

**AN ORDINANCE VACATING A PORTION OF  
DEER VALLEY DRIVE, PARK CITY, UTAH**

WHEREAS, Deer Valley Resort Company, LLC and Alterra Mountain Company Real Estate Development Inc (collectively “Petitioners” or “Deer Valley”),<sup>1</sup> petitioned Park City Municipal Corporation (“Park City” and “the City”) to vacate a portion of Deer Valley Drive right-of-way in contemplation of including the property within their revised site plan for the Snow Park Village;

WHEREAS, the City Council considered the Planning Commission’s January 18, 2023 recommendations for consideration of good cause;

WHEREAS, the City Council considered the petition and held a public hearing on March 16, 2023, a work session on June 1, 2023, considered public input on June 15, 2023, and held public hearings on July 6, 2023, August 29, 2023, September 28, 2023, November 2, 2023, November 30, 2023, and final public hearings on December 5, 2023 and December 14, 2023;

WHEREAS, Utah law affords municipalities broad discretion, pursuant to their legislative authority, to determine whether to vacate all or a portion of a public right-of-way;

WHEREAS, Snow Park Village includes the redevelopment of the existing Snow Park parking lots and base area utilizing Deer Valley’s entitled density approved in the Deer Valley Master Planned Development (MPD), including up to 209.75 authorized Residential Unit Equivalents, and 21,890 square feet of Commercial and Support Space. The project is proposed to be developed in Phases, subject to Planning Commission approval of a pending MPD amendment which includes the property subject to the vacation petition, and with each phase requiring a Conditional Use Permit approval from the Planning Commission; and

WHEREAS, the requested vacation of the right of way has been reviewed by the City Council and applicable Park City departments, including the City Engineer, Police, Public Works, and Water, and all appropriate hearings, postings, and notifications required by Utah law have been performed to receive public comment about the proposed determination;

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<sup>1</sup> Deer Valley Development Company is successor in title to Alterra Mountain Company Real Estate Development

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

**SECTION 1. VACATION.** The recitals are incorporated herein. The City Council hereby determines that there is good cause for the vacation of a portion of Deer Valley Drive and neither the public interest nor any person will be materially injured by the vacation. The portion of Deer Valley Drive described in Exhibit A, which is attached and made a part hereof, is hereby declared vacated, reserving all public utility and private access easement rights of record of the vacated portion of Deer Valley Drive.

A. Good Cause. The City Council bases its determination of good cause by finding the following:

1. Petitioners provided valuable consideration in the form of \$15,000,000 dollars to Park City, for the purposes detailed herein.
2. The vacation does not increase the Snow Park Village approved density, expressed as residential unit equivalents and commercial square footage permitted in the Snow Park Village in the Deer Valley 12<sup>th</sup> Amended and Restated Large Scale Master Planned Development Permit.
3. The vacation does not increase the Snow Park Village existing approved heights at the Snow Park development and will allow for a more efficient design with a larger plaza area.
4. The vacation furthers the health, safety, and welfare of the Park City community by maintaining and providing new public safety access and alternatives.
5. The vacation mitigates traffic by reducing the number of allowed parking spaces that are designated for day skier use to 1360 and by restricting parking spaces for hotel, residential, dining, retail, entertainment, and commercial uses from day skier use.
6. Traffic will be further mitigated by implementing paid parking.
7. The vacation facilitates a new site plan that includes a new public transit center which accommodates transit, resort/lodging vehicles, and drop off lanes.
8. The vacation is consistent with the General Plan for the Lower Deer Valley Neighborhood which emphasizes maintaining the world-class resort experience, creating a village base area that is complimentary to the surrounding neighborhood, encouraging alternative modes of transportation, and expanding winter and summer recreation amenities which are important to the economy and well-being of Park City.
9. The vacation increases Deer Valley's flexibility to promote a neighborhood compatible design with a larger site area without height changes or exceptions.
10. A vibrant and well-planned Snow Park area is of high importance to Park City and will advance preparations for the anticipated return of the Winter Olympics to Park City in just over ten years.
11. Upon evaluating the exchange of replacement right-of-way, the retention of existing public utility easements and required new utility easements, and the Streets Master Plan, the City Engineer determined the proposed area of the right-of-way vacation to no longer have significant utility to the City.
12. Doe Pass Road is currently a private drive owned and operated by Deer Valley and the offer to dedicate public access and right-of-way easements over an expanded Doe Pass Road will replace and relocate the loop portion of the vacated right-of-way with

expanded width and improved pedestrian, transit, and vehicular access and safety at Doe Pass Road.

B. No Material Injury. City Council finds and concludes that:

1. The vacation will not cause a material injury to any property owner or the general public and that no injury has been alleged different in kind or degree from the general public.
2. The east and west sections of the Deer Valley Drive which are not subject to the vacation petition maintain public and private access and utility easements to all adjacent property.
3. Increased trip generation on Deer Valley Drive results primarily from the already entitled density for the Snow Park Village and is not a result of the right-of-way vacation.
4. It is in the public interest to return the property to be vacated to productive purposes in facilitating expansion of a plaza concept with the parking lot redevelopment of the ski area, and extension of lifts and that the vacation will not cause a harm to the public interest.
5. Doe Pass Road is currently a private drive owned and operated by Deer Valley and the offer to dedicate public access and right-of-way easements over an expanded Doe Pass Road will replace and relocate the loop portion of the vacated right-of-way with expanded width and improved pedestrian, transit, and vehicular access and safety at Doe Pass Road.
6. Construction and maintenance responsibility of Doe Pass Road is proposed to remain with Deer Valley, avoiding any additional tax burden on the city and residents, while establishing public rights of use.
7. As set forth in Section 3 below, the project will maintain public pedestrian and bicycle access through the plaza area, effectively maintaining the loop for active transportation.

## **SECTION 2. VACATION SUBJECT TO EXISTING**

**ACCESS/EASEMENTS.** Park City and all third parties shall retain all public utility and private access easement rights of record, including the easements scheduled on the attached Exhibit B, as provided in Utah Code § 10-9a-609.5(6)(b), to the vacated portion of Deer Valley Drive. The above vacation is expressly made subject to all existing rights-of-way and easements of all public utilities of any and every description now located on and under or over the confines of this property, and also subject to the rights of entry thereon for the purposes of maintaining, altering, repairing, or removing said utilities, including the city's water and sewer facilities.

**SECTION 3. TITLE TRANSFER.** Upon recordation of the final subdivision plat (the "Final Plat") pursuant to Section 4, the property described in Exhibit A shall be vested in fee in the name of Petitioner Deer Valley Development Company, or its successors and assigns. Deer Valley Development Company and Park City shall execute the Final Plat after approval of Park City Planning Commission pursuant to the applicable provisions governing

subdivisions in the Land Management Code. At the time of recording the Final Plat, Deer Valley shall grant permanent access rights to Park City over Doe Pass Road, as further described in Section 4 below and confirm public pedestrian and bicycle access through the project's plaza in the approximate location of the area to be vacated.

**SECTION 4. ADDITIONAL MITIGATION BEYOND GOOD CAUSE; CONDITIONS FOR PLAT RECORDATION AND TRANSFER OF TITLE.** Prior to recordation of a Final Plat, Deer Valley and Park City shall enter into a Public Private Partnership Agreement ("PPPA"), consistent with any Letter of Intent which may be approved concurrently herewith, with the following elements:

- A. Petitioners shall pay \$15 million to Park City to be used by Park City for a regional, off-site parking and transportation facility.
- B. The PPPA shall address timing of payment for improvements described in subsection A; City matching funding; long-term traffic and peak day mitigation strategies for Park City's transportation network; and project scope and approvals.
- C. Deer Valley shall amend and obtain Planning Commission approval of an amended 13<sup>th</sup> Master Plan Development Permit and final Subdivision Plat(s), including the Final Plat, which includes these transportation and parking mitigation measures:
  1. The proposed gondola between Snow Park and Silver Lake (the "Gondola") shall service or connect to another gondola servicing the base facilities of what is currently referred to as the Mayflower development, at times determined by Deer Valley;
  2. Exhibit 2 to the MPD will be amended to include additional integrated resort infrastructure to support the expanded Gondola including (i) up to 15,000 additional square feet at the current Deer Valley maintenance facilities south of Silver Lake; (ii) up to 15,000 additional square feet of restaurant/commercial facilities for expansion of public or skier service at Silver Lake Lodge; (iii) a realigned Carpenter lift to extend into the Snow Park project and allow for the Gondola; and (iv) a new beginner ski pod adjacent to the new gondola alignment serviced by newly proposed "Lift 7" circulator lift, which may be incorporated into the pending MPD amendment or permitted via stand-alone Conditional Use Permit approvals;
  3. Skier, day use, and employee parking plans, as well as the full connection of the proposed gondola alignment including HW/40 and Mayflower, in amended mitigation plans.
- D. Terms addressing when affordable housing may be incorporated into the regional transportation project as a secondary component.
- E. Terms addressing when a Public Infrastructure District may be authorized by the City Council for the Snow Park Village project.

**SECTION 5. EFFECTIVE DATE.** Pursuant to Utah Code Ann. § 10-3-712 this ordinance shall constitute Final Action and is effective upon publication on December 15, 2023, and may be implemented upon satisfaction of the conditions required to finalize the transfer of title pursuant to Sections 3 and 4.

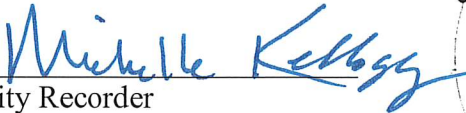
**SECTION 6. SUNSET PROVISION.** The conditions of entering into a PPPA and obtaining approval of an amended 13<sup>th</sup> Master Plan Development Permit and final Subdivision Plat(s), including the Final Plat, must be satisfied to finalize the transfer of title pursuant to Sections 3 and 4 are subject to a two-year sunset provision. If either item is not completed within two years of the Effective Date of this Ordinance, this Ordinance and right-of-way vacation are null and void. The City Council, in its sole discretion, may extend the sunset provision upon finding good cause by Resolution.

**PASSED AND ADOPTED THIS 14th of DECEMBER, 2023.**

PARK CITY MUNICIPAL CORPORATION

  
Mayor Nann Worel

ATTEST:

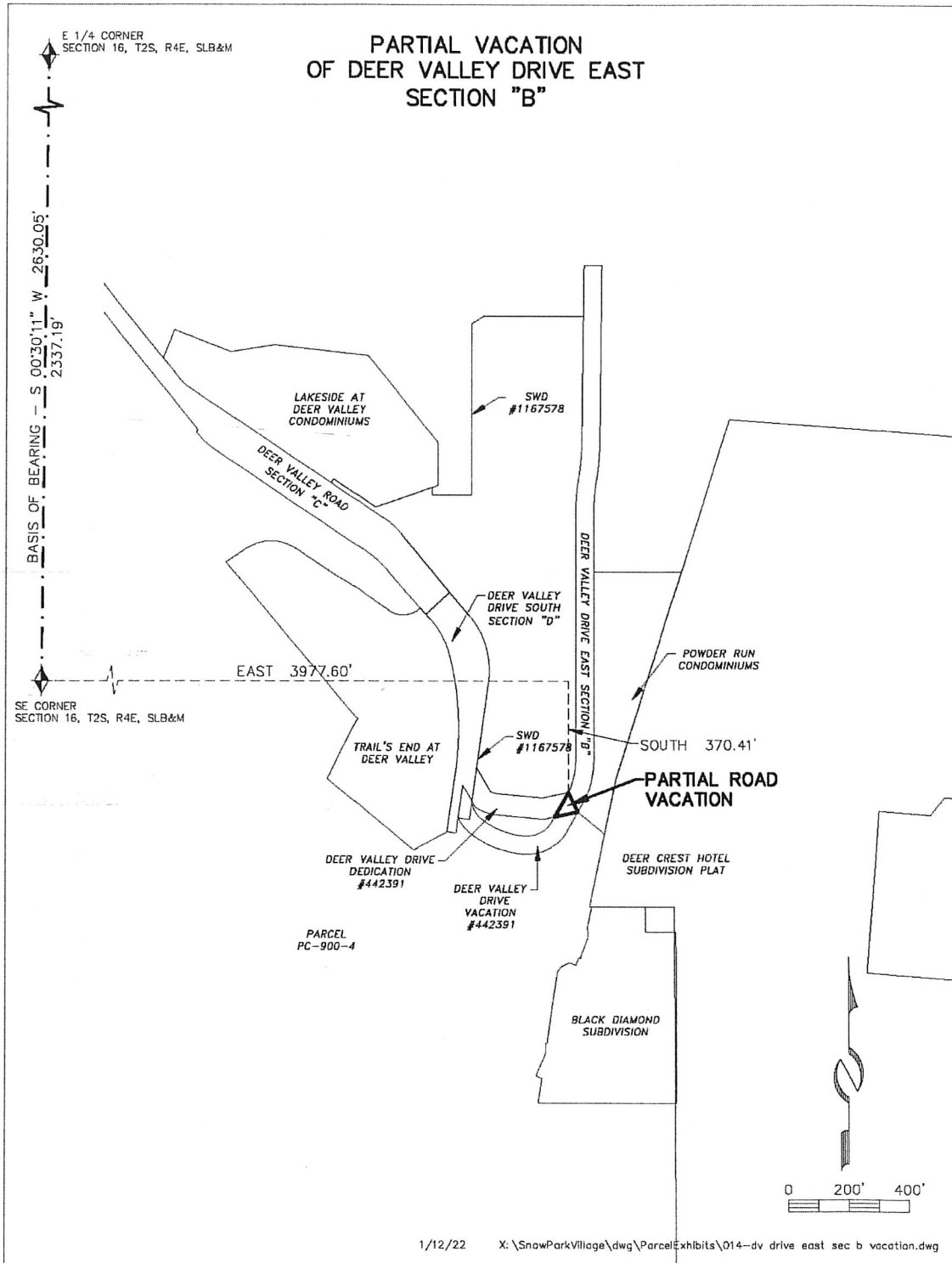
  
City Recorder



Approved as to Form:

  
City Attorney

EXHIBIT A  
[LEGAL DESCRIPTIONS FROM AMENDED PETITION]



SNOW PARK VILLAGE  
PARTIAL VACATION  
OF DEER VALLEY DRIVE EAST  
SECTION "B"

January 13, 2022

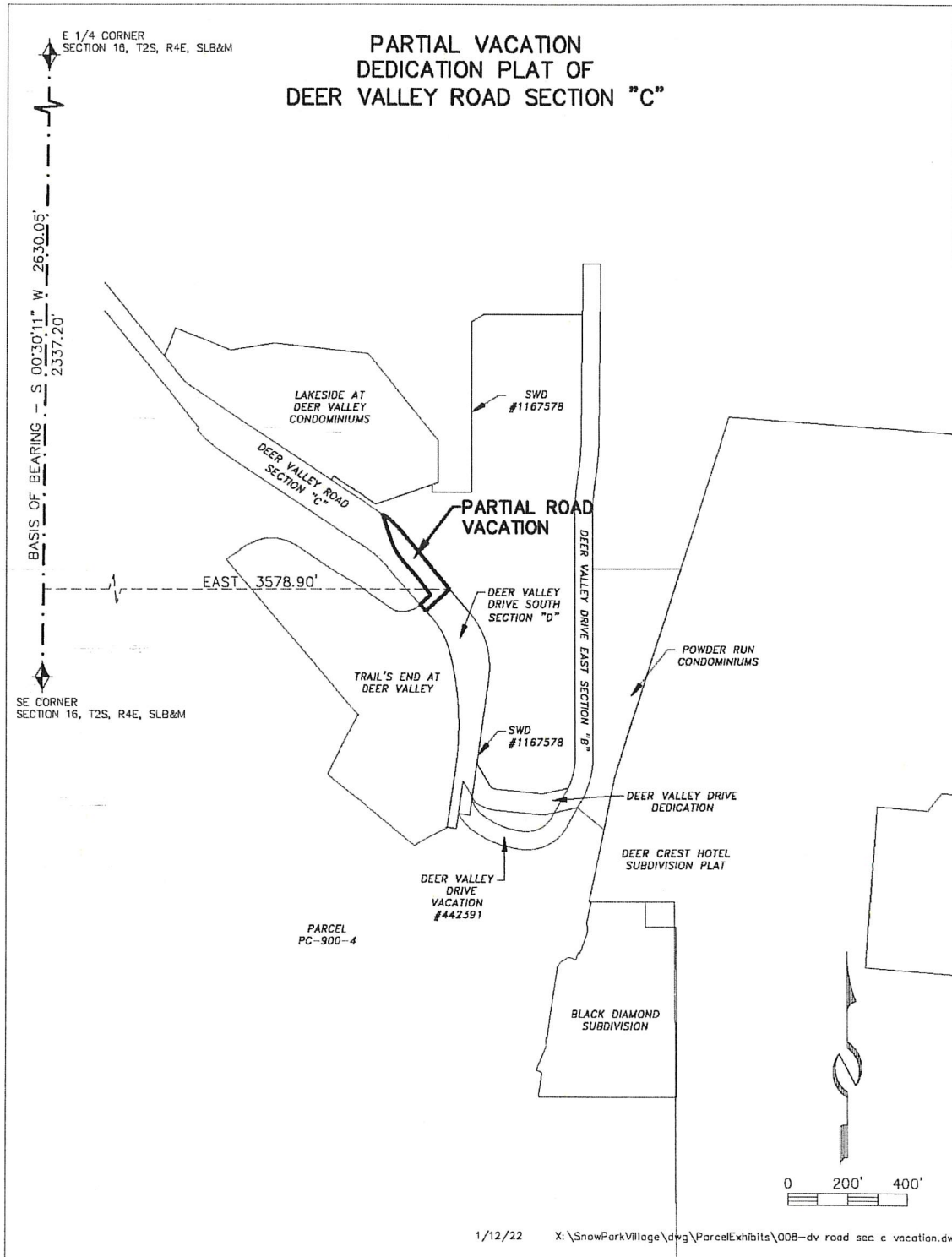
A parcel of land located in the northeast quarter of Section 22, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being described as follows:

Beginning at a point that is East 3977.60 feet and South 370.41 feet from the southeast corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point being on the westerly right-of-way of Deer Valley Drive East Section "B", recorded March 1, 1982, as Entry No. 188988 in the Office of the Recorder, Summit County, Utah, and also being the northeasterly corner of the Dedication Parcel in Exhibit C of Ordinance No. 95-59, recorded November 15, 1995, as Entry No. 442391 in the Office of the Recorder, Summit County, Utah; and running thence South  $26^{\circ}45'21''$  East 72.35 feet to the northeasterly corner of the Vacation Parcel in Exhibit B of Ordinance No. 95-59, recorded November 15, 1995, as Entry No. 442391 in the Office of the Recorder, Summit County, Utah; thence coincident with the northerly boundary of said Vacation Parcel South  $78^{\circ}09'28''$  West 80.54 feet to the southwesterly corner of the aforementioned Dedication parcel; thence coincident with said Dedication parcel the following two (2) courses: 1) North  $30^{\circ}00'00''$  East 77.39 feet to a point on a curve to the left having a radius of 249.90 feet, of which the radius point bears North  $60^{\circ}00'00''$  West; thence 2) along the arc of said curve 16.01 feet through a central angle of  $03^{\circ}40'14''$  to the point of beginning.

The Basis of Bearing for the above description is South  $00^{\circ}30'11''$  West 2630.05 feet between the east quarter corner and the southeast corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian.

Description contains 0.064 acres.





SNOW PARK VILLAGE  
PARTIAL VACATION OF  
DEDICATION PLAT OF  
DEER VALLEY ROAD SECTION "C"

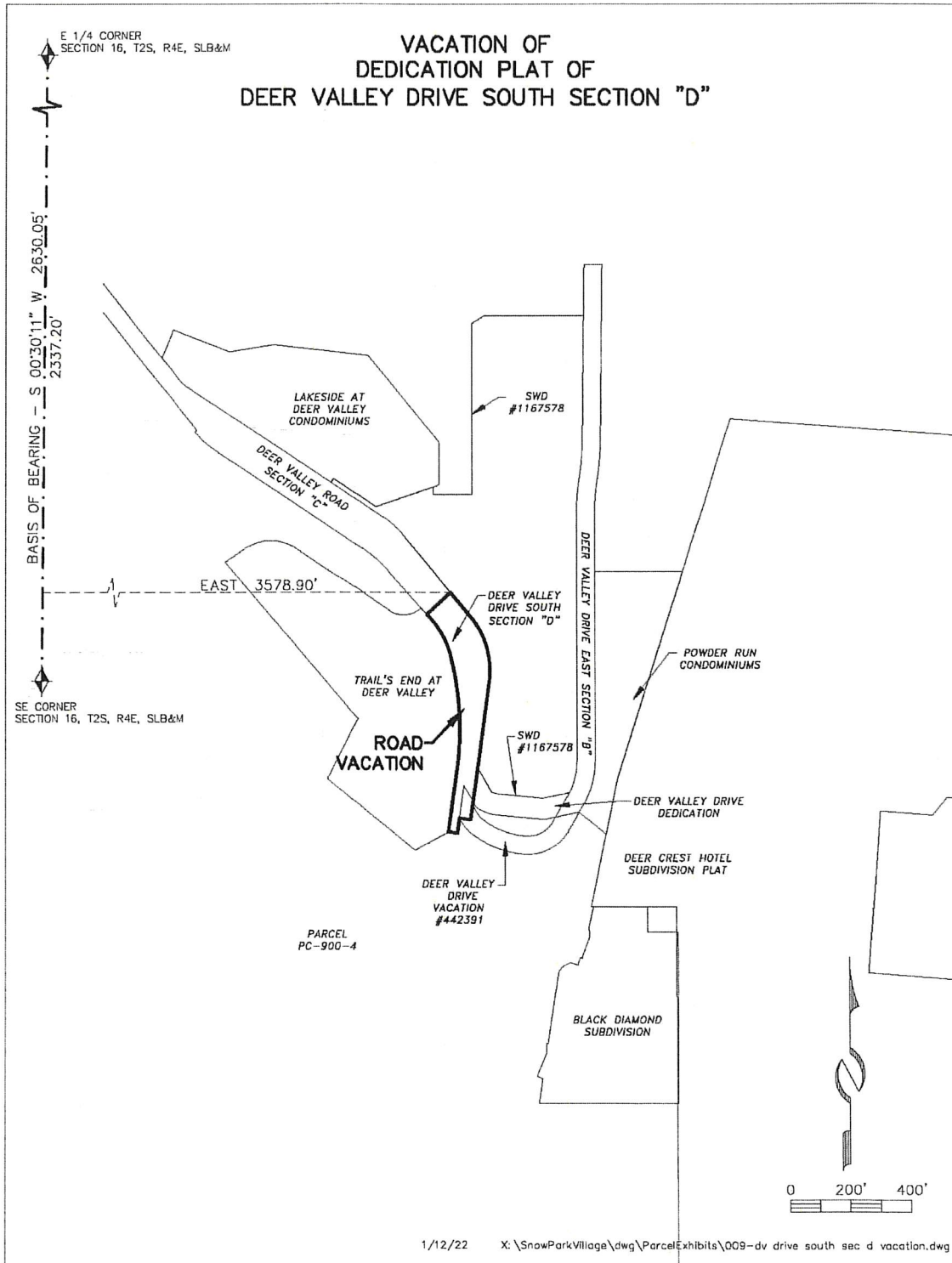
January 18, 2022

A parcel of land located in the southeast quarter of Section 15, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being described as follows:

Beginning at a point that is South  $00^{\circ}30'11''$  West 2337.20 feet and East 3578.90 feet from the east quarter corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point being the easternmost corner of the Dedication Plat of Deer Valley Road Section "C", recorded April 16, 1980, as Entry No. 165811 in the Office of the Recorder, Summit County, Utah; and running thence coincident with the southeasterly end of Deer Valley Road Section "C" South  $47^{\circ}53'34''$  West 107.67 feet to the southernmost point of said Deer Valley Road Section "C", said point also being on the easterly boundary of Trail's End at Deer Valley, recorded March 18, 2009, as Entry No. 867530 in the Office of the Recorder, Summit County, Utah; thence coincident with the easterly boundary of Trail's End at Deer Valley North  $42^{\circ}06'26''$  West 29.08 feet; thence North  $47^{\circ}53'34''$  East 47.72 feet; thence North  $37^{\circ}30'27''$  West 67.84 feet; thence North  $41^{\circ}44'02''$  West 70.59 feet to a point on a curve to the right having a radius of 247.00 feet, of which the radius point bears North  $48^{\circ}15'58''$  East; thence along the arc of said curve 100.21 feet through a central angle of  $23^{\circ}14'46''$ ; thence North  $18^{\circ}29'16''$  West 81.14 feet to the northerly right-of-way of said Deer Valley Road Section "C"; thence coincident with the northerly right-of-way of Deer Valley Road Section "C" the following three (3) courses: 1) South  $56^{\circ}25'40''$  East 2.56 feet to a point on a curve to the right having a radius of 308.53 feet, of which the radius point bears South  $33^{\circ}34'20''$  West; thence 2) along the arc of said curve 88.46 feet through a central angle of  $16^{\circ}25'40''$ ; thence 3) South  $40^{\circ}00'00''$  East 249.01 feet to the point of beginning.

The Basis of Bearing for the above description is South  $00^{\circ}30'11''$  West 2630.05 feet between the east quarter corner and the southeast corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian.

Description contains 0.42 acres.



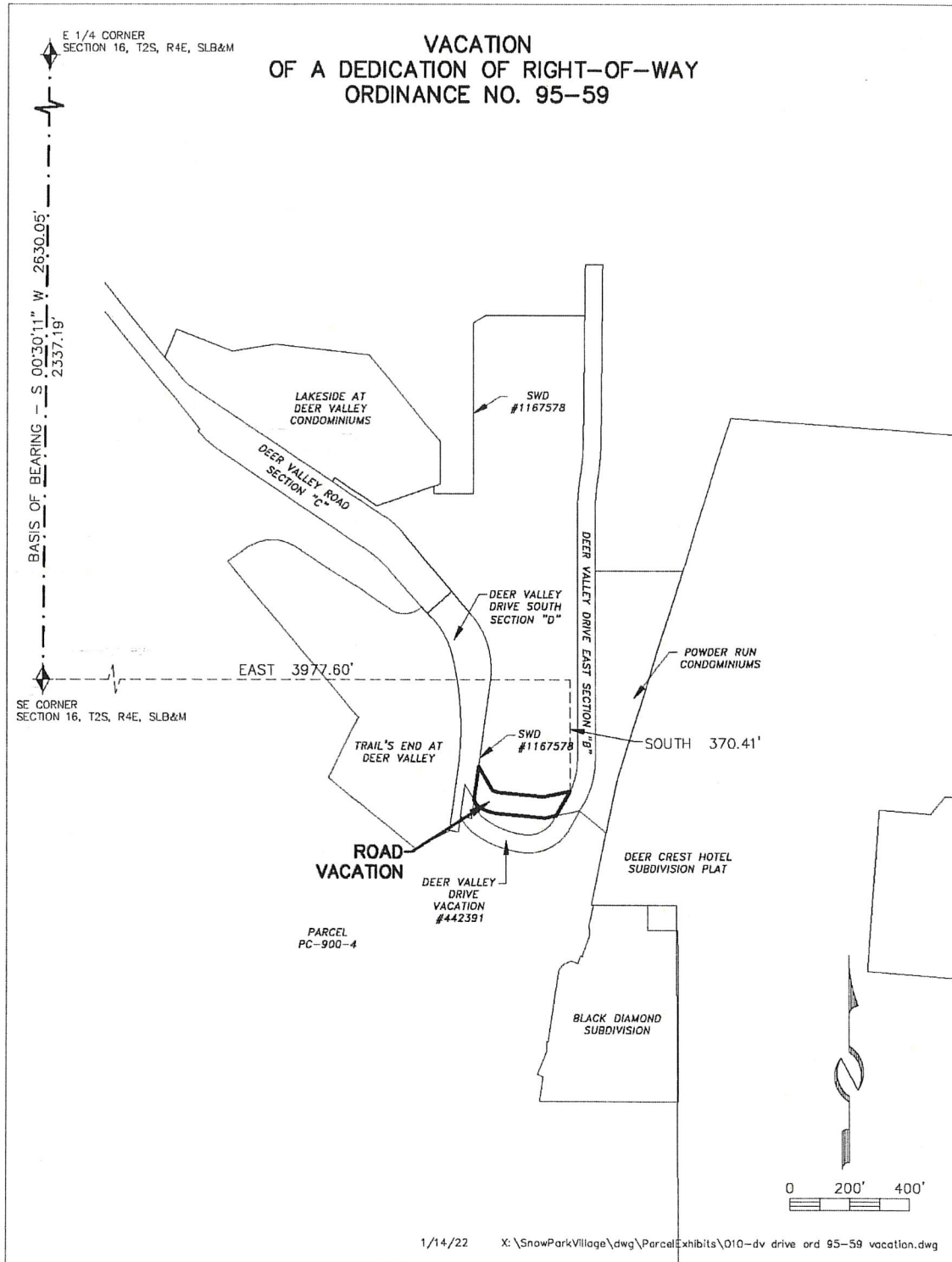
Matt Dias  
January 31, 2022  
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SNOW PARK VILLAGE

VACATION OF  
DEDICATION PLAT OF  
DEER VALLEY DRIVE SOUTH SECTION "D"

January 12, 2022

Dedication Plat of Deer Valley Drive South Section "D", located in the south half of Section 15 and the north half of Section 22, Township 2 South, Range 4 East, Salt Lake Base and Meridian, recorded March 1, 1982, as Entry No. 188987 in the Office of the Recorder, Summit County, Utah.



SNOW PARK VILLAGE

VACATION OF  
A DEDICATION OF RIGHT-OF-WAY  
ORDINANCE NO. 95-59

January 14, 2022

Beginning at a point on the westerly right-of-way of Deer Valley Drive East Section 'B', said point being South 1248.12 feet and East 4008.65 feet from the east 1/4 corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian (Basis of Bearing being  $S00^{\circ}30'11''E$  from the east quarter corner of said Section 16 to the southeast corner of said Section 16); thence along said right-of-way, as described on Section 'B' of Deer Valley Drive East plat as recorded in the Summit County Recorder's Office, Entry Number 188988, the following four courses: (1)  $S00^{\circ}40'00''W$  579.06 feet to a point on an 878.16 foot radius curve to the right (center bears  $N89^{\circ}20'00''W$ ); thence (2) along the arc of said curve 127.48 feet through a central angle of  $08^{\circ}19'03''$  to a point of a reverse curve to the left (center bears  $S81^{\circ}00'57''E$ ); thence (3) along the arc of said curve 136.50 feet through a central angle of  $08^{\circ}59'03''$ ; thence (4) South 800.00 feet to a point on a 249.90 foot radius curve to the right (center bears West); thence along the arc of said curve and the western right-of-way of Deer Valley Drive East, 114.84 feet through a central angle of  $26^{\circ}19'46''$  to the true point of beginning; thence departing from said right-of-way  $S78^{\circ}14'07''W$  89.60 feet; thence  $N84^{\circ}36'26''W$  145.24 feet to a point on an 80.00 foot radius curve to the right (center bears  $N05^{\circ}23'34''E$ ); thence along the arc of said curve 28.08 feet through a central angle of  $20^{\circ}06'46''$ ; thence  $N30^{\circ}26'41''W$  92.28 feet to a point on the east right-of-way of Deer Valley Drive South Section 'D' as recorded in the Summit County Recorder's Office, Entry Number 188987; thence along said right-of-way  $S08^{\circ}00'00''W$  112.58 feet; thence departing said right-of-way  $S30^{\circ}26'41''E$  21.97 feet to a point on a non-tangent 150.00 foot radius curve to the left (center bears  $N34^{\circ}51'45''E$ ); thence along the arc of said curve 77.15 feet through a central angle of  $29^{\circ}28'11''$ ; thence  $S84^{\circ}36'26''E$  155.80 feet; thence  $N78^{\circ}14'07''E$  38.33 feet to a point on the westerly right-of-way of said Deer Valley Drive East; thence along said right-of-way the following two courses: (1)  $N30^{\circ}00'00''E$  77.39 feet to a point on a 249.90 foot radius curve to the left (center bears  $N60^{\circ}00'00''W$ ); thence (2) along the arc of said curve 16.01 feet through a central angle of  $03^{\circ}40'14''$  to the true point of beginning.

Contains 0.52 acres, more or less.

EXHIBIT B  
[EXISTING INTERESTS OF RECORD]

1. Right of Way and Easement Grant, dated SEPTEMBER 22, 1980, in favor of MOUNTAIN FUEL SUPPLY COMPANY, a Utah corporation, to lay, maintain, operate, repair, inspect, protect, remove and replace pipe lines, valves, valve boxes and other gas transmission and distribution facilities, through and across a portion of the subject property. Said Right of Way and Easement grant recorded NOVEMBER 18, 1980, as Entry No. 173018, in Book M172, at Page 173, SUMMIT County Recorder's Office.
2. GRANT OF EASEMENT (30' WIDE WATERLINE EASEMENT) from DEER VALLEY RESORT COMPANY, A UTAH LIMITED PARTNERSHIP to PARK CITY MUNICIPAL CORPORATION for the right privilege and authority to construct, operate, replace, repair and maintain underground water lines and pipes and related facilities, recorded APRIL 20, 1998, as Entry No. 504727, in Book 1137, at Page 372, SUMMIT County Recorder's Office.
3. GRANT OF EASEMENT dated SEPTEMBER 15, 2000, by and between DEER VALLEY RESORT COMPANY, A UTAH LIMITED PARTNERSHIP and BLACK DIAMOND LODGE LLC, A DELAWARE LIMITED LIABILITY COMPANY, recorded SEPTEMBER 18, 2000, as Entry No. 573026, in Book 1334, at Page 40, SUMMIT County Recorder's Office.
4. GRANT OF EASEMENT in favor of SNYDERVILLE BASIN SEWER IMPROVEMENT STRICT the right, privilege and authority to construct, operate, replace, repair and maintain sewers and pipes including all necessary fixtures under, across and upon the subject property. Said Easement recorded SEPTEMBER 19, 2001, as Entry No. 598557, in Book 1396, at Page 26, Summit County Recorder's Office.
5. GRANT OF EASEMENT in favor of SNYDERVILLE BASIN WATER RECLAMATION DISTRICT the right, privilege and authority to construct, operate, replace, repair and maintain sewers and pipes including all necessary fixtures under, across and upon the subject property. Said Easement recorded JANUARY 2, 2004, as Entry No. 684488, in Book 1591, at Page 1357, Summit County Recorder's Office.
6. Right of Way and Easement Grant, in favor of QUESTAR GAS COMPANY, A CORPORATION OF THE STATE OF UTAH, to lay, maintain, operate, repair, inspect, protect, remove and replace pipe lines, valves, valve boxes and other gas transmission and distribution facilities, through and across a portion of the subject property. Said Right of Way and Easement grant recorded JULY 21, 2004, as Entry No. 705276, in Book 1635, at Page 1170, SUMMIT County Recorder's Office.
7. Grant of Easement in favor of PACIFICORP, AN OREGON CORPORATION, d/b/a ROCKY MOUNTAIN POWER, ITS SUCCESSORS AND ASSIGNS, a perpetual easement and right of way for the right of way, erection, operation and continued maintenance, repair, inspection, relocation and replacement of the electric transmission and distribution circuits recorded DECEMBER 10, 2010, as Entry No. 912687, in Book 2060, at Page 1678, SUMMIT County Recorder's Office.