

Ordinance No. 13-15

**AN ORDINANCE APPROVING THE FOURTH SUPPLEMENTAL PLAT FOR
CONSTRUCTED UNITS AT THE BELLES AT EMPIRE PASS CONDOMINIUMS
AMENDING UNITS 5 AND 6, LOCATED AT 77 AND 83 SILVER STRIKE TRAIL,
PARK CITY, UTAH**

WHEREAS, the owners of the property known as The Belles at Empire Pass Condominium Units 5 and 6, have petitioned the City Council for approval of the Fourth 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 April 24, 2013, to receive input on the supplemental plat;

WHEREAS, the Planning Commission, on April 24, 2013, forwarded a recommendation to the City Council; and,

WHEREAS, on May 9, 2013, 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 Fourth 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 Fourth 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, Units 5 and 6 of the Amended, Consolidated, and Restated Condominium Plat of The Belles at Empire Pass and associated common area, are located at 77 and 83 Silver Strike Trail. The property is located on portions of Lot 2

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. Units 5 and 6 are located on Lot 2 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 June 28, 2012, the City Council approved the Second Supplemental Plat for Constructed Unit 9. This plat was recorded on November 20, 2012. The Third Supplemental Plat for Constructed Unit 4 was submitted concurrently with this Fourth Supplemental Plat and is being reviewed at this same meeting.
12. On February 5, 2013, the Planning Department received a complete application for the Fourth Supplemental Plat for Constructed Units 5 and 6.
13. The purpose of the supplemental plat is to describe and document the as-built conditions and the UE calculations for constructed Units 5 and 6 at the Belles Condominiums prior to issuance of a certificate of occupancy and to identify private, limited common and common area for this unit.
14. 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.

15. Units 5 and 6 are located on Lot 2 of the Silver Strike subdivision plat.
16. 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 5 contains 4,194 sf Gross Floor Area and Unit 6 contains 3,673.5 sf Gross Floor Area.
17. 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.
18. Unit 5 contains a total of 4,194 square feet and utilizes 2.097 UE. Unit 6 contains a total of 3,673.5 square feet and utilizes 1.837 UE. The total UE for Units 1, 2, 4, 5, 6, 9, and 12 is 18.567 Unit Equivalents of the 45 total UE allocated for the Belles at Empire Pass.
19. 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.
20. 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 Units 5 and 6.
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

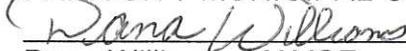
Development, the Silver Strike Subdivision plat, and the Amended, Consolidated, and Restated Condominium Plat of The Belles at Empire Pass shall continue to apply.

4. As a condition precedent to issuance of a final certificate of occupancy for Units 5 and 6, the supplemental plat shall be recorded at Summit County.
5. A note shall be added to the plat prior to recordation stating the following, "At the time of resurfacing of Silver Strike Trail, the Master Association shall be responsible to adjust wastewater manholes to grade according to Snyderville Basin Water Reclamation District Standards".
6. The Unit sizes and UEs shall be reflected on the plat as they are to reflect the actual size and UE of the Units.

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

PASSED AND ADOPTED this 9th day of May, 2013.

PARK CITY MUNICIPAL CORPORATION



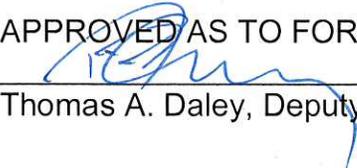
Dana Williams, MAYOR

ATTEST



Janet M. Scott, City Recorder

APPROVED AS TO FORM:



Thomas A. Daley, Deputy City Attorney



EXHIBIT A

SURVEYOR'S CERTIFICATE

I, the undersigned, do hereby certify that I am a Registered Land Surveyor and that I have examined the plat of the BELLES AT EMPIRE PASS and find that the same is correct and true to the original survey and that the same is in accordance with the provisions of the Utah Commission on Geomatics and Surveying Act, Chapter 10, Utah Code, 1953, as amended, and that I am duly qualified to perform the duties of a Registered Land Surveyor.

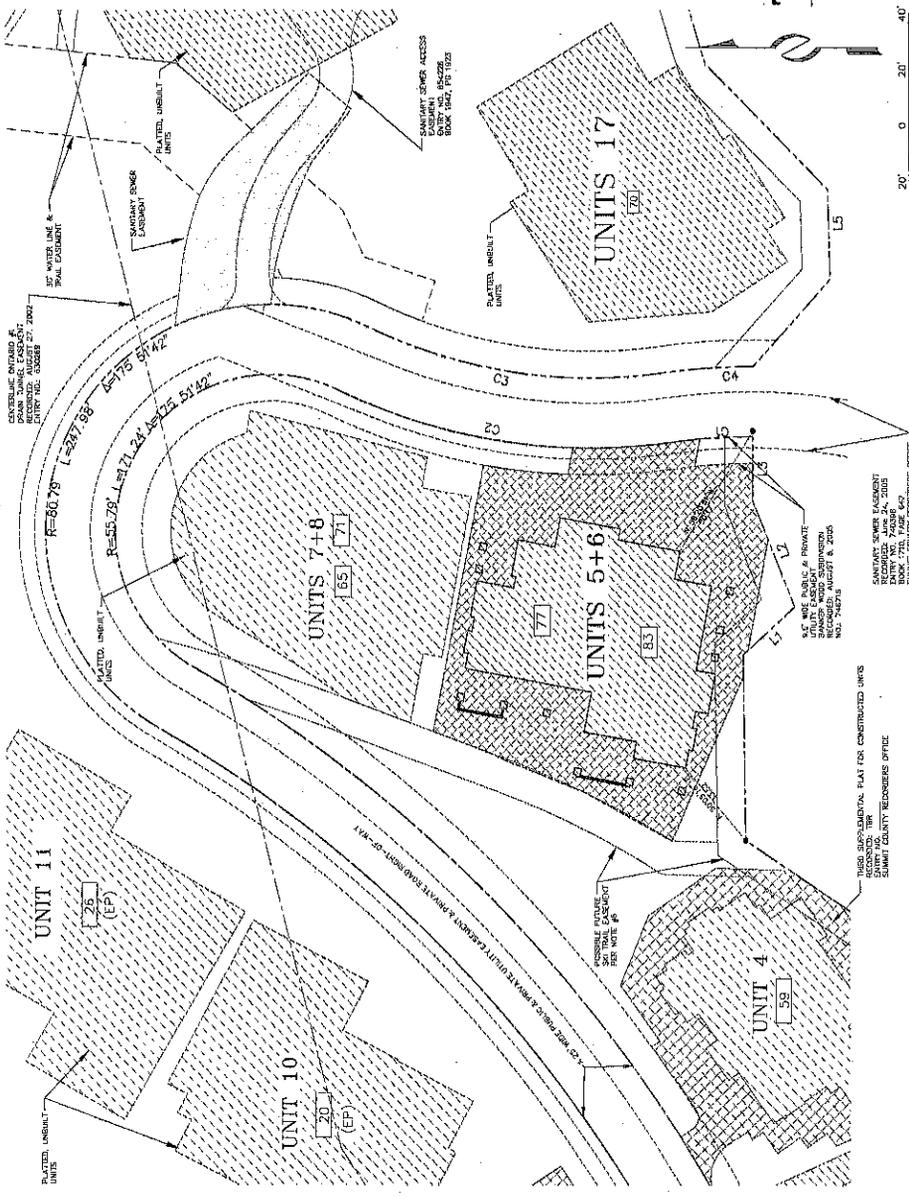


DATE: _____

BY: _____

BOUNDARY DESCRIPTIONS

(PARCELS 1) UNIT 11, as shown on the plat, is bounded on the north and east by the centerline of the BELLES AT EMPIRE PASS, on the south by the centerline of the BELLES AT EMPIRE PASS, and on the west by the centerline of the BELLES AT EMPIRE PASS. The area is bounded on the north and east by the centerline of the BELLES AT EMPIRE PASS, on the south by the centerline of the BELLES AT EMPIRE PASS, and on the west by the centerline of the BELLES AT EMPIRE PASS. The area is bounded on the north and east by the centerline of the BELLES AT EMPIRE PASS, on the south by the centerline of the BELLES AT EMPIRE PASS, and on the west by the centerline of the BELLES AT EMPIRE PASS.



OWNER'S DEDICATION AND CONSENT TO RECORD

I, the undersigned, do hereby certify that I am the owner of the property described in the plat of the BELLES AT EMPIRE PASS and that I have examined the plat and find that the same is correct and true to the original survey and that the same is in accordance with the provisions of the Utah Commission on Geomatics and Surveying Act, Chapter 10, Utah Code, 1953, as amended, and that I am duly qualified to perform the duties of an owner.

ACKNOWLEDGMENT

This instrument was acknowledged before me this _____ day of _____, 2013, by _____, the owner of the property described in the plat of the BELLES AT EMPIRE PASS.

OWNER'S DEDICATION AND CONSENT TO RECORD

I, the undersigned, do hereby certify that I am the owner of the property described in the plat of the BELLES AT EMPIRE PASS and that I have examined the plat and find that the same is correct and true to the original survey and that the same is in accordance with the provisions of the Utah Commission on Geomatics and Surveying Act, Chapter 10, Utah Code, 1953, as amended, and that I am duly qualified to perform the duties of an owner.

ACKNOWLEDGMENT

This instrument was acknowledged before me this _____ day of _____, 2013, by _____, the owner of the property described in the plat of the BELLES AT EMPIRE PASS.

NOTES

- All area within the boundaries of the BELLES AT EMPIRE PASS, as shown on the plat, is dedicated to the use of a public park.
- The area within the boundaries of the BELLES AT EMPIRE PASS, as shown on the plat, is dedicated to the use of a public park.
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LEGEND

LINE	THICKNESS	DESCRIPTION
1	3/16"	EXISTING TRAIL
2	1/8"	STREET ADDRESS OR OTHER STRIKE RAIL
3	1/8"	COMMON OWNERSHIP
4	1/8"	PRIVATE OWNERSHIP
5	1/8"	LIMITED COMMON OWNERSHIP

TABLE

LINE	BEARING	DISTANCE
1	S 89° 57' 48" W	41.54
2	S 89° 57' 48" W	22.72
3	S 89° 57' 48" W	22.72
4	S 89° 57' 48" W	22.72
5	S 89° 57' 48" W	22.72

CURVE DATA

LINE	BEARING	DELTA
1	29.87	82° 31' 30"
2	29.87	82° 31' 30"
3	29.87	82° 31' 30"
4	29.87	82° 31' 30"
5	29.87	82° 31' 30"

PLANNING COMMISSION

I, the undersigned, do hereby certify that I am the chairperson of the Planning Commission and that I have examined the plat and find that the same is correct and true to the original survey and that the same is in accordance with the provisions of the Utah Commission on Geomatics and Surveying Act, Chapter 10, Utah Code, 1953, as amended, and that I am duly qualified to perform the duties of a chairperson.

ENGINEER'S CERTIFICATE

I, the undersigned, do hereby certify that I am a Registered Professional Engineer and that I have examined the plat and find that the same is correct and true to the original survey and that the same is in accordance with the provisions of the Utah Commission on Geomatics and Surveying Act, Chapter 10, Utah Code, 1953, as amended, and that I am duly qualified to perform the duties of a Registered Professional Engineer.

APPROVAL AS TO FORM

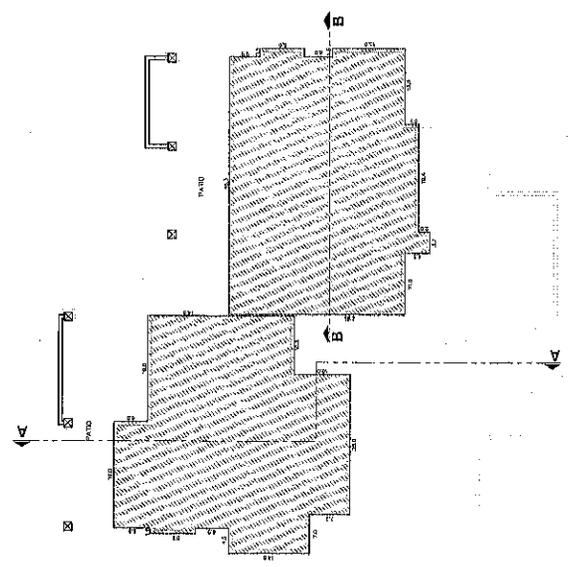
I, the undersigned, do hereby certify that I am the City Attorney and that I have examined the plat and find that the same is correct and true to the original survey and that the same is in accordance with the provisions of the Utah Commission on Geomatics and Surveying Act, Chapter 10, Utah Code, 1953, as amended, and that I am duly qualified to perform the duties of a City Attorney.

CERTIFICATE OF ATTEST

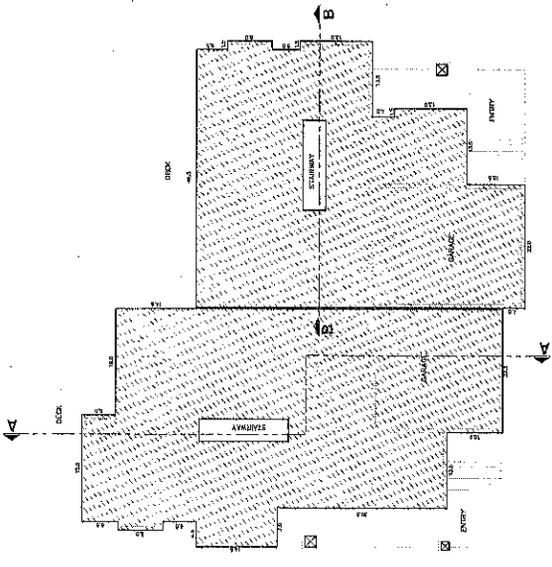
I, the undersigned, do hereby certify that I am the City Recorder and that I have examined the plat and find that the same is correct and true to the original survey and that the same is in accordance with the provisions of the Utah Commission on Geomatics and Surveying Act, Chapter 10, Utah Code, 1953, as amended, and that I am duly qualified to perform the duties of a City Recorder.

THE BELLES AT EMPIRE PASS

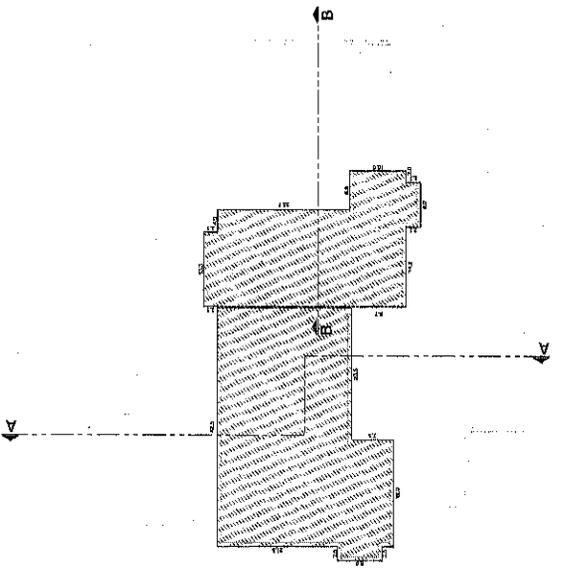
FOURTH SUPPLEMENTAL PLAT FOR CONSTRUCTED UNITS
 A UTILITY EXPANDABLE CONDOMINIUM PROJECT AMENDING UNITS 5 & 6
 LOCATED IN SECTION 8, TOWNSHIP 23 NORTH, RANGE 12 EAST, COUNTY OF SUMMIT, UTAH



1 LOWER LEVEL AREAS
SCALE: 1" = 10'



2 MAIN LEVEL AREAS
SCALE: 1" = 10'



3 UPPER LEVEL AREAS
SCALE: 1" = 10'

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

UNIT 5 SQUARE FOOTAGE TABLE*

LEVELS	SQUARE FOOTAGE	GROSS FLOOR AREA
LOWER	1,298 SF	1,298 SF
MAIN	1,824 SF	1,824 SF
UPPER	1,024 SF	1,024 SF
TOTAL SF	4,146 SF	4,146 SF
GARAGE	547 SF	547 SF

* Per Architectural Drawings

UNIT 6 SQUARE FOOTAGE TABLE*

LEVELS	SQUARE FOOTAGE	GROSS FLOOR AREA
LOWER	1,464 SF	1,464 SF
MAIN	1,621 SF	1,621 SF
UPPER	648.5 SF	648.5 SF
TOTAL SF	3,733.5 SF	3,733.5 SF
GARAGE	522.3 SF	522.3 SF

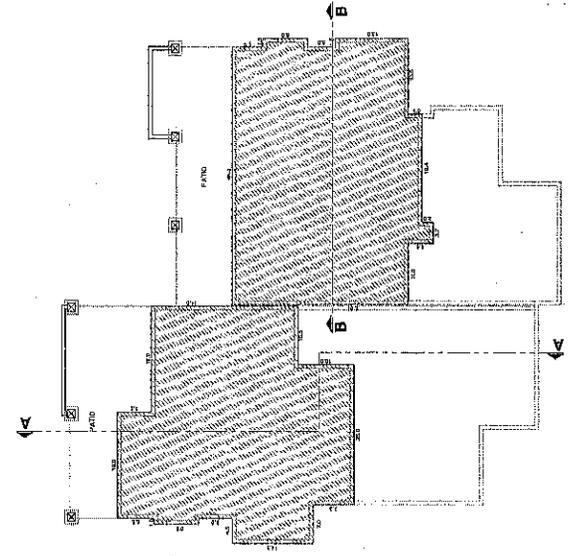
* Per Architectural Drawings

THIRD SUPPLEMENTAL PLAT FOR CONSTRUCTED UNITS

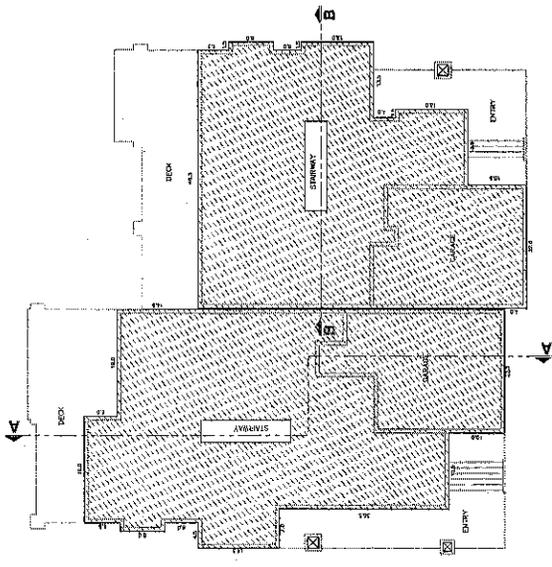
THE BELLES AT EMPIRE PASS

A UTAH EXPANDABLE CONDOMINIUM PROJECT AMENDING UNITS 5 + 6
 LOCATED IN SECTION 28, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK
 CITY, SUMMIT COUNTY, UTAH

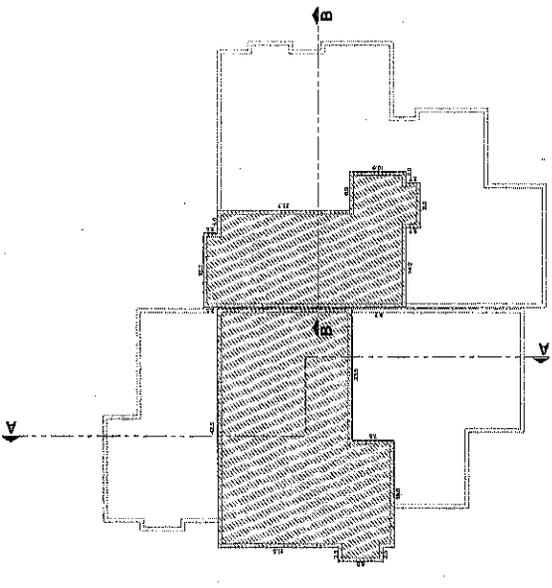
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 STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
 DATE: _____ TIME: _____ ROOM: _____ PAGE: _____
 FOR _____ RECORDERS



1 LOWER LEVEL AREAS
SCALE: 1" = 10'



2 MAIN LEVEL AREAS
SCALE: 1" = 10'



3 UPPER LEVEL AREAS
SCALE: 1" = 10'

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

UNIT 5 SQUARE FOOTAGE TABLE*

LEVELS	SQUARE FOOTAGE	GRASS FLOOR AREA
LOWER	1,526 SF	1,328 SF
MAIN	1,894 SF	1,894 SF
UPPER	1,024 SF	1,024 SF
TOTAL SF	4,444 SF	4,246 SF
GARAGE	517.5 SF	517.5 SF

* Per Architectural Drawings

UNIT 6 SQUARE FOOTAGE TABLE*

LEVELS	SQUARE FOOTAGE	GRASS FLOOR AREA
LOWER	1,624 SF	1,464 SF
MAIN	1,621 SF	1,621 SF
UPPER	648.5 SF	648.5 SF
TOTAL SF	3,893.5 SF	3,733.5 SF
GARAGE	522.3 SF	522.3 SF

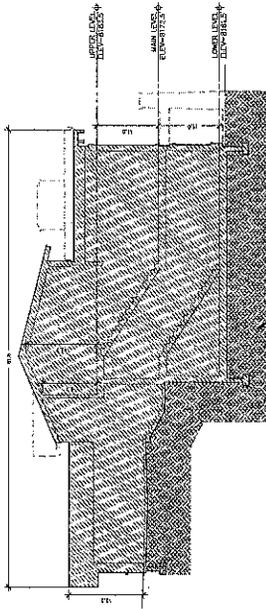
* Per Architectural Drawings

THIRD SUPPLEMENTAL PLAT FOR CONSTRUCTED UNITS

THE BELLES AT EMPIRE PASS

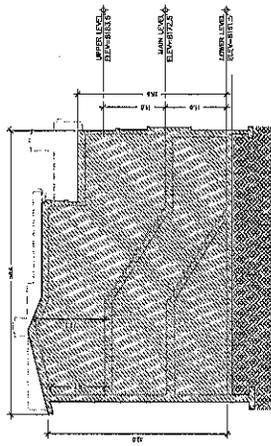
A UTAH EXPANDABLE CONDOMINIUM PROJECT AMENDING UNITS 5 + 6
 LOCATED IN SECTION 26, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK
 CITY, SUMMIT COUNTY, UTAH

RECORDED
 STATE OF UTAH, DEPT. OF SUMMIT, AND FILED
 AT THE REQUEST OF
 DATE: _____ TIME: _____ BOOK: _____ PAGE: _____
 FILE _____ RECORDS



The area under the roof structure is 7 feet above the ground. Limited Common areas on the ground surface is described and shown on Sheet 1.

A BUILDING SECTION
SCALE: 1" = 10'



B BUILDING SECTION
SCALE: 1" = 10'

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

THIRD SUPPLEMENTAL PLAN FOR CONSTRUCTED UNITS
THE BELLES AT EMPIRE PASS
 A UTAH EXPANDABLE CONDOMINIUM PROJECT AMENDING UNITS 5 + 6
 LOCATED IN SECTION 24, TOWNSHIP 2 SOUTH, RANGE 4 EAST, MOUNT LAKE PARK AND AMERICAN PARK
 CITY, SUMMIT COUNTY, UTAH

JOB NO. S-4-10 SHEET 3 OF 3
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 STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
 AT THE REQUEST OF _____
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