

City Council Staff Report



Author: Alison Butz
Subject: Conservation Easements on Open Space
Date: September 25, 2003
Type of Item: Administrative - Easements

Special Events and Facilities
Department

Summary Recommendations:

Provide Staff with direction on the language included in the conservation easement template. Staff will return to Council for formal approval of conservation easements for the Round Valley Parcels and Richards Parcel in October 2003.

Description:

A. Topic:

Conservation Easements templates and reserved and prohibited rights for both the Richards parcel and Round Valley parcels.

B. Background:

The City Council reviewed the prohibited and reserved rights for the Round Valley Parcels and Richards Parcel. At that meeting Council requested the addition of the following items in the reserved rights section.

- Trail way-finding Signs
- Trailhead Parking
- Restoration of land and vegetation

Staff, per Council's direction, presented the uses to the Recreation Advisory Board to receive further input. Input received focused on the following topics.

Events. The reserved rights allows for events to take place on the property provided that the events are City sponsored. The Recreation Advisory Board requested a better definition of "significant" event be added.

Water Conservation. A suggestion was made to add language requiring drought tolerant grasses and plants be used on the property if developed for a use and along with minimizing the amount of grass that is planted. The Land Management Code addresses the use of drought tolerant vegetation and Staff is currently working to strengthen the language. Therefore, the suggested change was not added to the list of uses.

Lighting of Trailhead Parking. Council had added a reserved right to allow for trailhead parking. The Recreation Advisory Board had requested that the lighting of those lots be carefully looked at and eliminated if possible.

C. Analysis:

As stated at the August 31st meeting the entire easement template, Richards property is used as an example, has been presented for Council comment. The template is a similar template used by Utah Open Lands and other national non-profit land conservancy groups. The revised reserved rights and prohibited uses have also been amended in the draft.

The draft also discusses the baseline documentation. A baseline document outlining the vegetation, soils and habitat of the property, would be attached as Exhibit A to the easement. At this time Staff is concluding the surveying and documentation for both the Richards parcel and Round Valley parcels. The baseline document would be updated annually by COOL (Conserving Our Open Lands), which is part of their duties as outlined within a Special Service Contract.

D. Department Review:

The Lease has been reviewed all applicable City departments.

Issues for Discussion:

- Are the revised prohibited and reserved rights consistent with what Council envisioned for the Conservation Easement?
- Does the easement language address the issues, and meet what Council envisioned with regards to a conservation easement?

Recommendation:

Provide Staff with direction on the language included in the conservation easement template and on the prohibited uses and reserved rights for both the Richards parcel and Round Valley parcels. Once received Staff will continue to draft the easements and will return to Council for approval of the easements in October 2003.

Exhibits:

Exhibit A – Draft Conservation Easement for the Richards Parcel

DEED OF CONSERVATION EASEMENT

THIS GRANT DEED OF CONSERVATION EASEMENT is made this ____ day of _____, 2003, by and between PARK CITY MUNICIPAL CORPORATION, a Utah municipal corporation having an address of 445 Marsac Avenue, Post Office Box 1480, Park City, UT 84060-1480 ("Grantor"), in favor of the CONSERVING OUR OPEN LANDS, a Utah non-profit corporation having an address of Post Office Box 1775, Park City, UT 84060 ("Grantee").

WITNESSETH:

WHEREAS, Grantor is the sole owner in fee simple of approximately 20 acres of real property located west of SR 224 in Park City, Summit County, Utah, described more particularly at Exhibit A, attached hereto and incorporated herein by reference (the "Property"); and

WHEREAS, the Property possesses natural, scenic, recreational, and visual open space values (collectively, "Conservation Values") of great importance to Grantee, the people of Park City, and the people of the State of Utah which are worthy of protection and more fully described in the Baseline Documentation, attached hereto and incorporated herein as Exhibit B; and

WHEREAS, in particular, the Property could be developed for residential use, thereby destroying its natural, scenic and open space characteristics; and

WHEREAS, the Property is prominently visible from one of Park City's two entry corridors, namely SR 224; and

WHEREAS, the Property's proximity to Aspen Springs, the McPolin Farm, Willow Ranch, and the Huntsman Gateway open spaces is significant as it is part of a continuous corridor of open space on the sensitive SR 224 entry corridor; and

WHEREAS, at a November 3, 1998 special bond election, Park City voters authorized the issuance of general obligation bonds in an amount of ten million dollars for the express purpose of acquiring and forever preserving undeveloped park and recreational land; and

WHEREAS, the Property was purchased by Grantor using proceeds of the November 3, 1998 special bond election; and

WHEREAS, the specific conservation values of the Property are documented in an inventory of relevant features of the Property, dated _____, 2003, attached hereto and incorporated herein by reference at Exhibit B ("Baseline Documentation") (original on file at the offices of Grantee) which consists of reports, maps, photographs, and other documentation that the parties agree provide, collectively, an accurate representation of the Property at the time of this grant and which is intended to serve as a objective information baseline for monitoring compliance with the terms of this grant; and

WHEREAS, Grantor intends that the conservation values of the Property be preserved and maintained by the continuation of land use patterns, including, without limitation, those relating to visual open space existing at the time of this grant, that do not significantly impair or interfere with those values; and

WHEREAS, Grantor further intends as owner of the Property, to convey to Grantee the right to preserve and protect the conservation values of the Property in perpetuity; and

WHEREAS, Grantee is a publicly supported, tax-exempt charitable organization qualified under Sections 170(h) and 501(c)(3) of the Internal Revenue Code, whose primary purpose is the preservation, protection, or enhancement of land in its natural, scenic, historical, agricultural, forested, and/or open space condition; and

WHEREAS, Grantee agrees by accepting this grant to honor the intentions of Grantor stated herein and to preserve and protect in perpetuity the conservation values of the Property for the benefit of this generation and the generations to come;

NOW, THEREFORE, in consideration of the above and the mutual covenants, terms, conditions, and restrictions contained herein, which the Parties agree constitute adequate consideration for this agreement, and pursuant to the laws of the State of Utah and in particular Utah Code Annotated, Title 57, Chapter 18, Grantor hereby voluntarily grants and conveys to Grantee a conservation easement in perpetuity over the Property of the nature and character and to the extent hereinafter set forth ("Easement").

1. **Purpose.** It is the purpose of this Easement to assure that the Property will be maintained forever (predominately) in open and recreational use, protecting in perpetuity its scenic, open and undisturbed character and recreational value, and preventing any use of the Property that may significantly impair or interfere with the conservation values of the Property. Grantor intends that this Easement will confine the use of the Property to those activities that are consistent with the purpose of this Easement.
- 1.1 **Baseline Documentation.** To establish the present condition of the Property's agricultural, natural, scenic, and/or other conservation resources and the Property's manmade features, so as to make possible the proper monitoring of future uses of the Property and to ensure compliance with the terms of this Easement, the Parties hereto have prepared an inventory of the Property's relevant resources, features and conditions, which inventory is attached hereto and incorporated herein as Exhibit B, Baseline Documentation. This Baseline Documentation in its entirety is on file at the office of Grantee. The Parties expressly agree that said inventory is an accurate representation of the Property at the time this Agreement is signed. It shall further constitute the minimum level at which the Property shall be maintained by Grantor. If a controversy arises with respect to the nature and/or extent of the historical and/or present use and/or physical condition of the Property at the time of signing of this instrument, the Parties shall not be

**Deed of Conservation Easement
Park City Municipal Corporation/Conserving Our Open Lands**

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Mark D. Harrington, City Attorney

GRANTEE: CONSERVING OUR OPEN LANDS

Name, Title

Corporate Acknowledgment

STATE OF UTAH)
) ss.
COUNTY OF SUMMIT)

On this ____ day of _____, 2003, personally appeared before me _____, whose identity is personally known to me/or proved to me on the basis of satisfactory evidence and who by me duly sworn (or affirmed), did say that he/she is the (TITLE) of the Conserving Our Open Lands by Authority of its Bylaws/Resolution of its Board of Directors, and acknowledged to me that said corporation executed the same.

Notary Public

EXHIBIT A

Beginning at a point West 2403.70 feet, and North 655.95 feet from the Southeast Corner of Section 5, Township 2 South, Range 4 East, Salt Lake Base and Meridian: running thence East 187.26 feet; Thence South 577.14 feet to the North line of Thaynes Creek Ranch Subdivision as Recorded; Thence East along said North line 831.89 feet to the West line of State Highway U-244; Thence North 21 deg. 12' West along said West line 1351.47 feet; Thence West 539.30 feet; Thence South 0° 44'37" East 682.93 feet to the point of beginning; containing 871,200 square feet or 20.000 acres, more or less;

Excepting all area within 180 feet of the stream embankment covered in the CCRP Agreement.

Subject to all matters of record.

EXHIBIT B

(Baseline Documentation)

**Deed of Conservation Easement
Park City Municipal Corporation/Conserving Our Open Lands**

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EXHIBIT C

CCRP Contract

<i>Dana Williams</i>	<i>9/27/02</i>
Park City Municipal Cooperation	Date

CERTIFICATION OF:

DC	<i>Lee Broadbent</i>	<i>9/27/02</i>
	Lee Broadbent	Date

CONSERVATION DISTRICT	
SCD Board	Date

NONDISCRIMINATION STATEMENT

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Park City Municipal Corporation
City Council

C/O: City Attorney

RE: Original Art/Artist Exhibition Ordinance
Draft Development Suggestions

FROM:

t. Stephen Cornelius August 20, 2003
(435) 901-8697 P.O. 1136 Park City UT. 84060

