

Ordinance No. 12-18

**AN ORDINANCE APPROVING THE SECOND SUPPLEMENTAL PLAT FOR
CONSTRUCTED UNITS AT THE BELLES AT EMPIRE PASS CONDOMINIUMS AMENDING
UNIT 9, LOCATED AT 14 SILVER STRIKE TRAIL, PARK CITY, UTAH.**

WHEREAS, the owners of the property known as The Belles at Empire Pass Condominium Unit 9, have petitioned the City Council for approval of the Second Supplemental plat for Constructed Units at the Belles at Empire Pass, a Utah Condominium project; 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 in the Park Record and notice letters were sent to all affected property owners, in accordance with the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on June 13, 2012, to receive input on the supplemental plat;

WHEREAS, the Planning Commission, on June 13, 2012, forwarded a positive recommendation to the City Council; and,

WHEREAS, on June 28, 2012, the City Council held a public hearing on the amended record of survey plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Second Supplemental plat for Constructed Units at the Belles at Empire Pass, a Utah Condominium project to document the as-built conditions and constructed Unit Equivalents for this completed condominium unit.

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 Second Supplemental plat for Constructed Units at the Belles at Empire Pass, a Utah Condominium project, 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, Unit 9 of the Amended, Consolidated, and Restated Condominium Plat of The Belles at Empire Pass and associated common area, is located at 14 Silver Strike Trail. The property is located on portions of Lot 1 of the Silver Strike subdivision and is within Pod A of the Flagstaff Mountain Development, in an area known as the Village at Empire Pass.
2. The property is located within the RD –MPD zoning district and is subject to the Flagstaff Mountain Development Agreement and Village of Empire Pass MPD.
3. The City Council approved the Flagstaff Mountain Development Agreement and Annexation Resolution 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum densities, location of densities, and developer-offered amenities.
4. On July 28, 2004, the Planning Commission approved a Master Planned Development (MPD) for the Village at Empire Pass, aka Pod A. The MPD identified the area of the proposed condominium plat as the location for 18 PUD –style detached single family homes and duplexes.

5. On June 29, 2006, the City Council approved the Silver Strike Subdivision creating two lots of record. Unit 9 is located on Lot 1 of the Silver Strike Subdivision.
6. On August 17, 2007, the City Council approved 4 units on Lot 2 as the Christopher Homes at Empire Pass Phase I condominium plat. The plat was recorded at Summit County on October 3, 2007.
7. On November 29, 2007, the City Council approved the first amended Christopher Homes at Empire Pass Phase II condominium plat creating an additional 4 units on Lot 2. The plat was recorded at Summit County on February 20, 2008.
8. On April 23, 2008, the City Council approved two more condominium units on Lot 1 of the Silver Strike subdivision as Christopher Homes at Empire Pass Phase III condominium plat. The plat was recorded at Summit County on December 1, 2008.
9. On August 28, 2008, the City Council approved the Christopher Homes at Empire Pass Phase IV plat for eight additional condominium units on Lots 1 and 2, specifically units 5/6, 7/8, 13/14, and 17/18 in duplex configurations. The plat was recorded at Summit County on November 19, 2008.
10. March 24, 2011, the City Council approved the Amended, Consolidated, and Restated Condominium Plat of The Belles at Empire Pass amending, consolidating, and restating the previously recorded Christopher Homes at Empire Pass condominium plats Phases I, II, III, and IV. Also on March 24, 2011, the City Council approved the First Supplemental Plat for Constructed Units 1, 2, and 12 of the Belles at Empire Pass Condominiums. These plats were recorded November 28, 2011.
11. On April 11, 2012, the Planning Department received a complete application for the Second Supplemental Plat for Constructed Units for Unit 9.
12. The purpose of the supplemental plat is to describe and document the as-built conditions and the UE calculations for constructed Unit 9 at the Belles Condominiums prior to issuance of a certificate of occupancy and to identify private, limited common and common area for this unit.
13. The supplemental plat complies with the conditions of approval of the underlying plats, namely the Silver Strike subdivision plat and the Amended, Consolidated, and Restated Condominium plat of The Belles at Empire Pass. The plat is consistent with the development pattern envisioned by the Village at Empire Pass MPD and the 14 Technical Reports of the MPD and the Flagstaff Development Agreement.
14. Unit 9 is located on Lot 1 of the Silver Strike subdivision plat.
15. The approved maximum house size is 5,000 square feet of Gross Floor Area, as defined by the LMC. Gross Floor Area exempts basement areas below final grade and 600 square feet of garage area. Unit 9 contains 4,968 sf Gross Floor Area.
16. The Flagstaff Development Agreement requires calculation of unit equivalents (UE) for all Belles units, in addition to the maximum house size. The UE formula includes all interior square footage "calculated from the inside surfaces of the interior boundary wall of each completed unit, excluding all structural walls and components, as well as all shafts, ducts, flues, pipes, conduits and the wall enclosing such facilities. Unit Equivalent floor area includes all basement areas. Also excluded from the UE square footage are garage space up to 600 square feet per unit and all space designated as non-habitable on this plat." Within the Flagstaff Development Agreement one residential unit equivalent equals 2,000 sf.
17. Unit 9 contains a total of 5,738 square feet and utilizes 2.869 UE. The total UE to date for constructed units 1, 2, 12, and 9 is 11.818 Unit Equivalents of the 45 total UE allocated for the Belles at Empire Pass.
18. As conditioned, this supplemental plat is consistent with the approved Flagstaff Development Agreement, the Village at Empire Pass MPD, and the conditions of approval of the Silver Strike Subdivision.
19. The findings in the analysis section are incorporated herein.

Conclusions of Law

1. There is good cause for this supplemental plat as it memorializes the as-built conditions for Unit 9.
2. The supplemental plat 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 supplemental plat.
4. Approval of the supplemental plat, subject to the conditions of approval stated below, will 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 of the supplemental plat 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 at Summit County within one year from the date of City Council approval. If recordation has not occurred within the one year timeframe, this approval 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. All conditions of approval of the Village at Empire Pass Master Planned Development, the Silver Strike Subdivision plat, and the Amended, Consolidated, and Restated Condominium Plat of The Belles at Empire Pass shall continue to apply.
4. As a condition precedent to issuance of a final certificate of occupancy for Unit 9, the supplemental plat shall be recorded at Summit County.

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

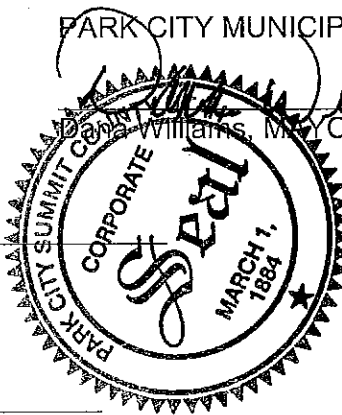
PASSED AND ADOPTED this 28th day of June, 2012.

PARK CITY MUNICIPAL CORPORATION

[Signature]
Mayor

ATTEST:

[Signature]
Janet M. Scott, City Recorder



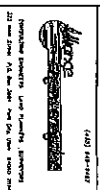
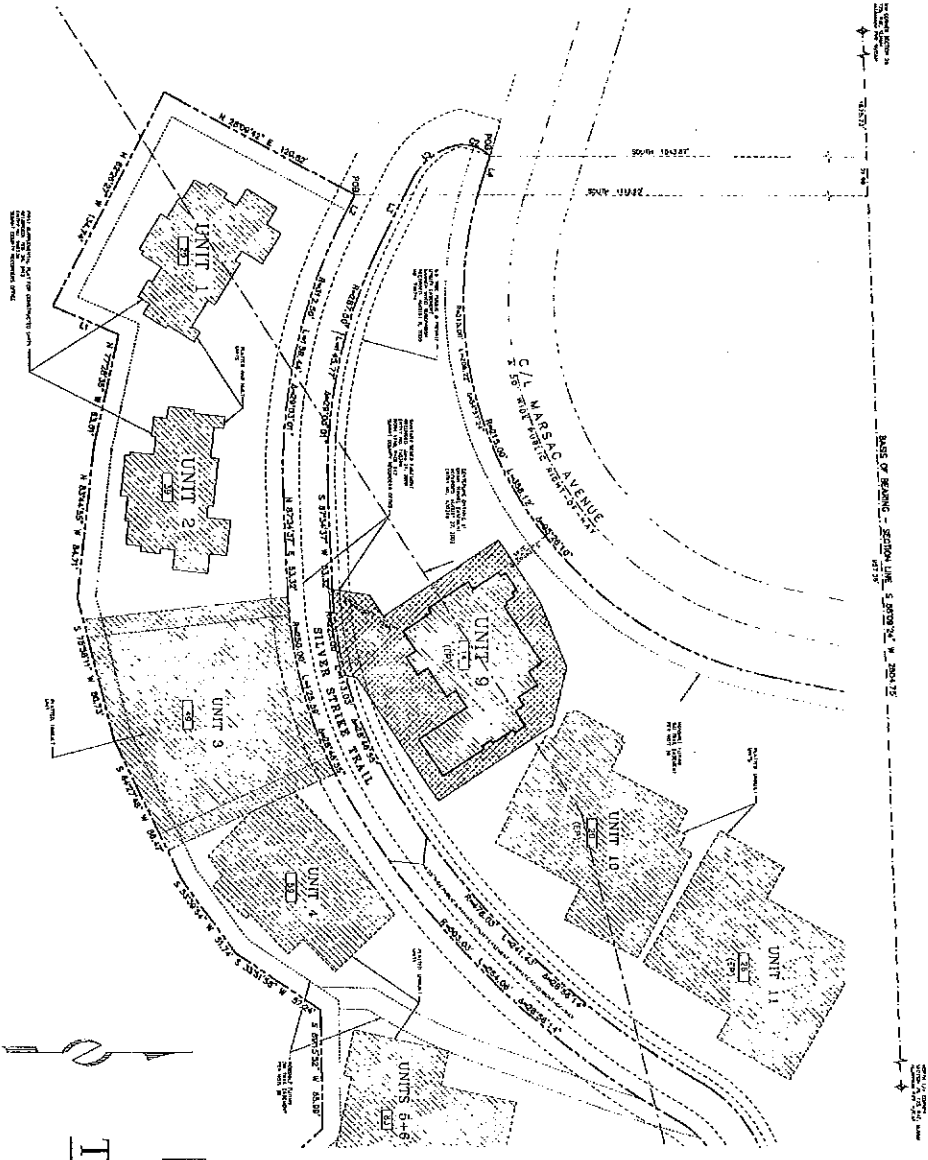
APPROVED AS TO FORM:

[Signature]
Mark D. Harrington, City Attorney



OWNER'S CERTIFICATE
 I, the undersigned, being the owner of the above described premises, do hereby certify that the same are being offered for sale as a condominium project in accordance with the provisions of the Utah Condominium Act, Chapter 37, Utah Code Annotated, 1953, as amended, and that the same are being offered for sale as a condominium project in accordance with the provisions of the Utah Condominium Act, Chapter 37, Utah Code Annotated, 1953, as amended, and that the same are being offered for sale as a condominium project in accordance with the provisions of the Utah Condominium Act, Chapter 37, Utah Code Annotated, 1953, as amended.

BOUNDARY DESCRIPTIONS
 (1) The boundary between the subject premises and the premises owned by the State of Utah, as shown on the map of the State of Utah, is as follows: ...
 (2) The boundary between the subject premises and the premises owned by the State of Utah, as shown on the map of the State of Utah, is as follows: ...



ENGINEER'S CERTIFICATE
 I, the undersigned, being a duly licensed Professional Engineer in the State of Utah, do hereby certify that the above described premises are being offered for sale as a condominium project in accordance with the provisions of the Utah Condominium Act, Chapter 37, Utah Code Annotated, 1953, as amended, and that the same are being offered for sale as a condominium project in accordance with the provisions of the Utah Condominium Act, Chapter 37, Utah Code Annotated, 1953, as amended.

PLANNING COMMISSION
 APPROVED BY THE PARK CITY PLANNING COMMISSION THIS DAY OF _____ 2012 A.D.
 BY: _____

APPROVAL AS TO FORM
 APPROVED AS TO FORM THIS DAY OF _____ 2012 A.D.
 BY: PARK CITY ATTORNEY

CERTIFICATE OF ATTEST
 I, the undersigned, being a duly licensed Professional Engineer in the State of Utah, do hereby certify that the above described premises are being offered for sale as a condominium project in accordance with the provisions of the Utah Condominium Act, Chapter 37, Utah Code Annotated, 1953, as amended, and that the same are being offered for sale as a condominium project in accordance with the provisions of the Utah Condominium Act, Chapter 37, Utah Code Annotated, 1953, as amended.

COUNCIL APPROVAL AND ACCEPTANCE
 APPROVED AND ACCEPTED BY THE PARK CITY COUNCIL THIS DAY OF _____ 2012 A.D.
 BY: MAYOR

RECORDED
 STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ 2012 A.D.
 BY: _____

RECORDED
 STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ 2012 A.D.
 BY: _____

RECORDED
 STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ 2012 A.D.
 BY: _____

THE BELLES AT EMPIRE PASS

SECOND SUPPLEMENTAL PLAT FOR CONSTRUCTED UNITS

A UTAH EXPANDABLE CONDOMINIUM PROJECT AMENDING UNIT 9

LOCATED IN SECTION 28, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN AND MOUNTAIN PARK CITY, SUMMIT COUNTY, UTAH

APR 1 2012

PAGE 1 OF 3

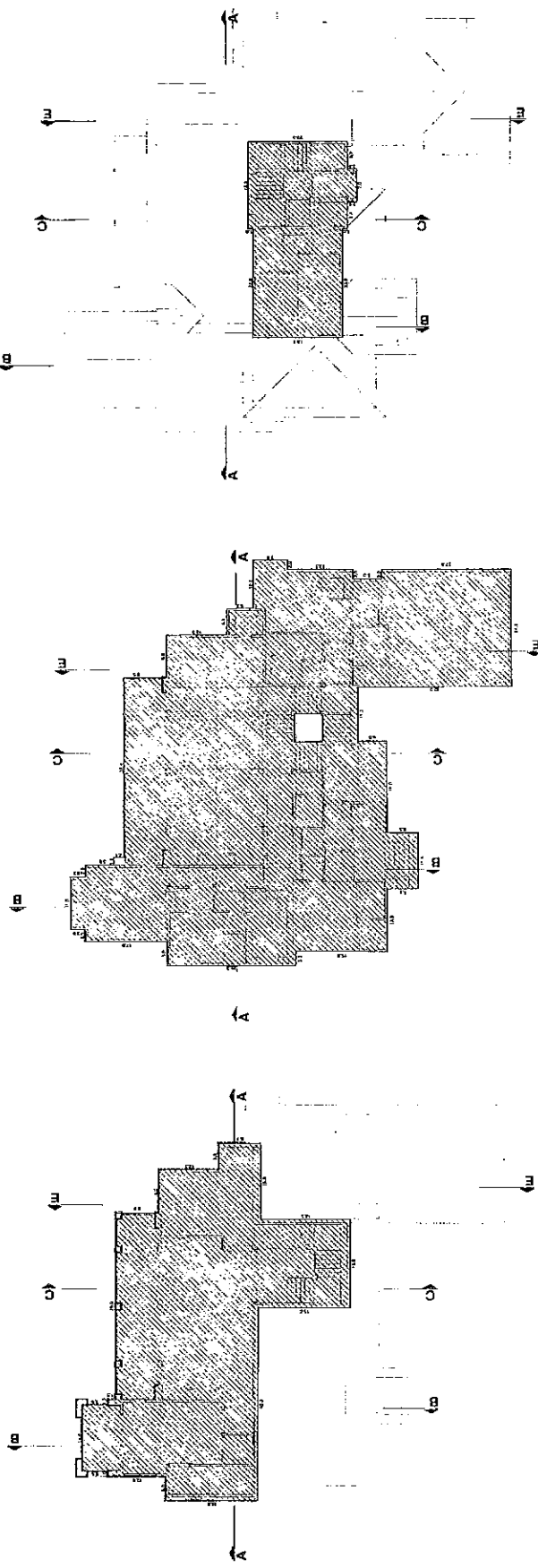
UNIT	AREA	PERCENT
UNIT 1	1,234.56	100%
UNIT 2	1,234.56	100%
UNIT 3	1,234.56	100%
UNIT 4	1,234.56	100%
UNIT 5	1,234.56	100%
UNIT 6	1,234.56	100%
UNIT 7	1,234.56	100%
UNIT 8	1,234.56	100%
UNIT 9	1,234.56	100%
UNIT 10	1,234.56	100%
UNIT 11	1,234.56	100%
UNITS 8-6	1,234.56	100%

LEGEND:
 (1) LOT
 (2) EASEMENT
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NOTES:
 1. The area shown on this plan is the same as the area shown on the plan of the State of Utah, as amended, and that the same are being offered for sale as a condominium project in accordance with the provisions of the Utah Condominium Act, Chapter 37, Utah Code Annotated, 1953, as amended.
 2. The area shown on this plan is the same as the area shown on the plan of the State of Utah, as amended, and that the same are being offered for sale as a condominium project in accordance with the provisions of the Utah Condominium Act, Chapter 37, Utah Code Annotated, 1953, as amended.
 3. The area shown on this plan is the same as the area shown on the plan of the State of Utah, as amended, and that the same are being offered for sale as a condominium project in accordance with the provisions of the Utah Condominium Act, Chapter 37, Utah Code Annotated, 1953, as amended.
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 5. The area shown on this plan is the same as the area shown on the plan of the State of Utah, as amended, and that the same are being offered for sale as a condominium project in accordance with the provisions of the Utah Condominium Act, Chapter 37, Utah Code Annotated, 1953, as amended.
 6. The area shown on this plan is the same as the area shown on the plan of the State of Utah, as amended, and that the same are being offered for sale as a condominium project in accordance with the provisions of the Utah Condominium Act, Chapter 37, Utah Code Annotated, 1953, as amended.

OWNER'S DEDICATION AND CONSENT TO RECORD
 I, the undersigned, being the owner of the above described premises, do hereby certify that the same are being offered for sale as a condominium project in accordance with the provisions of the Utah Condominium Act, Chapter 37, Utah Code Annotated, 1953, as amended, and that the same are being offered for sale as a condominium project in accordance with the provisions of the Utah Condominium Act, Chapter 37, Utah Code Annotated, 1953, as amended.

ACKNOWLEDGMENT
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1 LOWER LEVEL AREAS
SCALE: 1" = 10'

2 MAIN LEVEL AREAS
SCALE: 1" = 10'

3 UPPER LEVEL AREAS
SCALE: 1" = 10'

UNIT SQUARE FOOTAGE TABLE*

FLOOR	LEVELS	SQ. FT.	GROSS FLOOR AREA (GFA)
LOWER	1,777 SF	1,777 SF	1,777 SF
MAIN	3,504 SF	3,504 SF	3,504 SF
UPPER	577 SF	577 SF	577 SF
GARAGE	252 SF	252 SF	252 SF

- COMMON AREA
- PRIVATE OWNERSHIP UNIT
- LIMITED COMMON AREAS AND FACILITIES

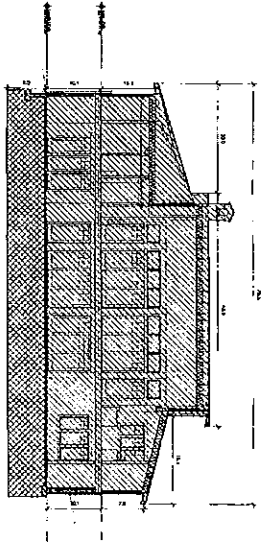
*Per Architectural Drawings

APR 11 2012

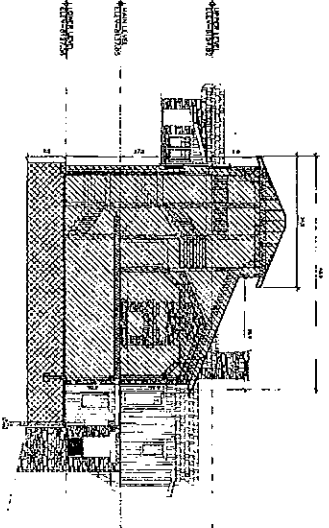
SHEET 2 OF 3

SECOND SUPPLEMENTAL PLAT FOR CONSTRUCTED UNITS
THE BELLES AT EMPIRE PASS
 A UTAH EXPANDABLE CONDOMINIUM PROJECT AMENDING UNIT 9
 LOCATED IN SECTION 26, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN AND MERIDIAN, PARK
 CITY, BLAINE COUNTY, UTAH

JOB NO. E-1-10
 RECORDED
 STATE OF UTAH COUNTY OF SUMMIT, AND FILED
 AT THE COUNTY CLERK'S OFFICE
 DATE: _____ TIME: _____ BOOK: _____ PAGE: _____
 FEE: _____ RECORDER: _____

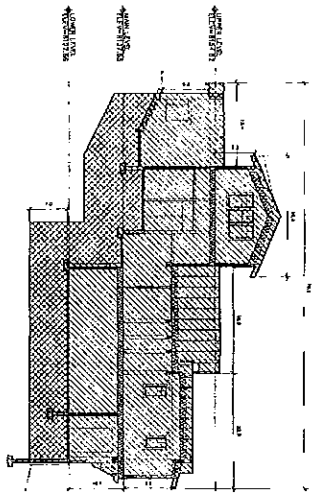


A BUILDING SECTION
SCALE: 1" = 10'

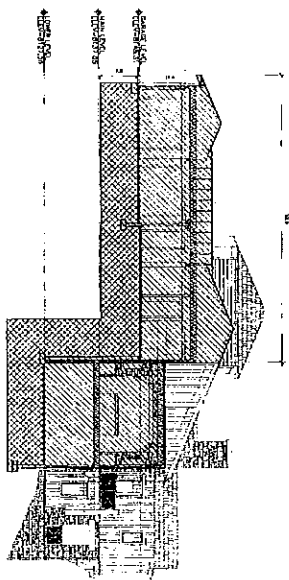


C BUILDING SECTION
SCALE: 1" = 10'

COMMON AREA
PRIVATE OWNERSHIP UNIT
LIMITED COMMON OWNERSHIP



B BUILDING SECTION
SCALE: 1" = 10'



E BUILDING SECTION
SCALE: 1" = 10'

THE BELLES AT EMPIRE PASS

SECOND SUPPLEMENTAL PLAN FOR CONSTRUCTED UNITS
A UTAH EXPANDABLE CONDOMINIUM PROJECT AMENDING UNIT 9
LOCATED IN SECTION 24, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SAULT LAKE BASIN AND MERIDIAN PARK
CITY, SARASOT COUNTY, UTAH

DB NO. 64-110
RECORDED
STATE OF UTAH, DEPT. OF SURVEY AND LAND
DATE _____ TIME _____ BOOK _____ PAGE _____
FEE _____ RECORDS _____