

Ordinance No. 10-05

AN ORDINANCE APPROVING A ONE YEAR EXTENSION OF THE HABITAT REPLAT PLAT AMENDMENT LOCATED AT 154 MARSAC AVENUE, PARK CITY, UTAH

WHEREAS, the owners of the property located at 154 Marsac Avenue have petitioned the City Council for approval of the plat amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on May 28, 2008, to receive input on the plat amendment; and

WHEREAS, the Planning Commission, on May 28, 2008, forwarded a positive recommendation to the City Council; and

WHEREAS, on June 12, 2008, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, on June 12, 2009, the City received a completed application requesting a one (1) year extension of the approved plat amendment; and

WHEREAS, on February 25, 2010, the City Council held a public hearing to receive input on the plat amendment extension; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Habitat Replat plat amendment extension.

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 Habitat Replat Plat Amendment extension, as shown in Attachment 1 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 154 Marsac Avenue.
2. The zoning is Historic Residential (HR-1).
3. The proposed plat reconfigures the parcels and the platted right-of-way and creates three lots of record.

4. The Land Management Code requires a minimum lot width in the HR-1 zoning district of 25'. The lot widths of the Habitat Replat Subdivision Plat are 61 feet for Lot 1, 51 feet for Lot 2, and 68 feet for Lot 3.
5. The Land Management Code requires a minimum lot area in the HR-1 zoning district of 1,875 square feet. The lot areas of the Habitat Replat plat are 3,792.8 square feet for Lot 1, 3,145.4 square feet for Lot 2, and 4,483.4 square feet for Lot 3.
6. The proposed replat creates a snow storage easement 10 feet wide along the front property lines off Ontario Avenue
7. A remnant parcel of land will not be created by this plat amendment.
8. Access to the lots is from Ontario Avenue.
9. There is no increase in density.
10. The project is compatible with the neighborhood.
11. One lot containing 4,483.4 square feet will be dedicated to the city for open space.
12. A portion of 108.5 square feet located west of Lot 1 is dedicated to the city as part of the existing Marsac Avenue Right-of-Way.
13. The platted right-of-way is unusable as determined by the 1984 Streets Master Plan.
14. All findings within the Analysis section are incorporated within.
15. That the City finds "good cause" for the street vacation due to the community benefit of affordable housing.

Conclusions of Law:

1. There is good cause for this plat amendment extension.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
3. Neither the public nor any person will be materially injured by the proposed plat amendment extension.
4. Approval of the plat amendment extension, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.
5. The City finds "good cause" for the vacation of the Marsac Right-of-Way based on the net tangible benefit of the affordable housing aspect of this replat.

Conditions of Approval:

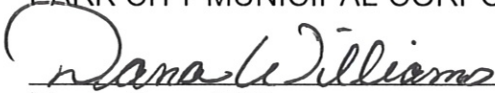
1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the original date of the expiration of City Council approval (by June 12, 2010). If recordation has not occurred within one year's time, this extension of approval for the plat will be void. The applicant may apply for an extension to this time limit if needed.
3. The lot containing 4,483.4 square feet is dedicated to the city for open space.

4. A public snow storage easement 10 feet wide along the front property lines off Ontario Avenue will be created.
5. A portion of 108.5 square feet located west of Lot 1 is dedicated to the city as part of the existing Marsac Avenue Right-of-Way.

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

PASSED AND ADOPTED this 25th day of February, 2010.

PARK CITY MUNICIPAL CORPORATION



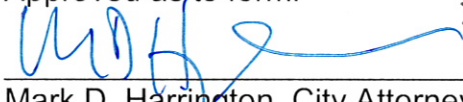
Mayor Dana Williams

Attest:



Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney



Attachment 1 - Proposed Plat Amendment

BOUNDARY DESCRIPTION

PANEL 1: In the southwest corner of Block 53, Park City Survey, according to the original plat thereof, the NE 1/4 of Parcel 1 is a portion of a quarter section 2405, Township 36 N, Range 117 W, Meridian 11E. Parcel 1 is bounded on the north by the northern boundary of Block 53, Park City Survey, which is 2330.00 feet long and contains lots 1 through 13. The total area of Parcel 1 is 500,000 square feet. The plat for Parcel 1 is recorded in the Office of the County Clerk, Summit County, Utah, under the name of "MILLSITE RESERVATION / BLOCK 52, PARK CITY SURVEY HABITAT REPLAT" (Plat 1958) and the date of recording is 10/13/2014. The plat for Parcel 1 is recorded in the Office of the County Clerk, Summit County, Utah, under the name of "MILLSITE RESERVATION / BLOCK 52, PARK CITY SURVEY HABITAT REPLAT" (Plat 1958) and the date of recording is 10/13/2014. The plat for Parcel 1 is recorded in the Office of the County Clerk, Summit County, Utah, under the name of "MILLSITE RESERVATION / BLOCK 52, PARK CITY SURVEY HABITAT REPLAT" (Plat 1958) and the date of recording is 10/13/2014.

PANEL 2: Description contains 3,188 square feet.

PANEL 3: Description contains 2,777 square feet.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS, that I, the undersigned owner, do hereby dedicate and consent to record in the public records of this jurisdiction, the subdivision plat for the lots shown on the attached plat, together with all easements, rights, and interests therein, and I hereby agree to execute all such documents as may be required to carry out the intent of this dedication and consent.

ACKNOWLEDGEMENT

I, the undersigned, being duly sworn, depose and say that I am the owner of the above described tract of land and that I signed the above Declaration and Consent to Record Herby and Voluntarily.

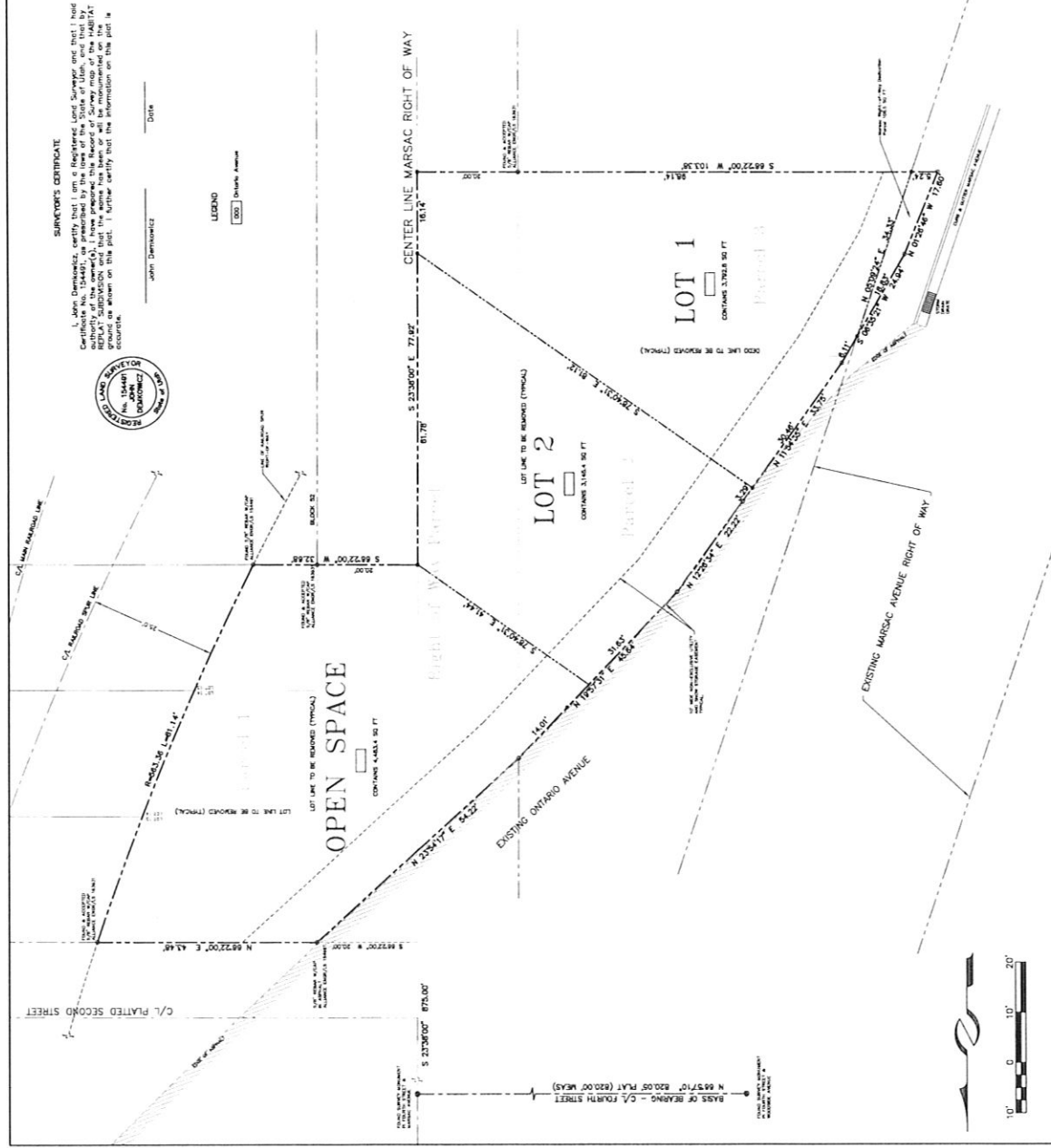
MILLSITE RESERVATION / BLOCK 52, PARK CITY SURVEY HABITAT REPLAT

LOCATED IN SECTION 16, TOWNSHIP 36 NORTH, RANGE 117 WEST, MERIDIAN 11E, SUMMIT COUNTY, UTAH

SURVEYOR'S CERTIFICATE

I, John Demers, certify that I am a Registered Professional Surveyor in the State of Utah and that I have prepared this Record of Survey map of the HABITAT REPLAT of the Millsite Reservation. I further certify that the information on this plat is correct.

JOHN DEMERS
DATE: _____



APPROVAL AS TO FORM

I, _____, Surveyor, approve the form of this map as filed in my office this _____ day of _____, 2008 A.D.

ENGINEER'S CERTIFICATE

I, _____, Engineer, certify that this map complies with the requirements of the Utah Surveying Act and I approve the form of this map as filed in my office this _____ day of _____, 2008 A.D.

PLANNING COMMISSION

APPROVED BY THE PARK CITY PLANNING COMMISSION on this _____ day of _____, 2008 A.D. BY _____ CHAIRMAN

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2008 A.D. BY _____ S.W. P.D.

ENGINEER'S CERTIFICATE

I, _____, Engineer, certify that this map complies with the requirements of the Utah Surveying Act and I approve the form of this map as filed in my office this _____ day of _____, 2008 A.D.

APPROVAL AS TO FORM

I, _____, Surveyor, approve the form of this map as filed in my office this _____ day of _____, 2008 A.D.

CERTIFICATE OF ATTEST

I, _____, Park City Recorder, certify that this map was filed in my office this _____ day of _____, 2008 A.D.

COUNCIL APPROVAL AND ACCEPTANCE

APPROVED AND ACCEPTED BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2008 A.D.

BY _____ MAYOR
BY _____ RECORDER

FILE NO. 53-10-07 FILE #3 PARK CITY SURVEY AREA MAPS, BLOCK 52, PLAT 1958

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____

DATE _____ TIME _____ BOOK _____ PAGE _____

