

Ordinance No. 10-38

**ORDINANCE APPROVING THE YARD SUBDIVISION, LOCATED AT
1251 & 1225 KEARNS BOULEVARD, PARK CITY, UTAH.**

WHEREAS, the property owner has petitioned the City Council for approval of The Yard Subdivision, and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on October 13, 2010, to receive input on The Yard Subdivision;

WHEREAS, the Planning Commission, on October 13, 2010, forwarded a positive recommendation to the City Council;

WHEREAS, the City Council held a public hearing on November 4, 2010, to receive input on The Yard Subdivision; and

WHEREAS, it is in the best interest of Park City, Utah to approve The Yard Subdivision.

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 Yard Subdivision as shown in Attachment A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The site is located at 1251 & 1225 Kearns Boulevard.
2. The site is located within the General Commercial District with the Frontage Protection Zone Overlay.
3. The overall site contains 200,376 square feet (4.6 acres).
4. The site consists of eight (8) separate metes and bounds parcels.
5. Some of these parcels overlap, have gaps, or do not close.
6. Any future development will have to comply with the development standards of the current zoning district.
7. The subdivision will create one lot of record

Conclusions of Law:

1. There is good cause for this subdivision as the site contains eight (8) separate legal descriptions which overlap, have gaps, or do not close.

2. The subdivision will eliminate the overlaps, gaps, or errors in the descriptions and unify the eight (8) parcels into one (1) lot of record.
3. The subdivision is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
4. Neither the public nor any person will be materially injured by the proposed plat amendment.
5. Approval of the subdivision, 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 one lot subdivision for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will submit the subdivision plat to the City for recordation 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.

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

PASSED AND ADOPTED this 4th day of November, 2010.

PARK CITY MUNICIPAL CORPORATION



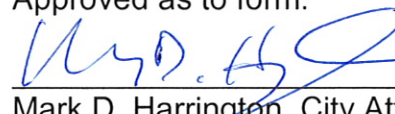
Mayor Dana Williams

Attest:



Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney



Attachement A - Proposed One Lot Subdivision

SURVEYOR'S CERTIFICATE

I, John Demme, certify that I am a Registered Land Surveyor and that I hold Certificate No. 10485, as prescribed by the laws of the State of Utah, and that by this certificate I am authorized to practice my profession in the State of Utah. I have personally supervised the survey shown on this plat.



ACKNOWLEDGMENT

State of Utah } ss.
County of Summit }
On this _____ day of _____, 2010, personally appeared before me _____ who being by me duly sworn, did say that he is the _____ of M.J. 1988 Investment Partnership, a Georgia limited partnership, and that the foregoing Certificate and Dedication was signed on behalf of said corporation by authority of its governing agreement, and said acknowledgment to me that said corporation executed the same.

Notary Public
My Commission Expires _____

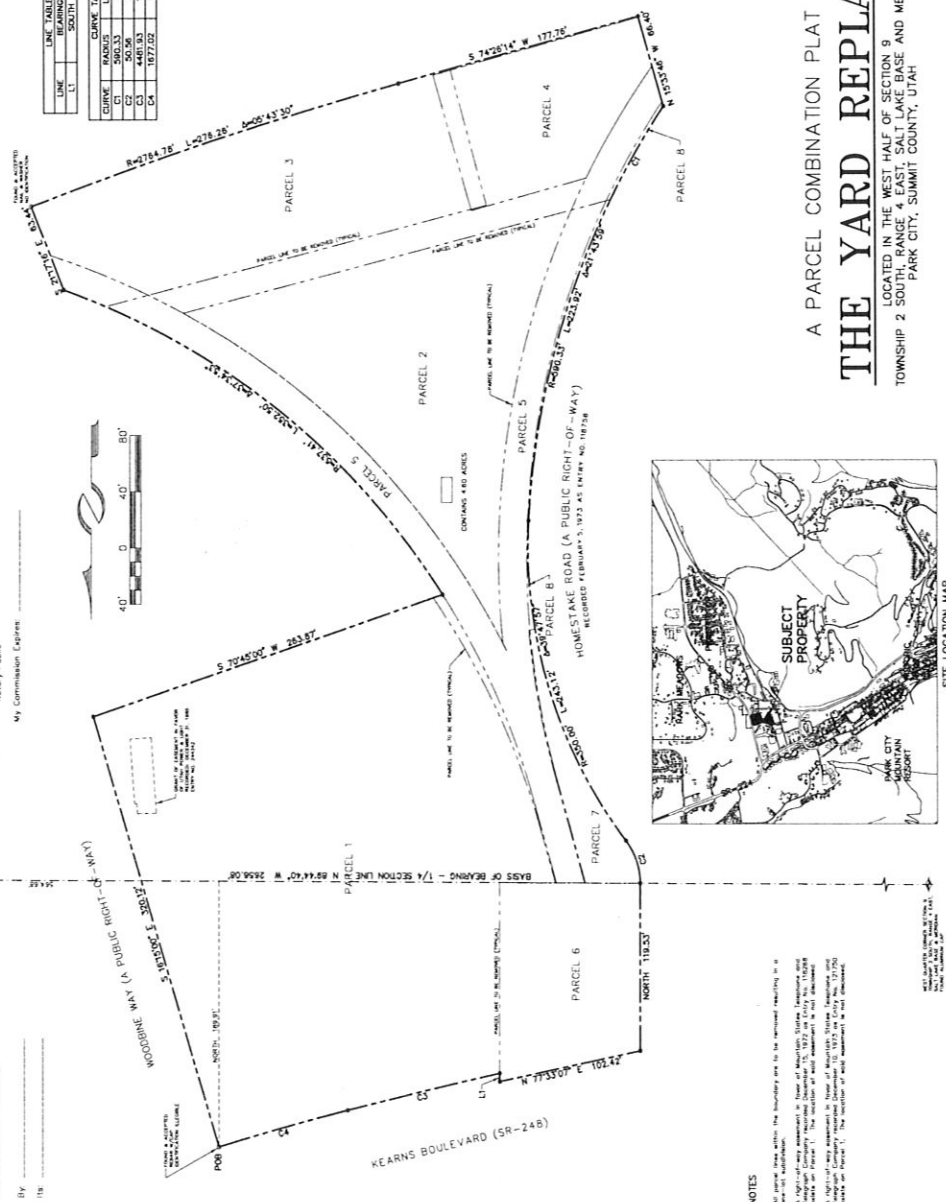
OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS, that M.J. 1988 Investment Partnership, a Georgia limited partnership, the owner of the land shown on this plat, has caused a survey to be made and this record of survey map, plat, and certificate of dedication to be recorded in the public records of the State of Utah, in witness whereof the undersigned has executed this certificate and dedication this _____ day of _____, 2010.

M.J. 1988 Investment Partnership
A Georgia Limited Partnership

By _____
Title _____

LINE	BEARING	DISTANCE	DELTA
L1	S 01° 18' 36" W	100.00	0.000
C1	S 89° 53' 33" E	50.00	0.000
C2	S 89° 53' 33" E	50.00	0.000
C3	S 89° 53' 33" E	50.00	0.000
C4	S 89° 53' 33" E	50.00	0.000



NOTES

- All points shown on this plat are to be set as shown on this plat.
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BOUNDARY DESCRIPTION

A parcel of land located in the northeast quarter and the southeast quarter of Section 9, Township 2 South, Range 4 East, Salt Lake Meridian, and containing more or less the area shown on this plat, is hereby described as follows: ...

DEED DESCRIPTIONS

PARCEL 1
Beginning at a point north 89°44'47" west along the section corner the 764.23 feet from the center of Section 9, Township 2 South, Range 4 East, Salt Lake Meridian, ...

PARCEL 2
Beginning at a point north 89°44'47" west along the section corner the 764.23 feet from the center of Section 9, Township 2 South, Range 4 East, Salt Lake Meridian, ...

PARCEL 3
Beginning at a point north 89°44'47" west along the section corner the 764.23 feet from the center of Section 9, Township 2 South, Range 4 East, Salt Lake Meridian, ...

PARCEL 4
Beginning at a point north 89°44'47" west along the section corner the 764.23 feet from the center of Section 9, Township 2 South, Range 4 East, Salt Lake Meridian, ...

PARCEL 5
Beginning at a point north 89°44'47" west along the section corner the 764.23 feet from the center of Section 9, Township 2 South, Range 4 East, Salt Lake Meridian, ...

PARCEL 6
Beginning at a point north 89°44'47" west along the section corner the 764.23 feet from the center of Section 9, Township 2 South, Range 4 East, Salt Lake Meridian, ...

PARCEL 7
Beginning at a point north 89°44'47" west along the section corner the 764.23 feet from the center of Section 9, Township 2 South, Range 4 East, Salt Lake Meridian, ...

PARCEL 8
Beginning at a point north 89°44'47" west along the section corner the 764.23 feet from the center of Section 9, Township 2 South, Range 4 East, Salt Lake Meridian, ...

LEGEND

- Property owner to be set
- Future owner to be set
- Street corner to be set

A PARCEL COMBINATION PLAT

THE YARD REPLAT

LOCATED IN THE WEST HALF OF SECTION 9
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

SHEET 1 OF 1

COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2010 A.D. BY _____ MAYOR	CERTIFICATE OF ATTEST I, _____ COUNTY CLERK, do hereby certify that the foregoing map was approved by the Park City Council on this _____ day of _____, 2010 A.D. BY _____ PARK CITY RECORDER	ENGINEER'S CERTIFICATE I, _____ ENGINEER, do hereby certify that the foregoing map was prepared in accordance with the laws of the State of Utah and the rules and regulations of the Board of Professional Engineers and Surveyors. FILED IN MY OFFICE THIS _____ DAY OF _____, 2010 A.D. BY _____ CHAIRMAN	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2010 A.D. BY _____ CHAIRMAN
SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2010 A.D. BY _____ S.B.W.R.D.			

