

Ordinance No. 10-40

**AN ORDINANCE APPROVING THE 310 PARK AVENUE SUBDIVISION
LOTS 31 AND 32 OF BLOCK 11 OF THE PARK CITY SURVEY,
PARK CITY, UTAH**

WHEREAS, the owners of the property located at 310 Park Avenue have petitioned the City Council for approval of the 310 Park Avenue Subdivision combining all of Lot 31 and the westerly 50' of Lot 32 of Block 11 of the Park City Survey into one lot of record; 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, the Planning Commission held a public hearing on October 27, 2010, to receive input on the 310 Park Avenue Subdivision; and

WHEREAS, the Planning Commission, on October 27, 2010, forwarded a positive recommendation to the City Council; and,

WHEREAS, the City Council held a public hearing on November 11, 2010, to receive input on the 310 Park Avenue Subdivision; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 310 Park Avenue Subdivision to allow an existing house to sit on one lot.

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 310 Park Avenue Subdivision as shown in Attachment 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 310 Park Avenue.
2. The zoning is Historic Residential (HR-2A).
3. The proposed lot is 3202 square feet in size.
4. Maximum footprint for a 3202 square feet lot size is 1337 square feet and the existing footprint is approximately 1,200 square feet.
5. Maximum height is 27 feet above existing grade.
6. The proposed lot is fifty feet wide and varies between fifty and seventy-five feet in depth.

14. The property is within the Park City Soils Ordinance boundaries.
15. The findings within the Analysis section are incorporated within.

Conclusions of Law:

1. There is good cause for this condominium Record of Survey.
2. The Record of Survey Plat is consistent with the Park City Land Management Code and applicable State law regarding Condominium Record of Survey Plats.
3. Neither the public nor any person will be materially injured by the proposed Record of Survey Plat.
4. Approval of the Record of Survey Plat, 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 CC&Rs shall include a tie breaker mechanism.
4. The applicant shall not be allowed to park in City right-of-way nor shall the applicant store snow in the City right-of-way. The illegal paved area in the north side yard, front yard, and outside property lines shall be removed as a condition precedent to plat recordation.
5. The site shall be in compliance with the Soils Ordinance. Any additional required work shall be complete as a condition precedent to plat recordation.

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

PASSED AND ADOPTED this 11th day of November, 2010.

PARK CITY MUNICIPAL CORPORATION



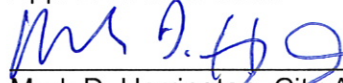
Mayor Dana Williams

Attest:



Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney



310 Park Avenue Subdivision

An amendment to lots 31 & 32
Block 11, Park City Survey

- NARRATIVE**
1. Survey requested by Andrew T. Beerman.
 2. Basis of survey found street monuments as shown.
 3. Date of survey June 23, 2009.
 4. Located in the Southeast Quarter of Section 10, Township 2 South, Range 4 East, Salt Lake Base & Meridian.
 5. The owners of the property should be aware of any items affecting the property that may appear in a title insurance report.

LEGAL DESCRIPTIONS

310 Park Avenue Subdivision

Beginning at the Southeast corner of Lot 32, Block 11, Park City Survey according to the official plat thereof, on the east of record in the office of the Summit County Recorder, and running thence North 23°35' West, along the Western line of Lots 32 & 31 of said Block 11, and the Eastern right of way of said Block 11, a distance of 66.22 feet to the Northern line of said Lot 31; thence North 66°40' East along the Northern line of said Lot 31, 75.00 feet, more or less, to the northwesterly corner of said Lot 31; thence South 23°35' East along the Eastern line of said Lot 31, 25.00 feet, to a point on said Southern line of said Lot 31, 21.00 feet, more or less, 66°40' West along the Southern line of said Lot 31, 21.00 feet, more or less, to a point on said Southern line, thence South 23°35' East, 26.34 feet, to the corner of said Lot 31, thence North 66°40' East, 66.22 feet, to the Northern line of said Lot 32 and the Northern right of way of Third Street, 50.00 feet, more or less, to the point of beginning, containing 3202.1 square feet, more or less.

SURVEYOR'S CERTIFICATE

I, J.D. Galey, a Registered Land Surveyor as prescribed by the laws of the State of Utah and holding License No. 358005, do hereby certify that I have supervised a survey of the herein described property and that this plat is a true representation of said survey.



OWNER'S DEDICATION AND CONSENT TO RECORD

Know all men by these presents that Andrew T. Beerman is the owner of 310 Park Avenue Subdivision Block 11, Park City Survey, and having consent to this Amendment to be made, does hereby consent to the recordation of this Record of Survey Plat in the office of the County Recorder of Summit County, Utah.

Also, the owners hereby irrevocably offer for dedication to the City of Park City of the streets, and for local government uses, utilities and easements shown on the plat in accordance with an irrevocable offer of dedication, on or about the 23rd day of June, 2009.

By _____
Andrew T. Beerman

ACKNOWLEDGEMENT

STATE OF UTAH
County of Summit

On this _____ day of _____, 2009, Andrew T. Beerman, personally appeared _____, who after being duly sworn, acknowledged to me that he is the owner of 310 Park Avenue Subdivision, and that he has signed the above Owner's Dedication and Consent to Record freely and voluntarily for the purposes set forth herein.

My commission expires _____ NOTARY PUBLIC
RESIDING IN _____ COUNTY, _____

<p>Alpine Survey, Inc. 1000 East 1000 North (435) 600-8016</p>	<p>WATER RECLAMATION DISTRICT SNYDERVILLE BASIN WATER RECLAMATION DISTRICT ON THIS _____ DAY OF _____, 2009, BY: _____</p>	<p>PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2009 A.D. BY: _____ CHAIRMAN</p>	<p>ENGINEER'S CERTIFICATE I HAVE THIS DAY TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2009 A.D. BY: _____ PARK CITY ENGINEER</p>	<p>APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2009 A.D. BY: _____</p>	<p>CERTIFICATE OF ATTEST I CERTIFY THE RECORD OF SURVEY WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2009 A.D. BY: _____ PARK CITY RECORDER</p>	<p>COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE OF THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2009 A.D. BY: _____ MAYOR</p>	<p>RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ BOOK _____ PAGE _____ FILE _____ RECORDER _____</p>
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