

**Ordinance 2017-30**

**AN ORDINANCE APPROVING THE VILLAGE AT EMPIRE PASS NORTH  
SUBDIVISION, LOCATED WITHIN POD A OF THE VILLAGE AT EMPIRE PASS  
MASTER PLANNED DEVELOPMENT, PARK CITY, UTAH**

WHEREAS, owners of the property known as PCA-S-98-BB, PCA-S-98-DD, and PCA-S-98-DD-EE, PCA-S-98 EE, PCA-S-384 and adjacent remnant parcels located to the north and east of the Village at Empire Pass Phase I Subdivision at Marsac Avenue and Village Way in Park City, Utah, have petitioned the City Council for approval of a subdivision plat; and

WHEREAS, these parcels include a total of 9.54 acres that were not included with any of the previous subdivisions of the Village at Empire Pass Pod A Master Planned Development. The subdivision consists of a 6.77 acre Lot 1 for future townhouse units, a 2.01 acre Lot 2 for Lodge Building 4, a 0.66 acre Lot 3 for future Lodge Building 3, and a 0.1 acre Lot 4 for ski area related uses; and

WHEREAS, legal notice of the public hearing was published in the Park Record and on the Utah Public Notice website on November 26<sup>th</sup> and December 28<sup>th</sup>, 2016, and on April 12<sup>th</sup> and 26<sup>th</sup>, 2017 for the revised plat, and the property was posted on November 30<sup>th</sup>, 2016 and on April 10<sup>th</sup> 2017, according to the requirements of the Land Management Code; and

WHEREAS, courtesy notice was sent to surrounding property owners on November 30, 2016 and resent on April 10, 2017 for the revised plat, according to requirements of the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on December 14, 2016 and January 11<sup>th</sup> and February 8<sup>th</sup> 2017, to receive input on the subdivision plat; and

WHEREAS, the Planning Commission, on February 8, 2017, forwarded a positive recommendation to the City Council; and,

WHEREAS, on March 1, 2017, the applicant requested a continuation in order to amend the plat to add property to Lots 1 and 2 that had recently been acquired; and

WHEREAS, on March 9, 2017, City Council held a public hearing on the subdivision plat and continued the item to a date uncertain; and

WHEREAS, on March 31, 2017, the applicant submitted revisions to the proposed plat adding 0.43 acres of property recently acquired to Lot 2 and 3.77 acres to Lot 1; and

WHEREAS, the Planning Commission held public hearings on April 26<sup>th</sup> and

May 24<sup>th</sup>, 2017, to receive public input on the subdivision plat; and

WHEREAS, the Planning Commission, on May 24, 2017, voted unanimously to forward a positive recommendation to the City Council; and,

WHEREAS, on June 15, 2017, City Council held a public hearing on the subdivision plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Village at Empire Pass North 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 subdivision plat 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 Marsac Avenue and Village Way within Pod A of the Master Planned Development for the Village at Empire Pass. Addresses will be assigned prior to plat recordation.
2. The zoning is Residential Development (RD) within Flagstaff Mountain Resort Annexation and Village at Empire Pass MPD area (RD-MPD). Lot 1 is partially within the Recreation Open Space (ROS) District.
3. On June 24, 1999, Council adopted Ordinance 99-30 and Resolution 20-99 approving the annexation and development agreement for the Flagstaff Mountain area.
4. Resolution 20-99 granted the equivalent of a "large-scale" master planned development (MPD) and set forth the types and locations of land use, maximum densities, timing of development, development approval process, as well as development conditions and amenities for each parcel.
5. The Flagstaff Development Agreement was subsequently amended and recorded in March of 2007.
6. The Development Agreement specifies that a total of 87 acres, within three development pods (A, B1 and B2), of the 1,750 acres of annexation property may be developed for the Mountain Village.
7. The Mountain Village is further constrained to a maximum density of 785 UE configured in no more than 550 dwelling units as multi-family, hotel, or PUD units, provided the number of PUD units do not exceed 60. The Mountain Village is also allowed 16 single family home sites. At least 50% of the residential units within the Mountain Village must be clustered within the primary development pod (Pod A).
8. There are currently 588.742 UE (382 multi-family units) platted within the Village at Empire Pass (Pods A, B1 and B2).

9. Based on a review of all UE and units constructed and platted to date within the Flagstaff Annexation Development area, there are sufficient remaining UE and units for these three lots.
10. The applicant requests a plat note referring to a recorded covenant identifying the maximum density allowed on Lot 3 as 24.5 UE configured in no more than twenty one (21) individual units, subject to final Conditional Use Permit review. Maximum density for lots within this subdivision is subject to the remaining density of the Flagstaff Annexation Development Agreement and final Conditional Use Permit review to be determined during future Conditional Use Permit review. No density is assigned to Lot 4 as it is to be used in connection with Deer Valley Resort and similar activities.
11. The applicant is not requesting allocation of any MPD Resort Support Commercial for this subdivision at this time. There exist a total of 3,687 sf of unallocated Resort Support Commercial that can be allocated within the Village MPD to Pods A, B1, and B2. This includes the 3.600 sf allocated to the B2East Subdivision.
12. Accounting of the support commercial, residential accessory space, and support meeting space is finalized at the time of review of the Conditional Use Permits and memorialized with final condominium plat approval.
13. On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass (Pod A), known as the Village Master Planned Development (VMPD) Pod A.
14. The purpose of the VMPD was to establish unit mix and density for the Village Master Plan, as well as addressing overall project infrastructure throughout the Annexation Area. The VMPD established building volumetric diagrams, including specific height exceptions, density, and development location.
15. The Village at Empire Pass West Side Subdivision plat was approved by Council in 2005 and recorded at Summit County on August 12, 2005. This subdivision platted Lots 12-18 of the VMPD (west side).
16. Village at Empire Pass Phase I Subdivision plat was approved by Council on September 30, 2004 and platted the east side lots. An amended Village at Empire Pass Phase I Subdivision plat was approved on January 6, 2011 and recorded on January 4, 2012.
17. Six lodge buildings have been built to date within Pod A namely Shooting Star, Silver Strike, Flagstaff Lodge (was Snowberry Lodge), Arrowleaf A and Arrowleaf B, and Grand Lodge. A seventh building, One Empire Pass is currently under construction. Additionally, Larkspur East and Larkspur West Townhouses (attached homes), Paintbrush and Belles PUD style homes, and six single family homes in Banner Wood are platted within Pod A. Of these units, one Belles PUD unit and 2 Banner Wood single family units remain to be permitted and constructed. Additionally 4 PUD units within Nakoma in Pod B1 remain to be permitted and constructed.
18. Three of the large lodge buildings (Buildings 1, 3, and 4) as well as additional townhouse and PUD style units remain to be constructed within the Village MPD Pod A.
19. The proposed subdivision consists of property that is currently described by metes and bounds. The request is for a 6.77 acre Lot 1, for future townhouse and PUD units, a 2.01 acre Lot 2 for Lodge Building 4, a 0.66 acre Lot 3 for future Lodge

- Building 3, and a 0.10 acre Lot 4. The property consists of a total of 9.54 acres.
20. Lots 1 and 2 have frontage on Marsac Avenue, a State Highway. Lot 3 has frontage on Village Way, a private street. Lot 2 also has frontage on Village Way. Lot 4 has access to Village via a proposed access easement across Lot 2.
  21. Lots 2 and 3 will take access off Village Way. Location of access off Marsac Avenue requires review and approval by UDOT and the City Engineer, as Marsac Avenue is currently a state highway.
  22. A Conditional Use Permit (CUP) is required prior to construction of the Lodge Buildings, PUD style units, and townhouses.
  23. Utilities are available to the lots. SBWRD recommended conditions and plat notes to address their concerns.
  24. All existing and required easements will be recorded on the plat, including utilities, storm drainage, access, snow storage, etc. No changes are proposed to existing streets.
  25. Final utility plans are required to be submitted with the Conditional Use Permit based on the proposed configuration of units and buildings. Additional off-site utility easements maybe required and will have to be recorded prior to issuance of building permits.
  26. There is no minimum or maximum lot size or lot width in the RD District.
  27. All applicable requirements of Land Management Code apply, unless otherwise allowed per the Flagstaff Development Agreement and the Village at Empire Pass MPD.
  28. A height exception and building volumetric were approved with the Village at Empire Pass Pod A Master Planned Development for the Lodge Buildings (Lots 2 and 3).
  29. The final Mylar plat is required to be approved and signed by the Snyderville Basin Water Reclamation District prior to recordation to ensure that requirements of the District are addressed.
  30. Snow storage area is required along public streets and rights-of-way due to the possibility of large amounts of snowfall in this location.
  31. On site affordable housing requirements are required by the Flagstaff Development-Affordable Housing Technical Report. This plat identifies an on-site housing obligation of 2.0 AUE for Lot 2 and 1.1 AUE for Lot 3 (per requirements of the Affordable Housing Mitigation Plan) to be incorporated into MPD Lodge Building 3 (on Lot 3) and Building 4 (on Lot 2) and noted on the plat. Also 0.84 AUE are an outstanding requirement of the Tower Residences to be constructed in MPD Lodge Building 1 (on Lot 9 of the Village at Empire Pass Subdivision). No AUE are planned or identified for Lot 1 of this Village at Empire Pass North Subdivision.
  32. Requirements of the Flagstaff Agreement will be reviewed and verified for compliance during the Conditional Use Permit applications reviewed for development on Lots 1, 2 and 3. This transportation, affordable housing, environmental, transfer fees, construction mitigation, and others as may apply. Some of these obligations are triggered by the number of certificates of occupancy issued.
  33. The property consists of more than 1.0 acres and shall is subject to requirements of the MS4 Storm Water Permit program.

34. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

#### Conclusions of Law

1. There is good cause for this subdivision plat.
2. The subdivision plat is consistent with the Park City Land Management Code and applicable State law regarding subdivisions, the Park City General Plan, and the Village at Empire Pass Master Planned Development.
3. Neither the public nor any person will be materially injured by the proposed subdivision.
4. 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 subdivision 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 one year's time, this approval for the plat will be void unless a written request for an extension is submitted to the City prior to the expiration date and the City Council grants an extension.
3. All applicable conditions, regulations, requirements, and stipulations of the Amended and Restated Development Agreement for Flagstaff Mountain, Bonanza Flats, Richardson Flats, The 20-Acre Quinn's Junction Parcel, and Iron Mountain (recorded at Summit County on March 2, 2007), and associated Technical Reports and Agreements, continue to apply.
4. The plat will note that conditions of approval of the Village at Empire Pass Master Planned Development (Pod A) shall continue to apply.
5. Utility structures such as ground sleeves and transformers and other dry utility boxes must be located on the lots.
6. Non-exclusive public utility easements (PUE) shall be indicated on the plat prior to recordation as approved by the City Engineer and SBWRD, including drainage easements.
7. A financial security to guarantee for the installation of any required public improvements is required prior to plat recordation in a form approved by the City Attorney and in an amount approved by the City Engineer.
8. A ten foot (10') wide snow storage easement is required along the private street frontages of the lots and a ten (10') wide public snow storage easement is required along public street frontages.
9. Fire sprinklers are required for new construction per the Chief Building Official at the time of review of the building permit. A note stating this shall be on the plat.
10. Prior to building permit issuance, documentation from UDOT showing approval of access to Lot 1 off Marsac Avenue is required. If documentation does not exist, a new application shall be submitted to UDOT for approval of the curb cut location. This approval shall be submitted to the City Engineer.

11. Any proposed curb cuts for access directly to Marsac Avenue, a state highway, must be approved by the City Engineer and UDOT.
12. A Conditional Use Permit approval is required prior to issuance of building permits on Lots 1, 2 and 3.
13. A final grading and utility plan, including storm water and drainage plans, shall be submitted with the Conditional Use Permits for development on Lots 1, 2 and 3, for approval by the City Engineer and SBWRD. No building permits shall be issued until all necessary utility easements are recorded.
14. A declaration of condominium and a record of condominium plat are required prior to the sale of individual units within the development.
15. All requirements of the affordable housing mitigation plan shall be addressed with the Conditional Use Permit and condominium plat. A note shall be included on the plat indicated that the development of Lot 2 has an on-site affordable housing requirement of 2.0 AUE and Lot 3 has an on-site affordable housing obligation of 1.1 AUE. All AUEs shall be consistent with all requirements of the Flagstaff Affordable Housing Mitigation Plan. Lot 1 has no on-site obligation.
16. All deed restricted units shall be identified on the final condominium plats prior to recordation of such plats. Phasing and certificates of occupancy for the affordable housing units shall be commensurate with the certificates of occupancy for the market rate units. Affordable units shall comply with all requirements of the Flagstaff Affordable Housing Mitigation Plan, as amended, and Park City Housing Resolution 17-99. Affordable units shall have prorated and reduced HOA fees, to be described in the CCRs.
17. Wastewater service to Village at Empire Pass North Subdivision shall be provided by the Snyderville Basin Water Reclamation District. A Line Extension Agreement with the District may be required for Lot 1. If a line extension is necessary, it shall be the responsibility of the Owner to extend the public wastewater system within Lot 1 according to the requirements of the Line Extension Agreement.
18. The property is located within a water source protection zone. All sewer construction must comply with State of Utah drinking water regulations.
19. This development is part of a common plan development and a MS4 storm water permit is required for all land disturbance activities for each separate phase of construction, prior to building permit issuance.
20. The CC&Rs shall provide notice and process for the tracking and collection of the Real Estate Transfer Fee as required and defined by the Flagstaff Mountain Development Agreement, as amended.
21. Requirements and obligations of the Flagstaff Mountain Development Agreement, as amended and recorded at Summit County in March of 2007, as apply to this Property, shall be completed, or bonded for completion, prior to issuance of certificates of occupancy for any approved development located on Lots 1, 2, and 3, unless otherwise conditioned herein. This includes gondola payments, number of shuttles in operation, provision of affordable housing units, collection mechanism for real estate transfer fees, and all other such obligations as are outlined in the March 2007 Agreement, some of which are triggered by the number of certificates of occupancy issued.
22. A Construction Mitigation Plan shall be submitted with Conditional Use Permit

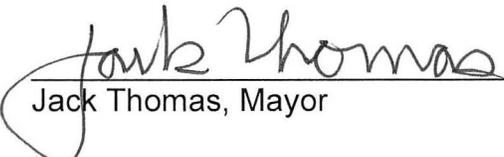
- applications and in advance of issuing building permits.
23. The ROS zoning line shall be indicated on plans submitted with the Conditional Use Permit application and all construction of units shall be restricted to the RD zoned portion. Construction disturbances within ROS portions of the Flagstaff Annexation area are subject to the Development Agreement and associated technical reports (e.g. for trails, ski runs and lifts, utilities, access roads, etc.). Construction on Lot 1 shall conform to all applicable Land Management Code requirements in effect at the time of submittal of application.
  24. Each parcel developed within this common development shall meet the requirements of the MS4 Storm Water Permit program.
  25. A skier and pedestrian access easement shall be provided on Lot 2 for the benefit of the One Empire Pass property (Lot 15 of the Village at Empire Pass West Side Subdivision plat) consistent with the Village at Empire Pass MPD and recorded ski access agreements.
  26. At the request of the applicant, a plat note referencing a recorded development covenant, identifying a maximum allowable density on Lot 3, shall be provided on the plat prior to recordation.

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

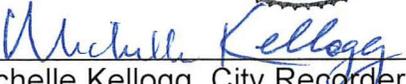
PASSED AND ADOPTED this 15<sup>th</sup> day of June, 2017.

PARK CITY MUNICIPAL CORPORATION



  
\_\_\_\_\_  
Jack Thomas, Mayor

ATTEST:

  
\_\_\_\_\_  
Michelle Kellogg, City Recorder

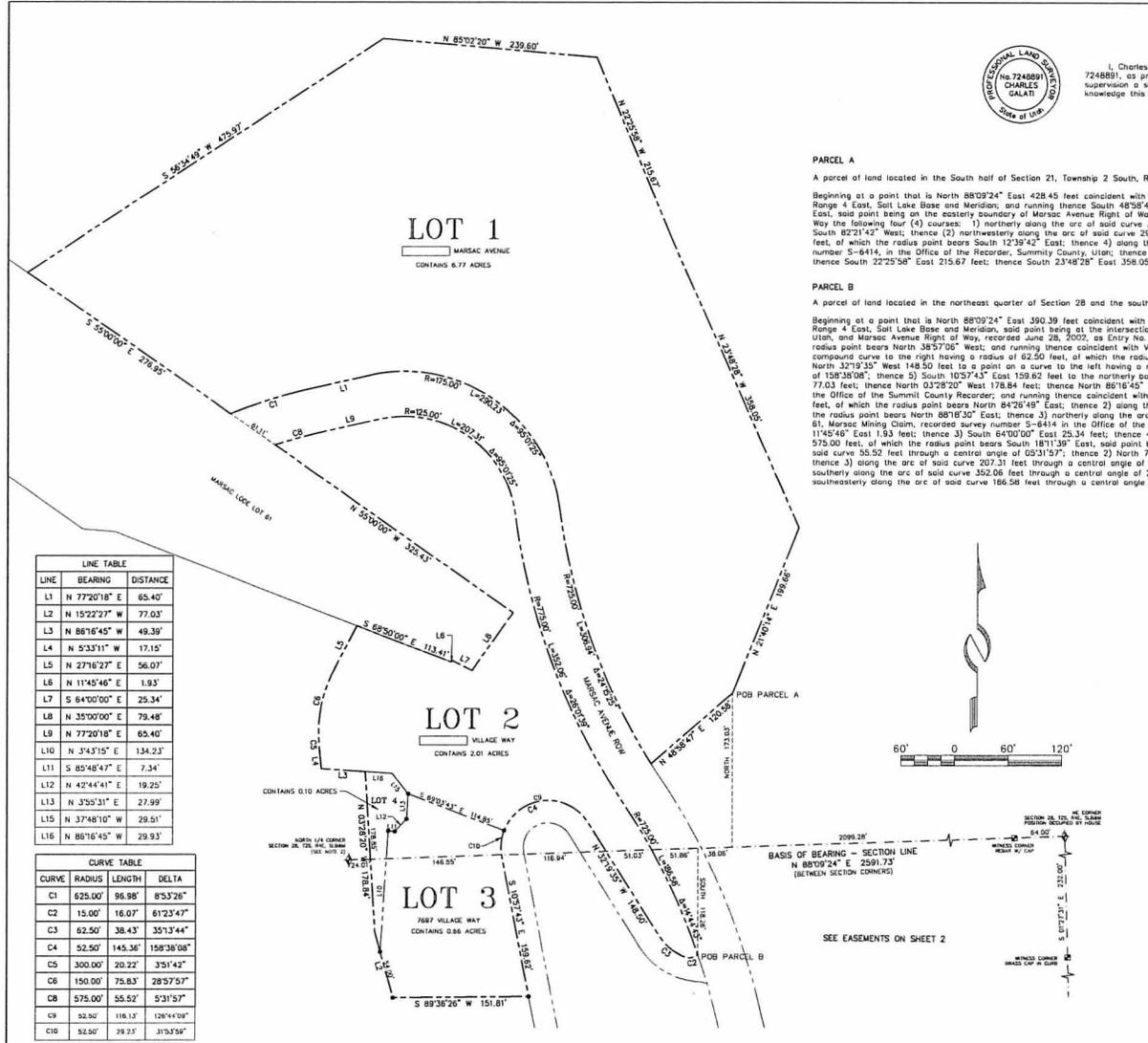
APPROVED AS TO FORM:

  
\_\_\_\_\_  
Mark Harrington, City Attorney

**Exhibits**

Exhibit A – Proposed subdivision plat

# EXHIBIT A



### SURVEYOR'S CERTIFICATE

I, Charles Galati, certify that I am a Professional Land Surveyor and that I hold Certificate No. 7248891, as prescribed by the laws of the State of Utah. I further certify that under my direct supervision a survey has been performed on the herein described property and that to the best of my knowledge this plot is a correct representation of said survey.

### BOUNDARY DESCRIPTION

#### PARCEL A

A parcel of land located in the South half of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian.

Beginning at a point that is North 88°09'24" East 428.45 feet coincident with the section line and North 173.03 feet from a 3-1/4" diameter cap on an aluminum pipe at the north quarter corner of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence South 48°38'47" West 120.58 feet to a point on a non tangent curve to the right having a radius of 725.00 feet, of which the radius point bears North 58°06'17" East, said point being on the easterly boundary of Marsac Avenue Right of Way, recorded June 28, 2002, as Entry No. 623451, in the Office of the Recorder, Summit County, Utah; thence coincident with Marsac Avenue Right of Way the following four (4) courses: 1) northerly along the arc of said curve 306.94 feet through a central angle of 24°15'25" to a point of reverse curve to the left having a radius of 175.00 feet, of which the radius point bears South 82°21'45" West; thence 2) northerly along the arc of said curve 230.23 feet through a central angle of 82°01'25"; thence 3) South 77°00'18" West 65.40 feet to a point on a curve to the left having a radius of 625.00 feet, of which the radius point bears South 12°39'42" East; thence 4) along the arc of said curve 96.98 feet through a central angle of 08°33'26" to a point on the northerly boundary of the Marsac Mining Claim, recorded survey number 5-8414, in the Office of the Recorder, Summit County, Utah; thence coincident with said boundary North 55°00'00" West 276.95 feet; thence North 56°34'48" East 479.97 feet; thence South 85°20'20" East 239.60 feet; thence South 22°25'58" East 215.67 feet; thence South 23°48'28" East 328.05 feet; thence South 21°40'14" West 189.66 feet to the point of beginning.

#### PARCEL B

A parcel of land located in the northeast quarter of Section 28 and the southeast quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian.

Beginning at a point that is North 88°09'24" East 390.39 feet coincident with the section line and South 118.26 feet from a 3-1/4" diameter cap on an aluminum pipe at the north quarter corner of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point being at the intersection of Village Way, The Village At Empire Pass, Phase 1, recorded November 24, 2004, as Entry No. 718034 in the Office of the Recorder, Summit County, Utah, and Marsac Avenue Right of Way, recorded June 28, 2002, as Entry No. 623451 in the Office of the Recorder, Summit County, Utah, said point also being on a curve to the right having a radius of 150.00 feet, of which the radius point bears North 38°57'05" West; and running thence coincident with Village Way, the following five (5) courses: 1) westerly along the arc of said curve 18.07 feet through a central angle of 61°23'47" to a point of compound curve to the right having a radius of 82.50 feet, of which the radius point bears North 22°28'41" East; thence 2) northwesterly along the arc of said curve 38.43 feet through a central angle of 33°13'44"; thence 3) North 32°19'35" West 148.50 feet to a point on a curve to the left having a radius of 52.50 feet, of which the radius point bears South 57°40'25" West; thence 4) along the arc of said curve 145.36 feet through a central angle of 158°39'08"; thence 5) South 10°57'43" East 159.82 feet to the northerly boundary of Lot 8, The Village At Empire Pass, Phase 1; thence coincident with said Lot 8 South 89°36'28" West 151.81 feet; thence North 12°22'27" West 77.03 feet; thence North 03°29'20" West 178.84 feet; thence North 86°18'45" West 49.38 feet, said point being on the easterly boundary of The Village At Empire Pass West Side, recorded August 12, 2005, as Entry No. 746744 in the Office of the Summit County Recorder; and running thence coincident with said easterly boundary the following four (4) courses: 1) North 05°33'11" West 17.15 feet to a point on a curve to the right having a radius of 300.00 feet, of which the radius point bears North 84°26'49" East; thence 2) along the arc of said curve 20.22 feet through a central angle of 03°51'42" to a point of compound curve to the right having a radius of 150.00 feet, of which the radius point bears North 86°18'30" East; thence 3) northerly along the arc of said curve 75.83 feet through a central angle of 28°57'37"; thence 4) North 27°16'27" East 56.07 feet to a point on the southerly boundary of Lot 81, Marsac Mining Claim, recorded survey number 5-8414 in the Office of the Summit County Recorder; thence coincident with said boundary the following five (5) courses: 1) South 88°50'00" East 113.41 feet; thence 2) North 11°45'40" East 1.93 feet; thence 3) South 64°00'00" East 25.34 feet; thence 4) North 35°00'00" East 79.48 feet; thence 5) North 55°00'00" West 325.43 feet to a point on a non tangent curve to the right having a radius of 575.00 feet, of which the radius point bears South 18°11'39" East, said point being on Marsac Avenue Right of Way; thence coincident with Marsac Avenue Right of Way the following five (5) courses: 1) southerly along the arc of said curve 55.52 feet through a central angle of 05°31'57"; thence 2) North 77°20'18" East 65.40 feet to a point on a curve to the right having a radius of 125.00 feet, of which the radius point bears South 12°39'42" East; thence 3) along the arc of said curve 203.31 feet through a central angle of 95°01'25" to a point of reverse curve to the left having a radius of 775.00 feet, of which the radius point bears North 82°21'42" East; thence 4) southerly along the arc of said curve 352.06 feet through a central angle of 26°01'39" to a point of reverse curve to the right having a radius of 725.00 feet, of which the radius point bears South 56°20'03" West; thence 5) southerly along the arc of said curve 166.58 feet through a central angle of 14°44'43" to the point of beginning.

### OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT REDUS Park City LLC, the undersigned owner of the herein described tract of land, to be known hereafter as VILLAGE AT EMPIRE PASS NORTH SUBDIVISION, does hereby certify that it has caused this Plot to be prepared, and does hereby consent to the recording of this Plot. In witness whereof, the undersigned set his hand this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

REDUS Park City LLC, a Delaware limited liability company  
By: REDUS Properties, Inc., a Delaware corporation

its manager:  
By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

### ACKNOWLEDGMENT

State of \_\_\_\_\_ ss:  
County of \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 2017, David Aam personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, David Aam acknowledged to me that he is an authorized signatory of the herein described tract of land, and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

### OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT EMPIRE RESIDENCES, LLC, the undersigned owner of the herein described tract of land, to be known hereafter as VILLAGE AT EMPIRE PASS NORTH SUBDIVISION, does hereby certify that it has caused this Plot to be prepared, and does hereby consent to the recording of this Plot. In witness whereof, the undersigned set his hand this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

EMPIRE RESIDENCES LLC, a Delaware limited liability company  
By: EMPIRE RESIDENCES LLC, a Delaware limited liability company

its manager:  
By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

### ACKNOWLEDGMENT

State of \_\_\_\_\_ ss:  
County of \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 2017, \_\_\_\_\_ personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, \_\_\_\_\_ acknowledged to me that he is an authorized signatory of the herein described tract of land, and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in Utah

Printed Name \_\_\_\_\_  
Residing in: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

| LINE | BEARING       | DISTANCE |
|------|---------------|----------|
| L1   | N 77°20'18" E | 65.40'   |
| L2   | N 15°22'27" W | 77.03'   |
| L3   | N 86°18'45" W | 49.39'   |
| L4   | N 53°31'17" W | 17.15'   |
| L5   | N 27°16'27" E | 56.07'   |
| L6   | N 11°45'46" E | 1.93'    |
| L7   | S 84°00'00" E | 25.34'   |
| L8   | N 35°00'00" E | 79.48'   |
| L9   | N 77°20'18" E | 65.40'   |
| L10  | N 3°43'15" E  | 134.23'  |
| L11  | S 85°48'47" E | 7.34'    |
| L12  | N 42°44'41" E | 19.25'   |
| L13  | N 3°55'31" E  | 27.99'   |
| L15  | N 37°48'10" W | 29.51'   |
| L16  | N 86°18'45" W | 29.93'   |

| CURVE | RADIUS  | LENGTH  | DELTA      |
|-------|---------|---------|------------|
| C1    | 625.00' | 96.98'  | 8°53'26"   |
| C2    | 150.00' | 16.07'  | 61°23'47"  |
| C3    | 62.50'  | 38.43'  | 35°13'44"  |
| C4    | 52.50'  | 145.36' | 158°38'08" |
| C5    | 300.00' | 20.22'  | 3°51'42"   |
| C6    | 150.00' | 75.83'  | 28°57'37"  |
| C8    | 575.00' | 55.52'  | 5°31'57"   |
| C9    | 775.00' | 118.13' | 128°44'50" |
| C10   | 725.00' | 29.23'  | 31°52'59"  |

LEGEND  
• Set 5/8" Inscr = 1/4" = 1/2" = 3/4" = 1" = 1 1/2" = 2" = 3" = 4" = 6" = 8" = 12" = 18" = 24" = 36" = 48" = 60" = 72" = 96" = 120" = 144" = 168" = 192" = 216" = 240" = 264" = 288" = 312" = 336" = 360" = 384" = 408" = 432" = 456" = 480" = 504" = 528" = 552" = 576" = 600" = 624" = 648" = 672" = 696" = 720" = 744" = 768" = 792" = 816" = 840" = 864" = 888" = 912" = 936" = 960" = 984" = 1008" = 1032" = 1056" = 1080" = 1104" = 1128" = 1152" = 1176" = 1200"  
□ Street Address

## VILLAGE AT EMPIRE PASS NORTH SUBDIVISION

LOCATED IN THE SOUTH HALF OF SECTION 21 & THE NORTH HALF OF SECTION 28  
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN  
PARK CITY, SUMMIT COUNTY, UTAH

SHEET 1 OF 2

(435) 648-4487  
**Alance Engineering**  
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS  
323 West Street P.O. Box 2864 Park City, Utah 84060-2864

**SNYDERVILLE BASIN WATER RECLAMATION DISTRICT**  
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017  
BY \_\_\_\_\_ S.B.W.R.D.

**PLANNING COMMISSION**  
APPROVED BY THE PARK CITY PLANNING COMMISSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017  
BY \_\_\_\_\_ CHAIR

**ENGINEER'S CERTIFICATE**  
I FIND THIS PLAN TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017  
BY \_\_\_\_\_ PARK CITY ENGINEER

**APPROVAL AS TO FORM**  
APPROVED AS TO FORM THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017  
BY \_\_\_\_\_ PARK CITY ATTORNEY

**COUNCIL APPROVAL AND ACCEPTANCE**  
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017  
BY \_\_\_\_\_ MAYOR

**CERTIFICATE OF ATTEST**  
I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017  
BY \_\_\_\_\_ PARK CITY RECORDER

**RECORDED**  
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF \_\_\_\_\_ DATE \_\_\_\_\_ TIME \_\_\_\_\_ ENTRY NO. \_\_\_\_\_  
FEE \_\_\_\_\_ RECORDER \_\_\_\_\_

MAP JOB NO.: 12-2-16 FILE: X:\Empire\dwg\plan\120216-VAEP North Sub

TES:

This plot is subject to the Conditions of Approval in Ordinance 2017-... The position of the north 1/4 corner of Section 28, Township 2 South Range 4 East SLBM, as shown on this survey, is from the dependent re-survey of Section 28, 29, 31, 32 & 33 performed by Robinson, Biann & Biann Inc. in 2008 (Rec. # S-3819, Summit County Recorder's Office).

Conditional use permit approval will be required prior to construction on each of the development lots shown hereon. A declaration of condominium and a record condominium map will be required for the purpose of the sale of individual units within the development lots shown hereon.

The lots described on this plot are subject to the Restated Development Agreement for Flagstaff Mountain, Bonanza Flat, Richardson Flat, the 20-Acre Quinn's Junction Parcel and Iron Mountain dated as of May 2, 2007, and recorded on March 2, 2007, as Entry No. 00806100 in Book 1850, Page 1897 (the "Development Agreement"). By separate Declaration of Payment and Development Covenants, recorded October 4, 2016, as Entry No. 01005333 in the official records of the Summit County Recorder, as amended, Lot 3 has been allocated the right to develop 24.5 Unit Equivalents within no more than 21 dwelling units and the obligation to locate 11 Affordable Unit Equivalents thereon, as each of those capitalized terms is defined in the Development Agreement. Lot 2 has been allocated the obligation to locate 2.0 Affordable Unit Equivalents thereon and Lot 1 has no on-site affordable housing obligations. The allocation of Unit Equivalents to Lot 2 and Lot 1 may be done at a future date by a separate recorded document. No Unit Equivalents will be allocated to Lot 4, which is to be used in connection with resort and similar activities. No lot within this plot has been allocated any commercial Unit Equivalents.

The Empire Pass Master Owners Association, Inc. (the "Master Association") together with the Master Declaration of Covenants, Conditions, and Restrictions of Empire Pass, as amended ("Master Declaration"), requires the membership of each lot or unit owner. Members are subject to the terms of its articles of incorporation, bylaws, rules and regulations and other governing documents that may be established from time to time by the Master Association, including assessments and reinvestment fees as provided therein.

Owners and potential buyers of any unit or land within the lots depicted on this plot are given notice that they own or are buying property in a resort area in which all-season resort activities are conducted and where certain risks are present, including, without limitation, damage to property and personal injury and death caused by errant skiers, mountain bikers and other resort patrons, equipment, machine-made snow, heavy equipment, construction or improvements of facilities, objects or equipment falling from lifts, water runoff, drainage, heavy snow falls, wind patterns, and other conditions that may affect the properties depicted hereon. The adjacent ski resort and its facilities are not amenities of any master association but are owned by a private resort and access to such lands and facilities is governed by such owner or agreements with such owner.

The owner of Lot 3 hereby grants a non-exclusive resort and access easement over the approximately west twenty feet (20') of Lot 3, as depicted on this plot as the "Cable UDDOT Setback" for the benefit of Lot 4 to allow ski lift maintenance access and the right to conduct resort activities, including to locate movable safety fences.

This plot also depicts the following easements, each of which may be amended, relocated or terminated, without amendment hereon, in accordance with each such easement's terms:

- a. Agreement and Covenant of Cooperation (Ski Access/Storm Drainage), Entry No. 665956, Summit County Recorder's Office which affects Lot 2 and Lot 3 of this plot.
- b. Right-Of-Way and Easement Grant (Gas Utility), Entry No. 755686, Summit County Recorder's Office, potentially affects Lot 2 and Lot 3.
- c. Grant of Access Easement (Sewer Utility), Entry No. 850350, Summit County Recorder's Office, affects Lot 2.
- d. Grant of Easement (Sewer Utility), Entry No. 716688, Summit County Recorder's Office, affects Lot 2.
- e. Grant of Easement (Storm Drain Facilities), Entry No. 716456, Summit County Recorder's Office, affects Lot 3.
- f. Reciprocal Easement Agreement (Resort and Access) to be recorded in advance of or contemporaneously with this plot in the Summit County Recorder's Office, affects Lot 2, Lot 3 and Lot 4, and describes the use of Easement Area A, Easement Area B, Easement Area C and Easement Area D.

Public safety access and public utility easements are hereby dedicated for all public and private roadways and emergency access roads. The property is located within a water source protection zone. All sewer construction must comply with the State of Utah drinking water regulations.

A ten foot (10') wide snow storage easement is hereby dedicated to the Master Association along the frontage of all lots. Wastewater service to the Village at Empire Pass North Subdivision shall be provided by the Snyderville Basin Water Reclamation District. A Line Extension Agreement with the District may be required for Lots 1 & 2. It shall be the responsibility of the Owner of each lot to extend the public wastewater system within the lot being developed according to the requirements of the Line Extension Agreement.

Village Way is a private road to be owned, operated, maintained and repaired by the Master Association for the use and benefit of the owners of property in Empire Pass at Deer Valley in accordance with the Master Declaration. Village Way is not a public road or right-of-way. A UDDOT Conditional Access Permit or city permit, depending upon the ownership of Marsac Avenue, will be required prior to construction on Lot 1 and for vehicle access to Lot 2 directly from Marsac Avenue.

Fire sprinklers will be required within all dwellings constructed on the lots. Ski Easement Note: 5' Ski and Pedestrian Easement in favor of Lot 4 for resort operations and trail maintenance and for purpose of providing property owners, invitees and guests of One Empire Pass Condominium with ski and pedestrian access to and from adjoining skiways.

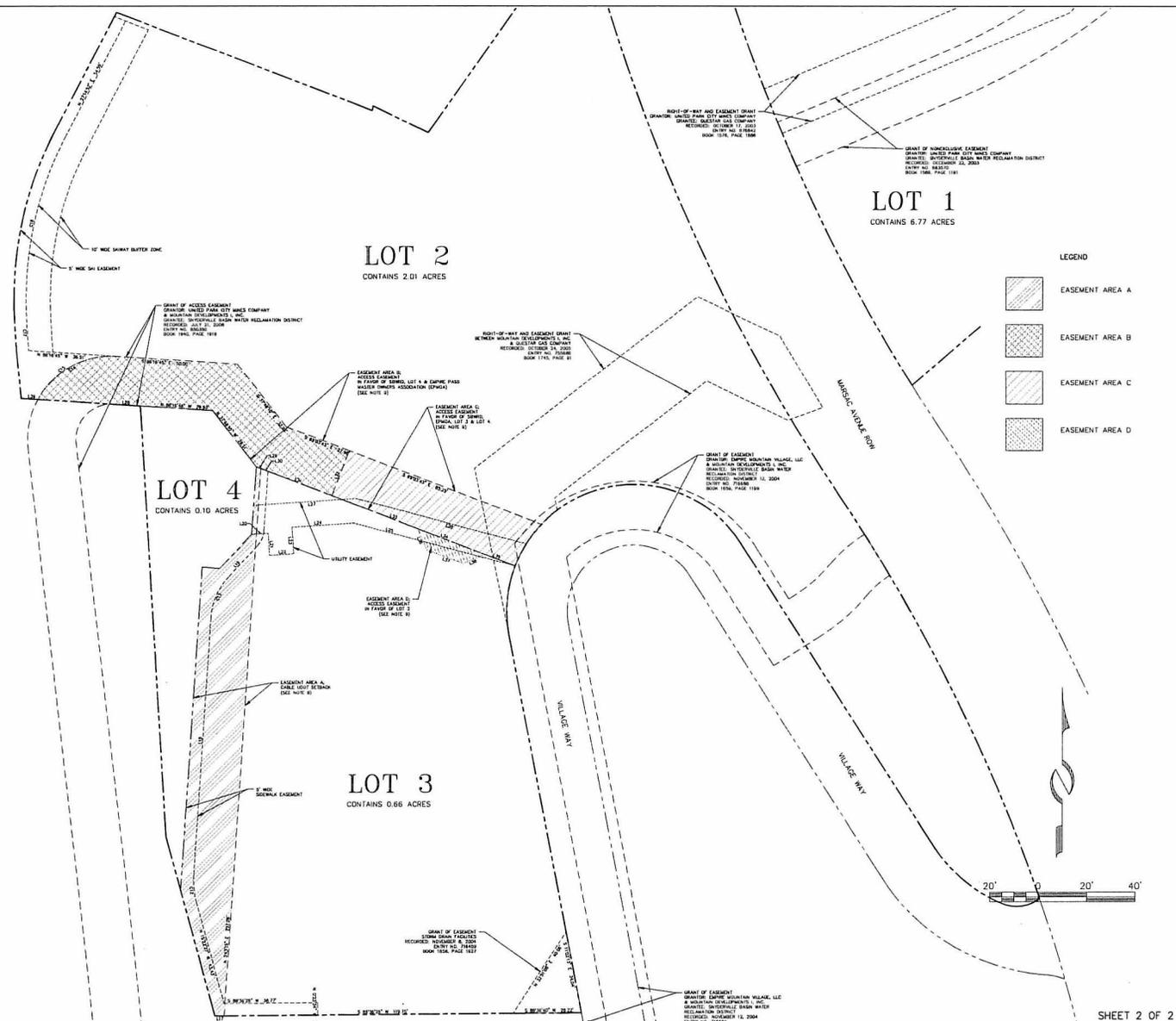
Ski Buffer Note: 10' Skiway Buffer Zone in favor of Lot 4 providing that without prior written consent of owner of Lot 4:

- a. no above-ground building or landscaping obstructions may be constructed in the Skiway Buffer Zone.
- b. no trees or other above-ground landscaping obstructions may be maintained in the Skiway Buffer Zone.

The owner of Lot 2 hereby grants a non-exclusive resort and access easement over the western edge of the property as depicted on this plot as the "5' Wide Ski Easement". This easement is for the benefit of Lot 4 for resort operations and trail maintenance and for the benefit of VEPWS Lot 10 property owners, invitees and guests for purposes of ski and pedestrian access.

The owner of Lot 2 hereby grants a non-exclusive easement near the western edge of the property as depicted on this plot as the "10' Skiway Buffer Zone". This easement is for the benefit of Lot 4 for resort operations and trail maintenance and for the benefit of VEPWS Lot 10 property owners, invitees and guests for purposes of ski and pedestrian access.

At the time of plot recording, Lot 1 includes lands within the Empire Village MPD in the RD Zone and additional lands within the RQZ Zone. Future land uses on Lot 1 shall conform to requirements of applicable zoning regulations for the additional portions of the property.



# VILLAGE AT EMPIRE PASS NORTH SUBDIVISION

LOCATED IN THE SOUTH HALF OF SECTION 21 & THE NORTH HALF OF SECTION 28  
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN  
PARK CITY, SUMMIT COUNTY, UTAH

(435) 648-9447  
Kornc Engineering  
UTLINC ENGINEERS LAND PLANNERS SURVEYORS  
32040 N. P.O. Box 2884 Park City, Utah 84062-2884

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