

AN ORDINANCE PROVIDING FOR A CITY PLANNING COMMISSION, A MASTER PLAN AND A BOARD OF ADJUSTMENT, BY ADDING CHAPTER LXV, PLANNING AND ZONING, TO THE REVISED ORDINANCES OF PARK CITY, UTAH 1940, AND REPEALING THE CITY PLANNING ORDINANCE ADOPTED MARCH 7, 1946.

BE IT ORDAINED BY THE CITY COUNCIL OF PARK CITY, UTAH:

SECTION I.

That the Revised Ordinances of Park City, Utah, 1940, be amended by adding a chapter known as Chapter LXV and entitled "Planning and Zoning," which shall be as follows:

CHAPTER LXV.

PLANNING AND ZONING

ARTICLE I. ADMINISTRATION -- PLANNING COMMISSION

Section 1. Organization

There is hereby created a Planning Commission of five (5) members, to be appointed by the Mayor and City Council from among the qualified electors of the city, provided that one (1) shall be a member of the City Council, and one (1) shall be a member of the Board of Adjustment.

Each member shall serve for a term of four (4) years or until a successor is appointed, except that of the first Planning Commission appointed, one (1) member shall serve for one (1) year, one (1) member shall serve for two (2) years, one (1) member shall serve for three (3) years and one (1) member shall serve for four (4) years, so that the term of one member expires each year, and the member from the City Council shall serve for the term of his elected office, or until replaced by another member of the City Council. Terms of appointment extend to January 31 of the appropriate year.

Any vacancy occurring on said Planning Commission by reason of death, resignation, removal or disqualification shall be promptly filled by the Mayor and City Council for the unexpired term of such member. The Mayor and City Council may remove any member of the Planning Commission for cause upon written charges and after public hearing.

Members of the Planning Commission shall serve without compensation, except for reasonable expenses incurred in the performance of their duties.

The Planning Commission may employ consultants and staff personnel, provided its expenditures, exclusive of gifts, shall be within the amounts appropriated for the purpose by the Mayor and City Council.

*Original Members.*  
*Nan. M<sup>c</sup> Polin 4 yrs.*  
*Phil Sauty 3 yrs.*  
*Leon Wright 2 yrs.*  
*John C. Green 1 yr.*  
*John Thurston (Councilman)*

## Section 2. Powers and Duties of the Commission

Powers and duties of the Planning Commission are established as follows:

1. Preparation of a master plan as a general guide for community growth and development.
2. Administration of official map ordinances, zoning ordinances, and subdivision ordinances.
3. Coordination of work with the Building Inspector and City Engineer.
4. Advisor in planning and development to the Mayor and City Council.
5. Preparation of recommendations for public improvements.

The Planning Commission shall adopt rules for its own organization, and for the transaction of business, shall elect yearly a chairman of the Commission from among its own members, and shall keep a public record of its proceedings.

## Section 3. The Building Inspector

The Building Inspector appointed by ordinance of Park City shall be charged with responsibility for issuing building permits and making building inspections under this ordinance. He shall coordinate his duties with the Planning Commission to ensure adherence to programs which the Planning Commission is charged with administering.

## ARTICLE II. THE MASTER PLAN PROGRAM

### Section 1. The Master Plan

It shall be the function and duty of the Planning Commission to make, adopt, and certify to the City Council a master plan for the physical development of the city, including other areas, outside of its boundaries which in the Planning Commission's judgment bear relation to the planning of the municipality. Where the plan involves territory outside of the boundaries of the city, action shall be taken with the concurrence of the county, or other legislative body concerned. The master plan shall show the Planning Commission's recommendations and may include, among other things, the general location, character, and extent of streets, parks, parkways, playgrounds, airports, and other public spaces; the general location and extent of public utilities and terminals; whether publicly or privately owned; the acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment, or change of use of any of the foregoing, the general location, character, layout, and extent of community centers and neighborhood units; and the general character, extent, and layout of the replanning of blighted areas. The Planning Commission may from time to time amend, extend, or add to the master plan or carry any part or subject matter into greater detail.

## Section 2. The Official Map

From and after the time when the Planning Commission shall have adopted a major street plan, the City Council may establish an official map of the whole or any part of the city theretofore existing and established by law as public streets. Such official map may also show the location of the lines of streets on plats of subdivisions which shall have been approved by the Planning Commission. The City Council may make, from time to time, other additions to or modifications of the official map by placing thereon the lines of proposed new streets or street extensions, widenings, narrowings, or vacations which have been accurately surveyed and definitely located; provided, however, that before taking any such action the City Council shall hold a public hearing thereon and provided, further, that such proposed addition or modification of the official map shall be submitted to the Planning Commission for its approval, and in the event of such Planning Commission's disapproval, such addition or modification shall require the favorable vote of not less than a majority of the entire membership of the City Council. The placing of any street or street lines upon the official map shall not in and of itself constitute or be deemed to constitute the opening or establishment of any street or the taking or acceptance of any land for street purposes. Upon adoption of the ordinance creating the official map, the City Council shall direct that said ordinance be recorded in the office of the County Recorder.

## Section 3. Protection of Mapped Streets

From and after time when an official map has been recorded in the office of the county recorder, no permit shall be issued by the Building Inspector for any building or structure or part thereof on any land located between the mapped lines of any street as shown on the official map. Any person aggrieved by his inability to obtain such a permit may appeal to the Board of Adjustment. The Board of Adjustment shall have the power, upon an appeal filed with it by the owner of such land, to authorize the grant of a permit for a building or structure or part thereof within any mapped-street location in any case in which the Board of Adjustment, upon the evidence, finds (a) that the property of the appellant of which such mapped-street location forms a part will not yield a reasonable return to the owner unless such a permit be granted, or (b) that, balancing of interest of the municipality in preserving the integrity of the official map and the interest of the owner in the use and benefits of the property, the grant of such permit is required by considerations of justice and equity. Before taking any such action, the Board of Adjustment shall hold a public hearing thereon. In the event that the Board decides to authorize a building permit; it shall have the power to specify the exact location, ground area, height, and other details and conditions of extent and character and also the duration of the building, structure, or part thereof to be permitted.

## Section 4. Subdivision Control

From and after the time when the Planning Commission shall have adopted a major street plan and shall have certified the same to the City Council no plat of a subdivision of land lying within the city shall be filed or recorded in the county recorder's office until it shall have been submitted to and approved by the Planning Commission and the City Council, and such approval entered in writing on the plat by the secretary of the

Planning Commission and the City Recorder or other designated employees or members. The filing or recording of a plat of a subdivision without such approval shall be void. The Planning Commission shall prepare regulations governing the subdivision of land within the city. The City Council shall hold a public hearing on the subdivision regulations, and thereafter may adopt said regulations for the city.

#### Section 5. Legal Status of the Master Plan

Whenever the City Council shall have adopted the master plan or any part thereof, thenceforth no street, park or other public way, ground, place or space, no public building or structure, and no public utility, whether publicly or privately owned, shall be constructed or authorized until and unless the location and extent thereof shall conform to said plan or shall have been submitted to and approved by the Planning Commission; provided, that in case of disapproval, the Planning Commission shall communicate its reasons to the City Council, school board, or other board or agency chiefly concerned, and such City Council or other board or agency by a vote of not less than a majority of its entire membership, shall have the power to overrule such disapproval. The acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment, change of use, acquisition of land for, or sale or lease of any street or other public way, property, or structure, shall be subject to similar submission and approval, and the failure to approve may be similarly overruled. The failure of the Planning Commission to act within thirty (30) days from and after the date of official submission to it shall be deemed approval, unless a longer period be granted by the submitting body.

#### Section 6. General Purposes and Powers

In the preparation of the master plan, the Planning Commission shall make careful and comprehensive surveys and studies of the existing conditions and probably future growth of the municipality and its environs. The master plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the municipality which will, in accordance with existing and future needs, best promote public health, safety, or general welfare, as well as efficiency and economy in the process of development.

The Planning Commission may make reports and recommendations relating to the plan and development of the municipality to public officials and agencies, public utility companies, civic, educational, professional, and other organizations, and citizens. It may recommend to the Mayor and City Council programs for public improvements and the financing thereof. In general the Planning Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning.

### ARTICLE III. ADMINISTRATION -- BOARD OF ADJUSTMENT

#### Section 1. Organization

There is hereby created a Board of Adjustment of five (5) members, to be appointed by the Mayor and City Council from among the qualified electors of the city, provided that one (1) shall be a member of the Planning Commission.

Each member shall serve for a term of four (4) years or until a successor is appointed, except that of the first Board of Adjustment appointed, one member shall serve for one (1) year, one member shall serve for two (2) years, one member shall serve for three (3) years, and one member shall serve for four (4) years, so that the term of one member expires each year, and the member appointed from the Planning Commission shall serve for the term of his appointment to the Planning Commission, or until replaced by another member of the Planning Commission. Terms of appointment extend to January 31 of the appropriate year.

Any vacancy occurring on said Board of Adjustment by reason of death, resignation, removal or disqualification shall be promptly filled by the Mayor and City Council for the unexpired term of such member. The Mayor and City Council may remove any member of the Board of Adjustment for cause upon written charges and after public hearing.

Members of the Board of Adjustment shall serve without compensation, except for reasonable expenses incurred in the performance of their duties.

The Board of Adjustment shall adopt rules for its organization, and for the transaction of business, shall elect yearly a chairman of the Board from among its own members, shall hold all meetings open to the public, shall keep a public record of its proceedings including the vote of each member upon each question, or if absent or failing to vote, indicating such fact.

## Section 2. Powers and Duties of the Board

Powers and duties of the Board of Adjustment are established as follows:

1. To hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by the administrative official in the enforcement of this ordinance or any ordinance adopted pursuant to the Planning and Zoning Ordinance.
2. To hear and decide special exceptions to the terms of any ordinance upon which this Board is authorized to pass.
3. To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where due to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship; provided that the spirit of the ordinance shall be observed and substantial justice done.

In exercising the above mentioned powers, the Board may, in conformity with the provisions of the act, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and shall have all the powers of the officer from whom the appeal is taken; provided that before any variance be authorized it shall be shown that:

1. The variance will not substantially effect the comprehensive plan of zoning in the city and that strict adherence to the provisions of

the ordinance will cause difficulties and hardships, the imposition of which upon the petitioner is unnecessary to carry out the general purpose of the plan.

2. Special circumstances attached to the property covered by the application which do not generally apply to other property in the same district.

3. That because of special circumstances, property covered by application is deprived of privileges possessed by other properties in the same district; and the granting of the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district.

### Section 3. Reversals

The concurring vote of three members of the Board shall be necessary to reverse any order, requirement or determination for any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance, or to effect any variation in such ordinance.

### Section 4. Appeals

Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the municipality affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time as provided by the rules of the Board with the officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.

An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal shall have been with him that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life, health or property. In such case proceedings shall not be stayed otherwise than by restraining order which may be granted by the Board of Adjustment or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown.

The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof by publication of notice at least five (5) days prior to the date of hearing, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

### Section 5. Judicial Review

The City or any person aggrieved by any decision of the Board of Adjustment may have and maintain a plenary action for relief therefrom in any court of competent jurisdiction, provided, petition for such relief is presented to the court within thirty (30) days after the filing of such decision in the office of the Board of Adjustment.

ARTICLE IV. PENALTIES AND SAVING CLAUSE

Section 1. Penalties

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by imprisonment not exceeding six months, or by a fine in any sum less than \$300, or by both such imprisonment and fine.

Section 2. Severability

If any section, subsection, sentence, clause, phrase, or portion of this chapter, 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 chapter.

SECTION II.

That the City Planning Ordinance adopted March 7, 1946 is repealed in its entirety.

SECTION III.

It is the opinion of the City Council, and it so finds and declares, that it is necessary for the immediate preservation of the peace, health and safety of the inhabitants of Park City, Utah, that this ordinance shall take effect immediately.

SECTION IV.

This ordinance shall take effect upon the date of its first publication.

Adopted by the City Council of Park City, Utah, this 28th day of January, 1964.

  
MAYOR

ATTEST:

  
CITY RECORDER

RECORDED AT THE REQUEST OF  
Park City Corp.

June 2 65 at 9:35 o'clock A  
AD 19 | at 9:35 o'clock M  
M1 of Page 324-325

In Book \_\_\_\_\_ of \_\_\_\_\_ Page \_\_\_\_\_

Fee DH *Wanda J. Sprigg*  
Recorder, Summit County, Utah. *J A*

ORDINANCE

AN ORDINANCE RELATING TO VACATING ALL OF  
ANCHOR AVENUE AND A PORTION OF SEVENTH  
STREET IN PARK CITY, UTAH

BE IT ORDAINED BY THE CITY COUNCIL OF PARK CITY,  
SUMMIT COUNTY, STATE OF UTAH:

SECTION 1. Pursuant to the provisions of 10-8-8.1  
to 10-8-8.5 inclusive, Utah Code Annotated 1953, the follow-  
ing described streets located in Park City, Utah, are hereby  
vacated:

Anchor Avenue in its entirety:

Commencing at the intersection of Anchor  
Avenue and Seventh Street, Park City, Utah,  
running South 21° 33' West to the inter-  
section of Anchor Avenue and the South line  
of the northeast one-quarter of the north-  
east one-quarter of Section 21, Township 2  
South, Range 4 East, Salt Lake Base and  
Meridian, as the same appears on the plat  
of Park City as recorded in the Office of  
the Recorder of Summit County, Utah.

Seventh Street:

Commencing at the intersection of Seventh  
Street and Main Street in Park City, Utah,  
and proceeding South 66° 22' West to the  
point at which Seventh Street intersects  
the westerly boundary of Woodside Avenue,  
according to the plat of Park City as  
recorded in the office of the Recorder of  
Summit County, Utah.

SECTION 2. All ordinances or part of ordinances con-  
flicting with the provisions of this ordinance are hereby repealed  
insofar as the same affects this Ordinance.

SECTION 3. In the opinion of the Mayor and City Council  
of Park City it is necessary to the peace, health and safety of  
the inhabitants that this ordinance shall become effective  
immediately upon its first publication. This Ordinance shall be  
published in the Park Record for one publication on May *27th*  
1965, and shall be in full force and effect from and after said  
date.



*only printed*  
*copy*

SECTION 4. A copy of the Ordinance shall be recorded in the Office of the Recorder of Summit County, Utah.

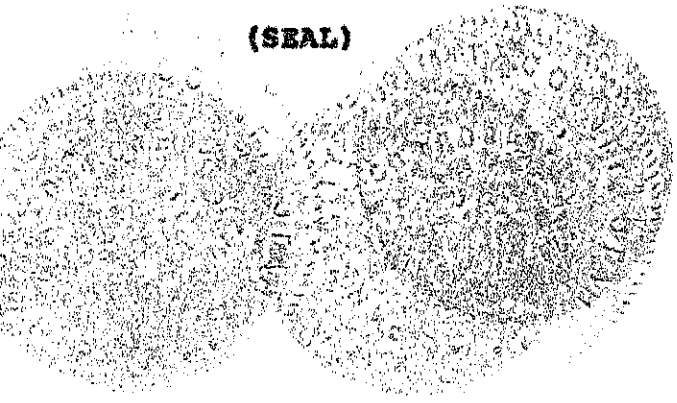
Passed and approved by the City Council of Park City, Utah, on the 25th day of May, 1965.

ATTEST:

William P. Sullivan  
William P. Sullivan  
Mayor

Violet Terry  
Violet Terry  
Recorder

(SEAL)

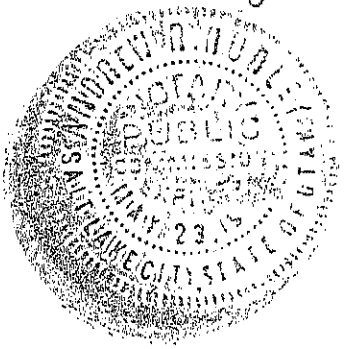


STATE OF UTAH        )  
                          : ss.  
COUNTY OF SUMMIT )

On the 27th day of May, 1965, personally appeared before me WILLIAM P. SULLIVAN and VIOLET TERRY, who being by me duly sworn did say that he is the Mayor and she is the City Recorder of Park City, a municipal corporation, and that said instrument was signed in behalf of said corporation pursuant to the authority contained in the ordinance, and said William P. Sullivan and Violet Terry acknowledged to me that said corporation executed the same.

My Commission Expires:  
May 23, 1968

Andrew R. Shuler  
Notary Public  
Residing at Salt Lake City, Utah



WE THE UNDERSIGNED TAX PAYERS OF PROPERTY ADJACENT TO ANCOR AVE.  
A DECATED STREET THAT HAS NEVER BEEN CONSTRUCTED OR USED AS PLOTTED  
ON CITY MAPS, PURPOSE TO THE PARK CITY COUNCIL THAT THIS ANCOR AVE.  
BE VACATED BECAUSE HOMES HAVE BEEN BUILT ON SAME AND IT BEING  
ALMOST IMPOSSIBLE FOR ANCOR AVE. TO BECOME A REALITY BECAUSE OF THE  
TERRAIN OF THE GROUND.

Gail Hummer  
Ray Beckstead  
Sarah Beckstead  
Ralph Harbutt  
Nittie Garfitt  
Fred M. Gillett  
Jack Rubarina  
Maude Rubarina  
Don R. Putman  
Lenn F. Peterson  
Frank Dorka  
William S. Plummer

United Park City Mines Company

By S. K. Droubay  
Vice President & General Manager

K. Widden  
Elnor Droubay  
A. J. Butterick  
Mayme J. Wilson  
Paul W. Williams  
Myer Paul Williams

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SIGN ORDINANCE PARK CITY, UTAH  
AS AMENDED

(As adopted by the City Council of Park City, Utah, on the 4th day of February, 1965, and published in the Park Record February 11, 1965. As amended by the City Council on the 7th day of April, 1966, and published in the Park Record April 14, 1966.

AN ORDINANCE REPEALING CHAPTER LV OF THE REVISED ORDINANCES OF PARK CITY, 1940, RELATING TO SIGNS AND ENACTING AN ORDINANCE BY ADDING CHAPTER LV RELATING TO OUT-DOOR SIGNS.

SECTION I

Chapter LV of the Revised Ordinances of Park City, Utah, 1940, is repealed in its entirety.

SECTION II

There is hereby enacted a new chapter of the Revised Ordinances of Park City, Utah, 1940, to be known as Chapter LV; providing for permits and establishing regulations governing the use of out-door signs within the corporate limits of Park City, Utah, fixing the fees for permits, and providing the penalty for the violation thereof; which shall read as follows:

Section 795. Out-door Signs.

It shall be unlawful to erect, construct, reconstruct, alter, paint or repaint or change the use of any structure, wall, marquee, or any piece of work comprised of parts joined together in some definite manner which is to be used as a sign or picture to convey or direct a message to the general public without first obtaining a signed permit; provided, however, that a signed permit shall not be required to repaint exactly as it previously was, any of the aforesaid, which at the time of the proposed repainting conform in all respects with the provisions of this ordinance.

(a) For all permits required a fee of \$1.00 per square foot of exposed surface area shall be charged to cover the costs of administration.

(b) Out-door signs are defined to be any card, paper, metal, wooden, glass, plaster, plastic, stone or painting on any surface whatsoever and of any kind, placed for out-door advertising or identification purposes on the ground or attached to any tree, wall, bush, walk, fence, post, building, structure or any thing whatsoever.

(c) All signs which are in existence on the effective date of this ordinance as amended, which do not conform to the requirements thereof, shall be non-conforming signs. The use of such non-conforming signs may be continued, but, except for normal maintenance or repair, said signs shall not be enlarged or altered in any manner, unless such enlargement or alteration conforms to the provisions of this ordinance. The area and other requirements of all outdoor signs shall be as follows:

(1) The total area of all outdoor signs displayed by the principal business or enterprise shall not exceed one (1) square foot of sign area for each two (2) linear feet of street frontage occupied by the principal business or enterprise; provided, that regardless of frontage each principal business or enterprise may display at least a total of thirty (30) square feet of sign area. A principal business or enterprise occupying property with frontage on more than one street, shall not display on any one frontage a greater area of sign than is permitted by the ratio of one (1) square foot of sign area, for each two (2) linear feet of frontage.

(2) In the event that more than one business or enterprise occupies the same building, each business or enterprise in addition to the principal business or enterprise may, regardless of frontage, display either a free standing or a flush sign or both, but the total area of the additional sign or signs may not exceed twenty (20) square feet for each additional business or enterprise.

(3) Projecting signs shall be permitted only on Main Street, in Park City, Utah, between the intersections of the north side of Heber Avenue, and the south side of King Road. Such signs shall not project more than three (3) feet into the public right-of-way. The total area of projecting signs shall not exceed twenty (20) square feet.

(4) Flush signs shall be painted on or directly connected to the bearing wall with no projection from the bearing surface other than the thickness of the material on which the sign is painted or constructed, which in no event shall exceed twelve (12) inches.

(5) The area of free standing signs and projecting signs for the purposes of this ordinance will include the sum of the areas of all faces of the signs. Free standing signs shall be installed at a height which will provide adequate clearance for vehicles and pedestrians, but may not exceed a height of twenty-five feet (25) from grade to the top of the sign.

(6) Signs attached to a building shall not exceed in height a distance of six (6) feet measured from the top of the building.

(7) No sign shall exceed the height limitations for a building or structures in the zone in which it is located.

(8) All signs displayed by a business or enterprise shall be located on the property devoted to the principal use of the business or enterprise being identified; provided, that for a period of one (1) year from the effective date of this ordinance, each principal business or enterprise shall be allowed to install one (1) temporary directional sign, not exceeding a total of ten (10) square feet in the area off of the property occupied by the principal business or enterprise. Each applicant for a permit to erect a temporary directional sign must post a performance bond or cash in the sum of Fifty (\$50.00) Dollars, with the City Recorder prior to the issuance of a permit for such temporary directional sign. In addition, the applicant must deliver to the City Recorder prior to the issuance of the permit a Bill of Sale, running from the applicant to the City, covering the directional sign and written permission from the owner of the premises where the sign is installed to the City, allowing the City to enter upon the premises and remove the sign on or after one (1) year from the effective date of this ordinance. In the event the applicant removes the temporary

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sign on or before one (1) year from the effective date of this ordinance, the City Recorder shall return to the applicant the performance bond or cash deposit required by this paragraph of the ordinance. In the event the applicant does not remove the temporary directional sign, the City shall cause the sign to be removed and the performance bond or cash forfeited to the City.

(d) All signs erected or maintained shall in addition to the foregoing be governed by the following regulations:

(1) No sign shall be located so that the safety of a pedestrian or moving vehicle will be impaired by distracting the vision of the pedestrian or the driver of the vehicle.

(2) The color of the signs shall not cause confusion with traffic signs or signals.

(3) No flashing or intermittently lighted signs shall be permitted, and gas filled light tubes shall be used in signs only for indirect lighting in such a manner that the light tubes are not exposed to view. Any other light used to illuminate signs, parking areas, or for any other purpose shall be so arranged as to reflect the light away from nearby residential properties and away from the vision of passing motorists.

(4) Signs shall be kept in good repair and be properly maintained.

(5) Identification signs shall identify a business or principal authorized use of the premises where the sign is located.

(6) No sign shall project into a public right of way except as permitted in paragraph number (c), (3).

(7) No out-door signs shall be permitted except as expressly authorized under this chapter, and sign permits shall be obtained from the City Council in accordance with the provisions of this ordinance. Application for such permission shall be in writing, and shall contain the name of the person for whose benefit the same is made, the period of time for which such permit is so desired, the place where such structure is to be erected or constructed, the dimensions thereof, the material of which the same is to be composed, and the manner of construction; which application shall be accompanied by a detailed, scaled drawing or tracing of such proposed sign or other structure. The City Council upon receiving an application for a sign permit shall refer the application to the Planning and Zoning Commission, who shall forthwith investigate the application to determine whether the sign conforms to this ordinance. The Planning and Zoning Commission shall report their findings to the City Council within two weeks. No variance shall be granted from the terms and provisions of this ordinance.

(8) Any violation of this ordinance which is not remedied within 30 days after notice shall constitute an offense punishable by a fine not in excess of \$100.00 or imprisonment in the City Jail for a term of not in excess of 30 days or both such fine and imprisonment. Each day of violation after notice shall constitute a separate offense.

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(9) The erection, construction or maintenance of any sign, contrary to any provisions of this chapter is declared to be a violation of this ordinance and unlawful. The City shall immediately, upon any such violation having been called to its attention, institute injunction, abatement or any other appropriate action to prevent, enjoin, abate or remove such violation. Such action may also be instituted by any property owner who may be especially damaged by any violation of this ordinance. The remedies provided for herein shall be cumulative and not exclusive, and shall be in addition to any other remedies provided by law.

### SECTION III

In the opinion of the City Council, it is necessary to the peace, health and safety of the inhabitants of Park City that this ordinance shall take effect immediately.

### SECTION IV

This ordinance shall take effect upon its first publication.

Passed by the City Council of Park City, Utah, this 4th day of February, 1965.

Attest:

William P. Sullivan, Mayor

Violet Terry, Recorder

(SEAL)

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING ORDINANCE ADOPTED JULY 20, 1965 PERTAINING TO THE ISSUANCE AND CONFIRMING THE SALE OF \$400,000 SEWER AND WATER REVENUE BONDS OF PARK CITY, SUMMIT COUNTY, UTAH; AMENDING SAID PARAGRAPH (d) OF SECTION 7 OF SAID ORDINANCE OF JULY 20, 1965 PERTAINING TO THE DISPOSITION OF REVENUES FROM THE SEWER AND WATER SYSTEM OF PARK CITY

WHEREAS, on July 20, 1965 the City Council of Park City duly adopted an Ordinance providing for the issuance and confirming the sale of \$400,000 Sewer and Water Revenue Bonds of Park City, Summit County, Utah, and

WHEREAS, the bonds authorized to be issued pursuant to said Ordinance have not as yet been issued, and

WHEREAS, it is desirable to amend said Ordinance with respect to the use of the revenues from the water and sewer system of Park City, Utah,

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF PARK CITY, SUMMIT COUNTY, UTAH AS FOLLOWS:

Section 1. Subparagraph (d) of Section 7 of Ordinance duly adopted by the City Council of Park City, Summit County, Utah on July 20, 1965 providing for the issuance and confirming the sale of \$400,000 Sewer and Water Revenue Bonds of Park City, Summit County, Utah be and said subparagraph is hereby amended to read in its entirety as follows:

(d) All of the Revenues received in any Sinking Fund Year and not required to be paid or set aside as provided in subparagraphs (a), (b) and (c) above and after there has been accumulated in the reserve account the amounts required to be accumulated and maintained, may be used by Park City to pay the principal of or interest on any general obligation bonds heretofore or hereafter issued to improve or extend the System or to create a reserve therefor, to retire through redemption or through purchase on the open market at the best price obtainable any of the Bonds, including Parity Bonds, to pay principal of or interest or redemption premiums on any junior lien bond used to improve or extend the System, to improve or extend the System or for any other lawful purpose, If any of the Bonds or Parity Bonds are purchased on the open market

at any time after the same become optional for redemption, they shall be purchased at a price no higher than the price at which they could then be redeemed.

Section 2. In all other respects, said Ordinance of July 20, 1965 providing for the issuance and confirming the sale of \$400,000 Sewer and Water Revenue Bonds of Park City, Summit County, Utah shall remain unchanged and in full force and effect and said Ordinance is hereby ratified, approved and confirmed except as hereby expressly amended.

Section 3. Immediately after its adoption, this Ordinance shall be signed by the Mayor and attested by the City Recorder, shall be recorded in a book kept for that purpose, shall be published one (1) time in the Park Record, a newspaper of general circulation, and shall be posted in three public places in Park City. An emergency is hereby declared and ordained and this Ordinance shall take immediate effect upon such publication and posting, the preservation of the peace, health and safety of Park City so requiring.

PASSED AND APPROVED this 27th day of July, 1965.

William P. Sullivan  
Mayor

ATTEST:  
T. L. Terry  
City Recorder

(Seal)



ORDINANCE NO. 1111

AN ORDINANCE PROVIDING FOR THE ASSISTANCE AND CONFIRMING THE SALE OF \$400,000 SEWER AND WATER REVENUE BONDS OF PARK CITY, SUMMIT COUNTY, UTAH FOR THE PURPOSE OF DEFRAYING PART OF THE COST OF IMPROVING AND DEVELOPING THE WATERWORKS PLANT AND SYSTEM AND SEWER SYSTEM OF PARK CITY, INCLUDING THE CONSTRUCTION OF A SEWAGE TREATMENT PLANT; PROVIDING FOR THE COLLECTION AND DISPOSITION OF REVENUES OF THE WATERWORKS PLANT AND SYSTEM AND SEWER SYSTEM AND MAKING OTHER PROVISIONS WITH RESPECT TO THE OPERATION THEREOF

WHEREAS, the City of Park City, Summit County, Utah desires to improve, enlarge, extend and repair its existing waterworks plant and system and sewer system and to construct a sewage treatment plant and for such purpose to acquire all necessary property and construct all necessary improvements; and

WHEREAS, said City does not have on hand money to pay for such improvements, enlargements, extensions and repairs and for such construction and acquisition; and

WHEREAS, the revenues to be derived by the City from the operation of its waterworks plant and system and sewer system, including said sewage treatment plant, have not been and will not be pledged or hypothecated in any manner or for any purpose at the time of the issuance of the bonds hereinafter referred to and the City desires to issue its sewer and water revenue bonds in the amount of \$400,000, payable from such revenues in the manner hereinafter provided; and

WHEREAS, at a special election duly and lawfully called and held in Park City, Summit County, Utah on April 20, 1965 there were submitted to the qualified electors of Park City who had paid a property tax therein in the year preceding said election the following proposition:

Shall the City Council of Park City, Summit County, Utah be authorized to issue bonds of Park City in the amount of \$400,000 for the purpose of defraying part of the cost of improving and developing the waterworks plant and system and sewer system of Park City, including the construction of a sewage treatment plant, said bonds to bear interest at a rate of not to exceed six (6%) per cent per annum, to mature serially in not more than

thirty (30) years from their date and to be paid solely as to both principal and interest from the revenues to be derived from the operation of the waterworks plant and system and sewer system of Park City and, under no circumstances, to be a general obligation of Park City or payable from ad valorem taxes?

and,

WHEREAS, the result of said election was found and declared by the City Council of Park City, sitting as a Board of Canvassers, on April 26, 1965, from which it appears that the total number of votes cast at said election in favor of the issuance of such bonds was 300 and the total votes cast against the issuance of said bonds was 114; and

WHEREAS, said \$400,000 of bonds had this day been offered for sale upon sealed bids and when said bids were opened, it was found that the bid of \_\_\_\_\_

of \_\_\_\_\_ was the highest and best bid submitted for the purchase of said \$400,000 of bonds; and

WHEREAS, said bonds have been awarded to said purchasers at the price of par and accrued interest to the date of delivery, plus a premium of \$ \_\_\_\_\_;

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED by the City Council of Park City, Summit County, Utah, as follows:

Section 1. As used in this Ordinance:

(a) The word "Bonds" means the \$400,000 Park City, Utah sewer and water revenue bonds herein authorized and as used in Sections 7 and 8 hereof, includes Parity Bonds as well.

(b) The words "Parity Bonds" mean additional obligations issued on a parity with the bonds herein authorized under the provisions of Section 9 hereof.

(c) The word "System" means the complete waterworks plant and system, sanitary sewer plant and system, including the sewage treatment plant, of Park City, Summit County, Utah serving the City and its inhabitants and the inhabitants of territory adjacent thereto, including all improvements, extensions, enlargements, additions and repairs thereto which may be made while any of the Bonds or Parity Bonds remain outstanding and including all property, real, personal and mixed, of every nature now or hereafter owned by

Park City and used or useful in the operation of its water supply treatment and distribution facilities and its sewage collection, treatment and disposal facilities.

(d) The word "Revenues" means all income and revenues of any kind derived from the operation of the System, including the proceeds of all connection charges not applied directly to the payment of the cost of improving or extending the System or making connections thereto and all interest earned by and profits derived from the sale of investments made with the income and revenues.

(e) The words "Operation and Maintenance Expenses" mean all expenses reasonably incurred in connection with the operation and maintenance of the System, including repairs and renewals (other than capital improvements) necessary to keep the System in efficient operating condition, the cost of audits hereinafter required, fees of the paying agents on the Bonds and Parity Bonds, payment of premiums for insurance on the System hereafter required and, generally, all expenses, exclusive of depreciation, which under generally accepted accounting practices are properly allocable to operation and maintenance of the System but only such expenses as are reasonably and properly necessary to the efficient operation and maintenance of the System shall be included.

(f) The words "Sinking Fund Year" mean the twelve (12) month period beginning on February 1 of the calendar year and ending on the next succeeding January 31.

(g) The words "Bond Service Requirement" mean the amount required to be paid into the sinking fund to be established pursuant to Section 7 hereof in any given Sinking Fund Year for the payment of principal and interest on the Bonds and Parity Bonds on February 1 and August 1 of each Sinking Fund Year.

(h) The word "City" means the City of Park City, Summit County, Utah.

Section 2. For the purpose of defraying part of the cost of improving and developing the waterworks plant and system and sewer system of Park City, including the construction of a sewage treatment plant, including in such costs all proper engineering, legal, fiscal and other costs incident to such improvements, extensions and construction and the authorization and issuance of the Bonds, there are hereby authorized to be issued sewer and water revenue bonds of the City in the principal amount of \$400,000, payable from the Revenues as hereinafter set forth.

Section 3. The Bonds shall be known as "Park City, Summit County, Utah, Sewer and Water Revenue Bonds, Series of \_\_\_\_\_ 1, 1965", shall be dated \_\_\_\_\_ 1, 1965, shall be in the denomination of \$1000 each, shall be numbered 1 to 400, both inclusive, shall bear interest at the rates hereinafter set forth, said interest payable February 1, 1966 and semi-annually thereafter on August 1 and February 1 of each year, with interest falling due on and prior to maturity payable only upon presentation and surrender of appropriate interest coupons to be attached to such Bonds. Both principal and interest on the Bonds shall be payable in lawful money of the United States of America at \_\_\_\_\_ Bank in \_\_\_\_\_, Utah, shall mature serially in numerical order on February 1 of each of the years in the amounts and bearing interest as follows:

<u>Bond Number</u>	<u>Amount Maturing</u>	<u>Year Maturing</u>	<u>Interest Rate</u>
1-6	\$ 6,000	1968	
7-12	6,000	1969	
13-18	6,000	1970	
19-26	8,000	1971	
27-34	8,000	1972	
35-42	8,000	1973	
43-50	8,000	1974	
51-60	10,000	1975	
61-70	10,000	1976	
71-80	10,000	1977	
81-90	10,000	1978	
91-100	10,000	1979	
101-110	10,000	1980	
111-124	14,000	1981	
125-138	14,000	1982	
139-152	14,000	1983	
153-166	14,000	1984	
167-182	16,000	1985	
183-198	16,000	1986	
199-214	16,000	1987	
215-230	16,000	1988	
231-246	16,000	1989	
247-266	20,000	1990	
267-286	20,000	1991	
287-306	20,000	1992	
307-336	30,000	1993	
337-366	30,000	1994	
367-400	34,000	1995	

The City hereby reserves the right to redeem Bonds numbered 91 to 400, both inclusive, which mature after February 1, 1977, on \_\_\_\_\_, and on any interest payment date thereafter at a price

equal to the principal amount thereof and accrued interest to the date fixed for redemption, plus a premium of \$\_\_\_\_\_ for each Bond so redeemed. Notice of the exercise of the right of the City to redeem any Bond is to be given not less than thirty (30) days prior to the redemption date by publication of an appropriate notice one time in a newspaper of general circulation in Salt Lake City, Utah and by registered or certified mail to the paying agent bank. Interest on any Bond subject to redemption shall cease to accrue after the date fixed for redemption of said Bond if notice has been properly given and funds equal to the redemption price have been deposited with the paying agent bank.

Said Bonds are issued under the provisions of Chapter 3 of Title 55, Utah Code Annotated 1953 as amended and do not constitute an indebtedness of the City within the meaning of any state, constitutional or statutory limitations.

Section 4. The Bonds and coupons attached thereto and the endorsement to appear on the back thereof shall be in substantially the following form:

RESOLUTION AND ORDINANCE

A RESOLUTION AND ORDINANCE PROVIDING FOR  
THE ISSUANCE AND CONFIRMING THE SALE OF  
\$200,000 GENERAL OBLIGATION SEWER AND  
WATER BONDS OF PARK CITY, SUMMIT COUNTY,  
UTAH

WHEREAS, at a special bond election duly and lawfully called and held in Park City, Summit County, Utah on April 20, 1965 there were authorized \$200,000 general obligation sewer and water bonds for the purpose of defraying a part of the cost of the acquisition, construction, installation and improvement of the waterworks plant and system, sewer system and sewage treatment plant of said City; and

WHEREAS, the result of said election was declared by the City Council of said City, sitting as a Board of Canvassers, on April 26, 1965, from which it appears that the total number of votes cast at said election in favor of the issuance of said bonds was 307 and the total number of votes cast at said election against the issuance of said bonds was 109; and

WHEREAS, said \$200,000 of bonds have this day been offered for sale upon sealed bids and when said bids were opened it was found that the bid of Goodbody Company, Salt Lake City, Utah, Thornton D. Morris & Co., Salt Lake City, Utah, Hanifen, Imhoff & Denver, Colo. was the highest and best bid submitted for the purchase of said \$200,000 of bonds; and

WHEREAS, said bonds have been awarded to said purchasers at the price of par and accrued interest to the date of delivery, plus a premium of \$ None ;

NOW, THEREFORE, be and it is hereby resolved and ordained by the City Council of Park City, Summit County, Utah:

Section 1. For the purpose of defraying a part of the cost of improving and developing the waterworks plant and system and sewer system of Park City, including the construction of a sewage treatment plant, there shall be issued \$200,000 general obligation sewer and water bonds, Series of August 1 1965, in the denomination of \$1000 each, numbered 1 to 200, both inclusive, bearing interest from date until paid at the rate or rates hereinafter set forth, said interest being payable February 1, 1966 and semi-annually thereafter on the first days of August and February of each year. Such bonds shall mature serially in numerical order on February 1 of each of the years and shall bear interest as follows:

<u>Bond Numbers</u>	<u>Amount Maturing</u>	<u>Year Maturing</u>	<u>Interest Rate</u>
1-3	\$ 3,000	1968	4.25%
4-6	3,000	1969	4.25%
7-9	3,000	1970	4.25%
10-13	4,000	1971	4.25%
14-17	4,000	1972	4.25%
18-21	4,000	1973	4.25%
22-25	4,000	1974	4.25%
26-30	5,000	1975	4.25%
31-35	5,000	1976	4.25%
36-40	5,000	1977	4.25%
41-45	5,000	1978	4.25%
46-50	5,000	1979	4.25%
51-55	5,000	1980	4.25%
56-62	7,000	1981	4.25%
63-69	7,000	1982	4.25%
70-76	7,000	1983	4.25%
77-83	7,000	1984	4.25%
84-91	8,000	1985	4.25%
92-99	8,000	1986	4.25%
100-107	8,000	1987	4.25%
108-115	8,000	1988	4.25%
116-123	8,000	1989	4.25%
124-133	10,000	1990	4.25%
134-143	10,000	1991	4.25%
144-153	10,000	1992	4.25%
154-168	15,000	1993	4.25%
169-183	15,000	1994	4.25%
184-200	17,000	1995	4.25%

Both principal and interest shall be payable in lawful money of the United States of America at First National Bank, of Coalville Coalville, Utah.

Park City hereby reserves the right to redeem in inverse numerical order bonds numbered 46 to 200, both inclusive, which mature after August 1, 1978, on that date and on any interest payment date thereafter at a price equal to the principal amount thereof and accrued interest to the date fixed for redemption, plus a premium of \$20.00 for each bond so redeemed. Notice of the exercise of the right of the City to redeem any bond shall be given not less than thirty (30) days prior to the redemption date by publication of an appropriate notice one time in a newspaper of general circulation in Salt Lake City, Utah and by registered or certified mail to the paying agent bank. Interest on any bond subject to redemption shall cease to accrue after the date fixed for the redemption of said bond if notice has been properly given as aforesaid and funds equal to the redemption price have been deposited with the paying agent bank.

Section 2. Said bonds and the interest coupons thereto attached and the endorsement on the back thereof shall be in substantially the following form:



UNITED STATES OF AMERICA  
STATE OF UTAH  
SUMMIT COUNTY  
PARK CITY  
GENERAL OBLIGATION WATER BOND  
SERIES OF AUGUST 1, 1965

No. ////////

\$1000

Park City, Summit County, Utah, for value received, hereby acknowledges itself to be indebted and promises to pay to the bearer hereof the sum of One Thousand Dollars (\$1000) on the first day of February, 1966, together with interest thereon from the date hereof until paid at the rate of \_\_\_\_\_ percent (\_\_\_\_%) per annum, payable February 1, 1966, and semi-annually thereafter on the first day of August and February of each year with interest falling due on and prior to maturity, payable only upon presentation and surrender of the attached interest coupons as they severally become due. Both principal of and interest on this bond are payable in lawful money of the United States of America at First National Bank of Coalville  
Coalville, Utah.

This bond is one of an issue of 200 bonds of like date, tenor and effect except as to maturity, interest rate and option of redemption issued for the purpose of defraying part of the cost of improving and developing the waterworks plant and system and sewer system of Park City, including the construction of a sewage treatment plant, under and by virtue of and in full conformity with the Constitution and laws of the State of Utah and a Resolution and Ordinance duly adopted by the City Council of Park City on July 20, 1965, after having been duly authorized at an election legally held in said City on April 20, 1965.

Park City has reserved the right and option to redeem in inverse numerical order bonds numbered 46 to 200, both inclusive, which mature after August 1, 1978, on that date and on any interest payment date thereafter, at a price equal to the principal amount of each bond so redeemed and accrued interest thereon to the date fixed for redemption, plus a premium consisting of \$20.00 \_\_\_\_\_ for each bond so redeemed. Notice of the exercise of the right of the City to redeem any bond is to be given not less than thirty (30) days prior to the redemption date by publication of an appropriate notice one time in a newspaper of general circulation in Salt Lake City, Utah and by registered or certified mail to the paying agent bank. Interest on any

bond subject to redemption shall cease to accrue after the date fixed for redemption of said bond if notice has been properly given and funds equal to the redemption price have been deposited with the paying agent bank.

The City Council of Park City agrees that it will annually levy a tax sufficient to pay the interest on this bond as it falls due and also to constitute a sinking fund sufficient to pay the principal when due.

This bond and the issue of which it is a part are issued pursuant to authority contained in the Utah Municipal Bond Act.

This bond is subject to the conditions, and every holder hereof and every holder of the coupons hereto attached by accepting the same, agrees with Park City and every subsequent holder of this bond or of such coupons, that (a) the delivery of this bond to any transferee shall vest title in this bond and in the interest coupons attached hereto at the time of such delivery and the delivery of any interest coupons attached hereto to any transferee shall vest title to such coupons in such transferee to the same extent for all purposes as would any such delivery under like circumstances of any negotiable instrument payable to bearer; (b) Park City and any agent of Park City may treat the bearer of this bond and of any of such coupons as the absolute owner hereof for all purposes and shall not be affected by any notice to the contrary; (c) the principal of and the interest on this bond shall be paid and this bond and each of the coupons attached hereto are transferable free from and without regard to any equities, setoffs or cross claims between Park City and the original or any subsequent holder thereof and free from any claims of ownership by any such holder; and (d) the surrender to Park City or to any agent of Park City of this bond and of each of the coupons attached hereto shall be a good discharge to Park City for the same.

It is hereby certified, recited and declared that all conditions, acts and things essential to the validity of this bond and the issue of which it forms a part do exist, have happened, and have been done and that every requirement of law affecting the issue thereof has been duly complied with and that this bond is within every debt and other limit prescribed by the Constitution and laws of the State of Utah and that the full faith and credit of Park City are hereby irrevocably pledged to the punctual payment of the principal of and interest on this bond according to its terms.

IN WITNESS WHEREOF, Park City has caused this bond to be signed by its Mayor and countersigned by its City Recorder, with the seal of the City affixed, and the coupons hereto attached to be signed with the facsimile signature of the City Treasurer, all as of the first day of AUGUST, 1965.

\_\_\_\_\_  
Mayor

Countersigned:

\_\_\_\_\_  
City Recorder

(Form of Auditor's Certificate)

I, the undersigned, being the duly qualified and acting auditor of Park City, Summit County, Utah, do hereby certify that the within bond is within the lawful debt limit of Park City, Utah and is issued according to law.

WITNESS my official signature this first day of AUGUST, 1965.

\_\_\_\_\_  
City Recorder and Ex-Officio  
Auditor

(Form of Coupon)

No. \_\_\_\_\_

\$ \_\_\_\_\_

On the first day of \_\_\_\_\_, 19\_\_\_\_, unless the hereinafter mentioned bond is then callable for redemption and has been so called and provision for such redemption duly made, Park City, Summit County, Utah, will pay to the bearer hereof at the First National Bank of Coalville Bank, Coalville, Utah the amount shown hereon in lawful money of the United States of America, being the interest then due on its general obligation sewer and water bond, series of August 1, 1965, numbered \_\_\_\_\_.

(Facsimile Signature)

City Treasurer

Section 3. Each of said bonds shall be signed by the Mayor and countersigned by the City Recorder, with the seal of Park City affixed thereto, and the coupons thereon shall bear the facsimile signature of the City Treasurer. The Mayor is hereby empowered and directed to sign and the City Recorder to countersign and affix the seal of Park City to each of said bonds and the acts of the Mayor and City Recorder in so doing are and shall be the act and deed of Park City, Utah. The City Council hereby authorizes the use of the facsimile signature of the City Treasurer on each of the coupons attached to said bonds and such facsimile signature shall have the same effect as if signed manually by the City Treasurer and shall in all respects be considered as the act and deed of Park City, Utah by one of its officers thereunto duly authorized. All of the covenants, statements, representations and agreements contained in said bonds and coupons and all of the recitals and representations of this Resolution and Ordinance are hereby considered and understood, and it is hereby ordered and declared that said covenants and promises therein are the covenants and promises of Park City, Utah and that the representations and statements therein are the representations of said City. Said bonds are issued pursuant to authority contained in the Utah Municipal Bond Act.

Section 4. To pay the interest falling due on said bonds as the same become due and to provide a sinking fund for the payment of the principal of said bonds at maturity, there shall be and is hereby levied on all taxable property in Park City, in addition to all other taxes, a direct annual tax sufficient to pay the interest on said bonds and to pay and retire the same as hereinbefore provided. Said taxes when collected shall be applied solely for the purpose of payment of said interest and principal on said bonds, and for no other purpose whatsoever until the indebtedness so contracted under this Resolution and Ordinance, both principal and interest, shall have been fully paid, satisfied and discharged, but nothing herein contained shall be so construed as to prevent said City from applying any other funds that may be in the City Treasury or otherwise available for that purpose to the payment of interest and principal as the same respectively mature and the levy or levies herein provided for may thereupon to that extent be diminished. The sums herein provided for to meet the interest on said bonds and to discharge the principal thereof when due are hereby appropriated for that purpose. Principal and interest falling due at any time when insufficient funds are on hand from the proceeds of the above tax levy shall be advanced from other funds of the City available for such purpose and such other funds shall be reimbursed when the tax levy proceeds become available.

Section 5. The sale of said bonds to Goodbody and Associates *a.c.*  
Thornton D. Morris of Salt Lake City, Utah. Hanifen, ~~and~~ & Co.  
at the price of par and accrued interest to the Denver, Colorado  
date of delivery, plus a premium of \$ none,  
in accordance with the terms of a sealed bid submitted by said purchaser on this date at an advertised public sale, is hereby in all respects ratified and confirmed. Said bonds shall be delivered to said purchasers as soon as they may be legally issued, upon receipt by the City Treasurer of the agreed purchase price therefor.

Section 6. All ordinances and resolutions, or parts thereof, in conflict herewith be and the same are, to the extent of such conflict, hereby repealed, and after said bonds are issued, this Resolution and Ordinance shall be and remain irrepealable until said bonds and the interest thereon shall have been fully paid, satisfied and discharged as herein provided.

Section 7. The City Council hereby provided and determines that this Resolution and Ordinance be published one time in the Park Record, a newspaper having general circulation in Park City, there

being no newspaper published in Park City. For a period of thirty (30) days after such publication, any person in interest shall have the right to contest the legality of this Resolution and Ordinance and the bonds authorized hereby and, after such time, no one shall have any cause of action to contest the regularity, formality or legality thereof for any cause whatsoever.

Section 8. This Resolution and Ordinance shall also be posted in three (3) public places within Park City.

Section 9. This Resolution and Ordinance shall take effect immediately upon its adoption, publication and posting as herein set forth, the preservation of the peace, health, welfare and safety of Park City so requiring.

ADOPTED by the City Council of Park City, Summit County, Utah this 20th day of July, 1965.

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Mayor

ATTEST:

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City Recorder

(Seal)

ORDINANCE NO. ~~11111~~

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND CONFIRMING THE SALE OF \$400,000 SEWER AND WATER REVENUE BONDS OF PARK CITY, SUMMIT COUNTY, UTAH FOR THE PURPOSE OF DEFRAYING PART OF THE COST OF IMPROVING AND DEVELOPING THE WATERWORKS PLANT AND SYSTEM AND SEWER SYSTEM OF PARK CITY, INCLUDING THE CONSTRUCTION OF A SEWAGE TREATMENT PLANT; PROVIDING FOR THE COLLECTION AND DISPOSITION OF REVENUES OF THE WATERWORKS PLANT AND SYSTEM AND SEWER SYSTEM AND MAKING OTHER PROVISIONS WITH RESPECT TO THE OPERATION THEREOF

WHEREAS, the City of Park City, Summit County, Utah desires to improve, enlarge, extend and repair its existing waterworks plant and system and sewer system and to construct a sewage treatment plant and for such purpose to acquire all necessary property and construct all necessary improvements; and

WHEREAS, said City does not have on hand money to pay for such improvements, enlargements, extensions and repairs and for such construction and acquisition; and

WHEREAS, the revenues to be derived by the City from the operation of its waterworks plant and system and sewer system, including said sewage treatment plant, have not been and will not be pledged or hypothecated in any manner or for any purpose at the time of the issuance of the bonds hereinafter referred to and the City desires to issue its sewer and water revenue bonds in the amount of \$400,000, payable from such revenues in the manner hereinafter provided; and

WHEREAS, at a special election duly and lawfully called and held in Park City, Summit County, Utah on April 20, 1965 there were submitted to the qualified electors of Park City who had paid a property tax therein in the year preceding said election the following proposition:

Shall the City Council of Park City, Summit County, Utah be authorized to issue bonds of Park City in the amount of \$400,000 for the purpose of defraying part of the cost of improving and developing the waterworks plant and system and sewer system of Park City, including the construction of a sewage treatment plant, said bonds to bear interest at a rate of not to exceed six (6%) per cent per annum, to mature serially in not more than

thirty (30) years from their date and to be paid solely as to both principal and interest from the revenues to be derived from the operation of the waterworks plant and system and sewer system of Park City and, under no circumstances, to be a general obligation of Park City or payable from ad valorem taxes?

and,

WHEREAS, the result of said election was found and declared by the City Council of Park City, sitting as a Board of Canvassers, on April 26, 1965, from which it appears that the total number of votes cast at said election in favor of the issuance of such bonds was 300 and the total votes cast against the issuance of said bonds was 114; and

WHEREAS, said \$400,000 of bonds had this day been offered for sale upon sealed bids and when said bids were opened, it was found that the bid of Goodbody Co., Thornton  
D. Morris Co., of Salt Lake City, Utah & Hanifen, ~~Denver~~ & Co., Denver, Colo.  
of Salt Lake & Denver. was the highest and best bid submitted for the purchase of said \$400,000 of bonds; and

WHEREAS, said bonds have been awarded to said purchasers at the price of par and accrued interest to the date of delivery, plus a premium of \$ None;

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED by the City Council of Park City, Summit County, Utah, as follows:

Section 1. As used in this Ordinance:

(a) The word "Bonds" means the \$400,000 Park City, Utah sewer and water revenue bonds herein authorized and as used in Sections 7 and 8 hereof, includes Parity Bonds as well.

(b) The words "Parity Bonds" mean additional obligations issued on a parity with the bonds herein authorized under the provisions of Section 9 hereof.

(c) The word "System" means the complete waterworks plant and system, sanitary sewer plant and system, including the sewage treatment plant, of Park City, Summit County, Utah serving the City and its inhabitants and the inhabitants of territory adjacent thereto, including all improvements, extensions, enlargements, additions and repairs thereto which may be made while any of the Bonds or Parity Bonds remain outstanding and including all property, real, personal and mixed, of every nature now or hereafter owned by



Park City and used or useful in the operation of its water supply treatment and distribution facilities and its sewage collection, treatment and disposal facilities.

(d) The word "Revenues" means all income and revenues of any kind derived from the operation of the System, including the proceeds of all connection charges not applied directly to the payment of the cost of improving or extending the System or making connections thereto and all interest earned by and profits derived from the sale of investments made with the income and revenues.

(e) The words "Operation and Maintenance Expenses" mean all expenses reasonably incurred in connection with the operation and maintenance of the System, including repairs and renewals (other than capital improvements) necessary to keep the System in efficient operating condition, the cost of audits hereinafter required, fees of the paying agents on the Bonds and Parity Bonds, payment of premiums for insurance on the System hereafter required and, generally, all expenses, exclusive of depreciation, which under generally accepted accounting practices are properly allocable to operation and maintenance of the System but only such expenses as are reasonably and properly necessary to the efficient operation and maintenance of the System shall be included.

(f) The words "Sinking Fund Year" mean the twelve (12) month period beginning on February 1 of the calendar year and ending on the next succeeding January 31.

(g) The words "Bond Service Requirement" mean the amount required to be paid into the sinking fund to be established pursuant to Section 7 hereof in any given Sinking Fund Year for the payment of principal and interest on the Bonds and Parity Bonds on February 1 and August 1 of each Sinking Fund Year.

(h) The word "City" means the City of Park City, Summit County, Utah.

Section 2. For the purpose of defraying part of the cost of improving and developing the waterworks plant and system and sewer system of Park City, including the construction of a sewage treatment plant, including in such costs all proper engineering, legal, fiscal and other costs incident to such improvements, extensions and construction and the authorization and issuance of the Bonds, there are hereby authorized to be issued sewer and water revenue bonds of the City in the principal amount of \$400,000, payable from the Revenues as hereinafter set forth.

Section 3. The Bonds shall be known as "Park City, Summit County, Utah, Sewer and Water Revenue Bonds, Series of August 1, 1965", shall be dated August 1, 1965, shall be in the denomination of \$1000 each, shall be numbered 1 to 400, both inclusive, shall bear interest at the rates hereinafter set forth, said interest payable February 1, 1966 and semi-annually thereafter on August 1 and February 1 of each year, with interest falling due on and prior to maturity payable only upon presentation and surrender of appropriate interest coupons to be attached to such Bonds. Both principal and interest on the Bonds shall be payable in lawful money of the United States of America at First National Bank of Coalville in Coalville, Utah, shall mature serially in numerical order on February 1 of each of the years in the amounts and bearing interest as follows:

<u>Bond Number</u>	<u>Amount Maturing</u>	<u>Year Maturing</u>	<u>Interest Rate</u>
1-6	\$ 6,000	1968	4.50%
7-12	6,000	1969	4.50%
13-18	6,000	1970	4.50%
19-26	8,000	1971	4.50%
27-34	8,000	1972	4.50%
35-42	8,000	1973	4.50%
43-50	8,000	1974	4.50%
51-60	10,000	1975	4.50%
61-70	10,000	1976	4.50%
71-80	10,000	1977	4.50%
81-90	10,000	1978	4.50%
91-100	10,000	1979	4.50%
101-110	10,000	1980	4.50%
111-124	14,000	1981	4.50%
125-138	14,000	1982	4.50%
139-152	14,000	1983	4.50%
153-166	14,000	1984	4.50%
167-182	16,000	1985	4.50%
183-198	16,000	1986	4.50%
199-214	16,000	1987	4.50%
215-230	16,000	1988	4.50%
231-246	16,000	1989	4.50%
247-266	20,000	1990	4.50%
267-286	20,000	1991	4.50%
287-306	20,000	1992	4.50%
307-336	30,000	1993	4.50%
337-366	30,000	1994	4.50%
367-400	34,000	1995	4.50%

The City hereby reserves the right to redeem Bonds numbered 91 to 400, both inclusive, which mature after August 1, 1978, on August 1, 1978, and on any interest payment date thereafter at a price

equal to the principal amount thereof and accrued interest to the date fixed for redemption, plus a premium of \$ 20.00 for each Bond so redeemed. Notice of the exercise of the right of the City to redeem any Bond is to be given not less than thirty (30) days prior to the redemption date by publication of an appropriate notice one time in a newspaper of general circulation in Salt Lake City, Utah and by registered or certified mail to the paying agent bank. Interest on any Bond subject to redemption shall cease to accrue after the date fixed for redemption of said Bond if notice has been properly given and funds equal to the redemption price have been deposited with the paying agent bank.

Said Bonds are issued under the provisions of Chapter 3 of Title 55, Utah Code Annotated 1953 as amended and do not constitute an indebtedness of the City within the meaning of any state, constitutional or statutory limitations.

Section 4. The Bonds and coupons attached thereto and the endorsement to appear on the back thereof shall be in substantially the following form:

UNITED STATES OF AMERICA  
STATE OF UTAH  
SUMMIT COUNTY  
CITY OF PARK CITY  
SEWER AND WATER REVENUE BOND  
SERIES OF August 1, 1965

No. \_\_\_\_\_

\$1000

The City of Park City, Summit County, Utah for value received, hereby promises to pay to the bearer hereof, out of the special fund hereinbelow designated and not otherwise, the sum of One Thousand Dollars (\$1000) on the first day of February, 19\_\_\_\_, with interest thereon from date hereof until paid at the rate of \_\_\_\_\_ (\_\_\_\_%) per cent per annum, payable February 1, 1966 and semi-annually thereafter on the first day of August and February of each year, upon presentation and surrender of the attached interest coupons as the same severally fall due, both principal and interest being payable in lawful money of the United States of America at  
First National Bank of Coalville  
in Coalville, Utah.

This bond is one of an issue of 400 bonds of like date, tenor and effect except as to maturity, interest rate and option of redemption for the purpose of defraying part of the cost of improving and developing the waterworks plant and system and sewer system of Park City, including the construction of a sewage treatment plant, under and by virtue of and in full conformity with the Constitution and laws of the State of Utah and an Ordinance duly adopted by the City Council of Park City on JULY 20, 1965, after having been duly authorized at an election legally held in said City on April 20, 1965. Both principal of and interest on this bond and the issue of which it is a part are payable solely from a special fund designated "City of Park City 1965 Sewer and Water Revenue Bond Fund", into which fund are to be placed the revenues to be derived from the operation of the waterworks plant and system and sewer system of said City after payment from said revenues of the reasonable and necessary operation and maintenance expenses of said plants and systems.

This bond is issued under the provisions of Chapter 3 of Title 55, Utah Code Annotated 1953, as amended, and this bond and the coupons hereto attached do not constitute an indebtedness of Park City within the meaning of any state constitutional provision or statutory limitation.

Park City has reserved the right and option to redeem in inverse numerical order Bonds numbered 91 to 400, both inclusive, which mature after August 1, 19 78, on that date and on any interest payment date thereafter at a price equal to the principal amount of each bond so redeemed and accrued interest thereon to the date fixed for redemption, plus a premium consisting of \$ 20.00 for each bond so redeemed. Notice of the exercise of the right of the City to redeem any bond is to be given not less than thirty (30) days prior to the redemption date by publication of an appropriate notice one time in a newspaper of general circulation in Salt Lake City, Utah and by registered or certified mail to the paying agent bank. Interest on any bond subject to redemption shall cease to accrue after the date fixed for redemption of said bond if notice has been properly given and funds equal to the redemption price have been deposited with the paying agent bank.

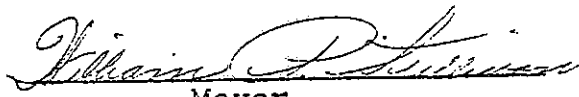
Park City has covenanted and agreed and does hereby covenant and agree that it will fix such rates for water and sewer service and will collect and account for the revenues to be received for such service, that the net revenues so received will be sufficient to pay the principal of and interest on this bond and the issue of which it forms a part as each becomes due, that it will make all payments required to be made into the above mentioned City of Park City 1965 Sewer and Water Revenue Bond Fund and that it will carry out all requirements of the Ordinance referred to above, to which Ordinance reference is made for a description of said Fund and the nature and extent of the security afforded thereby for the payment of principal of and interest on this bond and the issue of which it forms a part.

This bond is subject to the conditions, and every holder hereof and every holder of the coupons hereto attached by accepting the same, agrees with Park City and every subsequent holder of this bond or of such coupons, that (a) the delivery of this bond to any transferee shall vest title in this bond and in the interest coupons attached hereto at the time of such delivery and the delivery of any interest coupons attached hereto to any transferee shall vest title to such coupons in such transferee to the same extent for all purposes as would any such delivery under like circumstances of any negotiable instrument payable to bearer; (b) Park City and any agent of Park City may treat the bearer of this bond and of any

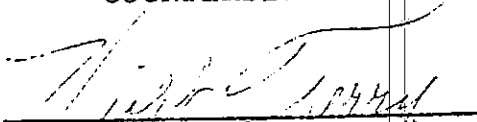
of such coupons as the absolute owner hereof for all purposes and shall not be affected by any notice to the contrary; (c) the principal of and the interest on this bond shall be paid and this bond and each of the coupons attached hereto are transferable free from and without regard to any equities, setoffs or cross claims between Park City and the original or any subsequent holder thereof and free from any claims of ownership by any such holder; and (d) the surrender to Park City or to any agent of Park City of this bond and of each of the coupons attached hereto shall be a good discharge to Park City for the same.

It is hereby certified, recited and declared that all conditions, acts and things essential to the validity of this bond and the issue of which it forms a part do exist, have happened, and have been done and that every requirement of law affecting the issue thereof has been duly complied with, that this bond and the issue of which it forms a part does not exceed any limitation prescribed by the constitution or laws of the State of Utah, that an amount of the revenues to be derived from the operation of the waterworks plant and system and sewer system of Park City has been pledged and will be set aside into a special fund by Park City sufficient for the prompt payment of the principal of and interest on this bond and the issue of which it forms a part, and the revenues of said waterworks plant and system and sewer system are not pledged, hypothecated or anticipated in any way other than by the issue of bonds of which this bond is one.

IN WITNESS WHEREOF, Park City has caused this bond to be signed by its Mayor and countersigned by its City Recorder, with the seal of the City affixed, and the coupons hereto attached to be executed by the facsimile signature of its City Treasurer, all as of this first day of August, 1965.

  
Mayor

COUNTERSIGNED

  
City Recorder

(Seal)

(Form of Coupon)

No. \_\_\_\_\_

\$ \_\_\_\_\_

On the first day of \_\_\_\_\_, 19\_\_\_\_ unless the hereinafter mentioned bond is callable for redemption and has been so called and provisions for such redemption duly made, Park City, Summit County, Utah will pay to the bearer hereof at the First National Bank of Coalville, Coalville, Utah the amount shown hereon in lawful money of the United States of America in the manner and out of the fund stated in said bond and not otherwise, being the interest then due on its Sewer and Water Revenue Bond, Series of August 1, 1965 and numbered \_\_\_\_\_.

This coupon and said bond are issued under the provisions of Chapter 3 of Title 55, Utah Code Annotated 1953, as amended, and do not constitute an indebtedness of Park City within the meaning of any state, constitutional or statutory limitation.

(Facsimile Signature)

City Treasurer

(Form of Auditor's Certificate)

I, the undersigned, being the duly qualified and acting auditor of Park City, Summit County, Utah, do hereby certify that the within bond is within the lawful debt limit of Park City, Utah and is issued according to law.

WITNESS my official signature this first day of  
August, 1965.

City Recorder and Ex-Officio  
Auditor

Section 5. Each of said bonds shall be signed by the Mayor and countersigned by the City Recorder, with the seal of Park City affixed thereto, and the coupons thereon shall bear the facsimile signature of the City Treasurer. The Mayor is hereby empowered and directed to sign and the City Recorder to countersign and affix the seal of Park City to each of said bonds and the acts of the Mayor and City Recorder in so doing are and shall be the act and deed of Park City, Utah. The City Council hereby authorizes the use of the facsimile signature of the City Treasurer on each of the coupons attached to said bonds and such facsimile signatures shall have the same effect as if signed manually by the City Treasurer and shall in all respects be considered as the act and deed of Park City, Utah by one of its officers thereunto duly authorized. All of the covenants, statements, representations and agreements contained in said bonds and coupons and all of the recitals and representations of this Ordinance are hereby considered and understood, and it is hereby ordered and declared that said Covenants and promises therein and herein are the covenants and promises of Park City, Utah and that the representations and statements therein and herein are the representations and statements of said City.

Section 6. Notwithstanding anything in this Ordinance elsewhere contained, the principal of and interest on the Bonds and any Parity Bonds shall be payable only out of the Revenues derived from the System after there shall have first been paid all Operation and Maintenance Expenses and, in no event, shall said bonds or the interest accruing thereon be deemed or construed to be a general indebtedness or obligation of Park City or payable from any funds of said City other than those derived from the operation of the System.

Section 7. From and after the issuance of any of the Bonds, the Revenues from the System are hereby pledged for the following purposes and shall be set aside into the following special funds:

(a) The Revenues shall first be set aside from time to time as needed during each Sinking Fund Year in amounts sufficient to provide for the payment of the Operation and Maintenance Expenses of the System during such Year.

(b) From the Revenues not paid or set aside for Operation and Maintenance Expenses of the System as provided above (which remaining amount is sometimes herein referred to as the "Net Revenues"), there shall be set aside in each Sinking Fund Year into a fund in the hands of the paying agent bank to be designated the "City of Park City, 1965 Sewer and



*Bond Fund*

Water Revenue Bond Fund", hereinafter sometimes called "Bond Fund", the amount required to be paid into such Fund as hereinafter set forth. The money in the Bond Fund shall be solely to pay currently maturing principal of and interest on the Bonds, including Parity Bonds. The amount to be paid into the Bond Fund in each Sinking Fund Year shall be such amount as will assure the prompt payment as each falls due of principal and interest becoming due on the Bonds, including Parity Bonds. The amount to be so paid shall, as nearly as may be practicable, be paid to the paying agent bank in monthly installments on or before the 10th day of each month, each installment of which to constitute one-twelfth (1/12th) of the principal falling due on the next succeeding principal payment date of the bonds and one-sixth (1/6th) of the next maturing installment of interest due on the bonds, except that prior to the first principal installment due in the year 1968, said installments shall be in such equal monthly amounts as shall, together with such other money as may be available for payment of such principal and interest, be adequate to meet such principal and interest requirements.

*Bond Reserve Fund*

(c) The Revenues remaining in each Sinking Fund Year after the payments required by sub-sections (a) and (b) above have been made and after all deficits which may exist from previous years in the making of the required payments into the Bond Fund have been remedied, shall be placed in a fund in the hands of the paying agent bank to be known as the "City of Park City 1965 Sewer and Water Revenue Bond Reserve Fund", hereinafter sometimes called the "Reserve Fund", whenever and to the extent necessary to accumulate and maintain in said Fund an amount equal to the largest amount of principal and interest falling due in any twelve month period on all Bonds, including Parity Bonds, maturing prior to February 1, 1987 at the time outstanding, or \$36,000.00, whichever amount is greater. Beginning with the 1966-1967 Sinking Fund Year and in each Sinking Fund Year thereafter, all of the Net Revenues remaining after making the payments provided in sub-sections (a) and (b) above shall be deposited in the Reserve Fund until the Reserve Fund totals the amount or amounts required to be maintained in such fund. Money in the Reserve Fund shall be used only to pay principal of or interest on the Bonds, including Parity Bonds, falling due at any time for the payment of which there is not sufficient money in the Bond Fund. The amount so to be paid into the Reserve Fund in each Sinking Fund Year shall, as nearly as may be practicable, be paid to the paying agent bank in monthly installments on the same day as the payments made each month into the Bond Fund.

*Other bills  
60  
Proposed by Council  
Edwards*

(d) All of the Revenues received in any Sinking Fund Year and not required to be paid or set aside as provided in sub-sections (a), (b) and (c) above may be used by Park City to pay the principal of or interest on any General Obligation Bonds heretofore or hereafter issued, to improve or extend the System or to create the reserve therefor, to retire through redemption or through purchase on the open market at the best price obtainable any of the Bonds, including Parity Bonds, or to pay principal of or interest or redemption premiums on any junior lien bond used to improve or extend the System. If any of the Bonds or Parity Bonds are purchased on the open market at any time after the same become optional for redemption, they shall be purchased at a price no higher than the price at which they could then be redeemed.

(e) Whenever the money in the Bond Fund and the Reserve Fund is equal to the total principal amount of all Bonds and Parity Bonds then outstanding plus interest to the next date upon which such bonds may be called for redemption under the terms of their issuance plus applicable redemption premiums, the money in said Funds may be used to redeem all of the said outstanding bonds. There shall not be required to be in the Bond Fund and Reserve Fund at any time more than the total amount required to pay principal and interest to maturity on all of the Bonds and Parity Bonds then outstanding.

Money in the Reserve Fund may, at the discretion of the City Council of Park City, be invested in direct obligations of the United States of America maturing not later than ten (10) years from the date of purchase and time certificates of deposit issued by any bank in the State of Utah authorized to act as a depository of public funds under the laws of the State of Utah maturing not later than two (2) years from the date of purchase. Such investments shall be held by the paying agent bank and said bank shall, when necessary to use the moneys in said Fund for the purpose for which the Fund was created, liquidate at prevailing market prices so much of such investments as may be necessary and apply the proceeds to such purpose without further instruction from the City.

Such part of the proceeds of the sale of the Bonds as represents the accrued interest received from the purchaser shall at the time of the delivery of the Bonds be paid into the Reserve Fund.

ville

First National Bank of Coal/      Coalville  
\_\_\_\_\_, Utah is hereby designated as the  
custodian of the Revenues for the purposes of this

Ordinance. All of the Revenues received by the City from day to day shall, as received, be deposited in said Bank and be allocated and paid by the City periodically in the manner provided in this section. All money so held by such Bank shall be held as special and not general deposits and all money held in the Bond Fund and the Reserve Fund shall be held as special trust funds, the beneficial interest in which shall be in the holders from time to time of the Bonds, including Parity Bonds, then outstanding. All money so held by such Bank shall be secured to the fullest extent required or permitted by the laws of Utah relating to the security of public deposits. If at any time such Bank shall cease to be qualified to act as a depository of public funds or shall be unable under the laws of the State of Utah to maintain on deposit all of the funds required to be maintained by the provisions of this Ordinance, the City shall forthwith appoint a successor bank as custodian for the purposes of this Ordinance which shall then have all of the powers and perform all of the duties of the Bank hereinabove designated by this Ordinance.

Section 8. The City of Park City hereby covenants and agrees with each and every holder of the Bonds, including Parity Bonds, as follows:

(a) While any of the Bonds remain outstanding and unpaid, the rates for all water and sewer services supplied by the System to the City and to its inhabitants and to all customers within or without the boundaries of the City shall be reasonable and just, taking into account and considering the cost and value of the System, operation and maintenance expenses of the System, the amounts necessary for the retirement of all the Bonds and Parity Bonds and the accruing interest thereon and the amount required to maintain the Reserve Fund as hereinabove set forth. There shall be no free service and there shall be charged against all users of water or sewer service or both, including the City, such rates and amounts as shall be adequate to meet the requirements of this and the preceding sections hereof, the same to be at least equal to one hundred forty (140%) percent of the Bond Service Requirement for each Sinking Fund Year. All Revenues, including those received from the City, shall be subject to use for the payment of the Operation and Maintenance Expenses of the System and the payment of principal of and interest on the Bonds and Parity Bonds.

(b) The holder of any of the Bonds or Parity Bonds shall have a right, in addition to all other rights afforded him by the laws of the State of Utah, to apply to and obtain from any court of competent jurisdiction such decree or order as may be necessary

to require the officials of the City to charge and collect rates for services supplied from the System sufficient to meet all requirements of this Ordinance.

(c) The City will maintain the System in good condition and operate the same in an efficient manner and at reasonable cost.

(d) Proper books of record and account will be kept by the City, separate and apart from all other records and accounts, showing complete and correct entries of all transactions relating to the System. The holders of any of the Bonds or Parity Bonds or any duly authorized agent or agents of such holders shall have the right at all reasonable times and hours to inspect all records, accounts and data relating to the System and to inspect the System and all properties comprising the same. The City agrees that it will within sixty (60) days following the close of each fiscal year (the term "fiscal year" as used in this sub-section meaning whatever twelve month period the City may from time to time be using for general financial accounting purposes) cause an audit of such books and accounts to be made by an independent firm of certified public accountants showing the receipts and disbursements for the System. Such audit shall be available for inspection by the holders of any of the Bonds. Each such audit, in addition to whatever matters may be thought proper by the accountant to be included therein shall include the following:

(1) A detailed statement of the income and expenditures of the System for such fiscal year.

(2) A balance sheet pertaining to the System as of the end of such fiscal year.

(3) The accountant's comment regarding the manner in which the City has carried out the requirements of this Ordinance and the accountant's recommendations for any change or improvement in the operation of the System.

(4) A list of the insurance policies in force at the end of the fiscal year, setting out as to each policy the amount of the policy, the risk covered, the name of the insurer and the expiration date of the policy.

(5) The number of properties connected to the System at the end of the fiscal year.

(6) An analysis of all funds created in this Resolution, setting out as to each all deposits and disbursements made during the fiscal year, the amount in each fund at the end of the fiscal year, the nature and amount of the investments made from each such fund and the purchase price of such investments.

(7) The number of metered water customers, the number of unmetered water customers, the number of hydrants connected to the water portion of the System, the number of applications for water service and for sewer service on hand at the end of the year.

(8) The number of gallons of water shown to have passed through the master meter of the City during such fiscal year, the number of gallons of water billed, the estimated number of gallons of water used for flushing mains and for extinguishing fires and the number of gallons of water unaccounted for.

(9) The total billings for such fiscal year and the average monthly billing per customer for services.

(10) All schedules of rates and charges imposed for water service and for sewer service during the fiscal year, including connection charges.

All expenses incurred in the making of the audits required by this sub-section shall be regarded and paid as an operation and maintenance expense. The City agrees to furnish a copy of each such audit to the holder of any of the Bonds at his request after the close of such fiscal year and to Thornton D. Morris and Company, Kearns Building, Salt Lake City, Utah. Any such holder shall have the right to discuss with the accountant making the audit, the contents of the audit and to ask for such additional information as he may reasonably require.

(e) The City in its operation of the System will carry insurance, including Workmen's Compensation Insurance and public liability insurance, in such amounts and to such extent as is normally carried by private corporations operating public utilities of the same type. The cost of such insurance shall be considered one of the Operation and Maintenance Expenses. In the event of loss or damage to any property of the System, insurance proceeds shall be used first for the purpose of restoring or replacing such property to the extent required to make the System a complete operating unit and to restore any lost service and any remainder of such insurance proceeds shall be paid into the Bond Fund.

(f) The City will not lease, mortgage, encumber or in any manner dispose of the System or any substantial part thereof, including any and all extensions and additions that may be made thereto, until all of the Bonds, including Parity Bonds, have been paid in full, both principal and interest, except that the City may sell any portion of said property which is replaced by other property of at least equal value or which shall cease to be necessary for the efficient operation of the System but, in the event of any such sale, the proceeds thereof shall be paid into the Bond Fund, the Reserve Fund or used for the retirement of the Bonds in advance of maturity.

(g) The City will, by Resolution adopted at or prior to the issuance of the Bonds, appoint a manager for the System who shall serve at the pleasure of the City Council and shall act as the general manager of the System. The manager shall either serve as collector of the revenues of the System or shall supervise any other officer, agent or employee of the City who collects the revenues but, in any event, the manager shall be responsible for the prompt and aggressive collection of all fees and charges for water and sewer service supplied by the System and it shall be his duty to cause to be filed appropriate suits and to take all legally available action for the enforcement of all claims for unpaid water and sewer charges which are delinquent. The manager and any other officer, employee or agent of the City having custody or control of any of the revenues at any time shall be bonded by a responsible corporate surety in an amount not less than the greatest amount reasonably anticipated to be within the custody or control of such manager, officer, agent or employee at one time. The premiums on such surety bonds shall be considered Operation and Maintenance Expenses unless such surety bonds are required of such manager, officer, agent or employee by any other law or ordinance.

(h) At or prior to the issuance of the first of the Bonds, the City shall adopt an initial schedule of rates for water and sewer services supplied by the System, which schedule shall be subject to increase and revision from time to time as may be necessary to carry out the provisions of this Ordinance or as may be deemed advisable by the City; provided, until February 1, 19 87 or prior thereto with the consent of the holders of fifty (50%) percent in principal amount of the bonds then outstanding, such schedule of rates shall include the following requirements:

(1) That all properties inhabited by one or more persons within the City, which property is located within two hundred (200) feet of any part of the System, shall be connected with the System.

(2) A connection fee of \$ <sup>200.00</sup> ~~150.00~~ for connection to the sewer portion of the System and of \$ ~~150.00~~ for connection to the water portion of the System shall be charged.

(3) Minimum monthly charges for each property connected with the System or any part thereof shall be not less than \$ 5.00 for properties located within the City and not less than \$ 6.00 for properties located outside the City.

(4) All bills for sewer services and water services shall be consolidated and billed in a single bill with payment permitted only of the consolidated bill in full as a unit without segregation between the billing for water service and for sewer service.

(5) Any bill not paid within thirty (30) days from the date it is mailed to the customer shall be deemed delinquent and such rate schedule shall provide and the City agrees to enforce the requirement that if any bill is delinquent for more than thirty (30) days, water or sewer service or both water and sewer service shall be suspended to any customer who is so delinquent until such delinquent charges are paid.

(i) The City will not permit or grant a franchise for the operation of any competing water or sewer system in the City.

(j) The City will commence and complete the acquisition and construction of improvements and developments to the waterworks plant and system and sewer system of the City, including the construction of a sewage treatment plant, and will cause all construction to be effected in a sound and economical manner. All contractors for such construction shall be required to furnish a good and sufficient corporate surety bond in an amount not less than the contract price guaranteeing full performance of any contract for such construction.

(k) The City will operate or cause to be operated the System in an efficient and economical manner based on sound business principles and will employ competent and experienced management for the System

to the end that it shall at all times be properly operated and maintained and that the Revenues will be fully sufficient to pay the principal and interest on the Bonds, including Parity Bonds, as the same shall fall due and to carry out the other provisions of this Ordinance.

Section 9. The Bonds shall not be entitled to any priority one over the other in the application of the Revenues of the System, regardless of the time or times of their issuance, it being the intention of the City that there shall be no priority among the Bonds authorized to be issued pursuant to this Ordinance regardless of the fact that they may be actually issued and delivered at different times. It is expressly agreed and covenanted that the City will not hereafter issue any bonds or obligations payable from the Revenues of the System, or any part thereof, until all Bonds and Parity Bonds have been paid in full unless such additional bonds are issued in such manner that they are in all respects subordinate to the Bonds and Parity Bonds.

The provisions of the foregoing paragraph are subject to the following two exceptions:

(1) The Bonds and Parity Bonds or any part thereof may be refunded (but only with the consent of the holders thereof unless such Bonds or Parity Bonds have matured or are then callable for redemption and have been properly so called or will mature or become callable for redemption by their terms within twelve (12) months thereafter) and the refunding bonds so issued shall enjoy a lien on the Revenues on a parity with the bonds herein authorized except that if fewer than all of the Bonds and Parity Bonds outstanding at the time are so refunded, no refunding bond shall bear interest at a rate higher or mature at a date earlier than the corresponding bond refunded thereby without the consent of the holders of all of the unrefunded Bonds and Parity Bonds. In all other respects, refunding bonds may be secured in such manner and may be payable from such sources and be subject to such other terms and provisions as may be provided in the Ordinance authorizing their issuance. Refunding bonds may be exchanged for not less than a like principal amount of the bonds authorized to be refunded, may be sold or may be exchanged in part and sold in part. If sold, the



proceeds of the sale not required for the payment of expenses and, in any event, in an amount sufficient to assure the payment of the bonds refunded when such bonds become available for payment may be escrowed pending the payment of the bonds refunded.

(2) Additional bonds may be issued on a parity with the bonds herein authorized if all of the following conditions are satisfactory:

(a) The Revenues of the System available to be paid into the Bond Fund must in each of the two completed Sinking Fund Years immediately preceding the issuance of the additional bonds have been equal to one and one-half times the highest future Bond Service Requirement of all Bonds and Parity Bonds then outstanding and the bonds so proposed to be issued.

(b) All payments required by this Ordinance to be made into the Bond Fund must have been made in full and there must be in the Reserve Fund the full amount required by this Ordinance to be accumulated therein.

(c) The additional bonds must be payable as to principal on February 1 of each year in which principal falls due and payable and as to interest on February 1 and August 1 of each year.

(d) The proceedings authorizing such additional bonds must raise the amount to which the Reserve Fund shall be accumulated to an amount no less than the highest future Bond Service Requirement of all Bonds and Parity Bonds then outstanding and the bonds so proposed to be issued and must require the accumulation of such amount in the Reserve Fund to be accomplished within twelve (12) months after delivery of such additional bonds.

(e) The proceeds of the additional bonds must be used for the making of improvements, extensions, renewals, replacements of repairs to the System.

Section 10. The Bonds shall be printed and executed forthwith and delivered to the purchasers upon receipt by the Treasurer of the City of the agreed purchase price. From the proceeds of the sale of the Bonds (a) the portion thereof representing accrued interest shall be deposited in the Bond Fund and (b) payment or provision for payment shall be made for all legal, fiscal agent and other costs incidental to the issuance of the Bonds. The remainder of said proceeds, together with any other funds that may be added thereto by the City, shall be deposited in a special construction fund in the hands of First National Bank of Coalville of Coalville, Utah or some other bank located in the State of Utah which may be designated by the City Council and paid out solely for the purchase, construction, improvement, enlargement, extension and repair of the waterworks plant and system and sewer system of the City, including the construction of a sewage treatment plant, payments therefrom to be made in such manner as may be specified in a letter of instructions to such custodian bank, signed by the Mayor and City Recorder of the City and approved by the original purchaser of the Bonds.

Among other things, said letter of instructions establishing such special construction fund shall contain the following provisions:

(a) Money in said account shall be held and paid out solely for the purpose for which the Bonds are herein authorized upon checks or drafts signed by the proper officer or officers of the City and approved by the architects or engineers retained for the purpose of supervising the construction herein authorized or approved by such successor architects or engineers as may be appointed by the City Council. Said architects' or engineers' approval must be in the form of a written certificate stating that the payment therein approved is being made to pay for materials supplied or for work satisfactorily completed in substantial accordance with the plans and specifications for the work involved or for other expenditures properly

incurred in connection with such instructions and enumerating such expenditures. Such architects' or engineers' certificate of approval shall further show that after the making of the payment contemplated, there will remain in the special construction fund enough money to pay all sums which will become due thereafter under the terms of any and all contracts which have been let for the construction of the improvements and extensions to the System presently contemplated.

(b) Pending the expenditure of the money in the special construction fund, the custodian bank, upon direction of the City Council, shall invest such money in direct obligations of the United States of America maturing not later than twenty-four (24) months from the date of purchase or in time certificates of deposit issued by any bank in the State of Utah qualified to act as a depository of public funds maturing not later than twelve (12) months from the date of purchase. Interest received on said investments shall be added to the other money in the special construction fund.

(c) When all work on the System shall have been completed in accordance with plans and specifications therefor and all amounts due for such work have been paid, the architects or engineers shall file with the custodian bank a certificate so stating and thereupon any remaining funds in such special construction fund shall be transferred to the Bond Fund.

Section 11. The provisions of this Ordinance shall constitute a contract between the City of Park City and the holder or holders of the Bonds and Parity Bonds from time to time outstanding and after the issuance of any of such bonds, no change, variation or alteration of any kind in the provisions of this Ordinance shall be made nor shall the same be repealed until such time as all of the Bonds and Parity Bonds, both principal and interest, have been paid in full, except as provided in this section.

The holders of seventy-five (75%) percent in principal amount of the Bonds and Parity Bonds at any time outstanding (not including in any case any bonds which may then be held or owned by or for the account of the

City, but including such refunding bonds as may be issued as hereinabove provided if such refunding bonds are not owned by the City), shall have the right from time to time to consent to and approve the adoption by the City of ordinance or ordinances modifying or amending any of the terms or provisions of this Ordinance except that this Ordinance may not be so modified or amended in such manner as to:

(a) Make any change in the maturity of any of the Bonds or Parity Bonds.

(b) Make any change in the rate of interest borne by any of the Bonds or Parity Bonds.

(c) Reduce the amount of the principal or redemption premium payable on any of the Bonds or Parity Bonds.

(d) Modify the terms of payment of principal or of interest or of redemption premiums on the Bonds or Parity Bonds or impose any conditions with respect to such payment not stated in this Ordinance.

(e) Affect the rights of the holders of fewer than all of the bonds then outstanding.

(f) Amend this section.

Whenever the City shall propose to amend or modify this Ordinance under the provisions of this section, it shall cause notice of the proposed amendment to be published one (1) time in a newspaper of general circulation published in Salt Lake City, Utah. Such notice shall set forth the proposed amendment in full or the substance thereof and shall state that a copy of the proposed amendatory ordinance is on file in the office of the City Recorder for public inspection. Whenever at any time within one (1) year from the date of the publication of said notice there shall be filed in the office of the City Recorder of the City an instrument or instruments executed by the holders of at least seventy-five (75%) percent in aggregate principal amount of the Bonds and Parity Bonds then outstanding as in this section defined, which instrument or instruments shall specifically consent to and approve the adoption of such proposed amendatory ordinance, thereupon, but not otherwise, the City Council may adopt said amendatory ordinance and it shall become effective. If the holders of at least seventy-five (75%) percent in aggregate principal

of the Bonds and Parity Bonds then outstanding as in this section defined at the time of the adoption of such amendatory ordinance or the predecessors in title of such holders shall have consented to and approved the adoption thereof, no holder of any bond shall thereafter have any right or interest to object to the adoption of such amendatory ordinance or to object to any of the terms or provisions therein contained or to the operation thereof or to enjoin or restrain the City from taking any action pursuant to the provisions thereof. Any consent given by the holder of a bond pursuant to the provisions of this section shall be irrevocable for a period of six (6) months from the date such consent is filed with the City Recorder as aforesaid and shall be conclusive and binding upon all future holders of the same bond during such period. Such consent may be revoked at any time after six (6) months from the date of the publication of such notice by the holder who gave such consent or by a successor in title by filing notice of such revocation with the City Recorder, but such revocation shall not be effective if the holders of seventy-five (75%) percent in aggregate principal amount of the Bonds and Parity Bonds then outstanding as in this section defined have, prior to the attempted revocation, consented to and approved the amendatory ordinance.

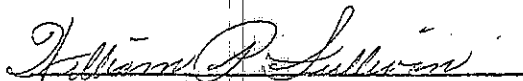
The fact and date of the execution of any instrument under the provisions of this section may be proved by the certificate of any officer in any jurisdiction who by the laws thereof is authorized to take acknowledgments of deeds within such jurisdiction, that the person signing such instrument acknowledged before him the execution thereof or may be proved by an affidavit of a witness to such execution sworn to before such officer. The amount and numbers of the bonds held by any person executing such instrument and the date of his holding the same may be proved by a certificate executed on behalf of any responsible bank or trust company showing that on the date therein mentioned such person had on deposit or produced for inspection by said bank or trust company the bonds described in such certificate.

Section 12. If any section, paragraph, clause or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance, all of which are being hereby declared to be severable.

Section 13. All ordinances, resolutions and orders, or parts thereof, in conflict with any of the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 14. Immediately after its adoption, this Ordinance shall be signed by the Mayor and attested by the City Recorder, shall be recorded in a book kept for that purpose, shall be published one time in the Park Record, a newspaper of general circulation in Park City, and shall be posted in three public places in Park City. An emergency is hereby declared and ordained and this Ordinance shall take immediate effect upon such publication and posting, the preservation of the peace, health and safety of Park City so requiring.

PASSED AND APPROVED this 20th day of July, 1965.

  
Mayor

ATTEST:

  
City Recorder

(Seal)

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING ORDINANCE ADOPTED JULY 20, 1965 PERTAINING TO THE ISSUANCE AND CONFIRMING THE SALE OF \$400,000 SEWER AND WATER REVENUE BONDS OF PARK CITY, SUMMIT COUNTY, UTAH; AMENDING SAID PARAGRAPH (d) OF SECTION 7 OF SAID ORDINANCE OF JULY 20, 1965 PERTAINING TO THE DISPOSITION OF REVENUES FROM THE SEWER AND WATER SYSTEM OF PARK CITY

WHEREAS, on July 20, 1965 the City Council of Park City duly adopted an Ordinance providing for the issuance and confirming the sale of \$400,000 Sewer and Water Revenue Bonds of Park City, Summit County, Utah, and

WHEREAS, the bonds authorized to be issued pursuant to said Ordinance have not as yet been issued, and

WHEREAS, it is desirable to amend said Ordinance with respect to the use of the revenues from the water and sewer system of Park City, Utah,

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF PARK CITY, SUMMIT COUNTY, UTAH AS FOLLOWS:

Section 1. Subparagraph (d) of Section 7 of Ordinance duly adopted by the City Council of Park City, Summit County, Utah on July 20, 1965 providing for the issuance and confirming the sale of \$400,000 Sewer and Water Revenue Bonds of Park City, Summit County, Utah be and said subparagraph is hereby amended to read in its entirety as follows:


(d) All of the Revenues received in any Sinking Fund Year and not required to be paid or set aside as provided in subparagraphs (a), (b) and (c) above and after there has been accumulated in the reserve account the amounts required to be accumulated and maintained, may be used by Park City to pay the principal of or interest on any general obligation bonds heretofore or hereafter issued to improve or extend the System or to create a reserve therefor, to retire through redemption or through purchase on the open market at the best price obtainable any of the Bonds, including Parity Bonds, to pay principal of or interest or redemption premiums on any junior lien bond used to improve or extend the System, to improve or extend the System or for any other lawful purpose. If any of the Bonds or Parity Bonds are purchased on the open market

at any time after the same become optional for redemption, they shall be purchased at a price no higher than the price at which they could then be redeemed.

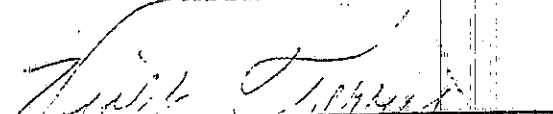
Section 2. In all other respects, said Ordinance of July 20, 1965 providing for the issuance and confirming the sale of \$400,000 Sewer and Water Revenue Bonds of Park City, Summit County, Utah shall remain unchanged and in full force and effect and said Ordinance is hereby ratified, approved and confirmed except as hereby expressly amended.

Section 3. Immediately after its adoption, this Ordinance shall be signed by the Mayor and attested by the City Recorder, shall be recorded in a book kept for that purpose, shall be published one (1) time in the Park Record, a newspaper of general circulation, and shall be posted in three public places in Park City. An emergency is hereby declared and ordained and this Ordinance shall take immediate effect upon such publication and posting, the preservation of the peace, health and safety of Park City so requiring.

PASSED AND APPROVED this 27th day of July,  
1965.

  
Mayor

ATTEST:

  
City Recorder

(Seal)



AN ORDINANCE

CHAPTER LXVI

AN ORDINANCE repealing Chapter LXVI, adopted the 19th day of August, 1965, Ordinance No. 10-73, Park City Ordinances; reenacting as herein amended Chapter LXVI, Park City Ordinances concerning the Municipal Water and Sanitary Sewer System establishing water and sewer charges and rates; providing for their collection; providing for combined water and sewer bills; providing for connections to the water and sewer system and impose connection charges; providing for the discontinuance of service for the non-payment of water or sewer charges; establishing a penalty for failure to connect to such sewer system; making other provisions incidental thereto; providing for fees for scavenger service; and declaring an emergency:

BE IT ORDAINED BY THE CITY COUNCIL OF PARK CITY, SUMMIT COUNTY, STATE OF UTAH:

SECTION 1. Chapter LXVI Park City Ordinances, adopted the 19th day of August, 1965, and Ordinance No. 10-73, Park City Ordinances are hereby repealed.

SECTION 2. As used in this Ordinance:

(A) The monthly rates for water supplied within the corporate limits of Park City, Utah payable in advance shall be as follows:

(1) Single family residences, multiple unit residences, apartment houses, rental units, condominiums, hotels, motels, trailer courts, boarding houses and rooming houses, rented on not less than a monthly basis exclusively throughout the year, \$5.00 per residence or individual living unit.

(2) Multiple unit residences, apartment houses, rental units, condominiums, hotels, motels, trailer courts, boarding houses and rooming houses, rented on less than a month to month basis during any part of the year, \$1.50 per person capable of being accommodated.

(3) Any commercial businesses NOT serving food or beverages or rendering services wherein water is used or consumed, \$6.50.

(4) Any commercial business NOT serving food or beverages, but rendering services wherein water is consumed, \$8.30.

(5) Any commercial business establishment serving food or beverages, \$7.00 plus an additional \$.25 per person capable of being seated and served on a stool, at a table, or otherwise.

(6) Churches, \$5.00.

(7) Schools, \$.15 per student.

(8) Special users and any and all uses not herein above mentioned shall be charged a monthly rate as determined by the City Council of Park City.

(9) In all of the foregoing rates where the service rendered creates an unequal consumptive use of water, an equitable rate will be determined by the City Council of Park City.

*Doga*

AN ORDINANCE

AN ORDINANCE REPEALING THE AMENDMENT OF SEPTEMBER 19, 1963, TO SECTIONS 237 AND 264, OF CHAPTER XVII; ENACTING SECTION 9 (a); AMENDING SECTION 12; AMENDING SECTION 18; AND ENACTING SECTIONS 18 (a) 18 (b) AND 18 (c) OF CHAPTER 1, REVISED ORDINANCES OF PARK CITY, UTAH, 1940, RELATING TO DOGS.

BE IT ORDAINED BY THE CITY COUNCIL OF PARK CITY, UTAH:

SECTION 1. That the amendments to Sections 237 and 264, of Chapter XVII of the Revised Ordinances of Park City, dated September 19, 1963, be repealed.

SECTION 2. That Chapter I, of Revised Ordinances of Park City, Utah, 1940, relating to dogs be amended by adding thereto Section 9 (a), as follows:

SECTION 9 (a) DOGS RUNNING AT LARGE. It shall be unlawful for any person to own, keep or possess any dog unless such dog is at all times prevented from running at large.

(1) The owner of any dog running at large shall be deemed in violation of this section regardless of the precautions taken to prevent the escape of the dog and to prohibit it from running at large. This section intends to impose upon the owners of dogs an absolute burden of keeping such dogs on their premises at all times unless upon a leash.

(2) Violation of the provisions of this section is hereby declared to be a nuisance and a menace to the public health and safety, and said dog or dogs shall be taken up and impounded as provided herein.

SECTION 3. That Section 12, of Chapter I, of the Revised Ordinances of Park City, Utah, 1940, shall be amended to read as follows:

SECTION 12. IMPOUNDING. REDEMPTION. Any dog impounded for running at large or as an unlicensed dog may be redeemed and taken from such pound by the owner or any authorized person, upon exhibiting to the poundkeeper or any authorized person, a certificate of registry as provided in Section 9, showing that the license in said section imposed has been paid for such dog, and upon paying the person in charge of said pound an impounding fee of \$3.00, plus \$1.00, for each and every day such dog shall have been impounded; and all impounded dogs not redeemed within three days shall be killed in a humane manner.

SECTION 4. That Section 18 of Chapter I, of the Revised Ordinances of Park City 1940, shall be amended to read as follows:

SECTION 18. KILLING REGISTERED DOGS PROHIBITED. Except as otherwise provided in these ordinances, it shall be unlawful for any person to kill, or cause to be killed, any dog registered as herein provided, without the consent of the owner or possessor thereof, or to deprive a registered dog of its collar, or to place a registration tag on any dog not duly registered.

SECTION 5. There is hereby enacted Section 18 (a) Section 18 (b) and Section 18 (c) of Chapter I, Revised Ordinances of Park City, 1940.

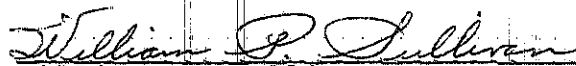
SECTION 18 (a) UNLAWFUL TO HARBOR STRAY DOGS. It shall be unlawful for any person to harbor or keep within the city of Park City, any lost or strayed dog. Whenever any dog shall be found which appears to be lost or strayed, it shall be the duty of the finder to notify the city pound and the poundkeeper shall impound said dog and dispose of the same as herein provided for the disposition of a dog impounded for running at large contrary to the terms of this ordinance. If there shall be attached to such dog a license tag for the then current fiscal year, said poundkeeper shall notify the person to whom such license was issued, at the address given in said license.

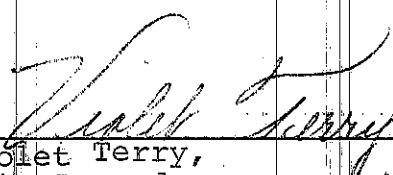
SECTION 18 (b) INTERFERENCE WITH IMPOUNDING PROHIBITED. It shall be unlawful for any person to hinder, delay, interfere with or obstruct the poundkeeper or any of his assistants while engaging in capturing, securing, or taking to the dog pound any dog or dogs liable to be impounded, or to break open or in any manner directly or indirectly aid, counsel or advise the breaking open of any dog pound or ambulance, wagon, or other vehicle used for the collecting or conveying of dogs to the dog pound.

SECTION 18 (c) PENALTY. Any person violating any of the provisions of Sections 9 through 18 (b), of these ordinances shall be deemed guilty of a misdemeanor and shall be punishable by a fine not to exceed the sum of \$50.00, or imprisonment in the City Jail not exceeding thirty (30) days, or by both such fine and imprisonment.

SECTION 6. In the opinion of the City Council, it is necessary to the peace, health, and safety of the inhabitants of Park City, Utah, that this Ordinance shall take effect immediately.

SECTION 7. This Ordinance shall take effect at once upon its first publication. Passed by the City Council of Park City, Utah, this 5th day of January, 1967.

  
William P. Sullivan,  
Mayor

  
Violet Terry,  
City Recorder

PETITION AND CONSENT

The Bamberger Company, a Utah corporation, and United Park City Mines Company, a Delaware corporation, qualified to do business in the State of Utah, the sole abutting owners, petition the City Council of Park City Utah, a Municipal Corporation, to vacate a part of certain streets and avenues located in Snyder's Addition to Park City, Utah, as hereinafter described:

Apex Avenue; Summit Avenue; Pinyon Avenue; Quaking Asp Avenue; and Pacific Avenue, from the intersection of said avenues with the westerly line of the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section 16, Township 2 South, Range 4 East, S.L.B. & M., thence South 35°59' East to the intersection of said avenues with the South line of the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section 16, Township 2 South, Range 4 East, S.L.B. & M.;

and,

Shepard Street, also known as 9th Street; Halliday Street, also known as 10th Street, from the intersection of said streets with the westerly side line of Lowell Avenue, thence South 54°1' West to the intersection of said streets with the South line of the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section 16, Township 2 South, Range 4 East, S.L.B. & M.; and,

Crescent Street, also known as 11th Street; Nelson Street, also known as 12th Street; and Calhoun Street, also known as 13th Street; from the intersection of said streets with the westerly side line of Lowell Avenue, thence South 54°1' West to the intersection of said streets with the West line of the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section 16, Township 2 South, Range 4 East, S.L.B. & M.

IN WITNESS WHEREOF, The Bamberger Company and United Park City Mines Company, Petitioners have caused this petition to be signed by their duly authorized officers and their corporate seal to be thereunto affixed this 18<sup>th</sup> day of May, 1966.

THE BAMBERGER COMPANY

By J. D. Deming  
Its VICE PRES.

ATTEST:

[Signature]

UNITED PARK CITY MINES COMPANY

By [Signature]  
Its President

ATTEST:

[Signature]

CONSENT

The Bamberger Company, the owner of all of the lots situated in Blocks 31, 32, 33, 34, 35, 38, 39, 40, 41, 43, 43, 44, 45, 46, 47, 48, 49, 50, 51 and 52, of Snyder's Addition to Park City Utah, which lots abut the parts of the Streets or Avenues described in the foregoing petition, does by these presents give its written consent to the foregoing vacation, pursuant to the provisions of Title 10, Chapter 8, Section 3, Utah Code Annotated 1953.

THE BAMBERGER COMPANY

By J. D. Deming  
Its VICE PRES

ATTEST:

[Signature]

United Park City Mines Company, the owner of all of the lots situated in Blocks 36 and 37, of Snyder's Addition to Park City Utah, which lots abut the parts of the streets or avenues described in the foregoing petition, does by these presents give its written consent to the foregoing vacation, pursuant to the provisions of Title 10, Chapter 8, Section 3, Utah Code Annotated 1953.

UNITED PARK CITY MINES COMPANY

By James W. [Signature]

Its President

ATTEST:

[Signature]

Entry No. 103321	Book M 6
RECORDED 5-31-66	at 10:00 AM 418-420
REQUEST of Park City Municipal Corp.	
FEE	WANDA Y. SPRIGGS, SUMMIT CO. RECORDER
\$ .DH	By Wanda Y. Spriggs
INDEXED JA	ABSTRACT

ORDINANCE

AN ORDINANCE RELATING TO VACATING ALL OF APEX AVENUE; SUMMIT AVENUE; PINYON AVENUE; QUAKING ASP AVENUE; AND PACIFIC AVENUE AND PORTIONS OF SHEPARD STREET, HALLIDAY STREET, CRESCENT STREET, NELSON STREET AND CALHOUN STREET IN PARK CITY, UTAH.

BE IT ORDAINED BY THE CITY COUNCIL OF PARK CITY, SUMMIT COUNTY, STATE OF UTAH:

SECTION 1. Pursuant to the provisions of 10-8-8.1 to 10-8-8.5 inclusive, Utah Code Annotated 1953, the following described avenues and streets located in Park City, Utah, are hereby vacated:

Apex Avenue; Summit Avenue; Pinyon Avenue; Quaking Asp Avenue; and Pacific Avenue, from the intersection of said avenues with the westerly line of the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section 16, Township 2 South, Range 4 East, S.L.B. & M., thence South 35°59' East to the intersection of said avenues with the South line of the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section 16, Township 2 South, Range 4 East, S.L.B. & M.;

and,

Shepard Street, also known as 9th Street; Halliday Street, also known as 10th Street, from the intersection of said streets with the westerly side line of Lowell Avenue, thence South 54°1' West to the intersection of said streets with the South line of the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section 16, Township 2 South, Range 4 East, S.L.B. & M.;

and

Crescent Street, also known as 11th Street; Nelson Street, also known as 12th Street; and Calhoun Street, also known as 13th Street; from the intersection of said streets with the westerly side line of Lowell Avenue, thence South 54°1' West to the intersection of said streets with the West line of the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section 16, Township 2 South, Range 4 East, S.L.B. & M.

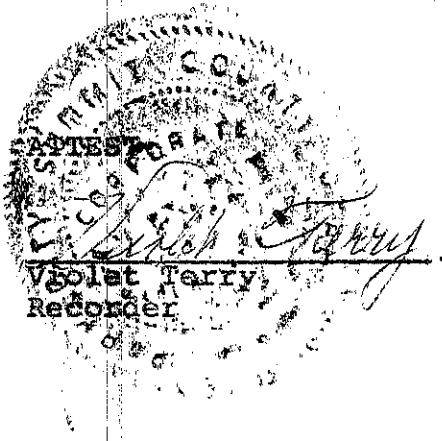
SECTION 2. All ordinances or part of ordinances conflicting with the provisions of this ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 3. In the opinion of the Mayor and City Council of Park City it is necessary to the peace, health and safety of the inhabitants that this ordinance shall become effective immediately upon its first publication. This Ordinance shall be published in the Park Record for One publication on May 26, 1966, and shall be in full force and effect from and after said date.

SECTION 4. A copy of the Ordinance shall be recorded in the Office of the Recorder of Summit County, Utah.

Passed and approved by the City Council of Park City, Utah, on the 14th day of May, 1966.

  
\_\_\_\_\_  
William P. Sullivan,  
Mayor

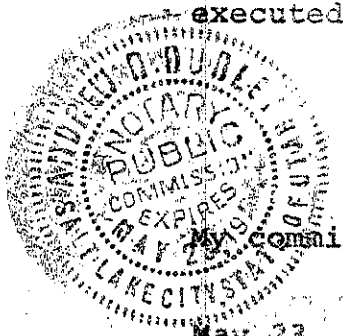


( S E A L )



STATE OF UTAH )  
 ) ss.  
County of Summit )

On the 19th day of May, 1966, personally appeared before me WILLIAM P. SULLIVAN and VIOLET TERRY, who being by me duly sworn did say that he is the Mayor and she is the City Recorder of Park City, a municipal corporation, and that said instrument was signed in behalf of said corporation pursuant to the authority contained in the ordinance, and said William P. Sullivan and Violet Terry acknowledged to me that said corporation executed the same.



*[Signature]*  
Notary Public  
Residing at Salt Lake City, Utah

My commission expires:  
May 23, 1968

Page 1851  
Min

AN ORDINANCE

AN ORDINANCE AMENDING SECTION 986 (8) OF CHAPTER LXV, REVISED ORDINANCES OF PARK CITY, UTAH, 1940, REGULATING THE PRESENCE OF MINORS IN CLASS "C" OR CLASS "D" ESTABLISHMENTS.

Be it ordained by the City Council of Park City, Utah;

SECTION I

That Section 986 (8) of Revised Ordinances of Park City, Utah, 1940, regulating the sale of beer, be and the same is amended by being reenacted to read as follows:

SECTION 986, REGULATIONS AND PROHIBITIONS.

(8) It shall be unlawful for any person under the age of twenty one (21) years to enter or to be in or about a licensed Class "C" or Class "D" establishment; provided, that a person between eighteen (18) years of age and twenty one (21) years of age employed as a musician and playing with a group of musicians, may upon obtaining a work permit therefor from the City Marshall be on said premises during his regularly scheduled working hours, but at no other time. It shall be unlawful for any person under the age of twenty one (21) years to drink beer or any intoxicating liquors in any licensed premises.

SECTION II

Except as above amended. All other provisions of Chapter LXV of the Revised Ordinances of Park City, Utah, 1940, shall remain in full force and effect.

SECTION III

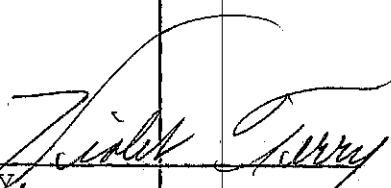
In the opinion of the City Council it is necessary to the peace, health and safety of the inhabitants of Park City, Utah, that this amendment to the ordinances become effective immediately upon its first publication. Said ordinance shall be published


once on June 23, 1966, in the Park Record.

Passed by the City Council of Park City, Utah, th is 16th  
day of June, 1966.

ATTEST:

( SEAL )

  
\_\_\_\_\_  
Violet Terry,  
City Recorder

  
\_\_\_\_\_  
William P. Sullivan,  
Mayor

*Original*

AN ORDINANCE PROVIDING FOR THE LICENSING AND REGULATION  
OF THE SALE OF LIGHT BEER AT RETAIL; FIXING THE FEES FOR RETAILERS  
AND WHOLESALERS; AND PROVIDING THE PENALTY FOR THE VIOLATION THEREOF;  
AND REPEALING ORDINANCES IN CONFLICT THEREWITH

Be it ordained by the City Council of Park City, Utah:

SECTION I.

There is hereby enacted a new chapter in the Revised Ordinances of Park City, Utah, 1940, to be known as Chapter LXV providing for the Licensing and Regulation of the sale of light beer at retail; fixing the fees for retailers and wholesalers; and providing the penalty for the violation thereof; and repealing ordinances in conflict therewith, which shall read as follows:

Section 978. LICENSE TO SELL LIGHT BEER AT RETAIL

It shall be unlawful for any person to engage in the business of the sale of light beer at retail, within the corporate limits of Park City without first having procured a license therefor from the City Recorder of said city as hereinafter provided. A separate license shall be required for each place of sale and the license shall at all times be conspicuously displayed in the place to which it shall refer or for which it shall be issued. All licensees shall comply with the provisions of the Liquor Control Act of Utah and the regulations of the Liquor Control Commission and this Chapter, and every license shall recite that it is granted subject to revocation as is provided in Section 987 of this Chapter.

Section 979. DEFINITIONS

The following words and phrases used in this ordinance shall have the following meaning unless a different meaning clearly appears from the context:

"BEER" means any beverages containing not less than one-half of one per centum of alcohol by weight and obtained by

the alcoholic fermentation of an infusion, or decoction, or of any malted grain, or similar products, and which contains not more than 3.2 per centum of alcohol by weight and may not contain hops or other vegetable products and includes ale, stout or proter.

"RETAILER" means any person engaged in the sale or distribution of Beer to the consumer.

"SELL" or "TO SELL", when used in this act in any prohibition, shall be construed to include, to solicit, or to receive an order for, to keep or expose for sale, to deliver for value gratuitously, to peddle, to possess with intent to sell, to traffic in for any consideration promised or obtained directly or indirectly or under any pretext or by any means whatsoever to procure or allow, to be procured for any other person, and "sale", when so used shall include every act of selling as above defined.

"PERSON" The word "person" as used in this ordinance means and includes an individual, firm, co-partnership, association or any group or combination, and plural as well as the singular member, unless the intent to give a more limited meaning is disclosed by the context of the ordinance.

"WHOLESALER" means any person other than a brewer or retailer engaged in the importation for sale or in the sale of beer in wholesale or jobbing quantities, to retailers for resale.

Section 980. "LICENSED PREMISES" means any room, house, building, structure or place, occupied by any person licensed to sell beer, on such premises under this act; provided that in any hotel or other business establishment, an applicant for Class 'B' or 'C' or 'D' license may designate a room or portion of a building of such business for the sale of beer which portion so specifically designated in the application for a license and the license issued shall be the licensed premises.

"LICENSE PRIVILEGES" Retail licenses issued hereunder shall be of the following kinds and shall carry the

following privileges and be numbered commencing from number one:

CLASS "A" retail license shall entitle the licensee to sell beer on the premises described therein in original containers for consumption off the premises in accordance with the Liquor Control Act of Utah, and the ordinances of Park City, Utah.

CLASS "B" retail licenses shall entitle the licensee to sell beer in the original containers on the premises for consumption on the licensed premises and to all of the privileges granted to the holder of a Class "A" retail license and in accordance with the Liquor Control Act of Utah. Only bona fide restaurants shall be entitled to Class "B" licenses. A bona fide restaurant is defined as one where at least 60% of the gross dollar volume of business is derived from the sale of food served for consumption on the licensed premises. No person under the age of 21 years shall sell or serve beer under this license.

CLASS "C" retail licenses shall entitle the licensee to sell beer on draft for consumption on or off the premises and to all the privileges granted the holders of Class "A" and "B" retail licenses in accordance with the Liquor Control Act of Utah.

CLASS "D" retail licenses shall entitle the licensee to sell packaged beer for consumption on the licensed premises and shall entitle the holder thereof to all the privileges granted the holders of Class "A" and "B" retail licenses in accordance with the Liquor Control Act of Utah. A Class "D" license shall be required for all premises where the primary or main business is that of selling packaged beer for consumption on the licensed premises.

"SEASONAL" license shall carry the privileges of a Class "C" retail license and shall be for a period of less than one year to be determined by the City Council.

"CLUB" license shall carry the privilege of Class "C" retail licenses for sale of beer to club members and guests only, and may be issued for a bona fide incorporated Club which has

complied with the pertinent provisions of the Utah Code Annotated 1953, as amended.

Section 981. LICENSE FEES SET FOR WHOLESALERS

It shall be unlawful for any person to engage in the business of selling beer at wholesale within the limits of Park City without first obtaining a license therefor from the Liquor Control Commission of Utah and paying a fee therefor in the sum of \$15.00 per annum or any part thereof.

"LICENSE FEES" Applications provided for in this chapter shall be accompanied by the fees hereinafter provided, which fee shall be deposited in the City Treasury if the license is granted, and returned to the applicant if denied:

For Class "A" retail license per quarter \$12.50, or any part thereof.

For Class "B" retail license per quarter \$50.00 or any part thereof.

For Class "C" retail license per quarter \$75.00, or any part thereof.

For Class "D" retail license per quarter \$75.00, or any part thereof.

For "Seasonal" licenses at the rate of \$25.00 per month for the season or period for which it is issued.

For "Club" license at the rate of \$50.00 per quarter.

All licenses issued hereinafter shall expire on the 1st day of each quarter of each year and shall be issued for each quarter, except "Seasonal" licenses, which shall be issued for any number of days determined by the City Council.

Further provided, that if at any time during the license period the nature and character of the licensed premises shall change, the license shall at such date terminate and be considered revoked and it shall be unlawful for the licensees to carry on or conduct such business from the date of such change.

Provided, however, that any licensee who sells his place

of business, the purchaser thereof may be granted a license to operate the business providing that he has complied with the requirements and possesses the qualifications specified by the City Council.

Section 983.     APPLICATION

All applications for licenses authorized by this chapter shall be verified in writing, and filed with the City Recorder and shall be addressed to the City Council of Park City, Utah, stating the applicant's name in full, that he has complied with the requirements and possesses the qualifications specified by the Utah Liquor Control Act, and if the applicant is a co-partnership, the names and addresses of all partners, and if a corporation, the names and addresses of all officers and directors, and must be subscribed by the applicant, or its agent, who must state under oath that the facts stated therein are true. The application shall also contain such information as shall, from time to time, be required by the City Council.

All applications for licenses shall be accompanied by the fee provided in Section 982.

Section 984.     QUALIFICATIONS OF LICENSEES

No person shall be granted a retail license unless he shall be qualified as provided in the Utah Liquor Control Act and shall also qualify under the provisions of this Chapter.

Section 985.     TRANSFER OF LICENSE

All licenses granted hereunder shall be non-transferable unless permitted by the unanimous consent of the Mayor and City Council; provided, however, that the transferee of said license shall make application for a license as provided in Section 983 of this Ordinance and said application shall be acted upon in the same manner and the City Council shall have the same power to deny said application as if said transferee were a new applicant.



Upon such consent being granted a fee of \$5.00 will be charged for said transfer.

Section 986. REGULATIONS AND PROHIBITIONS

(1) It shall be unlawful for any licensee to purchase or acquire, or to have or possess for the purpose of sale or distribution, any beer, except that which he shall have lawfully purchased from a brewer or wholesaler licensed under the provisions of the Liquor Control Act of Utah.

(2) No person shall sell beer to any person who is intoxicated or under the influence of any intoxicating beverage. It shall be unlawful to sell beer to any person under the age of 21 years.

(3) No license shall be granted to sell beer in any dance hall, theater, or in the proximity of any church or school.

(4) No licensee shall violate the terms of the license issued, nor unless he shall be so licensed shall he sell bottled, canned or draft beer for consumption on the premises, or permit any beer to be consumed on the premises, and it shall be unlawful to maintain a nuisance upon licensed premises.

(5) No dealer, brewer, or wholesaler shall either directly or indirectly supply, give or pay for any furniture or fixtures of a retailer, nor shall such dealer or wholesaler advance, furnish money or pay for any license of a retailer, or be financially interested either directly or indirectly in the conduct or operation of the business of any retailer.

(6) Licensed premises shall be kept brightly illuminated at all times while it is occupied or open for business and no booth, blind, or stall shall be maintained unless all tables, chairs and occupants, if any, therein are kept open to the full view from the main floor at the entrance of such licenses premises.

(7) It shall be unlawful to allow intoxicated persons to loiter about the premises licensed hereunder, or to permit profanity,

indecent, immoral, loud or boisterous language or immoral or lewd conduct on premises licensed hereunder.

(8) It shall be unlawful for any person under the age of 21 years to enter or be in or about a licensed Class "C" or "D" establishment. It shall be unlawful for any person under the age of 21 years to drink beer or any intoxicating liquors in any licensed premises.

(9) It shall be unlawful for any person under the age of 21 years to purchase, accept or have in his or her possession any alcoholic beverage, including beer or intoxicating liquor; provided, however, that this subparagraph shall not apply to the acceptance of alcoholic beverages by such person for medicinal purposes supplied only by the parent or guardian of such person or to the administering of such alcoholic beverage by a physician in accordance with the law. Provided further, that the provisions of subparagraph prohibiting possessions of beer shall not apply to persons under 21 years of age who are bona fide employees in Class "A" licensed premises while in the discharge of their employment therein or thereabouts.

Section 987. LICENSE REVOCABLE

The City Council of Park City may with or without hearing, at its discretion, refuse to grant any license applied for, and may revoke any license at any time, and in no such case need any cause be stated. No license shall be issued, and any license issued, shall be revoked if the applicant or licensee shall not possess or shall cease to possess, all the qualifications required by the Liquor Control Act, or fail to comply with the ordinances of Park City.

No license fee shall be refunded after a license has been issued and upon revocation of a license as herein provided the license fee paid for such license shall be forfeited to the City.

Any person who shall sell beer after the revocation of his

license or during the period of suspension shall be punished as herein provided.

Section 988. INSPECTION

All licensed premises shall be subject to inspection by any officer, agent or peace officer of Park City, or the Liquor Control Commission, or the State Board of Health, and every licensee shall at the request of the Board of Health of Park City furnish to it samples of beer which he shall have for sale.

Section 989. SALE OR DISPOSITION OF BEER BETWEEN CERTAIN HOURS UNLAWFUL

It shall be unlawful for any licensee to sell, dispose of, give away or deliver any beer or to permit the consumption thereof on the licensed premises between the hours of one o'clock a.m. and eight o'clock a.m. of any day.

Section 990. PENALTY

Any person who shall violate any provision of this Chapter shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not exceeding \$299.00 or by imprisonment in the City jail for a term not exceeding six months or by both such fine and imprisonment.

SECTION II.

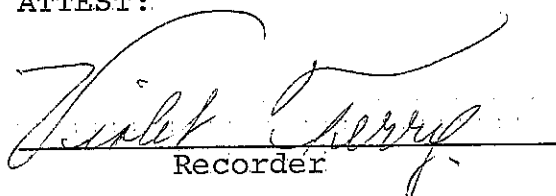
In the opinion of the City Council, it is necessary to the peace, health and safety of the inhabitants of Park City that this ordinance shall take effect immediately.

SECTION III.

This ordinance shall take effect upon its first publication.

Passed by the City Council of Park City, Utah, this 7th day of January, 1965.

ATTEST:

  
Recorder

  
Mayor

INDEXED: \_\_\_\_\_  
GRANTOR: J  
GRANTEE: /  
RELEASED: \_\_\_\_\_  
ABSTRACTED: Dec 8 1976  
STAMPED: \_\_\_\_\_

Entry No. <u>130199</u>	Book <u>M 76</u>
<u>1-16-76</u>	at <u>1:00 PM</u> Page <u>256-58</u>
Park City Municipal Corp	
DE	SUMMIT CO. RECORDER
INDEXED	ABSTRACT

ORDINANCE 1-71  
ANNEXING TERRITORY TO THE CITY  
OF PARK CITY  
TREASURE MOUNTAIN

WHEREAS, on the 29 day of April, 1976 a petition in writing requesting the annexation of certain land lying adjacent and being contiguous to the existing boundaries of the City of Park City was duly filed with the Clerk of said City requesting that said land be annexed to the City of Park City; and

WHEREAS, there was filed with the said petition an adequate plat of the land sought to be annexed prepared by BUSH & GUDGELL, a qualified surveyor duly licensed to perform services as a land surveyor in the State of Utah and the County of Summit; and

WHEREAS, it has been determined that the said petition for annexation so filed is signed by the owners by not less than one-third in value of the real property to be annexed as shown by the last assessment rolls of the Assessor of Summit County, State of Utah, and that the owners signing said petition comprise a majority of the owners of real property in the area or territory annexed; and

WHEREAS, the requirements of the law of the State of Utah with respect to annexation of territory have been in all things met and complied with by the applicants for annexation of the territory more particularly hereinafter described; and

WHEREAS, at a regular meeting of the City Council the members thereof voted upon the question of annexing the lands aforesaid and more than two-thirds of the members of the City Council voted for said annexation.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Park City in regular meeting assembled.

Section I. The following described lands adjoining and lying contiguous to the corporate limits of the City of Park City, all of said land lying and being within the County of Summit, State of Utah, as more particularly shown upon the plat attached hereto and form a part of this ordinance is hereby added annexed and taken into and made a part of the City of Park City, the land so annexed is described as follows, to-wit;

BOOK M76 PAGE 256

Section II. Upon this ordinance becoming effective, the corporate limits of the City of Park City and the boundary line thereof shall be changed as necessary to include the territory annexed.

Section III. The annexation herein provided for shall be complete upon the filing in the Office of the County Recorder of Summit County a copy of the plat of the annexed territory duly certified together with a certified copy of this ordinance, from the date of which subject documents are filed the territory annexed shall be deemed a part of the City of Park City and is subject to the ordinances, taxes and regulations of said City.

Section IV. This ordinance shall be governed pursuant to the provisions of # 10-6-12, Utah Code Annotated, and shall become effective upon the 20th day after posting or on the 30th day after final passage, whichever shall be the more remote.

ENACTED this 29 day of April, 1971

Members present 3

Members voting in favor 3

Members voting against NONE

CITY OF PARK CITY

William P. Sullivan  
MAYOR

ATTEST

Violet S. Terry  
CITY RECORDER

STATE OF UTAH )  
COUNTY OF SUMMIT) ss.

On the 15th day of December, 1972, personally appeared before me WILLIAM P. SULLIVAN, who being duly sworn by me, did say that he is the Mayor of Park City Municipal Corporation, and that said instrument was signed on behalf of said corporation by authority of a proposition of its City Council and the said WILLIAM P. SULLIVAN duly acknowledged to me that said corporation executed the same.

My commission expires  
3-7-1977.

[Signature]  
NOTARY PUBLIC, Residing at  
Utah SL Co County, State of Utah

BOOK 76 PAGE 257

Beginning at the East  $\frac{1}{2}$  corner of Section 8 Township 2 South Range 4 East Salt Lake Base and Meridian and running thence S. 0 degrees 15 minutes 20 seconds W. 2640.44 feet to the Southeast Corner of said Section 8; thence South 900.00 feet; thence W. 1642.06 feet; thence N. 2471.03 feet; thence East 320.20 feet; thence N. 0 degrees 30 minutes E. 758.66 feet; thence West 758.71 feet; thence N. 40 degrees 54 minutes 52 seconds W. 31.99 feet; thence N. 23 degrees 11 minutes 55 seconds W. 38.08 feet; thence N. 2 degrees 38 minutes 33 seconds E. 65.07 feet; thence N. 12 degrees 45 minutes 27 seconds E. 54.34 feet; thence N. 23 degrees 59 minutes 59 seconds E. 168.89 feet; thence N. 89 degrees 25 minutes W. 267.73 feet; thence North 533.22 feet; thence West 1642.01 feet; thence North 2086.00 feet; thence East 840.00 feet; thence South 60.00 feet; thence East 480.00 feet; thence North 10.5 feet; thence East 1326.96 feet to the West Right of Way line of US-40 Alt (U2248) and running thence along said west line 521 degrees 16 minutes E. 2651.73 feet to a point of a 623.69 foot radius curve to the left; thence 168.52 feet along the arc of said curve; thence 589 degrees 25 minutes E. 266.78 feet to the point of beginning. Containing 298.908 Acres

BOOKM76 PAGE258

Fee Exempt per Utah Code  
Annotated 1953 21-7-2

When Recorded Mail to

J. Craig Smith  
Park City Municipal Corporation  
Box 1480  
Park City, Utah 84060

State of Utah )  
                                  : ss  
County of Summit )

A. J. S.      10-10-A  
P. J. S.      A

Entry No.	231175
REQUEST OF	Park City Municipal Corp
FEE	ALAN SPENCER, COUNTY CLERK
\$	N.C. By Susan Palmer
RECORDED	2-28-85 at 10:15

J. Craig Smith, being first duly sworn and upon oath, does state and depose as follows:

1. I am the duly appointed and acting City Recorder of Park City Utah. In that capacity I have official custody of the records of Park City.

2. The attached to this affidavit as Exhibit A is the original of the Ordinance levying the assessment for the Main Street Off-Street Parking Special Improvement District of Park City, commonly known as the Main Street Speical Improvement District within Park City. It was adopted by the City Council on August 16, 1974.

3. Also attached as Exhibit B is a certified copy of the Resolution creating the district, which contains the metes and bounds legal description of the property included within the District, adopted by the Council on July 5, 1974, as shown in the minutes of that meeting. The original of this Resolution has been lost, but the minutes of the City Council show that the ordinance was adopted in the regular meeting of the City Council of Park City, Utah on July 5, 1974. The Resolution contains the metes and bounds description of the property included within the District and establishes the levies against the properties.

4. Attached as Exhibit C is metes and bounds description of the properties included within the District at the time of its formation.

5. These documents need to be made of record in order to preserve the clarity of the records concerning the affected properties.

333      91-106 J. Craig Smith, Recorder

On the 26 day of February, 1985, personally appeared before me J. Craig Smith, City Recorder, who beging first duly sworn and upon oath, acknowledged to me that signed the

foregoing affidavit, and stated that to the best of his knowledge and belief, the attached documents are complete and correct as they appear in the records of Park City Municipal Corporation.

Sandy C. Mast  
Notary Public  
Residing at: PARK CITY

Commission Expires: 1-23-98

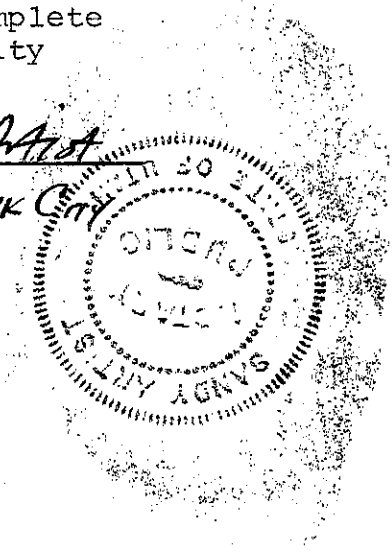




EXHIBIT A

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

Park City, Utah \_\_\_\_\_

Fee Exempt per Utah Code  
Annotated 1953 21-7-2

August 16, 1974, 1974

A regular meeting of the City Council of Park City, Summit County, Utah, was held on the 15th day of August, 1974, at the hour of 8:00 o'clock p..m. at the City Hall, being the regular meeting place of said council, due, legal and timely notice having been given to the Mayor and each of the City Councilmen of Park City, at which meeting there were present and answering roll call the following members who constituted a quorum:

John E. Price, Jr.	Mayor
Clements P. Hansen	Councilman
Richard Martinez	Councilman
Leon Uriarte	Councilman
Mary C. Lehmer	Councilwoman
Jan Wilking Jr.	Councilman

Also present:

Carl J. Nemelka	City Attorney
Bruce C. Decker	City Recorder

Absent:

\_\_\_\_\_ 333 PAGE 93

Thereupon, the following proceedings, among others, were duly had and taken:

Mayor John E. Price, Jr. presented the following report of the Board of Equalization and Review for Main Street Off-Street Parking Special Improvement District of Park City:

1. The Board of Equalization and Review for Main Street Off-Street Parking Special Improvement District of Park City consisting of a quorum of the members of the City Council appointed as such by resolution adopted June 27, 1974, met on three consecutive days, July 29, 30, 31, 1974, from 10:00 a.m. to 12:00 p.m. on each of said days to hear and consider any objections to and to make corrections of any proposed assessments deemed inequitable or unjust.

2. At such hearings the Board heard all arguments from any person who believed himself aggrieved including arguments relating to the benefits accruing to any district block, lot, or parcel of property in the district or relating to an amount of the proposed assessment against any such tract, block, lot, or parcel. After the hearings were completed, the Board considered all facts and arguments presented and made such corrections in the proposed assessments as deemed just and equitable. No such corrections resulted in the increase of any proposed assessment.

3. The assessment list herewith presented, corrected as aforesaid, is recommended for adoption. Assessments in the amounts shown on the corrected assessment list should be levied against the property within the district in the manner provided by law. The Board of Equalization and Review finds that each piece of property within the District will be benefited in an amount not less than the assessment shown on the corrected assessment list and further finds that no piece of property listed on the corrected assessment list will bear more than its proportionate share of the cost of the improvements.

The foregoing report of the Board of Equalization and Review was ordered to be made a part of the minutes of this meeting.

Councilman Wilking introduced in writing and moved the adoption of the following ordinance:

ORDINANCE NO. 5 - 74

AN ORDINANCE confirming the assessment roll and levying a tax providing for the assessment of property in Park City Main Street Off-Street Parking Special Improvement District of Park City, Utah, for the purpose of paying the costs of constructing improvements consisting of asphalt surfacing and paving; concrete curb and gutter; pedestrian walks and access ways; street and lot lighting; landscaping with trees and shrubs; sprinkling system with main and lateral lines; control valves and sprinklers; off-street parking facilities and automobile access ways; sanitary sewer lines; storm sewers and surface flood control and drainage structures; removal of non-conforming existing improvements; undergrounding of the utility lines; excavation and grading; and all other miscellaneous work necessary to complete the improvements in a proper workmanlike manner; establishing a special improvement guarantee fund and providing the time when this ordinance shall become effective.

BE IT ORDAINED BY THE CITY COUNCIL OF PARK CITY, UTAH:

Section 1. The City Council of Park City, Utah, hereby confirms the assessment roll as corrected and adjusted by the Board of Equalization and Review for Park City Main Street Off-Street Parking Special Improvement District of Park City, for Park City, Utah, and hereby confirms the findings

the findings of the Board of Equalization and Review that the proposed list of assessments as equalized by the Board of Equalization and Review are just and equitable; that each piece of property within the special improvement district will be benefited in an amount not less than the assessment to be levied against said property; and that no piece of property listed in said assessment list will bear more than its proportionate share of the cost of such improvements.

Section 2. The City Council of Park City, Utah does hereby levy a tax to be assessed upon the real property described in said assessment list. The assessments levied upon each block, lot, part of block or lot, tract or parcel of property therein described shall be in the amount set forth in the said assessment list, which is hereby incorporated by reference and made a part of this ordinance. Said property is included within Park City Main Street Off-Street Parking Special Improvement District of Park City in and for Park City, the boundaries of which are more particularly described in the Notice of Intention incorporated by reference and made a part of this ordinance. Said improvements are all within the limits of Park City, Utah.

The assessments hereby levied are for the purpose of paying the cost of constructing improvements on certain streets within the City consisting of asphalt surfacing and paving; concrete curb and gutter; pedestrian walks and access ways; street and lot lighting; landscaping with trees and shrubs; sprinkling system with main and lateral lines; control valves and sprinklers; off-street parking facilities and automobile access ways; sanitary sewer lines; storm sewers and surface flood control and drainage structures; removal of non-conforming existing improvements; undergrounding of the utility lines; excavation and grading; and all other miscellaneous work necessary to complete the improvements in a proper workmanlike manner and such other necessary construction incidental thereto adjacent to the said property and abutting and fronting upon the following streets and property within the boundaries of the Main Street Off-Street Parking Special Improvement District of Park City in Park City, Utah, to wit:

Farrell Avenue - from Second Street to Fifth Street;  
Second Street - from Main Street to Farrell Avenue;

Fourth Street - from Main Street to Farrell Avenue;  
Fifth Street - from Main Street to Farrell Avenue;  
Certain city owned properties east of Blocks 23 and 24.

Said assessments are hereby levied and assessed upon each of the blocks, lots, parts of blocks and lots, tracts or parcels of real property described in the said assessment list off of which property fronts or abuts upon or is adjacent to the streets above mentioned thus improved and all of such property is affected or specially benefited by the improvements thereon. Said assessments are levied at equal and uniform rates to the full depth of each parcel of real property included in the District. An allowance on said assessments has been made for corner lots so that they are not assessed at full rate on both streets.

The total cost of the improvements in said special improvement district is \$173,116.72, of which total cost the City's portion is \$24,265.25, which portion includes that part of the overhead costs for which an assessment cannot be levied, if any, and the cost of making improvements for the benefit of property against which an assessment may not be levied, if any. The balance to be assessed to the owners of property affected or benefited by the improvements is \$168,006.47 which is the total amount of the assessment hereby levied and which does not exceed in the aggregate the sum of: (a) the total contract price for such improvements under contract duly let to the lowest and best responsible bidders therefor; (b) the reasonable cost of utility services, maintenance, labor, materials, or equipment, if any; (c) the property price, if any; (d) the interest on any interim warrants issued against the special improvement district; (e) overhead costs not to exceed fifteen per cent (15%) of the sum of (a), (b), and (c). This total assessment is levied at the following rates:

All property fronting on Main Street	\$ .44 cents per square foot
All remaining property within the Special Improvement District	\$.27 1/2 cents per square foot

It is hereby found and determined that the real property hereby assessed is affected by and specially benefited by the said improvements to the full amount of the assessments hereby levied.

The City Treasurer is hereby authorized and directed to assess the real

property hereinabove referred to in accordance with the provisions of this ordinance for the purposes herein mentioned and to collect said taxes as provided by law and the ordinances of this City.

Section 3. The assessment list made by the City Treasurer for the said property in the Main Street Off-Street Parking Special Improvement District of Park City as corrected, approved, equalized and completed by the Board of Equalization and Review, is hereby confirmed and the assessments made and returned in said completed list and the report and recommendations of the Board of Equalization and Review to the City Council at Park City, Utah, are hereby ratified, approved and confirmed.

Section 4. The whole or any part of the assessment may be paid without interest within fifteen (15) days after this ordinance becomes effective. Any part of the assessment not paid within such fifteen (15) day period shall be payable over a period not exceeding <sup>THREE (3)</sup> ~~ten (10)~~ years from the effective date of this Ordinance in <sup>THREE (3)</sup> ~~ten (10)~~ substantially equal annual installments with interest on the unpaid balance of the assessment at the rate of seven percent (7%) per annum from the effective date of this ordinance until due. Interest shall be paid in addition to the amount of each such installment annually at the time each installment becomes due. After said fifteen (15) day period, all unpaid installments of an assessment levied against any piece of property (but only in their entirety) may be paid prior to the dates on which they become due, but any such prepayment must include an additional amount equal to the interest which would accrue on the assessment to the next succeeding date on which interest is payable on any special improvement bonds issued in anticipation of the collection of the assessments plus such additional amount as, in the opinion of the City Treasurer, is necessary to assure the availability of money to pay interest on the special improvement bonds as interest becomes due and any premiums which may become payable on redeemable bonds which may be called in order to utilize the assessments thus paid in advance.

Default in the payment of any installment of principal or interest when due shall cause the whole of the unpaid principal and interest to become due and payable immediately, and the whole amount of the unpaid principal shall

thereafter draw interest at the rate of 10% per annum until paid, but at any time prior to the date of sale or foreclosure the owner may pay the amount of all unpaid installments past due, with interest at the rate of 10% per annum to date of payment on the delinquent installments, and all approved costs, and shall thereupon be restored to the right thereafter to pay in installments in the same manner as if default had not occurred.

Section 5. The City Council of Park City, Utah, does hereby create a special improvement guaranty fund and shall at the time of each annual appropriation ordinance, so long as any special improvement district bonds of Park City remain outstanding, provide for the levying of a tax of one mill in each year to create a fund for the purpose of guaranteeing to the extent of such fund the payment of special improvement bonds and interest thereon issued against local improvement districts for the payment of local improvements therein, all in the manner and to the extent provided by the laws of the State of Utah.


Section 6. The officials of Park City, Utah, be and they are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this ordinance.

Section 7. All ordinances or parts thereof in conflict with this ordinance are hereby repealed.

Section 8. An emergency is hereby declared, the preservation of peace, health and safety of Park City and the inhabitants thereof so requiring. Immediately after its adoption this ordinance shall be signed by the Mayor and City Recorder and shall be recorded in the ordinance book kept for that purpose, and said ordinance shall be published once in the Park Record, a newspaper of general circulation in Park City, Utah, and this ordinance shall take effect immediately upon its passage and approval and publication as required by law.

PASSED AND APPROVED BY THE CITY COUNCIL OF PARK CITY, UTAH, this  
15th day of August, 1974.

-5-

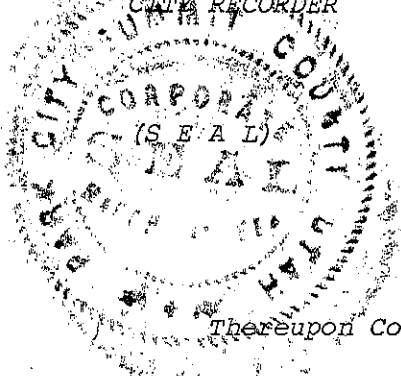
  
\_\_\_\_\_  
John E. Price  
MAYOR

BOOK 333 PAGE 98

ATTEST:

Bruce C Decker

CITY RECORDER



Thereupon Councilman Leon Uriarte seconded the motion to adopt the foregoing ordinance and the same upon being put to a vote was unanimously carried by the affirmative vote of all Councilmen present, the vote being as follows:

AYE:	Clements P. Hansen
	Richard Martinez
	Leon Uriarte
	Mary C. Lehmer
	Jan Wilking Jr.

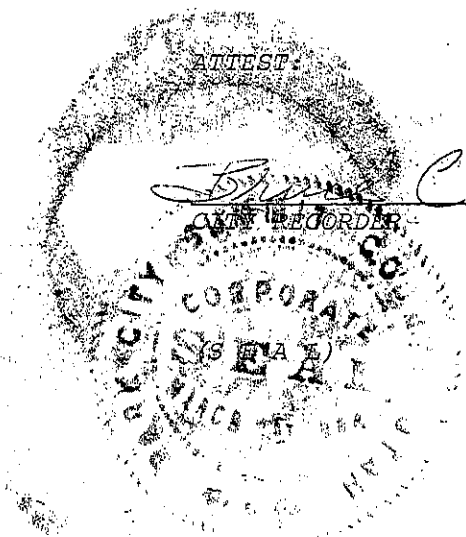
NAY:	None
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It appearing that more than a majority of the Councilmen had voted in favor of the motion, the Mayor thereupon declared the motion carried and the ordinance adopted.

John E. Price  
MAYOR

Bruce C Decker

CITY RECORDER







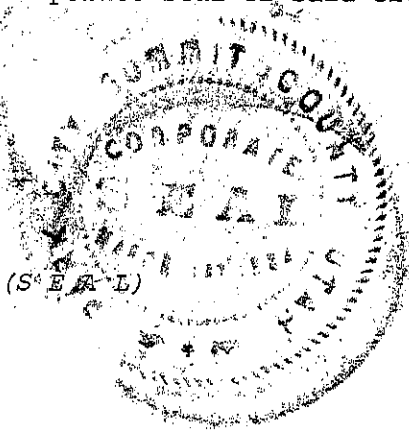
STATE OF UTAH        )  
                              : ss.  
COUNTY OF SUMMIT    )

I, Bruce C. Decker, the duly appointed, qualified and acting City Recorder of Park City, Utah, do hereby certify that the above and foregoing is a full, true and correct copy of the record of proceedings had by the City Council of Park City, Utah, at its meeting held on the 15th day of August, 1974, insofar as the same relates to or concerns the Main Street Off-Street Parking Special Improvement District of Park City as the same appears of record in my office.

I further certify that the ordinance levying the special assessment was recorded by me in the official records of said City on the 16th day of August, 1974.

I further certify that said ordinance was published one time in the Park Record, the affidavit of which publication is attached hereto.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said City this 16<sup>th</sup> day of August, 1974.



Bruce C. Decker  
CITY RECORDER

EXHIBIT B

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

Park City, Utah

August 9, 1973

Fee Exempt per Utah Code  
Annotated 1953 21-7-2

A special meeting of the City Council of Park City, Summit County, Utah was held on August 9, 1973 at the hour of 7:00 P.M. at the City Hall, Park City, Utah, due timely and legal notice of said meeting having been served upon all members of the City Council, at which meeting there were present and answering to roll call the following members who constituted a quorum:

William P. Sullivan	Mayor
Robert Burns, Jr.	Councilman
Clements P. Hansen	Councilman
Mary C. Lehmer	Councilman

Also present:

Carl Nemelka	Assistant City Attorney
Keith Bailey	City Manager
Violet Terry	City Recorder

Absent:

Richard Martinez	Councilman
Robert Hays	Councilman

After the conduct of other business not pertinent to the following, the City Council having considered each and every protest whether written or oral at the public hearing immediately preceding the Special Meeting, and having heard each and every person who wished to be heard in protest against the creation of said District and the construction of said improvements therein and after the consideration of such protests and the statements of those persons heard as aforesaid, it was determined that the total number of feet represented by said protestants is less than 66-2/3% of the total front feet of property affected or to be benefited by said improvements and is an amount insufficient to legally protest the creation

of said District. Thereupon, it was moved by Councilman Lehmer and seconded by Councilman Hansen that the following resolution be adopted:

RESOLUTION CREATING THE MAIN STREET SPECIAL IMPROVEMENT DISTRICT OF PARK CITY, SUMMIT COUNTY, UTAH, AS SPECIFIED IN THE NOTICE OF INTENTION.

WHEREAS, Notice of Intention to create Park City Main Street Special Improvement District as authorized by Resolution adopted by the City Council on July 5, 1973, was published in the Park Record a newspaper of general circulation published in Park City, for a period of not less than twenty-one days prior to August 9, 1973, and

WHEREAS, a copy of said notice was mailed postage prepaid to each owner of land to be assessed within the proposed District at the last known address of such owner, using for such purpose the names and addresses appearing on the last completed real property assessment roles of Summit County, and in addition thereto, a copy of such notice was mailed to the street number of each piece of improved property to be affected by the proposed improvements; and

WHEREAS, on August 9, 1973, at the time and place specified in said Notice of Intention the City Council considered each and every protest, whether written or oral, filed with the City Recorder and heard each and every person who wished to be heard in protest against creation of said District and the construction of the improvements therein.

NOW, THEREFORE, BE IT RESOLVED that the Main Street Improvement District No. 1 be and the same is hereby created and the City of Park City is hereby authorized in due course to levy assessments upon the property affected or benefited by the construction of the improvements in said District, and the city officials of Park City are hereby directed to proceed to construct the improvements as set forth in the Notice of Intention to create said District; it being found and determined that the total number of feet represented by those persons protesting the creation of the District

and the construction of the improvements therein, is less than 66-2/3% of the total front feet of the property affected or to be benefited by said improvements, and is an amount insufficient to legally protest the creation of said District.

The motion was seconded by Councilman Hansen and adopted by the following recorded vote:

AYE:	Mary C. Lehmer
	Robert Burns Jr.
	Clements Hansen
NAY:	None

It appearing that more than a majority of the Councilmen had voted in favor of the motion the Mayor declared the motion adopted.

After the conduct of other business not pertinent to the above, the meeting was on motion duly made, seconded and carried, adjourned.

*William P. Sullivan*  
Mayor

ATTEST:

*Thos. Terry*  
City Recorder

S E A L

Beginning at a point which is 1232 feet more or less West of the East 1/4 corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian. Said point also being the N.E. corner of Lot 9, Block 50 of the Park City Amended Plat, Summit County, Utah; and running thence South 90 feet to the North R/W line of Heber Avenue; thence S 8°43' W. 50 feet to the South R/W line of said street and the N.E. corner of Lot 2, Block 56 said plat; thence S 81°17' E., along said South R/W line 275 feet to the West R/W line of Marsac Avenue; and the N.E. corner of Lot 13, Block 56, Park City Plat; thence S 23°38' E along said West R/W line 1004 feet more or less to the S.E. corner of the Park City School District Property; thence along the South line of said school property S 66°34' W. 230.2 feet more or less to the East line of Farrell Avenue; thence S 29°38' E. 30 feet to the N.W. corner of Block 71, Park City Plat; thence N 66°34' E. 90.09 feet; thence S 17°52' E. 74.43 feet thence S 18°11' E. 148.49 feet; thence S 66°34' W. 70 feet more or less to the East R/W line of Farrell Avenue; thence S 23°31' E along said East R/W line 440 feet more or less to the East R/W line of Grant Avenue; thence S 13°34' E along said East R/W line 240 feet thence S 10°30' W. 36 feet; thence S 23°31' E. 54.9 feet; thence S 66°34' W. 75 feet to the East R/W line of Main Street; thence S 8°29' W. along said East R/W line 60.9 feet more or less to the N.W. corner of Lot 2, Block 20, Park City Plat; thence N 81°31' W. 101.8 feet to the S.W. corner of Lot 13, Block 13, Park City Plat; thence N 23°31' W. 50 feet to the South R/W line of Second Street; thence S 66°34' W along the said South R/W line 75 feet to the East R/W line of Park Avenue and the N.W. corner of Lot 15, Block 13, Park City Plat; thence N 23°26' W 30 feet more or less to the North R/W line of Second Street and the S.W. corner of Lot 32, Block 12, Park City Plat; thence N 66°34' E. along said North R/W line 75 feet to the S.E. corner of said Lot 32; thence N 23°26' W. 400 feet more or less to the South R/W line of Third Street and the N.E. corner of Lot 17, Block 12, Park City Plat; thence S 66°34' W. 75 feet to the East R/W line of Park Avenue and the N.W. corner of said Lot 17; thence N 23°26' W. 30 feet to the North R/W line of said Third Street and the S.W. corner of Lot 32, Block 11, Park City Plat; thence N 66°34' E along said North R/W line 75 feet to the S.E. corner of said lot 32; thence N 23°26' W. 401 feet to the N.E. corner Lot 17, Block 11, Park City Plat; thence S 66°34' W. 75 feet to the East R/W line of Park Avenue, and the N.W. corner of said Lot 17; thence N 23°26' W. 30 feet to the S.W. corner of Lot 32, Block 10, Park City Plat; thence N 66°34' E. 75 feet to the S.E. corner of said Lot 32, thence N 23°26' W. 175.5 feet to the S.E. corner Lot 25, said Block 10, thence S 66°34' W. 75 feet to the East R/W line of Park Avenue and the S.W. corner of said Lot 25, thence S 23°26' W. 150 feet along said R/W line, to the S.W. corner of Lot 19, said Block 10 thence N 66°34' W. 75 feet to the S.E. corner of said Lot 19, thence N 23°26' W. 75 feet to the South R/W line of Fifth Street and the N.E. corner of Lot 17, said Block 10, thence S 66°34' W. 75 feet to the East R/W line of Park Avenue and the N.W. corner of said Lot 17, thence N 23°26' W. 30 feet to the S.W. corner of Lot 46, Block 9, Park City Plat; thence N 66°34' E. 75 feet to the S.E. corner of said Lot 46; thence N 23°26' W. 250.5 feet to the N.E. corner of Lot 37, said Block 9, thence S 66°34' W. 75 feet to the East R/W line of Park Avenue and the N.W. corner of said Lot 37; thence S 23°26' W. 25 feet to the S.W. corner of said Lot 37; thence S 66°34' W. 125 feet to the S.W. corner of Lot 10, Block 5, Park City Plat; thence N 23°38' W. 75 feet to the N.W. corner of Lot 12, Block 5, Park City Plat; thence N 66°34' E. 125 feet to the East R/W line of said Park Avenue and the N.W. corner of Lot 35, Block 9, Park City Plat; thence S 23°26' E. 25 feet to the S.W. corner of said Lot 35, thence N 66°34' E. 75 feet to the S.E. corner of said Lot 35; thence N 23°26' W. 275 feet to the N.E. corner of Lot 25, Block 9, Park City Plat; thence S 66°34' W. 25 feet, thence N 23°26' W. 25 feet to the South R/W line of Sixth Street, thence S 66°34' W along said South R/W line 50 feet to the East line of Park Avenue and the N.W. corner of Lot 24, said Block 9; thence N 23°26' W. 30 feet to the North R/W line of Sixth Street and the S.W. corner of Lot 32, Block 8, Park City Plat; thence N 66°34' E. 75 feet along said North R/W line to the S.E. corner of said Lot 32; thence N 23°26' W. 100 feet to the S.E. corner Lot 28, said Block 8; thence S 66°34' W. 78 feet to the East R/W line of Park Avenue and the S.W. corner of said Lot 28; thence N 28°50' along said East R/W line 236.6 feet, thence N 61°10' E. 97 feet, thence N 28°50' W. 29.25 feet; thence N 61°10' E. 72 feet; thence S 32°25' E. 47.6 feet to the West R/W line of Main Street, thence N 23°38' W, along said R/W line 20 feet more or less to the center line of Section 16, thence East along said centerline 280 feet to the point of beginning.



# Public Notice

## NOTICE OF INTENTION

PUBLIC NOTICE is hereby given that on the 5th day of July, 1973, the Mayor and City Council

RECORDER'S MEMO  
LEGIBILITY OF WRITING, TYPING OR  
PRINTING UNSATISFACTORY IN THIS  
DOCUMENT WHEN RECEIVED.

of Park City, Summit County, State of Utah, passed and adopted a resolution declaring the intention of creation in said City the Main Street Off-Street Parking Special Improvement District of Park City, Summit County, Utah.

NOTICE IS HEREBY GIVEN by the City Council of Park City, Utah, of its intention to make the hereinafter described improvements within the said Special Improvement District and of the future intention of said Council to levy assessments as provided by laws of Utah on the property lying within said District benefited by the making of such improvements.

The improvements are to consist of improvements on certain streets within said City consisting of asphalt surfacing and paving; concrete curb and gutter; pedestrian walks and access ways; street and lot lighting; landscaping with trees and shrubs; sprinkling system with main and lateral lines; control valves and sprinklers; off-street parking facilities and automobile access ways; sanitary sewer lines; storm sewers and surface flood control and drainage structures; removal of non-conforming existing improvements; undergrounding of the utility lines; excavation and grading; and all other miscellaneous work necessary to complete the improvements in a proper workmanlike manner.

The herein described improvements shall be called Main Street Off-Street Parking Special Improvement District. The boundaries of the proposed district within Park City, Utah, and the property within said District abutting upon or adjacent to the streets or alleys to be improved or which may be affected by or specially benefited by any of such improvements includes the following described property:

Beginning at a point which is 1232 feet more or less West of the East 1/4 corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian. Said point also being the N.E. corner of Lot 9, Block 50 of the Park City Amended Plat, Summit County, Utah; and running thence South 90 feet to the North R/W line of Heber Avenue; thence S 8 deg. 43 min. W. 50 feet to the South R/W line of said street and the N.E. corner of Lot 2, Block 56 said plat; thence S 81 deg. 17 min. E. along said South R/W line 275 feet to the West R/W line of Marsac Avenue; and the N.E. corner of Lot 13, Block 56, Park City Plat; thence S 23 deg. 38 min. E along said West R/W line 1004 feet more or less to the S.E. corner of the Park City School District Property; thence along the South line of said school property S 66 deg. 34 min. W. 230.2 feet more or less to the East line of Farrell Avenue; thence S 29 deg. 38 min. E. 30 feet to the N.W. corner of Block 71, Park City Plat; thence N 66 deg. 34 min. E. 90.09 feet; thence S 17 deg. 52 min. E. 74.43 feet thence S 18 deg. 11 min. E. 148.49 feet; thence S 65 deg. 34 min. W. 70 feet more or less to the East R/W line of Farrell Avenue; thence S. 23 deg. 31 min. E. along said East R/W line 440 feet more or less to the East R/W line of Grant Avenue; thence S 13 deg. 34 min. E. along said East R/W line 240 feet thence S 10 deg. 30 min. W. 36 feet; thence S. 23 deg. 31 min. E. 54.3 feet; thence S. 66 deg. 34 min. W. 75 feet to the East R/W line of Main Street; thence S. 8 deg. 29 min. W. along said

East R/W line 60.9 feet more or less to the N.W. corner of Lot 2, Block 20, Park City Plat; thence N. 81 deg. 31 min. W. 101.8 feet to the S.W. corner of Lot 13, Block 13, Park City Plat; thence N. 23 deg. 31 min. W. 50 feet to the South R/W line of Second Street; thence S. 66 deg. 34 min. W. along the said South R/W line 75 feet to the East R/W line of Park Avenue and the N.W. corner of Lot 15, Block 13, Park City Plat; thence N. 23 deg. 26 min. W. 30 feet more or less to the North R/W line of Second Street and the S.W. corner of Lot 32, Block 12, Park City Plat; thence N. 66 deg. 34 min. E. along said North R/W line 75 feet to the S.E. corner of said Lot 32; thence N. 23 deg. 26 min. W. 400 feet more or less to the South R/W line of Third Street and the N.E. corner of Lot 17, Block 12, Park City Plat; thence S. 66 deg. 34 min. W. 75 feet to the East R/W line of Park Avenue and the N.W. corner of said Lot 17; thence N. 23 deg. 26 min. W. 30 feet to the North R/W line of said Third Street and the S.W. corner of Lot 32, Block 11, Park City Plat; thence N. 66 deg. 34 min. E. along said North R/W line 75 feet to the S.E. corner of said lot 32; thence N. 23 deg. 26 min. W. 401 feet to the N.E. corner Lot 17, Block 11, Park City Plat; thence S. 66 deg. 34 min. W. 75 feet to the E. R/W line of Park Avenue and the N.W. corner of said Lot 17; thence N. 23 deg. 26 min. W. 30 feet to the S.W. corner of Lot 32, Block 10, Park City Plat; thence N. 66 deg. 34 min. E. 75 feet to the S.E. corner of said Lot 32, thence N. 23 deg. 26 min. W. 175.5 feet to the S.E. corner Lot 25, said Block 10, thence S. 66 deg. 34 min. W. 75 feet to the East R/W line of Park Avenue and the S.W. corner of said Lot 25, thence N. 23 deg. 26 min. W. 150 feet along said R/W line, to the S. W. corner of Lot 19, said Block 10 thence N. 66 deg. 34 min. W. 75 feet to the S. E. corner of said Lot 19, thence N. 23 deg. 26 min. W. 75 feet to the South R/W line of Fifth Street and the N.E. corner of Lot 17, said Block 10, thence S. 66 deg. 34 min. W. 75 feet to the East R/W line of Park Avenue and the N.W. corner of said Lot 17, thence N. 23 deg. 26 min. W. 30 feet to the S. W. corner of Lot 46, Block 9, Park City Plat, thence N. 66 deg. 34 min. E. 75 feet to the S. E. corner of said Lot 46; thence N. 23 deg. 26 min. W. 250.5 feet to the N.E. corner of Lot 37, said Block 9, thence S. 66 deg. 34 min. W. 75 feet to the East R/W line of Park Avenue and the N.W. corner of said Lot 37; thence S. 23 deg. 26 min. E. 25 feet to the S.W. corner of said Lot 37; thence S. 66 deg. 34 min. W. 125 feet to the S. W. corner of Lot 10, Block 5, Park City Plat; thence N. 23 deg. 38 min. W. 75 feet to the N.W. corner of Lot 12, Block 5, Park City Plat; thence N. 66 deg. 34 min. E. 125 feet to the East R/W line of said Park Avenue and the N.W. corner of Lot 35, Block 9, Park City Plat; thence S. 23 deg. 26 min. E. 25 feet to the S.W. corner of said Lot 35, thence N. 66 deg. 34 min. E. 75 feet to the S. E. corner of said Lot 35; thence N. 23 deg. 28 min. W. 275 feet to the N.E. corner of Lot 25, Block 9, Park City Plat; thence S. 66 deg. 34 min. W. 25 feet, thence N. 23 deg. 25 min. W. 25 feet to the South R/W line of Sixth Street, thence S. 66 deg. 34 min. W. along said South R/W line, 50 feet to the East line of Park Avenue and the N.W. corner of Lot 24, said

Block 9; thence N. 23 deg. 26 min. W. 30 feet to the North R/W line of Sixth Street and the S.W. corner of Lot 32, Block 8, Park City Plat; thence N. 66 deg. 34 min. E. 75 feet along said North R/W line to the S.E. corner of said Lot 32; thence N. 23 deg. 26 min. W. 100 feet to the S. E. corner Lot 28, said Block 8; thence S. 66 deg. 34 min. W. 75 feet to the East R/W line of Park Avenue and the S. W. corner of said Lot 28; thence N. 23 deg. 50 min. along said East R/W line 236.6 feet, thence N. 81 deg. 10 min. E. 97 feet, thence N. 28 deg. 50 min. W. 29.25 feet; thence N. 61 deg. 10 min. E. 72 feet; thence S. 32 deg. 25 min. E. 47.6 feet to the West R/W line of Main Street, thence N. 23 deg. 38 min. W. along said R/W line 20 feet more or less to the center line of Section 16, thence East along said centerline 280 feet to the point of beginning.

The names of the streets and parts thereof to be improved are as follows:

Farrell Avenue—from Second Street to Fifth Street.

Second Street—from Main Street to Farrell Avenue.

Fourth Street—from Main Street to Farrell Avenue.

Fifth Street—from Main Street to Farrell Avenue.

Certain city owned properties east of Block 23 and 24.

### ESTIMATED COST

The total estimated cost of all improvements is \$151,277 and is to be paid by assessments to be levied on all blocks, lots, parts of blocks and lots, tracts or parcels of property bounding, abutting upon or adjacent to the improvements or which may be affected or specially benefited by the improvements to the extent of the benefits to such property by reason of the improvements. Assessments shall be made according to the area of the property within the District which is affected or specially benefited by the improvements.

The City's portion of these improvements will be the granting of the use of certain City property to be used for parking purposes incorporated into these improvements.

The estimated cost of the improvements to the property to be assessed is as follows:

Properties within the boundaries of the improvement district which are not adjacent to Main Street will be assessed at 25 cents per square foot. All other properties will be assessed at 38 cents per square foot.

The assessments are payable in 3 equal annual installments with interest on the unpaid balance of the assessment of not to exceed eight per cent (8%) per annum from the effective date of the ordinance levying the assessment until due; provided one or more installments on the

whole assessment may be paid without interest within fifteen (15) days after the ordinance levying the tax becomes effective. Default in the payment of any installment of an assessment shall cause the whole of the unpaid principal and interest to become due and payable immediately and the whole amount of the unpaid principal shall thereafter draw interest at the rate of ten per cent (10%) per annum until paid.

A map of the proposed District is on file in the office of the City Recorder and at the office of the City Engineer, and at the office of Architect/Planners Alliance, 610 East South Temple, Salt Lake City, Utah, and all persons interested are hereby referred to the same for further information in regard to said improvements and said Special Improvement District.

### TIME FOR FILING PROTESTS

Any person who is the owner of property to be assessed in the Special Improvement District, described in the Notice of Intention shall have the right to file in writing a protest to the creation of the Special Improvement District or to make any other objections relating thereto. Protests shall describe or otherwise identify the property owned by the person or persons making the protest. Protests shall be filed with the City Recorder of Park City, Utah on or before 4:00 o'clock p.m. on the 9th day of August, 1973. Thereafter at 6:00 o'clock p.m. on the 9th day of August, 1973, the City Council will meet at the City Hall to consider all protests so filed and hear all objections relating to the proposed Special Improvement District.

BY ORDER OF THE CITY COUNCIL OF PARK CITY, UTAH, pursuant to the resolution adopted on July 5, 1973.

VIOLET TERRY  
CITY RECORDER

Section 5: This resolution shall be in effect upon its passage and approval.

Adopted and approved this 5th day of July, 1973.

WILLIAM P. SULLIVAN  
MAYOR

ATTEST:  
VIOLET TERRY  
City Recorder,  
SEAL

Published in The Park Record July 12, 19, 26 and August 2, 1973.

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