REVISED

PARK CITY 1884

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
AUGUST 26, 1999

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, August 26, 1999.

AGENDA

Closed Session - City Council Chambers - Lower Level

3:30 p.m.	Personnel Litigation Property acquisition

Work Session - City Council Chambers - Lower Level

4:30 p.m.	Council questions and comments
5:00 p.m.	Cultural/arts master plan update by the Arts Council
5:30 p.m.	Review of regular meeting

Regular Meeting - City Council Chambers - Lower Level

6:00 p.m.

I ROLL CALL

II PUBLIC INPUT

III COMMUNICATIONS FROM COUNCIL AND STAFF

IV WORK SESSION NOTES AND MINUTES OF MEETINGS OF JUNE 24, 1999, JULY 29, 1999, AND AUGUST 5, 1999

V PUBLIC HEARINGS

1. Ordinance amending the Record of Survey for 2900 Deer Valley Drive, The Lodges at Deer Valley, Park City, Utah

2. Ordinance amending the Record of Survey Plat for 7815 Royal Street East, Chateaux at Silver Lake, Park City, Utah

VI CONSENT AGENDA

1. Ordinance amending the Record of Survey for 2900 Deer Valley Drive, The Lodges at Deer Valley, Park City, Utah

2. Ordinance amending the Record of Survey Plat for 7815 Royal Street East, Chateaux at Silver Lake, Park City, Utah

3. Ordinance approving a final subdivision plat at 1372 Woodside Avenue, Park City, Utah

4. KPCW lease for space at the Marsac Municipal Building, 445 Marsac Avenue, Park City, Utah

5. Resolution confirming the sale and authorizing the issuance of $4,085,000 General Obligation Bonds, Series 1999 of Park City, Summit County, Utah; fixing the interest rates to be borne thereby; providing for the levy of taxes to pay principal of and interest on the bonds; providing for the use of the proceeds thereof; making certain findings and covenants in connection therewith; providing for a system of registration therefor; ratifying actions heretofore taken; making certain representations and covenants concerning maintenance of the tax-exempt status of interest thereon under the Federal Income Laws; and providing for related matters

6. Award of construction contract to Theide Construction in an amount not to exceed $115,828 for the reconstruction of 11th Street Stairs Phase 2

7. Appointment of Shauna Kerr as Mayor Pro Tem from September 9, 1999 to September 10, 1999

VII ADJOURNMENT

A Municipal Building Authority meeting will convene

PARK CITY
1884

PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
AUGUST 26, 1999

Present: **Mayor Brad Olch; Council members Hugh Daniels; Roger Harlan; Shauna Kerr; Chuck Klingenstein; and Paul Sincock**

Toby Ross, City Manager; Pat Putt, Planning and Zoning Administrator; Eric DeHaan, City Engineer; Bob Johnston, Leisure Services Director; Kristen Whetstone, Planner; Mat Twombly, Landscape Architect

Arts Council: Joanna Charnes, Executive Director; and Tom Grimm and Dan Nechemias, consultants

1. Council questions and comments:

Customer service award. Shauna Kerr read the nomination for Pat Putt, submitted by Brooks Robinson. It pointed out the challenges of his projects, including the Old Town Transit Center, Land Management Code amendments and Pat Putt's great attitude with residents, board members, and staff.

Hugh Daniels requested a response from staff on the Creative Beginnings letter. Mr. Daniels suggested that the old kiosk site on the Richards Property be restored. He reported that the Olympic legacy plaza task force is moving forward and will be selecting a landscape plan. This plan will go before the Parks and Recreation Board, the Planning Commission and City Council. The Historic Main Street Business Alliance held an open house last week where an added marketing fee to business licenses was introduced. It was well attended. Mr. Daniels emphasized that this is not a "done deal". The Mayor's meeting will be held in Coalville on August 30. He continued that at the last interagency meeting, the School District discussed requests for financial assistance from the City, County, non-profits, and private businesses in funding the adult ESL program. He explained to the School District that this would have to come from the City's grants contingency fund, and felt that the City has some responsibility to assist with the ESL program but others should definitely participate. The amount needed is $20,000 and Mr. Daniels suggested matching half the amount with other governmental agencies.

Paul Sincock pointed out that the speed humps on Holiday Ranch Loop are deteriorating rapidly because of truck traffic. Eric DeHaan explained that the faulty material will be repaired. Mr. Sincock noted the potential safety problems for motorcycles at night. He requested that the Heber Avenue closure be extended from September 10 to September 20 so that the Park City Motorcycle Club can use the park during the week. There was discussion about noticing this item to accommodate public input. With regard to the waste management contract, the committee reviewed three RFP proposals and a recommendation will be rendered on Monday to the County

Commissioners. This involves County-wide automated waste collection; areas that present special difficulties like Old Town, will be serviced manually. He was pleased with the responses and there will be a recycling component, which will begin six months after the start of the regular contract, which is slotted the first of the year. The County Commissioners have not determined the policies on waste collection services as of this date. Mr. Sincock hoped that the recycling rate will increase throughout the County; construction waste is not a part of this program.

Shauna Kerr encouraged staff to submit requested financial information to the ULCT. She continued that Representative Susan Cohen will probably be introducing legislation on licensing taxis, but didn't feel it would be harmful to Park City; Representative Cohen will be contacting the Legal Department. The Quality Growth Commission will be meeting in Park City at the Miners Hospital from 1 p.m. to 4 p.m. and she discussed showcasing "smart growth" projects in the community. Roger Harlan is pleased at the progress of the installation of the traffic light on SR248 and Comstock. The skateboard park will open tomorrow at 10 a.m. There was discussion about parking motorcycles on Main Street during Motorcycle Week and Paul Sincock pointed out that the motorcycles will naturally be parked on Main Street.

Chuck Klingenstein brought up the name of the barn. Ms. Kerr believed that Council agreed on the name "*McPolin Farm*" and that there would be a ceremony once the buildings were finished. Bob Johnston relayed that he wasn't aware that the Council had made a final decision. There was discussion among Parks and Recreation Board members concerned that the name "*McPolin*" has already been used and therefore, the name "*Park City Farm*" was being used in the interim. Shauna Kerr felt it more appropriate to have this matter before the Historical Society or Historic District Commission and not the Parks and Recreation Board. The visit from the legislature in September was discussed. In response to a question from Chuck Klingenstein, Pat Putt noted that staff has a copy of the citizens participation ordinance developed in Glendale, Arizona and is working on incorporating the concept to the greatest degree possible into Chapter 10 of the Land Management Code.

2. **Cultural/arts master plan update.** Joanna Charnes explained that the presentation is not final and the wording pertaining to public art which will be incorporated in the LMC is not available yet. The presentation relates to the needs assessment including the survey and the focus group's findings. The full grant amount requested from the National Endowment for the Arts was received and Tom Grimm and Dan Nechemias were hired as consultants. Tom Grimm presented a computer-assisted presentation. The goals of the program were to chart the future of arts and culture in Summit County and to develop a long-range collaborate plan. Through the assessment process, community needs were identified along with recommended policies and actions in response to those needs. Core values included supporting successful arts and cultural programs that have already been in place in Summit County, and celebrating the County's unique history, heritage and cultural life. Local authentic programming should be preserved. He continued that community groups need to establish partnerships between local organizations and other institutions.

Recommendations include to provide permanent facilities for non-profit organizations, establish a high quality accessible gallery for local artists, developing new cultural and recreational facilities, and preserve and enhance the quality of community gathering places.

Mr. Grimm added that the role of the Park City Arts Council is a lead community agency, facilitating communications and networking among the cultural, business and governmental organizations. It should provide these services and avoid getting involved with producing or managing facilities. As more organizations are established in Summit County, it is more critical that there is better communication between them along with improved cooperation and planning. He mentioned an artists quarter for housing and a marketing plan. Recommended facilities include a stage at lower Main Street, regional amphitheater, film institute and archives, artists and residence center, heritage farm, gallery for local artists, and a gateway facility to the national forest area.

He continued that one of the recommendations is to develop an apprentice learning program bringing together skilled artists, teachers, administrators, and arts organizations for people of all ages. The youth theater program at the Egyptian could be expanded and has the potential of being a signature opportunity for the region. New fund raising strategies need to be championed. Cultural tourism is a significant benefit to the overall business climate of the area. Mr. Grimm discussed the successful musical local events, and pointed out the duplication of programming of classical music. It may be useful to consolidate resources and organizations to create one or two major classical music festivals. Community public radio is a significant asset and the *Park Record* was identified as the key means of finding out about a variety of activities; perhaps a better marketing strategy could be developed in the paper. He read quotes from survey participants. Joanna Charnes emphasized that the Arts Council was not involved as part of the task force so that the results would be more objective. Tom Grimm relayed that a total of 291 people took part in the focus groups, surveys, or personal interviews and the survey was not scientific in nature to avoid leading questions. Dan Nechemias added that the approach in not using a scientifically drawn sample was to avoid bias on an already value-laden subject. It seemed more effective to ask open questions. Those surveyed were not self-selected, and there is a random component to the sample that are not just members of arts organizations, civic, or other agencies. Chuck Klingenstein encouraged the consultants to get the master plan in a phased format and to establish action steps. Tom Grimm explained that the language for the LMC will identify time lines and a series of priorities. In response to a question from Roger Harlan regarding surprising comments, Mr. Grimm noted that some people are leaving Park City because their expectations are not being met. Dan Nechemias stated that he typically surveys political campaigns where there are nonchalant responses, but people have very strong feelings about the arts in Park City. Joanna Charnes felt this is the first phase and that the Arts Council will again approach the NEA for implementation funding. The anticipated outcome of the grant request was to provide a needs assessment to the County Commission to determine if proceeding with a County sales tax option is advisable. Mr. Grimm emphasized that the survey indicates that people don't necessary want highly refined cultural offerings, but like the eclectic "funkiness" of local events in the community. Dan Nechemias added that no one talked about the Olympics or Sundance which speaks directly to the point that what people in Park City are looking for are the eclectic gatherings and parades and not necessary where Park City is projected nationally. Events that the community feels it has ownership over are cherished as opposed to sponsors and outside interests that may eclipse the sense of community involvement and ownership.

3. Review of regular meeting.

1372 Woodside Avenue plat amendment. For the benefit of Hugh Daniels, Planner Kristen Whetstone explained the location of the property.

KPCW lease. Hugh Daniels pointed out that the construction work to be conducted by KPCW will not only comply with the applicable building codes, but KPCW will also be required to obtain a building permit. The MBA should also be a party to the sublease.

11th Street Stairs Project. Mat Twombly explained that the construction of stairs have ranged between $70,000 and $90,000 per block of stairs and $115,000 is well within that range.

See regular meeting minutes.

Prepared by Janet M. Scott

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PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
AUGUST 26, 1999

I ROLL CALL

Mayor Brad Olch called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, August 26, 1999. Members in attendance were Brad Olch, Hugh Daniels, Roger Harlan, Shauna Kerr, Chuck Klingenstein, and Paul Sincock. Staff present were Toby Ross, City Manager; Pat Putt, Planning and Zoning Administrator; and Kirsten Whetstone, Planner.

II PUBLIC INPUT

The Mayor invited the public to comment on any matter of City business, not scheduled on the agenda.

1. <u>Traffic on upper Park Avenue</u> - Kari Hays, resident, stated that she has reviewed the City's traffic report which does not recommend one-way and speed humps. However, the data was based on 25 mph as opposed to 20 mph which skews the results and the average motorist was speeding. Ms. Hays felt the survey needs to be redone. Traffic has increased 20% to 43%, which is significant in this neighborhood with small children. One-way works in the winter and she doesn't understand why it can't be that way year-round. The construction on Woodside was discussed and Hugh Daniels emphasized that this can be explored and there would be a public process.

2. <u>Outside amplified music</u> - Rich Wyman, musician and resident, understood that there have been complaints about outdoor performances and would hate to see the community suffer because of one or two people complaining. There should be some solutions and recalled when a few complained about amplified music in Old Town, and then it was banned. There should be room for compromise. There was discussion about the difficulty in setting up pianos outdoors as opposed to plugging in an electronic keyboard, and Mr. Wyman recommended that there be a decibel limit that could be measured with a meter. The Mayor felt that this is an issue of containment, but felt that with control on the level and direction of sound, there is ample opportunity to work on this issue. Mr. Wyman acknowledged that the topography creates a natural amphitheater, but felt that a lot of people like hearing the music. Chuck Klingenstein felt that there is an issue of the cumulative effect of noise heard most of the time. There was discussion of scheduling outdoor music on a work session agenda.

Dana Williams, musician and resident, stated that he performed at the Town Lift Plaza and never went over the decibel level. He felt the ordinance could be reviewed during the winter. He felt that the noise from performances can barely be heard across the street, and although the complainants are friends of his and he doesn't want this to get personal, he feels that this has become a "game" in terms of calling repeatedly. He would hate to see outdoor music go and referred to the cultural arts master plan discussion earlier. He pointed out the popularity of the *People Make the City* local music festival and questioned a complaint from Burnis Watts who hasn't lived in the area for three years and a complaint received 15 minutes after his band stopped playing. A task force may be appropriate to reach a compromise.

Peg Bodell, Park City Arts Council and City Council candidate, read a letter from Randy Barton who programmed the music in the Old Town Plaza area, but could not be in attendance. The letter indicated that the music permit was rescinded last week because of complaints received from residents, one individual in particular. He was allowed to continue under new restrictions, but felt there needs to be a community discussion and political decision made concerning the future of outdoor music in Park City. He cited a number of successful outdoor music festivals and events and felt that Park City should strive to be an artistic center of the West. He is very proud of the musical line-up and the level of talent the Town Lift plaza brought to the community this summer. Lower Main Street has been struggling for viability, and the plazas provide an opportunity for community gathering places; he believes that art equals business. Residents and businesses should be polled about how they feel about outdoor amplified music and one person complaining should not be allowed to torpedo a wonderful community amenity. Mr. Barton stated that he supports outdoor music but also Db levels, appropriate hours, and maximum capacities. He suggested that all outdoor music be performed on a stage with a band shell that would direct the sound toward the listener and away from the residences. The Mayor believed that Mr. Barton would be a good candidate for the task force.

<u>Complaints - Main Street</u> - Dave Shaftner, Main Street business owner, complained about the condition of the trash containers on Main Street and merchants putting their garbage on the street for trash pick-up. He criticized the Council for not visiting Main Street. He asked about the schedule for street work on Main Street. The pavement and the curb and gutter work for next summer was discussed, including scheduling it during off-business hours. Mr. Shaftner complained that it should be done in the spring and fall. There was discussion about the bulb-outs and the resurfacing as the only upcoming City projects. Mr. Shaftner complained about the condition of the sidewalks and the gutters. The City Manager explained that annual work is conducted on the sidewalks but the resurfacing of Main Street will prompt a more comprehensive repair of sidewalks. The Mayor discussed the inconsistencies of sidewalks because of the variety of projects on Main Street. Shauna Kerr asked if she understood that Mr. Shaftner wants more sidewalk and gutter work on Main Street. Mr. Shaftner asked if Council has inspected the sidewalks and if there is a plan to repair them and felt this is more important than the bulb-outs. Ms. Kerr confirmed that he would like the City to do more construction on Main Street and Mr. Shaftner responded in the spring and fall.

Continuation of outdoor music comments - Marty Marsen, stated that he likes the atmosphere of live outdoor music as it has not been raucous. It is unreasonable that one individual in particular complains repeatedly and it could be that this individual is opposed to the entire development of lower Main Street. He has a hard time believing that someone could be that upset about low volume music and that this could go on for years. He emphasized that he supports outdoor music as a patron and performer.

Kari Hays stated that she was part-owner of the Brewpub on Park Avenue but is no longer. She always felt this was a great location for music, which was always very tasteful. There were times when the neighbors called before the music even started, or when there was acoustic music. Ms. Hays acknowledged the echo effect in the canyon, but felt that the level of noise is minimal and the plaza is a perfect spot for music. She pointed out her confusion that small acoustic bands are not okay but Americas Opening and concerts in the park every week are okay, and asked why is this so bad? This is a great place for music and it should continue to exist.

Hugh Daniels commented that he didn't think the complaints were just one person and stated that he could hear the noise at his house on Woodside, but not all the time. He felt that some of Randy Barton's suggestions were excellent and was hopeful that problems can be resolved.

Dan Nekemias, 1119 Park Avenue, stated that there are days when he can hear the music and others when he can't. He likes the music which is a great addition to lower Main Street which is in great need of "life blood".

Dan Hall, local musician, discussed the misnomer that there are lots of places to play in Park City. The outdoor music events have been refreshing and he suggested a coalition of home owners, musicians, and local establishments so that it can continue.

Melanie Reif, 819 Park Avenue resident, discussed her music background and involvement with the Utah Symphony and any allegations directed to her or Mr. Whaley or both that they are against music are erroneous. About a month ago, they raised concerns about the noise levels from amplified music on lower Main Street and is here to reiterate those concerns. A permit to play music is a privilege not an entitlement and the City may wish to revoke a permit. As residents, they have the right to use and enjoy their property, unfortunately, the amplified music limits their enjoyment of their property and constitutes a nuisance. The Utah Code supports their contentions, and she cited the Code regarding nuisance and the authority of municipalities to abate nuisances. In addition, a city can not license a nuisance for purely private gain. Ms. Reif contended that the amplified music from the lower Main Street area constitutes a nuisance which can and should be abated by the City, and requested that the City take measures that the nuisance activities abate.

Teri Orr, Executive Director of the Park City Performing Arts Foundation, felt the work session presentation was informative about where we are headed in terms of creating a cultural environment. There is a lot of effort devoted to open space, historic preservation, and infrastructure to the credit of the City. However, the cultural arts are now gaining support and credibility. Supporting the arts is not always shown by writing a check but by the leadership the City demonstrates in responding to citizens and the cultural environment they would like to have. She hoped a compromise can be reached with regard to outdoor music.

Joanna Charnes, Executive Director of the Park City Arts Council, referred to the findings during work session. People want things that bring them together, not only for the arts, but as an affiliation of being part of the community. She discussed her urban planning background. Working the arts into a downtown area is not a new concept, and she expressed her interest in serving on a committee.

III COMMUNICATIONS FROM COUNCIL AND STAFF

None.

IV WORK SESSION NOTES AND MINUTES OF MEETINGS OF JUNE 24, 1999, JULY 29, 1999, AND AUGUST 5, 1999

Hugh Daniels relayed some corrections to the June 24, 1999 work session notes and the July 29, 1999 minutes. Hearing no further corrections or omissions, the Mayor requested a motion to approve. Roger Harlan, "I so move". Shauna Kerr seconded. Motion carried unanimously.

V PUBLIC HEARINGS

1. Ordinance amending the Record of Survey for 2900 Deer Valley Drive, The Lodges at Deer Valley, Park City, Utah - Pat Putt explained that this is a request to address Phase 2 to make Building E slightly larger to accommodate more units; Building F will become incrementally smaller with a greater setback from the wetlands. The Planning Commission approved a revision to the MPD on August 11, 1999 to allow this change to occur, and staff also recommends a positive recommendation. Hearing no questions or comments, the public hearing was closed.

2. Ordinance amending the Record of Survey Plat for 7815 Royal Street East, Chateaux at Silver Lake, Park City, Utah - Kirsten Whetstone explained that this request includes minor amendments to the recorded final record of survey plat. Staff is recommending approval based on the findings of fact and conditions outlined in the staff report. Hearing no questions or comments, the public hearing was closed.

VI CONSENT AGENDA

Paul Sincock, "I move approval of Items 1 through 7 on the Consent Agenda". Shauna Kerr seconded. Motion unanimously carried. Chuck Klingenstein disclosed that with regard to Item 3, Kurt Peterson is a close friend, but they have no financial dealings, and he has no conflict of interest.

1. Ordinance amending the Record of Survey for 2900 Deer Valley Drive, The Lodges at Deer Valley, Park City, Utah - See public hearing and staff report.

2. Ordinance amending the Record of Survey Plat for 7815 Royal Street East, Chateaux at Silver Lake, Park City, Utah - See public hearing and staff report.

3. Ordinance approving a final subdivision plat at 1372 Woodside Avenue, Park City, Utah - See work session notes and staff report.

4. KPCW lease for space at the Marsac Municipal Building, 445 Marsac Avenue, Park City, Utah - See work session notes and staff report.

5. Resolution confirming the sale and authorizing the issuance of $4,085,000 General Obligation Bonds, Series 1999 of Park City, Summit County, Utah; fixing the interest rates to be borne thereby; providing for the levy of taxes to pay principal of and interest on the bonds; providing for the use of the proceeds thereof; making certain findings and covenants in connection therewith; providing for a system of registration therefor; ratifying actions heretofore taken; making certain representations and covenants concerning maintenance of the tax-exempt status of interest thereon under the Federal Income Laws; and providing for related matters - See work session notes and staff report.

6. Award of construction contract to Theide Construction in an amount not to exceed $115,828 for the reconstruction of 11th Street Stairs Phase 2 - See staff report.

7. Appointment of Shauna Kerr as Mayor Pro Tem from September 9, 1999 to September 10, 1999 - Staff recommends approval.

VII ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned and a Municipal Building Authority meeting convened.

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MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 3:30 p.m. Members in attendance were Mayor Brad Olch, Hugh Daniels, Roger Harlan, Shauna Kerr, Chuck Klingenstein, and Paul Sincock. Staff present were Toby Ross, City Manager; Mark Harrington, Interim City Attorney; and Mike O'Brien, Esq. Chuck Klingenstein, "I move to close the meeting to discuss personnel/litigation and property acquisition". Shauna Kerr seconded. Motion carried unanimously.

The meeting opened at approximately 4:40 p.m.

* * * * * * * *

The meeting for which these minutes were prepared was noticed by posting at least 24 hours in advance and by delivery to the news media two days prior to the meeting.

Prepared by Janet M. Scott

Janet M. Scott

Janet M. Scott, City Recorder

PARK CITY SUMMIT COUNTY UTAH
CORPORATE
Seal
MARCH 1, 1884

Park City Arts Council

August 23, 1999

To: Park City Council:

Hugh Daniels, Roger Harlan, Shauna Kerr, Chuck Klingenstein,
Paul Sincock & Mayor Brad Olch

On September 17, 1998, the Park City Arts Council received a matching grant from the National Endowment for the Arts to undertake a Cultural Art Master Plan.

We appreciate the support from Park City Municipal Corporation in the form of a matching grant from the Contingency Fund in the amount of $8,750. We also received that amount from Summit County and a contribution of $1,000 from The Canyons.

Attached please find the Executive Summary of the Summit County Cultural Master Plan as submitted to the Arts Council by our consultants Thomas Grimm and Daniel Nechemias. They will present a more thorough summary of their survey findings at your City Council meeting on August 26, 1999.

Sincerely, Joanna Charnes

Joanna Charnes
Executive Director
Arts Council: Park City/Summit County

Post Office Box 4455
Park City, Utah
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ABSTRACT

THE FOLLOWING STUDY IS SUBMITTED ON BEHALF OF PROJECT CONSULTANTS THOMAS GRIMM AND DANIEL NECHEMIAS TO THE PARK CITY AND SUMMIT COUNTY ARTS COUNCIL. SUMMIT COUNTY, PARK CITY MUNICIPAL CORPORATION, THE CANYONS, AND THE NATIONAL ENDOWMENT COMMISSIONED THIS STUDY FOR THE ARTS. THE PURPOSE OF THIS DOCUMENT IS TO SERVE AS A STRATEGIC VISION FOR THE FUTURE OF THE ARTS AND CULTURAL LIFE IN SUMMIT COUNTY. THE ENSUING ANALYSES ARE BASED ON A DETAILED ASSESSMENT OF THE COMMUNITY'S EXISTING RESOURCES AND NEEDS. THIS DOCUMENT MAKES NO JUDGEMENTS AS TO THE DEFINITIONS OF ART OR CULTURE AND INTERPRETS BOTH CONCEPTS IN THE LEAST RESTRICTIVE TERMS POSSIBLE.

RESEARCH DESIGN

A MULTI LAYERED RESEARCH DESIGN WAS EMPLOYED TO ASSESS THE EXISTING RESOURCES IN THE COMMUNITY AND IDENTIFY NEEDS. THE FIELD WORK COMMENCED MAY 1, 1999 AND WAS COMPLETED JULY 26, 1999. THIS PORTION OF THE ANALYSIS INVOLVED:

- GATHERING EXISTING MARKET RESEARCH DATA
- EVALUATING EXISTING FACILITIES
- CONDUCTING A NON-SCIENTIFIC, MULTI-TIERED SURVEY

THE SURVEY CONSISTED OF KEY PERSON INTERVIEWS, FOCUS GROUPS, AND A QUESTIONNAIRE.

SAMPLING DESIGN

THE SAMPLE CHOSEN WAS NOT A SCIENTIFICALLY SELECTED RANDOM SAMPLE. CONSEQUENTLY, ASSESSMENTS AND MOST DATA WITHIN THIS DOCUMENT ARE NOT QUANTITATIVELY GENERALIZABLE FOR THE GREATER POPULATION OF SUMMIT COUNTY. TWO POSSIBLE TYPES OF RANDOM SAMPLE SURVEY TECHNIQUES WERE CONSIDERED AND REJECTED. A MAIL SURVEY WAS REJECTED BECAUSE OF LOW RESPONSE RATE AND THE INABILITY OF THE INVESTIGATOR TO PROBE THE REASONING OF THE RESPONDENT. A TELEPHONE SURVEY WAS DEEMED IMPRACTICAL BECAUSE THE LENGTH AND DEPTH OF THE INFORMATION SOUGHT. THE PRIMARY REASON FOR REJECTING EITHER A TELEPHONE OR MAIL SURVEY WAS THAT ARTS AND CULTURE ARE INHERENTLY QUALITATIVE. THEREFORE, THE INSTRUMENT USED TO MEASURE ATTITUDES PERTAINING TO THE ARTS AND CULTURE MUST BE PRIMARILY QUALITATIVE. ARTS AND CULTURE ARE VALUE-LADEN CONCEPTS. IT IS DIFFICULT TO MEASURE VALUES EITHER WITH A SCIENTIFIC FIXED-RESPONSE QUESTIONNAIRE, SINCE THE VALUES CHOSEN BY THE RESPONDENT WILL ALWAYS BE A DIRECT REFLECTION OF THE ARRAY OF RESPONSES OFFERED TO THEM BY THE SURVEY, AND THEREFORE, INHERENTLY BIASED. AS A RESULT, THE SELECTED SAMPLE PRIMARILY CONSISTED OF COMMUNITY LEADERS, CIVIC LEADERS, MEMBERS OF THE BUSINESS COMMUNITY, AND CITIZENS-AT-LARGE. THE SAMPLE ADEQUATELY REPRESENTS MANY SEGMENTS OF THE POPULATION FROM A GEOGRAPHIC, ETHNIC, AND GENDER PERSPECTIVE. FOR SAMPLE DEMOGRAPHICS REFER TO *APPENDIX A*.

MASTER PLANNING GOALS

- CHART THE FUTURE COURSE OF ARTS AND CULTURE IN SUMMIT COUNTY
- DEVELOP A LONG RANGE COLLABORATIVE PLAN FOR THE SUSTENANCE OF THE ARTS AND CULTURAL LIFE OF SUMMIT COUNTY

PLANNING OBJECTIVES

- GENERATE A VISION AND RECOMMEND STRATEGIES FOR THE FUTURE OF SUMMIT COUNTY ARTS AND CULTURE.
- DEVELOP AN IN-DEPTH PLAN, INCLUDING DESCRIPTIONS, RATIONALES, AND RECOMMENDED STRATEGIES.

CULTURAL PLANNING APPROACH

- ASSESS COMMUNITY NEEDS, DESIRES AND ASPIRATIONS FOR ARTS AND CULTURAL LIFE OF SUMMIT COUNTY
- DEFINE RESOURCES AND COMMUNITY NEEDS
- RAISE AWARENESS OF COMMUNITY NEEDS
- INCREASE FINANCIAL RESOURCES TO MEET COMMUNITY NEEDS
- DEVELOP POLICIES AND ACTIONS IN RESPONSE TO NEEDS

A BROAD ALLIANCE OF ARTS AND CULTURE

THE CULTURAL LIFE OF SUMMIT COUNTY HAS BEEN MADE IMMENSELY RICHER BY MANY KINDS OF ACTIVITIES THAT HAVE GONE BEYOND A NARROWER, TRADITIONAL DEFINITION OF THE ARTS.

THIS MASTER PLAN CONSIDERS CULTURE BROADLY, WHETHER CELEBRATED IN A SMALL TOWN RODEO, A SUMMER THEATER CAMP PROGRAM FOR LOCAL CHILDREN, OR A SERIES OF PREMIER PERFORMANCES BY WORLD-RENOWNED CHAMBER ENSEMBLES.

MASTER PLAN GUIDING VALUES

PROVIDE A BETTER QUALITY OF LIFE IN THE COMMUNITY:

THE ROLE OF ARTS AND CULTURE IS FIRST AND FOREMOST TO ENHANCE THE QUALITY OF THE LIVES OF PEOPLE WHO LIVE AND WORK IN SUMMIT COUNTY AND TO BUILD THEIR SENSE OF COMMUNITY.

> *"PRESERVE INFORMAL COMMUNITY GATHERING PLACES ON MAIN STREET, LIKE THE POST OFFICE."*
>
> *"OUR MAIN STREET SHOULD BE AN EMOTIONAL SPEEDBUMP."*
>
> *"TAKE BACK MAIN STREET! ITS BECOME A LOADING DOCK FOR BEER TRUCKS."*

SUPPORT SUCCESSFUL ARTS AND CULTURAL PROGRAMMING:

NEW INITIATIVES SHOULD ACKNOWLEDGE AND BUILD ON THE SUCCESS THAT HAS BEEN ACHIEVED BY ARTS AND CULTURAL ORGANIZATIONS AND PROGRAMS OF ARTISTS IN THE REGION.

> *"NO MORE "IDEA DU JOUR"*
>
> *"BUILD AND STRENGTHEN EXISTING SUCCESSFUL PROGRAMS"*

CULTURAL PLANNING AND THE FUTURE OF SUMMIT COUNTY:

THIS MASTER PLAN IS GUIDED BY AN EXPANSIVE VISION FOR THE ROLE THAT ARTS AND CULTURE CAN PLAY IN THE REGIONAL COMMUNITY LIFE OF SUMMIT COUNTY.

> *"WE NEED TO ASSESS THE TRUE ECONOMIC, COMMUNITY AND CULTURAL BENEFIT OF EVENTS AND CULTURAL OFFERINGS...AND SAY NO SOMETIMES TO OUTSIDE EVENT PLANNERS."*

PURSUE COUNTY SALES TAX INITIATIVE: COUNTY OPTION FUNDING FOR CULTURAL ORGANIZATIONS (ONE TENTH OF ONE PERCENT)

> *"LEADERSHIP, IN GOVERNMENT AND BUSINESS, AS WELL AS IN THE ARTS COMMUNITY, IS NEEDED."*

CELEBRATE SUMMIT COUNTY'S CULTURAL LIFE:

THERE IS STRONG SUPPORT FOR COMMUNITY-WIDE FESTIVALS THAT CELEBRATE LOCAL HISTORY AND TRADITIONS.

> *"PEOPLE HERE LOVE THE OAKLEY RODEO. IT BELONGS TO THE FOLKS WHO LIVE HERE. WE WOULDN'T ADD A SINGLE PLANK TO THE ARENA. PEOPLE WANT TO BE PART OF SOMETHING REAL, EVEN IF IT MEANS FEELING THE MANURE FLY IN THEIR FACE. IT'S REAL STUFF."*

MEETING RECOMMENDATIONS

City Council Staff Report

DATE: August 20 ,1999
AUTHOR: Planning Staff
TITLE: 2900 Deer Valley Drive CUP modification and Condominium Record of Survey Plat
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Staff recommends that the Council approve a Record of Survey plat for Building E at the Lodges at 2900 Deer Valley Drive (Phase 2 of the Lodges).

DESCRIPTION:

A. Topic.

Project Name: The Lodges at Deer Valley - Phase 2
Owner: Lodge Development Company LLC
Location: 2900 Deer Valley Drive East
Zoning: RD-MPD
Adjacent Land Uses: Residential

B. Background.

This proposal involves a Record of Survey application reflecting the most recent modification to the Lodges at Deer Valley MPD. On April 5, 1996, the Park City Planning Commission approved a Conditional Use Permit (CUP) and Master Planned Development (MPD) for 125 residential condominium units at 2900 Deer Valley Drive East. Currently 53 of the units have been constructed as part of Phase I in Buildings B, C and D. The 1996 MPD approved the building configuration as follows:

Building A - 25 units
Building E - 21 units
Building F - 26 units
Total 72

The current modification calls for the following units to be built in the remaining three buildings as follows:

Building A - 25 units
Building E - 32 units
Building F - 15 units
Total 72

The modification increases the size of Building E and decreases the size of Building F. The reconfiguration will not alter the total square footage allowed, but will reconfigure Buildings F and Buildings E. Building F will be reduced in size and will increase the setback from the mitigated wetlands area by approximately 25 feet on the side yard. Building E will increase in footprint size but will adhere to the minimum setbacks for the zone. The Planning Commission approved the modification to the MPD and forwarded a positive recommendation on the Record of Survey plat for Building E on August 11, 1999.

C. Analysis.

The proposed Record of Survey plat is consistent with the Lodges at Deer Valley MPD as amended by the Planning Commission on August 11, 1999. The proposal is in compliance with all requisite Land Management Code requirements.

D. Notice

Notice of this project was sent to property owners within 300' of the project. Several phone inquiries have been received yet no formal comments have been filed at the time of this report.

E. Department Review.

The Community Development Department has reviewed this request. The City Attorney's Office and City Engineer will review the plat prior to recordation.

ALTERNATIVES

A. Approve the proposed the Record of Survey Plat for the Lodges at Deer Valley at Building E.

B. Deny the modification and Record of Survey and retain the existing plat.

C. Continue the item and request further evaluation from Staff.

SIGNIFICANT IMPACTS:

Phase 2 allows for an additional 72 units to be constructed. This modification will reconfigure Bldgs. E and F and plat 32 of the remaining 72 units.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

If the Record of Survey is not approved as proposed, the building could be developed as specified in the CUP approval, but would not be allowed to have separate ownership (condominiums).

RECOMMENDATION:

Staff recommends that the City Council to approve a Record of Survey for the Lodges at Deer Valley at 2900 Deer Valley Drive East Building E for 32 units based on the following Findings of Fact, Conclusions of Law and Conditions of Approval:

Findings of Fact:

1. The property is located in the RD-MPD District.

2. The proposed plat will record 32 units in Building E.

Conclusions of Law:

1. There is good cause for the Record of Survey approval as it is an element of a previous Planning Commission action.

2. Neither the public nor any person will be materially injured by the proposed plat amendment.

3. The proposal is consistent with both the Park City Land Management Code Chapter 7 and Chapter 15 and the State Condominium Ownership Act.

Conditions of Approval:

1. City Attorney and City Engineer review and approval of the plat for compliance with the Land Management Code, State law and these conditions of approval is a condition precedent to plat recordation.

2. The proposed building will be reviewed for compliance with the Park City Land Management Code and the Conditional Use permit under the building permit review process.

3. All conditions of approval established in the original CUP, dated April 10, 1996, and as modified on August 11, 1999 for the current buildings are in full force and effect and shall be referenced on the plat.

EXHIBITS:

Exhibit A - Ordinance
Exhibit B - Vicinity Map
Exhibit C - Record of Survey Map proposed 1999
Exhibit D- Applicant's letter
Exhibit E - Proposed amendment to MPD 1999
Exhibit F -Original MPD site plan 1996

Ordinance No. 99-

AN ORDINANCE APPROVING A RECORD OF SURVEY MAP FOR THE LODGES AT DEER VALLEY PHASE TWO PARK CITY, UTAH

WHEREAS, the Lodge Development Company, LLC, owner of the property located at 2900 Deer Valley Drive, Park City, Utah, has petitioned the City Council for approval of record of survey for the Lodges at Deer Valley Phase Two; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and state law; and

WHEREAS, on August 11, 1999 the Planning Commission held a public hearing to receive public input on the record of survey and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on August 26, 1999 the City Council reviewed the proposed record of survey plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the record of survey plat;

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

SECTION 1. FINDINGS OF FACT.

1. The property is located in the RD-MPD District.

2. The proposed plat will record 32 units in Building E.

SECTION 2. CONCLUSIONS OF LAW

1.There is good cause for the Record of Survey approval as it is a previous Planning Commission action.

2. Neither the public nor any person will be materially injured by the proposed Record of Survey.

3. The proposal is consistent with both the Park City Land Management Code Chapter 7 and 15 and the State Condominium Ownership Act.

SECTION 4. CONDITIONS OF APPROVAL

1. City Attorney and City Engineer review and approval of the plat for compliance with the Land Management Code, State law, and these conditions of approval is a condition precedent to the plat recordation.

2. The proposed building will be reviewed for compliance with the park City Land management Code and the Conditional Use Permit under the building permit process.

3. All conditions of approval established in the original CUP, dated, aril 10, 1996, and as modified on August 11, 1999 for the current buildings are in full force and shall be referenced on the plat.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 26 th day of August, 1999.

PARK CITY MUNICIPAL CORPORATION

____
Mayor Bradley A. Olch

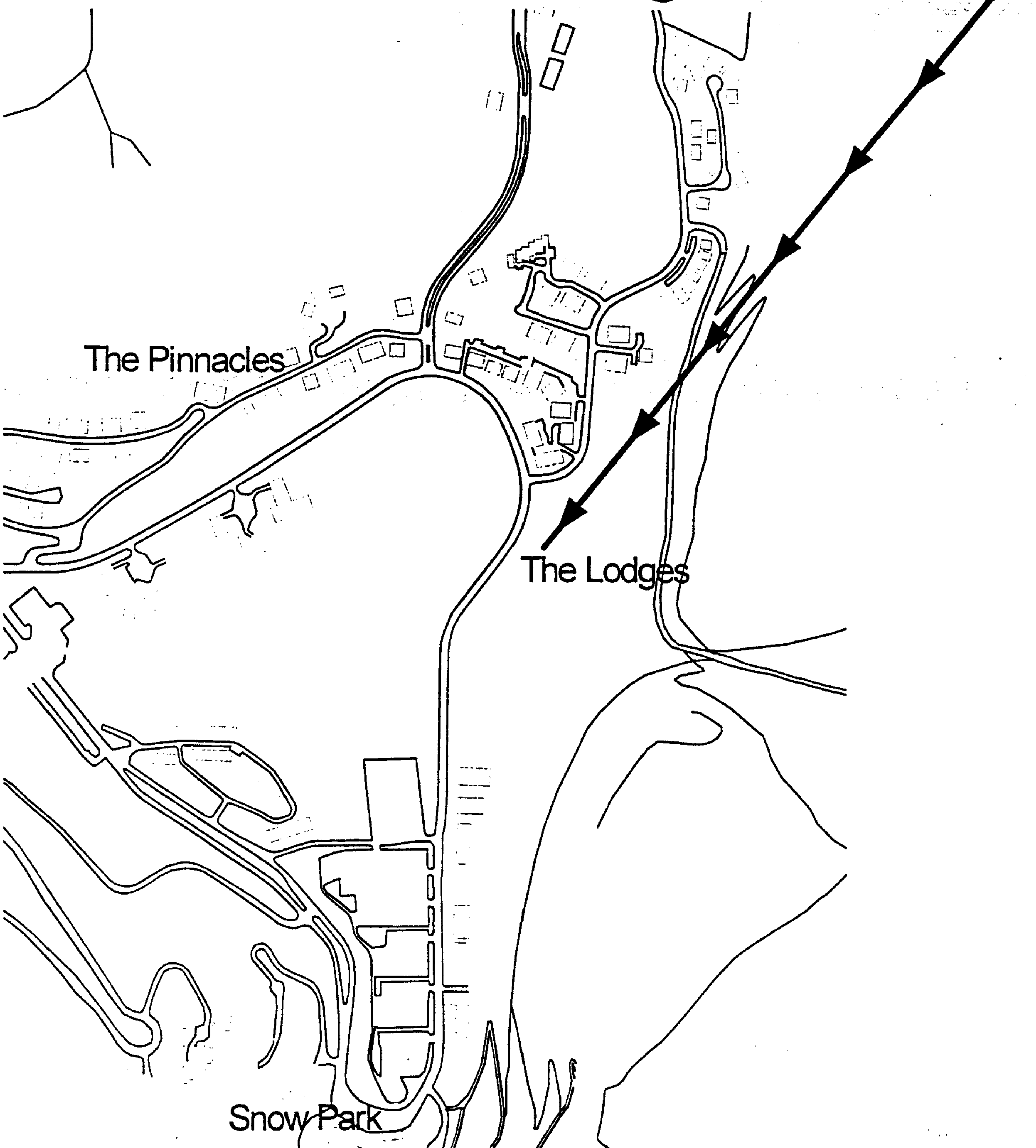
Attest:

____
Janet M. Scott, Deputy City Recorder

Approved as to form:

____
Mark D. Harrington, Acting City Attorney

2900 Deer Valley Dr.



PARK CITY
1884

Exhibit B
Vicinity Map

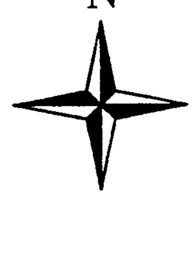


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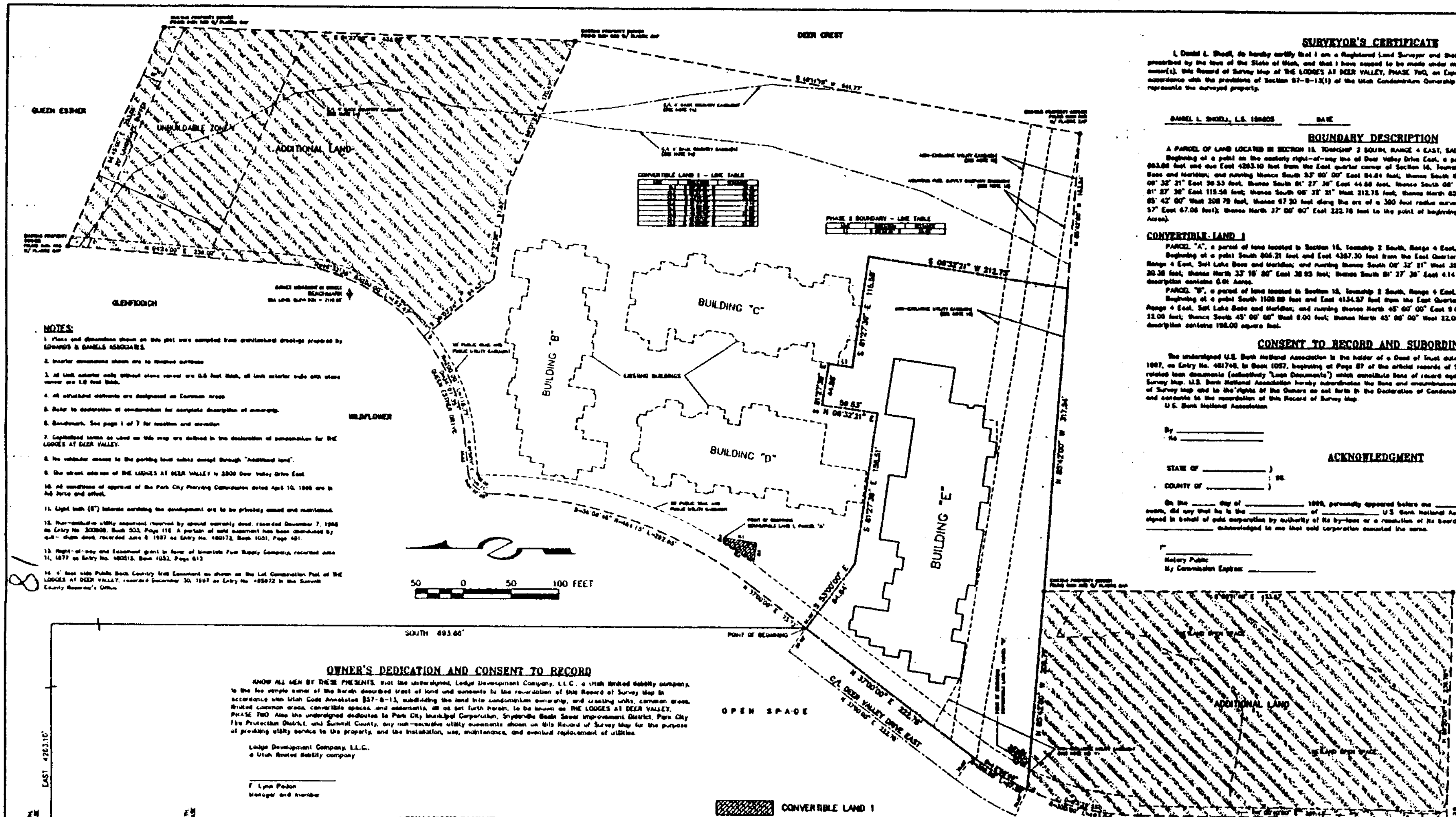
EXHIBIT C



NOTES:

1. Plans and dimensions shown on this plat were compiled from architectural drawings prepared by EDWARDS & DANIELS ASSOCIATES.
2. Interior dimensions shown are to finished surfaces.
3. All Unit exterior walls without stone veneer are 0.6 feet thick, all Unit exterior walls with stone veneer are 1.0 feet thick.
4. All structural elements are designated as Common Areas.
5. Refer to declaration of condominium for complete description of ownership.
6. Benchmark. See page 1 of 7 for location and elevation.
7. Capitalized terms as used on this map are defined in the declaration of condominium for THE LODGES AT DEER VALLEY.
8. No vehicular access to the parking level exists except through "Additional land".
9. The street address of THE LODGES AT DEER VALLEY is 2900 Deer Valley Drive East.
10. All conditions of approval of the Park City Planning Commission dated April 10, 1996 are in full force and effect.
11. Eight inch (8") laterals servicing the development are to be privately owned and maintained.
12. Non-exclusive utility easement reserved by special warranty deed, recorded December 7, 1986 as Entry No. 300908, Book 503, Page 116. A portion of said easement has been abandoned by quit-claim deed, recorded June 6, 1997 as Entry No. 480172, Book 1051, Page 481.
13. Right-of-way and Easement grant in favor of Mountain Fuel Supply Company, recorded June 11, 1977 as Entry No. 480515, Book 1052, Page 613.
14. 6' foot wide Public Back Country Trail Easement as shown on the Lot Combination Plat of THE LODGES AT DEER VALLEY, recorded December 30, 1997 as Entry No. 495072 in the Summit County Recorder's Office.

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OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, Lodge Development Company, L.L.C., a Utah limited liability company, is the fee simple owner of the herein described tract of land and consents to the recordation of this Record of Survey Map in accordance with Utah Code Annotated §57-8-13, subdividing the land into condominium ownership, and creating units, common areas, limited common areas, convertible spaces, and easements, all as set forth herein, to be known as THE LODGES AT DEER VALLEY, PHASE TWO. Also the undersigned dedicates to Park City Municipal Corporation, Snyderville Basin Sewer Improvement District, Park City Fire Protection District, and Summit County, any non-exclusive utility easements shown on this Record of Survey Map for the purpose of providing utility service to the property, and the installation, use, maintenance, and eventual replacement of utilities.

Lodge Development Company, L.L.C.,
a Utah limited liability company

____
F. Lynn Padan
Manager and member

ACKNOWLEDGMENT

STATE OF ______________)
: ss.
COUNTY OF ______________)

On the _____ day of ______________, 1999, personally appeared before me F. Lynn Padan, who, being by me duly sworn, did say that he is a manager and member of Lodge Development Company, L.L.C., a Utah limited liability company, and that the within and foregoing Owner's Dedication and Consent to Record was signed on behalf of said limited liability company, and said F. Lynn Padan duly acknowledged to me that he executed the same on behalf of said limited liability company with proper authority.

____
Notary Public
My Commission Expires: ______________

SURVEYOR'S CERTIFICATE

I, Daniel L. Shoell, do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No. 186805 as prescribed by the laws of the State of Utah, and that I have caused to be made under my direction and by the authority of the owner(s), this Record of Survey Map of THE LODGES AT DEER VALLEY, PHASE TWO, an Expandable Utah Condominium Project in accordance with the provisions of Section 57-8-13(1) of the Utah Condominium Ownership Act. I further certify this plat accurately represents the surveyed property.

DANIEL L. SHOELL, L.S. 186805 ______ DATE

BOUNDARY DESCRIPTION

A PARCEL OF LAND LOCATED IN SECTION 15, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN;
Beginning at a point on the easterly right-of-way line of Deer Valley Drive East, a public right-of-way, which is due South 693.66 feet and due East 4263.10 feet from the East quarter corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence South 53° 00' 00" East 84.64 feet; thence South 81° 27' 39" East 138.51 feet; thence North 08° 32' 21" East 36.53 feet; thence South 81° 27' 39" East 44.88 feet; thence South 08° 32' 21" West 25.46 feet; thence South 81° 27' 39" East 115.56 feet; thence South 08° 32' 21" West 212.75 feet; thence North 85° 42' 00" West 317.04 feet; thence North 85° 42' 00" West 208.79 feet; thence 67.20 feet along the arc of a 300 foot radius curve to the right (chord bears North 30° 34' 57" East 67.06 feet); thence North 37° 00' 00" East 222.78 feet to the point of beginning. Contains 101,401.7 square feet (2.328 Acres).

CONVERTIBLE LAND 1

PARCEL "A", a parcel of land located in Section 15, Township 2 South, Range 4 East, Salt Lake Base and Meridian;
Beginning at a point South 806.21 feet and East 4387.30 feet from the East Quarter Corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence South 08° 32' 21" West 35.41 feet; thence North 81° 27' 39" West 20.38 feet; thence North 33° 16' 30" East 38.85 feet; thence South 81° 27' 39" East 4.14 feet to the point of beginning. This description contains 0.01 Acres.

PARCEL "B", a parcel of land located in Section 15, Township 2 South, Range 4 East, Salt Lake Base and Meridian;
Beginning at a point South 1100.80 feet and East 4134.57 feet from the East Quarter Corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence North 45° 00' 00" East 9.00 feet; thence South 45° 00' 00" East 22.00 feet; thence South 45° 00' 00" West 9.00 feet; thence North 45° 00' 00" West 22.00 feet to the point of beginning. This description contains 198.00 square feet.

CONSENT TO RECORD AND SUBORDINATION

The undersigned U.S. Bank National Association is the holder of a Deed of Trust dated June 30, 1997, and recorded June 3, 1997, as Entry No. 481748, in Book 1057, beginning at Page 87 of the official records of Summit County, Utah, together with related loan documents (collectively "Loan Documents") which constitute liens of record against the property in this Record of Survey Map. U.S. Bank National Association hereby subordinates the liens and encumbrances of the Loan Documents to this Record of Survey Map and to the rights of the Owners as set forth in the Declaration of Condominium for THE LODGES AT DEER VALLEY and consents to the recordation of this Record of Survey Map.
U.S. Bank National Association

By ______________
Its ______________

ACKNOWLEDGMENT

STATE OF ______________)
: ss.
COUNTY OF ______________)

On the _____ day of ______________, 1999, personally appeared before me ______________ who, being by me duly sworn, did say that he is the ______________ of ______________ U.S. Bank National Association, that said instrument was signed in behalf of said corporation by authority of its by-laws or a resolution of its board of directors, and said ______________ acknowledged to me that said corporation executed the same.

____
Notary Public
My Commission Expires: ______________

Legend
CONVERTIBLE LAND 1
CONVERTIBLE SPACE 1
COMMON OWNERSHIP
PRIVATE OWNERSHIP
LIMITED COMMON OWNERSHIP
LIMITED COMMON OWNERSHIP ASSOCIATED WITH CONVERTIBLE SPACE 1
ADDITIONAL LAND

RECORD OF SURVEY MAP

THE LODGES AT DEER VALLEY

PHASE TWO

A UTAH EXPANDABLE CONDOMINIUM PROJECT

LOCATED IN SECTION 15, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

PAGE 1 OF 7

PSOMAS AND ASSOCIATES	SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT	PLANNING COMMISSION	ENGINEERS CERTIFICATE	APPROVAL AS TO FORM	CERTIFICATE OF ATTEST	COUNCIL APPROVAL AND ACCEPTANCE	RECORDED
2825 E. COTTONWOOD PKWY., SUITE 120 SALT LAKE CITY, UTAH 84121 (801) 270-5777	REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT STANDARDS ON THIS ____ DAY OF ________, 1999 A.D. BY ________ S.B.S.I.D.	APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ____ DAY OF ________, 1999 A.D. BY ________ CHAIRMAN	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ____ DAY OF ________, 1999 A.D. BY ________ PARK CITY ENGINEER	APPROVED AS TO FORM THIS ____ DAY OF ________, 1999 A.D. BY ________ PARK CITY ATTORNEY	I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ____ DAY OF ________, 1999 A.D. BY ________ PARK CITY RECORDER	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ____ DAY OF ________, 1999 A.D. BY ________ MAYOR	STATE OF UTAH, COUNTY OF SUMMIT AND FILED ... FEE ... RECORDER

RECEIVED
JUL - 7 1999
PARK CITY
PLANNING DEPT.

EXHIBIT D

Project Description

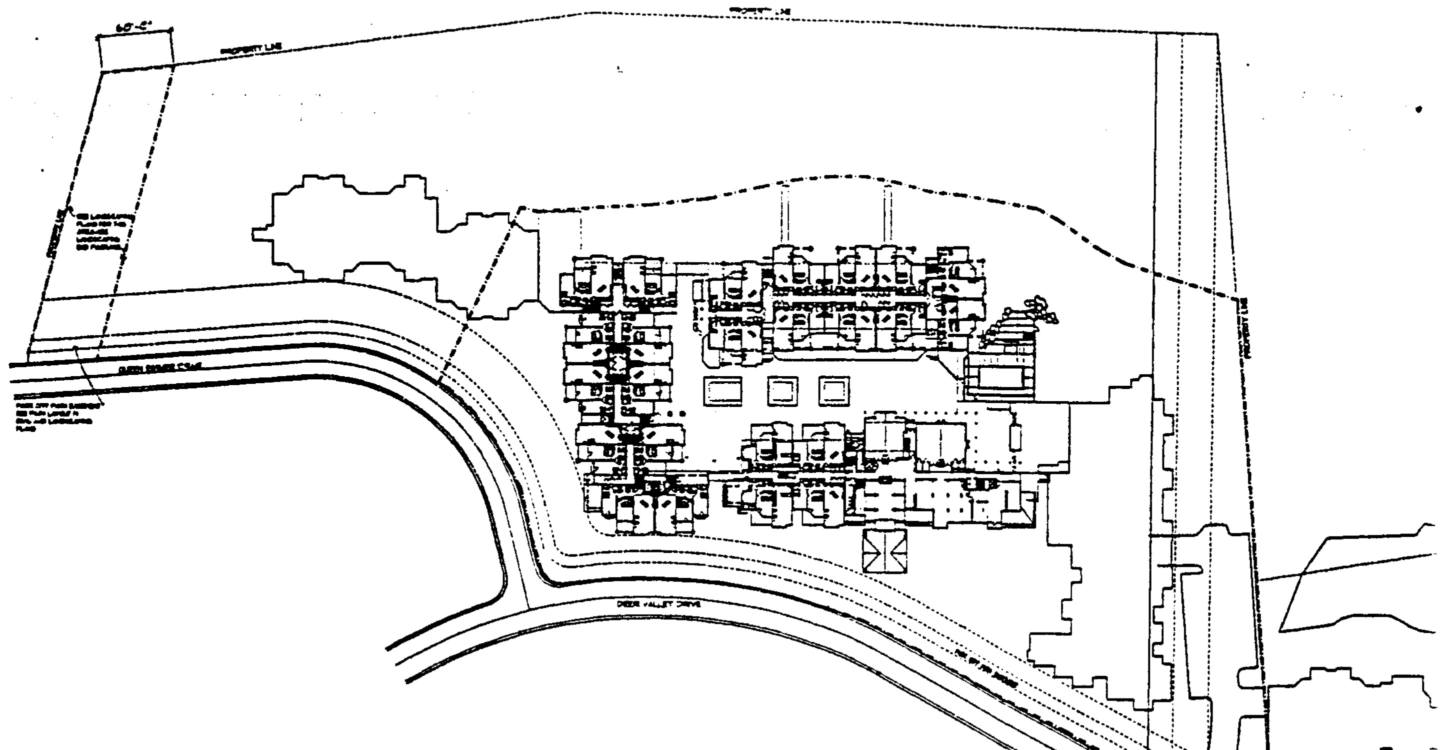
A. On April 5, 1996, Park City Municipal Corporation approved a Conditional Use Permit to allow Lodge Development L.L.C. to proceed with the construction of 125 residential condominium units at 2900 Deer Valley Drive East in Park City. Construction is complete on Phase I with fifty three (53) units and a plat was recorded on March 20, 1998 to reflect this work.

B. On June 10, 1998, the Park City Planning Commission approved a 26 unit Phase II (Bldg. E) addition which the City Council approved and accepted on July 9, 1998. This would have brought the total number of units to 79. The plat was not recorded. Since the time of the approval, various improvements have been made to the over design of the interior space. Part of the improvements have entailed designing a more efficient building by adding 6(4.91 Unit Equivalents) to the approved 79 (68.25 UE). We propose to reduce the foot print square footage of a future phase (Bldg. F) by 4,000 feet. This will increase the side yard set back from the wet land area to the south by approximately 25 feet, which will enhance the Courchevel project. We will maintain the 25 foot set back from Deer Valley Drive East and strictly adhere to the conditions and requirements of the Conditional Use Permit.

C. Lodge Development Company L.L.C., requests that the Park City Planning Commission grant approval to allow construction of thirty two (32) additional units at the Lodges at Deer Valley. This will bring the total number of available units to eighty five (85) of the 125 approved.

RECEIVED
JUL -7 1999
PARK CITY
PLANNING DEPT.

EXHIBIT E

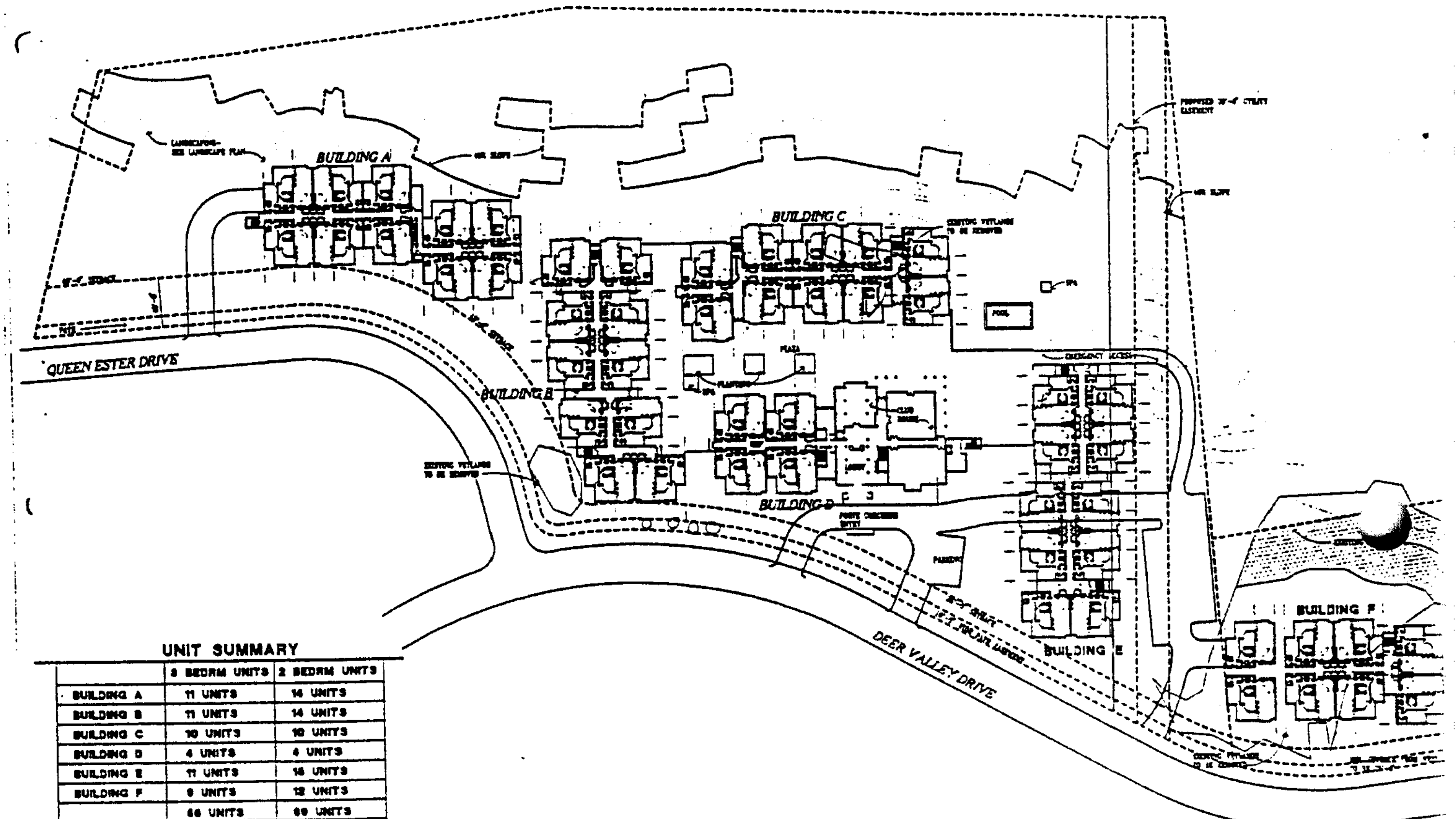


UNIT SUMMARY					
	3 BEDROOM UNITS	2 BEDROOM UNITS	1 BEDROOM UNITS	3 BEDROOM UNITS	
BUILDING A	[illegible] UNITS	16 UNITS			
BUILDING B	[illegible] UNITS	16 UNITS			
BUILDING C	10 UNITS	[illegible] UNITS			
BUILDING D	4 UNITS	4 UNITS			
BUILDING E	[illegible] UNITS	[illegible] UNITS	3 UNITS	2 UNITS	
BUILDING F	[illegible] UNITS	[illegible] UNITS			
	[illegible] UNITS	[illegible] UNITS	3 UNITS	2 UNITS	
	X [illegible] SQ. FT./UNIT	X [illegible] SQ. FT./UNIT	X 1000 SQ. FT./UNIT	X [illegible] SQ. FT./UNIT	
	[illegible] SQ. FT.	[illegible] SQ. FT.	3,000 SQ. FT.	[illegible] SQ. FT.	
TOTAL UNIT SQUARE FOOTAGE					[illegible] SQ. FT.
TOTAL UNIT SQUARE FOOTAGE ALLOWED					[illegible] SQ. FT.

PROPOSED AMENDMEN

20

EXHIBIT F



UNIT SUMMARY

	3 BEDRM UNITS	2 BEDRM UNITS
BUILDING A	11 UNITS	14 UNITS
BUILDING B	11 UNITS	14 UNITS
BUILDING C	10 UNITS	10 UNITS
BUILDING D	4 UNITS	4 UNITS
BUILDING E	11 UNITS	16 UNITS
BUILDING F	9 UNITS	12 UNITS
	56 UNITS	69 UNITS
	X 2000/UNIT	X 1500/UNIT
	112,000 SQ.FT.	103,500 SQ.FT.
TOTAL	215,500 SQ.FT.	
	216,000 SQ. FT. (ALLOWED)	

TOTAL NUMBER OF LOCKOUT BEDROOMS = 113 BEDROOMS

MARCH DEVELOPMENT INC.
3090 E. 3300 SOUTH
SUITE #7
SALT LAKE CITY, UTAH
(801) 467-3173 (801) 467-3174

NOTICE:

PLAZA LEVEL SITE PLAN

THE WINTERGREEN LODGE AT DEER VALLEY

REVIS.
APRIL 1, ...
PAGE
4

PARK CITY
1884

CITY COUNCIL STAFF REPORT

DATE: August 18, 1999 (August 26, 1999 meeting)
DEPARTMENT: Planning Department
AUTHOR: Kirsten A. Whetstone, AICP
TITLE: 7815 Royal Street East, Chateaux Condominiums- Amendment to the Record of Survey
TYPE OF ITEM: Legislative

<u>SUMMARY RECOMMENDATIONS:</u> Hold a public hearing and consider approval with findings of fact, conclusions of law, and conditions of approval as stated in this staff report.

<u>DESCRIPTION:</u>

A. <u>Topic</u>

PROJECT STATISTICS:

Applicant:	Peter Tomai, Silver Lake Associates LLC
Location:	7815 Royal Street East
Zoning:	RD-MPD
Adjacent Land Uses:	Silver Lake fire station, Black Bear Lodge, Silver Lake Lodge, Mount Cervin Condos and Plaza, The Knoll single family homes and lots, Sterling Lodge Condominiums, Goldener Hirsch hotel, Deer Valley Club and Sterlingwood Condominiums
Date of Application:	July 19, 1999
Project Planner:	Kirsten A. Whetstone

B. <u>Background</u>

The property is legally described as Lot 23 of the Amended Deer Valley Club Estates Subdivision plat which was recorded in December of 1992. On March 12, 1997 the Planning Commission approved a Small Scale Master Planned Development for the 78 unit condominium project known as the Chateaux at Silver Lake Village. Approximately 7,500 sf of commercial uses and 16,800 sf of support commercial and convention uses were also approved on the 3.24 acre site. The property is located at 7815 Royal Street East.

On March 19, 1998 the City Council approved the final record of survey plat for the Chateaux at Silver Lake.

This request is for various minor amendments to the recorded final record of survey plat (see Exhibits A-C).

C. Project Description

The proposed amendments consist of the following items:

1. Conversion of portions of common area and facilities to limited common area (as shown on the amended plat)

2. Re-number all unit numbers for Building B.

3. Relocate certain common area parking units.

4. Create a new commercial unit (Commercial Unit 8A) from space that was originally included in two other commercial units.

5. Designate certain commercial boundary walls as common area.

6. Correct typographical errors on the recorded plat, including minor changes to unit square footage for a portion of the units.

These changes are considered housekeeping changes based on as built conditions to correct the recorded plat. None of these changes results in an increase in overall project square footage or an increase in parking demand. These interior changes are minor, do not have architectural or planning implications, and are consistent with the approved Chateaux at Silver Lake MPD.

D. Department Review

City Staff reviewed this proposal at the Staff Review meeting on July 20, 1999. The City Engineer and City Attorney's office will review and approve the plat and CC&R's for final form and compliance with the LMC and State Law prior to recordation.

ALTERNATIVES:

A. Approve the amended record of survey plat as proposed to correct the recorded survey plat to reflect as built conditions.

B. Deny the amended record of survey plat as proposed, and provide direction to staff and the applicant on acceptable alternatives.

C. Continue the item and request further evaluation from the City Staff.

SIGNIFICANT IMPACTS:

The proposed amended record of survey plat correctly reflects as built conditions at the Chateaux at Silver Lake MPD.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

If the amended plat is not approved as proposed, the recorded plat will not correctly reflect as built conditions.

RECOMMENDATION:

Staff recommends approval of the amended record of survey plat for the Chateaux at Silver Lake Condominiums, at 7815 Royal Street East, based upon the following:

Findings of Fact

1. The property is located in the RD-MPD zoning district.

2. The property is subject to the Deer Valley Resort Seventh Amended and Restated Large Scale Master Planned Development Permit of April 14, 1993.

3. The property is subject to the March 12, 1997 Chateaux at Silver Lake MPD approval.

4. A financial guarantee for all public improvements, including all public trails and sidewalks, is necessary to ensure completion of these improvements and to protect the public from liability and physical harm if these improvements are not completed by the developer or owner.

5. Under state law, convertible land expires after 5 years. A five year expiration for the convertible land for Phase III is consistent with the expiration of the Chateaux at Silver Lake MPD to ensure future development complies with contemporary LMC regulations.

6. The proposed changes are minor housekeeping items that do not impact unit size, parking needs, exterior architectural changes, or other planning related concerns.

Conclusions of Law

1. The record of survey amendment complies with the Park City Land Management Code and with the Utah Condominium Ownership Act.

2. The record of survey amendment is consistent with the March 12, 1997 Planning Commission approval of the Chateaux at Silver Lake MPD.

3. There is good cause for this record of survey amendment.

4. Neither the public nor any person will be materially injured by the proposed record of survey amendment.

5. Approval of the amended record of survey, subject to the conditions of approval, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval

1. City Attorney and City Engineer review and approval of the final form and content of the record of survey and the Conditions, Covenants and Restrictions (CC&R's), for compliance with State law, the Land Management Code, and these conditions of approval, is a condition precedent to recording the amended record of survey.

2. All conditions of approval for the Chateaux at Silver Lake MPD, approved by the Planning Commission on March 12, 1997, shall apply.

3. All Park City Standard Project Conditions shall apply.

4. A financial guarantee, for the value of all public improvements to be completed, shall be provided to the City prior to record of survey recordation. All public improvements, including public trails and sidewalks, shall be completed according to City standards and accepted by the City Engineer prior to release of this guarantee.

5. All convertible land shown on this record of survey shall expire 5 years from the date of City Council approval and shall thereafter exist as common area, unless building permits have been issued for construction.

6. The amended condominium record of survey shall be recorded at the County within one year of the date of City Council approval. If recordation has not occurred within the one year time frame this approval and the amended record of survey shall be considered null and void.

EXHIBITS:
Exhibit A- Proposed record of survey amendment
Exhibit B- Location map
Exhibit C- Amended declaration

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Ordinance No. 99-

AN ORDINANCE APPROVING AN AMENDED RECORD OF SURVEY PLAT FOR THE CHATEAUX AT SILVER LAKE CONDOMINIUMS AT 7815 ROYAL STREET EAST, DESCRIBED AS LOT 23 OF THE AMENDED DEER VALLEY CLUB ESTATES, LOCATED IN THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, UTAH

WHEREAS, the owners, Silver Lake Associates L.L.C, of the property at 7815 Royal Street East, located in the Northwest Quarter of Section 27, Township 2 South, Range 4 East, Park City, Utah and known as the Chateaux at Silver Lake Condominiums, have petitioned the City Council for approval of an amended record of survey plat; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and state law; and

WHEREAS, on August 26, 1999 the City Council reviewed the proposed record of survey plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the record of survey plat;

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

SECTION 1. FINDINGS OF FACT.

1. The property is located in the RD-MPD zoning district.

2. The property is subject to the Deer Valley Resort Seventh Amended and Restated Large Scale Master Planned Development Permit of April 14, 1993.

3. The property is subject to the March 12, 1997 Chateaux at Silver Lake MPD approval.

4. A financial guarantee for all public improvements, including all public trails and sidewalks, is necessary to ensure completion of these improvements and to protect the public from

liability and physical harm if these improvements are not completed by the developer or owner.

5. Under state law, convertible land expires after 5 years. A five year expiration for the convertible land for Phase III is consistent with the expiration of the Chateaux at Silver Lake MPD to ensure future development complies with contemporary LMC regulations.

6. The proposed changes are minor housekeeping items that do not impact unit size, parking needs, exterior architectural changes, or other planning related concerns.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby concludes that there is good cause for the above-mentioned amended record of survey and that neither the public nor any person will be materially injured by the proposed plat. The plat is consistent with the Park City Land Management Code and applicable State law regarding record of survey plats. The plat is consistent with the Planning Commission approval of the Chateaux at Silver Lake, a Small Scale Master Planned Development.

SECTION 3. PLAT APPROVAL. The amended record of survey plat, known as the Chateaux at Silver Lake condominium plat, at 7815 Royal Street East, is hereby approved as shown on Exhibit A, with the following conditions:

Conditions of Approval

1. City Attorney and City Engineer review and approval of the final form and content of the amended record of survey and the amended Conditions, Covenants and Restrictions (CC&R's), for compliance with State law, the Land Management Code, and these conditions of approval, is a condition precedent to recording the amended record of survey.

2. All conditions of approval for the Chateaux at Silver Lake MPD, approved by the Planning Commission on March 12, 1997, shall apply.

3. All Park City Standard Project Conditions shall apply.

4. A financial guarantee, for the value of all public improvements to be completed, shall be provided to the City prior to record of survey recordation. All public improvements, including public trails and sidewalks, shall be completed according to City standards and accepted by the City Engineer prior to release of this guarantee.

5. All convertible land shown on this record of survey shall expire 5 years from the date of City Council approval and shall thereafter exist as common area, unless building permits have been issued for construction.

6. The amended record of survey plat shall be recorded at the County within one year of the date

of City Council approval. If recordation has not occurred within the one year time frame this approval and the amended record of survey shall be considered null and void.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 26 th day of August 26, 1999.

PARK CITY MUNICIPAL CORPORATION

____

Mayor Bradley A. Olch

Attest:

____

Janet M. Scott, Deputy City Recorder

Approved as to form:

____

Mark D. Harrington, Interim City Attorney

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NOTES:

1. ALL ELEVATIONS ARE SHOWN TO FINISH SURFACE.
2. ALL INTERIOR WALL DIMENSIONS AND SQUARE FOOTAGES ARE SHOWN TO FINISH SURFACE.
3. PLANS AND DIMENSIONS ON THESE PLATS WERE COMPILED FROM ARCHITECTURAL DRAWINGS PREPARED BY JOHN C. SHIRLEY AND ASSOCIATES, INCLUDING STRUCTURAL DRAWINGS FROM FRAME DESIGN GROUP.
4. UNIT DESIGNATION (CC #) REFERS TO A COMMERCIAL CONDOMINIUM.
5. DESIGNATION (CS #) REFERS TO CONVERTIBLE SPACE.
6. LOT 23 HAS AN ACCESS AND PARKING EASEMENT AGREEMENT DATED 8-11-97, BY AND BETWEEN DEER VALLEY RESORT COMPANY AND SILVER LAKE ASSOCIATES, L.L.C., RECORDED AUGUST 12, 1997, AS ENTRY NO. 484253 IN BOOK 1086 AT PAGE 312 OF OFFICAL RECORDS. (125 PARKING STALLS - PARKING LEVEL 3 UNASSIGNED).
7. [illegible] ACES IN PRIVATELY-OWNED AREAS SHALL BE OF A NON-SOLID [illegible] PAVING TYPE.
8. THE STREET ADDRESS OF THE CHATEAUX IS 7815 ROYAL STREET EAST.
9. THE BUILDING FOOTPRINT SHOWN ON THIS PLAT WAS TAKEN FROM PAGE 5 OF 13 (LEVEL 4) AND DEPICTS THE EXTERIOR LINES OF THAT LEVEL, INCLUDING ALL DECKS. A SMALL PORTION IN THE NORTHWEST CORNER OF THE BUILDING WAS TAKEN FROM PAGE 3 OF 13 (LEVEL 2).

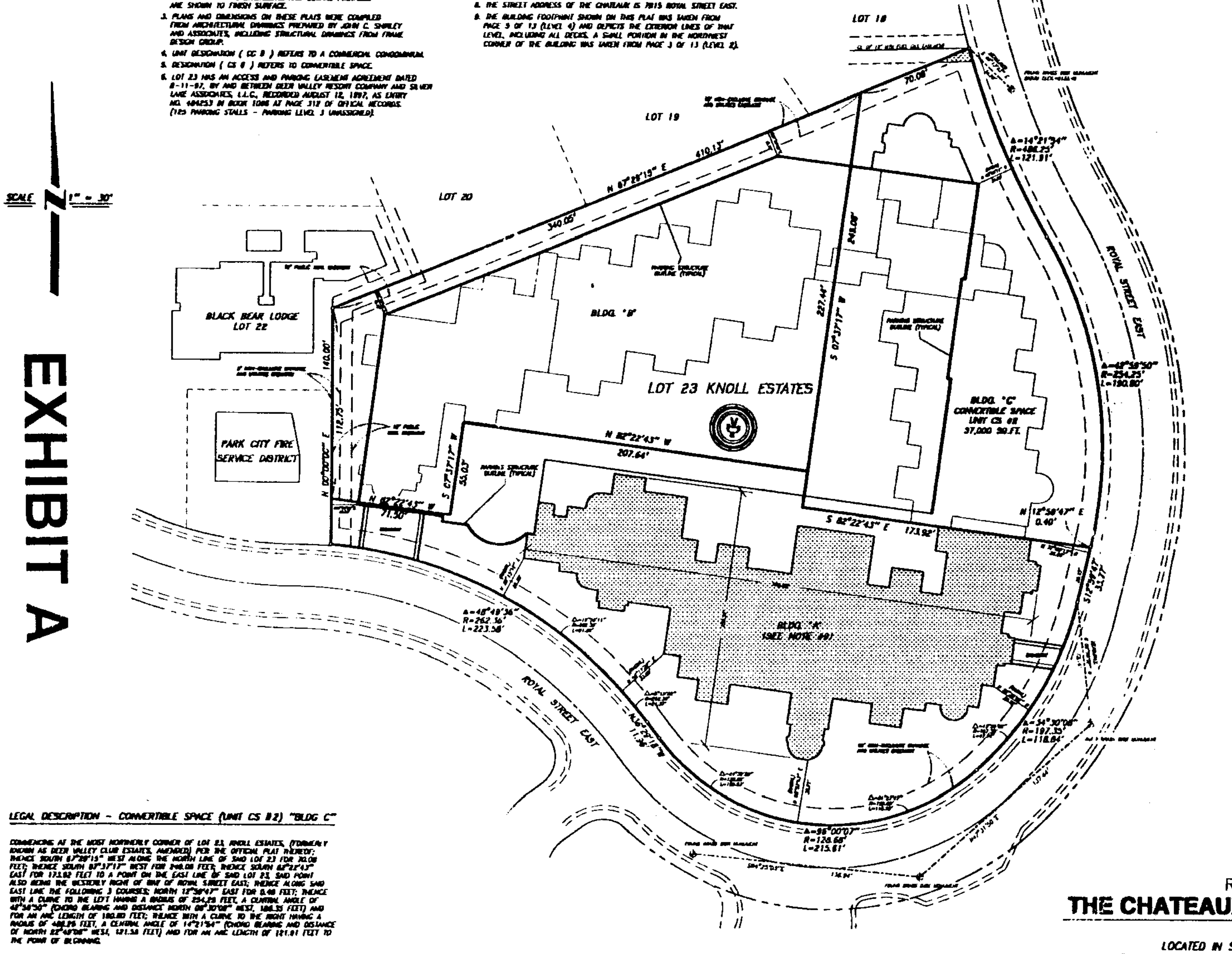

EXHIBIT A

LEGAL DESCRIPTION - CONVERTIBLE SPACE (UNIT CS #2) "BLDG C"

COMMENCING AT THE MOST NORTHERLY CORNER OF LOT 23, KNOLL ESTATES, (FORMERLY KNOWN AS DEER VALLEY CLUB ESTATES, AMENDED) PER THE OFFICIAL PLAT THEREOF; THENCE SOUTH 87°28'15" WEST ALONG THE NORTH LINE OF SAID LOT 23 FOR 70.08 FEET; THENCE SOUTH 07°37'17" WEST FOR 248.08 FEET; THENCE SOUTH 82°22'43" EAST FOR 173.92 FEET TO A POINT ON THE EAST LINE OF SAID LOT 23, SAID POINT ALSO BEING THE WESTERLY RIGHT OF WAY OF ROYAL STREET EAST; THENCE ALONG SAID EAST LINE THE FOLLOWING 3 COURSES: NORTH 12°58'47" EAST FOR 0.40 FEET; THENCE WITH A CURVE TO THE LEFT HAVING A RADIUS OF 254.25 FEET, A CENTRAL ANGLE OF 42°58'50" (CHORD BEARING AND DISTANCE NORTH 08°30'08" WEST, 186.35 FEET) AND FOR AN ARC LENGTH OF 190.80 FEET; THENCE WITH A CURVE TO THE RIGHT HAVING A RADIUS OF 486.25 FEET, A CENTRAL ANGLE OF 14°21'54" (CHORD BEARING AND DISTANCE OF NORTH 22°47'08" WEST, 121.50 FEET) AND FOR AN ARC LENGTH OF 121.81 FEET TO THE POINT OF BEGINNING.

CONTAINS 0.8494 ACRES - 37,000 SQ.FT.

SURVEYOR'S CERTIFICATE

I, JAMES M. BAGWELL, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. 356275 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY THE AUTHORITY OF THE OWNERS, I HAVE MADE A RECORD OF SURVEY MAP OF THE CHATEAUX AT SILVER LAKE-AMENDED, A UTAH CONDOMINIUM PROJECT, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 57-8-13 (1) OF THE UTAH CONDOMINIUM ACT.

LICENSED LAND SURVEYOR — STATE OF UTAH

DATE ______________________ JAMES M. BAGWELL
UTAH LICENSE NO. 356275

LEGAL DESCRIPTION

ALL OF LOT 23 KNOLL ESTATES (FORMERLY KNOWN AS DEER VALLEY CLUB ESTATES, AMENDED) ACCORDING TO THE OFFICIAL PLAT THEREOF, ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER.

CONTAINS 3.24 ACRES.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOWN ALL MEN BY THESE PRESENTS: THAT THE UNDERSIGNED IS THE OWNER OF THE HEREIN DESCRIBED TRACT OF LAND, AND HEREBY CAUSES THE SAME TO BE DIVIDED INTO PRIVATE UNITS, LIMITED COMMON AREAS, AND COMMON AREAS, AS SET FORTH, IN THE PLAT AND IN THE DECLARATION, HEREAFTER TO BE KNOWN AS THE CHATEAUX AT SILVER LAKE, A UTAH CONDOMINIUM PROJECT SUBMITTING THE PROPERTY TO THE PROVISIONS OF THE UTAH CONDOMINIUM OWNERSHIP ACT AND THE UNDERSIGNED, DO HEREBY DEDICATE FOR THE PERPETUAL USE OF OWNERS OF CONDOMINIUMS IN THE CHATEAUX AT SILVER LAKE ALL COMMON AREAS AND DUE FURTHER DEDICATE FOR THE USE BY EMERGENCY AND UTILITY SERVICE VEHICLES AN INGRESS AND EGRESS EASEMENT OVER THE COMMON AREAS. THE OWNER AND IT'S REPRESENTATIVES, HEREBY IRREVOCABLY OFFER FOR DEDICATION TO THE CITY OF PARK CITY ALL LAND FOR LOCAL GOVERNMENT USES, EASEMENTS AND REQUIRED UTILITIES AS SHOWN ON THE SUBDIVISION PLAT AND CONSTRUCTION PLANS IN ACCORDANCE WITH AN IRREVOCABLE OFFER OF DEDICATION. THE OWNER FURTHER CERTIFIES THAT BUILDING "A" WILL BE BUILT AS SHOWN HEREON.

EXECUTED THIS ____________ DAY OF ____________, 199__.

SILVER LAKE ASSOCIATES, L.L.C., A UTAH LIMITED LIABILITY COMPANY

____
F. LYNN PADAN, MANAGER

ACKNOWLEDGEMENT

STATE OF UTAH)
COUNTY OF SUMMIT) SS.

ON THIS ________ DAY OF __________, 199__, PERSONALLY APPEARED BEFORE ME, F. LYNN PADAN WHO BEING BY ME DULY SWORN, DID SAY THAT HE IS MANAGER OF SILVER LAKE ASSOCIATES, L.L.C., A UTAH LIMITED LIABILITY COMPANY, AND THAT THE WITHIN AND FOREGOING OWNER'S DEDICATION AND CONSENT TO RECORD WAS SIGNED ON BEHALF OF SAID COMPANY, AND SAID F. LYNN PADAN DULY ACKNOWLEDGED TO ME THAT SAID COMPANY EXECUTED THE SAME.

NOTARY PUBLIC ______________________
MY COMMISSION EXPIRES ______________________
RESIDING AT ______________________

CONSENT TO RECORD

THE UNDERSIGNED ZIONS FIRST NATIONAL BANK, A NATIONAL BANKING ASSOCIATION, HOLDER OF A DEED OF TRUST ON THE PROPERTY SUBJECT HERETO, DOES HEREBY CONSENT TO THE RECORDATION OF THIS CONDOMINIUM DECLARATION AND TO THE RECORDATION OF THE RECORD OF SURVEY MAP RECORDED CONCURRENTLY HEREWITH AND CONSENTS TO THE SUBMISSION OF THE PROPERTY TO THE UTAH CONDOMINIUM OWNERSHIP ACT.

ZIONS FIRST NATIONAL BANK

BY: ______________________

ITS ______________________

STATE OF UTAH)
COUNTY OF ________) SS.

ON THIS ________ DAY OF __________, 1999, PERSONALLY APPEARED BEFORE ME ______________, SIGNER OF THE ABOVE CONSENT TO RECORD, WHO BEING DULY SWORN, DID SAY THAT HE IS THE ______________________ OF ZIONS NATIONAL BANK, A NATIONAL BANKING ASSOCIATION, AND THAT THE CONSENT TO RECORD WAS SIGNED IN BEHALF OF SAID BANK UNDER UNDER AUTHORITY GRANTED BY ITS BOARD OF TRUSTEES, AND SAID ______________ DULY ACKNOWLEDGED TO ME THAT SAID BANK EXECUTED THE SAME.

MY COMMISSION EXPIRES : ______________________

____
NOTARY PUBLIC
RESIDING AT :

RECORD OF SURVEY MAP

THE CHATEAUX AT SILVER LAKE - AMENDED

A UTAH CONDOMINIUM PROJECT
LOCATED IN SECTION 27, TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

PAGE 1 OF 13

THOMPSON-HYSELL ENGINEERS	SEWER DISTRICT APPROVAL	CITY COUNCIL APPROVAL	CERTIFICATE OF ATTEST	CITY ENGINEER	CITY PLANNING COMMISSION	APPROVAL AS TO FORM	RECORDED

29

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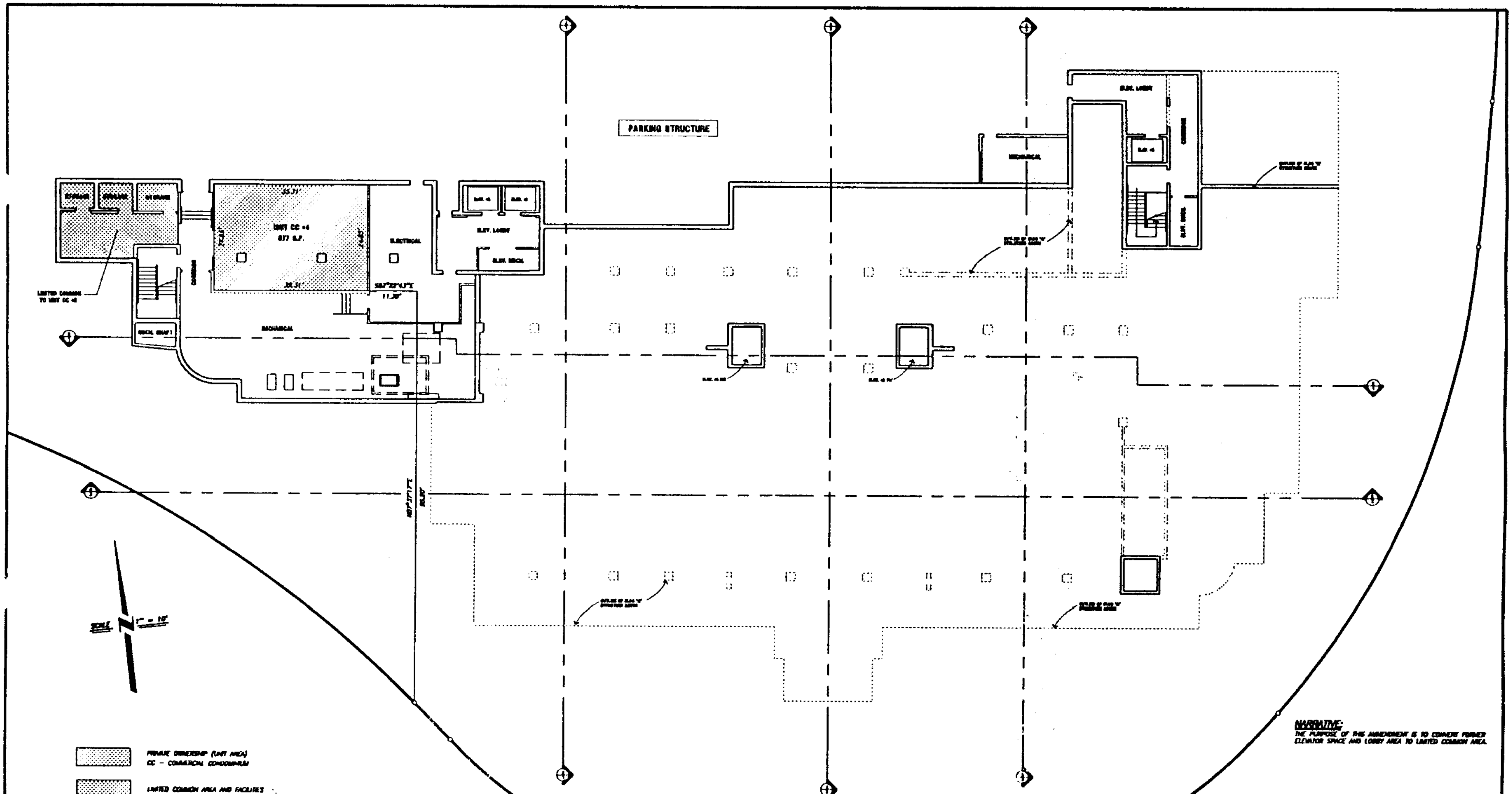

PRIVATE OWNERSHIP (UNIT AREA)
CC - COMMERCIAL CONDOMINIUM

LIMITED COMMON AREA AND FACILITIES

COMMON AREA AND FACILITIES

CONVERTIBLE TO LIMITED COMMON AREA

CONVERTIBLE SPACE

NOTES:
1. PLANS AND DIMENSIONS SHOWN ON THIS PLAT WERE COMPILED FROM ARCHITECTURAL DRAWINGS PREPARED BY JOHN C. SHIRLEY AND ASSOCIATES, ARCHITECTS, A.I.A.
2. INTERIOR DIMENSIONS SHOWN ARE TO FINISHED SURFACES.
3. ALL STRUCTURAL ELEMENTS ARE DESIGNATED AS COMMON AREAS.
4. REFER TO DECLARATION OF CONDOMINIUM FOR COMPLETE DESCRIPTION OF OWNERSHIP.
5. SOME INTERIOR STRUCTURAL FEATURES SHOWN AS COMMON AREAS ARE INCLUDED IN THE UNIT SQUARE FOOTAGE CALCULATIONS.

MECHANICAL LEVEL 1 (BLDG "A")
PARKING LEVEL 3

NARRATIVE:
THE PURPOSE OF THIS AMENDMENT IS TO CONVERT FORMER ELEVATOR SPACE AND LOBBY AREA TO LIMITED COMMON AREA.

RECORD OF SURVEY MAP
THE CHATEAUX AT SILVER LAKE - AMENDED
A UTAH CONDOMINIUM PROJECT
LOCATED IN SECTION 27, TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

PAGE 2 OF 13

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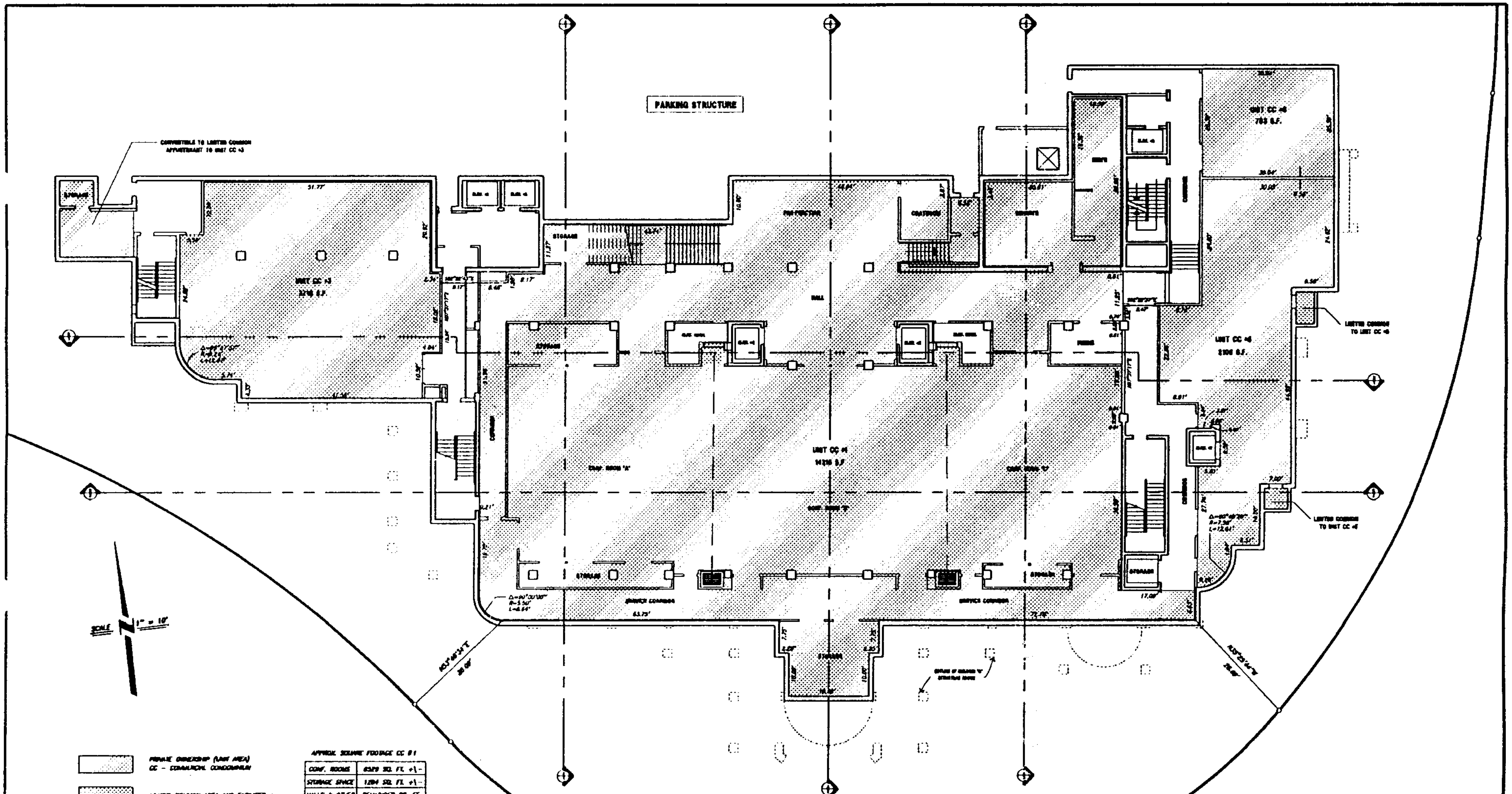

	PRIVATE OWNERSHIP (UNIT AREA) CC – COMMERCIAL CONDOMINIUM
	LIMITED COMMON AREA AND FACILITIES
	COMMON AREA AND FACILITIES
	CONVERTIBLE TO LIMITED COMMON AREA
	CONVERTIBLE SPACE

APPROX. SQUARE FOOTAGE CC #1

CONF. ROOMS	6529 SQ. FT. +\-
STORAGE SPACE	1204 SQ. FT. +\-
HALLS & OTHER	REMAINDER SQ. FT.
ELEV. & MECH.	382 SQ. FT. +\- (COMMON AREA)

NOTES:
1. PLANS AND DIMENSIONS SHOWN ON THIS PLAT WERE COMPILED FROM ARCHITECTURAL DRAWINGS PREPARED BY JOHN C. SHIRLEY AND ASSOCIATES, ARCHITECTS, A.I.A.
2. INTERIOR DIMENSIONS SHOWN ARE TO FINISHED SURFACES.
3. ALL STRUCTURAL ELEMENTS ARE DESIGNATED AS COMMON AREAS.
4. REFER TO DECLARATION OF CONDOMINIUM FOR COMPLETE DESCRIPTION OF OWNERSHIP.
5. SOME INTERIOR STRUCTURAL FEATURES SHOWN AS COMMON AREAS ARE INCLUDED IN THE UNIT SQUARE FOOTAGE CALCULATIONS.

CONFERENCE LEVEL 2
PARKING LEVEL 2

RECORD OF SURVEY MAP

THE CHATEAUX AT SILVER LAKE - AMENDED

A UTAH CONDOMINIUM PROJECT
LOCATED IN SECTION 27, TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

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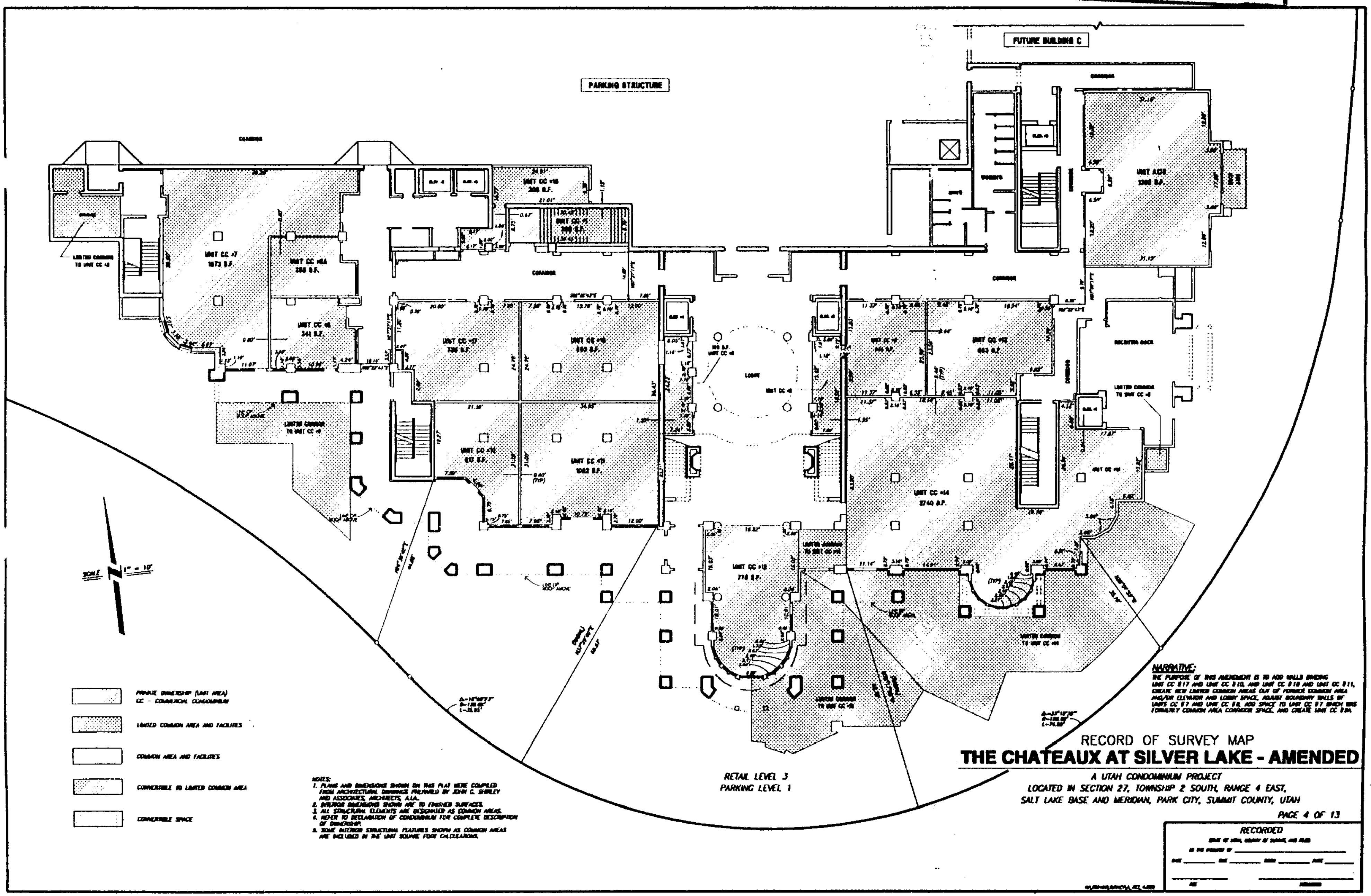

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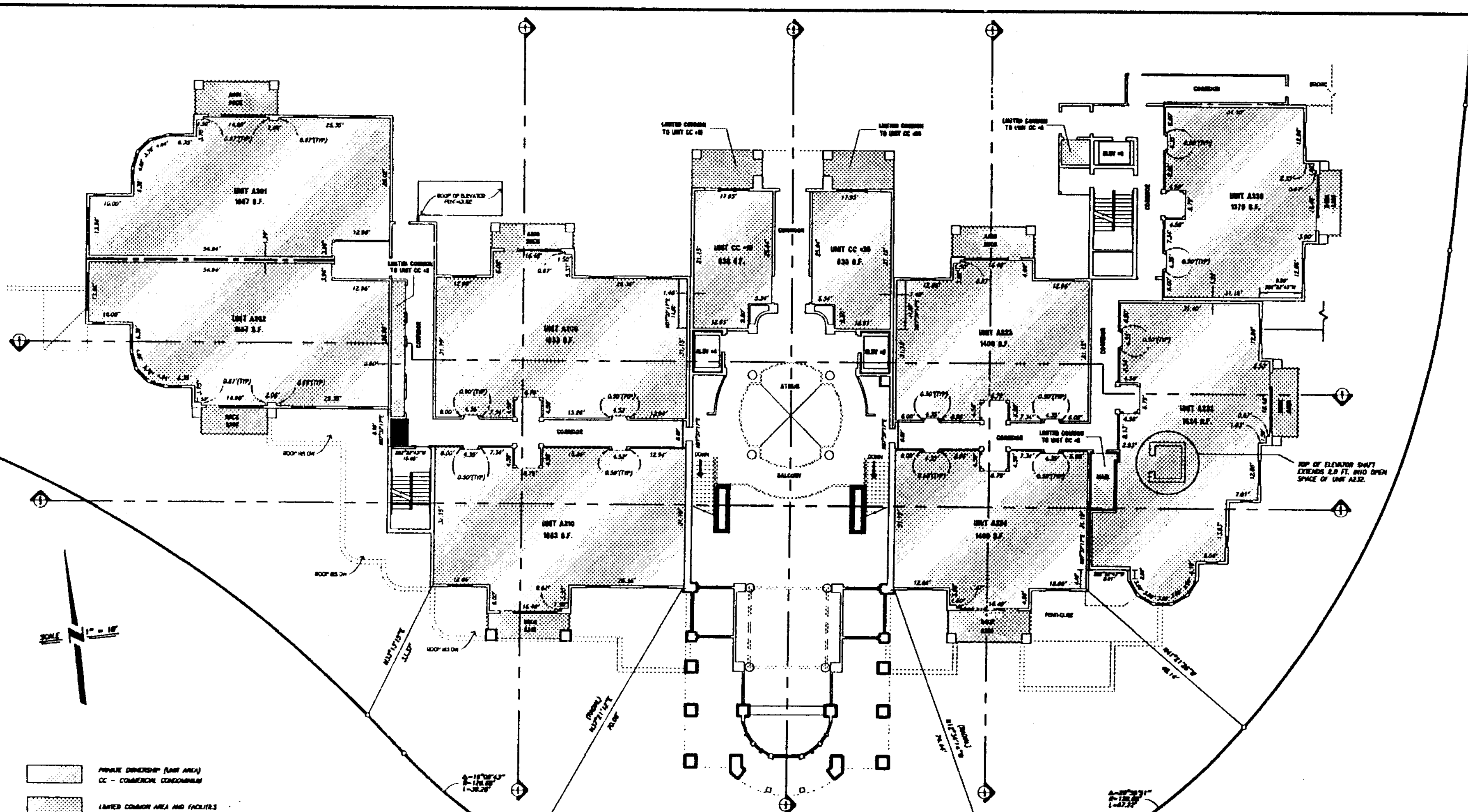

PRIVATE OWNERSHIP (UNIT AREA)
CC – COMMERCIAL CONDOMINIUM

LIMITED COMMON AREA AND FACILITIES

COMMON AREA AND FACILITIES

CONVERTIBLE TO LIMITED COMMON AREA

CONVERTIBLE SPACE

NOTES:
1. PLANS AND DIMENSIONS SHOWN ON THIS PLAT WERE COMPILED FROM ARCHITECTURAL DRAWINGS PREPARED BY JOHN C. SHIRLEY AND ASSOCIATES, ARCHITECTS, A.I.A.
2. INTERIOR DIMENSIONS SHOWN ARE TO FINISHED SURFACES.
3. ALL STRUCTURAL ELEMENTS ARE DESIGNATED AS COMMON AREAS.
4. REFER TO DECLARATION OF CONDOMINIUM FOR COMPLETE DESCRIPTION OF OWNERSHIP.
5. SOME INTERIOR STRUCTURAL FEATURES SHOWN AS COMMON AREAS ARE INCLUDED IN THE UNIT SQUARE FOOTAGE CALCULATIONS.

RESIDENTIAL\RETAIL LEVEL 4

RECORD OF SURVEY MAP
THE CHATEAUX AT SILVER LAKE - AMENDED

A UTAH CONDOMINIUM PROJECT
LOCATED IN SECTION 27, TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

PAGE 5 OF 13

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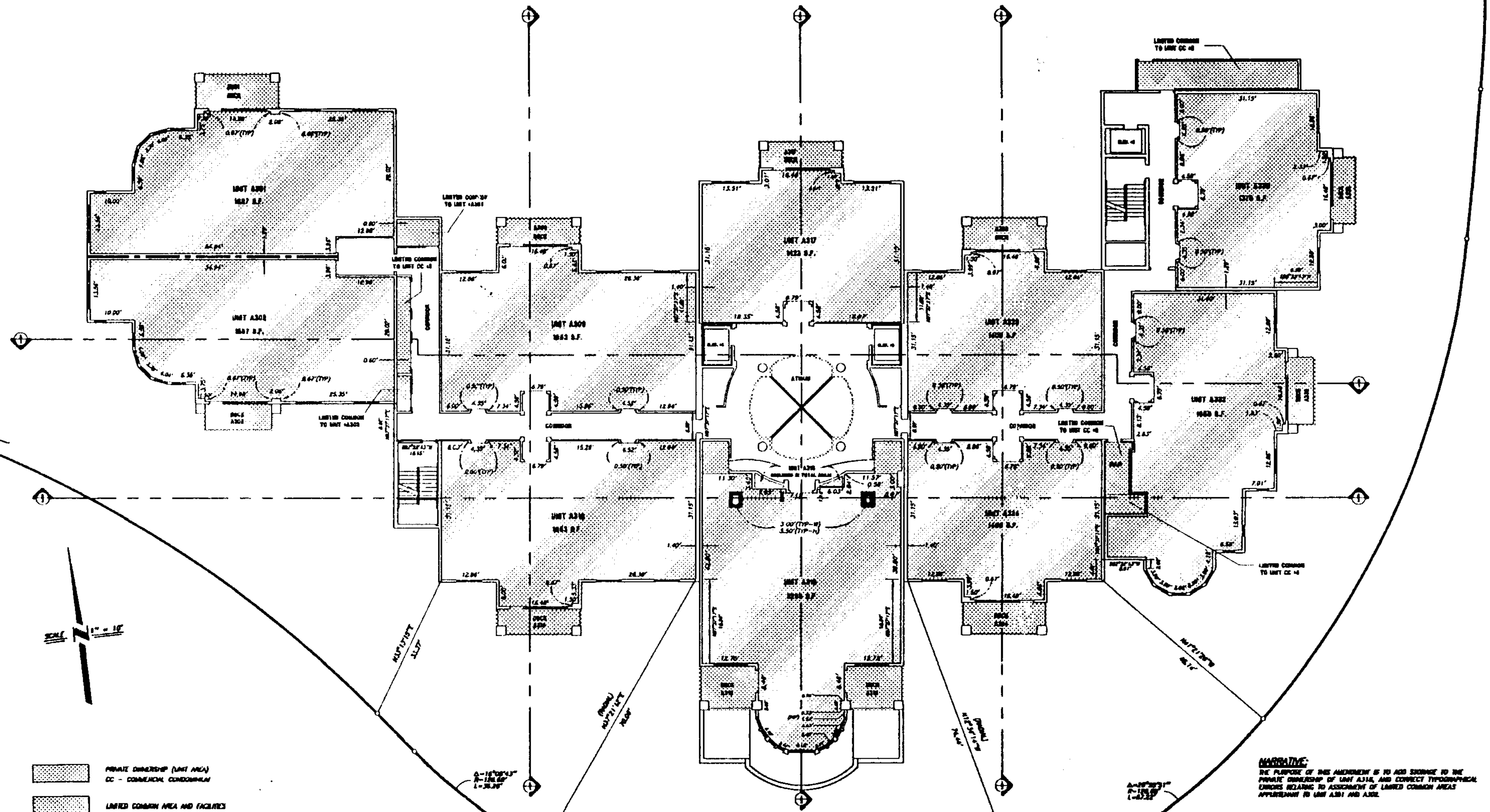

PRIVATE OWNERSHIP (UNIT AREA)
CC - COMMERCIAL CONDOMINIUM

LIMITED COMMON AREA AND FACILITIES

COMMON AREA AND FACILITIES

CONVERTIBLE TO LIMITED COMMON AREA

CONVERTIBLE SPACE

NOTES:
1. PLANS AND DIMENSIONS SHOWN ON THIS PLAT WERE COMPILED FROM ARCHITECTURAL DRAWINGS PREPARED BY JOHN C. SHIRLEY AND ASSOCIATES, ARCHITECTS, A.I.A.
2. INTERIOR DIMENSIONS SHOWN ARE TO FINISHED SURFACES.
3. ALL STRUCTURAL ELEMENTS ARE DESIGNATED AS COMMON AREAS.
4. REFER TO DECLARATION OF CONDOMINIUM FOR COMPLETE DESCRIPTION OF OWNERSHIP.
5. SOME INTERIOR STRUCTURAL FEATURES SHOWN AS COMMON AREAS ARE INCLUDED IN THE UNIT SQUARE FOOTAGE CALCULATIONS.

NARRATIVE:
THE PURPOSE OF THIS AMENDMENT IS TO ADD STORAGE TO THE PRIVATE OWNERSHIP OF UNIT A316, AND CORRECT TYPOGRAPHICAL ERRORS RELATING TO ASSIGNMENT OF LIMITED COMMON AREAS APPURTENANT TO UNIT A301 AND A302.

RECORD OF SURVEY MAP
THE CHATEAUX AT SILVER LAKE - AMENDED
A UTAH CONDOMINIUM PROJECT
LOCATED IN SECTION 27, TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

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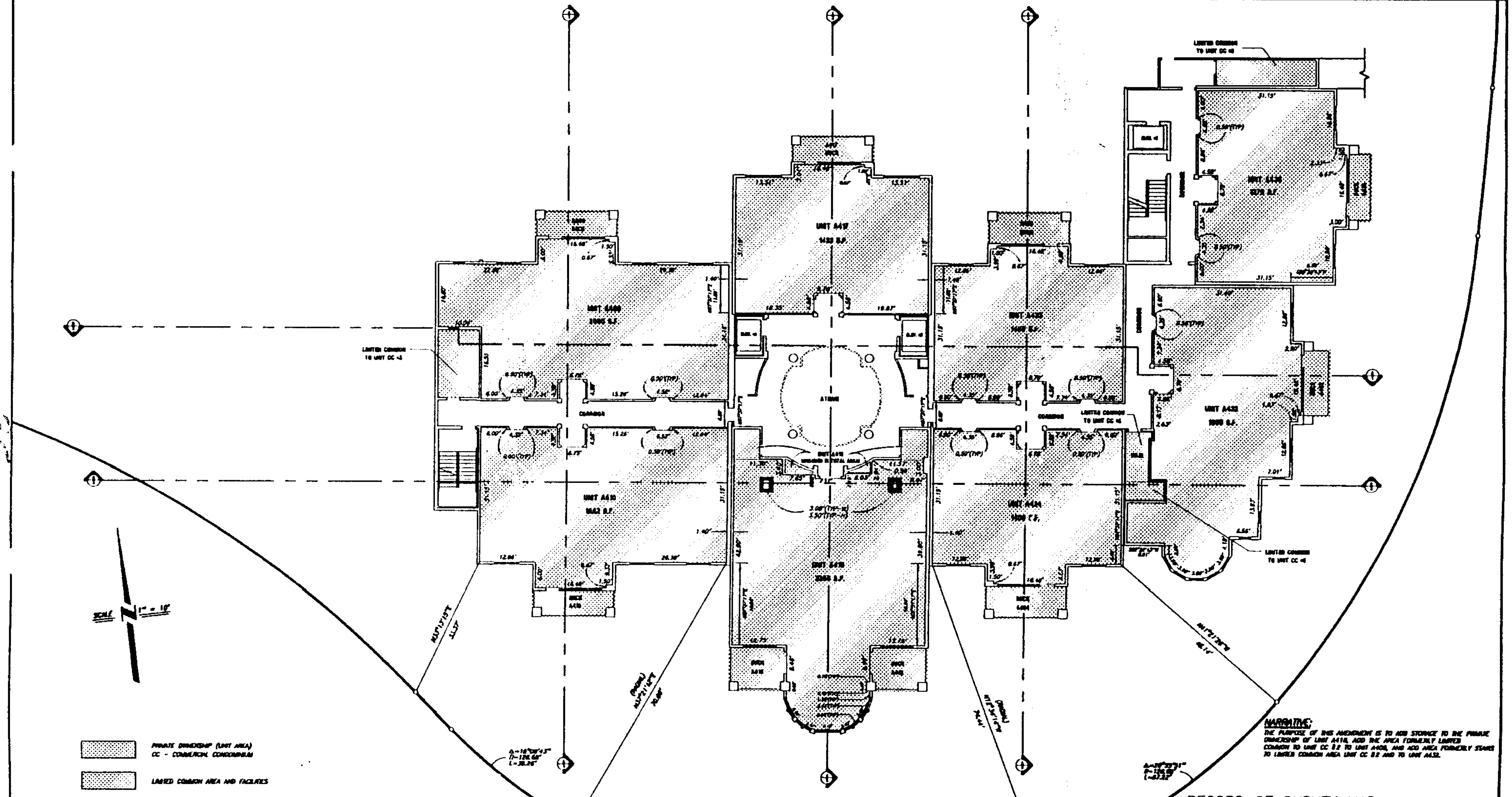

PRIVATE OWNERSHIP (UNIT AREA)
CC - COMMERCIAL CONDOMINIUM

LIMITED COMMON AREA AND FACILITIES

COMMON AREA AND FACILITIES

CONVERTIBLE TO LIMITED COMMON AREA

CONVERTIBLE SPACE

NOTES:
1. PLANS AND DIMENSIONS SHOWN ON THIS PLAT WERE COMPILED FROM ARCHITECTURAL DRAWINGS PREPARED BY JOHN C. SHIRLEY AND ASSOCIATES, ARCHITECTS, A.I.A.
2. INTERIOR DIMENSIONS SHOWN ARE TO FINISHED SURFACES.
3. ALL STRUCTURAL ELEMENTS ARE DESIGNATED AS COMMON AREAS.
4. REFER TO DECLARATION OF CONDOMINIUM FOR COMPLETE DESCRIPTION OF OWNERSHIP.
5. SOME INTERIOR STRUCTURAL FEATURES SHOWN AS COMMON AREAS ARE INCLUDED IN THE UNIT SQUARE FOOTAGE CALCULATIONS.

RESIDENTIAL LEVEL 6

NARRATIVE:
THE PURPOSE OF THIS AMENDMENT IS TO ADD STORAGE TO THE PRIVATE OWNERSHIP OF UNIT A418, ADD THE AREA FORMERLY LIMITED COMMON TO UNIT CC #2 TO UNIT A408, AND ADD AREA FORMERLY STAIRS TO LIMITED COMMON AREA UNIT CC #2 AND TO UNIT A432.

RECORD OF SURVEY MAP
THE CHATEAUX AT SILVER LAKE - AMENDED
A UTAH CONDOMINIUM PROJECT
LOCATED IN SECTION 27, TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

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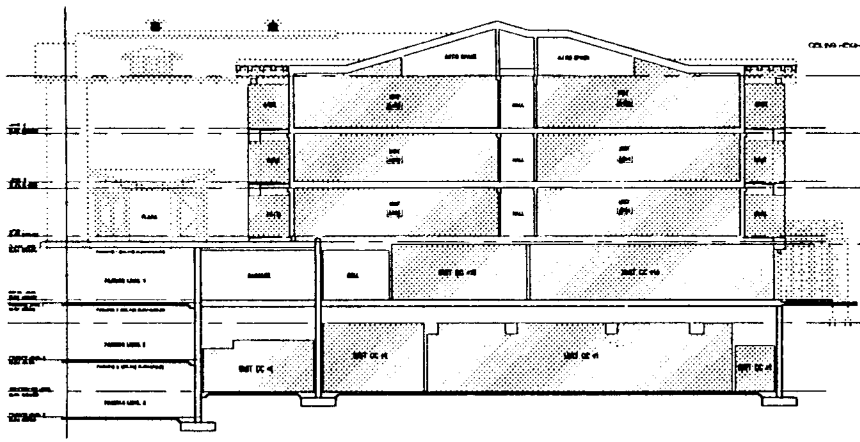
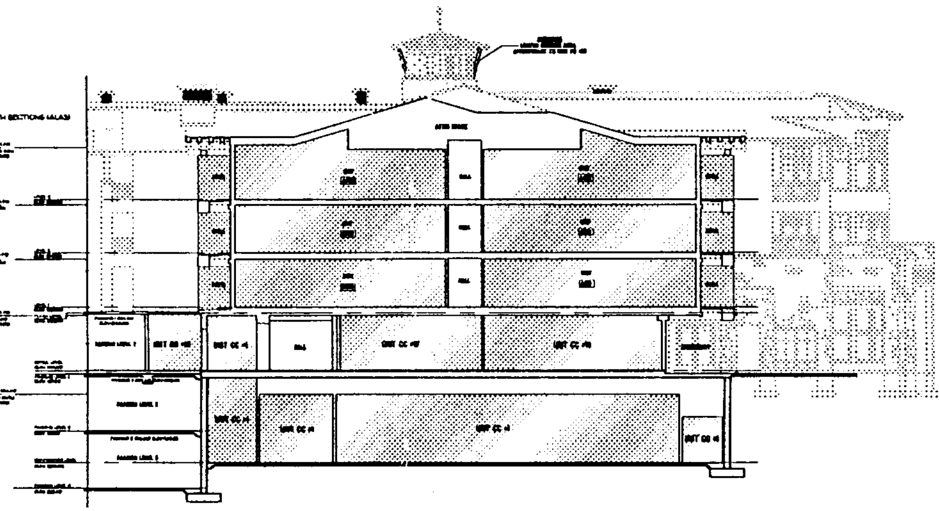


SECTION A3



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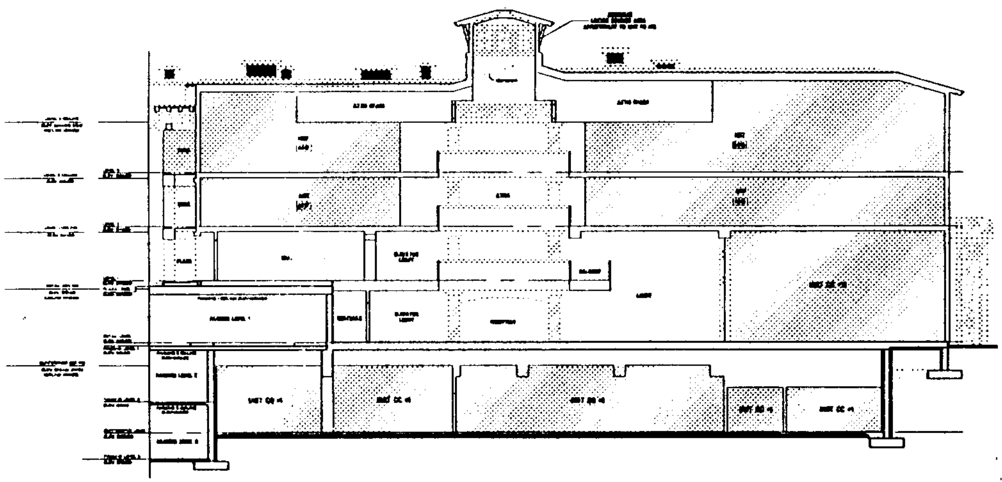

SECTION A2

PRIVATE OWNERSHIP (UNIT AREA)

LIMITED COMMON AREA AND FACILITIES

COMMON AREA AND FACILITIES

CONVERTIBLE TO LIMITED COMMON AREA

CONVERTIBLE SPACE

NARRATIVE:
THE PURPOSE OF THIS AMENDMENT IS TO SHOW LIMITED COMMON AREAS APPURTENANT TO UNIT PC 823.

SCALE 1"=10'

RECORD OF SURVEY MAP

THE CHATEAUX AT SILVER LAKE - AMENDED

A UTAH CONDOMINIUM PROJECT
LOCATED IN SECTION 27, TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

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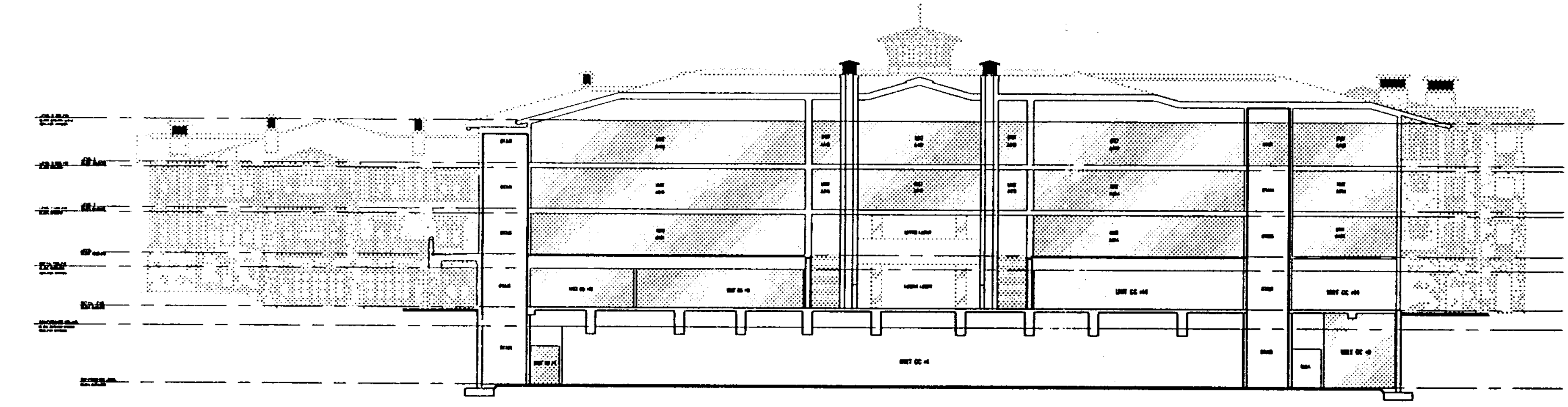
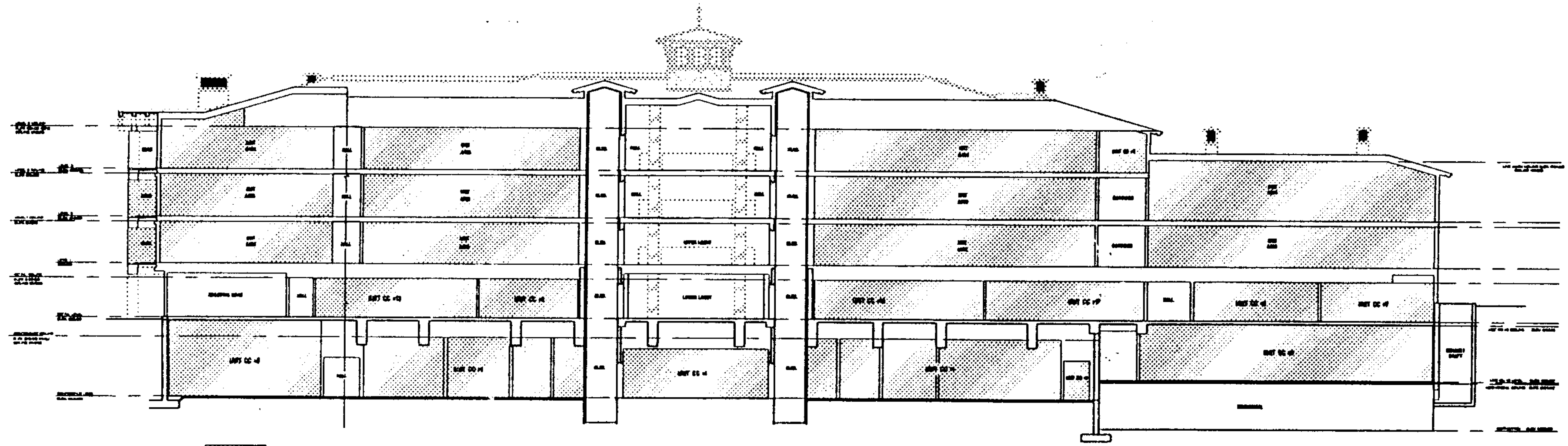


SECTION B2



SECTION B1

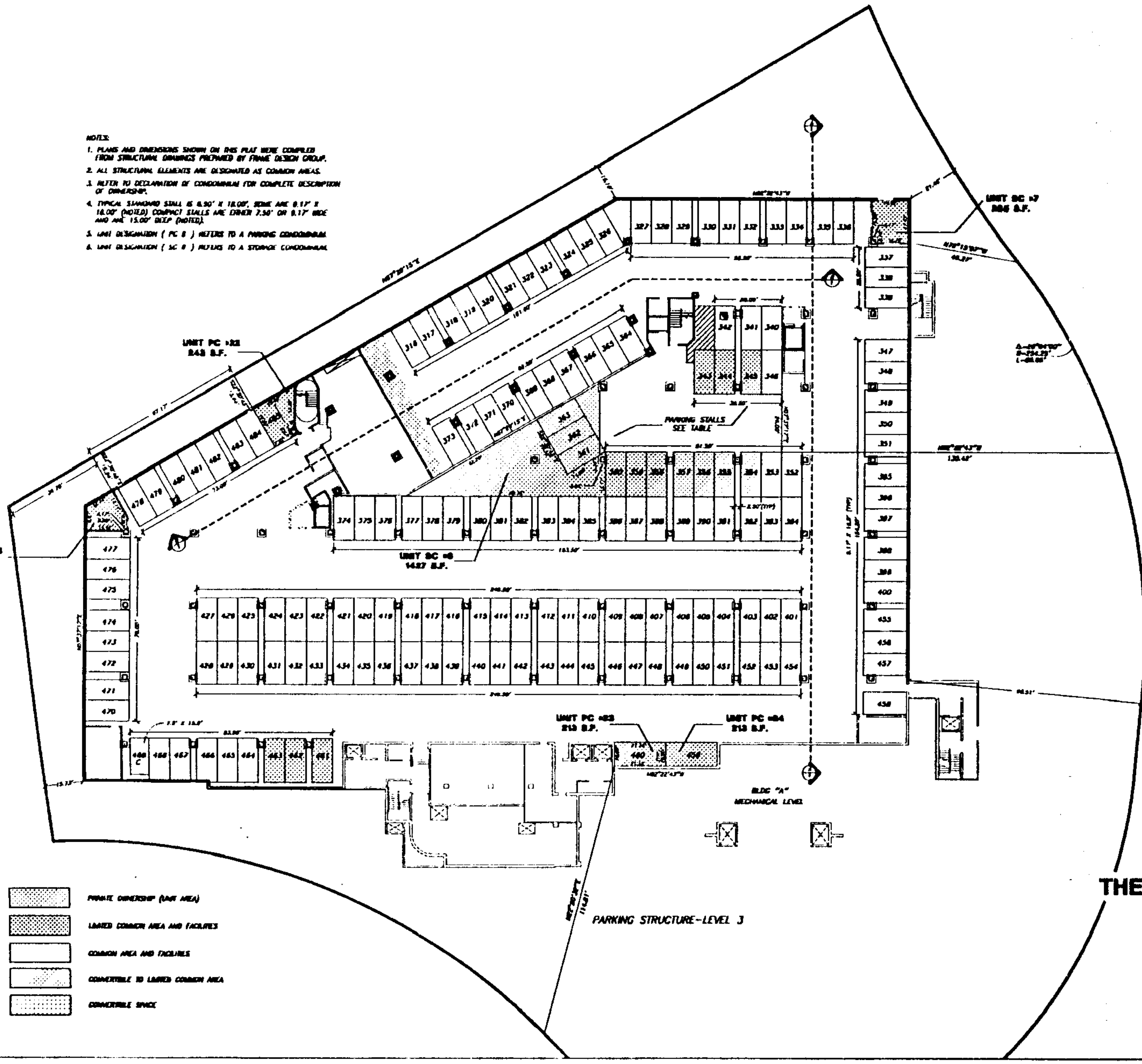
PRIVATE OWNERSHIP (UNIT AREA)
LIMITED COMMON AREA AND FACILITIES
COMMON AREA AND FACILITIES
CONVERTIBLE TO LIMITED COMMON AREA
CONVERTIBLE SPACE

RECORD OF SURVEY MAP
THE CHATEAUX AT SILVER LAKE - AMENDED
A UTAH CONDOMINIUM PROJECT
LOCATED IN SECTION 27, TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH
SCALE 1"=10'

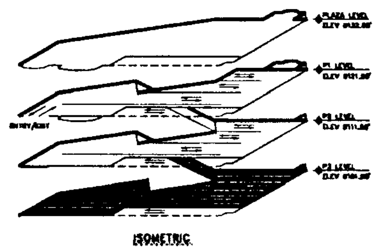
RECORDED

NOTES:

1. PLANS AND DIMENSIONS SHOWN ON THIS PLAT WERE COMPILED FROM STRUCTURAL DRAWINGS PREPARED BY FRAME DESIGN GROUP.
2. ALL STRUCTURAL ELEMENTS ARE DESIGNATED AS COMMON AREAS.
3. REFER TO DECLARATION OF CONDOMINIUM FOR COMPLETE DESCRIPTION OF OWNERSHIP.
4. TYPICAL STANDARD STALL IS 8.50' X 18.00', SOME ARE 8.17' X 18.00' (NOTED) COMPACT STALLS ARE EITHER 7.50' OR 8.17' WIDE AND ARE 15.00' DEEP (NOTED).
5. UNIT DESIGNATION (PC #) REFERS TO A PARKING CONDOMINIUM.
6. UNIT DESIGNATION (SC #) REFERS TO A STORAGE CONDOMINIUM.



PRIVATE OWNERSHIP (UNIT AREA)
LIMITED COMMON AREA AND FACILITIES
COMMON AREA AND FACILITIES
CONVERTIBLE TO LIMITED COMMON AREA
CONVERTIBLE SPACE



TABLE

STALL #	PC #	S.F.
343	25	153.00
344	26	153.00
345	27	153.00
461	28	153.00
462	29	153.00
463	30	153.00
354	31	153.00
355	32	153.00
356	33	153.00
357	34	153.00
358	35	153.00
359	36	153.00
360	37	153.00
361	38	153.00
362	39	153.00
363	40	153.00

NOTE: TYP. PC STALL IS 8.50' X 18.00'

NARRATIVE:
THE PURPOSE OF THIS AMENDMENT IS TO CHANGE SPACES 348, 352, AND 353 TO COMMON AREA AND TO CHANGE SPACES 461, 462, 463, AND AREA PC #33 TO PRIVATE OWNERSHIP, AND TO ADD ADJACENT NORTHEAST SPACE INTO UNIT SC #6.

RECORD OF SURVEY MAP

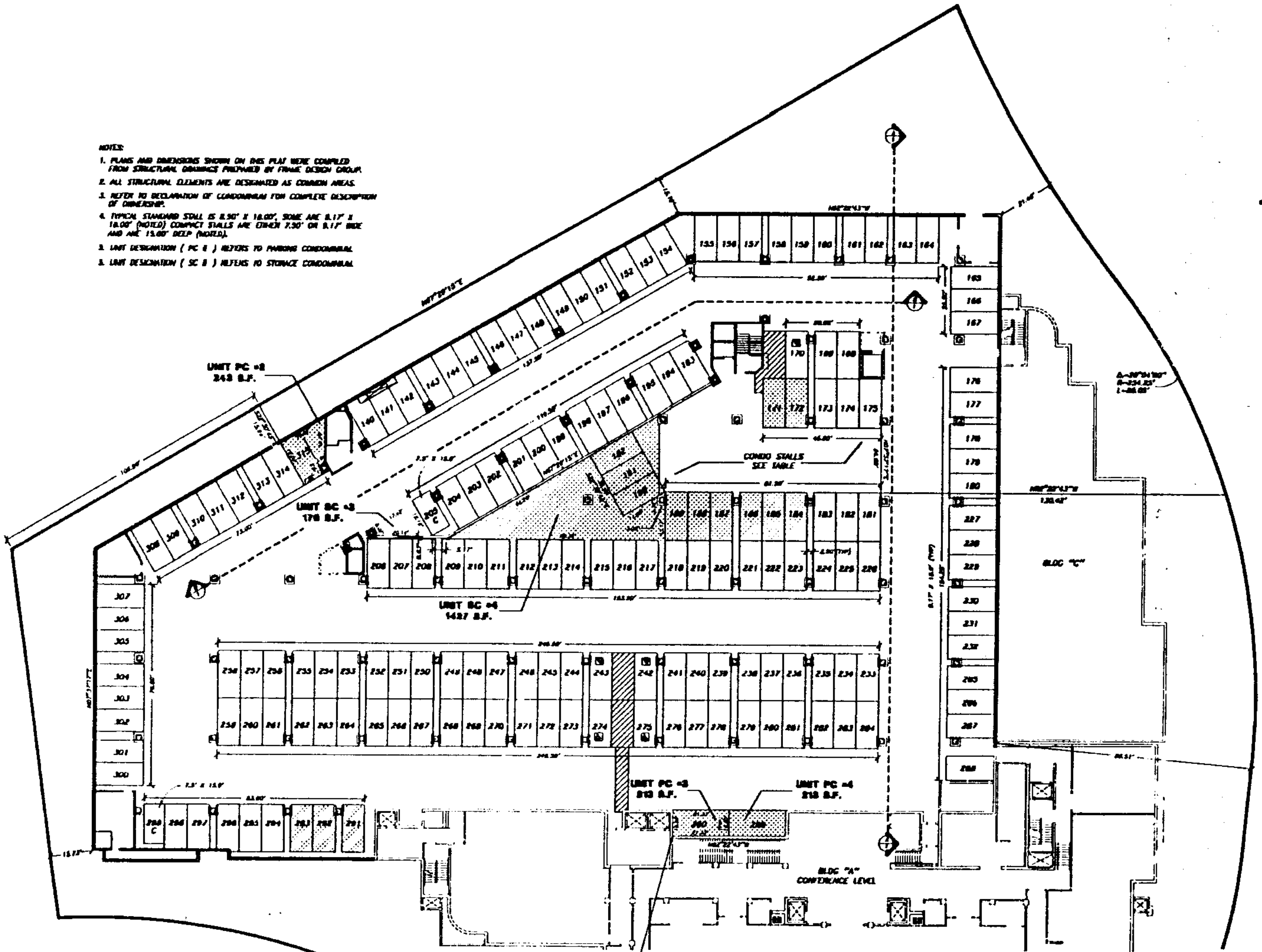
THE CHATEAUX AT SILVER LAKE - AMENDED

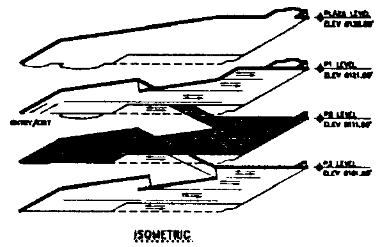
A UTAH CONDOMINIUM PROJECT
LOCATED IN SECTION 27, TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

RECORDED

38

NOTES:
1. PLANS AND DIMENSIONS SHOWN ON THIS PLAT WERE COMPILED FROM STRUCTURAL DRAWINGS PREPARED BY FRAME DESIGN GROUP.
2. ALL STRUCTURAL ELEMENTS ARE DESIGNATED AS COMMON AREAS.
3. REFER TO DECLARATION OF CONDOMINIUM FOR COMPLETE DESCRIPTION OF OWNERSHIP.
4. TYPICAL STANDARD STALL IS 8.50' X 18.00', SOME ARE 8.17' X 18.00' (NOTED) COMPACT STALLS ARE EITHER 7.50' OR 8.17' WIDE AND ARE 15.00' DEEP (NOTED).
5. UNIT DESIGNATION (PC #) REFERS TO PARKING CONDOMINIUM.
5. UNIT DESIGNATION (SC #) REFERS TO STORAGE CONDOMINIUM.





SCALE 1" = 30'

TABLE

STALL #	PC #	S.F.
171	5	153.00
172	6	153.00
201	7	153.00
202	8	153.00
203	9	153.00
184	13	153.00
185	14	153.00
186	15	153.00
187	16	153.00
188	17	153.00
189	18	153.00
190	19	153.00
191	20	153.00
192	21	153.00

NOTE: TYP. PC STALL IS 8.50' X 18.00'.

NARRATIVE:
THE PURPOSE OF THIS AMENDMENT IS TO ADD ADJACENT NORTHEAST SPACE INTO UNIT SC # 4.

PRIVATE OWNERSHIP (UNIT AREA)
LIMITED COMMON AREA AND FACILITIES
COMMON AREA AND FACILITIES
CONVERTIBLE TO LIMITED COMMON AREA
*[illegible]TIBLE SPACE

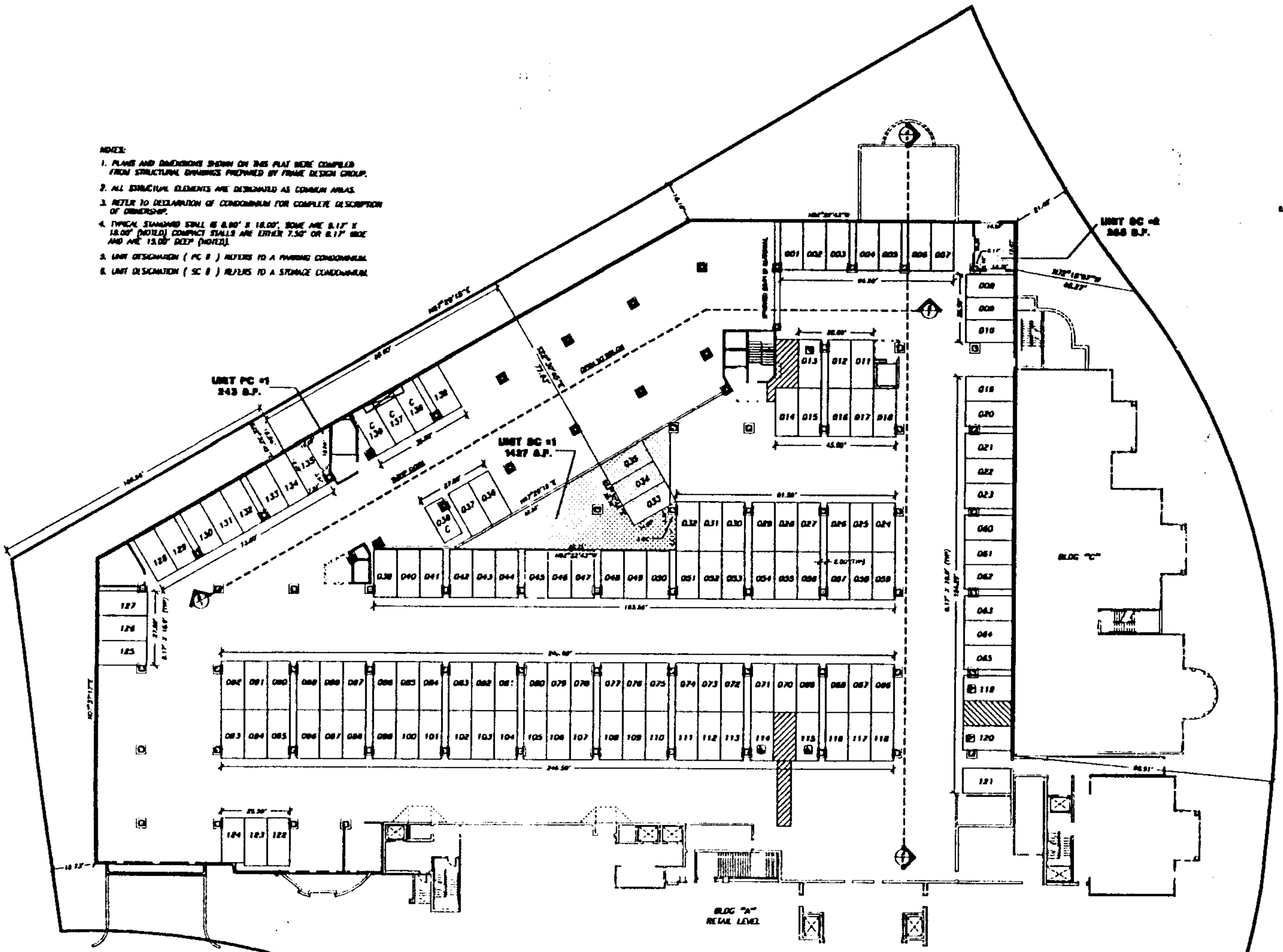
RECORD OF SURVEY MAP
THE CHATEAUX AT SILVER LAKE - AMENDED
A UTAH CONDOMINIUM PROJECT
LOCATED IN SECTION 27, TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

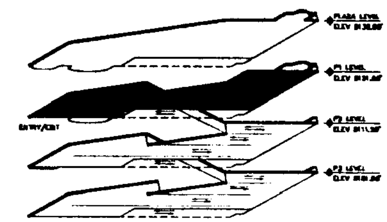
RECORDED

39

NOTES:

1. PLANS AND DIMENSIONS SHOWN ON THIS PLAT WERE COMPILED FROM STRUCTURAL DRAWINGS PREPARED BY FRAME DESIGN GROUP.
2. ALL STRUCTURAL ELEMENTS ARE DESIGNATED AS COMMON AREAS.
3. REFER TO DECLARATION OF CONDOMINIUM FOR COMPLETE DESCRIPTION OF OWNERSHIP.
4. TYPICAL STANDARD STALL IS 8.50' X 18.00', SOME ARE 8.17' X 18.00' (NOTED) COMPACT STALLS ARE EITHER 7.50' OR 8.17' WIDE AND ARE 15.00' DEEP (NOTED).
5. UNIT DESIGNATION (PC #) REFERS TO A PARKING CONDOMINIUM.
6. UNIT DESIGNATION (SC #) REFERS TO A STORAGE CONDOMINIUM.





ISOMETRIC

SCALE 1" = 20'

TABLE

STALL #	PC #	S.F.
33		153.00
34		153.00
35		153.00

NOTE: TYP. PC STALL IS 8.50' X 18.00'.

NARRATIVE:
THE PURPOSE OF THIS AMENDMENT IS TO ADD ADJACENT NORTHEAST SPACE INTO UNIT SC #1.

- PRIVATE OWNERSHIP (UNIT AREA)
- LIMITED COMMON AREA AND FACILITIES
- COMMON AREA AND FACILITIES
- CONVERTIBLE TO LIMITED COMMON AREA
- CONVERTIBLE SPACE

PARKING STRUCTURE-LEVEL 1

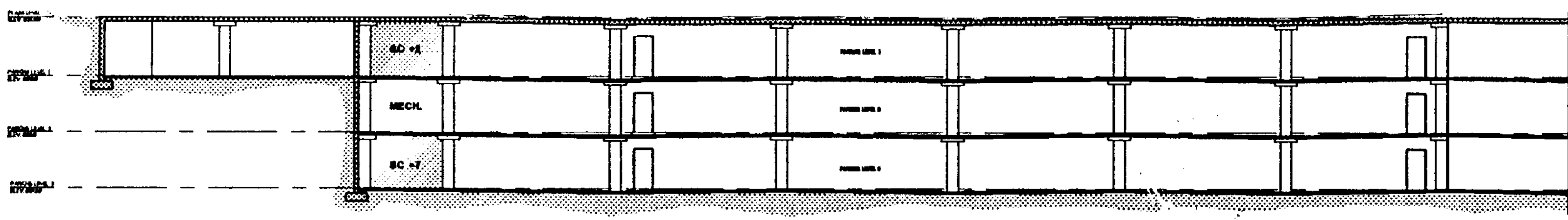
RECORD OF SURVEY MAP
THE CHATEAUX AT SILVER LAKE - AMENDED
A UTAH CONDOMINIUM PROJECT
LOCATED IN SECTION 27, TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

PAGE 12 OF 13

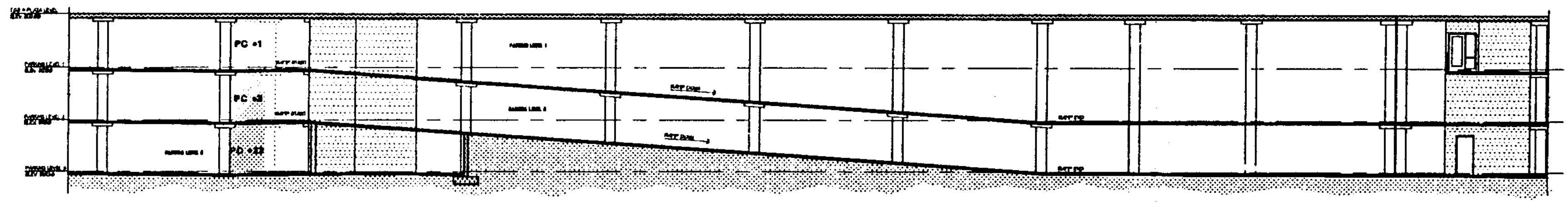
RECORDED

40

NOTES:
1. PLANS AND DIMENSIONS SHOWN ON THIS PLAT WERE COMPILED FROM STRUCTURAL DRAWINGS PREPARED BY FRAME DESIGN GROUP AND ARCHITECTURAL DRAWINGS BY JOHN C. SHIRLEY AND ASSOCIATES.
2. ALL STRUCTURAL ELEMENTS ARE DESIGNATED AS COMMON AREAS.
3. REFER TO DECLARATION OF CONDOMINIUM FOR COMPLETE DESCRIPTION OF OWNERSHIP.



PARKING STRUCTURE SECTION – A1



PARKING STRUCTURE SECTION – B1

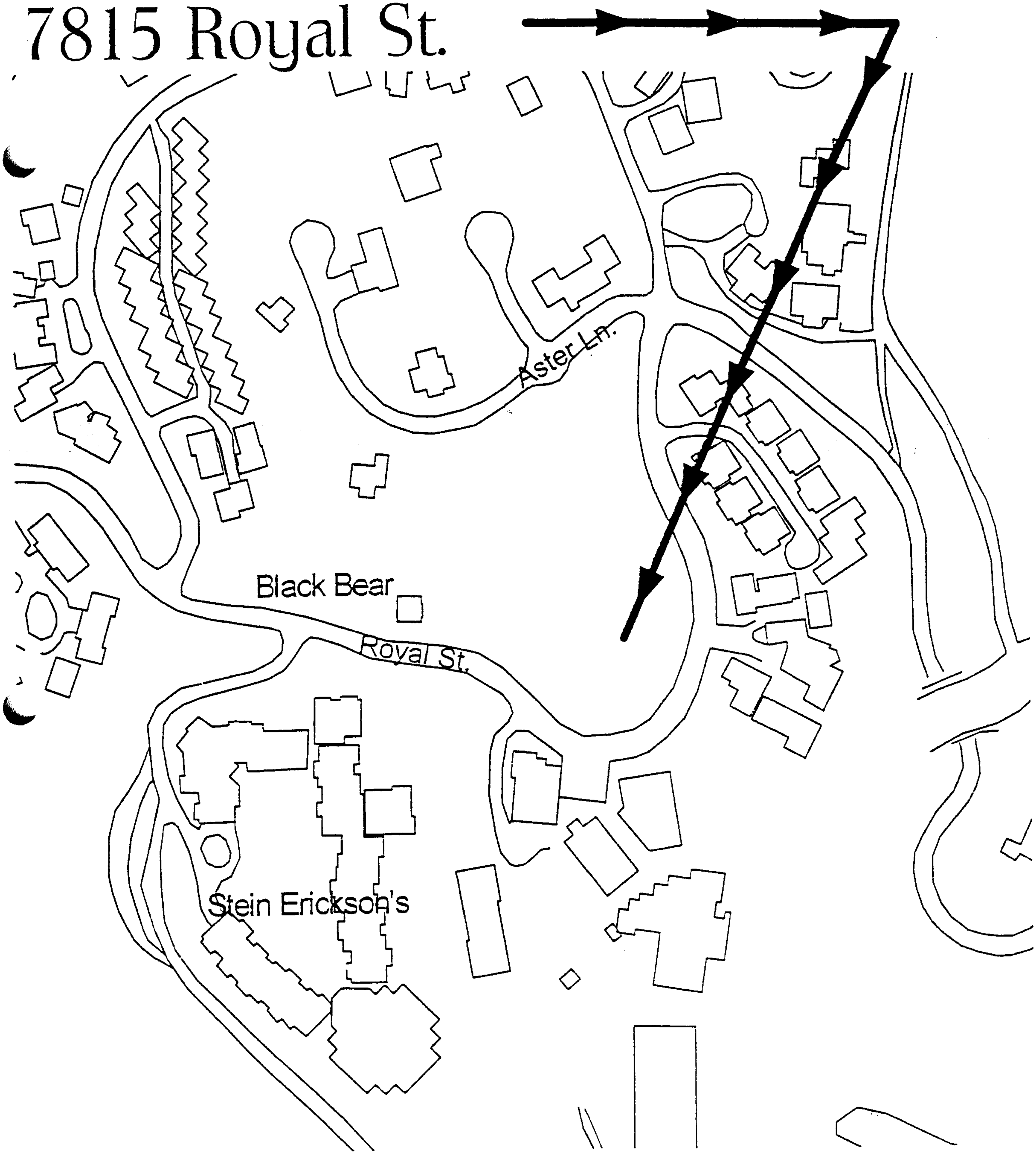
41

PRIVATE OWNERSHIP (UNIT AREA)
LIMITED COMMON AREA AND FACILITIES
COMMON AREA AND FACILITIES
CONVERTIBLE TO LIMITED COMMON AREA
CONVERTIBLE SPACE

SCALE 1"=10'
RECORD OF SURVEY MAP
THE CHATEAUX AT SILVER LAKE - AMENDED
A UTAH CONDOMINIUM PROJECT
LOCATED IN SECTION 27, TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

RECORDED

7815 Royal St.



PARK CITY 1884

EXHIBIT B

Vicinity Map

WHEN RECORDED, MAIL TO:
Robert C. Dillon, Esq.
1500 Kearns Blvd., Suite E 302
Park City, Utah 84060

SECOND AMENDMENT TO CONDOMINIUM DECLARATION AND COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE CHATEAUX AT SILVER LAKE (A Utah Condominium Project)

THIS SECOND AMENDMENT TO DECLARATION (the "Second Amendment") is made and executed by SILVER LAKE ASSOCIATES, L.L.C., a Utah limited liability company, sole owner as described on the Record of Survey Map, hereinafter referred to as "Declarant," pursuant to the provisions of the Utah Condominium Ownership Act, Utah Code Annotated §§57-8-1 through 57-8-36 (1953, as amended), for itself, its successors, grantees and assigns.

RECITALS

Declarant is currently the Owner of all Units contained in The Chateaux at Silver Lake, a Utah condominium formed by the recordation of that certain Condominium Declaration and Covenants, Conditions and Restrictions for The Chateaux at Silver Lake on May 18, 1998 as Entry No. 507157 in Book 1146, Page 183, Official Records of the Recorder of Summit County, Utah , as amended by First Amendment to Condominium Declaration and Covenants, Conditions and Restrictions for The Chateaux at Silver Lake recorded on December 14, 1998 as Entry No.525141 in Book 1210, Pages 758-767, aforesaid records (as amended, the "Declaration"), and by the recordation of that certain Record of Survey Map on May 18, 1998 as Entry No. 507156, aforesaid records (the "Original Map"), as amended by First Supplemental Record of Survey Map Building B recorded on December 14, 1998 as Entry No. 525140, aforesaid records (the "First Supplemental Map") (the Original Map, as amended, the "Map"). Reference is hereby made to the Declaration for all defined terms not otherwise defined herein.

There have been certain as-built changes in the Units and Common Areas and Facilities which are shown on that certain Record of Survey Map at Silver Lake-Amended filed concurrently herewith, consisting of 13 sheets, prepared by Thompson-Hysell Engineers, and certified by James M. Bagwell, License No. 358275, a Utah registered land surveyor (the "Amended Original Map"). The Amended Original Map shows inter alia the conversion of certain portions of the Common Areas and Facilities into Limited Common Areas or additional area in Units, changed square footages of Units where applicable, the addition of boundary walls to certain commercial Units which were unintentionally omitted in the Original Map, the correction of typographical errors relating to certain Limited

RECEIVED
JUL 20 1999
PARK CITY PLANNING DEPT.

EXHIBIT C

Common Areas and their appurtenant residential Unit, the relocation of certain parking units, and the creation of an additional Commercial Unit 8A out of space that was originally included in two other commercial Units.

The Unit numbers of all of the residential Units in Building B have also been changed as shown on that certain First Supplemental Record of Survey Map at Silver Lake-Amended filed concurrently herewith, consisting of 6 sheets, prepared by Thompson-Hysell Engineers, and certified by James M. Bagwell, License No. 358275, a Utah registered land surveyor (the "Amended First Supplemental Map").

Declarant desires by filing this Second Amendment, the Amended Original Map and the Amended First Supplemental Map to make the changes in the Units, Limited Common areas and Common Areas and Facilities shown therein.

NOW, THEREFORE, for such purposes, and pursuant to §57-8-13.4 of the Act and §6.05 of the Declaration, Declarant hereby makes the following Second Amendment as follows:

Agreement

1. Changes to Units, Limited Common Areas and Common areas and Facilities. All Units, Limited Common Areas and Common Areas and Facilities shall be as shown on the Amended Original Map and the Amended First Supplemental Map.

2. Amendment of Exhibit "C". Exhibit "C" to the Declaration is hereby amended by replacing the same with the revised Exhibit "C" attached to this Second Amendment and incorporated herein by reference. The fractional ownership interests in the Common Area owned by each Owner shall be revised to be as set forth in Exhibit "C" attached hereto. The residential Units and commercial Units other than storage Units are hereby allocated the number of unassigned parking spaces designated for each Unit as set forth on Exhibit "C" attached hereto.

3. No Other Changes. Except as set forth Paragraphs 1 and 2 above, the Declaration shall otherwise remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the undersigned has caused this Second Amendment to be executed on its behalf this __ day of _______, 1999.

SILVER LAKE ASSOCIATES, L.L.C.,
a Utah limited liability company

By:______________________________.
F. Lynn Padan
Its Manager

44

STATE OF UTAH)
) ss.
COUNTY OF SUMMIT)

On the ___ day of ____________, 1999, personally appeared before me F. Lynn Padan, signer of the above Second Amendment, who being duly sworn, did say that he is the Manager of Silver Lake Associates, L.L.C., a limited liability company of the State of the State of Utah, and that the Second Amendment was signed in behalf of said company under authority granted by its operating agreement, and said F. Lynn Padan duly acknowledged to me that said company executed the same.

____
Notary Public
Residing at:

My Commission Expires:

____

APPROVAL BY CITY

PARK CITY, a body corporate and politic, and the City in which THE CHATEAUX AT SILVER LAKE, a Utah Condominium Project is located, by and through its duly elected mayor, does hereby give final approval to the said Project, to the foregoing Second Amendment, to the Record of Survey Map-Amended, and the First Supplemental Record of Survey Map-Amended recorded concurrently herewith, and to the attributes of the said Project which are mentioned in § 57-8-35(3) of the Utah Condominium Ownership Act, as amended and expanded by the Laws of Utah, 1975, Chapter 173, Section 18.

DATED ________________

PARK CITY

By: ______________________________
Mayor

ATTEST:

____
Recorder

CONSENT TO RECORD

The undersigned ZIONS FIRST NATIONAL BANK, a national banking association, holder of a deed of trust on the property subject hereto, does hereby consent to the recordation of this First Amendment to Declaration and to the recordation of the First Supplemental Record of Survey Map recorded concurrently herewith.

ZIONS FIRST NATIONAL BANK

By:______________________________

Its ______________________

STATE OF UTAH }
} ss.
COUNTY OF ______________ }

On the ___ day of ____________, 1999, personally appeared before me ______________, signer of the above Consent to Record, who being duly sworn, did say that he is the ______________ of Zions First National Bank, a National Banking Association, and that the Consent to Record was signed in behalf of said Bank under authority granted by its Board of Trustees, and said ____________ duly acknowledged to me that said Bank executed the same.

____
Notary Public
Residing at:

My Commission Expires:

____

PARK CITY 1884

CITY COUNCIL STAFF REPORT

DATE: August 18, 1999 (August 26, 1999 meeting)
DEPARTMENT: Planning Department
AUTHOR: Kirsten A. Whetstone, AICP
TITLE: 1372 Woodside Avenue
TYPE OF ITEM: Final Subdivision plat

SUMMARY RECOMMENDATIONS: Staff requests that the City Council approve the final subdivision plat for 1372 Woodside Avenue with findings of fact, conclusions of law, and conditions of approval as outlined in this staff report.

DESCRIPTION:

A. Topic

PROJECT STATISTICS:

Applicant:	Kurt Peterson and Mike Gandy
Location:	1372 Woodside Avenue
Zoning:	RM- Residential Medium Density (proposed HRM)
Adjacent Land Uses:	Multi-unit condominium buildings, single family, commercial uses
Date of Application:	June 10, 1999

B. Background

On June 10, 1999 the applicants submitted this request for a subdivision plat to create a legal platted lot from a single metes and bounds parcel. The applicants are proposing to construct a duplex on the unplatted parcel. The proposed lot contains 4,500 sq. ft. and is located in Block 24 of the Snyder's Addition, where many parcels were not formally platted. A legally subdivided lot is required prior to issuance of a building permit for new construction. Building plans will have to comply with all requisite requirements of the LMC at the time of complete application.

On August 11, 1999 the Planning Commission voted to forward to City Council a positive recommendation to approve the final subdivision plat as conditioned in this staff report.

C. Project Description

Location

Located on the east side of Woodside Avenue (see Exhibit A) the parcel is situated behind the large duplex located at 1373 Park Avenue. In the vicinity are the 14th Street Townhouses, Silver Cliff Village Condominiums on Woodside and the Laundromat on Park Avenue. Located with access off of Woodside Avenue (Exhibit B), the 4,500 sq. ft. metes and bounds property is vacant and does not extend to Park Avenue. Access to the Laundromat parcel and associated parking is not changed or blocked by this subdivision request.

Preliminary and Final Subdivision Plat

The applicant is requesting approval of a sketch and final subdivision plat to create a single lot from one unplatted metes and bounds parcel, as a minor subdivision. The Land Management Code allows for simultaneous review of the preliminary and final plats, given that no division or addition of property is involved and streets and utilities are existing or adjacent to this lot. A public hearing before the Planning Commission, with final approval by the City Council, is required before the plat may be recorded and final building permits issued. This subdivision plat shall be reviewed for conformance with Chapter 15 of the Land Management Code. Before any units may be sold individually, a final record of survey plat (for any future condominium project) shall be submitted to the City for review and approval by the Planning Commission and City Council. The owner does not intend to convert this project to condominiums in the future, although a future owner might.

Utility Plan

Prior to building permit issuance a utility plan will be submitted for City Engineer review and approval. Utilities are existing in Park and Woodside. Ten foot snow storage easements along Woodside Avenue will be required on the plat. Any outstanding utility issues must be resolved to the satisfaction of the City Engineer and Fire Marshall prior to recording of the final plat. All construction shall conform to UBC and Fire Code applicable at the time of building permit application.

Landscape Plan

A landscape plan will be required as part of the building permit application. Significant vegetation does not exist on this site.

Access

Woodside Avenue will provide access for the proposed. The plat and proposed duplex will not change existing access to the existing duplex at 1373 Park or the Laundromat at 1375 Park.

Architectural Guidelines

Knowing that future zoning may include a requirement for Historic District Design Guidelines, staff is currently working with this applicant to meet those guidelines with this current project. The applicant submitted a preliminary sketch for staff to review. Architectural detailing that is sympathetic to the historic district, yet makes a more modern statement is recommended. Wood single car carriage doors are suggested, as are vertically proportioned double hung wood windows, half-light front doors, horizontal wood siding, window and corner trim details, soffit detailing, architectural grade shingles, and broken range work pattern stone work. All exterior lighting shall conform to the Park City lighting ordinance and regulations. All exterior mechanical equipment will be painted to match the adjacent wall color. All roof mounted equipment and vents are grouped to minimize projections and will be painted to match roof color. Facade length and variation requirements of Section 9.8. of the LMC will also need to be addressed.

D. Analysis

The sketch and final plat, as conditioned, is consistent with all requisite requirements of the current and pending Land Management Code, specifically Section 7.8 for development within the RM zoning district, Section 15-2.4-1for the HRM district, and Section 15 for development of a subdivision. Contextually the building proposal is smaller, but appropriately in scale, with surrounding buildings.

A final utility plan shall be reviewed and approved by the City Engineer prior to plat recordation. A financial guarantee for completion of all required public improvements shall be submitted to the City prior to plat recordation. A landscape plan shall be submitted for review and approval by the Community Development Department prior to issuance of a full building permit.

E. Public Input

Notice of this amendment and the public hearing were properly published and posted. Letters were sent to property owners within 300' of the property on July 27, 1999. As of the date of this report, staff has not received input on this subdivision plat from affected property owners. No public input was received at the public hearing on August 11, 1999.

F. Department Review

City staff reviewed this proposal at the July 6, 1999 staff meeting. Issues of blocking access and parking for the Laundromat were raised. Upon closer examination of the parcel involved, staff has determined that this parcel is not behind the Laundromat and that the Laundromat parcel does go through to Woodside Avenue. Staff suggested that the two metes and bounds parcels be combined at this time in one subdivision plat, but the current applicants do not own or control the Laundromat parcel. A utility plan needs to be reviewed and approved prior to recordation of this plat. Any required utility and snow storage easements will need to be granted through the plat. The City Attorney and City Engineer will review the plat for compliance with the Land Management Code, Utah State Subdivision law, and all conditions of approval prior to recordation of the plat.

ALTERNATIVES:

A. Approve the sketch and final subdivision plat as proposed to create a single legal lot from one metes and bounds parcel at 1372 Woodside Avenue for the purpose of allowing permits to be issued for a residential duplex structure.

B. Deny the sketch and final subdivision plat as proposed, and provide direction to staff and the applicant on acceptable alternatives.

C. Continue the item and request further evaluation from the City Staff.

SIGNIFICANT IMPACTS:

The proposed subdivision plat results in one platted lot at 1372 Woodside Avenue. The plat will allow construction of a residential duplex. A record of survey plat is required to transfer ownership of the units in the future, if desired.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

If the subdivision plat is not approved as proposed, the applicant will not be able to obtain a building permit for any use, as a platted lot is required for permits.

RECOMMENDATION:

Staff recommends the City Council approve the proposed subdivision plat based on the following:

Findings of Fact

1. The property is located in the RM, Residential Medium Density, zoning district.

2. The December 31, 1998 Land Management Code revisions recommend that 1372 Woodside Avenue be rezoned to HRM, Historic Residential Medium Density, zoning district.

3. Significant vegetation does not exist on this site.

4. The proposed subdivision plat creates one platted lot for the purpose of allowing building permits to be issued at this site. The site is approximately 4,500 square feet in area.

5. The project is located on Woodside Avenue with high intensity residential uses and with minimal construction staging area.

6. Dedication of a ten (10) foot non-exclusive snow storage easement along Woodside is necessary to provide adequate snow removal services. The City Engineer will determine requirements for additional utility easements prior to recording of the plat.

7. A financial guarantee for all public improvements is necessary to ensure completion of these improvements and to protect the public from liability and physical harm if these improvements are not completed by the developer or owner.

8. The applicant stipulates to the conditions of approval.

9. On August 11, 1999 the Planning Commission held a public hearing and voted to forward to the City Council a positive recommendation to approve the proposed subdivision plat.

Conclusions of Law

1. The subdivision plat is consistent with the Park City Land Management Code (Forty-Sixth Edition) Chapters 7 and 15 and as amended by the December 31, 1998 revisions.

2. The subdivision plat is consistent with State subdivision requirements.

3. The proposal complies with the Park City General Plan.

Conditions of Approval

1. City Attorney and City Engineer review and approval of the subdivision plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording of the plat.

2. A ten (10) foot non-exclusive snow storage easement along Woodside Avenue frontage shall be dedicated to the City on the plat.

3. All Standard Project Conditions shall apply.

4. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.

5. A financial guarantee, for the value of all public improvements to be completed, shall be provided to the City prior to final plat recordation. All public improvements shall be completed according to City standards and accepted by the City Engineer prior to release of this guarantee.

6. The final plat shall be recorded at the County within one year from the date of City Council approval. If recordation has not occurred within the one year time frame, this approval and the plat shall be considered null and void.

7. City Engineer review and approval of all appropriate grading, utility, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance. Any additional utility easements, as required by the City Engineer shall be shown on the plat prior to recordation.

EXHIBITS:

Exhibit A- Proposed plat
Exhibit B- Location map

M:\CDD\KAW\wood1372.REP.wpd

Ordinance No. 99-

AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT FOR 1372 WOODSIDE AVENUE, PARK CITY , UTAH

WHEREAS, the owner of the property known as 1372 Woodside Avenue has petitioned the City Council for approval of a final subdivision plat; 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 August 11, 1999 to receive input on the proposed subdivision; and

WHEREAS, on August 26, 1999 the City Council reviewed the proposed subdivision plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the final subdivision plat for 1372 Woodside Avenue.

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

SECTION 1. FINDINGS. The following findings are hereby adopted:

1. The property is located in the RM, Residential Medium Density, zoning district.

2. The December 31, 1998 Land Management Code revisions recommend that 1372 Woodside Avenue be rezoned to HRM, Historic Residential Medium Density, zoning district.

3. Significant vegetation does not exist on this site.

4. The proposed subdivision plat creates one platted lot for the purpose of allowing building permits to be issued at this site. The site is approximately 4,500 square feet in area.

5. The project is located on Woodside Avenue with high intensity residential uses and with minimal construction staging area.

6. Dedication of a ten (10) foot non-exclusive snow storage easement along Woodside is necessary to provide adequate snow removal services. The City Engineer will determine requirements for additional utility easements prior to recording of the plat.

7. A financial guarantee for all public improvements is necessary to ensure completion of these improvements and to protect the public from liability and physical harm if these improvements are not completed by the developer or owner.

8. The applicant stipulates to the conditions of approval.

9. On August 11, 1999 the Planning Commission held a public hearing and voted to forward to the City Council a positive recommendation to approve the proposed subdivision plat.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby concludes that there is good cause for the above-mentioned subdivision plat, that neither the public nor any person will be materially injured by the proposed amendment. The final plat is consistent with both the Park City Land Management Code and State subdivision requirements.

SECTION 3. PLAT APPROVAL. The final subdivision plat for 1372 Woodside Avenue is approved as shown on Exhibit A, with the following conditions:

1. City Attorney and City Engineer review and approval of the subdivision plat for compliance with the Land Management Code and conditions of approval is a condition precedent to plat recordation.

2. A ten (10) foot non-exclusive snow storage easement along the Woodside Avenue frontage shall be dedicated to the City on the plat.

3. All Standard Project Conditions shall apply.

4. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.

5. A financial guarantee, for the value of all public improvements to be completed, shall be provided to the City prior to final plat recordation. All public improvements shall be completed according to City standards and accepted by the City Engineer prior to release of this guarantee.

6. The final plat shall be recorded at the County within one year from the date of City Council approval. If recordation has not occurred within the one year time frame, this approval and the plat shall be considered null and void.

7. City Engineer review and approval of all appropriate grading, utility, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance. Any additional utility easements, as required by the City Engineer, shall be shown on the plat prior to recordation.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 26 th day of August, 1999.

PARK CITY MUNICIPAL CORPORATION

____

Mayor Bradley A. Olch

Attest:

____

Janet M. Scott, City Recorder

Approved as to form:

____

Mark D. Harrington, Interim City Attorney

SURVEYOR'S CERTIFICATE

I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 163831, as prescribed by the laws of the State of Utah, and that by authority of the owner(s), I have prepared this Record of Survey map of 1376 PARK AVENUE PLAT and that the same has been or will be monumented on the ground as shown on this plat.

______________________ John Demkowicz ______________ Date

BOUNDARY DESCRIPTION

Beginning North 84°01'00" East 278 feet and South 35°58'00" East 81 feet from the southwest corner of Block 21, Snyder's Addition, Park City, Utah; thence South 35°58'00" East 75 feet; thence South 84°01'00" West 60 feet; thence North 35°59'00" West 75 feet; thence North 84°01'00" East 60 feet to the place of beginning.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that by virtue of a corporate resolution, MK DEVELOPMENT, L.L.C., a Utah limited liability company, owner of the herein described tract of land, to be known hereafter as the 1376 PARK AVENUE PLAT, having caused this plat to be prepared, does hereby consent to the recordation of this plat in accordance with Utah law.

ALSO, the owner, or its representative, hereby irrevocably offers for dedication to the City of Park City all the streets, land for local government uses, easements, parks, and required utilities and easements shown on the plat and construction drawings in accordance with an irrevocable offer of dedication.

In witness whereof, the undersigned set his hand this ______ day of

______________ 1999.

By: ______________________
J. Kurt Peterson
MK DEVELOPMENT, L.L.C.

By: ______________________
Michael C. Gondy
MK DEVELOPMENT, L.L.C.

ACKNOWLEDGEMENT

State of Utah:
County of Summit:

On this ______ day of ______________ 1999, J. Kurt Peterson personally appeared before me, the undersigned Notary Public, in and for said state and county. Having being duly sworn, J. Kurt Peterson acknowledged to me that he is a managing member of MK DEVELOPMENT, L.L.C., a Utah Limited Liability Company, organized and existing under the laws of the state of Utah for and in behalf of said company for the uses and purposes stated therein and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

____
Notary Public

My commission expires______________

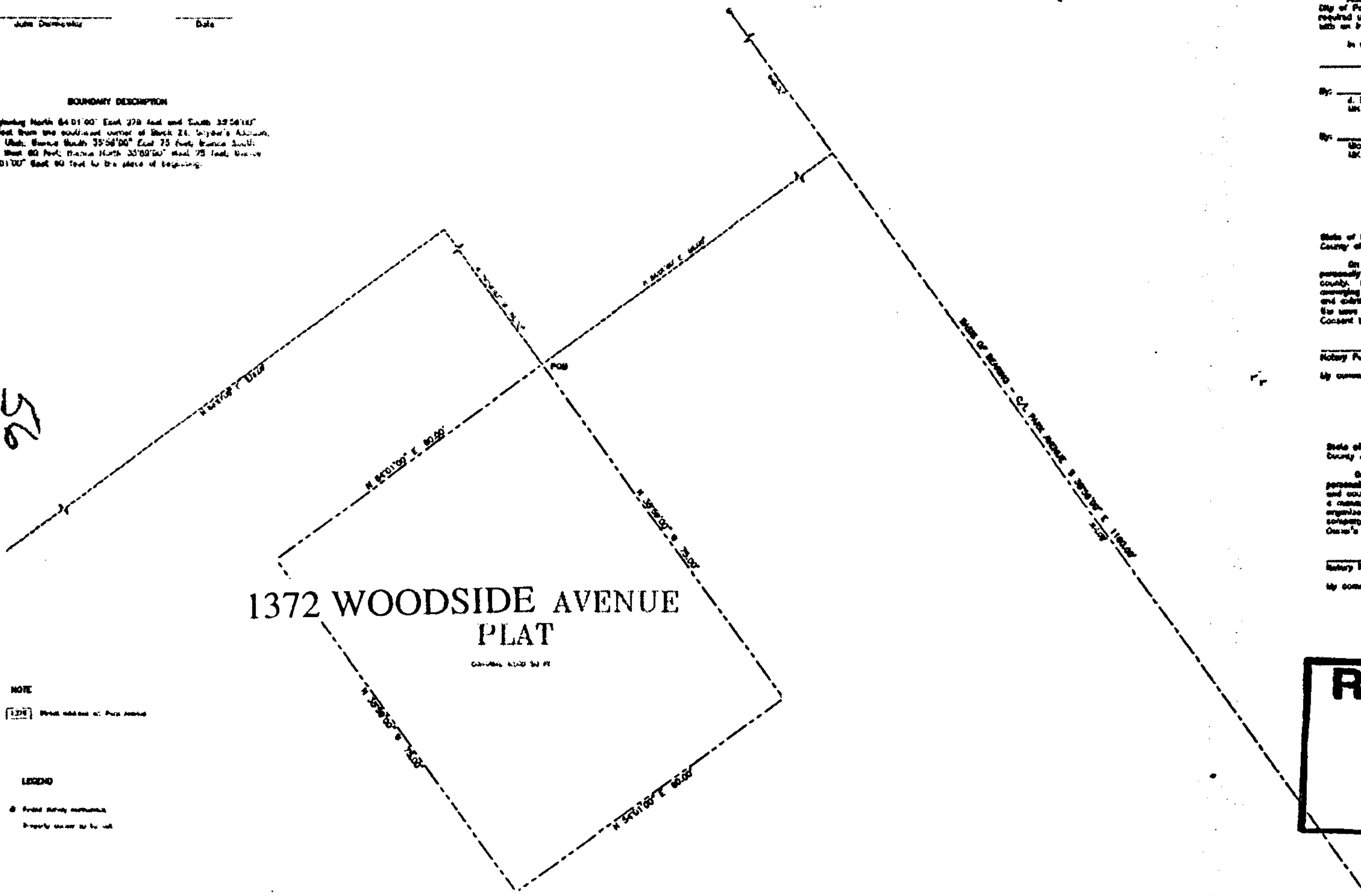
ACKNOWLEDGEMENT

State of Utah:
County of Summit:

On this ______ day of ______________ 1999, Michael C. Gondy personally appeared before me, the undersigned Notary Public, in and for said state and county. Having being duly sworn, Michael C. Gondy acknowledged to me that he is a managing member of MK DEVELOPMENT, L.L.C., a Utah Limited Liability Company, organized and existing under the laws of the state of Utah for and in behalf of said company for the uses and purposes stated therein and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

____
Notary Public

My commission expires______________



NOTE

[1376] Street address on Park Avenue

LEGEND

● Found survey monument
Property corner to be set

0 10' 20'

1372 WOODSIDE AVENUE PLAT

LOCATED IN SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE
AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

[illegible]	PLANNING COMMISSION	ENGINEER'S CERTIFICATE	APPROVAL AS TO FORM	CERTIFICATE OF ATTEST	COUNCIL APPROVAL AND ACCEPTANCE	RECORDED

EXHIBIT A

56

1372 Woodside Ave

PARK CITY
1884

EXHIBIT B

Vicinity Map

PARK CITY
1884

DATE: August 26, 1999
DEPARTMENT: Capital Management and Budget
AUTHOR: Tom Bakaly, Director of Capital Programs and Budget TBB
TITLE: KPCW Lease
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Authorize staff to execute a three-year lease agreement, with an additional one year renewal option, with KPCW for office space in the Marsac Building thru June 30, 2003.

DESCRIPTION:

A. **Topic:** Lease agreement with KPCW.

B. **Background**: In May 1998, KPCW was informed that it should begin exploring its options for eventually moving out of the Marsac Building. KPCW has occupied City owned space for roughly 20 years. During that time, KPCW has been a local source of daily news, public safety information and public service announcements for residents and guests of Park City. KPCW has recently completed an analysis of the costs associated with relocating and determined that moving before the Olympics would be difficult. Concurrently, Park City Municipal Corporation has been looking at office space alternatives in the building for City staff.

In July, the Office of Capital Management and Budget moved into their new office space on the bottom first floor. This began a "domino effect" of office moves and temporary office space. During the second week of August the Public Affairs Department and Olympic Department moved into their office space on the third floor. Currently construction is underway in the Work Session Room and the city anticipates that in September of 2000 the Courts will permanently move from the Marsac Building. For many years, these moves have created uncertainty regarding space utilization and the future of the space leased by KPCW.

C. **Analysis:** Recently, staff has determined that at some inconvenience, the City can for a limited time do without the office space being used by KPCW.

Attached are copies of the lease and correspondence from KPCW regarding office space. At present staff recommends that the Council authorize the use of this space by KPCW thru June after the Olympics. (See attached letter) If the city does not exercise the option to renew the lease after the Olympics, it must notify KPCW by September 30, 2001 and KPCW will move from the Marsac Building by June 30, 2002.

In response to the costs associated with relocating the radio station, KPCW will be entitled to 9 months notice if Park City decides not to renew the lease after the Olympics. In exchange for the office space, KPCW will give free Public Service Announcements (PSA) to the City.

Grant

The grant is separate from the lease and subject to annual approval with the budget. If the City does not give KPCW a grant for any year, their lease is still valid but the City and KPCW must agree upon a value in kind rent or cash rental amount (not less than $17.5/ sq. ft). See Paragraph 3 of the lease.

D. Department Review: Capital Management, Executive, Legal

ALTERNATIVES:

A. Approve the Request: Direct staff to enter a lease agreement with KPCW.

B. Deny the Request: Reject the lease agreement and direct staff not to enter lease agreement.

C. Continue the Item: Council could continue the request and make changes to the proposed lease agreement.

D. Do Nothing: Direct staff to do nothing and continue the unbinding agreement with KPCW. This alternative provides no security for either Park City or KPCW.

SIGNIFICANT IMPACTS: The impacts associated with approving the request allow staff to create a legally binding agreement for the lease of office space. By entering this agreement with KPCW the city may further limit space available for the Police when they move their offices to the basement level of the Marsac Building when the Courts vacate their office space. Other impacts include the inability to use this space for other department staffing needs. Currently the city is continually shuffling space to house current staffing levels. A long term lease may further limit staff's office space options.

Currently the city issues a $25,172 Grant to offset the costs associated with rent for the KPCW office space. This grant is a General Fund transfer to the MBA as rent for this space. Under this agreement, the City will continue to transfer this grant for rent. In addition the City will receive PSA's from KPCW which are valued at an amount up to $25,172. This is an additional benefit for the City from past lease agreements and City departments will no longer need to purchase PSA's up to $25,172.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: If the Council decides not to enter a lease agreement the City would continue its present policy of renting to KPCW without a lease agreement.

RECOMMENDATION: Authorize staff to enter a three-year lease agreement with KPCW with an additional one year renewal option.

**GRANT AGREEMENT BETWEEN
PARK CITY COMMUNITY WIRELESS, INC. (a.k.a. KPCW)
AND PARK CITY MUNICIPAL CORPORATION**

THIS AGREEMENT is made and entered into this 1st day of July, 1999 by and between the **PARK CITY MUNICIPAL CORPORATION** (hereinafter "City") and **PARK CITY COMMUNITY WIRELESS, INC. (a.k.a. KPCW)**, a non-profit corporation (hereinafter "KPCW").

WITNESSETH:

WHEREAS, KPCW is the only local source of daily news, public safety information and public service announcements for residents and guests of Park City; and

WHEREAS, the City desires to provide grant funds to various non-profit organizations in exchange for services provided to the community equal in current fair market value to the City's contribution; and

WHEREAS, the City currently has surplus municipal space which currently accommodates the operation of KPCW.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein set forth, the sufficiency of which is hereby acknowledged, the parties agree as follows:

ARTICLE I
CITY INVESTMENT

The City agrees to provide KPCW with office and production studio space in the Marsac Municipal Building, 445 Marsac Avenue, Park City, Utah (hereinafter "Marsac Building Space") free of charge with a value approved by the City Council and included in the annual City Budget effective July 1, as outlined in Exhibit A.

ARTICLE II
PLAN OF OPERATION

If KPCW desires continued funding for the next budget year (July 1, 2000 - June 30, 2001), it shall submit to the City on or before April 15, 2000, a written Mission Statement. Nothing herein shall allow the City to regulate the content or otherwise censor KPCW productions or speech. KPCW shall at all times hold the City harmless and indemnify the City for all claims, actions and liability arising from KPCW's use of the Marsac Building Space (including broadcasts). KPCW shall maintain its own liability insurance, with the City listed as an additional insured.

ARTICLE III

LEASE

Exhibit B of this Agreement, which shall constitute a lease for the Marsac Building Space, is hereby incorporated into this Agreement. Nothing herein shall be construed to be inconsistent with the terms of the lease as outlined in Exhibit B. To the extent the lease is inconsistent with this Agreement, the lease shall control.

ARTICLE IV
SERVICES TO THE COMMUNITY

For the duration of this Agreement as provided in Article VI herein, KPCW agrees to provide annually to the City, and all of its departments, produced public service announcements not to exceed the annual rental value of the Marsac Building Space as described in Exhibit A. Both parties agree that the services provided to the community represent a good faith exchange of current fair market value for the City's contribution.

ARTICLE V
RECORD KEEPING/AUDIT

KPCW agrees to keep accurate books and records of expenditures related to the City's public service announcements and to submit to the City an accounting thereof at the completion of each program year. KPCW further agrees that the City or their independent auditor may conduct its own audit of books and records related to the City's public service announcements at reasonable times and places during KPCW's ordinary business hours.

ARTICLE VI
DURATION

This Agreement is valid for the Budget year July 1, 1999–June 30, 2000. This Agreement shall automatically renew for two (2) successive one-year terms (July 1, 2000–June 30, 2001; and July 1, 2001–June 30, 2002) upon adoption of the next budget, unless the City gives KPCW at least six (6) month's written notice of termination. However, if KPCW fails to file the annual plan of operation pursuant to Article II of this Agreement, the Agreement shall terminate on June 30 of that year.

ARTICLE VII
DISSOLUTION

On dissolution of KPCW, any remaining funds attributable to the City shall revert to the City. The provision of Marsac Building Space pursuant to this Agreement is non-transferrable.

ARTICLE VIII
AMENDMENT

This Agreement may be amended with the approval of the Board of Directors of KPCW and the City Council. This Agreement may not be amended except by an instrument in writing signed on behalf of each of the parties hereto.

ARTICLE IX
EFFECTIVE DATE

The effective date of this Agreement is July 1st, 1999.

PARK CITY COMMUNITY WIRELESS, INC. (KPCW)

____
Blair Feulner

CORPORATE ACKNOWLEDGMENT

STATE OF _______)
: ss.
COUNTY OF _______)

On this ___ day of _____________, 199_, personally appeared before me Blair Feulner, who being duly sworn, did say that he/she is the Secretary and Treasurer of **PARK CITY COMMUNITY WIRELESS, INC**, and acknowledged to me that the preceding Agreement was signed on behalf of said company, by their authority and he/she acknowledged that the company did execute the same for its stated purpose.

____
NOTARY PUBLIC

PARK CITY MUNICIPAL CORPORATION

____
Toby Ross, City Manager

Approved as to form:

____
Mark D. Harrington, Interim City Attorney

Attest:

____
Janet M. Scott, City Recorder

EXHIBIT A

KPCW
GRANT ALLOCATION FOR FY 1999-2000

Annual value for office rent for the space herein referred to as the "Marsac Building Space" and described in detail in Paragraph 1 of Exhibit B: $25,172

EXHIBIT B

SUBLEASE AGREEMENT BETWEEN PARK CITY COMMUNITY WIRELESS, INC. (a.k.a. KPCW) AND PARK CITY MUNICIPAL CORPORATION

THIS AGREEMENT is made by and between PARK CITY MUNICIPAL CORPORATION (hereinafter "City") and PARK CITY COMMUNITY WIRELESS, INC., a non-profit corporation (hereinafter "KPCW"), to set forth the terms and conditions under which City will lease to KPCW certain surplus City space as described below. The parties agree as follows:

1. Property. The property covered by this lease is located on the first (basement) level of the Marsac Municipal Building, 445 Marsac Avenue, Park City, Utah. The specific suite of office consists of the northernmost 1,566 square feet of the first floor, together with the right of access through the common hallways and entrances during normal business hours of City. Subject to paragraph 8 below, KPCW may convert the hallway between the office space to additional finished tenant space provided alternative ADA access is provided at KPCW's cost. The property also includes the right to use the yard area on the north side of the building for the location of a satellite downlink, and the flagpole or roof as a location for an emergency broadcast antenna, subject to Community Development Department historic design review approval. Construction on the property to the north may make the flagpole location unsuited for the use of KPCW, in which case KPCW may use the roof of the building.

2. Term. The term of this lease is from August 1, 1999 to June 30, 2002, unless sooner terminated under the provisions of this Agreement, or by the joint agreement of the parties. Upon mutual agreement of the parties, this Agreement shall renew for an additional term of one (1) year (July 1, 2002 to June 30, 2003).

3. Rent. The consideration for the space shall be one dollar ($1.00) per year for the space, together with the observance of the other covenants and conditions of the lease and that Grant Agreement between the parties dated 7/1/99. If the Grant is terminated pursuant to the terms of the Grants Policy in the Park City Municipal Corporation Annual Budget, Policies and Objectives-General Budget Policies (so the City is no longer receiving value in kind announcements), the rent shall be in an amount agreed by both parties but in no event shall exceed $17.50 per square foot annually.

4. Tenant Improvements. KPCW agrees to install, at its own expense, all specialized equipment needed for the operation of its radio and future television studios, offices and other facilities it may require. This includes any additional partitioning, soundproofing, specialized or additional electrical and mechanical equipment, air conditioning, internal heating, and any other tenant improvements that are necessary for KPCW's intended use of the space. Any tenant improvement items that can be removed at the end of the lease without causing substantial damage to the remaining walls, ceilings, or other finishes may be removed by KPCW at the termination or

expiration of the lease. All work done by KPCW will comply with the applicable building codes.

5. Utilities. City agrees to pay the utility bills for light and heating of the space, as those services are tied into the central mechanical system of the building. City will also provide water and sewer service. KPCW will provide its own telephone system and its own monthly service fees for telephone service at its own expense. If City has any surplus telephone equipment that could be made available to KPCW without charge, except that installation, monthly line, and long distance charges will be paid by KPCW. KPCW agrees to pay utilities for the Park City Police Station's main transmitter unit, which is located in KPCW's space on Quarry Mountain. KPCW agrees to contribute, in a fair and equitable amount mutually agreed upon by the parties to this Agreement, funds for the cost of an emergency back-up generator in the event that the City proceeds with such proposal.

6. Janitorial Services. KPCW will provide its own janitorial service for the space it occupies. In the event KPCW desires to have the City's janitorial contractor maintain KPCW's space, KPCW will pay the additional costs incurred by the City for that service at a cost basis to the City.

7. Insurance. City will carry insurance on the structure for casualty loss, and public liability policies that provide insurance against claims of persons injured in or about the building in amounts in excess of those required by state law. The City policies will not extend to any contents of KPCW's space, and the City will not have any liability to KPCW for loss or damage to its equipment or contents, except through the gross negligence of the City or its employees or agents. KPCW will carry insurance on its contents as it deems appropriate. KPCW will not store or keep any product or equipment within the space that will, because of its nature, increase the risk of casualty losses to the overall building, or that will require additional premiums or specialty coverage. KPCW will provide a policy of liability insurance on its premises in an amount of not less than One Million Dollars ($1,000,000) per person and Two Million Dollars ($2,000,000) per occurrence, with the City named as an additional insured. The policy will provide that no cancellation will be made without first having given the City thirty (30) days notice of the cancellation. Failure to maintain the insurance is a violation of the lease, and grounds for termination.

8. Access and Parking. KPCW's primary access to the building will be through the exterior doors on the north end of the first floor of the building. Another entrance may be designated by the City Manager, with the consent of the Chief Building Official. During City's normal business hours, KPCW will have the right to use the common hallways in the building for access, in addition to the outside door to the leased suite. Use of the north parking lot shall be on an as available basis subject to the same regulations as generally applicable to the public and employees of the City. Additional parking for KPCW will be limited to the public parking in Swede Alley, except that on nights when there is no City meeting or other public use of the building, after normal business hours KPCW's employees may park in the Marsac Building lot to the south of the building. KPCW hereby acknowledges the planned construction of the Transit Center and understands that said construction will result in the closure of the access driveway to the parking lot north of City Hall and loss of

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parking. Upon completion of the north parking lot, KPCW employees may resume use of the lot, unless otherwise directed in writing by the City Manager.

9. Interference with City Telecommunication Systems. The City has extensive computer, radio, and telecommunication systems in the building. This electronic equipment may be sensitive to the electronic equipment installed by KPCW. KPCW agrees that it will so install its equipment that there is no interference with the City equipment, and will pay all costs associated with isolating KPCW's equipment from the City's. In the event interference occurs, KPCW will discontinue use of its equipment until the cause of the interference can be determined and a solution found. If City adds new equipment or changes its existing equipment, and interference occurs after the change, it is KPCW's responsibility to eliminate interference on these future installations as well.

10. Contribution. In making this lease, the City is recognizing the unique community contribution of KPCW to Park City. This lease is a form of grant in aid to KPCW, in lieu of cash donations from the City.

11. Force Majeure. This lease agreement shall automatically terminate upon any holding, interpretation, or determination by a Court, legislative, or administrative body, that bonds issued by Park City Corporation or the Municipal Building Authority will not qualify as tax exempt if the property is leased to a private entity or monies are received for so leasing, or that the MBA may not lease to a private entity, either under existing state and federal law regulation or future state and federal law regulation. In the event of termination pursuant to this paragraph, tenant shall have six (6) months to vacate the premises, and the City may, at its option, either eliminate or reduce rent from the date of termination until the date of vacation of the premises so as to not endanger its tax exempt status.

12. Tax Exempt Status. KPCW is a non-profit corporation under the Internal Revenue Code, and the subsidy by the City is made only as long as the non-profit, tax exempt status remains. In the event KPCW loses it tax-exempt status, the City shall have the option of terminating the lease, or increasing the rental to the fair market value of the space occupied by KPCW on the date that the tax exemption was revoked. KPCW will provide its annual report and audit to the City each year.

13. Assignment/Sublease. KPCW has no right to sublet or assign all or any portion of the leased space for any purpose whatsoever, including subleases or assignments to other non-profit organizations, or assignments for the benefit of creditors. Any attempt to sublet or assign shall cause this lease to immediately terminate.

14. Notice. In recognition of the time it takes to move the radio station equipment and obtain FCC approval for the move, the City will give nine (9) months notice of its intention to renew or not renew the lease before the expiration ofthe term. There is no option for renewal created by this lease.

15. Default/Termination. If the City determines that KPCW is in default of the observance of any of the covenants of this Agreement, it shall give KPCW notice of the alleged default, and a reasonable period of time, not less than thirty (30) days nor more than sixty (60) days, in which to cure the default. If KPCW fails to cure the default, this lease shall terminate. KPCW will immediately become a tenant at will of the City, and the City may demand possession of the space upon three (3) days written notice, or, at the City's option, the City may increase the rental to the fair market value of the space until KPCW has vacated it, and state a date certain by which the space must be vacated. Termination of this Agreement shall also terminate the Grant Agreement between the parties.

16. Building Directory. KPCW will be shown on the building directory, but will be placed there in a manner that does not suggest that KPCW is a department or agency of the City.

17. Indemnity. KPCW covenants and agrees to indemnify and hold the City harmless from all claims, loss damage, injury or liability (hereafter "liability") resulting from KPCW's use and occupancy of the leased premises (including broadcasts) to the full extent provided in the Utah Governmental Immunity Act, including reasonable attorney's fees, but excluding any liability resulting from acts or omissions of City, its officers, employees or agents. Nothing herein shall be construed as a waiver of any of the rights or defenses under the Utah Governmental Immunity Act (Utah Code Ann. §§ 63-30-1, et seq.). The obligations hereunder shall be determined under principles of tort law including, but not limited to, the Governmental Immunity Act.

The City will indemnify and hold KPCW and its employees harmless to the full extent provided in the Utah Governmental Immunity Act, from claims, loss, damage, injury, or liability resulting from City's use and occupancy of the leased premises or from the conduct of City's operations; including, but not limited to, City's negligence or intentional acts. Nothing herein shall be construed as a waiver of any of the rights or defenses under the Utah Governmental Immunity Act (Utah Code Ann. §§ 63-30-1, et seq.).

18. City Liable only for City's Negligence. Except where caused by City's negligence, City shall not be liable for any failure of water supply, natural gas supply or electrical supply; or for any injury or damage to persons or property caused by gasoline, oil, steam, gas or electricity; or hurricane, tornado, flood, wind or similar storms or disturbances; or water, rain or snow which may leak or flow from the street, sewer, gas mains or any subsurface area or from any part of the building or buildings or for an interference with light.

19. Municipal Building Authority Consent. The City's position in the Marsac Building is one of a lessee of the Municipal Building Authority of Park City, with the full right to sublet all or portions of the building. The Municipal Building Authority has signed this lease to indicate its consent to the sublease to KPCW in order to comply with the provisions of its financing arrangements on the building.

20. Waiver of Covenants. It is agreed that the waiver of any of the covenants of this Lease Agreement by either party shall be limited to the particular instance and shall not be deemed to waive any other breaches of such covenant or any provisions herein contained.

21. Entire Agreement. This Agreement constitutes the entire and only agreement between parties and it cannot be altered or amended except by written instrument, signed by both parties.

EFFECTIVE THIS 1st day of July, 1999.

PARK CITY COMMUNITY WIRELESS, INC. (KPCW)

____
Blair Feulner

CORPORATE ACKNOWLEDGMENT

STATE OF ________)
: ss.
COUNTY OF ________)

On this ___ day of ______________, 199_, personally appeared before me Blair Feulner, who being duly sworn, did say that he/she is the Secretary and Treasurer of **PARK CITY COMMUNITY WIRELESS, INC**, and acknowledged to me that the preceding Agreement was signed on behalf of said company, by their authority and he/she acknowledged that the company did execute the same for its stated purpose.

____
NOTARY PUBLIC

MUNICIPAL BUILDING AUTHORITY

by: ______________________________
Bradley A. Olch, Chairman

PARK CITY MUNICIPAL CORPORATION

by: ______________________________
Toby Ross, City Manager

Attest:

____
Janet M. Scott, City Recorder

Approved as to form:

____
City Attorney's Office

MEMORANDUM
January 13, 1999

TO: Members, Park City Council
Members, KPCW Board of Trustees
Toby Ross
Frank Bell

FROM: Blair Feulner

RE: KPCW Marsac Lease

BACKGROUND

In May 1998 KPCW was informed by City Manager Toby Ross that the City Council, at their January retreat, had indicated they wanted KPCW to explore its options with regards to moving out of the Marsac Building.

For the past six months KPCW has spent hundreds of hours with engineers, architects, realtors and property owners to determine the costs and opportunities connection with a possible move.

The following options have been explored:

- Moving into the attic of the Egyptian Theater, which is feasible, but triggers a large parking contribution to the city and the construction of an expensive elevator to comply with ADA.
- Space in the basement of the Main Street Mall, which is relatively cheep, but would require extensive renovation.
- Space in Charlie Wintzer's office complex in Prospector, which is also relatively affordable, but would require extensive interior renovation.
- The possibility of building our own building in Prospector and renting surplus space there to other arts organization. This is financially feasible, but only if the land is donated. A potential donor has been identified, but the property is in a difficult location that would require lengthy review by the city.
- The potential for KPCW to be a lead tenant in a city-sponsored building to house arts organizations has also been discussed with some city officials.

KPCW
P.O. Box 1372
Park City, UT 84060
435 / 649-9004
801 / 359-5279
435 / 645-9063 Fax

COST OF CONSTRUCTION

Moving a radio station is not like moving an office. All radio stations are custom installations requiring miles of wire and expensive soundproofing. For 14 years KPCW has been wiring infrastructure into the Marsac Building. While our equipment can move, the infrastructure can't. It must be re-created at the new location at great expense.

If you just take a minute to look under our control boards and in the ceilings and walls at Marsac, you'll quickly see why our consulting engineers estimated the total cost for building new studios at $600,000.

And, keep in mind, that's only the costs of wiring and soundproofing the new studios. It does not include costs associated with re-configuring interior walls or, perhaps, the costs of constructing our own building.

TIME LINE

Building a new broadcasting facility would be a complex and time-consuming project. The University of Utah's new Eccles Broadcast Center was a 7 year project. Our best guess is that it would take us two years to raise the money and an additional year to design and build the facility.

That means we would be trying to move into the new facility just a few weeks before the Olympic games.

COMPLICATING FACTORS (OPPORTUNITIES)

After an expensive, five year battle with the FCC we will shortly be receiving approval to substantially upgrade all three of the radio stations we now operate.

The approval will allow KPCW to move from Quarry Mountain to the top of Deer Valley's Bald Mountain. That will create a much better signal in Park City and increase our coverage down Parley's Canyon. In addition, it will give us solid coverage along Highway 40 and eliminate the need for the translators now serving Kamas, Coalville, Heber and Midway.

The cost of this upgrade is $80,000.

We are also poised to receive approval later this year to upgrade our Coalville station so it will have a solid signal in all of Summit County, including Park City. What that means is that we will have the opportunity to provide a second, totally different, broadcast service to Park City/Summit County residents.

The cost of this upgrade will be $150,000.

Our Salt Lake station, KCPW, is now subsidizing the cost of providing NPR network programming to Park City residents. It too will be granted a major power upgrade and will move its transmitter from the University Park Hotel to the top of the new American Stores building, greatly adding to its coverage area.

The cost of this upgrade will be $115,000. (Raised in Salt Lake)

Under current FCC rules, these new facilities must be built and operating within 18 months of the issuance of the permit. That means even without having to build new studios, we're faced with having to raise an additional $345,000 for new transmitter facilities over the next two years.

BELOW THE BOTTOM LINE

Between the new studios and three transmitter upgrades, KPCW has a million dollar problem. This is not an insurmountable number, but it is an amount of money that cannot be financed out of bank loans and existing cash flow.

What will be required is a well planned and executed capital campaign that will take at least two years. It appears to us that it would be impossible for KPCW to raise the money, build three new transmitter sites and new studios prior to February of 2002.

IS A SHORT TERM MOVE DESIRABLE?

Since KPCW (and KCUA, Coalville) will be the only form of daily, mass communications in Summit and Wasatch counties during the Olympics, is it desirable--from a public safety standpoint--to distance the stations from the Park City Police Dispatch?

KPCW will be the only means for officials to communicate traffic and crowd control information to Park City and Summit County residents, many of whom will be volunteers for the games.

In addition, it will be the only way to reach directly, in their cars, the thousands of people converging on Park City from Parley's canyon and highway 40. Our Salt Lake station will also be able to pass on public safety information to residents there before they head up Parley's.

IS THIS WHAT RESIDENT'S WANT?

"Giving free space to KPCW is probably the only thing everybody in Park City ever agreed on"

Mayor Jack Green, 1978

KPCW reaches 70 percent of all Park City adults (Age 12 plus) every week. It brings together residents every day in a way no other ski town radio station in the West has done. It creates community and provides local officials a pipeline to their constituents that is unparalleled.

By contrast, the public station in Aspen does only five, six minute newscasts a day, as compared to KPCW's five hours a day of news and public affairs, and operates on a budget that is 75 percent less.

The easy access that local officials--and all Park City residents enjoy--to the KPCW's airwaves is greatly enhanced by the station's location in the heart of Old Town and it is a daily reminder that Old Town is the heart of this community. KPCW, with it's hundreds of volunteers, also brings Park City residents to City Hall in a non threatening way that makes local government seem more familiar and user friendly.

Park City residents love their local radio station. During the past 12 months over 1,277 Park City residents contributed $200,946 to KPCW, an average of $157 per person, the highest rate in the nation.

If KPCW had to move out of Marsac prior to the Olympics, it would seriously compromise our ability to continue to provide a level of service Park City residents have come to rely on at a time when they need it the most.

LONG-TERM

We know KPCW will eventually have to move out of Marsac, if for no other reason than we will need more space. What is important to us and the public is that we are able to make the move in a time frame that doesn't endanger KPCW's ability to continue to provide the service local residents rely on.

KPCW has begun the process.

We have formed a capital campaign committee whose objective is to raise one million dollars over the next four years. which would enable us to move by the end of 2003. We are also willing to take the lead in exploring with the city and other arts organizations, the potential for building a nonprofit center that could house both KPCW and other organizations on a long term basis.

IN THE MEANTIME

KCPW would like to negotiate a lease with the city to stay in the Marsac building through 2003. As part of that lease, we would be willing to give to the city $24,000 per year in produced public service announcements. These are spots that city departments--recreation, police, public works, transportation and library--are currently paying for.

It is my understanding from talking to Toby Ross that city officials have devised a plan to "work around" KPCW and that it is not necessary for the station to move prior to the Olympics.

If, however, the issue will again come up during this year's Council's retreat, I would appreciate being invited to be part of the discussion.

PARK CITY
1884

COUNCIL AGENDA REPORT

DATE: August 26, 1999
DEPARTMENT: Office of Capital Management and Budget
AUTHOR: Tom Bakaly TBB
TITLE: Final Bond Resolution - General Obligation Bonds, 1999 Series A
TYPE OF ITEM: Legislative/Administrative

SUMMARY RECOMMENDATIONS: The City Council should consider and approve the attached Final Bond Resolution relating to the issuance of General Obligation Bonds, 1999 Series A. These bonds will be used to finance the purchase of undeveloped park and recreational land and amenities and will be issued in an amount of $4,085,000.

DESCRIPTION:

A. Topic: Consideration and adoption of a resolution that does the following: 1) Authorizes the issuance of $4,085,000 in General Obligation Bonds; 2) Establishes the amount, length to maturity, and interest rates of the bonds and; 3) Authorizes the City Manager and Director of Capital Programs and Budget to facilitate the closing of the bond issuance which includes executing closing documents and the purchase agreement.

B. Background:

On November 3, 1998, Park City voters approved the issuance of $10 million in General Obligation bonds to acquire and forever preserve undeveloped park and recreation land and amenities. On September 24, 1998, the City Council passed a resolution forming the Citizens Open Space Advisory Committee (COSAC). The purpose of this committee is to investigate and recommend a strategy for the acquisition of open space.

C. Analysis:

COSAC, Staff and the City's financial advisor determined, based upon expected expenditure of the bond proceeds, that the City should issue $4,085,000 in bonds at this time. The City Council acted upon this recommendation by approving a parameters resolution in June of 1999 which contemplated issuing multiple series relating to the Open Space General Obligation Bond.

On June 17, 1999, the City Council authorized the Director of Capital Programs and Budget to calculate the tax rate for 1999 such that it would generate enough revenue to pay the debt services associated with a G.O. Bond issue. The tax rate has been calculated and filed with the Utah Tax Commission. Assuming current interest rates and assessed values, the $4.085 million issuance would cost a primary resident roughly $9.00 per $100,000 of assessed market value. This cost is up slightly from what has been previously reported due to a change in the City's assessed property value and an increase in interest rates.

The attached resolution grants authorization and confirms the sale of the General Obligation Bonds. The resolution also sets the following "limits" for the bond issue:

1) Size: The resolution sets the maximum amount of the 1999 Series A bonds at $4,085,000.

2) Length to Maturity: The resolution states that the maximum length to maturity cannot exceed 15 years as approved by the voters. The 15 year limit begins from the point of issuance for each series. This means that if the City issued a second series 2 years from now, it would mature 15 years from that point or 17 years from now.

3) Interest Rates of the Bond Coupons: The actual interest rate of the bonds will not be known until the bonds are sold on August 26, 1999. The parameter resolution that was adopted in June states that no single coupon of the bond issue can exceed 7.0%. When the bonds are sold, they will be structured in such away that different maturities will have different interest rates. This parameter means that the coupon with the longest maturity will not have an interest rate of greater than 7%.

The Financing Team: Through a Request for Proposal (RFP) and selection process that involved COSAC members, the City has selected Lewis, Young, Robertson & Burningham as the financial advisor for this bond issue. Laura Lewis will be the point of contact. The City Attorney's Office has selected Richard Scott and the law firm of Chapman & Cutler as bond counsel for the transaction.

Bond Rating: The City received the following bond ratings from the three major rating agencies: Moody's A1; Standard & Poors A+; Fitch A+. The City should be proud of these strong ratings. A1/A+ ratings are not typically given to resort communities. As an example, Moody's stated, "The rating reflects the City's conservatively managed finances, moderate level of aggressively retired debt, and growing year-round population, linked to easy accessibility to Salt Lake City, mitigating somewhat the risk due to a heavy reliance on a vulnerable tourism sector."

D. Department Review: The Final Bond Resolution has been reviewed by the City Manager's Office and the Legal Department.

ALTERNATIVES:

A. Approve the Request: Adopting the resolution will allow the City to proceed with the bond issue and be able to finance open space projects in a timely manner.

B. Deny the Request: Denying the request would cause the bonds to not be issued at this time. If the City Council does not wish to issue bonds, Staff and City Council would then need to address funding strategies for the open space purchases.

C. Continue the Item: Continuing action on the resolution could delay the overall issuance of the bonds. Because there are timing and funding issues associated with the purchases, staff would need to elaborate further on the consequences of continuing this item.

D. Do Nothing: This would have the same effect as denying the request.

SIGNIFICANT IMPACTS: Adoption of this resolution will allow the City to proceed with the issuance of the bonds in a timely and efficient manner. Swift completion of the bond issuance is needed to take advantage of favorable interest rates and meet the financing needs of the purchases.

CONSEQUENCES OF NOT TAKING RECOMMENDED ACTION: Not adopting the resolution will impact the City's ability to issue the GO bonds and finance the purchases.

RECOMMENDATION: Adopt the Final Bond Resolution relating to the issuance of General Obligation Bonds, Series A, 1999.

The bond resolution is under separate cover in the City Council's mail. Copies can be obtained in the City Recorder's Office.

PARK CITY

DATE: August 26, 1999
DEPARTMENT: Office of Capital Management and Budget
AUTHOR: Matt Twombly
TITLE: Eleventh Street Stairs Reconstruction Phase II
TYPE OF ITEM: Award of Construction Contract

SUMMARY RECOMMENDATIONS: Staff requests authorization to proceed with the reconstruction of the Eleventh Street Stairs (Phase II). Staff recommends that Council award the construction contract to Thiede Construction Corporation for $115,828.00 and the Sanitary Sewer Additive Alternate for $6,000.00.

DESCRIPTION: Staff and Alliance Engineering have proceeded with the design and production of construction documents to construct two blocks of stairs within the Eleventh Street right of way between Norfolk Avenue and Empire Avenue, and Empire Avenue and Lowell Avenue. The project completion date is November 30, 1999. The advertisement to bidders was legally noticed on July 16 and 17, 1999 and the sealed bids were opened on August 9, 1999. The lowest responsible bid is by Thiede Construction Corporation for $115,828.00 and an additive alternate for the sanitary sewer upgrade for $6,000.00 to be paid by the Snyderville Basin Sewer Improvement District through an agreement with the City.

Other bidders were Weinmur Construction who submitted a base bid of $136,400 and $14,668 for the additive alternate. Peter Papineau Builders for $148,900 for the base bid and $16,408 for the additive alternate. The base bid for Veritas, Inc. was $197,572 and the additive alternate bid was $28,281.

A. Analysis: The base bid for $115,828 by Thiede Construction is $5,350 above the Engineers estimate on the base bid and $6,050 below on the additive alternate. Thiede Construction was awarded the contract for the Fourth Street Stair Reconstruction and the Eleventh Street Stair Reconstruction(Phase I) where they performed professionally, at the highest standards and on schedule.

B. Department Review:
Office of Capital Management and Budget
Building Department
Planning and Engineering
Public Works
Building Maintenance
Legal

ALTERNATIVES:

A. **Approve the Request:** Award the construction contract to Thiede Construction for $115,828.00 and enter into a construction agreement drafted by the City Attorney's office. The City will also enter into an agreement with the Snyderville Basin Sewer Improvement District and award the Sanitary Sewer Upgrade Additive Alternate to Thiede Construction for $6,000.00 in order to proceed with the construction of the Eleventh Street Stairs consistent with prior instructions.

B. **Deny the Request:** This alternative appears to be an option if construction bids are unreasonably high as determined by the Council. Should Council decide not to award a contract to construct the Eleventh Street Stairs, the right of way will remain in its present undeveloped condition and the sanitary sewer will not be upgraded at this time.

C. **Continue the Item:** The bids may require more extensive analysis than time allows in the August 26, 1999 meeting. If this is the case, there is no set time before the bids expire. The consequence of continuance will likely impact the present construction schedule.

SIGNIFICANT IMPACTS:

Fiscal

There is currently a total of approximately $354,820 available in applicable Old Town Stairs accounts.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: In the event that Council determines the bids to be unreasonably high then the design and bid process would need to begin anew and greatly impact the construction schedule.

If Council decides not to pursue the project, the right of way would remain in its present undeveloped condition and the sanitary sewer would not be upgraded at this time.

RECOMMENDATION: Staff requests that Council review the reasonableness of the bids and consider awarding the contract, so that the tentative construction schedule can be met. Staff recommends that the Council award the construction contract to Thiede Construction Corporation and authorize staff to proceed with the reconstruction of the Eleventh Street Stairs (Phase II).

PARK CITY
1884

DATE: August 26, 1999
DEPARTMENT: Leisure Services Administration
AUTHOR: Denise Payne
TITLE: Grant of Utility Easement to Questar Gas Company at Park City Farm
TYPE OF ITEM: Municipal Building Authority Consent Item

SUMMARY RECOMMENDATIONS: Authorize the Mayor to execute Attachment A on behalf of the Municipal Building to grant a utility easement to Questar Gas Authority at Park City Farm for service to the Shed and McPolin Farmhouse located 3000 N. Highway 224.

DESCRIPTION:

A. Topic:

To allow Questar Gas Company access to Park City Farm property to construct, install and maintain gas line to provide natural gas service to Park City Farm project for the Shed and McPolin farmhouse.

B. Background:

The City Council authorized the Leisure Services Department in September 1998, to enter into a contract with Gardner Boswell Construction to begin construction on the McPolin Farmhouse and Shed including underground utility work and bridge installation.

C. Analysis:

In order to complete the project, Questar Gas Company has requested a Right-of-Way Easement Grant to install the natural gas line.

City Engineer Eric DeHaan supports granting the drainage easement subject to the following conditions:

1) All drainage lines shall be underground to the extent practical; and
2) No trees, brush, landscaping, structure, sidewalk, irrigation, drainage system or other obstruction without the prior written consent of Grantor
3) Emergency vehicle access along the road shall be maintained during construction to the extent practical; and
4) Grantee shall, at its own cost provide adequate vegetative screening of said facilities in a manner approved by Park's Department .

D. Department Review:

The Legal Department, Leisure Services and City Engineer reviewed this easement.

ALTERNATIVES:

A. Approve the Request:

This is the recommended action.

B. Deny the Request:

See below for consequences.

C. Continue the Item:

If the Council wants more information, it should remove the item from the consent agenda and continue to a work session meeting.

SIGNIFICANT IMPACTS:

As written, the easement shall have minimum impacts on the City property. The easement will facilitate construction of the Park City Farm project.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

There will be no natural gas to the Shed or McPolin farmhouse. Any use of said project will be prohibited.

RECOMMENDATION:

- Authorize the Mayor to execute Attachment A on behalf of the Municipal Building to grant a utility easement to Questar Gas Authority at Park City Farm for service to the Shed and McPolin Farmhouse located 3000 N. Highway 224.

When recorded mail to:
Questar Regulated Services Company
P.O. Box 45360, Right of Way
Salt Lake City, UT 84145-0360

UTILITY EASEMENT AGREEMENT BETWEEN MUNICIPAL BUILDING AUTHORITY OF PARK CITY AND QUESTAR GAS COMPANY

WHEREAS, MUNICIPAL BUILDING AUTHORITY OF PARK CITY, of Park City, Summit County, state of Utah, is the owner of certain real property located within the County of Summit, State of Utah; and

WHEREAS, QUESTAR GAS COMPANY, a corporation of the state of Utah desires to utilize a portion of the Property for placement of utilities; and

Now therefore, based upon the mutual consideration herein, MUNICIPAL BUILDING AUTHORITY OF PARK CITY ("Grantor"), and QUESTAR GAS COMPANY ("Grantee"), hereby agree as follows:

1. Easement. Grantor hereby conveys and warrants to Grantee, its successors, and assigns, for the sum of one dollar ($1.00) in hand paid and other good and valuable consideration, receipt of which is hereby acknowledged, an easement sixteen feet (16') in width to construct, lay, maintain, operate, repair, protect, remove, and replace pipelines, valves, valve boxes and other gas transmission and distribution facilities (hereinafter collectively called "facilities") through and across Grantor's Property situated in the County of Summit, State of Utah, more particularly described as:

> Beginning at a point North 89°56'41" West 3186.42 feet from the East Quarter Corner of Section 5, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence along the Center of Section 5 North 89°56'41" West 2095.93 feet; thence along the Center of Section 6 North 89°22'53" West 1330.98 feet; thence North 0°26'54" West 2274.18 feet; thence South 89°36'48" East 90.89 feet; thence more or less along the proposed wetlands boundary the next 6 courses: (1) South 20°36'02" East 224.21 feet; thence (2) South 58°10'09" East 800.00 feet; thence (3) South 27°12'20" East 116.62 feet; thence (4) South 58°10'09" East 100.00 feet; thence (5) South 89°07'59" East 116.62 feet; thence (6) South 58°10'09" East 284.86 feet; thence South 0°05'58" East 41.23 feet; thence South 89°50'30" East 66.65 feet; thence more or less along the proposed wetlands boundary the next four courses: (1) South 58°10'09" East 336.62 feet; thence (2) South 44°25'59" East 463.25 feet; thence (3) South 58°10'09" East 80.00 feet; thence (4) North 24°59'17" East 251.79 feet; thence along the proposed highway right-of-way line South 58°10'09" East 40.00 feet; thence more or less along the proposed wetlands boundary the next 4 courses: (1) South 24°59'17" West 251.79 feet; thence (2) South 58°10'09" East 130.00 feet; thence (3) South 83°11'10" East 165.53 feet; thence (4)

South 58°10'09" East 1229.38 feet to the point of beginning.

(hereinafter "Property"); the center line of said easement shall extend through and across the Property as follows:

> Beginning at a point North 984.81 feet and West 4,426.62 feet from the East Quarter Corner of said Section 5, said point being on the southwest right-of-way line of State Highway 224; thence South 24°59'17" West 440.00 feet. Said easement is shown in attached Exhibit A.;

This Grant of Easement includes the right of the Grantee, its agents and employees, to enter upon said Property for the purpose of constructing, laying, maintaining, operating, repairing, protecting, removing, and replacing facilities, upon giving Grantor thirty (30) days written notice, unless in the event of an emergency (as determined by Grantee), in which case the best practical notice shall be given.

2. Limitations on Easement. Grantee hereby agrees that all pipelines and other transmission or distribution lines shall be located underground. Grantee hereby also agrees that, to the extent practicable, all other facilities shall be placed underground. In the event that it is necessary to locate any facilities (other than meter(s) at the individual structures) on the surface of the Property, Grantee shall, at its own cost, provide adequate vegetative screening of said facilities in a manner approved by Grantor's Parks Department. Except in the event of emergency, Grantee shall not trim, clear, remove or otherwise disturb any tree, brush, landscaping, structure, sidewalk, irrigation system, drainage system or other obstruction without the prior, written consent of Grantor. Such consent shall not be unreasonably withheld. Grantee, at its cost, shall repair any damage and/or re-vegetate any area of City Park disturbed by its actions pursuant to the rights granted herein in a manner approved by the Grantor's Parks Department. If within five days of receiving the above notice, the Grantor determines the proposed action of Grantee interferes with a "critical event," Grantor shall notify the Grantee and Grantee shall re-schedule the action for another reasonable time. A "critical event" shall be defined solely in the discretion of the Grantor.

3. Binding on Successors. This agreement is intended to run with the land and shall be binding on the successors and assigns of both Parties.

4. Termination/Modification. This agreement may be modified or terminated only by written agreement of both parties.

5. Title. The Grantors covenant that, subject to liens and encumbrances of record at the date of this easement, it is the owner of the above-described land and has the right and authority to make and execute this Grant of Easement.

Dated this _____ day of ____________, 1999.

MUNICIPAL BUILDING AUTHORITY OF PARK CITY

____

Bradley A. Olch, Chairman

Attest:

____

Jan Scott, City Recorder

Approved as to Form:

____

Mark D. Harrington, Interim City Attorney

QUESTAR GAS COMPANY

____

By:______________________________(Print)

Title:______________________________

CORPORATE ACKNOWLEDGMENT

STATE OF UTAH)
: ss.
COUNTY OF SUMMIT)

On this ___ day of ______________, 199_, personally appeared before me __________________, who being duly sworn, did say that he/she is the __________________ of Questar Gas Company, and acknowledged to me that the preceding Agreement was signed on behalf of said company, by their authority and he/she acknowledged that the company did execute the same for its stated purpose.

____