

**Ordinance No. 2019-50**

**AN ORDINANCE APPROVING THE THIRD AMENDMENT TO THE FIRST AMENDED AND RESTATED NAKOMA CONDOMINIUM PLAT LOCATED AT 8782 MARSAC AVENUE, NAKOMA UNIT 17, NAKOMA CONDOMINIUMS, PARK CITY, UTAH**

WHEREAS, the owners of the property known as the Nakoma Condominiums, located at 8782 Marsac Avenue, Nakoma Unit 17, Nakoma Condominiums, have petitioned the City Council for approval of the Third Amendment to the First Amended and Restated Nakoma Condominium Plat; and

WHEREAS, on August 28<sup>th</sup>, 2019, the property was properly posted and legal notice was sent to all affected property owners; and

WHEREAS, on August 24<sup>th</sup>, 2019, proper legal notice was published in the Park Record and on the Utah Public Notice website according to requirements of the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on September 11<sup>th</sup>, 2019, to receive input on the Third Amendment to the First Amended and Restated Nakoma Condominium Plat;

WHEREAS, the Planning Commission, on September 11<sup>th</sup>, 2019, forwarded a negative recommendation to the City Council; and,

WHEREAS, the City Council on September 26<sup>th</sup>, 2019, held a public hearing on the Condominium Plat; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the Third Amendment to the First Amended and Restated Nakoma Condominiums Record of Survey Plat consistent with the Flagstaff Annexation and Development Agreement.

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

**SECTION 1. APPROVAL.** The above recitals are hereby incorporated as findings of fact. The Third Amendment to the First Amended and Restated Nakoma Condominium Plat as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 8782 Marsac Avenue.
2. The Nakoma Condominiums are located in the RD-MPD zoning district.
3. The City Council approved the Flagstaff Mountain Development Agreement/Annexation Resolution 99-30 on June 24, 1999 and amended it in March

of 2007. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum densities, unit equivalents and configuration for three development Pods (A, B1 and B2).

4. On September 11, 2002, the Planning Commission approved a Master Planned Development for the Flagstaff Mountain Resort Phase II that includes Pod B-1.
5. The approved MPD includes a maximum density assignment and conceptual site design for eighteen (18) detached single family units utilizing not more than 27 Unit Equivalents (UEs) on Northside Village Subdivision II, Lot B (aka Nakoma Condominiums).
6. The Planning Commission approved an amendment to Lot B on October 27, 2004, in which the UE count on Lot B increased from 27 to 45, while maintaining the same footprint and maximum house size requirements as previously approved.
7. The Planning Commission approved a second amendment to the Nakoma Master Planned Development on April 23, 2008. That amendment allowed for the combination of units 17 and 18 into a single unit of 7,500 square feet and further allowed the distribution of the square footage to the other un-built units. Units 1-16 still have a maximum footprint of 3,000 square feet while unit 17 (combined unit) is allowed a maximum footprint of 5,000 square feet. The total UE count remained unchanged and cannot exceed 45 UEs (90,000 square feet).
8. On April 23, 2008, the Planning Commission approved the third amendment to the MPD to remove the 5,000 square foot cap on the total square footage of each unit while maintaining the total square footage cap for the project (45 Unit Equivalents or 90,000 square feet of total square footage).
9. Unit 17 may be up to 7,500 square feet of total floor area (again, whether Basement or Floor Area as defined by the LMC) with a footprint not to exceed 5,000 square feet.
10. On November 11, 2009, the Planning Commission approved a Fourth Amendment to the MPD. The Fourth Amended MPD allows the following:
  - Units 1 and 2 combined into a duplex configuration, maximum footprint of 6,000 square feet.
  - Unit 17 (previously combined with unit 18 into one larger unit) with an option to become a duplex, returning the unit count back to 18. As a duplex, footprint increases from 5,000 square feet to 6,000 square feet.
  - Reduce minimum unit size from 4,300 to 4,000 square feet.
  - Maintain maximum unit size at 5,750 square feet (except if unit 18 is not constructed as a duplex with unit 17 and 17 can be 7,500sf).
  - Maximum cap of 45 Unit Equivalents remain.
11. The proposed Amended Record of Survey is consistent with the approved and amended Master Planned Development for the Flagstaff Mountain Resort Phase II and the previous Condominium Plats requiring a re-platting of the units.
12. Nakoma Condominiums Unit 17 is currently undeveloped.
13. The applicant is straightening out the northeast lot line and softening the curve of the southwest lot line in order to create a better building envelope and make the lot more buildable.



14. Unit 17 is adjacent to common area and the proposed lot line adjustments increase the lot from 23,735 square feet to 23,736 square feet, an increase of one (1) square foot.
15. No change in density or Unit Equivalents is proposed.

Conclusions of Law:

1. There is good cause for this Third Amendment to First Amended and Restated Condominium Plat Nakoma Condominiums.
2. The Third Amendment to First Amended and Restated Condominium Plat Nakoma Condominiums is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed Third Amendment to First Amended and Restated Condominium Plat Nakoma Condominiums.
4. Approval of the Third Amendment to First Amended and Restated Condominium Plat Nakoma Condominiums, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the Third Amendment to First Amended and Restated Condominium Plat Nakoma Condominiums for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the Condominium Plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is submitted in writing and approved by the City Council.
3. All conditions of approval of the Flagstaff Annexation and Development Agreement, as amended, and the Flagstaff Mountain Resort Phase II (Pod B1) Master Planned Development, as amended, and the Northside Village Subdivision II plat shall continue to apply.
4. All applicable notes, easements and requirements of the First and Second Amended and Restated Nakoma Condominium Plats continue to apply and shall be shown and noted on this Plat prior to recordation.

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

PASSED AND ADOPTED this 26<sup>th</sup> day of September, 2019.

PARK CITY MUNICIPAL CORPORATION



Andy Beerman, MAYOR

ATTEST:



*Michelle Kellogg*

Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

*Margaret Plane*

Margaret Plane, Special Counsel

Exhibit A- Third Amendment to First Amended and Restated Condominium Plat  
Nakoma Condominiums

NAKOMA CONDOMINIUMS  
THIRD AMENDMENT TO FIRST AMENDED AND RESTATED  
UNIT 17  
(8782 Marsac Avenue)

July 23, 2019

PROJECT INTENT

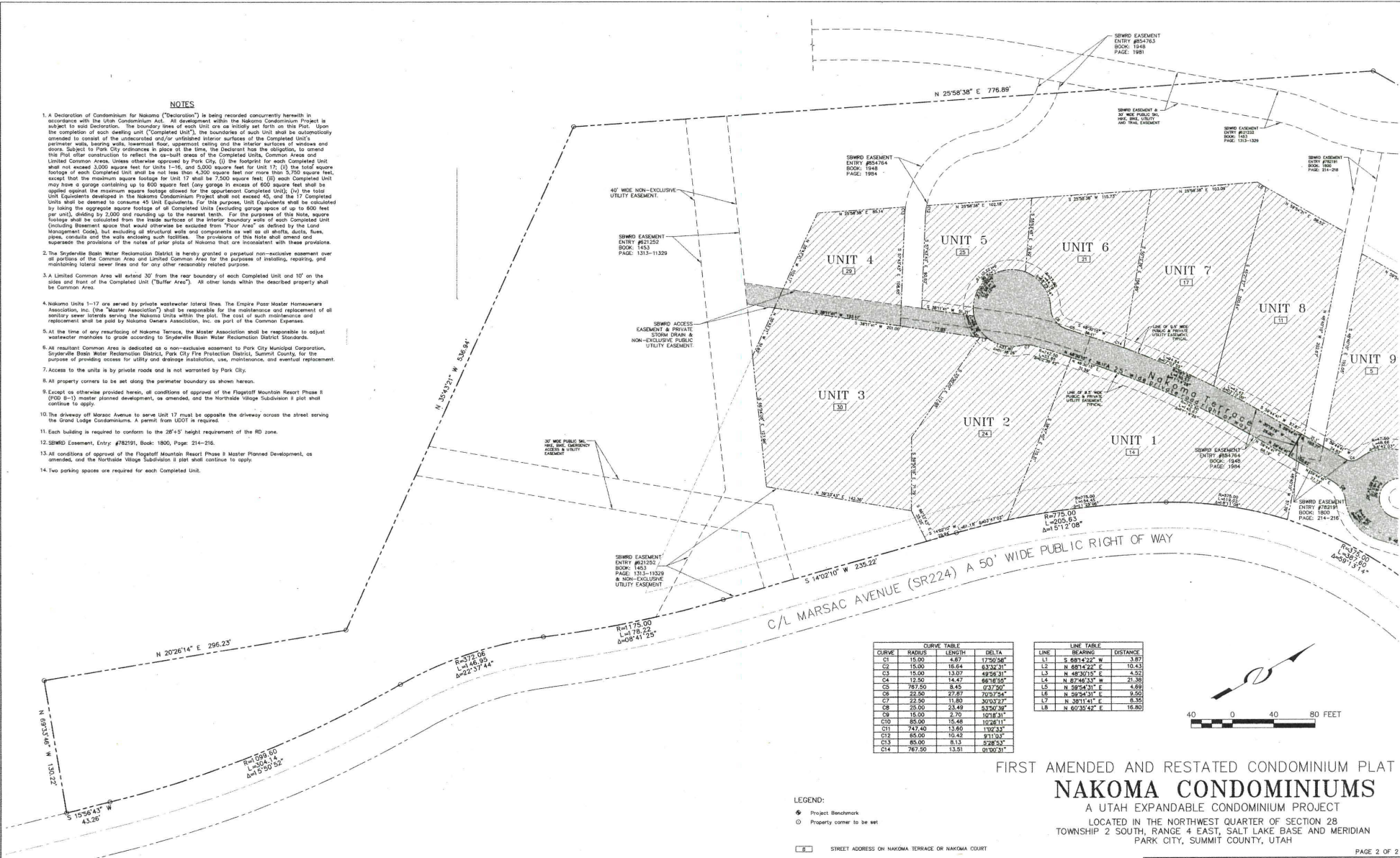
Nakoma Condominiums is a residential condominium project located on Lot B of Northside Village Subdivision II, recorded June 28, 2002, within the Empire Pass development.

The First Amended and Restated Nakoma Condominiums plat, recorded December 31, 2008, defines 17 units for future construction and broadly identifies boundaries for each unit. Once a unit has been constructed, an amendment to Nakoma Condominiums is recorded reflecting the as-built units.

Unit 17 has not been constructed and this application proposes to alter the unit line for Unit 17 to better accommodate construction of a single family dwelling.

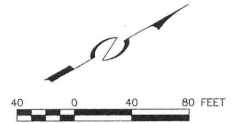
**NOTES**

1. A Declaration of Condominium for Nakoma ("Declaration") is being recorded concurrently herewith in accordance with the Utah Condominium Act. All development within the Nakoma Condominium Project is subject to said Declaration. The boundary lines of each Unit are as hereby set forth on this Plat upon the completion of each dwelling unit ("Completed Unit"), the boundaries of such Unit shall be automatically amended to consist of the underlaid and/or unfinished interior surfaces of the Completed Unit's perimeter walls, landing walls, basement floor, uppermost ceiling and the interior surfaces of windows and doors. Subject to Park City ordinances in place at the time the Declaration has the obligation to amend this Plat after construction to reflect the in-built areas of the Completed Units, Common Areas and Limited Common Areas, unless otherwise approved by Park City. (i) the footprint for each Completed Unit shall not exceed 3,000 square feet for Units 1-6, and 2,000 square feet for Unit 17; (ii) the total square footage of each Completed Unit shall not be less than 4,300 square feet nor more than 7,750 square feet, except that the maximum square footage for Unit 17 shall be 7,500 square feet; (iii) each Completed Unit may have a garage containing up to 600 square feet (any garage in excess of 600 square feet shall be applied against the maximum square footage allowed for the apartment Completed Unit); (iv) the total Unit Equivalents developed in the Nakoma Condominium Project shall not exceed 45, and the 17 Completed Units shall be general to constitute 45 Unit Equivalents. For this purpose, Unit Equivalents shall be calculated by taking the aggregate square footage of all Completed Units (excluding garage space of up to 600 feet per unit), dividing by 2,000 and rounding up to the nearest tenth. For the purposes of this Note, square footage shall be calculated from the inside surfaces of the interior boundary walls of each Completed Unit (including basement space that would otherwise be excluded from "Floor Area" as defined by the Land Management Code), but excluding all structural walls and components as well as all shafts, ducts, flues, pipes, conduits and the walls enclosing such facilities. The provisions of this Note shall amend and supersede the provisions of the rules of prior plats of Nakoma that are inconsistent with these provisions.
2. The Snyderville Basin Water Reclamation District is hereby granted a perpetual non-exclusive easement over all portions of the Common Area and Limited Common Area for the purposes of installing, repairing and maintaining lateral sewer lines and for any other reasonably related purpose.
3. A Limited Common Area will be set back 30' from the rear boundary of each Completed Unit and 10' on the sides and front of the Completed Unit ("Buffer Area"). All other loads which the described property shall be Common Area.
4. Nakoma Units 1-17 are served by private wastewater lateral lines. The Empire Pass Master Homeowners Association, Inc. (the "Master Association") shall be responsible for the maintenance and replacement of all sanitary sewer laterals serving the Nakoma Units within the plat. The cost of such maintenance and replacement shall be paid by Nakoma Owners Association, Inc. as part of the Common Expenses.
5. At the time of any rezoning of Nakoma Terrace, the Master Association shall be responsible to adjust wastewater manholes to grade according to Snyderville Basin Water Reclamation District Standards.
6. All resultant Common Area is dedicated as a non-exclusive easement to Park City Municipal Corporation, Snyderville Basin Water Reclamation District, Park City Fire Protection District, Summit County, for the purposes of providing access for utility and drainage installation, use, maintenance, and eventual replacement.
7. Access to the units is by private roads and is not warranted by Park City.
8. All property corners to be set along the perimeter boundary as shown hereon.
9. Except as otherwise provided herein, all conditions of approval of the Flagstaff Mountain Resort Phase II (PUD No. 1) master planned development, as amended, and the Northside Village Subdivision II plat shall continue to apply.
10. The driveway off Marsac Avenue to serve Unit 17 must be opposite the driveway across the street serving the Grand Lodge Condominiums. A permit from UDOT is required.
11. Each building is required to conform to the 28'-5" height requirement of the RZ zone.
12. SBMRD Easement, Entry #782191, Book: 1800, Page: 214-216.
13. All conditions of approval of the Flagstaff Mountain Resort Phase II Master Planned Development, as amended, and the Northside Village Subdivision II plat shall continue to apply.
14. Two parking spaces are required for each Completed Unit.



CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	15.00	4.67	1750.56"
C2	15.00	16.64	633.21"
C3	15.00	13.07	492.61"
C4	12.50	14.47	667.82"
C5	787.50	8.45	027.72"
C6	22.50	27.87	702.75"
C7	22.50	11.80	300.37"
C8	25.00	23.49	532.00"
C9	15.00	2.70	107.18"
C10	85.00	15.48	102.61"
C11	747.40	13.65	132.33"
C12	85.00	10.43	87.13"
C13	85.00	8.13	53.85"
C14	787.50	13.51	0190.21"

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 6814.22"	3.87
L2	N 6814.22"	10.43
L3	N 4830.15"	4.52
L4	N 8746.32"	21.38
L5	N 5924.31"	4.69
L6	N 5924.31"	8.50
L7	N 3811.41"	8.30
L8	N 6030.42"	16.80



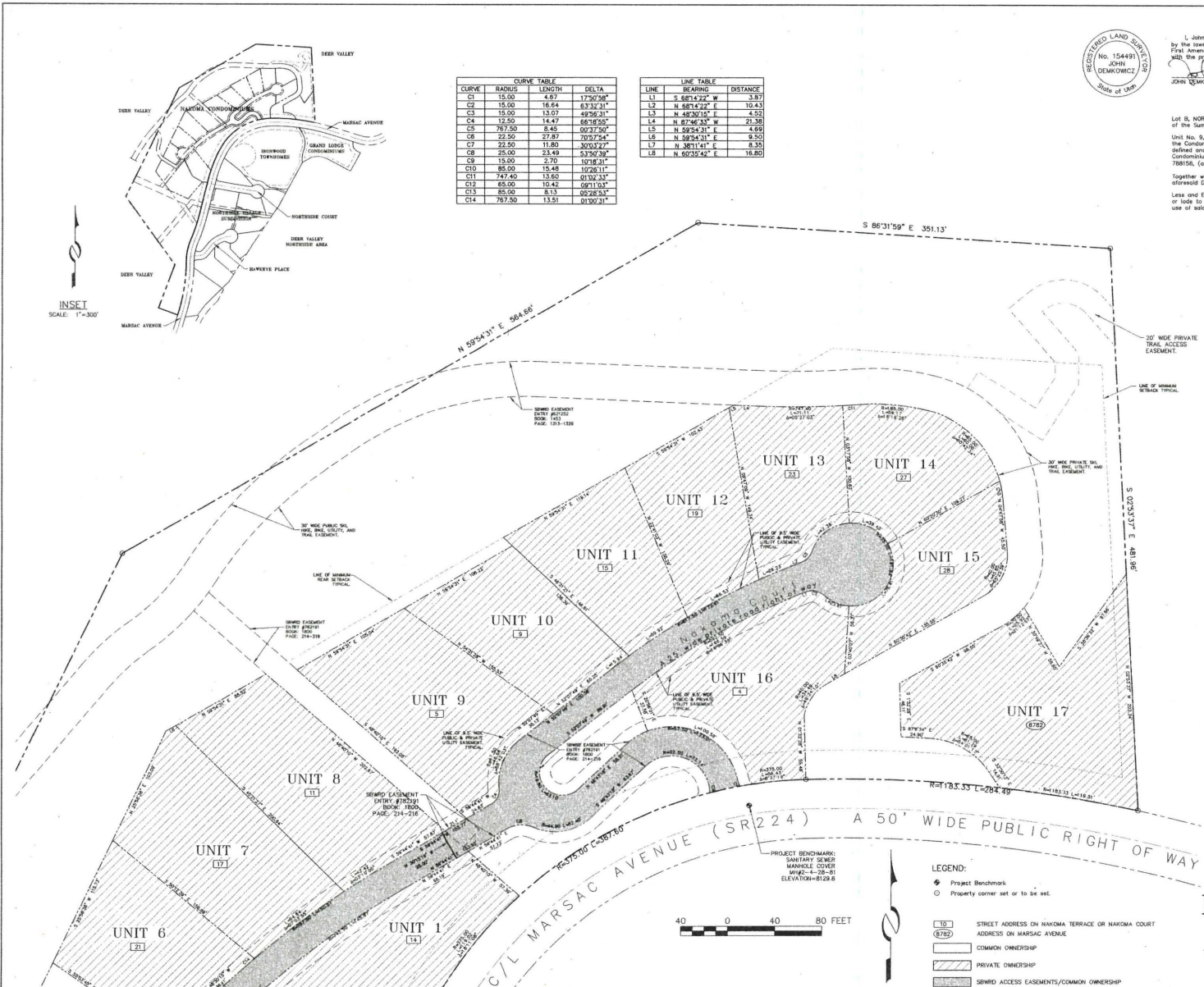
- LEGEND:**
- Project Benchmark
  - Property corner to be set
  - STREET ADDRESS ON NAKOMA TERRACE OR NAKOMA COURT
  - ▭ COMMON OWNERSHIP
  - ▨ PRIVATE OWNERSHIP
  - ▩ SBMRD ACCESS EASEMENTS/COMMON OWNERSHIP

FIRST AMENDED AND RESTATED CONDOMINIUM PLAT  
**NAKOMA CONDOMINIUMS**  
 A UTAH EXPANDABLE CONDOMINIUM PROJECT  
 LOCATED IN THE NORTHWEST QUARTER OF SECTION 28  
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN  
 PARK CITY, SUMMIT COUNTY, UTAH

**Alvax Engineering Inc.**  
 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS  
 323 Main Street P.O. Box 2664 Park City Utah 84060-2664  
 (435) 649-2487

RECORDED  
 STATE OF UTAH COUNTY OF SUMMIT AND FILED  
**ENTRY NO. 00861927**  
 12/11/2008 8:58:43 PM BY: JESSICA BEY  
 DA: 12/11/2008 8:58:43 PM BY: JESSICA BEY  
 FEE RECORDER





CURVE	RADIUS	LENGTH	DELTA
C1	15.00	4.87	172°05"48"
C2	15.00	16.64	63°32'31"
C3	15.00	13.07	48°56'31"
C4	12.50	14.47	68°18'50"
C5	797.50	8.45	00°17'50"
C6	22.50	27.97	103°7'54"
C7	22.50	11.80	30°03'27"
C8	25.00	23.49	53°36'30"
C9	15.00	2.70	107°18'31"
C10	85.00	15.48	10°28'11"
C11	247.00	13.85	01°38'37"
C12	85.00	10.42	09°11'03"
C13	85.00	8.13	05°28'54"
C14	797.50	13.51	01°02'21"

LINE	BEARING	DISTANCE
L1	S 88°14'22" W	2.87
L2	N 88°14'22" E	10.43
L3	N 88°20'15" E	4.52
L4	N 87°46'14" W	21.39
L5	N 59°54'31" E	4.69
L6	N 59°54'31" E	8.50
L7	N 30°11'41" E	8.35
L8	N 80°32'42" E	18.80

**SURVEYOR'S CERTIFICATE**

I, John Demkowicz, do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No. 154491 as prescribed by the laws of the State of Utah, and that I have caused to be made under my direction and by the authority of the aforesaid, this First Amended and Restated Condominium Plat of the NAKOMA CONDOMINIUMS, a Utah Expandable Condominium Project, in accordance with the provisions of the Utah Condominium Ownership Act. I further certify that the information shown hereon is correct.

*John Demkowicz* 12-3-08  
JOHN DEMKOWICZ, L.S. #154491 DATE



**BOUNDARY DESCRIPTION**

Lot 8, NORTHIDE VILLAGE SUBDIVISION, is according to the official plat thereof dated June 28, 2002, as Entry No. 623453 in the office of the Summit County Recorder.

Unit No. 9, 10, 11, 12, 13, 14, 15, & 16 contained within NAKOMA CONDOMINIUMS, a Utah Condominium Project, as the same is identified in the Condominium Plat recorded in the office of the Summit County Recorder on AUGUST 22, 2006, as Entry No. 788157, and as further defined and described in the Declaration of Condominiums, Conditions and Restrictions and Bylaws of the NAKOMA CONDOMINIUMS, a Utah Condominium Project, recorded in the office of the Summit County Recorder on August 22, 2006, in Book 1811, at page 1754, as Entry No. 788158, (as said Map and Declaration may be amended and/or supplemented).

Together with the aforementioned undivided ownership interest to said Condominium Project's Common Areas and Facilities in accordance with aforesaid Declaration and Survey Map and the Utah Condominium Ownership Act.

Less and Excepting any and all outstanding oil and gas, mining and mineral rights, etc., together with the right of the proprietor of a vein or lode to extract his ore therefrom should same be found to penetrate or intersect the premises, and right of ingress and egress for the use of said rights.

**OWNER'S DEDICATION AND CONSENT TO RECORD**

KNOW ALL MEN BY THESE PRESENTS THAT, FRIENDS OF FLAGSTAFF, LLC, a Utah limited liability company, the owner of the tract of land described herein as FIRST AMENDED AND RESTATED NAKOMA CONDOMINIUMS, a Utah Condominium Project, located on said tract of land, hereby certifies that it has caused this survey to be made and this Condominium Plat consisting of TWO (2) sheets to be prepared, and does hereby consent to the recording of this Record of Survey Map and does not intend to assert any claim to any portion of said land.

The owner certifies that the Units shown on this plat, but not under construction at the time the plat was recorded, will when completed be in conformity with the approved Master Planned Development, Declaration of Condominium, recorded concurrently herewith, and the Land Management Code of Park City Municipal Corporation.

In witness whereof the undersigned has executed this certificate and dedication this 3<sup>RD</sup> day of DEC, 2008.

*Louise Williams*  
Louise Williams  
The Partner

Friends of Flagstaff LLC,  
a Utah limited liability company

**ACKNOWLEDGMENT**

State of Utah,  
County of Summit, ss:  
This instrument was acknowledged before me this 3rd day of December, 2008  
by Jack Thomas, the Partner of Friends of Flagstaff LLC, a Utah limited liability company.  
*Jack Thomas*  
Jack Thomas  
Printed Name  
Residing in Summit County  
My commission expires: 1/15/2012

**OWNER'S CONSENT TO RECORD**

KNOW ALL MEN BY THESE PRESENTS THAT, NAKOMA S, L.L.C., a Utah limited liability company, owner of Unit 9 at NAKOMA does hereby consent to the recording of this Record of Survey Map.

In witness whereof the undersigned has executed this consent this 5th day of December, 2008.

*Michelle*  
Michelle  
Title: Manager

Nakoma S, L.L.C.,  
a Utah limited liability company

**ACKNOWLEDGMENT**

State of Utah,  
County of Summit, ss:  
This instrument was acknowledged before me this 5th day of December, 2008  
by Paul S. Evlison, the Manager of Nakoma S, L.L.C., a Utah limited liability company.  
*Paul S. Evlison*  
Paul S. Evlison  
Printed Name  
Residing in Heber City, UT  
My commission expires: 7-21-12

FIRST AMENDED AND RESTATED  
CONDOMINIUM PLAT  
**NAKOMA CONDOMINIUMS**  
A UTAH EXPANDABLE CONDOMINIUM PROJECT  
LOCATED IN THE NORTHWEST QUARTER OF SECTION 28  
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN  
PARK CITY, SUMMIT COUNTY, UTAH

 (435) 649-9487 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street, P.O. Box 2044 Park City, Utah 84002-0044	<b>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT</b> REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS <u>8<sup>th</sup></u> DAY OF <u>December</u> , 2008 A.D. DAY OF <u>December</u> , 2008 A.D. BY <i>Barbara</i> S.B.W.R.D.	<b>PLANNING COMMISSION</b> APPROVED BY THE PARK CITY PLANNING COMMISSION THIS <u>17<sup>th</sup></u> DAY OF <u>December</u> , 2008 A.D. BY <i>Barbara</i> CHAIRMAN	<b>ENGINEER'S CERTIFICATE</b> I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS <u>17<sup>th</sup></u> DAY OF <u>December</u> , 2008 A.D. BY <i>John Demkowicz</i> PARK CITY ENGINEER	<b>APPROVAL AS TO FORM</b> APPROVED AS TO FORM THIS <u>20<sup>th</sup></u> DAY OF <u>December</u> , 2008 A.D. BY <i>John Smith</i> PARK CITY ATTORNEY	<b>CERTIFICATE OF ATTEST</b> I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS <u>29<sup>th</sup></u> DAY OF <u>December</u> , 2008 A.D. BY <i>John Smith</i> PARK CITY RECORDER	<b>COUNCIL APPROVAL AND ACCEPTANCE</b> APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS <u>20<sup>th</sup></u> DAY OF <u>December</u> , 2008 A.D. BY <i>Donna Williams</i> MAYOR	<b>JOB NO: 2-10-03</b> FILED: <b># 861947 RECORDED</b> STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF <u>Highland Title Agency</u> DATE <u>12-31-2008</u> TIME <u>3:59</u> PM BOOK <u>    </u> PAGE <u>    </u> \$ <u>77.00</u> FEE <u>Denise S. Barber, Deputy</u> RECORDER
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**SURVEYOR'S CERTIFICATE**



I, Michael Demkovich, do hereby certify that I am a Professional Land Surveyor, and that I hold License No. 4857254, as prescribed under the laws of the State of Utah. I further certify that by authority of the owner, I have made a survey of the tract of land shown and described herein, hereafter to be known as **THIRD AMENDMENT TO FIRST AMENDED & RESTATED NAKOMA CONDOMINIUMS** and that the same has been correctly surveyed and monumented on the ground as shown on this plat.

**ASSOCIATION CONSENT TO RECORD**

KNOW ALL MEN BY THESE PRESENTS that the undersigned, on behalf of Nakoma Owners Association, Inc., a Utah nonprofit corporation, having complied with the requirements of both Statutes and the Recorded Declaration hereby consents to the recording of this condominium plat amendment.

Matthew A. Spogel, President  
Nakoma Owners Association, Inc., a Utah nonprofit corporation

**ACKNOWLEDGMENT**

State of \_\_\_\_\_  
County of \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 2019, personally appeared before me, the undersigned Notary Public, in and for said County and State, Matthew A. Spogel, being duly sworn, acknowledged to me that he is the president of the Nakoma Owners Association, Inc., a Utah nonprofit corporation, and that he signed the above Consent to Record for and in behalf of all of the unit owners of the Nakoma Condominium Project acting as a group (under the name of the Nakoma Owners Association, Inc., a Utah nonprofit corporation) in accordance with the Utah Condominium Ownership Act, U.C.A., Sections 27-1-1 et seq. (1963) as amended and supplemented, and the Declaration of Covenants, Conditions, and Restrictions for Nakoma Condominiums.

A Notary Public Commissioned in \_\_\_\_\_

Printed Name \_\_\_\_\_

Reading in \_\_\_\_\_

My commission expires: \_\_\_\_\_

Commission No.: \_\_\_\_\_

**LEGAL DESCRIPTION**

A portion of Lot B, Northside Village Subdivision II, according to the official plat of record and on file in the office of the Summit County recorder, recorded June 28, 2002 as Entry No. 823453 being more particularly described as follows:

Beginning at the northeast corner of Lot B, Northside Village Subdivision II, recorded June 28, 2002 as entry number 823453, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah, and running thence South 02°53'31" East 481.98 feet to the northerly boundary of Morac Avenue Right of Way, recorded June 28, 2002 as entry number 823451, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah, said point also being the boundary of said Lot B and on a non-tangent curve to the left having a radius of 1183.33 feet, of which the radius point bears South 32°13'15" West, thence westerly along the arc of said curve 119.31 feet through a central angle of 04°17'17", thence North 32°13'15" West 14.81 feet to a point on a curve to the left having a radius of 85.00 feet, of which the radius point bears South 07°28'47" West, thence along the arc of said curve 119.31 feet through a central angle of 04°17'17", thence North 87°08'34" West 24.90 feet; thence North 07°32'28" West 48.11 feet; thence North 80°24'24" East 88.95 feet to a point on a curve to the left having a radius of 70.00 feet, of which the radius point bears North 32°13'15" West, thence along the arc of said curve 79.88 feet through a central angle of 02°23'07", thence North 04°47'58" West 45.50 feet to a point on a curve to the left having a radius of 115.00 feet, of which the radius point bears South 85°72'07" West, thence along the arc of said curve 133.79 feet through a central angle of 48°43'50"; thence North 38°28'12" East 187.44 feet to the point of beginning.

Which includes Unit 17, contained within the FIRST AMENDED AND RESTATED NAKOMA CONDOMINIUMS, as the same is identified in the Record of Survey Map recorded in Summit County, Utah, as Entry No. 801327, in Book 1981, at Page 1891, and in the Declaration of Covenants, Conditions and Restrictions and Bylaws of Nakoma (An Expandable Condominium Project), recorded in Summit County, Utah, on August 22, 2006, as Entry No. 788158, in Book 1811, at Page 1754, of the official records, and of amendments thereto.

Together with: (a) The undivided ownership interest in said Condominium Project's Common Areas and Facilities which is appurtenant to said Unit, (the referenced Declaration of Condominium providing for periodic alteration both in the magnitude of said undivided ownership interest and in composition of the Common Areas and Facilities to which said interest relates); (b) The exclusive right to use and enjoy each of the Limited Common Areas which is appurtenant to said Unit; and (c) The non-exclusive right to use and enjoy the Common Areas and Facilities included in said Condominium Project (as said Project may hereafter be expanded) in accordance with the aforesaid Declaration and Survey Map (as said Declaration and Map may hereafter be amended or supplemented) and the Utah Condominium Ownership Act.

**OWNER'S DEDICATION AND CONSENT TO RECORD**

KNOW ALL MEN BY THESE PRESENTS that Friends of Flagstaff, L.L.C., a Utah limited liability company, the undersigned owner of the hereby dedicated tract of land, do hereby dedicate to the public as a public right-of-way, the portion of the plat shown and described herein, hereafter to be known as **THIRD AMENDMENT TO FIRST AMENDED & RESTATED NAKOMA CONDOMINIUMS**, a Utah Condominium Project, also hereby certify that it has caused this condominium plat amendment to be prepared and does hereby consent to the recording of this condominium plat and submit its property to the Utah Condominium Ownership Act.

The owner certifies that the Unit shown on this plat, but not under construction at the time the plat was recorded, will, when completed, be in conformance with the Declaration of Condominium, recorded concurrently herewith, and the Land Management Code of Park City Municipal Corporation.

In witness whereof, the undersigned set his hand this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Matthew A. Spogel, Manager  
Friends of Flagstaff, L.L.C., a Utah limited liability company

**ACKNOWLEDGMENT**

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 2019, Matthew A. Spogel personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who, after being duly sworn/affirmed, did say that he is a manager of Friends of Flagstaff, L.L.C., a Utah limited liability company, and that he signed this condominium plat amendment on behalf of said limited liability company by authority of its operating agreement or resolution of its members, and he acknowledged to me that he executed the **THIRD AMENDMENT TO FIRST AMENDED & RESTATED NAKOMA CONDOMINIUMS**.

By: Notary Public \_\_\_\_\_

Printed Name \_\_\_\_\_

Reading in \_\_\_\_\_

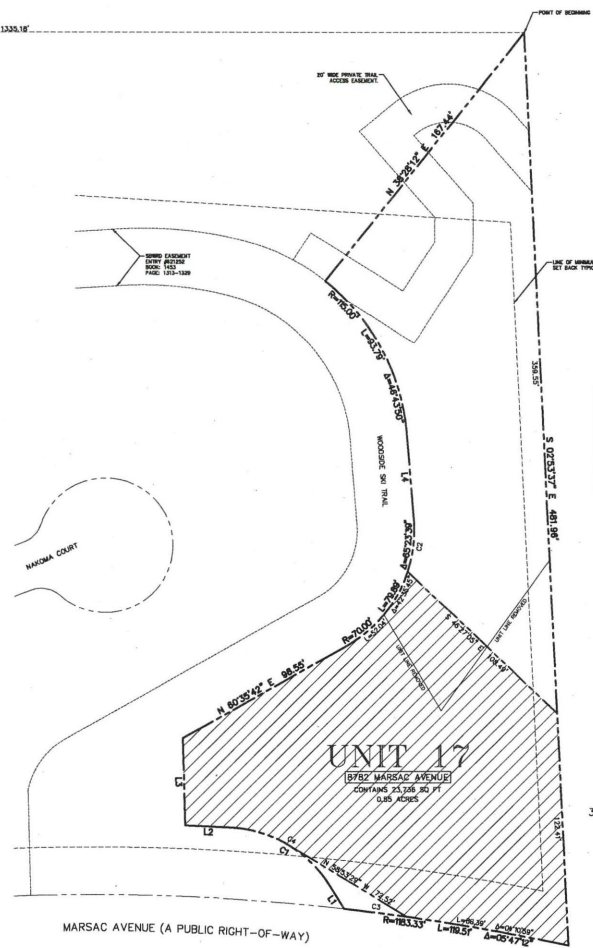
My commission expires: \_\_\_\_\_

Commission No.: \_\_\_\_\_

**NOTES**

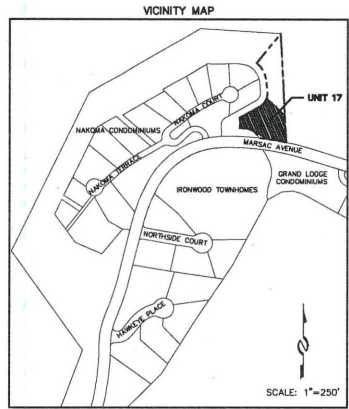
- This plat amendment is subject to the Conditions of Approval in Ordinance 2019-\_\_\_\_\_.
- A Fourth Amendment to Declaration of Condominium for Nakoma is being recorded concurrently herewith in accordance with the Utah Condominium Act. All development within the Nakoma Condominiums project is subject to the Declaration.
- Upon the completion of the dwelling unit ("Completed Unit"), the boundaries of the Unit shall be automatically amended to consist of the unenclosed and/or unfinished interior surfaces of the Completed Unit's perimeter walls, bearing walls, basement floor, uppermost ceiling and the interior surfaces of the exterior walls and doors. Subject to Park City ordinances in place at the time, the Declarant has the obligation to amend this Plat after construction to reflect the as-built areas of the Completed Unit, Common Areas and Limited Common Areas. Unless otherwise approved by Park City: (1) the footprint for Unit 17 shall not exceed 3,000 square feet; (2) the total square footage of Unit 17 shall not be less than 4,300 square feet nor more than 7,000 square feet; (3) Unit 17 may have a garage containing up to 600 square feet. If the garage is in excess of 600 square feet, the additional area shall be applied against the maximum square footage allowed for the apartment Completed Unit. For the purposes of this Note, square footage shall be calculated from the inside surface of the interior boundary walls of the Completed Unit (excluding basement space that would otherwise be excluded from "Floor Area" as defined by the Land Management Code), but excluding of structural walls and components as well as all stairs, ducts, fans, pipes, conduits and the walls enclosing such facilities. The provisions of this Note shall amend and supersede the provisions of the notes of prior plats of Nakoma that are inconsistent with these provisions.
- The Snyderville Basin Water Reclamation District is hereby granted a perpetual non-exclusive easement over all portions of the Common Area and Limited Common Area for the purposes of installing, repairing, and maintaining lateral sewer lines and for any other reasonably related purpose.
- Nakoma Unit 17 is served by a private wastewater lateral line. The Empire Power Master Homeowners Association, Inc. (the "Master Association") shall be responsible for the maintenance and replacement of all sanitary sewer laterals serving the Nakoma Units within the plat. The cost of such maintenance and replacement shall be paid by Nakoma Owners Association, Inc. as part of the Common Expenses.
- All the time of any reworking of Nakoma Terrace and Nakoma Court, the Master Association shall be responsible to adjust wastewater manholes to grade according to Snyderville Basin Water Reclamation District Standards.
- All resultant Common Area is dedicated as a non-exclusive easement to Park City Municipal Corporation, Snyderville Basin Water Reclamation District, Park City Fire Protection District and Summit County for the purpose of providing access for utility and drainage installation, use, maintenance, and eventual replacement.
- Except as otherwise provided herein, all conditions of approval of the Flagstaff Mountain Resort Phase II (POD B-1) master planned development, as amended, and the Northside Village Subdivision II plat shall continue to apply.
- The driveway off Morac Avenue to serve Unit 17 must be opposite the driveway across the street serving the Grand Lodge Condominiums. A permit from UDOT is required.
- The constructed building is required to conform to the 28'+5" height requirement of the RD zone.
- All conditions of approval of the Flagstaff Mountain Resort Phase II Master Planned Development, as amended, and the Northside Village Subdivision II plat shall continue to apply.
- Two parking spaces are required for the Completed Unit.
- The property is located in Zone X, areas determined to be outside the 0.2% annual chance floodplain, as shown on the Flood Insurance Rate Map of the Federal Emergency Management Agency, Panel 1125, Map Number 49043C012125C, and has an effective date of March 16, 2006.

SHEET 1 OF 1



LINE	DIRECTION	LENGTH
L1	N 32°30'13" W	14.91'
L2	N 87°08'34" W	24.90'
L3	N 01°32'28" W	48.11'
L4	N 04°47'58" W	45.50'

CURVE	RADIUS	LENGTH	DELTA
C1	85.00'	61.29'	54°01'17"
C2	70.00'	27.85'	27°47'59"
C3	1183.33'	33.12'	01°36'13"
C4	85.00'	32.01'	28°13'05"



**THIRD AMENDMENT TO FIRST AMENDED & RESTATED CONDOMINIUM PLAT NAKOMA CONDOMINIUMS A UTAH EXPANDABLE CONDOMINIUM PROJECT LOCATED IN THE NORTHWEST QUARTER OF SECTION 28 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN PARK CITY, SUMMIT COUNTY, UTAH**

<p>(435) 648-8487 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 322 Main Street, P.O. Box 2884, Park City, Utah 84060-2884</p>	<p><b>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT</b></p> <p>REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2019</p> <p>BY _____ S.B.W.R.D.</p>	<p><b>PLANNING COMMISSION</b></p> <p>APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2019</p> <p>BY _____ CHAIR</p>	<p><b>ENGINEER'S CERTIFICATE</b></p> <p>I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2019</p> <p>BY _____ PARK CITY ENGINEER</p>	<p><b>APPROVAL AS TO FORM</b></p> <p>APPROVED AS TO FORM THIS _____ DAY OF _____, 2019</p> <p>BY _____ PARK CITY ATTORNEY</p>	<p><b>COUNCIL APPROVAL AND ACCEPTANCE</b></p> <p>APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2019</p> <p>BY _____ MAYOR</p>	<p><b>CERTIFICATE OF ATTEST</b></p> <p>I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2019</p> <p>BY _____ PARK CITY RECORDER</p>	<p><b>RECORDED</b></p> <p>STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____</p> <p>FEE _____ RECORDER _____</p> <p>TIME _____ DATE _____ ENTRY NO. _____</p>
	<p>8/1/19 JOB NO.: 23-5-19 FILE: X:\Emp\ra\dwg\lrv\plot2019\230519.dwg</p>						