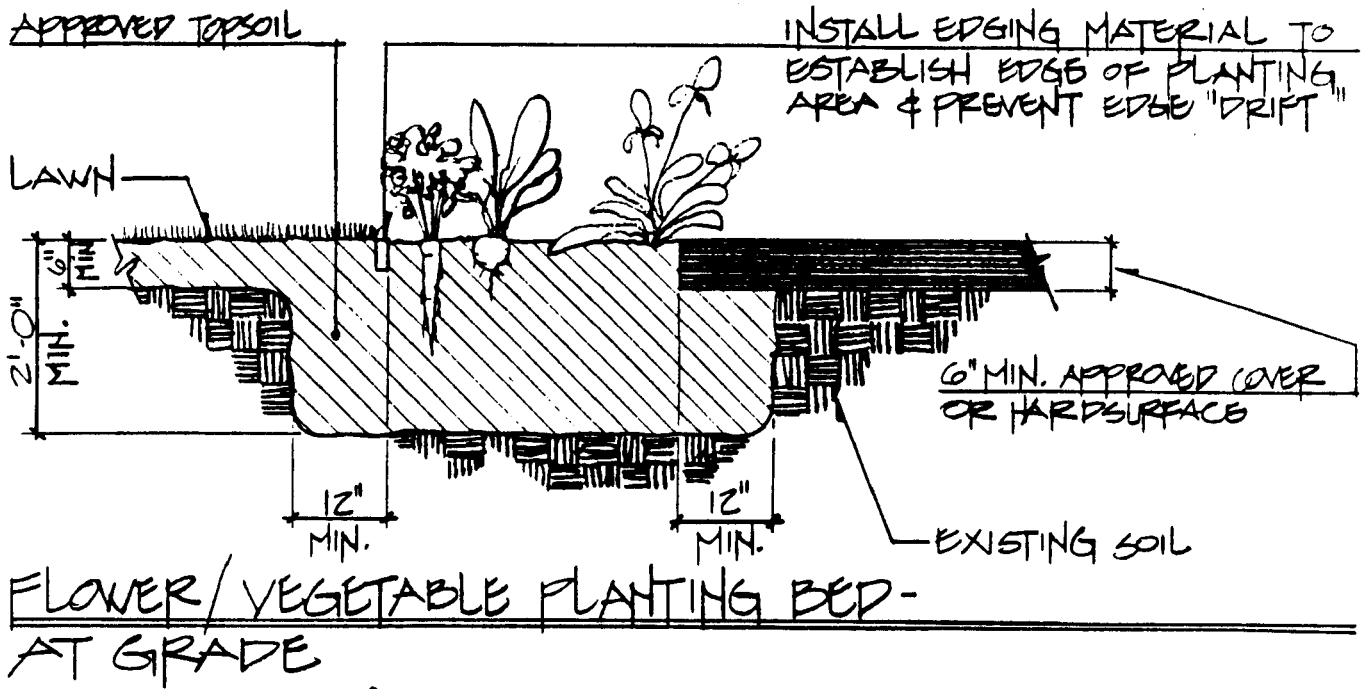
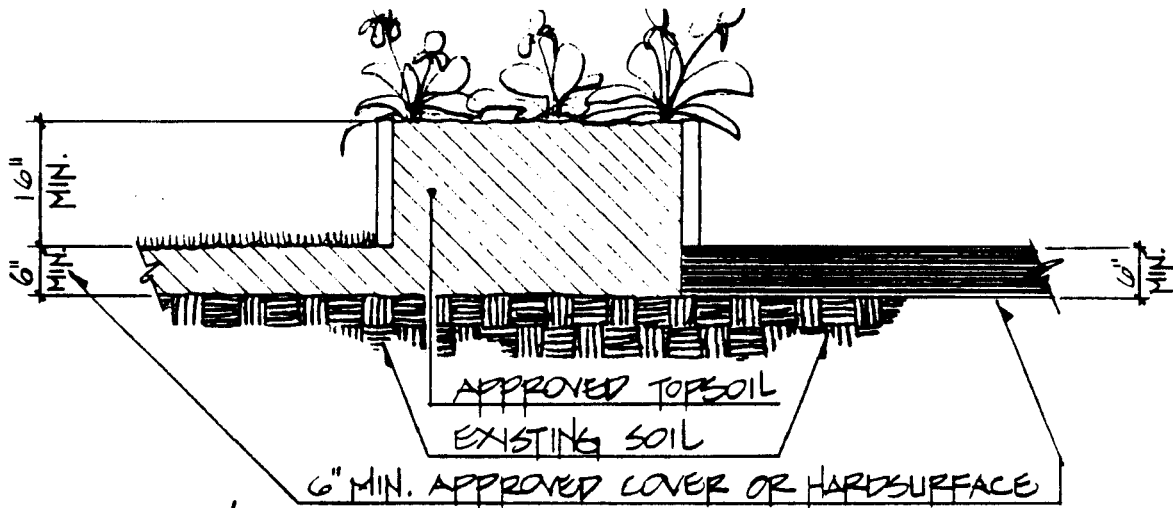


Figure 3



FLOWER/VEGETABLE PLANTING BED
ABOVE GRADE



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VIII
999 18th STREET - SUITE 500
DENVER, COLORADO 80202-2405

MAR 6 1989

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Ref: 8HWM

MAR 6 1989

Ms. Arlene Loble
City Manager - Park City
P.O. Box 1480
Park City, UT 84060

PARK CITY
MUNICIPAL CORPORATION

Dear Ms. Loble:

I apologize for the delay in sending you the short version of our conclusions regarding Prospector Square. Enclosed is the short version.

Also, as I mentioned in my letter of November 8, 1988, the Air Report is final and includes as an appendix your comments and our response. We consider this matter closed.

I appreciate your patience in this matter.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Robert E. Duprey".

Robert E. Duprey, Director
Hazardous Waste Management Division

Enclosure

cc: Brent Bradford



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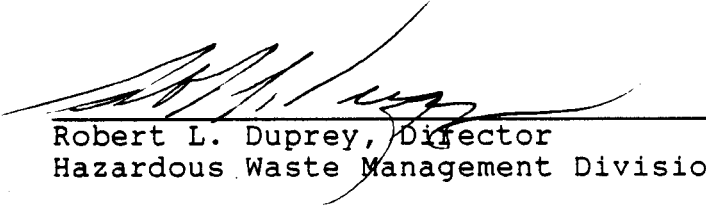
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1. EPA concurs with ATSDR's finding that there is no evidence of exposure to toxic metals such as lead, arsenic, or cadmium at levels believed to be harmful to current residents.
2. There are potential concerns with metals due to elevated levels in soils should extended exposure occur. However, no air quality or drinking water standards in the area have been exceeded.
3. Property which is effectively covered with top soil and maintained can adequately remediate and solve the potential problem of direct contact with tailings.
4. In our judgment, compliance with the Park City ordinance related to cover where metal levels are elevated can ensure protection of public health.
5. EPA believes that if Park City and its property owners implement EPA recommendations, there will be effective remediation to possible exposure. EPA sees no impediment to financial transactions involving properties that are remediated to prevent such exposure.


Robert L. Duprey, Director
Hazardous Waste Management Division

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WASHINGTON D.C. AREA OFFICE
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(301) 266-7524
IN WASHINGTON D.C.
261-8608

November 28, 1988

Ron Ivie
Chief Building Official
Park City Municipal Corporation
P.O. Box 1480
Park City, Utah 84060

Re: EPA Followup

Dear Ron:

I have enclosed a draft response to Bob Duprey on the suggested ordinance changes. I have also enclosed a draft ordinance with changes. As we discussed, I believe that all of the suggested changes are acceptable except making the enforcement mandatory. Arlene and I discussed the question of voluntary compliance versus mandatory compliance at length before we decided to have the ordinance compliance voluntary.


I believe that mandatory compliance would be a mistake, both from enforcement problems and homeowner resistance. If EPA desires to, they can limit their letter to those properties which have been inspected and meet the standards of the ordinance.

As you know, during our discussions with EPA last summer, we always agreed that compliance would be voluntary. The November 10th letter represents a change of position by EPA.

Please let me know how I can be of further assistance.

Yours truly,

WHEATLEY & RANQUIST

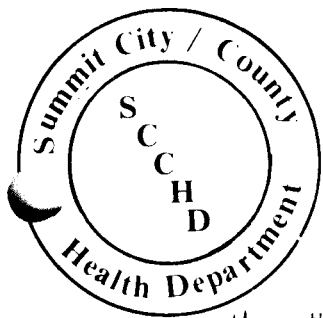


J. Craig Smith
Attorney at Law

JCS/mw

enclosure

cc: Arlene Loble
Jim Carter, Esq.



Steve Jenkins
Health
Director

Ruth Richins
Nursing
Director

Bob Swensen
Environmental
Director

RaNae Crittenden
Administrative
Assistant

November 17, 1988

Ron Ivie
Park City Building Dept.
P.O. Box 1480
Park City, Utah 84060

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84017

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PARK CITY

P.O. Box 680166
Park City, Ut.
84068

649-9072

KAMAS

P.O. Box 698
Kamas, Ut.
84036

783-4374

Dear Ron,

I have had a chance to review your draft ordinance concerning the Prospector Square area. In reference to Section 9 of your ordinance, I find that you have a very workable means of certifying compliance. I have also reviewed the letter from Robert L. Duprey, EPA, Denver office. I am somewhat dismayed by their recommendation concerning Section 9 of your ordinance. It appears that air sampling, water and groundwater sampling, the biological testing and epidemiological survey, along with forming a special taxing area to cover the area with top soil is not enough. It would appear that they would now like the residents to tear up their lawns and landscaping to satisfy and insatiable bureaucracy.

We would support Section 9 of your ordinance as it has been written. We believe any problems that may exist can be handled on an individual basis.

We would congratulate the citizens of Prospector Square, the Park City Mayor, the City Council and staff for the many hours of effort they have given to the resolution of this problem.

If we can be of further assistance, please contact my offices.

Sincerely,

Steve Jenkins, R.S., MPH
Director
Summit City/County Health Dept.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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JUL 28 1988

Ref: 8HWM-SR

Ms. Arlene Loble
City Manager
Park City Municipal Corporation
P.O. Box 1480
Park City, Utah 84060

Dear Arlene:

We have completed work on the Ambient Air and Residential Characterization Report for Prospector Square. Our final report, a copy of which is enclosed, presents the background, methods, and results from all sampling conducted by EPA under the approved work plan for this phase of the Prospector Square field work. As you know, the second and remaining phase of the Prospector Square field work, addressing ground and surface water, will be covered in a report to be prepared by the Utah Department of Health.

EPA's enclosed study is the substantial equivalent of a remedial investigation; thus, we are confident in presenting recommendations to you that will prevent human exposure to heavy metals from the tailings in the Park City area. The findings and recommendations contained in this final air and soils report should be read and understood in light of the conclusions reached by the Agency for Toxic Substances and Disease Registry (ATSDR) at the conclusion of its extensive biological monitoring program in the Prospector Square community.

EPA conclusions are as follows:

1. EPA concurs in ATSDR's finding that there is no evidence of exposure to lead, arsenic, or cadmium at levels believed to be harmful among current residents in the study area.
2. There are potential direct contact and ambient air exposures posed by elevated levels of heavy metals in the Park City area. Specifically, our outdoor air study identified elevated levels of chromium, lead, zinc, and other metals in downwind samples compared to upwind samples. Although levels in the downwind samples were elevated, the overall levels of airborne contaminants were quite low and we can conclude that they do not present a public health hazard.
3. Our residential characterization study found the major area of contamination to be in the residential soils. The highest levels of lead, arsenic, and zinc in soil samples were consistently found at Prospector Square residences, the community closest to the exposed tailings. Lead levels were significantly

higher in the residential soils at Prospector Square compared to the other three zones in which samples were collected. It appears that property in Prospector Square that had been effectively covered, however, was within acceptable criteria and showed that additional remediation could solve the problem of direct contact with tailings.

4. Our analyses of residential airborne dust samples found most levels of metals either at or below the detection limit. Further, none of the levels of radon gas detected in the residences sampled was above the EPA action level of 4 picocuries per liter (pCi/l).

Thus, the major areas of metals contamination found are the exposed tailings area and some of the residential soils at Prospector Square and in Park City. The major exposure pathway from either of these sources is ingestion. EPA's recommendations for remediation focus on minimizing the exposure of Prospector Square residents to the exposed tailings and to the residential soils.

RECOMMENDATIONS

1. EXPOSED TAILINGS

a) As a temporary measure, the remaining exposed tailings should be covered with at least 6 inches of suitable cover. This will help reduce the exposure to the residents of Prospector Square, particularly those residents who live within 200 feet of the exposed tailings and who would be exposed more frequently and to higher concentrations than would residents who live farther from the tailings.

b) Depending upon the future use of the exposed tailings area, more permanent measures should be considered which would protect the integrity of the cover for the long term. A minimum of 2 feet of suitable cover with grass or native vegetation is recommended to ensure the effectiveness of the cover over the long term. Two feet of soil cover will minimize the concentration of elevated levels of metal contaminants which would be expected near the soil surface as a result of annual plant recycling of soil nutrients. The concentration of metals in the upper soil profile could, if unmitigated, reach toxic levels for plants, thus reducing overall vigor of the vegetation and accelerating the erosion process. An alternative to 2 feet of soil cover would be development of the property in a manner (i.e., buildings and pavement) that would effectively eliminate the potential for exposure from the tailings.

c) Measures such as building codes and safety practices would need to be taken during any construction or disturbance of the tailings area to minimize exposure to the workers or nearby

residents from fugitive dust.

d) Institutional controls are an additional means of ensuring that the integrity of the cover is maintained over the long term. Such controls should include zoning ordinances and/or covenants on the property to ensure that future owners are aware of the importance of maintaining the soil/vegetative cover.

2. RESIDENTIAL SOILS

The high levels of lead, arsenic, manganese, and zinc found in some of the residential soils can not be solely attributed to the levels of airborne contaminants migrating from the exposed tailings. The high level of contaminants in the residential soils is in part due to the tailings material underlying most of Prospector Square. We are concerned that individual landscaping practices may not ensure adequate cover of the tailings material at present or in the future. Activities such as gardening (both vegetable and flower) or the planting of bushes and trees could present a potential exposure pathway to the residents. Other activities that could present a possible exposure pathway to residents include construction, street repair, or utility maintenance.

a) EPA recommends further testing of residential soils to identify those areas with elevated levels of metals. Based on the results of such testing, a number of options may be considered to ensure adequate cover of the tailings. Residences where the yards have already been landscaped may be more limited in the options available.

b) EPA has at its disposal the means of testing the residential soils with a quick turnaround (1 day) time, should the city or residents wish to have further testing done. Additional soil capping efforts are recommended if surface soil samples (upper 1 inch) have lead levels in the range of 1000-2000 ppm (milligrams per kilograms of soil). If the surface soil levels are greater than 2000 ppm in a residential area after capping and other remedial efforts, those efforts are likely to have been ineffective and additional remedial activities are warranted. Additionally, if the soil levels are greater than 2000 ppm, we recommend that a survey of the priority pollutant metals be run and additional risk assessment analysis completed. Testing of soils using X-ray fluorescence scans would be an appropriate technique.

c) Additional soil cover up to 1 foot is recommended where high levels of metals occur in soils that are presently sodded with grass. A soil cover of 6 inches will break the human exposure pathway presented by the residential soils, but 6 inches of soil will not ensure long-term protection. If the grass in a landscaped yard is currently showing signs of stress (not due to a lack of watering or maintenance), the possibility of

insufficient suitable soil cover for the grass roots must be considered. For yards that are not yet landscaped, residents may wish to consider placing up to 2 feet of suitable soil cover over the tailings material. We also recommend the addition of limestone or a similar calcium carbonate enrichment to the soil as a means of minimizing the effects of high metal concentrations.

For those vacant lots that were covered with 6 inches of suitable soil cover under the Special Improvement District authority, EPA considers that measure to be a temporary measure until the lots are developed. EPA assumes that that cover will be maintained. At the time that the lots are developed, measures will need to be taken during construction to minimize exposure to the nearby residents and to the workers. Additional soil cover up to 2 feet on these undeveloped lots should be considered as part of any landscaping effort.

d) Generally, for flower or vegetable gardening, the practice of turning over the soil would not disturb more than 1 foot of cover. However, for trees or bushes, additional soil material is generally excavated during landscaping. Particular care should be taken in digging up tailings material in such locations to ensure that such material is not mixed with suitable soil material or placed at the surface. To ensure healthy trees and bushes, a resident may wish to consider the selection of species with a high tolerance to metals such as lead, cadmium, zinc, or manganese. At the time of planting trees or bushes, the excavation of additional material and replacement with suitable soil material may be desirable to ensure an adequate supply of suitable material for rooting as the plant grows. However, the disposal of this "tailings" material in an appropriate place needs to be assured.

The evaluation for the potential effects of the metals upon plant growth are much more variable. However, the human health criteria will also generally be protective to plants. At this particular site, metals other than lead will likely be the offending agents. Zinc and copper are likely candidates with additional effects expected from the remaining metals. We recommend that, in areas with stressed vegetation after capping or other remedial efforts, additional sampling be conducted. We recommend that the soil samples be composited from the surface to a depth of 24 inches. Testing of the soils using X-ray fluorescence scans would be appropriate.

e) Institutional controls are an additional means of ensuring that the integrity of the cover is maintained over the long term. Such controls should include zoning ordinances and/or covenants on the property to ensure that future owners are aware of the importance of maintaining the soil/vegetative cover.

The above measures are recommended as a means of remediating the resident's exposure to elevated levels of metal contaminants posed by the exposed tailings area and by the residential soils. By covering the exposed tailings and increasing the soil cover of the yards, the potential for exposure through ingestion or inhalation can be significantly reduced. Following implementation of the above recommendations or other measures deemed appropriate, EPA recommends that the City or State conduct additional monitoring to ensure the effectiveness of these measures.

Specifically, we are hopeful that enforceable ordinances or other regulatory mechanisms can be put in place by Park City to ensure the effectiveness and longevity of actions taken to isolate the residents of Prospector Square from the metals of concern. Such ordinances should ensure the protectiveness of the remedial actions taken even as property is transferred over time.

EPA believes that, if Park City and its property owners implement these recommendations, there will be effective remediation to possible exposure to heavy metals found in tailings at and around the Prospector Square area. EPA does not create liability; therefore, we cannot remove liability. However, EPA can state that it sees no impediment to financial transactions involving properties remediated in accordance with the above recommendations.

EPA appreciates your patience throughout the course of our studies and we hope that our recommendations will lead to a more healthy environment for the residents of Park City, Utah.

Sincerely,



Robert L. Duprey, Director
Hazardous Waste Management Division

Enclosure

cc: B. Bradford, UDH



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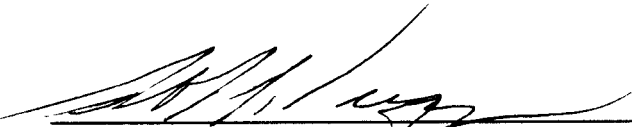
MAR 6 1989

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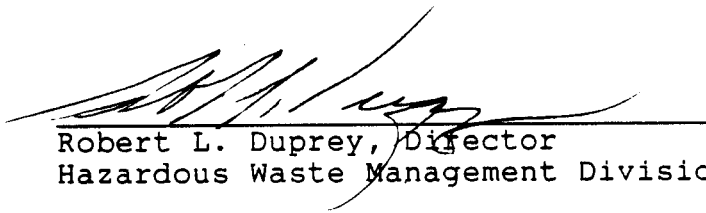
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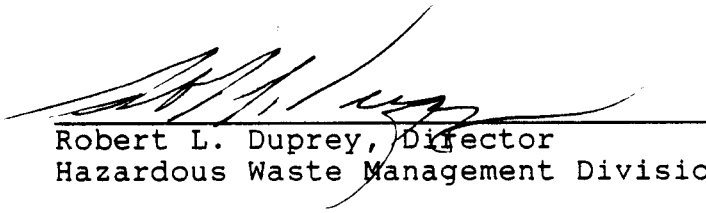
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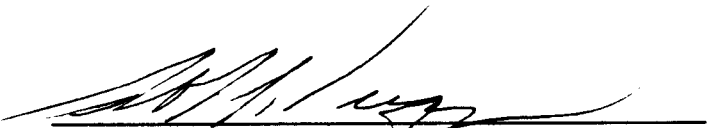
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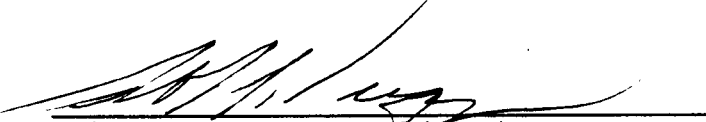
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Robert L. Duprey, Director
Hazardous Waste Management Division

MEMORANDUM

TO: Toby Ross
FROM: JIM CARTER
DATE: March 27, 1991
RE: Resurgence of EPA Questions

I made telephone contact with Greg Oberly, an environmental scientist in EPA's Denver office. Greg was the person whom Blair interviewed with regard to the new hazard ranking system scoring model which was adopted by EPA in December, 1990. I'm satisfied that Prospector Square is not on the verge of rearing its ugly head again.

Greg has adopted the standard EPA party line that there remain questions in any tailings area and that no study designed by man can produce conclusive results. That has been the EPA and State Health Department staff's position all along in response to our request for a definitive determination as to the health and environmental risks in the Prospector area. Nothing new on that front.

With regard to re-scoring or re-evaluating the Prospector Square area, I believe there has been some misunderstanding. Mr. Oberly indicated that the EPA would not initiate new studies in the Prospector Square area in the absence of new evidence that there exists a health or environmental hazard. Mr. Oberly assured me that he is aware of no such new evidence and that, as far as he is aware, EPA has no plans whatsoever to physically re-appear in Prospector in white suits and gas masks to terrify the populace. He did caution, however, that EPA has not listed Prospector as a "No Further Action Site", a designation I don't fully understand, which sounds like a designation we'd like.

What Mr. Oberly did say was that, at some unspecified future time, EPA may take the data generated by the extensive studies conducted by EPA, the City and the State Health Department and plug them into their new hazard ranking system computer model to see what happens. My sense is that is not likely to happen any time during our tenures at Park City.

I've asked Craig Smith to evaluate the affects of plugging existing data into the new hazard ranking system model and to give us a feel for the significance of the fact that the City is not listed as a no further action site. It doesn't appear at this point, however, that any further contact with EPA or response to the interview would be helpful.

Recorded at the request of and return
to: Park City Municipal Corp.
P. O. Box 1480, Park City, UT 84060

REQ. NOTE AB 12/12/88

300699

Park City Municipal

88 DEC -5 AM 9:23

Ordinance No. 88-10

Fee Exempt per Utah Code Annotated 1953 21-7-2
ALAN SPRIGGS
SUMMIT COUNTY RECORDER

REC'D BY *Alan S.*

**AN ORDINANCE VACATING A PORTION OF
PLATTED AMERICAN SADDLER DRIVE
IN PARK MEADOWS SUBDIVISION NO. 3
PARK CITY, UTAH**

WHEREAS, the City Council of Park City, Utah is of the opinion that there is good cause for vacating a portion of platted American Saddler Drive and that such vacation will not be detrimental to the general interests; and

WHEREAS, the owners of the property abutting the part of the platted American Saddler Drive proposed to be vacated, have consented to this vacation;

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

1. Vacation. The following described portion of platted American Saddler Drive as shown on the official plat of Park Meadows Subdivision No. 3 should be, and is hereby vacated pursuant to the provisions of Utah Code Annotated Section 10-8-8.2, et. seq.;

Commencing at the southwest corner of Lot 13 of Risner Ridge Subdivision, Park City, Utah; thence South 77°27'11" East 69.02 feet; thence South 65°30'00" West 70.42 feet to the beginning of a 41.00-foot radius curve to the left; thence southwesterly 37.89 feet along the arc of said curve through a central angle of 52°57'11" to a point of snag; thence North 12°42'49" East 43.00 feet to the beginning of a 150.00-foot radius curve to the right; thence northeasterly 32.40 feet along the arc of said curve through a central angle of 12°22'34" to the point of beginning containing 0.0509 acres.

RESERVING to Park City Municipal Corporation a non-exclusive utility easement over the entirety of the above-described parcel, thus prohibiting the construction of any structure thereon.

2. Effective Date. This Ordinance shall take effect upon its publication.

PASSED AND ADOPTED this ^{1st} 2nd day of December, 1988.

PARK CITY MUNICIPAL CORPORATION

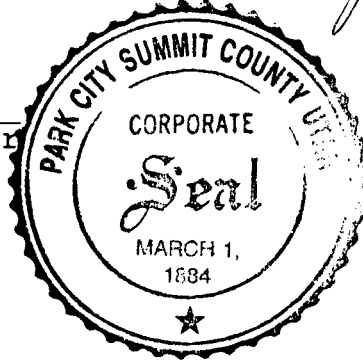
Hal W. Taylor

Mayor Hal W. Taylor

Attest:

Anita Coletti

Anita Coletti, City Recorder



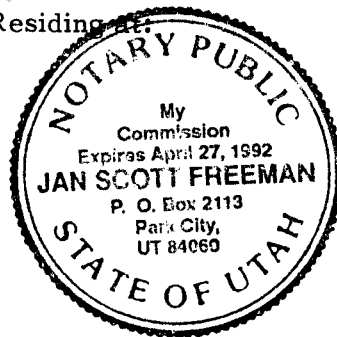
STATE OF UTAH)
 ss
COUNTY OF SUMMIT)

The foregoing Ordinance vacating a portion of platted American Saddler Drive in Park Meadows Subdivision No. 3, Park City, Utah, was acknowledged before me this 2nd day of December, 1988, by Hal W. Taylor, Mayor of Park City Municipal Corporation.

Jan Scott Freeman

My commission expires:

Residing at:



WHEN RECORDED, MAIL TO:

CITY RECORDER
PARK CITY MUNICIPAL CORPORATION
P. O. BOX 1480
PARK CITY, UTAH 84060

CONSENT TO VACATE AND
WAIVER OF NOTICE

The below signed owners, being the owners of all real property abutting the portion of platted American Saddler Drive proposed to be vacated by the City Council of Park City, do hereby consent to the vacation proposed by the City Council of Park City, of the portion of platted American Saddler Drive south of Risner Ridge Subdivision, more particularly described as:

Commencing at the southwest corner of Lot 13 of Risner Ridge Subdivision, Park City, Utah; thence South $77^{\circ}27'11''$ East 69.02 feet; thence South $65^{\circ}30'00''$ West 70.42 feet to the beginning of a 41.00-foot radius curve to the left; thence southwesterly 37.89 feet along the arc of said curve through a central angle of $52^{\circ}57'11''$ to a point of snag; thence North $12^{\circ}42'49''$ East 43.00 feet to the beginning of a 150.00-foot radius curve to the right; thence northeasterly 32.40 feet along the arc of said curve through a central angle of $12^{\circ}22'34''$ to the point of beginning containing 0.0509 acres.

RESERVING to Park City Municipal Corporation a non-exclusive utility easement over the entirety of the above-described parcel, thus prohibiting the construction of any structure thereon.

The below signed owners waive any and all right to notice of such vacation pursuant to Utah Code Annotated 10-8-8.3, 1953, as amended.

Consent to Vacate and
Waiver of Notice
Page 2

DATED this 30TH day of November, 1988.

David K. Gorrell
David K. Gorrell

TSUNAMI LAND CORPORATION

by: [Signature]

STATE OF UTAH)
 ss
COUNTY OF SUMMIT)

The foregoing Consent to Vacate and Waiver of Notice was acknowledged before me this 30th day of November, 1988, by David K. Gorrell.

[Signature]
Notary Public
My Commission Expires April 27, 1992
STATE OF UTAH
COUNTY OF SUMMIT
Residing at: [Address], Utah

My Commission expires: 4/27/92

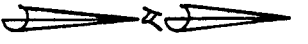
STATE OF UTAH)
 ss
COUNTY OF SUMMIT)

The foregoing Consent to Vacate and Waiver of Notice was acknowledged before me this 17th day of November, 1988, by Shelly R. Levitz, the Secretary of Tsunami Land Corporation.

[Signature]
Notary Public My
Commission Expires 4/27/92
Residing at: Rock City, Utah
STATE OF UTAH
COUNTY OF SUMMIT
Residing at: [Address], Utah

My Commission expires:
4/27/92

RISNER RIDGE



SCALE 1" = 50'

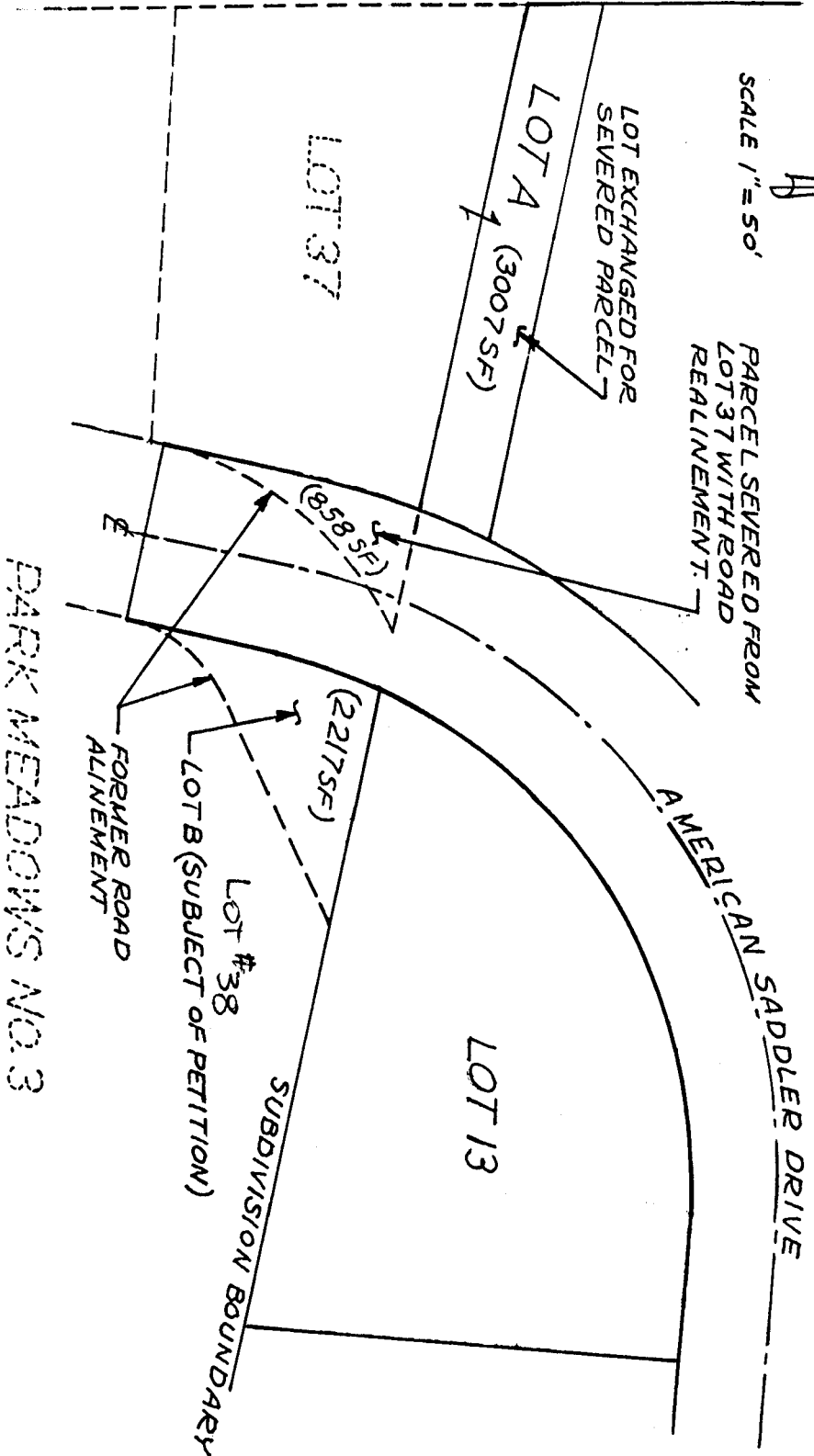
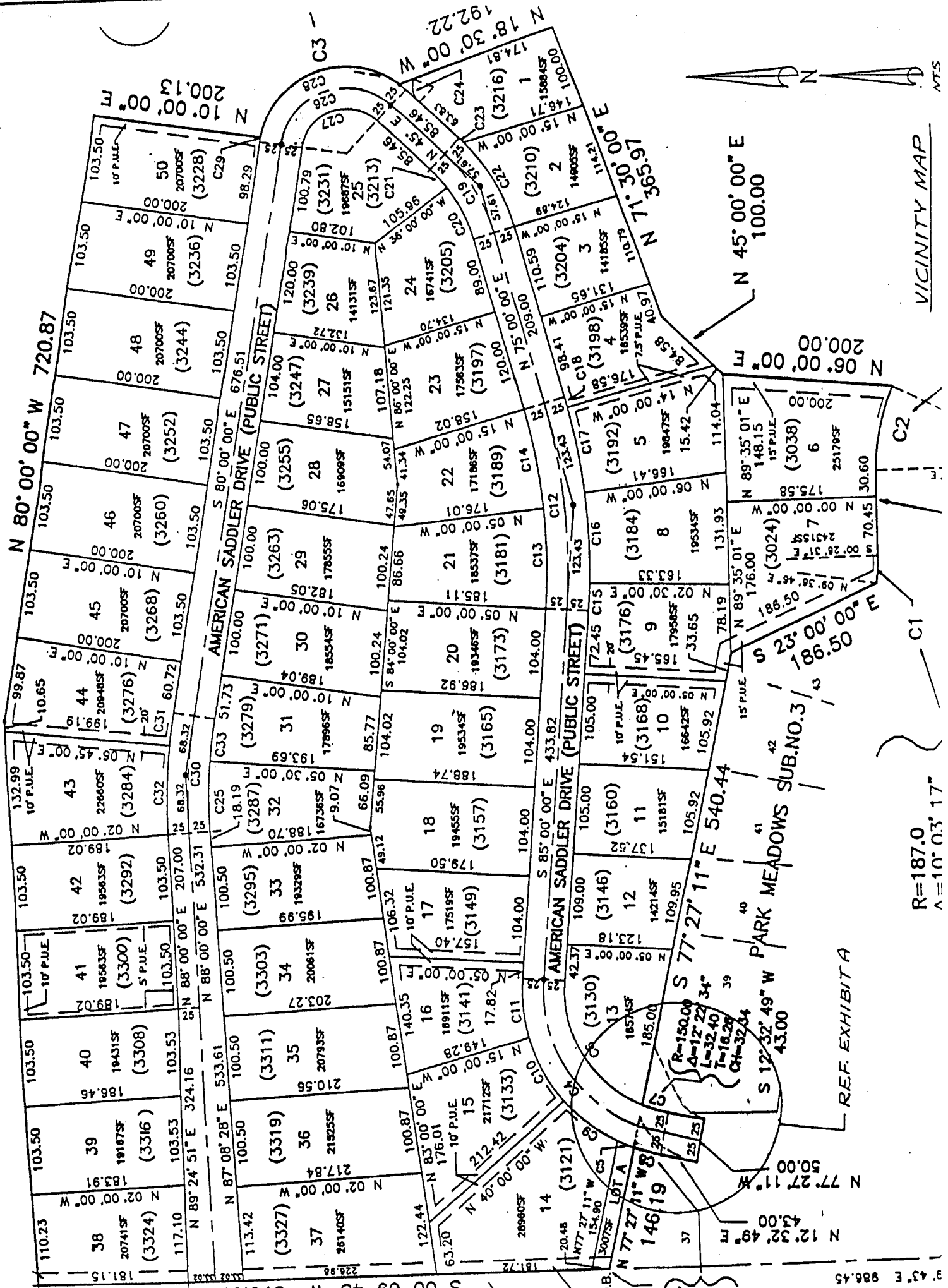


EXHIBIT A

CHRONOLOGY MAE



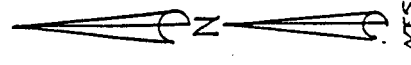
VICINITY MAP

R=187.0
A=10° 03' 17"

REF. EXHIBIT A

PARK MEADOWS SUB. NO. 3

S 77° 27' 11" E 540.44
S 12° 32' 49" W 43.00
R=150.00
Δ=12° 22' 34"
L=32.40
T=16.20
Ct=32.64



MTS

When recorded, mail to:

GRANTEE

QUIT CLAIM DEED

DAVID K. GORRELL, GRANTOR, hereby quit claims to TSUNAMI LAND CORPORATION, GRANTEE, the following described tract of land in Summit County, State of Utah:

Commencing at the southwest corner of Lot 13 of Risner Ridge Subdivision, Park City, Utah; thence South 77°27'11" East 69.02 feet; thence South 65°30'00" West 70.42 feet to the beginning of a 41.00-foot radius curve to the left; thence southwesterly 37.89 feet along the arc of said curve through a central angle of 52°57'11" to a point of snag; thence North 12°42'49" East 43.00 feet to the beginning of a 150.00-foot radius curve to the right; thence northeasterly 32.40 feet along the arc of said curve through a central angle of 12°22'34" to the point of beginning containing 0.0509 acres.

RESERVING to Park City Municipal Corporation a non-exclusive utility easement over the entirety of the above-described parcel, thus prohibiting the construction of any structure thereon.

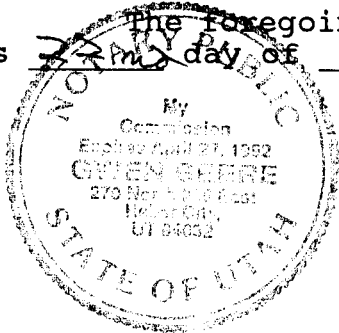
DATED this 22 day of DECEMBER, 1988.

David K. Gorrell

DAVID K. GORRELL

STATE OF UTAH)
) SS
COUNTY OF SUMMIT)

The foregoing Quit Claim Deed was acknowledged before me this 22nd day of December, 1988 by David K. Gorrell.



Gwen Greer

NOTARY PUBLIC

WHEN RECORDED, MAIL TO:

CITY RECORDER
PARK CITY MUNICIPAL CORPORATION
P. O. BOX 1480
PARK CITY, UTAH 84060

CONSENT TO VACATE AND
WAIVER OF NOTICE

The below signed owners, being the owners of all real property abutting the portion of platted American Saddler Drive proposed to be vacated by the City Council of Park City, do hereby consent to the vacation proposed by the City Council of Park City, of the portion of platted American Saddler Drive south of Risner Ridge Subdivision, more particularly described as:

Commencing at the southwest corner of Lot 13 of Risner Ridge Subdivision, Park City, Utah; thence South $77^{\circ}27'11''$ East 69.02 feet; thence South $65^{\circ}30'00''$ West 70.42 feet to the beginning of a 41.00-foot radius curve to the left; thence southwesterly 37.89 feet along the arc of said curve through a central angle of $52^{\circ}57'11''$ to a point of snag; thence North $12^{\circ}42'49''$ East 43.00 feet to the beginning of a 150.00-foot radius curve to the right; thence northeasterly 32.40 feet along the arc of said curve through a central angle of $12^{\circ}22'34''$ to the point of beginning containing 0.0509 acres.

RESERVING to Park City Municipal Corporation a non-exclusive utility easement over the entirety of the above-described parcel, thus prohibiting the construction of any structure thereon.

The below signed owners waive any and all right to notice of such vacation pursuant to Utah Code Annotated 10-8-8.3, 1953, as amended.

Consent to Vacate and
Waiver of Notice
Page 2

DATED this 30TH day of NOVEMBER, 1988.

David K. Gorrell
David K. Gorrell

TSUNAMI LAND CORPORATION

by: [Signature]

STATE OF UTAH)
 ss
COUNTY OF SUMMIT)

The foregoing Consent to Vacate and Waiver of Notice was acknowledged before me this 30th day of November, 1988, by David K. Gorrell.

[Signature]
Notary Public
279 No. [unclear]
Residing at: [unclear], Utah

My Commission expires: 4/27/92

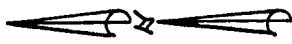
STATE OF UTAH)
 ss
COUNTY OF SUMMIT)

The foregoing Consent to Vacate and Waiver of Notice was acknowledged before me this 17th day of November, 1988, by Shelly E. Levitz, the Secretary of Tsunami Land Corporation.

Michael M. Vance
Notary Public
Residing at: Park City, Utah

My Commission expires: 4/27/92

RISNER RIDGE



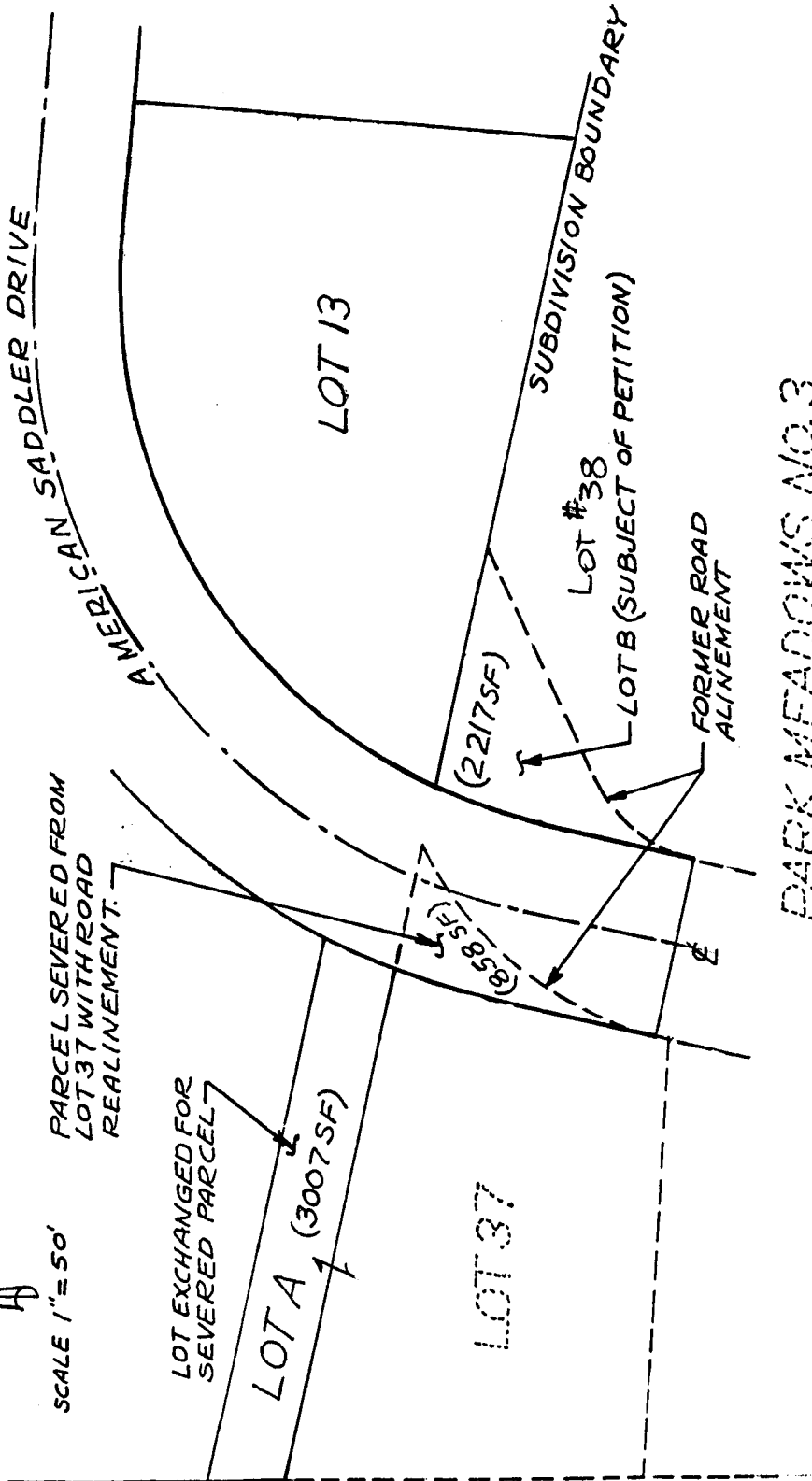
SCALE 1" = 50'

PARCEL SEVERED FROM LOT 37 WITH ROAD REALIGNMENT.

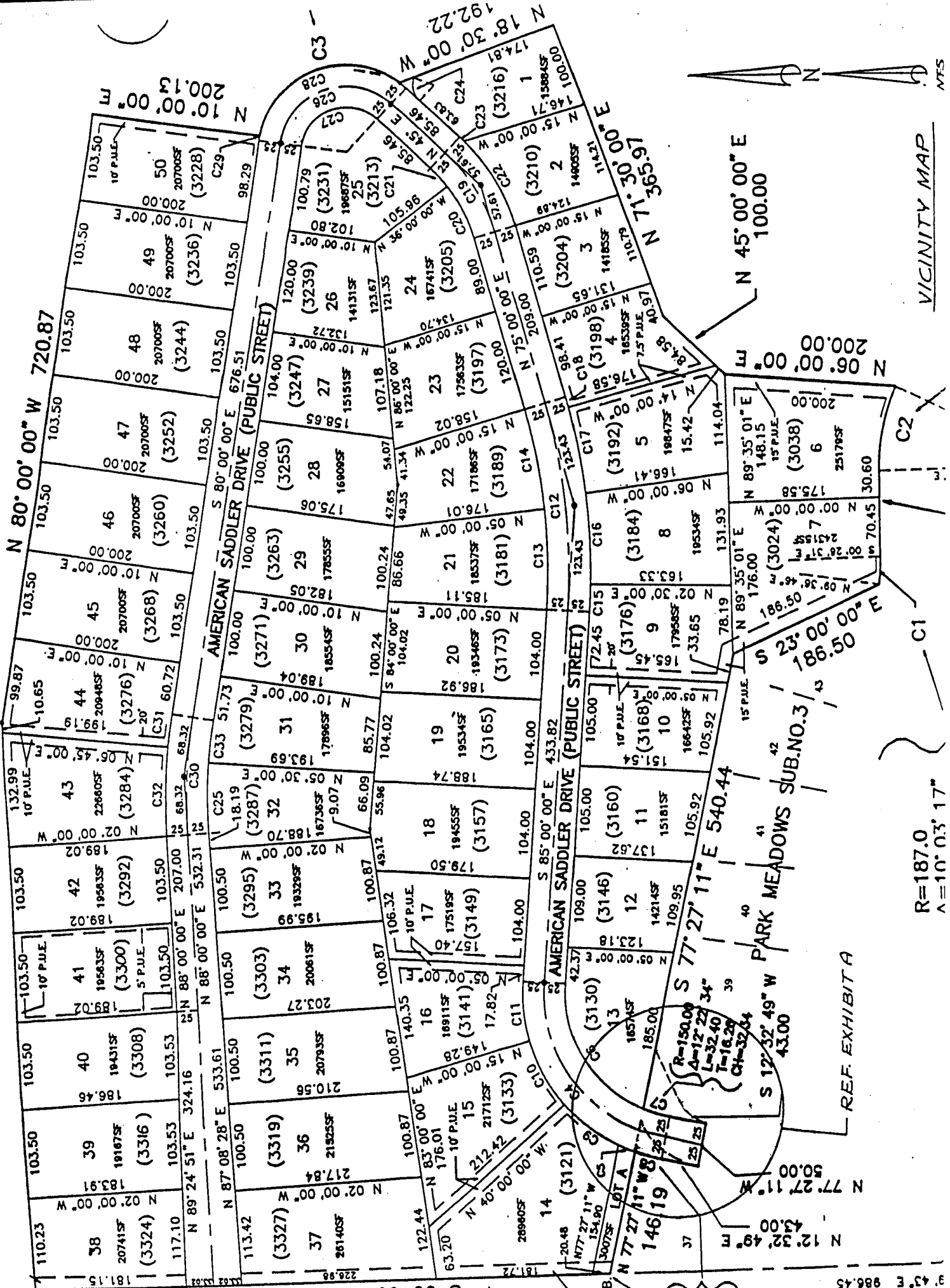
LOT EXCHANGED FOR SEVERED PARCEL

LOT A (3007 SF)

LOT 37



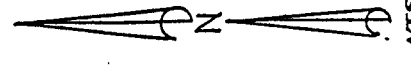
PARK MEADOWS NO. 3



R=187.0
A=10° 03' 17"

REF. EXHIBIT A

VICINITY MAP



PARK MEADOWS SUB. NO. 3

S 77° 27' 11" E 540.44

S 12° 32' 49" W 43.00

S 77° 27' 11" W 300.75

N 77° 27' 11" E 300.75

N 12° 32' 49" W 43.00

N 77° 27' 11" E 300.75

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ORDINANCE

Ordinance No. 88-9

AN ORDINANCE GOVERNING PUBLIC FESTIVALS AND EVENTS,
PROVIDING FOR MASTER FESTIVAL LICENSING, FEE SCHEDULES,
AND PUBLIC HEARING PROCESS
AND REPEALING SECTION 10, PUBLIC FESTIVALS, STREET CLOSURES,
OF ORDINANCE NO. 82-27 IN ITS ENTIRETY

- Section 1. Definitions
- Section 2. Unlawful To Operate Without A License
- Section 3. Renewal Of Licenses
- Section 4. Master Festival License Application Procedure
- Section 5. Licenses Encompassed By Master Festival License
- Section 6. Fees To Be Assessed
- Section 7. Payment of Fees, Posting of Bonds
- Section 8. Fee Waivers
- Section 9. Insurance Requirements
- Section 10. Public Hearing Process
- Section 11. Runs, Walks, Film-Making, and Promotions
- Section 12. Criminal Penalty
- Section 13. Repealer Clause
- Section 14. Separability Clause
- Section 15. Effective Date

WHEREAS, the City is the frequent site of public festivals and private events requiring significant public funding and/or staffing, and;

WHEREAS, public festivals and private events vary as to their ability to collect revenue, providing staffing or equipment, and;

WHEREAS, public property is a frequent venue for festivals and events, and events may or may not fall under other business, liquor, zoning, public peace, or building/fire codes and ordinances on public or private property;

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

SECTION 1. DEFINITIONS. For the purpose of this Ordinance, the following terms shall have the meanings herein prescribed.

Section 1.01 Applicant. An "Applicant" is the person, or group of people, who is or are the organizer(s) and with whom the responsibility for conduct of the event lies. The applicant

signs the festival license application and all other documents relevant to the event. The applicant must be a natural person or persons, and not a corporation, corporate sponsor, or business, or any other entity which is not a natural person (see sponsor).

Section 1.02 Business License. A "Business License" is defined in Ordinance No. 87-12. A Business License may be temporarily replaced or altered for the purpose of a special event or public festival within the specific guidelines of the festival license.

Section 1.03 Charitable Organization. "Charitable Organization" means any recognized religious organization, or any social or welfare organization recognized and dedicated to the relief of the poor, care of the sick or elderly, or aid to victims of disaster, catastrophe, or personal tragedy.

Section 1.04 Concession. "Concession" is a privilege to sell food, beverages, souvenirs, or copyrighted or logoed event memorabilia at a licensed event. Concessions are provided for within this Ordinance in lieu of City business license regulations.

Section 1.05 Corporate Sponsor. A "Corporate Sponsor" within the meaning of this Ordinance shall be any business enterprise or combination of business enterprises which provide funding for any special event in the amount of 50% or more of the funds necessary to promote the event or account for 50% or more of the events operating expenditure budget.

Section 1.06 Fees. "Fees" are charges assessed by Park City for licensing, staffing, equipment use/rental, property use/rental, clean up, inspections involving the use of public property, public employees, or public equipment assessed to an event or festival and established within the festival licensing process.

Section 1.07 Fireworks Permit. "Fireworks Permits" are normally applied for and paid for through the City Fire Marshal for aerial or concession fireworks. When fireworks are used in conjunction with a licensed event, the Master Festival License negates the need of a separate Fireworks Permit.

Section 1.08 Licensee. The Applicant, as defined in Section 1.01, becomes the "licensee" when the Master Festival License is signed by the Special Events Coordinator or receives formal City Council approval. As the license holder, the Licensee becomes the sole proprietor of the event and inherits the responsibilities connected with all licenses, fee assessments, copyrights, and insurance liabilities connected with the licensed event.

Section 1.09 Liquor License. "Liquor License" means City issued beer or liquor licenses used in conjunction with Master Festival Licensing and defined in Ordinance No. 83-16. Some events License, particularly for sales of liquor or wine.

Section 1.10 Public Festival. A "Public Festival" is any event held on public or private property in which the general public is invited with or without charge and which creates significant public impacts through the attraction of large crowds, necessity for street closures, or use of other public property, requires the use of public employees or equipment, or necessitates temporary business or liquor licensing in conjunction with the public impacts.

Section 1.11 Public Holiday. A "Public Holiday" shall be defined as any state or national holiday or any locally declared day of celebration during which a Public Festival may be held. Such days are, but may not be limited to: 4th of July, Miners Day, and that portion of America's Opening (Friday after Thanksgiving) which is held on public property. Public Festivals on Public Holidays promoted by the Park City Municipal Corporation (City) and/or the Park City Chamber/Bureau and held on public property do not require festival licensing. Fees will be absorbed by the City as established by the Special Events Coordinator in an amount less than five hundred dollars (\$500). Event expenditures for public holidays in excess of five hundred dollars (\$500) require City Council approval.

Section 1.12 Special Event. A "Special Event" is any event, public or private, with either public or private venues, requiring City licensing beyond the scope of normal business and/or liquor regulations, as defined by ordinance; or creates significant public impacts through the use of public property or employees, or could reasonably be interpreted to cause significant public impacts via disturbance, crowd, traffic/parking, or disruption of the normal routine of the community or affected neighborhood.

Section 1.13 Special Events Coordinator. The "Special Events Coordinator" shall be the Chief of Police of Park City Municipal Corporation.

Section 1.14 Street Closure. "Street Closure" is the deliberate blockage of any public street or City owned parking facility to prohibit the flow of traffic or access of vehicles. Any non-construction Street Closure in excess of four (4) hours requires a Master Festival License. Any non-construction related Street Closure, regardless of duration, of Main Street or any arterial street necessary for the safe and efficient flow of traffic in the City, shall require a Master Festival License.

Section 1.15 Sponsor. An event "Sponsor" is a person, group, or business which has contracted to provide financial or

logistical support to any special event of Public Festival. Such agreement may provide for advertising rights, product promotion, logo promotion, exclusivity of rights, products, or logos.

Section 1.16 Venue. "Venue" shall be defined as the location or locations upon which a Special Event or Public Festival is held, as well as the ingress and egress route when included in the festival license.

SECTION 2. UNLAWFUL TO OPERATE WITHOUT A LICENSE. Unless exempted by state or federal law, it shall be unlawful for any person, group, or business, to conduct a Special Event or Public Festival with or without charge for admission, on public or private property, without first applying for and being granted a Master Festival License for the specific event and its Venue(s). All licenses issued pursuant to this ordinance are non-transferrable and expire at the completion of the given event.

SECTION 3. RENEWAL OF LICENSES. Licenses under the provisions of this Ordinance who successfully operate an event under the provisions of this Ordinance and who wish to have the event on an annual or periodic basis, must renew each Master Festival License as if it were a new event. Events which occur in series such as concerts, falling under the criteria established in this Ordinance, must have a Master Festival License for each concert in the series, even if the same performer is performing on separate occasions.

SECTION 4. MASTER FESTIVAL LICENSE APPLICATION PROCEDURE. Applications for Master Festival Licenses shall be made in writing to the Special Events Coordinator (Chief of Police). Application materials are available at City Hall and the Chamber/Bureau offices, and must be completed and submitted to the Special Events Coordinator not less than forty five (45) days prior to the scheduled opening of the event. Application materials will be reviewed by the City staff and returned to the applicant with comments and a recommendation (i.e., approval as is, approval with changes, cause for denial) within ten (10) working days from date of submission. Incomplete applications will be returned to the applicant and noted accordingly. Upon receipt of favorable recommendation and the signature of the Special Events Coordinator, the application shall be noticed before the Park City Council for public hearing, consent agenda, or renewal, whichever may apply, by the Special Events Coordinator upon properly public notice at the next available City Council meeting. Upon City Council approval of the application, the application will automatically evolve into a Master Festival License for the given event.

SECTION 5. LICENSES ENCOMPASSED BY MASTER FESTIVAL LICENSE. The Master Festival License shall include a temporary business license, temporary liquor or beer license, fireworks license, building permit, and banner permit either individually or

in combination. This Section does not eliminate necessary state permits, licenses, or tax accountability, nor does this Section supercede any state permit, license, or tax regulation. A profit-making business or corporation promoting a Special Event which falls under the provisions of this Ordinance must also have a fully paid Park City Municipal Corporation business license, as outlined in Ordinance No. 87-12 prior to making application for a Master Festival License. Occupancy permits for any temporary establishment constructed under the provisions of a Master Festival License will be provided to the Licensee upon compliance of all Code enforcement provisions and upon inspection by the Park City Building Department.

SECTION 6. FEES TO BE ASSESSED. Upon application, the Special Events Coordinator will, upon review of necessary services, property, and/or equipment as requested by applicant or deemed necessary by Special Events Coordinator, provide the applicant with an estimate of fees based on City department user fees, salaries, equipment rental charges, and inspection charges to be assessed against the event for city services.

SECTION 7. PAYMENT OF FEES, POSTING OF BONDS. Unless waived pursuant to this Ordinance, all fees due the Park City Municipal Corporation as a result of a special event or public festival, must be paid within thirty (30) days from the final day of the event. This Section further empowers the Special Events Coordinator to require an applicant to post a bond in an amount not to exceed one thousand dollars (\$1,000) prior to the issuance of a Master Festival License, as a guarantee against fees, damages, clean up, or loss of public property. Bonds may be waived by the Special Events Coordinator upon demonstration by the applicant that adequate steps are provided for protection of public property, payment of fees, and Venue clean up.

SECTION 8. FEE WAIVERS. It is recognized that some events, particularly new events, may not have sufficient resources to pay City assessments and in fact, the event could not occur or would be significantly harmed if assessments were levied. For-profit events or events which are charitable or not-for-profit with budgets in excess of fifty thousand dollars (\$50,000) will not be considered for fee waivers. The Special Events Coordinator shall make a recommendation in conjunction with the application approval process for a fee waiver based on one or more of the following criteria.

- (a) Events without Corporate Sponsorship and which do not charge admission, will receive a 100% fee waiver, upon request, during the first year of operation.
- (b) Events without Corporate Sponsorship and which do not charge admission will receive, upon request, a 50% fee waiver during the second year of operation. No

additional waivers will be given beyond the second year of operation.

- (c) Events having Corporate Sponsorship, which charge admission, or have some other source of funding, will upon request, receive a 50% fee waiver during the first year of operation or upon the first event, whichever is less. No additional waivers will be given.
- (d) Charitable events having no Corporate Sponsorship and which charge two dollars (\$2) or less admission, upon request for waiver and presentation of documents noting tax free status and intended donor, will have all fees waived until such time as the status of the event changes.
- (e) Charitable events having Corporate Sponsorship, which charge admission, or sell tickets or any combination thereof, may receive a full, partial, or no fee waiver based upon request and presentation of a full event budget to the Special Event Coordinator who in turn will evaluate the event and the budget for applicability to this Section. Event budgets in excess of fifty thousand dollars (\$50,000) in gross revenue, including donations, or fifty thousand dollars (\$50,000) in gross expenditures will not be considered.

SECTION 9. INSURANCE REQUIREMENTS. Every event licensed under the provisions of this Ordinance shall provide upon application for license proof of liability insurance in the amount of one million dollars (\$1,000,000) or more as may be required by the Special Events Coordinator or the City Attorney's Office, and shall further name Park City Municipal Corporation as an additional insured. Private events held on private property falling under the requirements of this Ordinance shall further indemnify the City from liability occurring at the event.

SECTION 10. PUBLIC HEARING PROCESS. All new Master Festival Licenses shall have a public hearing, properly noticed, as a matter of City Council business to be held not less than ten (10) calendar days from the proposed start date of the event. The public hearing shall be the method by which members of the public, and particularly those persons affected by the event, can provide input or register protest. Each Master Festival License public hearing shall only be held after the application process is completed and the application is signed by the Special Events Coordinator, and all appropriate recommendations as to fee waivers and approvals for the event have been noted. Renewal licenses and Public Holiday festival licenses, as promoted by the City and/or Chamber/Bureau, as defined in Subsection 1.10 do not require public hearing, unless the event has so changed during the renewal period as to cause significantly different public impacts than originally

intended, or, in the case of Public Holiday festivals, the public impacts are so great as to cause mass inconvenience and the likelihood of protest outweighs the elimination of the festival licensing process.

SECTION 11. RUNS, WALKS, FILM-MAKING, AND PROMOTIONS.

Runs, walks, film-making, and promotions are not governed by the provisions of this ordinance unless such run, walk, film, or a promotion creates substantial public impact or requires substantial City service. Any run, walk, film, or promotion undertaken by any for-profit business or corporation, must first be licensed as a business under the Business License Ordinance No. 87-12. For-profit corporations falling under the provisions of this Ordinance or who are specifically in film-making or promotions on public or private property must, as a provision of their license, provide proof of insurance, shooting schedule or schedule of events, produce written permission of property owners, and provide access to any set or site for purposes of Code enforcement.

SECTION 12. CRIMINAL PENALTY. Any person who willfully violates any provision of this Ordinance shall be guilty of a Class B misdemeanor. Persons conducting Special Events or Public Festivals without having first obtained a Master Festival License are subject to arrest and the event is subject to closure.

SECTION 13. REPEALER CLAUSE. Section 10 of Park City Ordinance No. 82-27, Section 10 is hereby repealed in its entirety. However, this Ordinance shall not invalidate any license granted under the prior ordinance for an event licensed but not yet held. No event licensed and already held under the previous ordinance shall be deemed to be licensed under this new ordinance. Fee waivers granted under 82-27-20 must be reapplied for and rewaived under the new provisions of this Ordinance.

SECTION 14. SEPARABILITY CLAUSE. If any subsection, sentence, clause, phrase, or portion of this Ordinance including but not limited to any exemption, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not effect the validity of the remaining portions of this Ordinance.

SECTION 15. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 10th day of November.

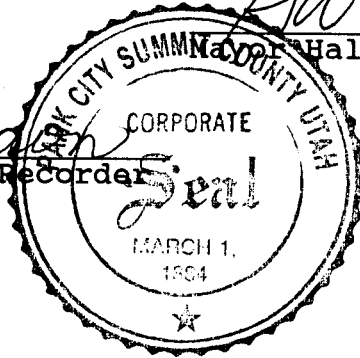
PARK CITY MUNICIPAL CORPORATION

Hal W. Taylor

Hal W. Taylor

Attest:

Anita Sheldon
Anita Sheldon, City Recorder



Recorded at the request of and return
to: Park City Municipal Corp.
P. O. Box 1480, Park City, UT 84060

ORDINANCE

Ordinance No. 88-8

AN ORDINANCE VACATING A PORTION OF 7TH STREET IN PARK CITY, UTAH Fee Exempt per Utah Code Annotated 1953 21-7-2

WHEREAS, the City Council of Park City, Utah is of the opinion that there is good cause for vacating a portion of 7th Street, and that such vacation will not be detrimental to the general interests; and

WHEREAS, the owners of the property abutting the part of 7th Street proposed to vacated, have consented to this vacation;

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

1. Vacation. The following described portion of dedicated 7th Street, as shown on the official plat of Park City should be, and is hereby vacated pursuant to the provisions of Utah Code Annotated Section 10-8-8.2, et. seq.;

See Exhibit A attached hereto:

2. Effective Date. This Ordinance shall take effect upon its publication.

PASSED AND ADOPTED this 1st day of September, 1988.

PARK CITY MUNICIPAL CORPORATION

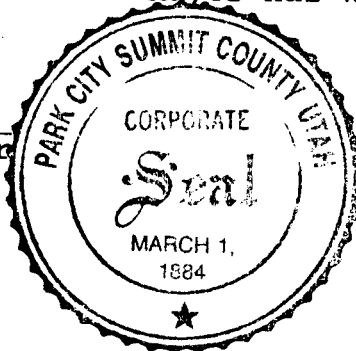
Hal W. Taylor

Mayor Hal W. Taylor

Attest:

Anita L. Coletti

Anita Coletti, City Recorder



REC'D BY *RTT* N.C.
SUMMIT COUNTY RECORDER
88 DEC -5 AM 9:22
ALAN SPRIGGS
Park City Municipal
300698
RED NOTE - AB 12/10/88
S. B. H. 12/10/88

STATE OF UTAH)
 ss
COUNTY OF SUMMIT)

The foregoing Ordinance vacating a portion of 7th Street in Park City, Utah, was acknowledged before me this 2nd day of December, 1988, by Hal W. Taylor, Mayor of Park City Municipal Corporation.

W. R. ...

NOTARY PUBLIC
Residing at: UTAH

My commission expires 502 PAGE 391 - 392

EXHIBIT "A"
Description of Platted 7th Street R.O.W.

Beginning at the Southeast corner of block 26, Park City Survey, Amended Plat, said point being South 23°38' East 204.26 feet and North 66°22' East 174.46 feet from a Park City Monument at the intersection of Norfolk Avenue and 8th Street, and running thence South 24°05'11" East 30.00 feet to a point on the northerly line of Block 27, Park City Survey, Amended Plat; thence running along said block line South 66°22' West 149.99 feet; thence North 23°38' West 30.00 feet to a point on the southerly line of the aforementioned Block 26; thence along said block line North 66°22' East 149.76 feet to the point of beginning. (Contains 4,497 square feet more or less)

EXCEPTING from vacation and reserving to Park City the following exception parcel for the Crescent Tram Pedestrian Walkway:

CRESCENT WALKWAY 7TH STREET

Beginning at a point which is North 66°22' East 35.61 feet from the Southwest corner of Block 26, Park City Survey, Amended Plat, said point also being South 23°38' East 204.26 feet and North 66°22' East 60.31 feet from a Park City Monument at the intersection of Norfolk Avenue and 8th Street; and running thence North 66°22' East 11.65 feet; thence South 69°31'04" East 43.10 feet; thence South 66°22' West 11.28 feet; thence North 69°51'19" West 43.36 feet to the point of beginning. (Containing 344 square feet, more or less)

(Basis of bearing for the above description is the Park City Monuments at the intersection of Park Avenue and 4th Street and Park Avenue and 6th Street, whose bearing is South 23°38' East)

CONSENT TO VACATE AND WAIVER OF NOTICE

The below signed owners, being the owners of all real property abutting the portion of 7th Street proposed to be vacated by the City Council of Park City, do hereby consent to the vacation proposed by the City Council of Park City, of the portion of 7th Street between Woodside Avenue and Norfolk Avenue Extended more particularly described as:

Beginning at the Southeast corner of block 26, Park City Survey, Amended Plat, said point being South 23°38' East 204.26 feet and North 66°22' East 174.46 feet from a Park City Monument at the intersection of Norfolk Avenue and 8th Street, and running thence South 24°05'11" East 30.00 feet to a point on the northerly line of Block 27, Park City Survey, Amended Plat; thence running along said block line South 66°22' West 149.99 feet; thence North 23°38' West 30.00 feet to a point on the southerly line of the aforementioned Block 26; thence along said block line North 66°22' East 149.76 feet to the point of beginning. (Contains 4,497 square feet more or less)

RESERVING to Park City the following exception parcel for the Crescent Tram Pedestrian Walkway:

CRESCENT WALKWAY 7TH STREET

Beginning at a point which is North 66°22' East 35.61 feet from the Southwest corner of Block 26, Park City Survey, AMended Plat, said point also being South 23°38' East 204.26 feet and North 66°22' East 60.31 feet from a Park City Monument at the intersection of Norfolk Avenue and 8th Street; and running thence North 66°22' East 11.65 feet; thence South 69°31'04" East 43.10 feet; thence South 66°22' West 11.28 feet; thence North 69°51'19" West 43.36 feet to the point of beginning. (Containing 344 square feet, more or less)

The below signed owners waive any and all right to notice of such vacation pursuant to Utah Code Annotated 10-8-8.3, 1953, as amended.

DATED this 24 day of August, 1988.

SWEENEY LAND COMPANY

by: _____

Maud Kimball
Maud Kimball

Gary A. Kimball
Gary A. Kimball

Jane J. Kimball
Jane J. Kimball

STATE OF UTAH)
) SS
COUNTY OF SUMMIT)

On the 24th day of August, 1988, personally appeared before me Gary A. Kimball who duly acknowledged to me that he executed the within instrument.

Frances Jolley
Notary Public

My Commission expires: 3-7-91 Residing at: Park City UT

STATE OF UTAH)
) SS
COUNTY OF SUMMIT)

On the 24th day of August, 1988, personally appeared before me Maud Kimball who duly acknowledged to me that she executed the within instrument.

Frances Jolley
Notary Public

My Commission expires: 3-7-91 Residing at: Park City Utah

STATE OF UTAH

)
SS
)

COUNTY OF SUMMIT

On the 24th day of August, 1988, personally appeared before me Jane J. Kimball who duly acknowledged to me that she executed the within instrument.

Jessie Jolley
Notary Public

My Commission expires: 3-7-91

Residing at: Park City Utah

CONSENT TO VACATE AND WAIVER OF NOTICE

The below signed owners, being the owners of all real property abutting the portion of 7th Street proposed to be vacated by the City Council of Park City, do hereby consent to the vacation proposed by the City Council of Park City, of the portion of 7th Street between Woodside Avenue and Norfolk Avenue Extended more particularly described as:

Beginning at the Southeast corner of block 26, Park City Survey, Amended Plat, said point being South 23°38' East 204.26 feet and North 66°22' East 174.46 feet from a Park City Monument at the intersection of Norfolk Avenue and 8th Street, and running thence South 24°05'11" East 30.00 feet to a point on the northerly line of Block 27, Park City Survey, Amended Plat; thence running along said block line South 66°22' West 149.99 feet; thence North 23°38' West 30.00 feet to a point on the southerly line of the aforementioned Block 26; thence along said block line North 66°22' East 149.76 feet to the point of beginning. (Contains 4,497 square feet more or less)

RESERVING to Park City the following exception parcel for the Crescent Tram Pedestrian Walkway:

CRESCENT WALKWAY 7TH STREET

Beginning at a point which is North 66°22' East 35.61 feet from the Southwest corner of Block 26, Park City Survey, Amended Plat, said point also being South 23°38' East 204.26 feet and North 66°22' East 60.31 feet from a Park City Monument at the intersection of Norfolk Avenue and 8th Street; and running thence North 66°22' East 11.65 feet; thence South 69°31'04" East 43.10 feet; thence South 66°22' West 11.28 feet; thence North 69°51'19" West 43.36 feet to the point of beginning. (Containing 344 square feet, more or less)

The below signed owners waive any and all right to notice of such vacation pursuant to Utah Code Annotated 10-8-8.3, 1953, as amended.

DATED this 24th day of August, 1988.

SWEENEY LAND COMPANY

BY: John J. Sweeney

STATE OF UTAH)

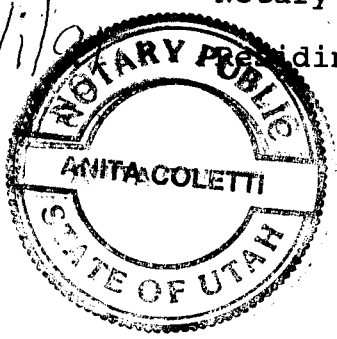
ss

COUNTY OF SUMMIT)

On the 14th day of August, 1988, personally appeared before me John J. Sweeney who being by me duly sworn did say that he is the general partner of Sweeney Land Company and that the foregoing instrument was signed in behalf of said partnership by authority of the Articles of said Partnership Agreement and said John J. Sweeney acknowledged to me that said partnership executed the same.

Anita Coletti
Notary Public

My Commission expires: 9/1/90 Residing at: Park City, Utah



ORDINANCE

Ordinance No. 88-7

AN ORDINANCE AMENDING SECTION 1.17, ENTITLED
APPEALS AND CALL-UP PROCESS
OF THE PARK CITY LAND MANAGEMENT CODE

WHEREAS, the City Council has determined that Section 1.17, entitled Appeals and Call-up Process requires procedural amendments to set forth consistent provisions for various types of appeals, and to better accommodate all parties with regard to scheduling a hearing date; and

WHEREAS, the amendments herein do not affect the nature of uses on any given parcel of land, or do not change allowed uses from permitted to conditional uses, and are described as procedural; and

WHEREAS, amendments may be made by the City Council from time to time following a public hearing; and

WHEREAS, a public hearing has been held on July 21, 1988;

NOW, THEREFORE BE IT ORDAINED that Section 1.17 of the Park City Land Management Code be amended as follows:

SECTION 1. AMENDMENTS. The following stricken verbiage shall be deleted from Section 1.17, and the underlined language shall be incorporated to amend, as follows:

1.17.1.16 APPEALS AND CALL-UP PROCESS. Actions by the Community Development Department are appealed ~~on~~ to the Planning Commission, or Historic District Commission on architectural review in the Historic District. Actions of the Planning Commission or Historic District Commission are appealed to the City Council. Any person who submitted written comment on a proposal before the Department or Planning Commission, the owner of any property within 100 feet of the boundary of the subject site ~~(whether he or she submitted comments in writing or not)~~, and the owner of the subject property shall have standing to appeal a decision of the Department or Commissions. Appeals from departmental action shall be filed by letter addressed to the Community Development Director. Appeals from Commission actions shall be by letter or petition to the Mayor, delivered to the Recorder. The letter or petition shall contain the name, address, and telephone number of the petitioner, his or her relationship to the project or subject property, and the reasons for requesting review, including specific provisions of this Code, if known, that are violated by the action taken.

(a) Written Findings Required. The Planning Commission or Community Development Department (whichever has acted) shall

prepare detailed written findings on any application that it denies. These findings shall state the reasons for denial and the provisions of this Code or other city ordinances or applicable state or federal laws or regulations that would be violated by approval, and the proposed conditions of approval to be imposed and the reasons why those conditions were thought necessary.

- (b) Non-owner Petitions. Petitions for review of Planning Commission action by persons other than the owner of property of the subject are discretionary with the City Council. Upon receipt of the petition, the Council shall schedule the matter on the agenda for the next regular meeting of the Council for which proper notice may be given as required by the Utah Open Meeting Act. At that meeting, a vote shall be taken as to whether to hear the matter. If the vote is in the affirmative, a hearing date shall be set, which shall be no more than two weeks from the date of the decision to accept the appeal. If the vote is against hearing the matter, the Planning Commission or Planning Department decision shall stand as final subject to appeal. Petitions must be filed within five days of final subject approval. Petitions are to be filed with the City Recorder.

Any person who submitted written comment on a proposal before the Planning Commission or Historic District Commission, and the owner of any property within 100 feet of the boundary of the subject site has the right to appeal to the City Council any final decision of the Planning Commission or Historic District Commission. The petition must be filed in writing with the City Recorder within ten calendar days of final project approval. The petition for the appeal shall state the name, address, and telephone number of the petitioner and his agent, if any, the name of the project, and the grounds for the appeal. The City Council shall set a date for the hearing, which shall be no more than 30 calendar days from the date the notice of appeal is filed with the Recorder. The City Recorder shall notify the petitioner and the owner of the project of the hearing date. The City Recorder shall obtain the findings from the Community Development Department, and all other pertinent information and transmit them to the Council.

- (c) Petitions by the Owner. The owner of any project has the right to appeal to the City Council from any final decision of the Planning Commission or Historic District Commission affecting that project. The appeal is a matter of right and is not discretionary with the Council. The petition must be filed in writing with the City Recorder within ten calendar days of final project approval. The petition for the appeal shall state the name, address, and telephone number of the owner and his agent, if any, the name of the project, and the grounds for the appeal. At its next regularly noticed meeting, the City Council shall set a date for the hearing.

~~which shall be so note that three weeks from the date the notice of appeal is filed with the Recorder. The City Council shall set a date for the hearing, which shall be no more than 30 calendar days from the date the notice of appeal is filed with the City Recorder. The City Recorder shall notify the owner of the project of the hearing date. Notice of the appeal shall be given to the~~ The City Recorder who shall obtain the findings from the Community Development Department, and all other pertinent information and transmit them to the Council. ~~Petitions are to be filed with the Recorder!~~

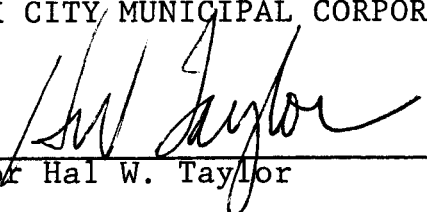
- (d) Action on Petitions. The City Council may affirm, reverse, or affirm in part and reverse in part any decision of the Planning Commission or Historic District Commission. The Commission may affirm, reverse or affirm in part and reverse in part any decision of the Department. The City Council may remand the matter to the appropriate commission with directions for specific areas of review or clarification. Hearings on petitions for review shall be limited to consideration of only those matters raised by the petition(s), unless the Council by motion, enlarges the scope of the hearing to accept information on other matters.
- (e) City Council Call-Up. Within ~~ten~~ 15 calendar days of final action on any project, the City Council, on its own motion, may call any final action taken by the Planning Commission or Historic District Commission or Community Development Department up for review by the Council. The call up ~~shall be considered at a regular/extraordinary/adj. bus. notice meeting of the Council/~~ shall require the majority vote of the Council. Notice of the call up shall be given to the Chairman of the Commission and/or Community Development Director by the Recorder, together with the date set by the Council for consideration of the merits of the matter. The Recorder shall also notify the owner of the subject property. In calling a matter up, the Council may limit the scope of the call up hearing to certain issues, and need not take public input at the hearing. The City Council shall act on the matter within ~~fourteen~~ 30 days of the call-up, or the prior action is deemed approved.
- (f) Appeal from the City Council. The owner of any project, or any person aggrieved by the approval of any project may appeal from any final action by the City Council affecting the project by filing a civil action in a court of competent jurisdiction. The decision of the Council shall stand, and those affected by the decision may act in reliance on it unless and until the court enters an interlocutory or final order stating the effectiveness of that decision.
- (g) Finality of Action. If no appeal or call-up has been taken at the end of ~~ten~~ 15 days from the date of final action by

the Planning Commission, Community Development Department or Historic District Commission, the action is final.

SECTION 2. EFFECTIVE DATE. This amendment shall become effective upon publication.


PASSED AND ADOPTED this 21st day of July, 1988.

PARK CITY MUNICIPAL CORPORATION



Mayor Hal W. Taylor

Attest:



City Recorder

Appeals Amend/LMC3

ORDINANCE

Ordinance No. 88-6

AN ORDINANCE AMENDING SECTION 7.8 OF THE LAND MANAGEMENT CODE
TO ALLOW CONTINUING USES OF EXISTING COMMERCIAL STRUCTURES
IN THE RESIDENTIAL MEDIUM DENSITY (RM) ZONE

WHEREAS, it is desirable from time to time to amend the provisions of the Land Management Code; and

WHEREAS, amendments to the Code which affect the uses to be made of land within the City by allowing a use previously prohibited is considered a substantive amendment and must be duly advertised and publicly heard before the Planning Commission and the City Council; and

WHEREAS, public hearings were held by the Planning Commission on July 13, 1988, and by the City Council on July 21, 1988, where no objections were voiced by the public or the governing agencies;

NOW, THEREFORE, BE IT ORDAINED by the City Council that:

SECTION 1. AMENDMENT. Section 7.8.2. is hereby amended to include the the underlined verbiage indicated below. Section 7.8.6., entitled Architectural Review, is hereby renumbered as Section 7.8.7. A new Section 7.8.6, entitled Continuing Uses of Existing Commercial Structures shall be added to the Code, described below in underlined language.

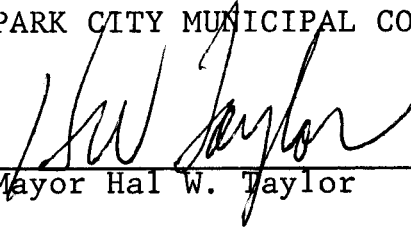
7.8.2. USES. Uses shall be limited to those uses specifically identified in the land use tables as either permitted or conditional uses in this zone district. All other uses are prohibited, except as provided in Section 7.8.6.

7.8.6. CONTINUING USES OF EXISTING COMMERCIAL STRUCTURES. Existing structures within the RM zone which were originally constructed to house commercial uses are exempt from the abandonment provisions of Section 12.2 of the Land Management Code. In the event the structure is demolished, the non-conforming commercial use will be deemed abandoned. All other provisions of Section 12 of the Land Management Code will apply to such structures, except that additions to such structures may not exceed 10% of the current square footage or building footprint area, unless the use of the structure is being changed to a permitted or conditional use within the zone.

SECTION 2. EFFECTIVE DATE. This amendment shall become effective upon publication.

PASSED AND ADOPTED this 28th day of July, 1988.

PARK CITY MUNICIPAL CORPORATION



Mayor Hal W. Taylor

Attest:



Anita Coletti, City Recorder

ORDINANCE

Ordinance No. 88-5

AN ORDINANCE AMENDING SECTION 9.5(b) OF THE
LAND MANAGEMENT CODE TO ALLOW THE PLANNING COMMISSION
TO REVIEW AND APPROVE THE LIMITED USE OF ALUMINUM SIDING

WHEREAS, it is desirable from time to time to amend the provisions of the Land Management Code; and

WHEREAS, amendments to the Code which affect allowable building materials is considered a substantive amendment and must be duly advertised and publicly heard before the Planning Commission and the City Council; and

WHEREAS, public hearings were held by the Planning Commission on July 13, 1988, and by the City Council on July 21, 1988, where no objections were voiced by the public or the governing agencies;

NOW, THEREFORE, BE IT ORDAINED by the City Council that:

SECTION 1. AMENDMENT. Section 9.5(b) shall be amended to include the following underlined verbiage and shall replace the entry entitled "Aluminum siding":

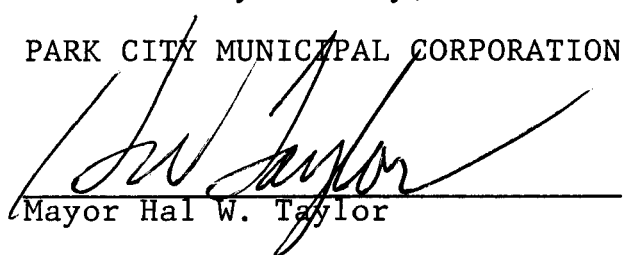
Aluminum siding is generally not considered an appropriate material. The Planning Commission may, however, consider requests for the use of aluminum siding. The design of the structure shall be consistent with the Park City Design Guidelines. The applicant will be required to bring a sample of the type and color of siding to be approved by the Planning Commission.

When aluminum siding is approved by the Planning Commission, it shall have a minimum thickness of .019 inches and shall be backed or insulated with a minimum of 3/8 inch fiberboard or polystyrene foam.

SECTION 2. EFFECTIVE DATE. This amendment shall become effective upon publication.

PASSED AND ADOPTED this 28th day of July, 1988.

PARK CITY MUNICIPAL CORPORATION



Mayor Hal W. Taylor

Attest:



Anita Coletti, City Recorder

ORDINANCE

Ordinance No. 88-4

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP
OF PARK CITY, UTAH TO
INCLUDE THE SMITH RANCH ANNEXATION

WHEREAS, the owners of the Smith Ranch Property petitioned the City Council of Park City for annexation of a 227.82 acre parcel contiguous with the Iron Canyon Subdivision to be zoned Recreation Open Space (ROS) and Single Family (SF) under the Land Management Code; and

WHEREAS, notice was duly published for six consecutive weeks beginning on the 17th day of March and being completed on the 21st day of April, 1988; and

WHEREAS, a public hearing was held on the annexation on the 21st day of April, 1988; and the City Council finds that the annexation and zoning designation as requested at the time of the hearing are in the best interest of the community;

NOW, THEREFORE, BE IT ORDAINED that the official zoning map of Park City, Utah be amended as follows:


SECTION 1. AMENDMENT TO OFFICIAL ZONING MAP. The land designated on the attached Annexation Plat as "ROS Zoning" shall be annexed and zoned as Recreation Open Space (ROS), and the zoning map is hereby amended to reflect this change.

The land designated on the attached Annexation Plat as "RDSF Zoning" shall be annexed and zoned as Single Family (SF), and the zoning map is hereby amended to reflect this change.

SECTION 2. EFFECTIVE DATE. This Ordinance shall become effective upon publication.

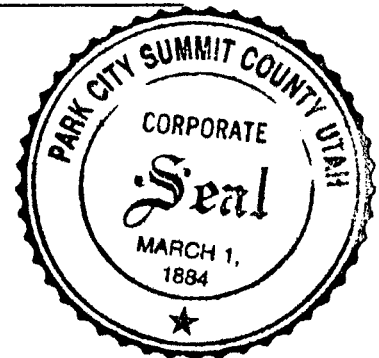
PASSED AND ADOPTED this 12th day of May, 1988.

PARK CITY MUNICIPAL CORPORATION


Hal W. Taylor, Mayor

Attest:


Anita L. Coletti
City Recorder



ORDINANCE

Ordinance No. 88-3

AN ORDINANCE AMENDING SECTION 3.1 OF THE
PARK CITY LAND MANAGEMENT CODE
CHANGING THE NUMBER OF PLANNING COMMISSION MEMBERS

WHEREAS, the City Council has deemed it appropriate to decrease the membership of the Planning Commission from eight members to seven members; and

WHEREAS, this amendment is described as procedural in nature and not substantive; and

WHEREAS, amendments to the procedural provisions of the Code may be made by the City Council from time to time following a public hearing, which has been duly advertised for one week prior to the hearing, in a newspaper having general circulation in the City; and

WHEREAS, a legal notice has been locally published on December 31, 1987 and a hearing held by the City Council at its regularly scheduled meeting of January 7, 1988, and procedural amendments may be adopted at the hearing or at any time following the hearing;

NOW, THEREFORE, BE IT ORDAINED that:

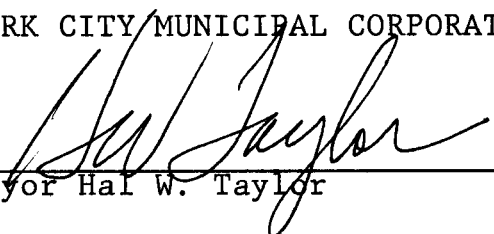
SECTION 1. AMENDMENT. Section 3.1 of the Land Management Code shall be amended to read as follows:

3.1. PLANNING COMMISSION CREATED. There is hereby created a City Planning Commission to consist of seven members. Members shall be appointed by the Mayor with advice and consent of the Council.

SECTION 2. EFFECTIVE DATE. This amendment shall become effective upon publication.

PASSED AND ADOPTED this 7th day of January, 1988.

PARK CITY MUNICIPAL CORPORATION



Mayor Hal W. Taylor

Attest:



City Recorder

PC/ORD7

Ordinance No. 88-2

AN ORDINANCE CHANGING THE STREET NAME OF GOOD TRUMP CIRCLE,
LOCATED IN THE QUEEN ESTHER PLANNED UNIT DEVELOPMENT
TO GOOD TRUMP COURT

WHEREAS, the City has approved and caused to be recorded the plat for the Queen Esther Condominiums in Park City; and

WHEREAS, Good Trump Circle is a private road and due to subsequent approvals of the City, will not be a through street, but rather a cul-de-sac or court; and

WHEREAS, the Queen Esther Homeowners Association have petitioned the City Council to change the name of Good Trump Circle within that subdivision; and

WHEREAS, the Park City Planning Department has reviewed the request and finds that the change in the street name will not result in duplication of another name, and will result in clarification of roadways that are not through streets; and

WHEREAS, a public hearing on the renaming of Good Trump Circle has been held by the City Council on January 7, 1988 at its regularly scheduled meeting and duly noticed in a newspaper of general circulation;

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

SECTION 1. STREET NAME CHANGE. The street on the recorded plat of the Queen Esther Subdivision identified as Good Trump Circle should be and is hereby renamed and shall be known as "Good Trump Court".

SECTION 2. EFFECTIVE DATE. This ordinance shall take effect upon publication. The City Recorder shall cause a duplicate original to be recorded with the Summit County Recorder.

PASSED AND ADOPTED this 7th day of January, 1988.

PARK CITY MUNICIPAL CORPORATION

Hal W. Taylor

Mayor Hal W. Taylor

REC'D BY *BT* *W.C.*
ALAN M. HARRIS
SUMMIT COUNTY RECORDER

88 JAN 13 AM 9:16

Park City Municipal Corp.

RED NOTE - AS 1289 40
282693

CITY RECORDER
Attest:
Anita L. Coletti
Anita L. Coletti
City Recorder
Trump/ORD7

MEMORANDUM

TO: Public Works
Police Department
Planning Department

FROM: Anita Coletti

RE: Street Name Change

Attached is a copy of Ordinance No. 88-2, which was passed by the City Council in their January 7, 1988 meeting. The Ordinance involves a street name change and may be of interest to your department.



Office of the Mayor and City Council

Mayor
Hal Taylor

Council Members
James Doilney
Ann G. MacQuoid
Kristen S. Rogers
Jim Santy
Tom Shellenberger

January 8, 1988

Steve Preston
Deer Valley Association Services
P. O. Box 1801
Park City, Utah 84060

Re: Good Trump Court Signage

Dear Mr. Preston:

At the City Council meeting of January 7, a public hearing was held and an ordinance passed changing the name of Good Trump Circle to Good Trump Court. A duplicate copy of the ordinance has been sent to Summit County to be recorded and we have also forwarded a copy to the Fire District, Sewer District, City departments, utilities, and the cable television company for their information. Also enclosed are specifications for the sign itself.

If you have any questions, please do not hesitate to call.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Jan".

Jan Freeman

enclosure

Deer Valley Association Services

November 23, 1987

Park City Council
Attn: Ms. Arlene Loble
City Manager
Post Office Box 1380
Park City, Utah 84060

Dear Ms. Loble,

In response to the letter of Mr. Eric De Haan of November 2, 1987, (see copy attached) we would like to inform you that the Board of Directors of the Queen Esther Homeowners Association feels that most people who drive through the area feel the name Good Trump Circle implies that it is a through street which in turn creates more traffic than it would otherwise. If you approve this request, the Queen Esther Homeowners Association will contact a sign company to change the existing street name sign to Good Trump Court, with the new sign to be installed in accordance with the standards set by Park City. We therefore would appreciate the City's permission to change the name.

Thank you.



Steve Preston
Deer Valley Association Services
Managers for Queen Esther Homeowners Association

3688



Legal Department

January 11, 1988

Mountain Fuel Supply Company
P. O. Box 39
Heber City, Utah 84032

Gentlemen:

Enclosed please find a copy of an Ordinance which was passed by the Park City Council in their January 7, 1988 meeting. The Ordinance involves a street name change which could be of interest to your company.

Sincerely,

A handwritten signature in cursive script that reads "Anita L. Coletti".

Anita L. Coletti
Park City Recorder

Enclosure



Legal Department

January 11, 1988

Mountain Bell
1425 West 3100 South
Salt Lake City, Utah 84119

ATTN: Lee Jones

Gentlemen:

Enclosed please find a copy of an Ordinance which was passed by the Park City Council in their January 7, 1988 meeting. The Ordinance involves a street name change which could be of interest to your company.

Sincerely,

Anita L. Coletti

Anita L. Coletti
Park City Recorder

Enclosure



Legal Department

January 11, 1988

Utah Power and Light Company
P. O. Box 1508
Park City, Utah 84060

Gentlemen:

Enclosed please find a copy of an Ordinance which was passed by the Park City Council in their January 7, 1988 meeting. The Ordinance involves a street name change and could effect your company.

Sincerely,

Anita L. Coletti

Anita L. Coletti
Park City Recorder

Enclosure



Legal Department

January 11, 1988

Park City Fire Service District
P. O. Box 680967
Park City, Utah 84068-0967

Gentlemen:

Enclosed please find a copy of an Ordinance which was passed by the Park City Council in their January 7, 1988 meeting. The Ordinance involves a street name change which could be of interest to your company.

Sincerely,

Anita L. Coletti

Anita L. Coletti
Park City Recorder

Enclosure



Legal Department

January 11, 1988

Community T. V.
P. O. Box 1755
Park City, Utah 84060

Gentlemen:

Enclosed please find a copy of an Ordinance which was passed by the Park City Council in their January 7, 1988 meeting. The Ordinance involves a street name change which could be of interest to your company.

Sincerely,

Anita L. Coletti

Anita L. Coletti
Park City Recorder

Enclosure



Legal Department

January 11, 1988

Snyderville Basin Sewer Improvement District
3060 West Rasmussen Road
Park City, Utah 84060

Gentlemen:

Enclosed please find a copy of an Ordinance which was passed by the Park City Council in their January 7, 1988 meeting. The Ordinance involves a street name change which could be of interest to your company.

Sincerely,

Anita L. Coletti
Anita L. Coletti
Park City Recorder

Enclosure

ORDINANCE

Ordinance No. 88-1

AN ORDINANCE ESTABLISHING A REGULAR MEETING DATE,
TIME, AND LOCATION FOR MEETINGS OF THE
CITY COUNCIL OF PARK CITY, UTAH FOR 1988

BE IT ORDAINED by the City Council of Park City:

SECTION 1. REGULAR MEETING DATE. The regular meetings of the Park City Council shall be held every Thursday at 6 p.m. at the Marsac Municipal Building, 445 Marsac Avenue, Park City, Utah, except when there is no pending business or the regular meeting date falls on a holiday.

SECTION 2. NOTICE OF PUBLIC MEETING. Notice shall be given, indicating the specific location of the meeting, and notice shall be given regarding cancellations. The agenda will be posted at the Marsac Municipal Building at least twenty-four hours prior to each regular meeting and same delivered to the local news media.

SECTION 3. WORK SESSIONS. Work sessions may be held by the Council as specified on the agenda. No formal action shall be taken by the City Council during these work sessions.

SECTION 4. CLOSED MEETINGS. Every meeting and work session is open to the public, unless closed pursuant to Sections 52-4-4 and 52-4-5 of the Utah Code. A closed meeting may be held upon the affirmative vote of two-thirds of the members of the public body present at an open meeting for which notice is given pursuant to Section 52-4-6; provided, a quorum is present. No closed meeting is allowed except as to matters exempted under Section 52-4-5; provided, no ordinance, resolution, rule, regulation, contract, or appointment shall be approved at a closed meeting. The reason or reasons for holding a closed meeting and the vote, either for or against the proposition to hold such a meeting, cast by each member by name shall be entered on the minutes of the meeting.

SECTION 5. SPECIFIC MEETING DATES. The schedule for City Council meetings in 1988 are as follows:

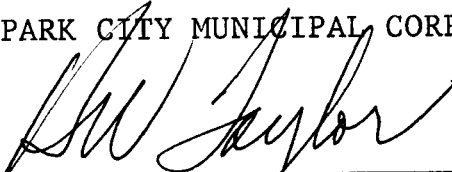
January 7, 14, 21, 28
February 4, 11, 18, 25
March 3, 10, 17, 24, 31
April 7, 14, 21, 28
May 5, 12, 19, 26
June 2, 9, 16, 23, 30

July 7, 14, 21, 28
August 4, 11, 18, 25
September 1, 8, 15, 22, 29
October 6, 13, 20, 27
November 3, 10, 17
December 1, 8, 15, 22, 29

SECTION 6. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

DATED this 7th day of January, 1988.

PARK CITY MUNICIPAL CORPORATION



Mayor Hal W. Taylor

Attest:



City Recorder