

Ordinance No. 12-02

AN ORDINANCE APPROVING THE FIRST AMENDED MORNING STAR ESTATES LOTS 1 AND 2 AND WATER TANK PARCEL PLAT AMENDMENT LOCATED AT 3701 AND 3715 RISING STAR LANE, PARK CITY, UTAH.

WHEREAS, the owners of property located at 3715 Rising Star Lane have petitioned the City Council for approval of the First Amended Morning Star Estates, Lots 1 and 2 and Water Tank Parcel 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 sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on November 9, 2011, to receive input on the Morning Star Estates Lot 2 Plat Amendment;

WHEREAS, on November 9, 2011, the Planning Commission voted unanimously to forward a positive recommendation to the City Council;

WHEREAS; the City Council, held a public hearing on January 5, 2012; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the First Amended Morning Star Estates, Lots 1 and 2 and Water Tank Parcel Plat Amendment.

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 Morning Star Estates Lots 1 and 2 Plat Amendment 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 3701 and 3715 Rising Star Lane within the Estate (E) and Recreation Open Space (ROS) zoning districts.
2. There are no proposed changes to the building envelope of Lot 2 as recorded on the original plat or any other physical changes proposed to the lot.
3. The applicants are requesting to remove a parcel of property owned by Park City and used as an overflow detention basin as part of the adjacent water tank property and that is incorrectly shown as a part of the recorded Lots 1 and 2, Morning Star Estates recorded plat.
4. The applicant proposes no changes to the current easements recorded on the property which are necessary for the City to gain access to the water tank and overflow detention basin.

5. The applicant is entitled to construct one single-family dwelling on the proposed Lot 2 as amended, within the recorded building envelope.
6. Parcel A is a non-buildable (for primary structures) parcel permanently associated with Lot 2.
7. Lot 1 of the Morning Star Estates Subdivision currently contains approximately 123 square feet of property by Park City Municipal Corporation.
8. Lot 2 of the Morning Star Estates Subdivision contains a .39 acre portion of property owned by Park City Municipal Corporation that dissects the recorded lot.
9. The original "Water Tank Parcel" that is adjacent to Lot 2 is contiguous with the portion of property owned by the City.
10. The property owned by the City which is now a part of Lots 1 and 2 is used as an overflow detention basin for the water tank.
11. The City is granting an easement on the City parcel for the owners of Lot 2 to access Parcel A. The easement will merely give access on the City parcel for the owners of Lot 2 to access Parcel A.
12. The location of the proposed easement will not hamper City activities around the Water Tank or the associated detention pond.

Conclusions of Law:


1. There is good cause for this plat amendment.
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.
4. Approval of the plat amendment, 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 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 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 complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Future development is subject to the notes on the original plat associated with Lot 2, and as noted on the amended plat to read "All conditions of approval of the original plat, Morning Star Estates, recorded March 31, 1993, as Entry No. 376621 will remain in full force and effect."
4. Parcel A is not separately buildable or developable, and shall remain a part of the ownership of Lot 2 in perpetuity.
5. The City will grant an easement on the City parcel for the owners of Lot 2 to access Parcel A.

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

PASSED AND ADOPTED this 5th day of January, 2012.
PARK CITY MUNICIPAL CORPORATION



Mayor Dana Williams

Attest:



Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney

