

Ordinance No. 2017-50

**AN ORDINANCE APPROVING THE SECOND AMENDED SUNNYSIDE
SUBDIVISION LOT 11 PLAT AMENDMENT, LOCATED AT 606 MELLOW
MOUNTAIN ROAD, PARK CITY, UTAH**

WHEREAS, the owner of the property located at 606 Mellow Mountain Road has petitioned the City Council for approval of the Plat Amendment; and

WHEREAS, on August 5, 2017, the property was properly noticed according to the requirements of the Land Management Code and legal notice was published in the Park Record; and

WHEREAS, on August 3, 2017, the property was posted and notice was sent to all affected property owners; and

WHEREAS, the Planning Commission conducted a public hearing on August 23, 2017, to receive input on the Plat Amendment and no public input was provided; and

WHEREAS, the Planning Commission, on August 23, 2017, forwarded a positive recommendation to the City Council; and,

WHEREAS, on September 21, 2017, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, there is good cause and it is in the best interest of Park City, Utah to approve the Second Amended Sunnyside Subdivision Lot 11 plat amendment.

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. APPROVAL. The Second Amended Sunnyside Subdivision Lot 11 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 606 Mellow Mountain Road.
2. The property is in the Single Family (SF) Zoning District.
3. The subject property consists of platted Lot 11 of the Sunnyside Subdivision and a remnant parcel located adjacent to Lot 11 on the easterly lot line.
4. The property, including Lot 11 and the remnant parcel, is recognized by Summit County as Parcel SNS-11 (Tax ID).
5. The property is currently developed with a single family house that straddles the common lot line between Lot 11 and the remnant parcel.
6. The proposed plat amendment creates one (1) 17,884 square foot (sf), platted lot

of record, by combining the 11,648 sf existing Lot 11 and the 6,236 sf remnant parcel under common ownership.

7. There are no minimum or maximum lot sizes in the SF District.
8. Lots in Sunnyside Subdivision range in area from 8,596 sf to 23,860 sf.
9. Sunnyside Subdivision was approved by City Council on July 19, 1979 and recorded at Summit County on August 3, 1979.
10. At the time of original plat recordation in 1979, land adjacent and to the east, was by error not included in the subdivision plat drafted for recordation. The eastern boundary of the subdivision was to coincide with the eastern boundary of the MS 5665 Lilly No. 3 Mining Claim.
11. The Sunnyside Subdivision plat was drawn up excluding this approximately 31' wide strip of property on the eastern boundary. The strip of land runs north/south from the southern boundary of Lot 10 to the northern boundary of Lot 11 across Mellow Mountain Road.
12. The platting error was discovered in December of 1979 and the 31' wide strip was quit claimed from the original land owner/developer (Royal Street Land Company) to the owner of the recorded subdivision (Park City Alliance, James Gaddis Investment Company, LTD, etc.), as Entry No 161985, Book M147, Page 467 at the Summit County Recorder's Office.
13. On August 27, 1980, a warranty deed, Entry No. 169813, Book M 165, Page 247, was recorded at the Summit County Recorder's office conveying a parcel approximately 31 feet wide extending the length of Lot 11 from the southerly boundary to the northerly boundary. This parcel is the 6,236 sf remnant parcel subject to the requested plat amendment.
14. A similar warranty deed was entered into the records for Lot 10 and the remnant parcel adjacent to Lot 10 was combined by the First Amended Sunnyside Subdivision Lot 10, approved by the City Council on March 24, 2016 and recorded at Summit County on October 27, 2016.
15. In 1986 a building permit was issued for construction of a single family house on Lot 11 located at 606 Mellow Mountain Road. The house was constructed across the warranty deed line and there was no requirement for a plat amendment at that time. The house on Lot 11 was constructed with a side setback measured from the eastern boundary of the warranty deed description, which is the eastern boundary of TAX ID number SNS-11.
16. The applicant desires to resolve the remnant parcel issue.
17. There is no maximum building footprint or house size identified for the Sunnyside Subdivision and all requirements of Land Management Code Section 15-2.11 (SF District) apply.
18. A single-family dwelling is an allowed use in the Single Family (SF) District.
19. There is not a minimum or maximum lot width identified in the SF District. The existing lot is approximately 106.5 feet wide and the proposed lot is 140.7 feet wide.
20. Access to the property is from Mellow Mountain Road, a public street. No changes are proposed to the existing driveway.
21. A low stacked sandstone retaining wall encroaches 2' over the front property line onto Mellow Mountain Road right-of-way for a distance of approximately twenty

- feet. Larger, loose individual sandstone boulders to the left of the driveway also encroach into the right-of-way.
22. Utility easements recorded on the Sunnyside Subdivision plat are required to be shown on the amended plat, including 5' wide non-exclusive utility and drainage easements along the front, rear and side lot lines.
 23. Summit County documents show that the 5' easement was moved to the eastern boundary of the warranty deed. The applicant will verify that there are no existing utilities in the platted 5' non-exclusive utility easement along the existing Lot 11 easterly property boundary.
 24. The final mylar plat is required to be signed by the Snyderville Basin Water Reclamation District to ensure that requirements of the District are addressed prior to plat recordation.
 25. Snow storage area is required along public streets and rights-of-way due to the possibility of large amounts of snowfall in this location.
 26. 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 plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding plat amendments.
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:

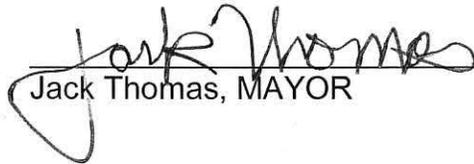
1. The City Attorney and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If the plat is not recorded within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. All new construction shall comply with LMC setback regulations in effect at the time of building permit issuance.
4. A ten foot (10') wide public snow storage easement is required along the Mellow Mountain Road frontage of the property and shall be shown on the plat prior to recordation.
5. A five foot (5') wide non-exclusive public utilities, drainage, and SBWRD easement is required along the front, rear and side lot lines of the new lot.
6. Modified 13-D sprinklers are required for any new construction and shall be noted on the plat.
7. All requirements of the Snyderville Basin Water Reclamation District shall be satisfied prior to recordation of the plat.

8. Prior to plat recordation, letters from utility providers (Questar, Rocky Mountain Power, and communications entities) shall be submitted indicating approval of utility easements associated with the new property lines.
9. Identified encroachments into the Mellow Mountain Road right-of-way shall be resolved to the satisfaction of the City Engineer prior to plat recordation.

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

PASSED AND ADOPTED this 21th day of September, 2017.

PARK CITY MUNICIPAL CORPORATION



Jack Thomas, MAYOR



ATTEST:



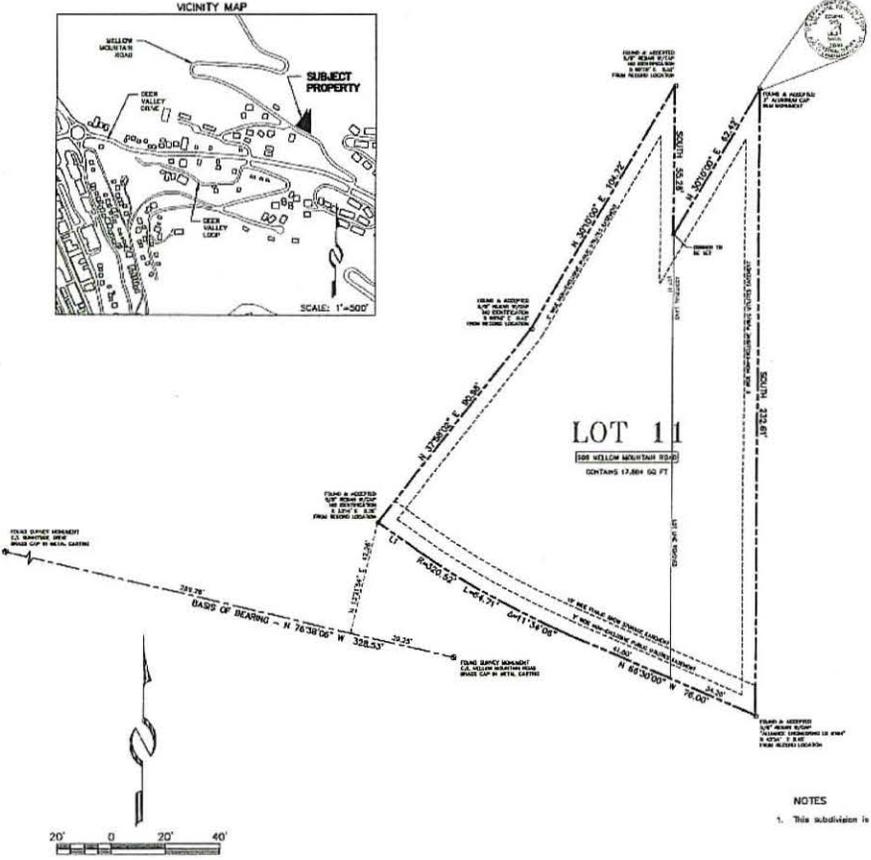
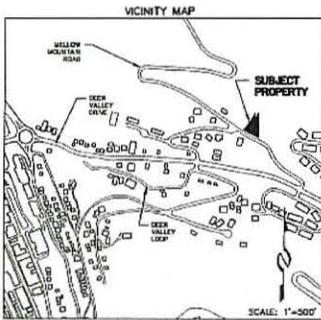
Michelle Kellogg, City Recorder

APPROVED AS TO FORM:



Mark Harrington, City Attorney

Exhibit A- Proposed plat



LINE	BEARING	DISTANCE
L1	N 89°34'00" W	176.00



SURVEYOR'S CERTIFICATE
 I, Charles Galati, do hereby certify that I am a Professional Land Surveyor, and that I hold Certificate No. 7248351, as prescribed under the laws of the State of Utah. I further certify that by authority of the owner, I have made a survey of the tract of land into lots and blocks, together with easements, hereafter to be known as SUNNYSIDE SUBDIVISION LOT 11 - FIRST AMENDED and that the same has been correctly surveyed and monumented on the ground as shows on this plat.

LEGAL DESCRIPTION

PARCEL 1:
 Beginning at the southeast corner of Lot 11, SUNNYSIDE SUBDIVISION according to the official plat thereof on file and of record in the Summit County Recorder's Office, and running thence South 66°30' East 24.20 feet; thence North 232.81 feet; thence South 30°10' West 62.42 feet to a point on the easterly line of Lot 11; thence South along said easterly line 165.036 feet to the point of beginning.

PARCEL 2:
 Lot 11, SUNNYSIDE SUBDIVISION, according to the official plat thereof, recorded in the Summit County Recorder's Office.

Excepting therefrom:
 Beginning at the northeast corner of Lot 11, SUNNYSIDE SUBDIVISION, and running thence South along the easterly line of Lot 11, 55.29 feet; thence South 30°10' West 104.72 feet; thence North 55.00 feet to a point on the northwesterly line of said Lot 11; thence North 30°10' East along said northwesterly line 104.72 feet to the point of beginning.

PARCEL 3:
 Beginning at a point which is located South 30°10' West 62.42 feet from the corner No. 1 of the Lily No. 3 Mining Claim (Survey No. 3165), said point also being on the east boundary line of the SUNNYSIDE SUBDIVISION, as recorded, and also located South 112.77 feet and East 137.80 feet from the east quarter corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, and running thence North along said east boundary line 55.29 feet; thence South 30°10' West along the boundary of said subdivision 104.72 feet; thence South 25.22 feet to a point of intersection with the northerly-southerly line of the said Lily No. 3 Mining Claim; thence North 30°10' East along the said northerly-southerly line 104.72 feet to the point of beginning.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, Fred Schulte & Sue Schulte, husband & wife as tenants in common, hereby certify that they have caused a survey to be made and this SUNNYSIDE SUBDIVISION LOT 11 - FIRST AMENDED to be prepared and lawfully consent to the recordation of this SUNNYSIDE SUBDIVISION LOT 11 - FIRST AMENDED.

In witness whereof, the undersigned set his hand this _____ day of _____, 2017.

By: Fred Schulte

In witness whereof, the undersigned set her hand this _____ day of _____, 2017.

By: Sue Schulte

ACKNOWLEDGMENT

State of: _____
 County of: _____

On this _____ day of _____, 2017, Fred Schulte personally appeared before me, the undersigned History Public, in and for said state and county, having been duly sworn, Fred Schulte acknowledged to me that he is the person whose name is subscribed to this instrument, and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

History Public
 Printed Name: _____
 Reading in: _____
 My commission expires: _____

ACKNOWLEDGMENT

State of: _____
 County of: _____

On this _____ day of _____, 2017, Sue Schulte personally appeared before me, the undersigned History Public, in and for said state and county, having been duly sworn, Sue Schulte acknowledged to me that she is the person whose name is subscribed to this instrument, and that she signed the above Owner's Dedication and Consent to Record freely and voluntarily.

History Public
 Printed Name: _____
 Reading in: _____
 My commission expires: _____



NOTES
 1. This subdivision is subject to the Conditions of Approval in Ordinance 17-_____

SUNNYSIDE SUBDIVISION LOT 11 - FIRST AMENDED

A SINGLE FAMILY SUBDIVISION LOCATED IN SECTION 15
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN

 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 222 West 33rd Ave. Ste. 2004 Park City, Utah 84303-2004 (435) 638-9167	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 PLAT 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 PLAT 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 _____
	JOB NO. 8-10-16 FILE: X:\East\01016\m\dwg\m\plat2016\081016.dwg						