

Ordinance No. 2017-57

AN ORDINANCE APPROVING THE RECORD OF SURVEY TO VACATE THE EXISTING PUBLIC ACCESS EASEMENT AND CREATE A NEW PUBLIC ACCESS EASEMENT ON LOTS 1 AND 2 OF THE GADDIS SUBDIVISION LOCATED AT 578 AND 584 PARK AVENUE, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 578 Park Avenue, 584 Park Avenue, and 577 Main Street have petitioned the City Council for approval of the Record of Survey to vacate the existing Public Access Easement and create a new Public Access Easement on Lots 1 and 2 of the Gaddis Subdivision; 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, it is in the best interest of Park City, Utah to approve the Record of Survey to vacate the existing Public Access Easement and create a new Public Access Easement on Lots 1 and 2 of the Gaddis 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 Record of Survey to vacate the existing Public Access Easement and create a new Public Access Easement on Lots 1 and 2 of the Gaddis Subdivision as shown in Attachment 1 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 578 and 584 Park Avenue and 577 Main Street.
2. 578 and 584 Park Avenue are located within the Historic Residential-2 Subzone A (HR-2A) District. 577 Main Street is located within the Historic Commercial Business (HCB) District.
3. On February 3, 2017 the City received a completed application for the Record of Survey (ROS) vacate the existing Public Access Easement and create a new Public Access Easement on Lots 1 and 2 of the Gaddis Subdivision.
4. The Gaddis Subdivision was approved in 1996 and is a three-lot subdivision consisting of the subject Lots, 578 and 584 Park Avenue (Lots 2 and 1), and an additional lot (Lot 3) at 577 Main Street.
5. The proposed Record of Survey will vacate the existing Public Access Easement on the southern property line of Lot 2 and create a new Public Access Easement to the north where it will straddle the lot line between Lots 1 and 2. The existing and proposed Public Access Easement(s) provide Public access to the rear egress of 577 Main Street which is a commercial building.

6. The Park City Fire District, Park City Building Department, Park City Fire Marshall, and City Engineer have reviewed the proposed Public Access Easement for compliance with Life Safety Standards.
7. The existing Public Access Easement (to be vacated) is 7.98 feet in width at Park Avenue. The proposed Public Access Easement is 5 feet in width at Park Avenue. The area of the existing Public Access Easement (to be vacated) is 1,605 square feet. The area of the proposed Public Access Easement is 957 square feet.
8. The proposed Public Access Easement complies with the applicable Life Safety Standards and provides more direct Public access between the rear egress of 577 Main Street and Park Avenue.
9. Lots 1 and 2 of the Gaddis Subdivision are currently vacant.
10. The applicant submitted two (2) Historic District Design Review (HDDR) applications (one for each lot) for single-family dwellings to be located at 578 Park Avenue (Lot 2) and 584 Park Avenue (Lot 1). The HDDR applications have been approved by Planning staff; however, a Building Permit cannot be issued until the ROS creating the new Public Access Easement has been recorded by Summit County.
11. As a part of the Record of Survey, utility easements are being reconfigured to accommodate the proposed single-family dwellings.
12. All future development on the three (3) lots of the Gaddis Subdivision will have to comply with the applicable requirements of the LMC and respect all easements. The proposed single-family dwellings for Lots 1 and 2 are compliant with the LMC and respect the proposed reconfiguration of utility easements and new Public Access Easement.
13. The proposal complies with Utah State Code 10-9a-207 as Notice for the vacation was sent at least 10 days prior to the Public Hearing.
14. The proposal complies with Utah State Code 10-9a-208 as a Public Hearing and notice for proposal to vacate a public easement was provided at least 10 days prior to the Public Hearing.
15. The proposal complies with Utah State Code 10-9a-609.5 as the applicant has submitted signatures from 577 Main Street, 578 Park Avenue, and 584 Park Avenue as these three (3) properties have exclusive access to the Public Access Easement. The Public Access Easement is for the benefit of 577 Main Street and is only accessible via 578 Park Avenue, 584 Park Avenue, and 577 Main Street. The applicant has obtained signatures with the applicable owners consenting to the vacation of the Public Access Easement.
16. The City Council will hold a public hearing to determine if good cause exists for the vacation and if the public interest of any person will be materially injured by the proposed vacation. Staff finds good cause for this Record of Survey amending the Public Access Easement as the reconfigured Public Access Easement will provide sufficient egress for the commercial building at 577 Main Street and allow for the construction of two (2) compatible single-family dwellings to be located at 578 Park Avenue and 584 Park Avenue.
17. The proposal complies with Park City Resolution 08-98 as the vacation of the Public Access Easement will not result in increased Density. A new Public Access Easement is proposed to replace the vacated Public Access Easement. A Single-

Family Dwelling is currently permitted on 578 Park Avenue (location of existing Public Access Easement) and a Single-Family Dwelling is being proposed.

18. The vacation of the Public Access Easement will be compatible with the neighborhood. A new Public Access Easement is proposed to replace the vacated Public Access Easement. The proposed development on 578 Park Avenue and 584 Park Avenue has completed the Historic District Design Review process and has been approved. Staff found compliance with Chapter 15 of the LMC and the Design Guidelines for New Construction.
19. On October 7th, 2017, Public Notice was published on the Public Notice Website and in the Park Record. On October 10th, 2017, Public Notice was posted In Public Spaces. On October 10th, 2017, Public Notice was mailed to neighboring property owners within 300 feet of the property. On October 10th, 2017, the property was posted with a Public Notice sign.

Conclusions of Law:

1. The Record of Survey is consistent with the Park City Land Management Code and applicable State law.
2. Neither the public nor any person will be materially injured by the proposed Record of Survey.
3. Approval of the Record of Survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

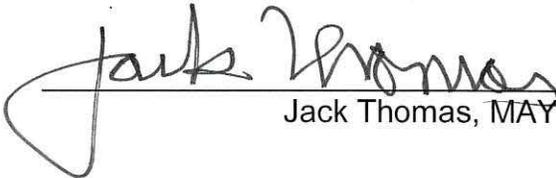
Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the Record of Survey 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 Record of Survey 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.
3. The Public Access Easement shall be used for Handicapped Access Only. No Main Street Deliveries Allowed from Park Avenue. A locked gate and signage shall be installed between the two (2) future homes.
4. To prevent use of the properties as a parking lot prior to house construction, a metal fence with green canvas should be installed across the Park Avenue boundary. Until house construction begins, the lots cannot be used as a 'Staging Area' for other construction projects.

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

PASSED AND ADOPTED this 24th day of October, 2017.

PARK CITY MUNICIPAL CORPORATION



Jack Thomas, MAYOR

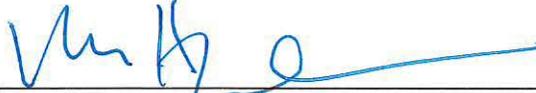


ATTEST:



City Recorder

APPROVED AS TO FORM:



Mark Harrington, City Attorney

Attachment 1 – Proposed Record of Survey

