PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH,
August 21, 2014

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, August 21, 2014.

Closed Session
1:15 pm To discuss Property, Personnel and Litigation

2:15 pm **Planning Commission Interviews**

3:00 pm **Complaint Review Board Interviews**

Closed Session
4:15 pm To discuss Property, Personnel and Litigation

Work Session

4:50pm Council Questions and Comments and Manager's Report	PG 3
5:00pm COSAC- Gambel Oak	PG 11
5:30pm Walkability Discussion	PG 24

5:55pm Break

Regular Meeting
6:00 pm

I. ROLL CALL

II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

III. PUBLIC INPUT *(Any matter of City business not scheduled on the agenda)*

IV. CONSENT AGENDA *(Items that have previously been discussed or are perceived as routine and may be approved by one motion. Listed items do not imply a predisposition for approval and may be removed by motion and discussed and acted upon)*

1. Consideration of authorizing the City Engineer to execute, in a form approved by the City Attorney's Office, the attached Encroachment Permit for Improvements in City

Right-Of-Way with Myke Hughes and Westlake Land, LLC for parking and access use on a portion of Grant Avenue located at 206 Grant Avenue PG 39

V. CONSIDERATION OF MINUTES FROM THE JULY 31, 2014 AND THE AUGUST 7, 2014 COUNCIL MEETINGS. PG 66

VI. PUBLIC HEARING

1. Sales Tax Bond public hearing with respect to the issuance of the Issuer's proposed Sales Tax Revenue Bonds, Series 2014, for certain projects, in the principal amount of not to exceed $6,000,000 PG 81

VII. NEW BUSINESS

1. Consideration of a Resolution Proclaiming September as National Preparedness Month in Park City. PG 84

2. Consideration of an Ordinance approving the plat amendment for 632 Main Street Silver Queen Condos, Park City Utah, pursuant to the findings of fact, conclusions of law and conditions of approval stated in an attached ordinance in a form approved by the City Attorney PG 87
    a. Public Hearing
    b. Action

3. Consideration of an Ordinance approving the plat amendment for 1102 Norfolk Avenue Subdivision located at 1102 Norfolk Avenue, Park City Utah. pursuant to the findings of fact, conclusions of law and conditions of approval stated in an attached ordinance in a form approved by the City Attorney PG 106
    a. Public Hearing
    b. Action

4. Consideration of the Third Amended Stag Lodge Phase II condominium plat for Unit 35 based on the findings of fact, conclusions of law and conditions of approval as stated in the attached ordinance in a form approved by the City Attorney PG 120
    a. Public Hearing
    b. Action

VIII. ADJOURNMENT

A majority of City Council members may meet socially after the meeting. If so, the location will be announced by the Mayor. City business will not be conducted. Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the City Recorder at 435-615-5007 at least 24 hours prior to the meeting. Wireless internet service is available in the Marsac Building on Wednesdays and Thursdays from 4 p.m. to 9 p.m. Posted: 08/18/2014 See: www.parkcity.org

To: Diane Foster
From: Craig Sanchez
Re: Managers Report
Topic: Construction Update
Date: August 21, 2014

Main Street Streetscape

August 11 – September 5th
- Sidewalks from Yuki Yama to Silver Queen East side – last sections of sidewalk work for 2014

September 2nd – October 30th
- Bear Bench pass through – alternate access to Main St. (Galleria and Dolly's).

Milestones:
- Terigo Plaza punch list completed

For further information please contact Craig Sanchez csanchez@parkcity.org 435-615-5206

Water Projects

Single Jack Water Line Replacement
- Pipe work is complete, asphalt replace to follow
- Staff coordinating with impacted residents

Top of Main Pressure Release Value (PRV) Replacement
- Construction began Wednesday, August 13th
- The parking lot at Hillside and Main Street will be closed during project
- Tentative completion – mid September

Estates Drive Water Line Replacement
- Construction began week of August 4th
- Temporary water service set up August 15-18
- Contact has been made with all residents that will see impacts – will send out weekly updates

Judge Pipeline Project

Golf Course

- Pipeline work is complete in this area.
- Final irrigation and landscaping restoration work will be ongoing in coming weeks. This work is weather dependent and requires dry conditions for completion.

Ski Slope

- Work to install the pipeline along the ski slope is underway now.

Norfolk Ave.

- Crews are beginning prep work on Norfolk Ave. next week, residents will begin to see an increase in truck traffic in the area and setup of construction equipment and traffic control devices.
- In order to install the pipeline on Norfolk Ave. the project will need to fully close the roadway. Currently scheduled to begin on 8/25 between the dead end section and Crescent Tram and then moving toward 9th after Labor Day weekend - large sections of Norfolk will be closed while the pipeline is installed. Residents will be notified directly that they will need to park outside of the construction area and walk to their homes. No vehicle access will be allowed through during this closure.

King Rd. to Woodside Tank

- Pipeline installation is underway in this area.

Lowell Ave.

- Concrete collars are being installed and pressure testing is being done this week and into next.
- Slurry seal over all of Lowell Ave is tentatively scheduled for late August and should take 1-2 days to complete. This will require a road closure and the project will coordinate directly with businesses and residents in the area during this work.

For further information on the Judge Pipeline Project please contact Siobhan Locke at pipeline@parkcity.org or 435-565-0109

Library Project

- Interior demolition almost complete
- Demolition of the elevator to begin next week
- Exterior demolition on-going
- Site utilities are almost complete
- Excavation for the new addition footings to begin next week
- New roof is almost complete
- Structural upgrades to the Santy roof are almost complete
- Masonry walls in the North stairway to begin next week
- Structural upgrades to the ceilings and floors to begin within the next two weeks
- The finishes bid package contract with Okland will go to Council on Sept. 4.

For further information contact Matt Twombly mtwombly@parkcity.org 435-615-5177

Poison Creek Pathway

The Poison Creek Project is currently on schedule

- Fence and Landscaping improvements completed
- Park improvements near basketball court to begin after Miner's Day – Funded by City Parks CIP account

For further information contact Heinrich Deters hdeters@parkcity.org 435-615-5205

ROYAL STREET RETAINING WALL

The Royal Street retaining wall project is under construction. The **one way traffic signal is in operation on the weekdays from 7 am to 7 pm.** Due to large equipment necessary for the phase of construction**, the single lane will be extra narrow. Crew members will help guide around the equipment - please pay close attention.** Two lanes will be open at night and on the weekends. Traffic will be accommodated during activities at Deer Valley. **SPECIAL NOTICE:** The signal cycles vehicles through every 4-6 minutes. This allows time for cyclists and cars to move through the construction area. Travelers including cyclists should obey traffic all traffic laws and share the road. Cyclists should ride single file and stay in the open lane outside of the construction zone.

Currently underway

Crews are constructing the wood retaining wall located on Royal Street just below Golden Eagle Drive. Construction on the wall will take place into mid-September.

In the next few weeks

Crews will begin work on the rock retaining wall located on the lower section of Royal Street near Deer Valley
Drive. Please watch for signs alerting travelers to restrictions.

Project Overview

The Royal Street retaining wall project will include placement of a rock wall on the lower section of Royal Street, removal and replacement of an existing gabion basket retaining wall with a new retaining wall and improvements to a small drainage area from Royal Street from Deer Valley Drive up to Golden Eagle Drive.

Street Overlay Project
Finishing up raising utilities and striping of overlay project.

Slurry Seal – Week of August 17th

Ashley Court: American Saddler to End CDS
Meadows Drive: SR224 to Crestline Drive
Centennial Circle: Royal Street to End
Supreme Court: Centennial Court to end CDS
Oak Court: Centennial to End CDS
Little Bessie : Doc Holiday to Comstock
Cochise Court: Wyatt Earp to end CDS

Euston: Paddington Drive to End
Crestline Drive: Meadows Dr. to American Saddler Dr
Creek Drive: Meadows Dr. to End
Meadow Creek Court: Creek Dr. to End CDS
Creek Court: Creek Drive to End CDS

For further information please contact Troy Dayley troy@parkcity.org 435-615-5637

Private Construction Projects

692 and 632 Main (Silver Queen)

- 692 minimal progress
- 632 Interior work moving forward

333 Main

- Shoring progressing on Park Ave side of project
- Excavation on Park Ave increasing, truck traffic down 4th St.

820 Park Ave

- Continue excavation and shoring

205 Main Street

- Begin construction late summer / early fall.

520 Park Ave

- Building permit issued – work has begun

566 and 572 Park Ave

- In plan check right now

For further information please contact Craig Sanchez csanchez@parkcity.org 435-615-5206

Manager’s Report

To: **Diane Foster, For City Council**
Author: **Heinrich Deters**
Subject: **‘Sharrow’ Pilot Project Update**
Date: **August, 21 2014**

SUSTAINABILITY

In November of 2013, City Council received public comment from a Basin resident, seeking information associated with the placement of shared lane markings or ‘Sharrows’ along a stretch of Park Avenue. Staff requested that the concern be addressed by the Neighborhood Traffic Management Program (NTMP) committee at their next schedule meeting. On December 10th, the NTMP committee invited the resident to present his concern and discuss next steps. The decision was made, to procure a study from a professional traffic engineering firm that would provide a holistic approach and policy direction on the implementation of ‘sharrows’.

At the July 10, 2014 City Council meeting, staff and a traffic engineering firm, presented the ‘sharrow’ study, which examined federal standards associated with the markings, as well as, peer city’s existing policies on implementation, incorporated those findings into a recommended set of criteria, consisting of posted speed limit, road grade and average daily traffic counts (ADT). Next, the recommended criteria were overlaid on the City streets plan, creating an exhibit of what streets the ‘sharrows’ were being recommended within City limits. These streets identified were Sidewinder and Prospector Drives. The study also recommended the City implement a pilot program and document findings associated, prior to adopting the policy. Council was supportive of the pilot program; however, asked staff to include an additional city street that was not recommended by the project criteria as a ‘test’ to the established criteria.

At the August 12th NTMP meeting, the Committee per Council input, recommended to include Park Avenue between Deer Valley Drive and Heber Avenue to the pilot program. This street has a higher ADT than the initial sharrow criteria recommended.

Manager's Report

To: Diane Foster, For Park City Council
Author: Tommy Youngblood
Subject: 2014 Park Silly Sunday Market: Mid- Season Review: Measures of Success
Department: Sustainability
Date: August 23, 2014

All substantial issues concerning the City Services Agreement entered into on January 23, 2014 with the Park Silly Sunday Market are being met and executed. The chart below quantifies the progress of the individual measured items.

There are three items that have occurred that staff would like to inform Council on outside of the measures as written:

1. Park Ave. residents reported to staff that the band on the first week went over the event stop time by 15 minutes. Staff reported this to the PSSM staff and their sound personnel to rectify. Unfortunately this amplified music went over again for the following two weeks, although for a lesser amount of time. However, for last five weeks of the event, all amplified music and announcements have halted prior to 5pm, in accordance with the contract.

   Staff found that the issue was proper monitoring of the sound board and band. Staff finds that this situation has been rectified but will continue to monitor.

2. Park Ave Residents reported that the climbing wall erected on 9th street had an air horn attached to the top that people would activate when they reached the top, and asked that this horn be disconnected. PSSM has muffled the horn and no further reports have been received.

3. The Park City Police reported that the vendor load-in and load-out on Park Ave were causing traffic congestions at those times. Beginning in week two PSSM, Park City Police Department, and the Special Events Department monitored the situation and added additional officers to evaluate. After five weeks PCPD reported that the load –in congestion occurs for very short but specific times and could be easily managed with signs and notification to vendors. They reported that the load-out congestion occurs similarly but would aid with the help additional officers. The market patrol officer times have been shifted to assist with the load-out of vendors. No further issues have been reported.

Staff is available for any questions.

Park Silly Sunday Market - Mid- Season Review
Measures of Success

Legend
S – Succeeding in meeting Contracted Requirements
I - In progress – currently meeting requirements
N – Not meeting Contracted Requirements

Vendor Mix

A. Importers (allowed per week maximum) i. 2014 – 10	**Notes**: Meeting requirements	S
B. Jewelers (allowed per week maximum) i. 2014 – 15	**Notes**: Meeting requirements	S
C. On-site Food Vendors & Snack food Vendors (per week maximum) i. 2014 – 14	**Notes**: Meeting requirements	S
D. PSSM will include a HPCA representative in the jurying of jewelry vendors	**Notes**: Meeting requirements	S
E. PSSM will coordinate three (3) market walk through with the HPCA and PCMC to identify possible conflicts and/or issues with vendor mix.	**Notes**: In progress – currently meeting requirements : 2 Walk-throughs have been completed.	I
F. PSSM will provide to the City a list of vendor classification definitions along with preference criteria for vendor mix. G.	**Notes**: Requirements have been met	S

Parking / Traffic / Pedestrian Management

A. Create event parking plan i. Identify vendor vehicle ii. Identify public parking locations both in Old Town/Main Street along with alternative parking areas. iii. Identify locations where parking will be removed to provide space for event and mitigate impacts of event iv. Setup program to encourage parking of vendors in approved vendor locations	**Notes**: In progress – currently meeting requirements : PSSM continues to work with Staff & private parking garages to park vendors in appropriate areas. A resident parking area has been established and is being enforced along the west side of Park Ave. from 9th to 14th Street. Parking Enforcement continues to communicate with the residents to resolve parking concerns.	I
B. Work with Special Events and Transit to get out alternate transportation messaging out with: i. Co- messaging with PC Transit Dept. ii. PSSM will create and implement different methods of informing the public (PSA's, print ads) iii. Create and implement a program encouraging non-motorized forms of transportation to the market.	**Notes**: Meeting requirements; PSSMs print, online and radio advertising includes directions for participants to take alternate transportation to the event. Including City transit, bikes or walking to attend.	S
C. Submit sign Plan to Staff at the time of Supplemental Plan containing the following: i. Locations ii. Size & Type iii. Message iv. Placement and removal times	**Notes**: Requirements have been met	S
D. Work with City to Create a pedestrian management plan that addresses the crossings of Heber/Main and Swede Alley	**Notes**: Requirements have been met – Intersection is currently manageable and requires no additional resources.	S

Market Set-Up and Inspections

a. Weekly notification to staff of footprint or operational changes	**Notes**: In progress – currently meeting requirements	I
b. Location of interior sponsor signs	**Notes**: In progress – currently meeting requirements	I

Street Cleaning and Trash Removal		
a. Pre-Meet with City's Street Department to create a street cleaning and trash removal plan	**Notes**: Requirements have been met : Meeting took place June 5th 2014	S
b. Meet with Street Department two (2) additional times throughout summer to address any issues with plan.	**Notes**: In progress – currently meeting requirements : The first follow-up meeting took place June 12th and 19th. Park City Parks Crew and PSSM reworked when and how the city receptacles were being used and replacement with the PSSM recycle set up. The street has been maintained clean post market. There have been no negative reports from the Parks Crew.	I
Coordination with PCMC and HPCA		
a. PSSM will schedule monthly 'Working Group" meetings from June through October	**Notes**: Requirements have been met	S
b. PSSM will schedule three (3) market walkthroughs with the "Working Group" within the season.	**Notes**: Meeting requirements: 2 Walk-throughs have been completed.	S
c. PSSM will schedule a weekly market walk through with City representatives	**Notes**: Meeting requirements	S
d. PSSM will supply the City Representatives with weekly report containing the following i. Estimated attendance ii. Zero Waste statistics iii. Breakdown of number of vendors and types	**Notes**: In progress – currently meeting requirements : Staff is currently receiving the required weekly reports.	I
Marketing and PR		
a. Main Street logo on all advertisements & promotions	**Notes**: In progress – currently meeting requirements	I
b. Engage in co-promotions with Chamber, HPCA, Park City Restaurant association	**Notes**: In progress – currently meeting requirements	I
c. Media – The HPCA logo and sponsorship credits will be provided in all media placement that the PSSM currently employs, including but not limited to: I. Print ads II. Ads, links or info listings on Utah tourism, business and special internet websites; III. Periodic television coverage; IV. Radio spots and promotions; V. Website spots, summer guides, fairs, non-profit organization calendar listings; VI. Email blasts; and VII. Social media, ' if applicable"	**Notes**: In progress – currently meeting requirements	I
Other Items:		
Attendance must average 7,500 visitors to the market per season. This number shall be established and verified annually by Staff and PSSM	**Notes**: Average attendance per week has been 12,000 – 13,000 per week for first 8 weeks.	S
Quantify Marketing & PR Value – of at least $150,000	**Notes**: Current estimated value as determined by Staff is in excess of $150,000.	S
PSSM shall present an annual report to the city in February of the preceding market season. This report will contain the following: i. Estimated attendance ii. Zero Waste statistics iii. Breakdown of number of vendors and types iv. List of non-profit groups attending the market v. Advertising information etc.	**Notes**: To be Submitted in February 2015, Report from 2013 was received in February of 2014.	S

City Council Staff Report

Subject: **Possible Preservation Easement on Gambel Oak/Hope Parcels**
Author: **Heinrich Deters**
Department: **Sustainability**
Date: **August 21, 2014**
Type of Item: **Administrative**

Topic/Discussion:
COSAC recommendation of preservation tool on Gambel Oak/White Acre and Hope Parcels.

Staff Recommendation:
Consider the Citizens Open Space Advisory Committee (COSAC) recommendation to place a 'conservation easement', consistent with existing deed restrictions and with existing utility easements and future City infrastructure needs, on the Gambel Oak/White Acre and Hope Open Space parcels.

Background
At the July 30th COSAC meeting, (Exhibit A minutes) the Committee reviewed information associated with the acquisition, funding, historical uses, existing conditions, existing restrictions and easements associated with the approximately 223 acre Gambel Oak/White Acre and Hope parcels. The discussion centered primarily on 'values' associated with the parcels, appropriate permitted uses, definition of passive recreation and if a 'conservation easement' was appropriate for the parcels. Specific notice was taken on the existing conveyance restrictions placed on the Gambel Oak/White Acre parcels via the Congressional Act. Additionally, the Committee discussed omitting the portion of the Gambel Oak parcel which is located to the south of Mellow Mountain Road due to it being within the residential area of Deer Valley Drive because the area does not containing any conservation values.

The Committee ultimately passed a motion, which recommends Council consider a 'conservation easement', consistent with the existing deed restrictions and funding mechanisms and subject to language and details.

Staff surveyed the parcels as part of the landowner due diligence. Summit Lands expects to address the need for additional funding associated with conservation easement costs is following Council's direction to proceed or not.

Analysis
Gambel Oak/White Acre Parcels (Exhibit B-shown in green)
The Gambel Oak and White Acre parcels were both acquired by Park City Municipal from the Bureau of Land Management (BLM)/Department of Interior and subsequently Congress in September 2009. (Attachment I-Conveyance document) The Congressional bill that authorized the conveyance of the parcels to Park City required that the City place a deed restriction on the property: (2) DEED RESTRICTION.—The conveyance of the lands under paragraph (1) shall be made by a deed or deeds containing a restriction requiring that the lands be maintained as open space and used solely for public recreation purposes or other purposes consistent with their maintenance as open space. This restriction shall not be interpreted to prohibit the construction or maintenance of recreational facilities, utilities, or other structures that are consistent with the maintenance of the lands as open space or its use for public recreation purposes.

The parcels were initially part of a long term Recreation and Public Parks lease agreement, initiated in 1985, between PCMC and the BLM to create trails, park facilities and public access. Subsequent negotiations with the Air Force regarding a military recreation facility paved the way for the ultimate conveyance of the property to PCMC, which included the City buying out mining rights associated with the parcels with open space bond funds and placement of the required recreational and open space deed restrictions placed on the parcels.

Hope Parcel (Exhibit B- shown in yellow)
In December 2004, City Council agreed to purchase the Hope parcel, which consisted of several patented mining claims, most notably, the Emily and Hope claims. The purchase price was $1.1M for the 112 acres and funded by open space bond proceeds. Deed restrictions were placed on Hope parcel and the language is attached. (Attachment II)

Permitted Uses
If Council directs staff to proceed, drafting of the permitted uses language should be consistent with preservation goals, deed restrictions, future and existing utilities and the funding source.

Public Utilities, Access and Easements
There are several existing utilities associated with the parcels. While the previous BLM recreational lease and subsequent right of way easements granted to the City, were cancelled by the BLM as part of the conveyance, because they became moot once of the ownership transfer three existing easements are underground: sewer, water, and gas; and three are above ground: road, water (access) and power. Public access to both parcels was secured through the April Mountain Development Agreement and formalized on the subsequent plat. Permitted uses should be consistent with these existing easements.

Contemplated City Needs and Concerns

- *Existing Protection in the form of the Gambel Oak/White Acre Conveyance Patent*

Staff finds that the existing restrictions placed on the Gambel Oak/White acre parcel, in the form of a Congressional Land Patent and the deed restrictions placed on the Hope parcels are sufficient 'perpetual protection' for the parcels. However, COSAC's recommendation focused on ensuring protections regardless of what the federal government may do in the future and wanted to be consistent with their goal of setting a 'high bar' through assigning a third party oversight and the ability to annually monitor the properties, as representative of the communities expectations in approving the bonds.

Staff believes the same goals could be achieved simply through a contract to annually monitor the properties, however, staff has chosen to not oppose COSAC's recommendation.

- *Future and Existing Utilities*

The City has an existing water tank and approved appurtenances located on the Hope parcel. This tank provides water for approximately 5,300 'hook ups' within the adjacent area and will need to be upgraded, replaced and/or expanded in the future. Additionally, access to the tank through the Hope parcel is required and may need to be modified.
If Council directs staff to proceed with drafting a conservation easement, staff would like Council to be cognizant of specific language within the easement that would secure the ability for the City to address concerns associated with securing permanent access to the water tank, in addition to the future need to expand and maintain the tank and appurtenances.

Cost
Costs associated with the drafting of the easement and baseline for the properties has already been addressed as part of a previously approved contract for services with Summit Lands Conservancy (2009-2012). If Council chooses to forego an easement, staff would invoice SLC for reimbursement of these monies. If Council chooses to proceed with an easement, SLC, consistent with previous requests, will likely seek funding for a 'stewardship endowment', in the

amount of $500/acre* or $111,500for the approximate 223 acres.

**Previously provided per acre endowment quote from SLC.*

Next Steps
If Council directs staff to proceed with an easement, staff and Summit Lands Conservancy will work in conjunction to draft the language for the easement and return to Council at a later date. Additionally, Summit Lands Conservancy may proceed with fundraising for the stewardship costs.

Significant Impacts:

	World Class Multi-Seasonal Resort Destination **(Economic Impact)**	**Preserving & Enhancing the Natural Environment** **(Environmental Impact)**	**An Inclusive Community of Diverse Economic & Cultural Opportunities** **(Social Equity Impact)**	**Responsive, Cutting-Edge & Effective Government**
Which Desired Outcomes might the Recommended Action Impact?	+ Accessible and w orld-class recreational facilities, parks and programs	+ Abundant preserved and publicly-accessible open space		+ Well-maintained assets and infrastructure
Assessment of Overall Impact on Council Priority *(Quality of Life Impact)*	Positive ⇧	Positive ⇧	(Select from List)	Positive ⇧
Comments:				

Alternatives:
Approve: Consider the Citizens Open Space Advisory Committee (COSAC) recommendation to place a ‘conservation easement’, consistent with existing deed restrictions and with existing utility easements and future City infrastructure needs, on the Gambel Oak/White Acre and Hope Open Space parcels.**(Staff Recommendation)**

Deny: Do not recommend a ‘conservation easement’ on the Gambel Oak and Hope Parcels.

Continue the Item: The Council may choose to continue the item because more information is required.

Funding Source:
Funding associated with the easement and baseline study for the parcel has been addressed; however, monitoring and/or stewardship endowment costs have not. Staff recommends that Council, if it provides direction to move forward with an easement, provide Summit Lands, the proposed easement holder permission to move forward with fund raising efforts for the stewardship endowment.

Consequences of not taking the recommended action:
The properties will remain protected by deed restrictions, subject to utility easements of record.

Recommendation:
Consider the Citizens Open Space Advisory Committee (COSAC) recommendation to place a ‘conservation easement’, consistent with existing deed restrictions and with existing utility easements and future City infrastructure needs, on the Gambel Oak/White acre and Hope Open Space parcels.

ATTACHMENTS
Attachment I- Gambel Oak/White Acre Conveyance Patent Document # 43-2009-0004

Form 1860-9
(April 1988)
Serial No. UTU-87568

Fee Exempt per Utah Code
Annotated 1953 21-7-2

Recorded at the request of and return
to: Park City Municipal Corp.
Attn: City Recorder
P.O. Box 1480, Park City, UT 84060

ENTRY NO. 00881581
09/02/2009 04:43:54 PM B: 2000 P: 1153
Patent PAGE 1/5
ALAN SPRIGGS, SUMMIT COUNTY RECORDER
FEE 0.00 BY PARK CITY MUNICIPAL CORP

The United States of America

To all to whom these presents shall come, Greeting:

WHEREAS,

Park City Municipal Corporation

is entitled to a land patent pursuant to Section 2609(a) of Public Law 111-11, for the following described land:

Salt Lake Meridian, Utah

T. 2 S., R. 4 E.,
Sec. 9, lot 1;
Sec. 10, lots 17 – 18, inclusive;
Sec. 15, lots 15 - 16 and 20 – 22, inclusive.

containing 112.27 acres

NOW KNOW YE, that the UNITED STATES OF AMERICA, in consideration of the premises, and in conformity with said Act of Congress, HAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT unto the said Park City Municipal Corporation, the land above described for public recreation purposes and open space; TO HAVE AND TO HOLD the same, together with all rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the same, Park City Municipal Corporation, forever; and,

EXCEPTING AND RESERVING TO THE UNITED STATES:

A right-of-way thereon for ditches or canals constructed by the authority of the United States. Act of August 30, 1890 (43 U.S.C. 945).

SUBJECT TO:

1. Valid and existing rights, if any, in lode mining claims UTMC 34466, UTMC34467, and UTMC258878, also referred to as the FIR #4, FIR #5 and FIR Fraction #8, located in Section 10; and UTMC258879, UTMC258880, UTMC34464, UTMC34465, UTMC34467, UTMC34468, and UTMC 34469, also referred to as, FIR Fraction #9, FIR Fraction #10, FIR #2, FIR #3, FIR #5, FIR #6, and FIR #7, located in Section 15.

Patent Number 43-2009-0004

Patentee, by accepting this patent, acknowledges that the land is encumbered by said lode mining claims, filed pursuant to the mining laws of the United States, 30 U.S.C. 21, et seq. The conveyance of the property by this patent is made subject to those claims and to any and all rights that the holders thereof may have pursuant to the laws of the United States and the State of Utah.

Patentee, by accepting this patent, further acknowledges that the rights of the holders of said lode mining claims include the right to prospect for, mine and remove locatable minerals and use both the surface and subsurface of the property and, upon compliance with applicable laws of the United States and the State of Utah, to obtain mineral patent fee title to the property. The United States of America by this conveyance does not intend to preclude the grantee herein from challenging the validity of any lode mining claim or other encumbrance on the land conveyed.

2. Those rights for a pipeline, granted to Questar Gas Company, its successors assigns, by Right-of-Way Serial No. UTU-80419, pursuant to the Act of February 25, 1920, as amended (30 U.S.C. 185).

3. Those rights for a road, granted to Jorman Group, its successors or assigns, by Right-of-Way Serial No. UTU-51496, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761).

4. Those rights for a power transmission line, granted to the PacifiCorp, its successors or assigns, by Right-of-Way Serial No. UTU-79668, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761).

5. Those rights for a waste water line, granted to the Snyderville Basin Water Reclamation District, its successors or assigns, by Right-of-Way Serial No. UTU-53723, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761).

Pursuant to Section 2609(a)(2) of Public Law 111-11, the above described lands are conveyed with the restriction and requirement that the land be maintained as open space and used solely for public recreation purposes or other purposes consistent with their maintenance as open space. This restriction shall not be interpreted to prohibit the construction or maintenance of recreational facilities, utilities, or other structures that are consistent with the maintenance of the lands as open space or its use for public recreation purposes.

By accepting this patent, patentee agrees to indemnify, defend, and hold the grantor harmless from any costs, damages, claims, liabilities, and judgments arising from past, present, and future acts or omissions of the patentee, his employees, agents, contractors, lessees, or any third party arising out of or in connection with patentee's use, occupancy, or operations on the patented real property. This indemnification and hold harmless agreement includes, but is not limited to, acts and omissions of the patentee, his employees, agents, contractors, lessees, or any third party, arising out of or in connection with the use and/or occupancy on the patented real property which has already resulted or does hereafter result in: (1) Violations of federal, state, and local laws and regulations which are now, or may in the future become, applicable to the patented real property; (2) Judgments, claims, or demands assessed against the grantor; (3) Costs, expenses, or damages incurred by the United States; (4) Releases or threatened releases on or into land, property and other interests of the grantor by solid waste and/or hazardous substances(s) as defined by federal or state environmental laws; (5) Other activities by which solid or hazardous substances or wastes, as defined by federal and state environmental laws were generated, released, stored, used or otherwise disposed on the patented real property, and any clean-up response, natural resource damage, or other actions related in any manner to said solid or hazardous substances or wastes. This covenant shall be construed as running with the patented real property, and may be enforced by the United States in a court of competent jurisdiction.

IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat. 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

GIVEN under my hand, in Salt Lake City, Utah, the twenty-first day of August in the year of our Lord two thousand and nine and of the Independence of the United States the two hundred and thirty-fourth.

By Kent Hoffman

Kent Hoffman
Deputy State Director, Lands and Minerals

Patent Number 43-2009-0004

TOWNSHIP 2 SOUTH RANGE 4 EAST OF THE SALT LAKE MERIDIAN, UTAH

SALT LAKE FIELD OFFICE
SUMMIT COUNTY

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MTP
SUPPL SECS 3,4,9,10

INDEX TO SEGREGATED TRACTS				
RESURVEY	ORIGINAL SURVEY			
TRACT NO	T	R	SEC	SUBDIVISION

FOR ORDERS AFFECTING DISPOSAL OR USE OF UNIDENTIFIED LANDS WITHDRAWN FOR CLASSIFICATION, MINERALS, WATER AND/OR OTHER PUBLIC PURPOSES, REFER TO INDEX OF MISCELLANEOUS DOCUMENTS

U 1291, SS Apln Public Domain Lands in
Sec3, 10 11, 15

Pwr S O 226 Rev by Pwr S Conc 249, lands not open to entry until Rest.

U 26746, PX Apln
All Public Lands within Sec. 3, 9, 10, 15

All BLM lands within the following are segregated from entry by SK Apln U-81902
Sec. 3: S½
Sec. 9: S½
Sec. 10: All
Sec. 11: All
Secs. 14–24: All
Sec. 31: All
Sec. 32: S½
Sec. 36: W½

NO 2

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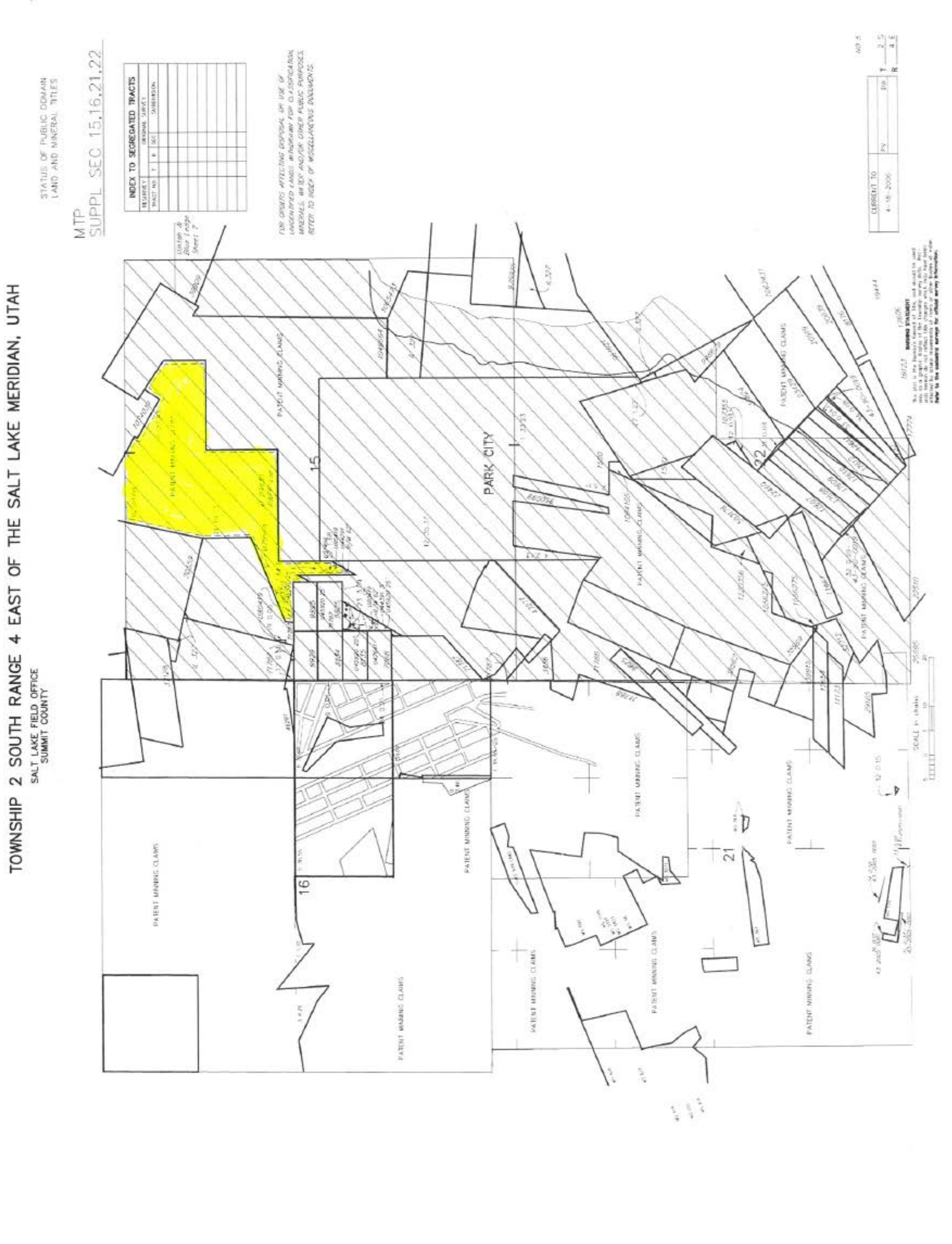


Attachment II- Hope Parcel Deed Restriction Language

A. Open Space Deed Restriction. The following restriction shall appear on the deed conveying the property to Buyer:

> The property described in this deed is conveyed subject to a restrictive covenant effective as of the date of this deed; that the above-described property shall be maintained in perpetuity as open space, in perpetuity as an undeveloped park and recreational land; that no improvements be placed on the property except those which are consistent with the preservation and protection of the natural amenities; and that the conditions of the above-stated restrictions may be enforced by any person or organization consistent with the maintenance of open space and the objectives set out in this restrictive covenant.

Exhibit A- July 30 COSAC meeting minutes

COSAC IV Meeting Minutes
City Council Chambers
July 30, 2013, 8:30 a.m.

COSAC members in attendance: Charlie Sturgis, Suzanne Sheridan, Stewart Gross, Rhonda Sideris, Kathy Kahn, Tim Henney, Cara Goodman, Jim Doilney, Judy Hanley, Erin Bragg. Megan Ryan arrived at 8:55 a.m.

Excused: Cheryl Fox, Jan Wilking, Wendy Fisher, Andy Beerman

Public and Alternates: Bronson Calder, Bill Cunningham, Carolyn Frankenburg, and Kate Sattelmeier

Staff: Heinrich Deters, Mark Harrington, ReNae Rezac

CALL TO ORDER
Vice chair Henney called the meeting to order.

PUBLIC COMMUNICATIONS
Vice chair Henney called for public input for any items not on the agenda. There was none.

ADOPTION OF JULY 2, 2013 MINUTES
Ms. Hanley said both she and Jim Doilney were in attendance at the July 2nd meeting and they are both listed as excused. Heinrich said Ms. Fox had contacted him to say it was her belief there had been a vote to have a conservation easement document drawn up for Risner Ridge. Heinrich noted that after discussing with ReNae, the recording did not verify a formal vote, but rather committee consensus.

Motion: Mr. Doilney moved approval of the minutes as amended. Ms. Hanley seconded the motion.
VOTE: The motion carried.

STAFF AND COMMITTEE DISCLOSURES/COMMENTS
Heinrich gave a brief overview of his family's evacuation from the Stanley, Idaho area due to wildfire.

REGULAR AGENDA
Proposed Conservation Easement on Gambel Oak, White Acre and Hope Parcels
The Gambel Oak/White Acre is a collective conveyance by Congress. The Hope parcel is an open space purchase. The parcels are named for historic mining claims. Heinrich showed a map and pointed out the parcels for discussion. Because of the Federal government involvement with the Gambel Oak parcel, there may be some restriction as to what kind of conservation document should be used. There would be costs associated with stewardship of the property. The stewardship charges would be determined by the type of stewardship chosen. Chair Ryan asked if the funding source

for obtaining open space could be used for stewardship of property acquired with the current funding source. City Attorney Harrington said that is an issue to be researched further.

Heinrich commented it is preferable to make perceived, necessary funding decisions to a parcel at acquisition.

Mr. Doilney asked what COSAC was trying to achieve with respect to the parcels. Evaluating the specifics of an easement? Preclude the Federal government from doing to us *again* what they did before? Heinrich responded that City Council had asked that COSAC weigh in as to what type of preservation instrument should be used. This is one of the parcels they are interested in hearing feedback about. Mr. Doilney said the main focus should be to honor the existing deed; i.e., "maintenance as open space solely for public recreation purposes". Vice chair Henney said COSAC is tasked with performing due diligence on the property and going to City Council with a recommendation. Ms. Sheridan added COSAC's job is deciding which preservation tool to use. Mr. Doilney suggested putting a conservation easement on the parcel that has language consistent with the deed. To make sure the purpose for conservation is clear.

Chair Ryan commented eminent domain is a high bar for a reason since public trust is involved. Vice chair Henney agreed and is supportive of the high bar since condemnation of property could not occur without public process.

Committee consensus was to address Gambel Oak, White and Hope parcels together. Ms. Ryan asked if the conservation easement was sufficient for these parcels or if a deed restriction should be utilized. Committee consensus was to use a conservation easement.

Motion: Mr. Doilney moved that staff draft a conservation easement consistent with the deed restriction and reflecting the sentiment of COSAC relating to uses and maintenance. Stewart Gross seconded the motion.

After discussion, a vote was taken. The motion failed.

Motion: Vice chair Henney moved placing a conservation easement on the Gambel Oak, White and Hope parcels subject to language and details. Mr. Doilney seconded the motion.

Vote: The motion carried.

Ms. Kahn asked what the definition of passive recreation is. It is her feeling that in the future the definition of non-motorized transportation is going to change with the use of battery-operated mountain bikes and similar transportation becoming available.

Erin Bragg gave a PowerPoint presentation relating to the Gambel Oak, White, and Hope parcels and indicated the categories on the COSAC matrix that correlate to the property. The conservation values include: passive recreation/multiple uses, wildlife habitat, and critical view sheds. Mr. Doilney felt that when 99.9% of the open space in the area has been acquired, the funding will be available for stewardship. Heinrich commented maintenance of open space is *very* expensive. City Attorney Harrington recommended separating open space acquisition from stewardship.

Chair Ryan summarized the issues to be considered in the conservation easement per the discussion are:

Definitions
Passive recreation
Multiple uses
Wildlife
Critical view sheds
Infrastructure
Public uses
Utilities

Other component
Financial

Ultimately, there will be a two-part recommendation: 1) Easement; 2) Financing

Ms. Ryan noted it was time to adjourn the meeting and outlined two choices for COSAC:

1) Ask staff to draft a conservation easement; or,
2) Continue discussion at another meeting to flesh out the details

Mr. Doilney voiced his support that staff draft an easement for discussion. Ms. Sheridan felt it would be helpful for COSAC to supply staff with specific definitions to reduce the amount of time it would take to draft the document. Outlined definitions would help avoid the possibility that the document in its entirety could change.

Ms. Ryan added putting a conservation easement on the properties adds another layer to enhance what is already in place. City Attorney Harrington felt there was enough direction for staff to work with Summit Land Conservancy on a draft, providing a starting place for a point by point discussion.

The meeting adjourned at 10:07 a.m.

EXHIBIT B- Gambel Oak/White Acre and Hope Map

City Council
Staff Report

Author: Heinrich Deters
Subject: SR-224 Phase II Pathway & Underpass Project Feasibility Update
Date: August 21, 2014
Type of Item: Work Session Discussion

Summary Recommendation: Staff recommends Council review the feasibility analysis of the proposed pedestrian and bicycle underpass location and provide direction to relocate the preferred location of a tunnel location to the Park Avenue and Kearns Blvd. intersection (north-south connection). City Council should additionally direct staff to move forward with design and implementation at that location.

Topic: SR-224 Pathway and Underpass Feasibility Update**-**Proposed underpass relocation at Park Avenue and Kearns Blvd. (Exhibit A)

Background:
In 2008, the Walking and Biking Liaison Committee (WALC) identified a project list, including improvements to the City's entry corridor on SR-224. These improvements were the Committee's highest priority and received the largest funding allocation.

In August 2012, the City, in conjunction with Utah Department of Transportation and area stakeholders, completed the SR-224 Corridor study. The Study outlined several phases of recommended improvements to help mitigate traffic volume, access and circulation, pedestrian and bicycle safety, aesthetics and changing land use. http://www.parkcity.org/Modules/ShowDocument.aspx?documentid=9803 - The Corridor Study

Recommended Phase I improvements (pages 35-41 of study) included the following:

1. Intersection improvements at Deer Valley Dr. and Park Avenue: **Several of these improvements have been completed.** These include the implementation of a double left from Empire Avenue onto Park Avenue, removal of the 'split phase timing' and a right turn 'overlap' from Deer Valley Dr. onto Park Avenue, as well as the overall signal timing and coordination with the 'HAWK' crossing on Park Avenue.
    a. *These improvements have greatly improved the traffic circulation and pedestrian safety by making the intersection more intuitive for vehicle and pedestrian interaction. The implementation of the right turn overlap provides a free movement for cars turning from Deer Valley Drive onto Park – eliminating the driver hesitation as pedestrians are no longer permitted to cross when the intersection is clear.*
    b. *The removal of the split phase timing now creates a long phase of pedestrian crossing (Across SR224) which coincides with the through*

traffic. While this solves a traffic congestion problem, it also resolves the pedestrian crossing issues – allowing for less vehicle / pedestrian conflicts. The timing is such that all pedestrians should be able to cross during the through traffic phase.

c. *(Phase II pathway improvement in design) The new pathway will be designed to allow for a pedestrian area while waiting for the crossing phase – which will pull pedestrians further from the intersection, reducing driver hesitation.*

2. <u>Trail/Pedestrian safety improvements along the west side of the corridor:</u> This project allows for a separated 8' wide multiuse pathway along the west side of the road between Kearns Boulevard and Empire Drive. This path will greatly improve the safety, multiple recreational uses and connectivity to the local and regional system. *This project is currently under design while the City works with the landowner on some of the project components.*
3. <u>Pedestrian and Bicycle tunnel under Park Avenue from Jan's to Cole Sport:</u> This improvement would provide for a grade separated connection between the PCMR resort area and the commercial area on the east side of the corridor, improving the pedestrian safety and traffic circulation at the intersection. *Staff is recommending Council forego this project due to the currently implemented intersection improvements (noted above in 1 a-c), cost, utility relocation and easements, as well as right of way requirements). See additional analysis below.*

4. <u>Realignment of Lame Dog and Homestake intersection:</u> This improvement calls for the realignment of the two roads into one signalized intersection. A "squared up" signalized intersection will improve the traffic flow, pedestrian crossing between the two transit stops and consolidate access off of SR-224 into the commercial area on the east side of the corridor as anticipated in the BoPa plan. *Transportation has completed concept design for this project and rights-of-way needs have been identified. However, **a timetable for the project has not been established. Rights-of-Way needs to be negotiated and secured.** Staff is working with UDOT to make necessary amendments to existing corridor agreements to enable project to proceed.*
5. <u>Trail/Pedestrian safety improvements along the east side of the corridor, including a connection along Deer Valley Drive, on the north side, connecting to the Poison Creek Trail:</u> *This project is currently in design and being coordinated with adjacent landowners. It should be noted that there is significantly more ROW on the east side of the corridor than the west side, thus easements and we anticipate right of way acquisition to be easier to navigate than on the west side.*
6. <u>Landscape medians, signage, curb-cut consolidation and landscape aesthetics:</u> Several other secondary improvements are also recommended as mitigation efforts to aid in the accomplishment of the stated goals of vehicle circulation and pedestrian safety along the corridor. Staff is discussing the ongoing implementation the Corridor Access Management plan with UDOT as part of the Corridor Preservation Agreement.

Recommended Phase II improvements (pages 42-44 of study) included the following are proposed in the 5-10 year timeframe:

1. Round-about at Kearns Blvd. and Park Avenue: This project is noted as a traffic circulation improvement once the intersection fails in terms of capacity. Staff, in conjunction with UDOT, will continue to monitor the situation.
2. Pedestrian 'Y' tunnel under Kearns Blvd. and Park Avenue, providing off grade crossings for pedestrians and bicycles: This project provides for local and regional safety improvements for both sides of the corridor. *Staff has identified one connection of this project, under Kearns Blvd, between the Olympic Welcome Plaza and the Yarrow as the most beneficial off grade connection in terms of safety and connectivity to the regional trail system.*

If Council directs staff to proceed with infrastructure improvements at this location both the future roundabout and "Y" tunnels will be considered during the design of the pedestrian tunnel and utility relocation.

In January of 2014, the City Council approved a Professional Service Agreement with Horrock's Engineering for the design and construction management of the Phase I pathway and underpass improvements. The scope of work was specifically written to assign a task one 'Feasibility' assessment of the Jan's-Cole Sport underpass location (Exhibit B). Staff is returning with this report to review that analysis and make recommendations to move forward at another underpass location.

Analysis:
Horrock's Engineering, along with staff members from Planning, Sustainability, Engineering, Transit, Streets and Public Works, initially assessed the proposed Jan's-Cole Sport underpass location in terms of budgetary, utility coordination, right of way requirements and functionality of attaining projected goals (traffic and walkability). The group also looked at American with Disability Act (ADA) compliant designs and non-ADA designs as well as above ground and below ground scenarios.

Jan's-Cole Sport Underpass Location (Not Recommended)

Below is an overview assessment of the proposed Jan's-Cole Sport underpass:

- The SR-224 corridor study identified pedestrian infrastructure to help mitigate the Deer Valley and PCMR traffic flow on peak out load days, as well as improve the pedestrian safety, predictability and efficiency from the resort base to the commercial area on the east side of Park Ave. At a high level, the Study noted the 'friction and unpredictability' of pedestrian/vehicular traffic at this location.
    - Recent signal improvements noted above in the report have had a positive impact on both traffic circulation 'friction' and pedestrian safety 'predictability', thus resulting in a cost effective measure, compared to an

underpass and meets the corridor study goal of helping flow during load out during peak days.
    - These signal improvements not only aid in the east/west pedestrian movements but also the north/south movements.
    - Staff is concerned that an underpass may not be used during 'off peak' times, due to design grades (over 12%) and configurations requiring some users, specifically bikers, to go 'out of their way' to reach access ramps. Staff is basing this on anecdotal information, not actual counts/observations.

- The proposed area has major utility relocation concerns which will require:
    - Utility easements/coordination/costs (approximately 11,000sq/ft. of easements)
    - Right of Way acquisition issues (between 6,500-8,000sq/ft.)
    - Both Easements and ROW aspects will greatly impact the adjacent businesses/landowners and require their participation to proceed with the project. (Exhibit C).

- Design of an ADA accessible underpass is not recommended due to cost, right of way and easement acquisition, immense impacts to the adjacent businesses.
    - Without an ADA accessible design/project, the at-grade crossing must remain at the intersection, which will represent existing conditions if users choose not to utilize the infrastructure.

- Staff looked at an underpass without ramps (stairs only or elevators), overpasses, neither of which is being recommended.
    - Both overpass and elevator options still require significant funding compared to the existing signal improvements
    - Aesthetic/view shed impacts and the sheer size of the structure occupying this relatively small intersection are concerns with an overpass and structures required to house the elevators above ground for access
    - Maintenance associated with elevators is a concern
    - The 'use ability', or willingness of the public to utilize an overpass and/or elevator has been questioned by staff. (Will users take the time to climb steps or wait for an elevator?).

Estimated Costs:

- *ADA Compliant Tunnel Crossing: $3.3M*
- *Non-ADA Compliant Tunnel Crossing: $2.8M*
- *Overpass: $2M*

Conclusion

Staff concludes that the costs associated with an underpass, the analysis of utility coordination/relocation impacts and the feasibility of easements/right of way acquisition at this location is not an efficient and effective way of meeting the goals of the SR-224 Corridor Study or the Walkability Implementation goals of Safety, Efficiency, Enhancing local and regional connections and Cost/Maintenance. Staff recommends the continuation of monitoring the intersection and exploration/vetting of additional traffic improvements to aid in the circulation of traffic, cueing of lanes and development of the lower RDA and PCMR areas.

<u>Review of other Possible Underpass Locations along Corridor</u>

After the initial assessment and analysis of the Jan's-Cole Sport underpass and the conclusion that a proposed project is likely unfeasible, staff directed Horrock's Engineering to analyze two other locations along the corridor for possible infrastructure improvements, which would be consistent with the Walkability and SR-224 Corridor Study goals. Staff identified the following:

1. The 'HAWK' beacon crossing at the Park Avenue and Lame Dog intersection.
2. The intersection of Park Avenue and Kearns Blvd.

<u>Park Avenue and Lame Dog Transit Crossing (Not Recommended)</u>

Below is an overview assessment of the proposed *Park Avenue and Lame Dog Transit Crossing:*

- The SR-224 corridor study identified intersection improvements, in the form of an aligned, signalized Lame Dog/Iron Horse Dr. intersection, at Park Avenue, with the goal of, consolidating access points, improving the pedestrian transit crossing, as well as, improving the predictability of traffic flow.
    - Similar to the Jan's-Cole Sport intersection, staff finds that the proposed future signalization of this location will serve as an efficient and safe pedestrian upgrade, while also meeting the transportation goals stated in the corridor study. Thus an underpass is not the appropriate infrastructure improvement.
    - There is concern that if an underpass was implemented, users may simply cross at-grade outside of peak traffic times.

- While this crossing boasts the highest number of documented average daily users, these users are primarily transit in nature, as the stops located nearby represent the most important transfer station, outside of the Old Town Transit Center. An underpass at this location would not benefit the overall local and regional connectivity goals of the Walkability Program. This statement is not to demote the importance of the transit use. It is more of an evaluation of the most effective, efficient and appropriate infrastructure improvement for the location user.

- The proposed area has similar utility relocation concerns to the other locations which will require:
    - Utility easements/coordination/costs (approximately 4500-5500sq/ft. of easements)
    - Right of Way acquisition issues (between 4000-6000sq/ft.)

- Adjacent business/landowner and will require the acknowledgement and participation of the landowners to acquire required easements and ROW.

- Staff looked at an underpass without ramps (stairs only or elevators), overpasses, neither of which is being recommended.
    - Both overpass and elevator options still require significant funding.
    - Aesthetic/view shed impacts at this high visibility intersection are concerns with an overpass and structures required to house the elevators above ground for access.
    - Maintenance associated with elevators is a concern
    - The 'use ability', or willingness of the public to utilize an overpass and/or elevator has been questioned by staff. (Will users take the time to climb steps or wait for an elevator?).

Estimated Costs:
- *Non-ADA Compliant Underpass: $2.3M*
- *Overpass: $1.8M*

Conclusion
Staff concludes that the costs associated with an underpass, the analysis of utility coordination/relocation impacts and the feasibility of easements/right of way acquisition at this location is not an efficient and effective way of meeting the goals of the SR-224 Corridor Study or the Walkability Implementation goals of Safety, Efficiency, Enhancing local and regional connections and Cost/Maintenance. Furthermore, staff finds that the existing proposed improvement, identified within the corridor study, in the form of a signalized intersection, should be completely vetted prior to proposing additional infrastructure.

Park Avenue and Kearns Blvd. Underpass Location ***(Staff Recommended)***

Below is an overview assessment of the proposed Park Avenue and Kearns underpass:

- The SR-224 corridor study identified pedestrian infrastructure at the Park Avenue and Kearns intersection to help provide connectivity from the regional trail system (McLeod Creek Trail) to the Bonanza Park Commercial area. Additionally, the study noted that this improvement would connect to the Phase I improvement of an improved pathway along the east side of Park Avenue, connecting the existing infrastructure on Deer Valley Drive near City Park. (Exhibit D)
    - Compared to the other locations, an underpass at this location best meets the walkability goals of safety, efficiency, local and regional connectivity and cost/maintenance.
    - An underpass at the Park Avenue and Kearns intersection is recommended as part of the SR-224 Corridor Study and will be essential if plans to implement a future round-about at this location proceed.

- The proposed area still does have major utility relocation concerns which will require:
    - Utility easements/coordination/costs (approximately 2,500 sq./ft. easements)
    - Right of Way acquisition issues (approximately 4000sq/ft.)
    - Both Easements and ROW aspects will impact the adjacent businesses/landowners (Exhibit E).
    - *The City owns the property on the northern terminus of the proposed underpass, which will not require right of way acquisition or easements, ultimately lowering project costs/constraints. Easements and right of way will be required on the southern terminus.*

- Design of an ADA accessible underpass **is recommended**.
    - This will allow for the at-grade crossing to be removed and improve traffic circulation and safety. This needs to be confirmed through the design process
    - There is less of a concern that outside of peak traffic conditions, users will simply cross at grade because the ramps are designed at a lower grade and is in line with the overall regional pedestrian and bicycling 'directional flow' from north to south.
    - The underpass at this location is physically longer than at the Jan's-Cole Sport location which adds to the overall construction costs.

- The Olympic Welcome Plaza is deemed by many as an under-utilized park area, specifically considering its location. Staff finds that there may be several opportunities available to improve the access and hence the plaza itself with this project.

- Staff finds that there is a significant 'gap' in the infrastructure between where the existing McLeod Creek trail 'dumps' users into 'The Market at Park City parking lot' and City Park. Often referred to as the black hole by the Trails and Open Space Project Manager, the proposed underpass and subsequent pathway improvements on the east side of Park Avenue will promote a 'build it and they will come' scenario.

- Design of the underpass at this location is taking into account a possible future three way underpass and the round-about scenario as noted in the SR-224 corridor study.

Estimated Costs:
Proposed ADA Compliant Underpass: $2.7M

Conclusion
Staff concludes that the costs associated with an underpass, the analysis of utility coordination/relocation impacts and the feasibility of easements/right of way acquisition

at this location is the most efficient and effective way of meeting the goals of the SR-224 Corridor Study or the Walkability Implementation goals of Safety, Efficiency, Enhancing local and regional connections and Cost/Maintenance.

Other Considerations

Bonanza Park Plan Coordination
Sustainability has coordinated efforts with the Planning Department and finds that the recommended underpass location at Kearns and Park Avenue is consistent with the current design aspects associated with the Bonanza Park walkability and transportation plan (Exhibit F).

Utility coordination
Staff and the design team have met with different departments and utilities, including Snyderville Basin Water Reclamation District and have incorporated their input into the conceptual design associated with the Kearns intersection location. While both areas have significant utility impacts, the Kearns location is more feasible due to the use of the city-owned Olympic Plaza property.

Property Owner coordination
Staff has met with the owners of the Yarrow, Jess Reid Real Estate Building and Squatters as a courtesy notice that the item was to be discussed at an open Council meeting. All parties were appreciative and are interested in the project.

Timeline/Next Steps
If Council provides direction to move forward with an underpass project at the recommended Park Avenue and Kearns intersection, staff will move forward with design drawings and coordination with local landowners and utilities per right of way acquisition and easements. Staff is proposing returning to Council with an update of the project in the Fall. Tentative construction of the project is two-fold:

- East side pathway and various utility realignment for underpass Summer/Fall 2015
- Underpass Construction Spring/Summer 2016.

Operations and Maintenance
Operations and maintenance costs will be provided to Council once design for the proposed project reaches 90% drawings.

Department Review: This report has been reviewed by department representatives of Sustainability, Legal, Planning, Transportation Planning, Public Works, Engineering, Budget, Transit and the City Manager's office and their comments have been integrated into this report.

Alternatives:

A. **Approve:** Staff recommends Council review the feasibility analysis of the proposed pedestrian and bicycle underpass location and provide direction to relocate the preferred location of a tunnel location to the Park Avenue and Kearns Blvd. intersection (north-south connection). City Council should additionally direct staff to move forward with design and implementation at that location.
(Staff recommendation)
B. **Modify the request:** Council could choose to modify aspects of the project.
C. **Deny the request:** Council could choose to not continue with the project at this time.
D. **Continue the Item:** Council may feel there is not enough information to make a decision, which will delay moving forward with easement and right of way coordination/acquisition with the adjacent landowners, as well as, coordination with utility relocation. Currently these items are on schedule for summer of 2015; however, design, review, UDOT coordination, bidding and procurement remain to be accomplished over the coming winter season and further delay in the project may impact the timeline.
E. **Do Nothing:** Same effect as continuance.

Significant Impacts:

	World Class Multi-Seasonal Resort Destination **(Economic Impact)**	**Preserving & Enhancing the Natural Environment** **(Environmental Impact)**	**An Inclusive Community of Diverse Economic & Cultural Opportunities** **(Social Equity Impact)**	**Responsive, Cutting-Edge Effective Government**
Which Desired Outcomes might the Recommended Action Impact?	+ Accessible and world-class recreational facilities, parks and programs + Safe community that is walkable and bike-able			+ Well-maintained assets and infrastructure
Assessment of Overall Impact on Council Priority *(Quality of Life Impact)*	Very Positive	(Select from List)	(Select from List)	Positive
Comments:				

Funding Source:

Funding for this project, as well as other future Walkability projects will be funded with proceeds from the 2013A Walkability General Obligation Bonds which were issued in August 2013 in the amount of $7,170,000.

Consequences of not taking the recommended action:
If Council chooses to deny the recommended underpass location, an aspect of the SR-224 corridor study and walkability implementation list may not be realized.

Staff Recommendations:
Staff recommends Council review the feasibility analysis of the proposed pedestrian and bicycle underpass location and provide direction to relocate the preferred location of a tunnel location to the Park Avenue and Kearns Blvd. intersection (north-south connection). City Council should additionally direct staff to move forward with design and implementation at that location.

Exhibit A- Proposed underpass location at Kearns Blvd. and Park Avenue

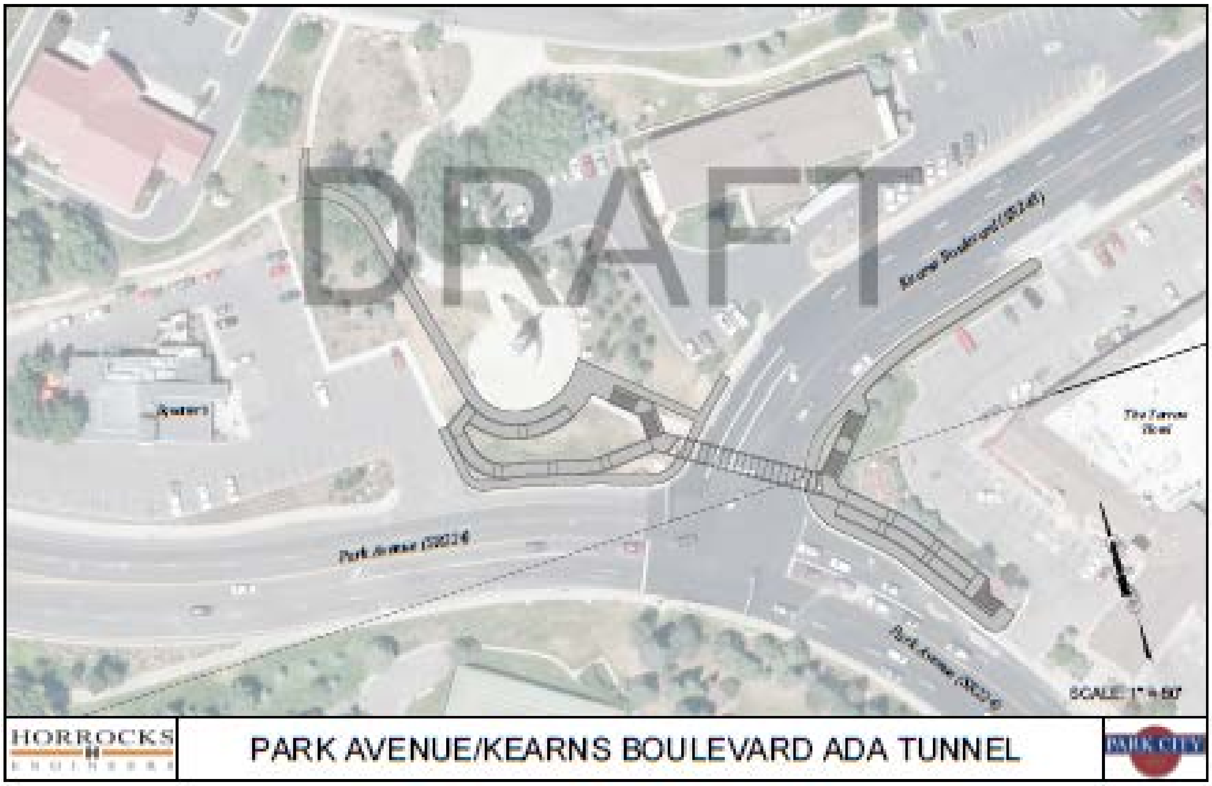


Exhibit B – Horrock's Engineering Park Avenue Phase II Pathway & Underpass Project Professional Service Scope and Cut Sheet (Task I)

Task 1 - Preliminary Feasibility, Easement Coordination and Initial Layout
1. Review SR-224 study
2. Attain survey and identify additional needs
3. Assess SR-224 ROW and coordinate with UDOT
4. Create property ownership exhibit with contacts
5. Review ROW encroachment or access agreements with UDOT
6. Review parking agreements and/or easements
7. Attain subsurface utility information
8. Intial design of pathway and underpass (w/ design alternatives)
9. Coordinate easments with property owners
10. Utility provider review and coordination
11. Coordinate project impacts with property owners
12. Meet with PCMC staff
13. Pedestrian counts at peak hours (Winter and Summer 2014)
14. Cost estimates
15. Final feasibility (pro/cons) of path and tunnel designs

Exhibit C- Right of Way and Easement impacts Jans-Cole Sport Underpass Location

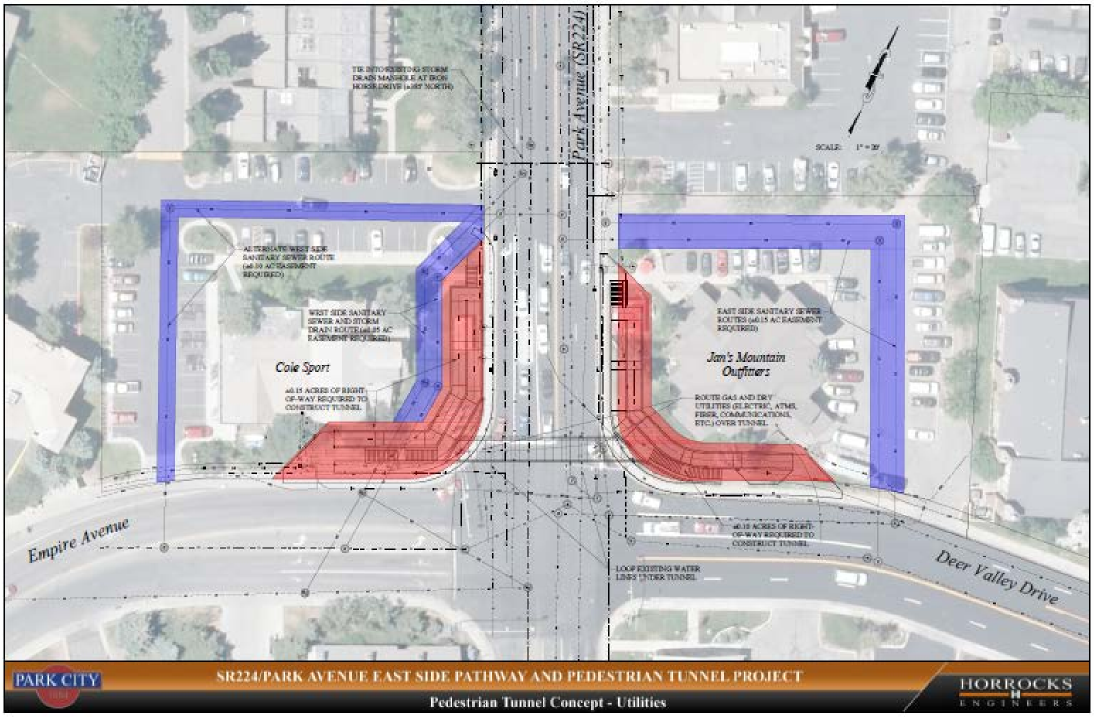


Exhibit D- McLeod Creek to City Park Proposed Walkability Improvements

McLeod Creek to City Park Proposed Walkability Improvements

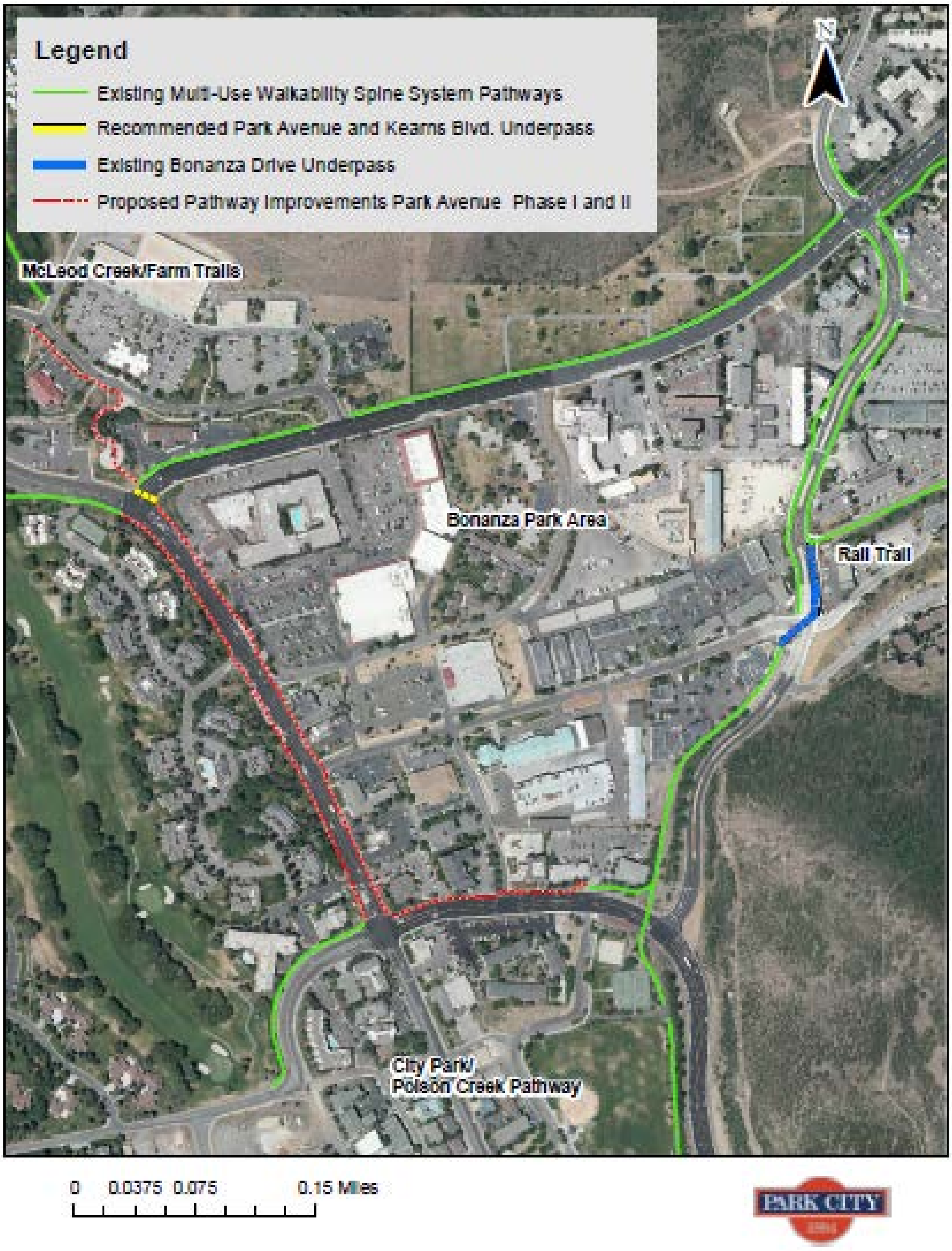


Exhibit E- Right of Way and Easement impacts Park Avenue and Kearns Underpass Location

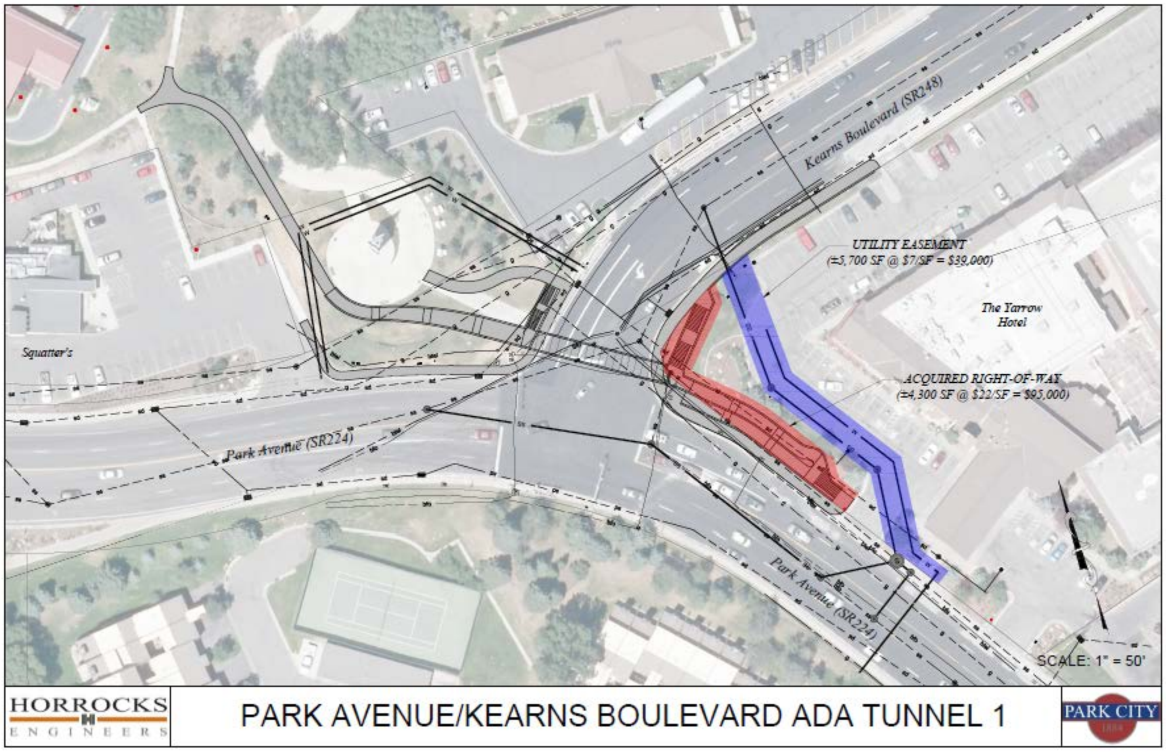


Exhibit F Draft Conceptual BOPA Plan

City Council Staff Report

Subject:	**Encroachment Permit on a Portion of Grant Avenue ROW fronting 206 Grant Avenue between Park City, Myke Hughes and Westlake Land, LLC**
Author:	**Matthew Cassel, P.E., City Engineer**
Department:	**Engineering**
Date:	**August 21, 2014**
Type of Item:	**Administrative**

Summary Recommendations:
The Council should authorize the City Engineer to execute in a form approved by the City Attorney's Office, the attached Encroachment Permit for Improvements in City Right-Of-Way with Myke Hughes and Westlake Land, LLC for parking and access use on a portion of Grant Avenue.

Topic/Description:
Prior to 2007, the Imperial Hotel at 221 Main Street, the 206 Grant Avenue property ("parking parcel"), and 222/210 Grant Avenue property were bought by Park City Municipal as a single package deal. Park City sold all three properties as a package in early 2007. As part of the sale agreement, the City agreed to grant an encroachment permit to the buyer to allow private parking on a portion of the Grant Avenue Right of Way (ROW) in front of 206 Grant Avenue (aka 206 Swede Avenue). This encroachment permit allowed up to approximately seven (7) vehicles to park in the Grant Avenue ROW. The buyer indicated it would use the ROW for parking for the Imperial Hotel. On February 28, 2007, Park City issued an encroachment permit to Avenues Communities, Inc. (the buyer of the three properties) for parking in the ROW in front of 206 Swede Avenue.

Even though the buyers used the parking provided by the 2007 encroachment permit for the Imperial Hotel, the permit was attached and appurtenant to 206 Grant Avenue. Over time, Avenues Communities sold off the three properties separately. Currently Myke Hughes owns 206 Grant Avenue, Westlake Lands, LLC owns the Imperial Hotel and another entity owns 222/210 Grant Avenue.

This request to execute an updated encroachment permit is based on the co-operation agreement between Myke Hughes (206 Grant Avenue) and Westlake Lands, LLC (Imperial Hotel) for a shared use of this Grant Avenue parking area.

Background:
In October 2003, Park City purchased the Imperial Hotel from the Federal Small Business Administration. This purchase included the hotel at 221 Main Street, the Cottage (Duplex) at 222/210 Grant Avenue and the parking parcel at 206 Swede Alley parcel (now known as 206 Grant Avenue). The original intent of the purchase was to

trade the US Air Force the Imperial Hotel properties for the Red Maple open space parcel.

All three of the Imperial Hotel properties were then sold by Park City to Avenues Communities, LLC in early 2007. As part of the sale, the City agreed to grant an encroachment permit (February 28, 2007), to Avenues Communities, LLC for private parking in a portion of the Grant Avenue ROW. This encroachment permit was attached to the property addressed as 206 Swede Alley/206 Grant Avenue, which was also known as the parking parcel.

The 2007 Encroachment Permit (Exhibit B) key provisions include:

- Granting Avenues Communities, LLC as owners of 206 Swede, "the right to exclusive use of surface parking within City rights-of-way and easements adjacent to 206 Swede Avenue, Park City."
- The encroachment agreement required the rights associated with it to be appurtenant to the parcel at 206 Swede Avenue (the parcel has since been subdivided into a lot of record and readdressed as 206 Grant Avenue).
- The agreement is not transferable to other property, but is freely transferable with the title to 206 Swede Avenue.
- The license and conditions as stated in the agreement, are binding on the successors in title or interest of Owners. No permanent right, title, or interest of any kind shall vest in the Owner in the easement or right-of-way by virtue of this agreement.
- This agreement shall be in effect until the license is revoked by the City.

Avenue Communities, LLC held the properties for a few years, used the parking parcel for parking for the Imperial Hotel but then sold the properties separately:

- In June 2011, Avenue Communities, LLC (dba 221 Main Street, LLC) sold the Imperial Hotel to Imperial Hotel Resort Group, LLC, who then sold the Hotel in July 2013 to Westlake Lands, LLC. Westlake Lands, LLC is the current owner.
- In August 2011, Avenues Communities, LLC (dba 210 Grant, LLC), sold the two remaining parcels to Hofmann Properties. Hofmann Properties then sold the 206 Swede Avenue/206 Grant Avenue parcel separately to Myke Hughes. Myke Hughes is the current owner and is currently building a single family home on the property.

Along with the Imperial Hotel, Westlake Lands, LLC also bought the property immediately south of the Imperial Hotel (205 Main Street) and 227 Main Street (Star Hotel). They are currently working through Planning and Building to build on the 205 Main Street vacant lot and to re-develop 227 Main Street (Star Hotel).

Through all of the transactions listed above, the Grant Avenue encroachment permit was never formally assigned to the current owner of 206 Grant Avenue, although the Agreement provides that the Agreement is freely transferable with the title to 206 Swede

Avenue and that the license and conditions as stated in the agreement, are binding on the successors in title or interest of Owners.

In December 2013, Avenue Communities was contacted by Westlake Lands, LLC and assigned the encroachment permit to Westlake Lands, LLC. However, Westlake Lands does not own the property appurtenant to the encroachment permit which on the face of the document appears to invalidate the assignment. Further, the Agreement states "The agreement is not transferable to other property."

The most reasonable access to Myke Hughes property at 206 Grant Avenue is over and through the Grant Avenue encroachment permit area, Although the assignment of the Grant Avenue encroachment permit from Avenues Communities, who no longer owned 206 Grant Avenue, to another property does not appear to be valid, the two parties worked out a co-operation agreement to share the Grant Avenue parking area within the Right of Way. This agreement was executed on April 11, 2014 and is attached to this report as Exhibit D.

Analysis:
Staff recommends the approval of the encroachment permit to continue allowing parking in this section of Grant Avenue for three reasons:

- The elimination of any parking spaces in the Historic Main Street District (public or private) could exasperate current parking pressures,
- This "parking parcel" encroachment permit is status quo by allowing the Imperial Hotel to continue to park in this location, and
- The two parties have worked to come to a favorable agreement that retains the current usage, which was parking for the Imperial Hotel

Parking Area Dimensions
The area shown on the original 2007 encroachment permit is approximately 61 feet wide and approximately 14 feet deep. The depth of the area between the Swede Alley back of curb and gutter to 206 Grant Avenues property line is approximately 17 feet. Park City's LMC requires parking spaces to be 9 feet wide by 18 feet deep. The LMC does allow a compact space, which is 9 feet wide by 16 feet deep, but these spaces cannot be used to satisfy parking requirements.

- Based on the 9 foot width requirement, the area currently can provide nearly seven (7) spaces. With 206 Grant Avenue using 12 feet of width for access and parking as defined in the co-operation, the remaining space will be able to park five (5) vehicles.
- This parking area dimensions did not meet our parking requirements when it was permitted in 2007. The LMC for parking space dimensions has not changed since 2007.

Current and Future use of Grant Avenue

The Grant Avenue ROW is located immediately adjacent to Swede Alley and in some areas Swede Alley is physically located in the Grant Avenue ROW. Although the 2007 Encroachment Permit granted the exclusive parking in the Right of Way to the owner of 206 Grant Avenue, at that time the owner of that parcel also owned the Imperial Hotel (which was sold together as a package) and the ROW in Grant Avenue was being used for Imperial Hotel parking. Until recently, signage along the parking parcel indicated its use only for the Imperial Hotel. It is likely that the signage was put up when both parcels were owned together.

- In a 2003 Memorandum to Tom Bakaly, Eric DeHaan indicates:

  > "Parcel 1 describes the "parking spaces" along the east side of Swede Alley opposite the Brew Pub parking lot. The parking spaces are currently delineated by strongly worded No Parking signs limiting their use to approved guests of the Imperial Hotel. Most of the described parcel lies on the steep hillside east of the actual parking spaces, where there are trees and brush. The rear half of parked vehicles actually lie in the platted Grant Avenue, used as Swede Alley. Park City has always agreed to this arrangement because it saves the trees and results in the same number of actual parking spaces as would exist had we forced the development of the parking spaces to be entirely on the described parcel. The topography and shape of the parcel severely limits its use for any future building…"

- In discussions leading up to the 2007 encroachment permit, staff contemplated vacating this section of Grant Avenue. The final decision to not vacate and instead issue an encroachment permit was based on the utility occupancy of Grant Avenue. Currently overhead power, cable, telephone, public stairs with lighting and underground power occupy this ROW.
- One possible future use of this Grant Avenue ROW would be for a potential public stairway. If constructed, this stairway would extend from Hillside Avenue to the south edge of Swede Alley as it bends around and intersects with Main Street.
- Other future possible uses for the parking area could be snow storage, paid parking or a very small pocket park where the stairways meet.
- The ROW could also be landscaped; however that alternative isn't suggested due to the parking pressures around Historic Main Street.

Parking Impacts to Historic Main Street

The parking space configuration outlined in the Encroachment Agreement allowed up to seven (7) vehicles to park. With the proposed updated encroachment permit, seven (7) vehicles would still be parked:

- One (1) vehicle off-street on 206 Grant Avenue,
- One (1) vehicle on the access drive to 206 Grant Avenue, and
- Five (5) vehicles parked in the remaining space.

With the current parking pressures along and around Historic Main Street, reduction in any parking spaces in this corridor could increase parking pressures elsewhere.

Precedent
In October 1995, an encroachment permit was issued to 210 Grant Avenue for the right to construct one parking space within City property commonly known as Swede Alley. This parking space is still located in the ROW but has been moved to the south side of 210 Grant Avenue and the parking space is now perpendicular to traffic movement.

Assignment of the Encroachment Permit
The 2007 encroachment permit notes that it is appurtenant to 206 Grant Avenue. The 2007 encroachment permit also notes that it is not transferable to other properties, but is freely transferable with the title to 206 Grant Avenue. This proposed updated encroachment permit would be needed to allow 221 Main Street (Imperial Hotel) to exclusively use this area for parking.

Department Review:
This report has been reviewed by City Manager, Public Works, Planning, Sustainability and Legal. All issues have been resolved.

Alternatives:

A. Approve the Request:
This is the staff's recommendation.

B. Deny the Request:
If this request is denied, the existing 2007 Grant Avenue encroachment permit would remain in effect. With 206 Grant Avenue satisfying their parking requirements on-site, the parking created by the existing 2007 Grant Avenue encroachment permit is not needed by 206 Grant Avenue and could be revoked by the City. This revocation and removal of (net) five (5) parking spaces from the Historic Main Street corridor, though, could add parking pressures. If Council denies the request, Staff recommends Council give direction on whether to revoke the Encroachment Agreement and give staff direction on what uses they would like to see in the ROW.

C. Continue the Item:
If the Council needs more information the item can be continued.

D. Do Nothing:
This option would cause the same consequence as denying the request.

Significant Impacts:

	World Class Multi-Seasonal Resort Destination **(Economic Impact)**	**Preserving & Enhancing the Natural Environment** **(Environmental Impact)**	**An Inclusive Community of Diverse Economic & Cultural Opportunities** **(Social Equity Impact)**	**Responsive, Cutting-Edge & Effective Government**
Which Desired Outcomes might the Recommended Action Impact?	+ Accessibility during peak seasonal times + Safe community that is walkable and bike-able		+ Shared use of Main Street by locals and visitors	
Assessment of Overall Impact on Council Priority *(Quality of Life Impact)*	Positive ⇧	Neutral ⇔	Positive ⇧	Neutral ⇔
Comments:				

Because this portion of Grant Avenue was previously being used for private parking and the request is to continue using the space as private parking, significant impacts are not anticipated.

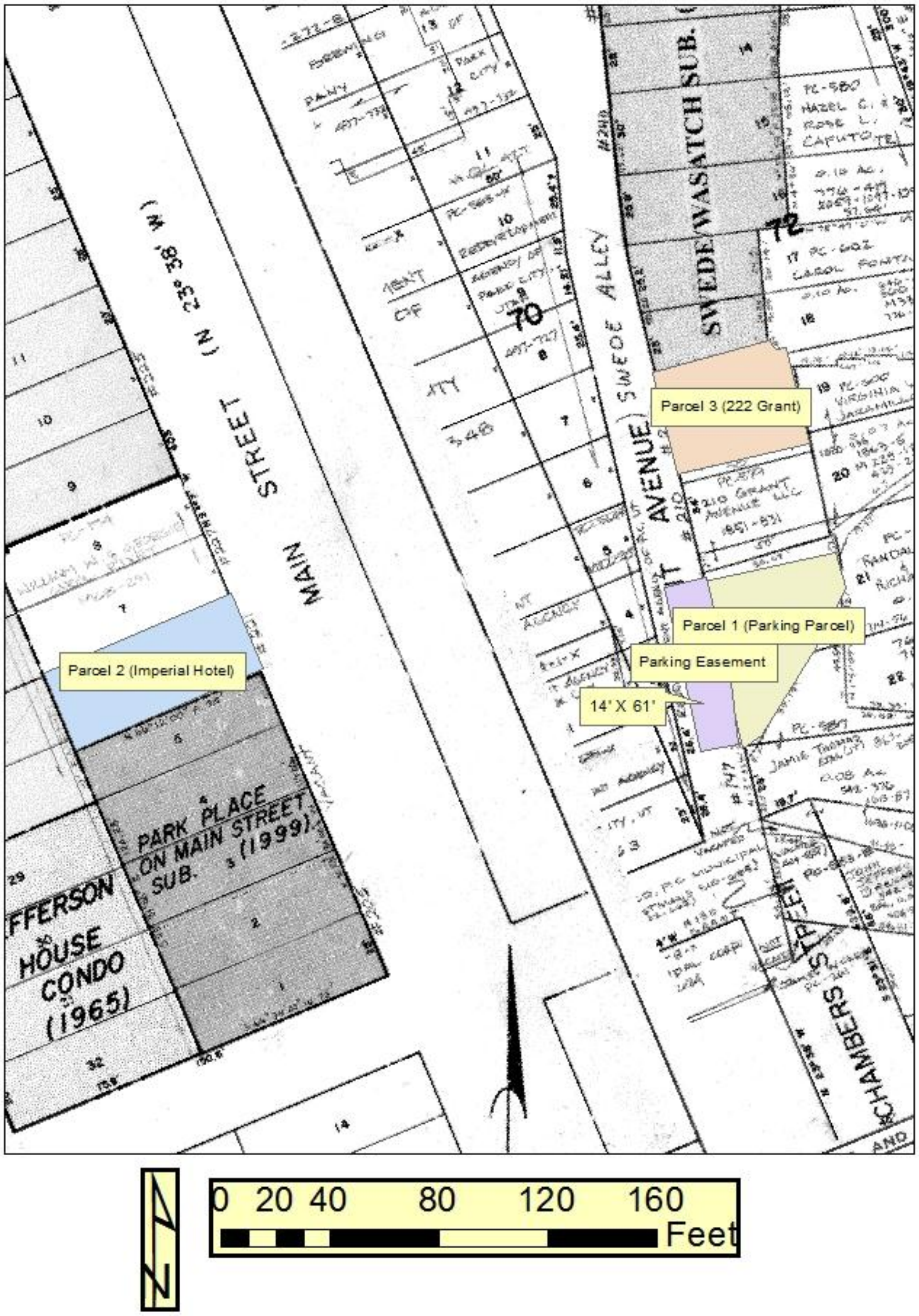
The City does not receive any financial benefit for this encroachment permit. With Council direction, staff could develop and charge a one-time or annual fee for the use of this "parking parcel".

Consequences of not taking the recommended action:
Although minor in nature, the elimination of any parking spaces in the Historic Main Street District (public or private) could exasperate current parking pressures.

Recommendation:
The Council should authorize the City Engineer to execute the attached Encroachment Permit for Improvements in City Right-Of-Way with Myke Hughes and Westlake Land, LLC for parking and access use on a portion of Grant Avenue.

Exhibit A - Map showing the parcels in question
Exhibit B - 2007 Encroachment Permit for Improvements in City Right-of-Way (206 Swede aka Grant Ave)
Exhibit C - Proposed Encroachment Permit for Improvements in City Right-of-Way (2013)
Exhibit D - Co-operation Agreement between Myke Hughes and Westlake Land, LLC

Imperial Hotel Parcels



ENTRY NO. 00806250
03/05/2007 03:30:06 PM B: 1851 P: 0532
Encroachment PAGE 1 / 5
ALAN SPRIGGS, SUMMIT COUNTY RECORDER
FEE $ 0.00 BY PARK CITY MUNICIPAL CORP

When recorded please return to:
PARK CITY MUNICIPAL CORPORATION
Legal Department
P O Box 1480
Park City UT 84060

ENCROACHMENT PERMIT FOR IMPROVEMENTS IN CITY RIGHT-OF-WAY

THIS AGREEMENT is made by and between **PARK CITY MUNICIPAL CORPORATION** (City) and **Avenues Communities, Inc., an Arizona Corporation,** (Owners) to set forth the terms and conditions under which the City will permit the Owner to build, maintain, and use certain improvements within the City property and right-of-way in platted Grant Avenue, Park City, Utah. Subject to the following terms and conditions of this agreement, Owner shall have the right to exclusive use of surface parking within City rights-of-way and easements adjacent to 206 Swede Avenue, Park City.

1. This encroachment agreement shall be appurtenant to the following described property:

A parcel of land located in the southeast quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point that is South 13°34'00" East 4.86 feet from the northwest corner of Lot 23, Block 72, Millsite Reservation to Park City Survey; and running thence along the westerly boundary of said Block 72 North 13°34'00" West 70.45 feet; thence North 73°19'52" East 50.07 feet; thence South 13°34'00" East 15.52 feet to a point on the northwesterly boundary of a parcel described in that warranty deed, entry #705795 in the office of the recorder, Summit County, Utah; thence along the northwesterly boundary of said warranty deed the following four (4) courses: 1) South 23°16'46" West 5.67 feet; thence 2) South 23°15'00" West 23.54 feet; thence 3) South 28°11'48" West 39.14 feet; thence 4) South 38°12'00" West 8.18 feet to the point of beginning.

This agreement is not transferable to other property, but is freely transferable with the title to this Property. The license and conditions as stated in the agreement, are binding on the successors in title or interest of Owners.

2. The improvements permitted within the City right of way shall consist of existing surface parking improvements as shown as "Edge of Asphalt Parking" on the 206 Swede Alley

Survey dated 3/5/07 by Alliance Engineering, Inc. and attached as Exhibit A. ("Encroachments') This Permit includes the right to maintain the Encroachments consistent with applicable sections of the Park City Land Management Code, as amended.

3. The City may, at some future date, elect to install utilities or other public improvements within its rights-of-way and easements. To the extent that any utility work or public improvement requires the removal, relocation, replacement, and/or destruction of the Encroachments the Owners may have been using within the City easement or right-of-way, the City shall require Owners to remove such Encroachments pursuant to the notice in Paragraph 4 below. Owners acknowledge that Owners have no right to compensation for the loss of the Encroachments or loss of the use of the street right-of-way and/or any change in the grade and elevation of the easement. This acknowledgement, in the event the Encroachments are removed for any reason whatsoever in the sole determination of the City, is the consideration given for the granting of this permit for the continued encroachment.

4. Prior to commencing public improvements in a manner that will require the removal or relocation of the Encroachments, the City will give the Owner ninety (90) days notice, in which time the Owner shall make adjustments and remodel the improvements as necessary to accommodate the changes in the Property at Owner's cost.

5. No permanent right, title, or interest of any kind shall vest in the Owner in the easement or right-of-way by virtue of this agreement. The property interest hereby created is a revocable license, and not an easement or other perpetual interest. No interest shall be perfected under the doctrines of adverse possession, prescription, or other similar doctrines of law based on adverse use, as the use hereby permitted is entirely permissive in nature.

6. The Owner or her successors shall maintain the Encroachments in a good state of repair at all time, and upon notice from the City, will repair any damages, weakened, or failed sections. The Owner agrees to hold the City harmless and indemnify the City for any and all claims which might arise from third parties, who are injured as a result of the Owner's use of the easement or rights-of-way for private purposes, or from the failure of the Owner's improvements. Nothing herein shall limit or waive any provision or defense of the Utah Government Immunity Act.

7. This agreement shall be in effect until the license is revoked by the City. Revocation shall be effected by the City recording a notice of revocation with the Summit County Recorder and

sending notice to Owner or her successors.

DATED this 28th day of February, 2007.

PARK CITY MUNICIPAL CORPORATION

Eric W DeHaan PE

Eric W. DeHaan, P.E.
City Engineer

STATE OF UTAH)
) ss.
COUNTY OF SUMMIT)

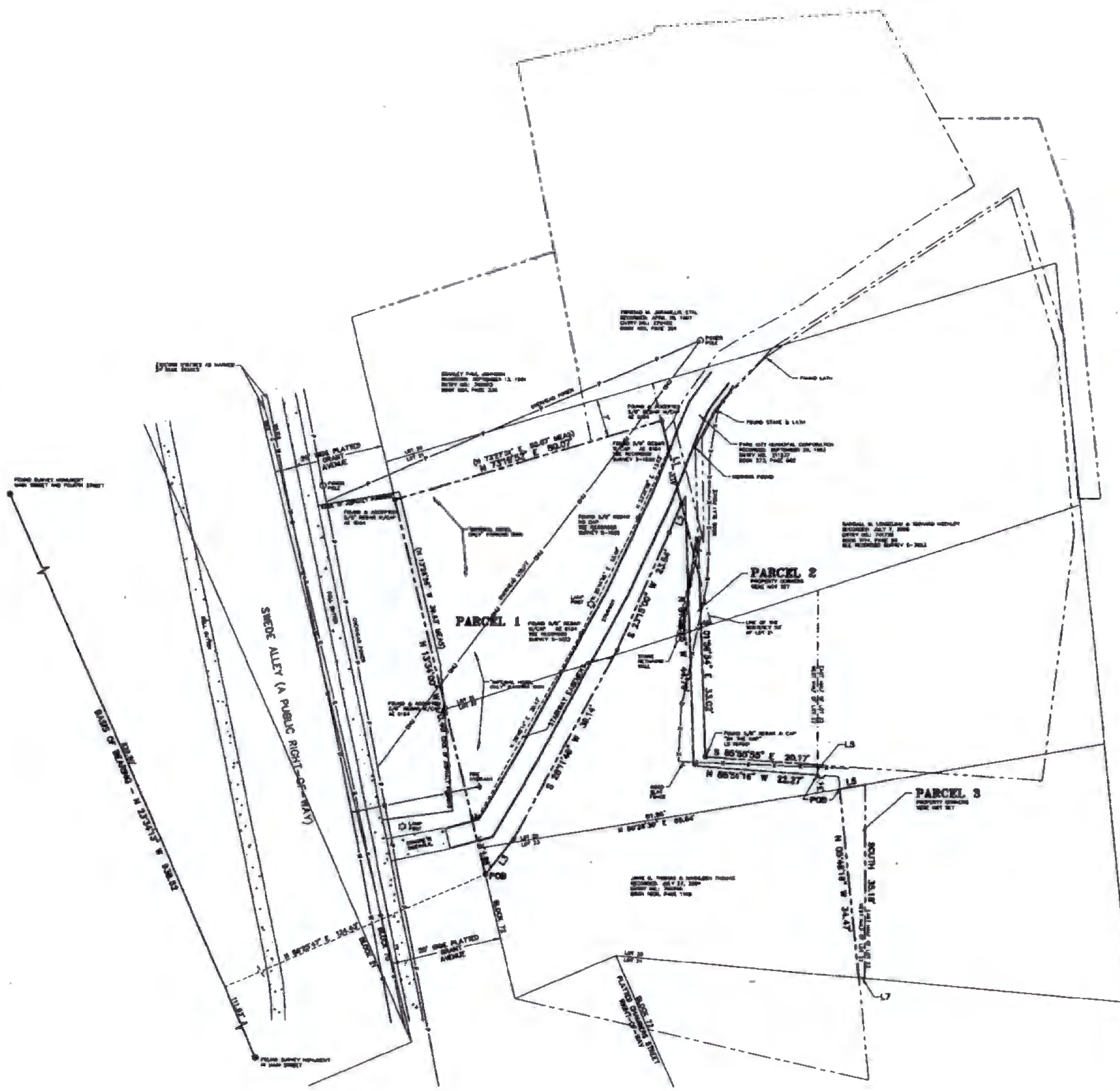
On this 28th day of February, 2007, before me, the undersigned notary public, personally appeared Eric DeHaan, City Engineer for Park City, personally known to me/proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same on behalf of Park City Municipal Corporation.

NOTARY PUBLIC
JENNIFER BYRD
445 Marsac Ave
Park City UT 84060
COMMISSION EXPIRES
2-08-09
STATE OF UTAH

Jennifer Byrd
Notary Public

Exhibit A- Survey

K:\legal\CL\FORMS\HopkinsEncroachment.wpd



SURVEYOR'S CERTIFICATE

To Park City Municipal Corporation and Founders Title Company:

This is to certify that this map or plat and the survey on which it is based were made in accordance with "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys," jointly established and adopted by ALTA, ACSM and NSPS in 2005, and includes Items 1, 3, 4, 8, 9, 10, 11a and 13 of Table A thereof. Pursuant to the Accuracy Standards as adopted by ALTA, NSPS, and ACSM and in effect on the date of this certification, undersigned further certifies that the Positional Uncertainties resulting from the survey measurements made on the survey do not exceed the allowable positional tolerance.

John Demkowicz, No. 154491 — 3-5-07 Date

NARRATIVE

1. This survey is performed in conjunction with a Commitment for Title Insurance issued by Founders Title Company dated February 23, 2007 as File No. F-510564A.
2. The following exceptions in Schedule B, Section II of the title commitment dated February 23, 2007 as File No. F-510564A are not addressed by this survey: 1-21.
3. The subject property is located in Zone A according to the Federal Flood Insurance Rate Map, panel number 490139 0005 B, dated July 16, 1987.
4. Underground utilities are not within the scope of this survey.
5. Total area = 2,478 sq ft.
6. This survey amends and supersedes the surveys dated October 17, 2006, and November 3, 2006.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 13°34'00" E	15.52
L2	S 23°16'46" W	5.67
L3	S 38°12'00" W	8.18
L4	N 13°34'00" W	10.37
L5	N 00°00'00" E	1.83
L6	N 80°28'38" E	4.68
L7	N 84°44'44" W	1.13

LEGEND

- ● Found survey monument
- ● Set 5/8" rebar w/cap, ALLIANCE ENGR/LS 154491

DESCRIPTIONS

PARCEL 1

A parcel of land located in the southeast quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point that is South 13°34'00" East 4.88 feet from the northwest corner of Lot 23, Block 72, Millsite Reservation to Park City Survey; and running thence along the westerly boundary of said Block 72 North 13°34'00" West 70.45 feet; thence North 73°19'52" East 50.07 feet; thence South 13°34'00" East 15.52 feet to a point on the northwesterly boundary of a parcel described in that warranty deed, entry #705795 in the office of the recorder, Summit County, Utah; thence along the northwesterly boundary of said warranty deed the following four (4) courses: 1) South 23°16'46" West 5.67 feet; thence 2) South 23°15'00" West 23.54 feet; thence 3) South 28°11'48" West 39.14 feet; thence 4) South 38°12'00" West 8.18 feet to the point of beginning.

Description contains 2,257 square feet.

STAIRWAY EASEMENT

A parcel of land located in the southeast quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point that is South 13°34'00" East 4.88 feet from the northwest corner of Lot 23, Block 72, Millsite Reservation to Park City Survey; and running thence along the westerly boundary of said Block 72 North 13°34'00" West 10.31 feet; thence North 75°24'44" East 0.99 feet; thence North 26°45'14" East 38.47 feet; thence North 25°44'56" East 23.49 feet; thence North 25°32'05" East 13.83 feet; thence South 13°34'00" East 10.19 feet to a point on the northwesterly boundary of a parcel described in that warranty deed, entry #705795 in the office of the recorder, Summit County, Utah; thence along the northwesterly boundary of said warranty deed the following four (4) courses: 1) South 23°16'46" West 5.67 feet; thence 2) South 23°15'00" West 23.54 feet; thence 3) South 28°11'48" West 39.14 feet; thence 4) South 38°12'00" West 8.18 feet to the point of beginning.

Description contains 539 square feet.

PARCEL 2

A parcel of land located in the southeast quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at the northwest corner of Lot 23, Block 72, Millsite Reservation to Park City Survey and thence along the northerly line of said Lot 23 North 80°28'38" East 61.58 feet and North 3.14 feet to the point of beginning, said point being on the boundary of a parcel described in that certain warranty deed, entry #705795 in the office of the recorder, Summit County, Utah; and running thence along the boundary of said warranty deed #705795 the following two (2) courses: 1) North 85°51'16" West 22.27 feet; thence 2) North 01°52'25" West 44.76 feet; thence South 13°34'00" East 10.37 feet to the westerly boundary of a parcel described in that certain warranty deed, entry #741739 in the office of the recorder, Summit County, Utah; thence along the westerly and southerly boundaries of said warranty deed #741739 the following two (2) courses: 1) South 01°56'54" East (deed South 01°51'08" East) 33.02 feet; thence 2) South 85°55'35" East (deed South 85°50'10" East) 20.17 feet; thence South 1.83 feet to the point of beginning.

Description contains 121 square feet

PARCEL 3

A parcel of land located in the southeast quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point that is North 80°28'38" East 65.64 feet from the northwest corner of Lot 23, Block 72, Millsite Reservation to Park City Survey, said point also being on the northerly boundary of said Lot 23 and on the easterly boundary of a parcel described in that certain warranty deed #705795 in the office of the recorder, Summit County, Utah; and running thence along the northerly boundary of said Lot 23 North 80°28'38" East 4.68 feet; thence South 35.18 feet to the southerly boundary of said Lot 23; thence along the southerly boundary of said Lot 23 North 84°44'44" West 1.13 feet to the easterly boundary of said warranty deed #705795; thence along the easterly boundary of said warranty deed #705795 North 05°48'16" West 34.47 feet to the point of beginning.

Description contains 100 square feet

Alliance Engineering — (435) 649-9467 — Consulting Engineers, Land Planners, Surveyors	STAFF: JOHN DEMKOWICZ, MARSHALL KING, BLAKE WYERS — DATE: 3/5/07	SHEET 1 OF 1	ALTA/ACSM LAND TITLE SURVEY 206 SWEDE ALLEY — FOR: PARK CITY MUNICIPAL CORPORATION — JOB NO.: 2-8-05 — FILE: X:\ParkCitySurvey\dwg\srv\srvy06\020806-2nd amended.dwg

RECORDER'S NOTE

LEGIBILITY OF WRITING, TYPING OR PRINTING UNSATISFACTORY IN THIS DOCUMENT WHEN RECEIVED.

ENCROACHMENT PERMIT FOR IMPROVEMENTS IN CITY RIGHT-OF-WAY

THIS AGREEMENT is made by and between **PARK CITY MUNICIPAL CORPORATION** ("City"), **MYKE HUGHES** ("Hughes"), and **WESTLAKE LAND, LLC** ("Westlake"). Hughes and Westlake are sometimes jointly referred to herein as "Owners"). This agreement sets forth the terms and conditions under which the City will permit the Owners to build, maintain, and use certain improvements within the City property and right-of-way in platted Grant Avenue, Park City, Utah.

1. The City property and right-of-way affected by this agreement is legally described on Exhibit "A" and depicted on Exhibit "B" attached hereto and incorporated by reference herein (the "Parking Parcel"). The twelve-foot wide access lane shown on Exhibit "B" is hereinafter referred to as the "Access Lane". This agreement completely supersedes and replaces that certain Encroachment Permit recorded on March 5, 2007, as Entry No. 00806250, in Book 1851, Page 532 in the office of the County Recorder of Summit County, Utah.

2. Subject to the following terms and conditions of this agreement, Hughes shall have the exclusive use of vehicular and pedestrian ingress and egress and parking over and across the Access Lane, and that portion of the Parking Parcel that is north of the Access Lane. The access and parking rights granted to Hughes shall be appurtenant to the following described property:

> A parcel of land located in the southeast quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:
>
> Beginning at a point that is South 13°34'00" East 4.86 feet from the northwest corner of Lot 23, Block 72, Millsite Reservation to Park City Survey; and running thence along the westerly boundary of said Block 72 North 13°34'00" West 70.45 feet; thence North 73°19'52" East 50.07 feet; thence South 13°34'00" East 15.52 feet to a point on the northwesterly boundary of a parcel described in that warranty deed, entry #705795 in the office of the recorder, Summit County, Utah; thence along the northwesterly boundary of said warranty deed the following four (4) courses: 1) South 23°16'46" West 5.67 feet; thence 2) South 23°15'00" West 23.54 feet; thence 3) South 28°11'48" West 39.14 feet; thence 4) South 38°12'00" West 8.18 feet to the point of beginning.

Hughes' rights hereunder are not transferable to other property, but are freely transferable with the title to Hughes' property described herein. The license and conditions as stated in this agreement are binding on the successors in title or interest of Hughes.

3. Subject to the following terms and conditions of this agreement, Westlake shall have the exclusive use of surface parking on all of the Parking Parcel south of the Access Lane. The parking rights granted to Westlake shall be appurtenant to the following described property:

Lot 6 and the North 5 feet of Lot 5, Block 12, Amended Plat of Park City Survey according to the official plat thereof on file and of record in the office of the Summit County Recorder. PC-193

Westlake's rights hereunder are not transferable to other property, but are freely transferable with the title to Westlake's property described herein. The license and conditions as stated in this agreement are binding on the successors in title or interest of Westlake.

4. The improvements permitted within the Parking Parcel shall consist of existing surface parking improvements shown as "Edge of Asphalt Parking" on the 206 Swede Alley Survey dated 3/4/07 by Alliance Engineering, Inc. and attached as Exhibit A ("Encroachments"). This Permit includes the right to maintain the Encroachments consistent with applicable sections of the Park City Land Management Code, as amended.

5. The City may, at some future date, elect to install utilities or other public improvements within its rights-of-way and easements. To the extent that any utility work or public improvement requires the removal, relocation, replacement, and/or destruction of the Encroachments the Owners may have been using within the City easement or right-of-way, the City shall require Owners to remove such Encroachments pursuant to the notice in Paragraph 6 below. Owners acknowledge that Owners have no right to compensation for the loss of the Encroachments or loss of the use of the street right-of-way and/or any change in the grade and elevation of the easement. This acknowledgement, in the event the Encroachments are removed for any reason whatsoever in the sole determination of the City, is the consideration given for the granting of this permit for the continued encroachment.

6. Prior to commencing public improvements in a manner that will require the removal or relocation of the Encroachments, the City will give the Owners ninety (90) days notice, in which time the Owners shall make adjustments and remodel the improvements as necessary to accommodate the changes in the property at Owner's cost.

7. No permanent right, title, or interest of any kind shall vest in the Owners in the easements or rights-of-way by virtue of this agreement. The property interests hereby created are revocable licenses, and not an easement or other perpetual interest. No interest shall be perfected under the doctrines of adverse possession, prescription, or other similar doctrines of law based on adverse use, as the use hereby permitted is entirely permissive in nature.

8. The Owners or their successors shall maintain the respective Encroachments controlled by them in a good state of repair at all time, and upon notice from the City, will repair any damaged, weakened, or failed sections. Each Owner agrees to hold the City harmless and indemnify the City for any and all claims which might arise from third parties, who are injured as a result of that Owner's use of the easement or rights-of-way for private purposes, or from the failure of that Owner's improvements. Nothing herein shall limit or waive any provision or defense of the Utah Government Immunity Act.

9. This agreement shall be in effect until the license is revoked by the City. Revocation shall be effected by the City recording a notice of revocation with the Summit County Recorder and sending notice to Owners or their successors.

DATED this ____ day of _______, 2014.

PARK CITY MUNICIPAL CORPORATION

____

Matt Cassel, P.E.
City Engineer

STATE OF UTAH)
:SS.
COUNTY OF SUMMIT)

On this ____ day of _________, 2014, before me, the undersigned notary public, personally appeared Matt Cassel, City Engineer for Park City, personally known to me/proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same on behalf of Park City Municipal Corporation.

____

Notary Public

EXHIBIT "A"

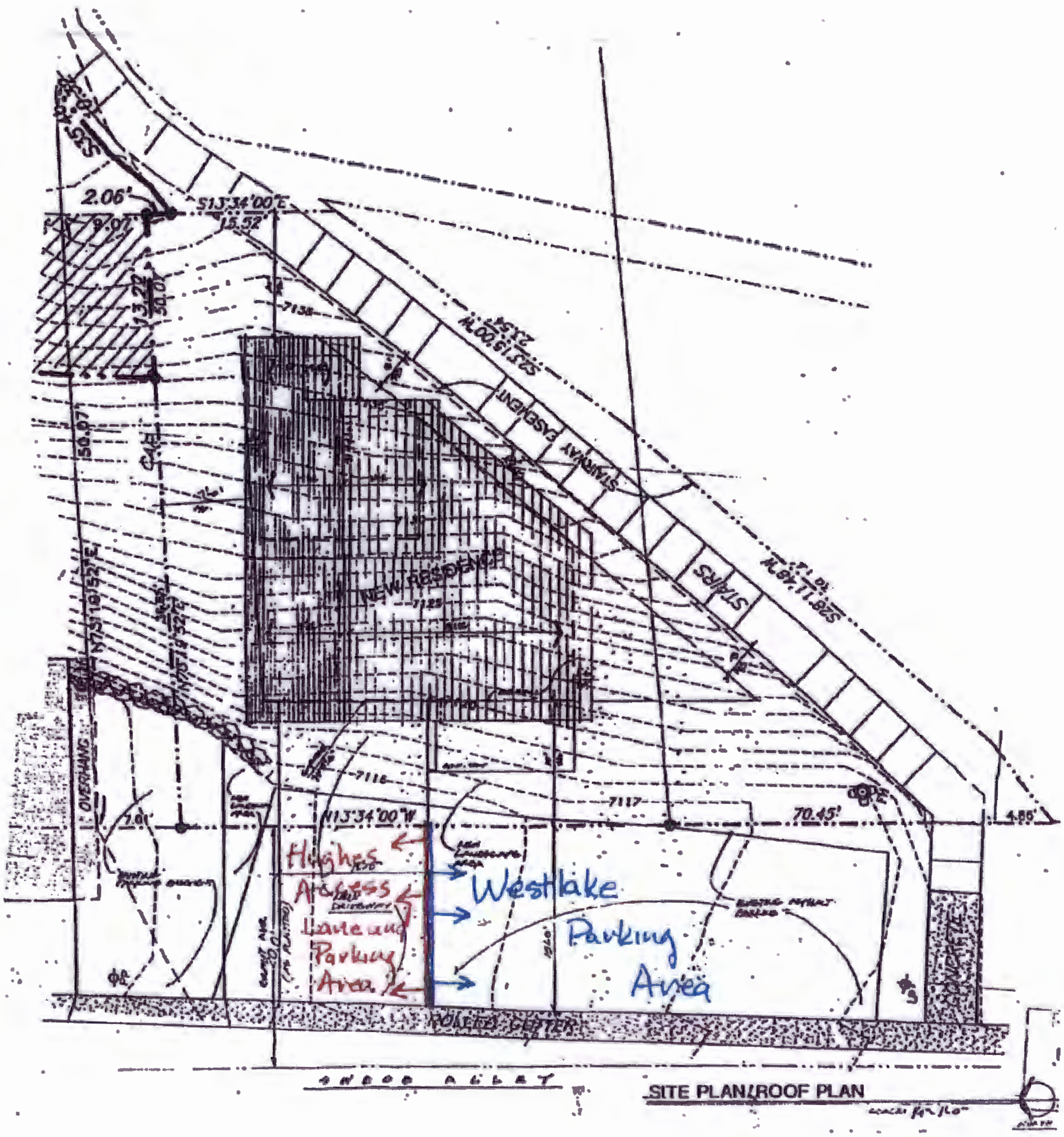
Legal Description of Parking Parcel

A parcel of land located in the southeast quarter of Section 16,Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point that is South 13°34'00"East 4.86 feet from the northwest corner of Lot 23, Block 72, Millsite Reservation to Park City Survey; and running thence along the westerly boundary of said Block 72 North 13°34'00" West 70.45 feet; thence North 73°19'52" East 50.07 feet; thence South 13°34'00"East 15.52 feet to a point on the northwesterly boundary of a parcel described in that warranty deed, entry#705795 in the office of the recorder, Summit County, Utah; thence along the northwesterly boundary of said warranty deed the following four (4) courses: 1) South 23°16'46" West 5.67 feet; thence 2) South 23°15'00" West 23.54 feet; thence 3) South 28°11'48" West 39.14 feet; thence 4) South 38°12'00" West 8.18 feet to the point of beginning.

EXHIBIT "B"

Depiction of the Parking Parcel



4821-6140-8026, v. 1

CO-OPERATION AGREEMENT

THIS CO-OPERATION AGREEMENT (this "Agreement") is made and entered into this 11th day of April, 2014, by and between WESTLAKE LAND, LLC, a Utah limited liability company ("Westlake") and MYKE HUGHES, an individual residing in ~~Kane~~ Summit County, State of Utah ("Hughes").

RECITALS

A. Hughes owns certain real property at 206 Grant Avenue, Park City, Summit County, Utah (the "Hughes Property") on which Hughes desires to build a single family dwelling (the "Hughes Residence"). The Hughes Property is adjacent to Grant Avenue, which has been platted by Park City to be a public street but is not currently in use as a public street. Hughes requires access over a portion of Grant Avenue in order to access the Hughes Residence.

B. On or about February 28, 2007, Park City Municipal Corporation ("Park City") granted an Encroachment Permit for Improvements in City Right-of-Way (the "Encroachment Permit") to the prior owner of both the Hughes Property and the Imperial Hotel Property as defined below, which Encroachment Permit is by its terms appurtenant to the Hughes Property. The Encroachment Permit was recorded on March 5, 2007, as Entry No. 00806250, in Book 1851, Page 532 in the office of the County Recorder of Summit County, Utah.

C. Westlake owns real property at 205 Main Street, Park City, Summit County, Utah (the "Imperial Hotel Property"), and desires to use portions of the property which is the subject of the Encroachment Permit (interchangeably, the "Encroachment Permit Property" and the "Parking Parcel"), and claims rights to do so.

D. Hughes has been granted by the Park City Board of Adjustment a variance to omit a second space parking requirement for the Hughes Residence, which variance was approved on March 18, 2014 (the "Variance"). Westlake opposed the Variance on the ground that Hughes intends to access the Hughes Residence over a portion of the Encroachment Permit Property and such access will interfere with Westlake's use of the Encroachment Permit Property. Westlake intends to appeal the Variance decision of the Board of Adjustment unless the parties enter into this Agreement.

E. Westlake and Hughes have agreed to this Agreement pursuant to which the parties will together propose to Park City that both parties be permitted to use the Encroachment Permit Property for parking purposes as set forth herein.

4810-7823-0810.2

TERMS AND CONDITIONS

NOW, THEREFORE, in consideration of the mutual promises contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Co-operation to Obtain Amended Encroachment Permit. Hughes and Westlake will co-operate reasonably with each other to obtain an amended encroachment permit (the "Amended Encroachment Permit") from Park City containing the following terms and conditions:

(i) Hughes will have a twelve-foot wide access lane (the "Access Lane") across the Encroachment Permit Property at the location shown on the attached Exhibit "A" for access to the Hughes Property. In addition, Hughes will have the exclusive right to use the portion of the Encroachment Permit Property to the north of the Access Lane (the "Hughes Parking Space") for parking. Westlake agrees that it will not interfere with or obstruct the Access Lane or the Hughes Parking Space, that it will not park vehicles on the Access Lane or in the Hughes Parking Space, and that it will take commercially reasonable steps to ensure that its guests and invitees do not park on the Access Lane. Westlake agrees that Hughes may post signage prohibiting parking on the Access Lane and the Hughes Parking Space and may cause violators to be towed. Hughes and Hughes' guests and invitees may park in the Access Lane and in the Hughes Parking Space. Hughes will be solely responsible for the maintenance including snow removal on the Access Lane and the Hughes Parking Space.

(ii) All of the Parking Parcel south of the Access Lane will be reserved exclusively for vehicular parking by Westlake and its owners, guests and invitees, including without limitation guests of the Imperial Hotel Property. Hughes agrees that he and his guests and invitees will not obstruct or interfere with such use of the Parking Parcel (other than the Access Lane and the Hughes Parking Space). Westlake may post signage reserving the Parking Parcel (other than the Access Lane and the Hughes Parking Space) for the exclusive parking use of the Imperial Hotel. Westlake will be solely responsible for the maintenance including snow removal on all of the Encroachment Permit Parking less the Access Lane and the Hughes Parking Space.

(iii) Notwithstanding any other provision in this Agreement, the parties agree that Hughes shall have exclusive use of the entire Permit Parking parcel until the earlier of (a) issuance of a certificate of occupancy on the residence to be constructed on the Hughes Property, and (b) December 31, 2014. During this period of exclusive use Westlake may take advantage of rights associated with the parking at Hughes personal residence located at 156 Sandridge, Park City.

(iv) Without limiting the foregoing, Hughes and Westlake will sign a letter to Park City in the form attached hereto as Exhibit "B", and will encourage Park City to sign the form of Amended Encroachment Permit attached hereto as Exhibit "C". Hughes and Westlake will each pay their own attorney's fees in connection with the co-operation contemplated in this Agreement, and Westlake will pay all other fees and costs (such as engineering fees, recording fees, and City charges) necessary to obtain the Amended Encroachment Permit.

2. Maintenance of Parcels. In the event the parties obtain the Amended Encroachment Permit from Park City, Hughes will maintain the permitted improvements on the Access Lane and the Hughes Parking Space and keep them in good condition, and Westlake will maintain the permitted improvements the remainder of the Parking Parcel and keep them in good condition.

3. Release. Upon execution of this Agreement, and in consideration of Hughes' agreement to co-operate with Westlake as contemplated in this Agreement: (a) subject only to Hughes' co-operation with Westlake in approaching Park City in connection with the Amended Encroachment Permit as contemplated in this Agreement, Westlake unconditionally releases and irrevocably and absolutely forever waives any right to object to or appeal the Variance decision of the Board of Adjustment referred to in Recital C above, and Westlake agrees not to oppose the Hughes Residence as designed and located in the drawings and applications submitted by Hughes to Park City, as the same may be amended (so long as no such amendment adversely affects the possibility of Park City of granting the Amended Encroachment Permit), and (b) Hughes agrees not to oppose or object to parking on the Parking Parcel (other than the Access Lane and the Hughes Parking Space) by Westlake, its owners, guests and invitees, including guests of the Imperial Hotel Property. Westlake here specifically acknowledges and agrees that it is uncertain whether Park City will grant the Amended Parking Permit, and that Park City granting the Amended Parking Permit shall in no event be construed as a condition to Westlake's release, waiver and covenant contained in (a) above, it being understood that Hughes' co-operation with Westlake in connection therewith as contemplated in this Agreement is the consideration for such release, waiver and covenant. If the Amended Encroachment Permit is not finalized with the City and recorded by July 31, 2014, then Westlake and Hughes agree to enter into an agreement that allocates their respective rights in the current Parking Parcel and Access Lane with respect to each other as set forth herein; provided, Westlake acknowledges that: (i) while Hughes is willing to enter into and abide by such an agreement as between Westlake and Hughes under such circumstances, any such agreement and the rights contained therein will be subject to the Encroachment Permit or such other agreement (or right) granted by Park City with respect to the parking within the Parking Parcel; (ii) the Encroachment Permit does not grant authority to Hughes to extend the right thereunder to any property other than the Hughes Parcel, including any property owned by Westlake (including the Imperial Hotel Property); and (iii) Park City may object to any such agreement and may take action in connection therewith, which action may include, without limitation, the termination of the Encroachment Permit or such other agreement (or right) granted by Park City with respect to the parking within the Parking Parcel; and Westlake agrees that Hughes shall in no event be liable to Westlake or any other party in the event Park City objects to such an agreement and/or takes any action in connection therewith, including, without limitation, terminating the Encroachment

Permit or such other agreement (or right) granted by Park City with respect to the parking within the Parking Parcel.

4. Representations and Warranties. Hughes and Westlake each represent to the other that they have full authority and power to enter into this Agreement and to consummate the transactions described herein, that they are the sole owners of their respective parcels, and that no approvals or consents of third parties are required for them to enter into and perform this Agreement.

5. Notices. Any notice required or desired to be given under this Agreement shall be considered given either: (i) when delivered in person to the recipient named below, or (ii) two (2) days after deposit in the United States mail in a sealed envelope or container, either registered or certified mail, return receipt requested, postage prepaid, addressed by name to the person and party intended. All notices shall be given at the following addresses:

If to Westlake:	Westlake Land, LLC Attn: Todd Cusick 2082 Edgewood Drive Provo, Utah 84604-4946
With a copy to:	Thomas K. Checketts Kirton McConkie 50 E. South Temple, 4th Floor Salt Lake City, Utah 84111
If to Hughes:	Myke Hughes P.O. Box 3171 Park City, Utah 84060

Either party may designate a different individual or address for notices, by giving written notice thereof in the manner described above.

6. Miscellaneous.

A. Interpretation. Section titles and captions to this Agreement are for convenience only and shall not be deemed part of this Agreement and in no way define, limit, augment, extend, or describe the scope, content, or intent of any part of this Agreement. The parties acknowledge and agree that all of the terms and conditions of this Agreement are contractual in nature and shall be interpreted under any applicable law as contractual obligations, and each party waives any claims or defenses to the contrary.

B. Applicable Law. This Agreement shall be construed in accordance with and governed by the laws of the State of Utah.

C. Successors and Assigns. The terms and conditions of this Agreement shall inure to the benefit of and be binding upon the parties, their successors and assigns.

D. Integration. This Agreement constitutes the entire agreement between the parties pertaining to the subject matter hereof, and supersedes all prior agreements and understandings pertaining thereto. No covenant, representation, or condition not expressed in this Agreement shall affect or be deemed to interpret, change, or restrict the express provision hereof. Any amendment or modification to this Agreement shall be in writing and signed by authorized agents or officers of the parties.

E. No Waiver. No failure by any party to insist upon the strict performance of any covenant, duty, agreement, or condition of this Agreement or to exercise any rights or remedy for a breach of this Agreement shall constitute a waiver of any such breach or of such right or remedy or of any other covenant, agreement, term, or condition.

F. Further Assurances. Each party hereby agrees to execute and deliver such additional instruments as may be reasonably necessary to implement the provisions of this Agreement and are not inconsistent with any of the provisions hereof.

G. Rights and Remedies. The rights and remedies of any of the parties stated herein are not intended to be exclusive, and the exercise of one or more of the provisions of this Agreement shall not preclude the exercise of any other provisions.

H. Enforceability and Litigation Expenses. If any action is brought because of any breach of or to enforce or interpret any of the provisions of this Agreement, the party prevailing in such action shall be entitled to recover from the other party reasonable attorneys' fees and court costs incurred in connection with such action, the amount of which shall be fixed by the court and made a part of any judgment rendered.

I. Counterparts and Electronic Transmission. This Agreement may be executed in any number of counterparts, provided each counterpart is identical in its terms. Each such counterpart, when executed and delivered will be deemed to be an original, and all such counterparts shall be deemed to constitute one and the same instrument. Facsimile or other electronic transmission of a signed counterpart shall be deemed to constitute delivery of the signed original.

J. Exhibits. The following exhibits are attached to this Agreement and incorporated by reference herein:

Exhibit "A" – Depiction and Legal Description of Parking Parcel and Access Lane
Exhibit "B" – Letter to Park City
Exhibit "C" – Form of Amended Encroachment Agreement

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first above written.

WESTLAKE LAND, LLC:

By: ____________________
Its: MANAGER

HUGHES:

____
Myke Hughes

IN WITNESS WHEREOF, the partics have executed this Agreement as of the day and year first above written.

WESTLAKE LAND, LLC:

By: [signature]
Its: MANAGER

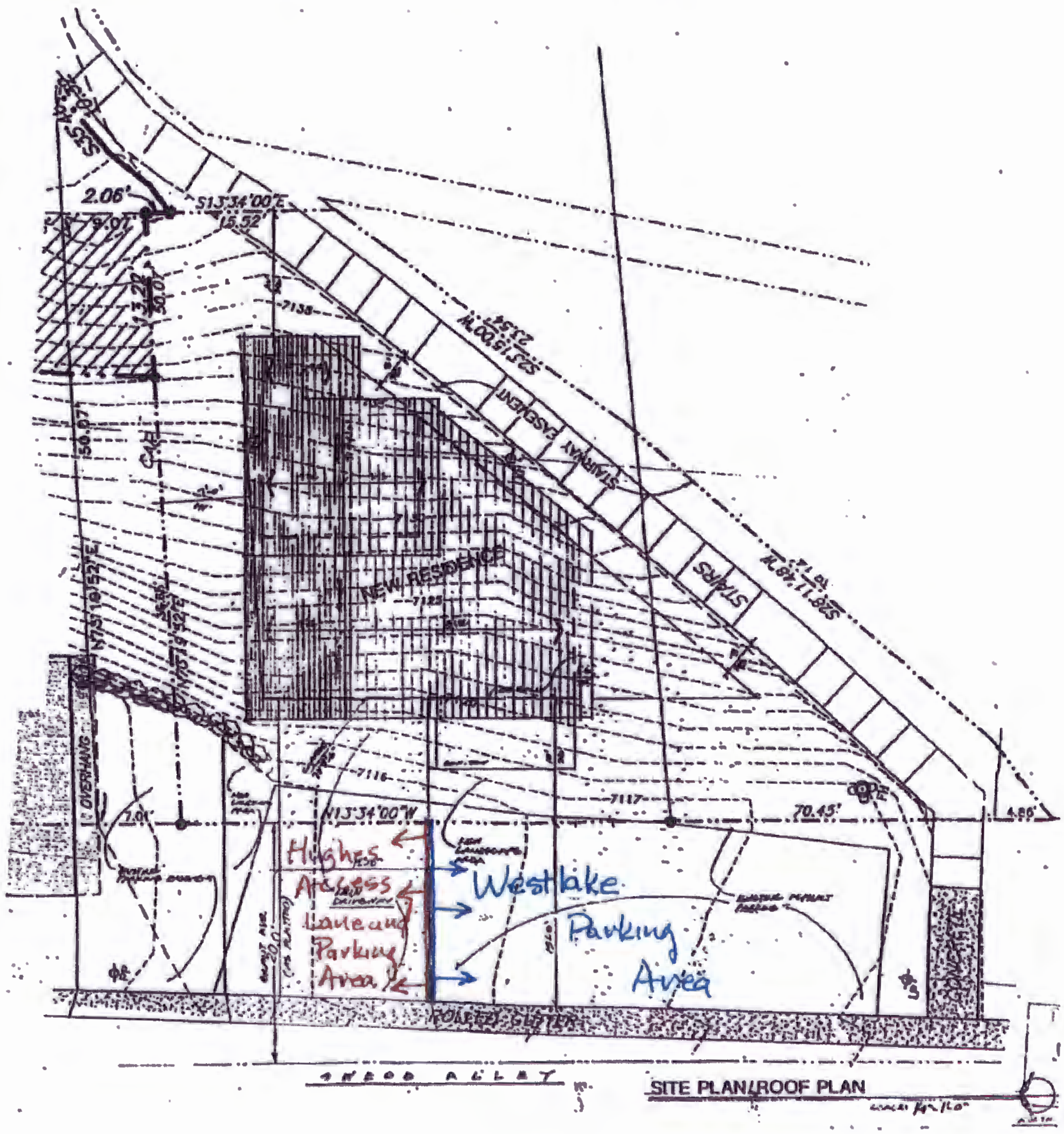
HUGHES:

[signature]
Myke Hughes

4810-7823-0810.2

EXHIBIT "A"

Depiction of Parking Parcel,
Access Lane and Hughes Parking Parcel



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4810-7823-0810.2

April 10, 2014

Park City Municipal Corporation
Attn: Christy J. Alexander
445 Marsac Ave.
P.O. Box 1480
Park City, Utah 84060-1480

Re: PL-14-02264 – 206 Grant Avenue

Dear Ms. Alexander:

As you know, Myke Hughes, owner of the property at 206 Grant Avenue, has been granted by the Park City Board of Adjustment for a variance from the requirement of two (2) parking spaces per single family dwelling. Westlake Land, LLC, owner of the Imperial Hotel property, has opposed granting of the variance.

Mr. Hughes and Westlake Land, LLC, have reached an understanding which they believe will benefit both parties and the City, and have entered into an agreement in connection therewith. The agreement contemplates that both parties will approach Park City and request an amendment of that certain Encroachment Permit for Improvements in City Right-of-Way between Park City Municipal Corporation and Avenues Communities, Inc. dated February 28, 2007 (the "Encroachment Permit"). The Encroachment Permit was recorded on March 5, 2007, as Entry No. 00806250, in Book 1851, Page 532 in the office of the County Recorder of Summit County, Utah. Such amendment would provide for parking and access rights in favor of Mr. Hughes, and parking rights in favor of Westlake Land.

A draft of the proposed amendment of the Encroachment Permit is enclosed with this letter. The undersigned hereby respectfully request that Park City amend the Encroachment Permit as shown. Any questions about this request can be directed as follows:

If to Myke Hughes: Myke Hughes P.O. Box 3171 Park City, Utah 84060	If to Westlake Land, LLC: Attn: Todd Cusick 2082 Edgewood Drive Provo, Utah 84604-4946

Thank you for your helping us implement this amicable solution.

Sincerely,

Westlake Land, LLC

By: Todd Cusick
Todd Cusick

____
Myke Hughes

April 10, 2014

Park City Municipal Corporation
Attn: Christy J. Alexander
445 Marsac Ave.
P.O. Box 1480
Park City, Utah 84060-1480

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Myke Hughes
P.O. Box 3171
Park City, Utah 84060

If to Westlake Land, LLC:
Attn: Todd Cusick
2082 Edgewood Drive
Provo, Utah 84604-4946

Thank you for your helping us implement this amicable solution.

Sincerely,

Myke Hughes

Westlake Land, LLC

By: ____________
Todd Cusick

PARK CITY COUNCIL MEETING MINUTES –DRAFT
SUMMIT COUNTY, UTAH,
July 31, 2014

BOARD OF ADJUSTMENT MEMBER INTERVIEWS
Mayor and Council conducted Board of Adjustment Interviews.

Work Session
Council Questions and Comments and Manager's Report
Council member Beerman attended a constructive COSAC meeting. Also attended Mountain Accord meetings stating he is looking forward to the upcoming updates. He gave a shout out to the PC MARC as well as the Golf Course who both received "People's Choice" awards.

Council member Matsumoto spoke with some folks who are looking at reenergizing the Library Foundation and she was in favor.

Council member Simpson thanked staff for the manager's report stating she had forgotten about the water line project and was pleased to have the information available to answer questions she had received.

Council member Henney was also pleased with the information regarding the water line project as he too had forgotten. Attended the Silly Market Sunday and felt everything was progressing on track. Thanked Dave Gustafson for the Library walk-through. Also attended Planning Commission meeting as well as a Mountain Accord meeting.

Mayor Thomas attended the Snyderville Basin Reclamation Water District meeting and bar-b-cue where they discussed impacts and growth. They also sent accolades to Clint McAffee describing how great he is to work with. Then inquired about a structure on Daly Avenue that looks like a construction site with blue tarps. Eddington stated that it is a very old panelization and that staff will follow up to get the project moving along. Council member Beerman then inquired about a demolition of what looks to be a historic structure on Park Avenue. Eddington stated that it is a historic structure and staff caught the demo in progress and has stopped the work. It was done without approval and staff is now working to salvage what they can in the project. Council member Matsumoto would like to see a large fine issued. Council member Simpson would like to see a manager's report regarding panelization storage and the monitoring process.

Council member Henney inquired about the Construction update manager's report in regards to confirming that there will be bike racks installed in the Terigo plaza. Weidenhamer stated that staff is taking Council feedback seriously and will be installing bike racks; however, they do have to look at it from a staff level, a design level, and a practicality level and do not want to place racks around town that are ill placed. Henney also would like to seriously look into Soul Poles designing a bike rack out of bamboo.

One item of staff communication was from Ann Ober and Matt Abbot in regards to Renewable Energy and Georgetown University Energy prize liaisons. Ober stated they have been working with Mayor Thomas and Council member Beerman and were looking for head nods that this was agreeable with Council. All nods were in favor.

Transportation Planning Update

Kent Cashel, Transportation Manager, discussed Vision Park City, General Plan, transportation agreements and the transportation plans stating he feels that these documents only work if you embrace the visions of the community. Discussed the current adopted transportation plans including the SR 248 & SR 224 Corridor Plans, Transportation Master Plan, Short Range Transit Plan and the Trails Master Plan. Discussed the outside factors that will impact the Transportation Master Plan such as: Mountain Accord, One Wasatch, Deer Valley Gondola, PCMR Transit Hub, UDOT Winter Road Closure, Basin Long Range transportation plan, Federal Funding challenges and the State's transportation model. Cashel discussed each factor in detail stating that there are impacts both positives and negatives to each item. Mayor Thomas agreed that each item is a holistic concept that needs to be looked at individually.
Mayor Thomas and Council member Simpson spoke to the concerns with opening the Guardsman Pass connection as it affects the community. Council member Beerman stated that he agreed with Mayor Thomas and the rest of Council to be extremely clear that they are not in favor of opening that pass in the winter. Cashel spoke to the federal funding. Council member Simpson stated that they are aware how lucky the City has been with receiving federal funding and feels that it is smart to look at funding our own projects. Cashel is very excited about the granular data that the new statewide transportation model will offer. Cashel asked for feedback from Council on where staff should focus time. Mayor Thomas inquired if staff could create a matrix to visually identify the impacts of each of the discussed factors to the community. Council member Simpson stated that she would focus on the corridor letter of intent that was written in 2006. Council member Henney felt that the gondola project would be a great benefit to the community and he would love to see it brought forth in a positive light. Council member Matsumoto stated that she feels that the decisions made by Mountain Accord will have a great impact on the community and is anxious to see what they have planned. Mayor Thomas would like to look at lowering the speed limit along SR 224. Cashel outlined the protocol of UDOT. Council concurred to bring the item back to a work session as well as have a city wide speed limit regulation discussion.

City Council Goal Refinement

Jed Briggs, Budget Operations Manager, spoke to the goal refinement regarding adding historic preservation to the Council Goal number 3. Council member Simpson stated that while she appreciates the work of staff she actually felt adding the words "historic fabric" to goal would sound better. Foster stated that all the historic preservation items are currently associated with goal 3. Council member Henney liked Simpson's suggestion but of the choices he would choose #1. Briggs stated that the entire Budget for Outcome items for historic preservation are included with goal 3. Council concurred that while it would sound better to use Simpson's version they will choose version number 1 to eliminate the need to restructure the BFO's.

HISTORIC PRESERVATION BOARD MEMBER INTERVIEWS

Mayor and Council conducted Historic Preservation Board interviews.

Closed Session

Property, Personnel and Litigation

Regular Meeting

I. ROLL CALL- Mayor Jack Thomas called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, August 7, 2014. Members in attendance were Jack Thomas, Andy Beerman, Liza Simpson, Tim Henney and Cindy Matsumoto. Council member Peek was excused. Staff members present were Diane Foster, City Manager; Mark Harrington, City Attorney; Kirsten Whetstone, Planner; Clint McAffee, Water & Streets Manager; Jonathan Weidenhamer, Economic Development; Matt Twombly, Special Events; Christy Alexander, Planner; Marci Heil, City Recorder

II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF
Mayor Thomas disclosed that he was on the Planning Commission during the 30 Sampson hearings and will be recusing himself during that item.

III. PUBLIC INPUT *(Any matter of City business not scheduled on the agenda)*
Chuck Klingenstein, resident, stated that he has a few issues with the construction staging on the North 40 parking lot and the increased number of Special Events. Stated that he did receive a courtesy notice from Troy Dayley regarding the staging on the North 40 lot. He understood from this letter that the staging was supposed to last 1 week and would house roto-millings. This is not what happened, all types of machinery and dump trucks and equipment were used 6 days a week for 2 weeks. His neighbors and he feel that this has come to a crescendo and are very upset with the disruptive activity. The other topic he addressed was the intensification of the Special Events in the City. He discussed the Recreation Master Plan that was adopted in 1991 and how the recreation program has grown. Feels that it is time to revisit the Recreation Master Plan. He does not feel that the plan was ever supposed to address the special events and the transportation of such events. Asked Council to put a stop to the construction staging on the North 40 and would like to recreate a citizens group to revisit the 1991 Recreation Master Plan.

Multiple residents concurred with Chuck's statements and one added that the notice specified the hours of 7am to 7pm and the work continued well past the stop time.

Mayor Thomas stated that he lives on the same street and has experienced the same issue.

IV. CONSIDERATION OF MINUTES FROM JULY 17, 2014 CITY COUNCIL MEETING

Council member Simpson moved to approve the minutes from July 17, 2014
Council member Henney seconded
Approved unanimously

V. APPOINTMENTS AND RESIGNATIONS

Consideration of the following appointments to the Public Art Advisory Board: Bryan Markkanen, Victoria Anderson, Judy Horwitz and Hannah Palmer for a term ending July 2016

Council member Simpson moved to make the aforementioned appointments
Council member Matsumoto seconded
Approved unanimously

VI. OLD BUSINESS

1. Consideration of an Ordinance approving the 1604 & 1608 Deer Valley Drive Plat Amendment pursuant to the findings of fact, conclusions of law and conditions of approval in a form approved by the City Attorney.

Mayor Thomas opened the Public Hearing. There were no comments. Mayor Thomas closed the hearing.

Council member Beerman moved to approve an Ordinance approving the 1604 & 1608 Deer Valley Drive Plat Amendment pursuant to the findings of fact, conclusions of law and conditions of approval in a form approved by the City Attorney.
Council member Simpson seconded
Approved unanimously

2. Consideration of a request for remand to the Planning Commission regarding an appeal of the Planning Commission denial of Steep Slope Conditional Use Permit located at 30 Sampson Avenue

Mayor Thomas recused himself and left the Council Chambers. Planner Whetstone stated that staff and the applicant are asking for a remand to the Planning Commission of the denial of the Steep Slope Conditional Use Permit. This is a new construction single family home on 30 Sampson. In 2013, the CUP was denied and the applicant appealed the decision and requested a continuation in order to approach the State's ombudsman office for an advisory opinion. In light of the advisory opinion staff and the applicant feel that it should be allowed to be remanded back to the Planning Commission for further review. Staff has included findings of fact and conclusions of law to support the remand.

Mayor Pro Tem Simpson opened the Public Hearing. There were no comments. Mayor Pro Tem Simpson closed the hearing.

Council member Matsumoto moved to remand to the Planning Commission regarding an appeal of the Planning Commission denial of Steep Slope Conditional Use Permit located at 30 Sampson Avenue
Council member Henney seconded
Approved unanimously

3. Consideration of the Dority Springs Subdivision located at 1851 Little Kate Road- Plat Amendment Subdivision

Mayor Thomas opened the Public Hearing. There were no comments. Mayor Thomas closed the hearing.

Council member Simpson moved to Continue the consideration of the Dority Springs Subdivision located at 1851 Little Kate Road- Plat Amendment Subdivision to September 4, 2014
Council member Matsumoto seconded
Approved unanimously

4. Consideration of an Ordinance approving the Parkite Commercial Condominiums record of survey plat, located at 333 Main Street, Park City, Utah pursuant to the findings of fact, conclusions of law and conditions of approval stated in an attached ordinance in a form approved by the City Attorney

Mayor Thomas opened the Public Hearing. There were no comments. Mayor Thomas closed the hearing

Council member Beerman moved to Continue the consideration of an Ordinance approving the Parkite Commercial Condominiums record of survey plat, located at 333 Main Street, Park City, Utah to September 18, 2014
Council member Matsumoto seconded
Approved unanimously

VII. NEW BUSINESS

1. Consideration of a Stipulated Compliance Order for the Judge and Spiro Tunnel Utah Pollutant Discharge Elimination System permits between Park City Municipal Corporation and the Utah Division of Water Quality, in a form approve by the City Attorney

Clint McAffee stated that the Stipulated Compliance Order is a companion document to the permits for the water flowing out of the Judge and Spiro tunnels. McAfee stated this is the third rendition of this document and the most recent changes are date extensions that favor the City. There were also changes in the permit documents that the EPA has issued. The EPA is concerned with Silver Creek and the discharge of the water from Judge and Spiro during the compliance period. Stated that staff also needs to install Best Management Practices in Empire Canyon and will be installing a screen in the chlorine tank to screen for sand and timber. Stated that once the Council approves this SCO, McAffee would sign the SCO and there would be a 30 day comment period for the public before this goes into effect. McAffee pointed out that the stream that Judge has been filling will run dry as Judge is moved into Spiro. Council member Beerman clarified to the public that this is not a City decision it is an EPA mandate. Council member Beerman thanked McAffee for all his hard work and is pleased with the results. McAffee thanked Roger McClain and Michelle DeHaan for all their hard work on this project as well.

Council member Simpson moved to approve a Stipulated Compliance Order for the Judge and Spiro Tunnel Utah Pollutant Discharge Elimination System permits between Park City Municipal Corporation and the Utah Division of Water Quality, in a form approve by the City Attorney
Council member Matsumoto seconded
Approved unanimously

2. Consideration of authorization for the City Manager to enter into Addendum #2 to the construction manager at risk (CMAR) contract in a form approved by the City Attorney's Office with Miller Paving Inc. for the Guaranteed Maximum Price (GMP) of Seven Hundred Thirty Thousand One Hundred Seven Dollars ($730,107.000) to construct the plaza from the Transit Center to the Bear Bench (Bear Bench).

Matt Twombly, Sustainability, Jonathan Weidenhamer, Economic Development Manager, David Harrison, Miller Paving and Dan Sontag with MGB&A discussed the Bear Bench plaza walkway. Twombly stated that this project came before Council a few months ago where they discussed this and the City Hall Plaza. Since then the projects have come in significantly over the original estimates. Staff would like to move forward on the Bear Bench project and postpone the City Hall plaza project until Spring 2015 to hopefully get in line with the estimates. Council member Simpson inquired about the screening element. Weidenhamer stated that Maria Brandt, Landscape Architect, picked out the trellis. She also wanted to make sure that the brick is durable enough to take a beating. Twombly reassured Council that the brick is a dark color and will be durable as well as camouflage any stains that will occur. Mayor Thomas inquired about the trees and the lighting element. Twombly stated that the trees will be in landscaped areas and the lighting will be on dimmers. Council member Beerman thanked staff for making the hard choices and really likes the choices they have made. Also found the chart very helpful.

Council member Beerman moved to authorize the City Manager to enter into Addendum #2 to the construction manager at risk (CMAR) contract in a form approved by the City Attorney's Office with Miller Paving Inc. for the Guaranteed Maximum Price (GMP) of Seven Hundred Thirty Thousand One Hundred Seven Dollars ($730,107.000) to construct the plaza from the Transit Center to the Bear Bench (Bear Bench).
Council member Simpson seconded
Approved unanimously

3. Consideration of an Ordinance amending 341 Ontario Avenue Subdivision pursuant to the findings of fact, conclusions of law and conditions of approval in a form approved by the City Attorney.

Planner Alexander stated that applicant owns both lots 21& 22 and would like to combine the lots into one. There is a historic home that crosses lot lines and the applicant is also going to build an addition onto the historic structure. Alexander stated that Planning Commission forwarded a favorable recommendation.

Mayor Thomas opened the Public Hearing. There were no comments. Mayor Thomas closed the hearing

Council member Beerman moved to approve an Ordinance amending 341 Ontario Avenue Subdivision pursuant to the findings of fact, conclusions of law and conditions of approval in a form approved by the City Attorney
Council member Henney seconded
Approved unanimously

4. Consideration of a request for a one year extension of the Council approval of the amended, consolidated, and restated record of survey map for the Parkview Condominiums located at 2260 Jupiter View Drive, Park City, Utah pursuant to the

findings of fact, conclusions of law and conditions of approval in a form approved by the City Attorney

Planner Whetstone stated that this application is a request for a one year extension to the Council approval of the condominiums. Stated that after the approval it was found that all 42 owners had to have their signature notarized on the plat and due to ownership changing and corporation ownership it has proven difficult to obtain all the signatures.

Mayor Thomas opened the Public Hearing. There were no comments. Mayor Thomas closed the hearing

Council member Simpson inquired the final date of the extension. Whetstone stated that it is for May 30, 2015.

Council member Simpson moved to approve a one year extension of the Council approval of the amended, consolidated, and restated record of survey map for the Parkview Condominiums located at 2260 Jupiter View Drive, Park City, Utah pursuant to the findings of fact, conclusions of law and conditions of approval in a form approved by the City Attorney to May 30, 2015
Council member Matsumoto seconded
Approved unanimously

5. Consideration of an Ordinance amending the 200 Ridge Avenue Ridge Overlook Plat pursuant to the findings of fact, conclusions of law and conditions of approval in a form approved by the City Attorney.

Mayor Thomas opened the Public Hearing. There were no comments. Mayor Thomas closed the hearing

Council member Matsumoto moved to Continue the consideration of an Ordinance amending the 200 Ridge Avenue Ridge Overlook Plat pursuant to the findings of fact, conclusions of law and conditions of approval in a form approved by the City Attorney to a date uncertain
Council member Simpson seconded
Approved unanimously

6. Consideration of an Ordinance for the Silver Bird Condominium at Deer Valley First Amendment located at 7379 Silver Bird Drive pursuant to the findings of fact, conclusions of law and conditions of approval in a form approved by the City Attorney.

Mayor Thomas opened the Public Hearing. There were no comments. Mayor Thomas closed the hearing

Council member Simpson moved to Continue the consideration of an Ordinance for the Silver Bird Condominium at Deer Valley First Amendment located at 7379 Silver Bird Drive to September 4, 2014
Council member Henney seconded
Approved unanimously

7. Consideration of an Ordinance for a Condominium Plat located at 692 Main Street, Park City, Utah pursuant to the findings of fact, conclusions of law and conditions of approval in a form approved by the City Attorney.

Mayor Thomas opened the Public Hearing. There were no comments. Mayor Thomas closed the hearing

Council member Henney moved to Continue the consideration of an Ordinance for a Condominium Plat located at 692 Main Street, Park City, Utah to September 4, 2014
Council member Simpson seconded
Approved unanimously

VIII. ADJOURNMENT INTO CLOSED SESSION

Council member Simpson moved to adjourn into closed session
Council member Henney seconded
Approved unanimously

MEMORANDUM OF CLOSED SESSION

The City Council met in a closed session at approximately 4:00 p.m. Members in attendance were Mayor Jack Thomas, Andy Beerman, Liza Simpson, Dick Peek, Cindy Matsumoto and Tim Henney. Staff members present were Diane Foster, City Manager; Mark Harrington, City Attorney; Matt Dias, Assistant City Manager; Polly Samuels McLean, Assistant City Attorney; Thomas Eddington, Planning Director; Kayla Sintz, Planning Manager; Dave Gustafson, Sustainability. **Council member Beerman moved to close the meeting to discuss Personnel. Council member Matsumoto seconded. Motion carried.**

Council member Beerman moved to open the closed session. Council member Matsumoto seconded. Motion carried.

The City Council met in a closed session at approximately 6:55 p.m. Members in attendance were Mayor Jack Thomas, Andy Beerman, Liza Simpson, Dick Peek, Cindy Matsumoto and Tim Henney. Staff members present were Diane Foster, City Manager; Mark Harrington, City Attorney; Matt Dias, Assistant City Manager. **Council member Simpson moved to close the meeting to discuss Property, Litigation and Personnel. Council member Henney seconded. Motion carried.**

Council member Simpson moved to open the closed session. Council member Beerman seconded. Motion carried

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 Marci S. Heil, City Recorder.

Marci S. Heil, City Recorder

PARK CITY COUNCIL MEETING MINUTES- DRAFT
SUMMIT COUNTY, UTAH,
August 7, 2014

Historic Preservation Board Interview
Mayor and Council conducted a Historic Preservation Board interview.

Planning Commission Interviews
Mayor and Council conducted Planning Commission interviews.

Study Session
Green Building Standards
Matt Abbott outlined the big picture of why this is important. Looked at the current building stock for PCMC stating that the Library is on its way to LEED certified and the Marsac building is 1 point away from being certified. Discussed the Standards for EPA Energy Star as well as LEED certified. Staff is proposing new standards to meet LEED Gold on new buildings and LEED Certified or better on Existing buildings for all City owned property. Council member Peek inquired if energy star was the performance of the building. Abbott stated that the LEED is one year following the completion of the project and the energy star is an ongoing certification. Abbott stated that this study session is to look at Council's standards and what improvements they would like to make on existing buildings. Council members Beerman and Simpson agreed that they would like to look at new and existing buildings.

Abbott discussed the infrastructure standards as well such as designing for climate change, emergencies as well as future growth. Matt Cassel, City Engineer, further explained staff's outlook for the resiliency planning. Council agreed that staff is moving in the right direction. Abbott updated Council on commercial pace (Property Assessed Clean Energy) which would allow properties to make commercial energy efficient upgrades to the property with zero money down and would be paid back through taxes. Staff is looking for a pilot business to move towards more PACE projects. Council member Beerman inquired about the potential of moving forward with Residential-PACE. Abbott stated that it is not legal in Utah at this time but the discussions with the federal government and the housing association are ongoing. Chad Root, Building Official, spoke to the idea of fast tracking commercial permits if they meet LEED Gold or better, have a net zero energy building certificate and meet living building challenge criteria. Council member Beerman felt that it is a great plan and feels that the City could award or recognize projects that meet these criteria. Council member Henney suggested that encouraging a long term approach is a great plan. Mayor Thomas agreed with Beerman about the recognition of these projects that go above and beyond. Council member Simpson suggested the same idea they use for Historic projects.

Abbott discussed HERS (Home Energy Ratings Score) talking about how the City could use this to tool to see how a home is performing. Council member Beerman suggested a voluntary program like the City did with community solar. Abbot then stated that we are quarter finalists in the Georgetown Energy prize. Mayor and Council are very excited about the potential of this project.

Abbott spoke about wood burning fireplaces regarding the particulates they put into the air. The County Council has opened a public comment period regarding code change stating that “beginning Oct 1, 2014 no person shall sell, offer for sale, supply, install, or transfer a wood burning stove that is not EPA Phase 2 certified or a fireplace that is not EPA qualified”. Discussions continued regarding why the County was looking at the future and not banning them all together. It was discussed that many homes in the county rely solely on wood burning stoves for heat. Phil Bondurant , Environmental Health Director, Summit County stated that they did not want to ban them but they needed to meet EPA standards. Council member Beerman was in favor of looking further at banning them all together within City limits. The Council then prioritized the study sessions that were requested.

Work Session

Council Questions and Comments and Manager’s Report

Mayor and Council wished Council member Beerman a Happy Birthday a week early.

Council member Matsumoto brought up the tram towers that were discussed during the retreat stating that the trams on private property were being cleared and the historic society had inquired why the structures do not qualify for historic grants. Foster stated that staff will bring the information back.

Council member Beerman thanked staff for the cake. Mountain Accord continues to move along. Congratulated the Kimball on a great Arts Festival and thanked staff for the hard work. Beerman and the Mayor attended an educational outing with the One Wasatch group.

Council member Simpson attended the lodging association meeting.

Council member Henney attended the recreation board meeting and enjoyed the Council retreat. Received a newsletter from HPCA regarding the employee bus riding program and feels that the trickle-down effect is not taking place. Allison Butz stated that it is very frustrating and feels that the employees need to know the consequences if this is not taken seriously. Henney stated he had asked Foster for data regarding the consistent heavy rain that we have had recently. Kyle MacArthur put together a chart that showed how well both the heavy rain and the water portal are working to keep residents aware of personal consumption

Council member Peek attended Historic Society and stated that they are continuing to pursue a national records grant to digitize the Park Record.

Mayor Thomas attended the Wolf pack event at the National Abilities Center where he met these great kids that have each lost a parent who served our country in the Special Forces of the Military. He found great strength and resiliency there. Enjoyed the Arts festival stating it was a great success. Looking forward to the Tour of Utah.

Main Street Circulation

Brooks Robinson, Transportation, stated that the transit department is working hard on the future of transportation. He touched on a few of the issues that affect Main Street circulation including for-hire vehicles. Showed the vehicle counts during the peak times of service. Spoke to the level of enforcement that the City has been looking at as well as balancing the guest experience. Discussed for-hire vehicle staging area options to minimize cruising along Main Street. Going forward staff is looking at continuing monitoring, updating data as well as a work plan. Council member Simpson inquired about the cost to updating the data. Robinson stated that it would run about $10,000. Council member Matsumoto inquired if there has been any complaints regarding the traffic flow along Main Street. Allison Butz, HPCA, stated that she has not heard any complaints. Council member Matsumoto feels that if this to move forward then the City would need to work closely with the HPCA. Council member Henney inquired if we are solving general irritation or is there true congestion. Robinson stated that staff is trying to get ahead of the problem. Council member Henney thanked staff for looking ahead but he is not in favor of spending any more money on data at this time. Also stated he feels the hotel shuttles are a good thing to keep more vehicles off the streets. Council member Beerman stated that he wants to look at the overall experience and would like to keep an eye on this problem whereas growth is inevitable. Foster inquired if Council is in favor of looking further at staging areas. Mayor Thomas and Council member Peek stated that they are in favor of monitoring complaints. Council member Matsumoto felt that it was more of an air quality issue and feels that the taxi's would still idle even in a staging lot. Council member Henney agreed with Beerman that looking at the experience of the visitors as a main point with air quality as a close second. Peek stated that congestion is a good problem to have.

Regular Meeting

I. ROLL CALL- Mayor Jack Thomas called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, August 7, 2014. Members in attendance were Jack Thomas, Andy Beerman, Dick Peek, Liza Simpson, Tim Henney and Cindy Matsumoto. Staff members present were Diane Foster, City Manager; Mark Harrington, City Attorney; Tom Daley, Deputy City Attorney; Sharon Bauman, Senior City Recorder; Jenny Diersen, Special Events; Tommy Youngblood, Special Events; Marci Heil, City Recorder

II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF
Council member Peek inquired about the demolition at 1015 Park Avenue. Chief Building Official Chad Root stated that they did have a permit for the structure but did not follow the plan 100% and when staff discovered the problem they put a stop work order on the property. Root stated that the City has a requirement that those gables have to be stored in a facility and Planner Grahn is going to go analyze the gables. Council member Peek inquired if there could be any criminal charges brought forth on the property owner, Root stated that if it was intentional then criminal charges could be brought forth. Staff is investigating the matter. Staff was also able to get a court order to prevent demolition to the deteriorating structure on the neighboring property to bring it up to code as a historic property.

Council member Matsumoto stated that she would like to look at a residency requirement for Historic preservation board members as well as term limits on the board of adjustment seats. Council agreed to bring those items back in a work session.

III. PUBLIC INPUT *(Any matter of City business not scheduled on the agenda)*
Lynn Ware Peek stated that she received a water smart update notifying her she had a leak and she was able to find the leak and is very pleased that she was able to be alerted and solve the problem. She also commented on an experience of getting her 16 year old ride the bus. Stated the bus was 10 minutes late and found that anytime you want to convince or motivate people to use the bus then it's very important to be on time.

IV. CONSENT AGENDA *(Items that have previously been discussed or are perceived as routine and may be approved by one motion. Listed items do not imply a predisposition for approval and may be removed by motion and discussed and acted upon)*

1. Consideration of authorization of the City Manager or her designee to vote in favor of 1) the Marriott hotel chain's operation of the existing Hotel Park City to a Marriott "Autograph Collection" Hotel; and 2) amendments to certain related documents needed to facilitate the deal

Council member Beerman moved to approve the consent agenda
Council member Matsumoto seconded
Approved unanimously

V. NEW BUSINESS

1. Consideration of Authorization for the City Manager to enter into a service provider contract for Quinn's Junction public art in a form to be approved by the Legal Department with Joshua Wiener, in the amount of Eighty Four Thousand Dollars ($84,000.00).

Sharon Bauman, Senior City Recorder, representing the Public Art Advisory Board discussed an entrance piece that the Art board has chosen to be placed along the SR 248 corridor at Quinn's Junction. It will be constructed of 160 3" aluminum poles and will create the feeling of movement while remaining stationary. Council member Matsumoto inquired if the base will be dirt. Bauman stated that the plan is for area around the base to remain dirt. Council member Simpson clarified that the poles will be anchored in a foundation and Council member Peek and Mayor Thomas expressed concerns regarding the reaction of aluminum with concrete and some soil types. Bauman assured them that the artist will be made aware of these concerns.

Mayor Thomas opened the item up for public input. No public input was heard; Mayor Thomas closed the public input.

Council member Simpson moved to authorize the City Manager to enter into a service provider contract for Quinn's Junction public art in a form to be approved by the Legal Department with Joshua Wiener, in the amount of Eighty Four Thousand Dollars ($84,000.00).
Council member Peek seconded
Approved unanimously

2. Consideration of a Master Festival License for Autumn Aloft– Hot Air Balloon Festival, as conditioned, on the following dates: Friday, September 19; Saturday, September 20; and Sunday, September 21, 2014.

Jenny Diersen, Special Events, proposed the Autumn Aloft event stating that the events will take place in the North 40 lots as well as both Marsac parking lots. Stated that they have discussed the event with surrounding neighbors and have found that most have been very receptive and excited to have the event back in Park City. Stated that there will be a Balloon Meister to ensure that the public will remain safe if weather turns for the worse. Council member Henney inquired why the festival went away in the first place. Mike Bowens, Balloon Meister, stated that it became so successful that 20,000 people came to Park City and the City was not able to handle the impacts. Monty Coats stated that in the old day the city tried to park all the cars in the neighborhood and now we have a different approach on parking. Diersen stated there would be a media day on Friday with 6 balloons and then 18 balloons on Saturday and Sunday with the balloon glow on Saturday night.

Mayor Thomas opened public hearing. No public comments were heard; Mayor Thomas closed the public hearing.

Council member Simpson inquired if staff could please include the table of all the events that are happening in the findings of fact. Council member Peek inquired about the application stating that there would be fireworks, Diersen clarified that there will not be fireworks.

Council member Beerman moved to approve a Master Festival License for Autumn Aloft–Hot Air Balloon Festival, as conditioned, on the following dates: Friday, September 19; Saturday, September 20; and Sunday, September 21, 2014
Council member Matsumoto seconded
Approved unanimously

3. Consideration of a Master Festival License for the North Face Endurance Challenge – Utah, as conditioned, on October 4 & 5 2014

Tommy Youngblood, Special Events, presented the application for the North Face Endurance challenge, if approved it would comprise the largest number of miles of trails used during one event. It is a very large multi distance event. Staff has been working very closely with the event coordinators and feels it will be a good test for our system. Council member Henney stated that he assumes that the high school team was still be able to hold their scheduled half marathon as well. Youngblood stated that the synergy with this event planning was awesome; the high school cross country team has been integrated into the race as participants as well as volunteers and will include a fundraising effort for the school.

Mayor Thomas opened public hearing. No public comments were heard; Mayor Thomas closed the public hearing.

Council member Peek moved to approve a Master Festival License for the North Face Endurance Challenge – Utah, as conditioned, on October 4 & 5 2014
Council member Henney seconded
Approved unanimously

4. Consideration of an Ordinance approving the plat amendment for 1102 Norfolk Avenue Subdivision located at 1102 Norfolk Avenue, Park City Utah. pursuant to the findings of fact, conclusions of law and conditions of approval stated in an attached ordinance in a form approved by the City Attorney

Mayor Thomas opened public hearing. No public comments were heard; Mayor Thomas closed the public hearing.

Council member Peek moved to Continue the consideration of an Ordinance approving the plat amendment for 1102 Norfolk Avenue Subdivision located at 1102 Norfolk Avenue, Park City Utah to August 28, 2014
Council member Simpson seconded
Approved unanimously

VI. ADJOURNMENT INTO CLOSED SESSION

Council member Simpson moved to adjourn into a closed session
Council member Beerman seconded
Approved unanimously

Closed Session
To discuss Property, Personnel and Litigation

The City Council met in a closed session at approximately 7:30 p.m. Members in attendance were Mayor Jack Thomas, Andy Beerman, Liza Simpson, Dick Peek, Cindy Matsumoto and Tim Henney. Staff members present were Diane Foster, City Manager; Mark Harrington, City Attorney; Matt Dias, Assistant City Manager. **Council member Simpson moved to close the meeting to discuss Property, Litigation and Personnel. Council member Beerman seconded. Motion carried.**

Council member Simpson moved to open the closed session. Council member Beerman seconded. Motion carried

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 Marci S. Heil, City Recorder.

Marci S. Heil, City Recorder

City Council
Staff Report

Subject: 2014B Sales Revenue Bond Hearing
Author: Nate Rockwood Capital Budget, Debt & Grants Manager
Department: Budget, Debt & Grants Department
Date: August 21, 2014
Type of Item: Legislative

Recommendation
Staff recommends that Council hold a public hearing related the proposed 2014B Series Sales Revenue bond issuance.

Topic/Description
2014B Sales Revenue Bond Public Hearing

Background
On July 17, 2014, City Council approved a sales revenue bond resolution in the amount not to exceed $13,000,000 for the 2014A&B Series Sales Revenue bonds issuance and set a public hearing to take place on August 21, 2014. The 2014B, new money portion of the bonds are to be issued in an amount not to exceed $6,000,000.

2014A Refunding – The City issued the 2005A Sales Tax Revenue bonds for the purpose of constructing the public safety facility, the ice and fields complex, the China Bridge parking structure, park improvements, Prospect Ave improvements, and a town plaza. In 2009, the indenture was amended to include “Old Town” infrastructure improvements, including street reconstruction, parking supply augmentation, pedestrian-friendly enhancements, utility replacement/improvements and the incorporation of public art into such improvements. These bonds are now callable meaning they can be refunded at a lower interest rate. While these bonds are backed by Park City Sales Revenue, the bonds payments are currently split 15% General Fund, 10% Public Safety Impact Fees and 75% Main Street RDA.

2014B New Money - On November 29, 2012 City Council unanimously passed an ordinance adopting an additional .5% Resort Communities Sales and Use Tax to be levied beginning April 1, 2013. At that time Council confirmed that all revenue generated with the additional .5% Resort Communities Sales Tax be received directly in to the Capital Improvement Fund to be used for, but not limited to, the following capital projects, Historic Park City/ Main Street & Downtown Projects, OTIS, Storm Drain Improvements, Open Space Acquisition and other capital improvement projects as determined appropriate by City Council.

On May 9, 2013, City Council adopted a Sales Revenue Bond Reimbursement Resolution, which allows the City to reimburse itself for expenses related to specific projects currently listed and proposed as part of the Additional Resort Communities Sales Tax Plan. The resolution sets the maximum reimbursement amount at $10,000,000. It was anticipated that the first Sales Revenue Bonds would be issued in calendar year 2014.

The projects which qualify for reimbursement are defined in the resolution as Historic Park City/Main Street and downtown streetscape improvements, OTIS (Old Town street and utility improvement projects), storm drain improvements as specified in the Storm Water Master Plan, open space acquisition and Deer Valley Drive reconstruction and streetscape improvements.

As of July 2014, the following expenditures have occurred and may be reimbursed with new money proceeds of the 2014 Series Sales Revenue Bonds:

Project	YTD Expenditure
Open Space – Stoneridge	$3,966,000
OTIS	$2,056,919
Storm Drain Improvements	$693,655
Historic Park City/Main Street & Downtown Projects	$432,543
Total	$7,149,117

The new money portion of the 2014 Series Sales Revenue Bonds will be Bank Qualified and therefore set not to exceed $6,000,000. It is anticipated that the remaining new money portion of the proceeds will be expended in FY 2015 as allocated in the adopted FY 2015 Capital Improvement Plan (CIP). The City collected approximately $3.3 million in FY 2014, from the Additional Resort Sales Tax.

<u>Analysis</u>

The attached bond resolution adopted by Council on July 17, 2014, set the parameters of the Sales Revenue bond issuance, delegates final approval of bond terms to a Designated Officer (any one of the Mayor, any authorized Mayor ProTem, the City Manager, and the Finance Manager), and initiated the process of public notice. The resolution set the maximum principal issuance amount at $13,000,000 with not to exceed $6,000,000 to be issued under the Bond Act (New Money) and not to exceed $7,000,000 to be issued under the Refunding Bond Act. The resolution lists the purpose for issuing the Bonds as:

> (a) in the case of the portion of the Bonds issued under the Bond Act, financing Historic Park City/Main Street and downtown streetscape improvements, OTIS (Old Town street and utility improvement projects), storm drain improvements as specified in the Storm Water Master Plan, open space acquisition and Deer Valley Drive reconstruction and streetscape improvements (collectively, the "Project"), (b) in the case of the portion of the Bonds issued under the Refunding Bond Act, refunding a portion of the Issuer's outstanding sales tax revenue bonds (the "Refunded Bonds") in order to achieve a debt service savings, (c) funding any required debt service reserve fund, and (d) paying costs of issuance of the Bonds.

The resolution authorized refunding of the Series 2005A Sales Revenue Bonds in an amount up to $7,000,000. The Series 2005A Sales Revenue Bonds have an outstanding amount of $7,130,000 at an average interest rate of 4.14%. The refunding bonds will likely be issued at an average rate of 1.5%. This represents a net present value savings of $545,000 or about 7.5% of par.

The resolution also established the format for public notice for the new money portion of the bonds, which were published in the Park Record for two consecutive weeks, the first notice not less than 14 days before the public hearing and initiated a 30 day period in which interested parties may contest the legality of the resolution or the bonds. The public hearing was set to take place on August 21, 2014. The 2014A refunding portion of the bonds do not require a public hearing.

The resolution also established, for the new money portion of the bonds, maximum terms of 5% interest for not more than 16 years. The terms were intentionally set high to allow flexibility in the bond structure. Staff anticipates that the actual interest rate of the bonds would be closer to the current rate of 3.2% than the maximum. The maturity of the bonds is expected to be 15 years.

Staff anticipated Council holding a public hearing on August 21, 2014. After the public hearing the Designated Officer may authorize the final terms and sale of the bonds. It is anticipated that the sale of the 2014B bonds would occur on or around September 4, 2014. Staff would proceed with the bond closing on or after September 11, 2014. The resolution allows flexibility for the bonds to be sold by competitive, negotiated or private placement sale.

Significant Impacts

A public hearing is required in order to issue the new money portion of the bond. This bond issuance is anticipated in the FY 2015 budget; proceeds from the bonds will reimburse costs outlined in the Additional Resort Sales Plan, which has been incorporated into the City Council approved 5-year Capital Improvement Plan (CIP).

Alternatives:

A. **Approve:** Staff recommends that Council hold a public hearing related to the proposed 2014B Series Sales Revenue bond issuance.
B. **Modify the request:** Council could choose to modify or reduce the amount of bonds to issue.
C. **Deny the request:** Council could choose to not issue bonds.
D. **Continue the Item:** Council may feel there is not enough information to make a decision, and have staff return with more information. This would impact the timeline for the bond issuance.
E. **Do Nothing:** This would have the same impact as alternative C.

Departmental Review

This report has been reviewed by the Legal Department, Budget Department, and City Manager.

Staff Recommendations:

Staff recommends that Council hold a public hearing related the proposed 2014B Series Sales Revenue bond issuance.

Attachments:

A – Adopted Bond Resolution

City Council
Staff Report

Subject:	**Resolution Proclaiming September, 2014 as National Preparedness Month in Park City**
Author:	**Hugh Daniels, Emergency Program Manager**
Department:	**Executive**
Date:	**August 21, 2014**
Type of Item:	**Administrative**

Summary Recommendation:
Consider adopting a Resolution proclaiming September, 2014 as National Preparedness Month in Park City.

Topic/Description:
The Congress and President of the United States have for the seventh year in a row, proclaimed September as National Preparedness Month. Park City has begun and is continuing to develop its *Be Ready Park City* campaign that builds on the Federal Emergency Management Administration (FEMA) *Ready* campaign and the State of Utah's *Be Ready Utah* campaign to assist our citizens and businesses in preparing for natural disasters and human caused emergencies.

Park City Municipal Corporation is a Member of the National Preparedness Coalition and continues to work with a diverse group of individuals, agencies and associations to better prepare our community.

During times of severe emergencies and disasters, basic city services will be overwhelmed. It is inherent that all citizens and businesses be prepared to care for themselves and their neighbors until additional help is available. We are asking all our citizens to make a plan and become better prepared in conjunction with this year's National Preparedness Month's theme **"Be Disaster Aware, Take Action to Prepare".**

Department Review:
The City Manager and Legal have reviewed this report and the Resolution.

Alternatives:

A. Approve the Request:
Adopt a Resolution proclaiming September, 2014 as National Preparedness Month in Park City. **This is the recommended option.**

B. Deny the Request:
Council could choose to deny the request with no significant consequences. We would lose the opportunity to publicize and support National Preparedness Month.

C. Continue the Item:

Council could choose to continue the item however; we may miss the window to support National Preparedness Month.

D. Do Nothing:

This would be the same as denying the request.

Significant Impacts:

Encourages all members of the community to prepare for all types of disasters and emergencies leading towards a more resilient community.

	World Class Multi-Seasonal Resort Destination (Economic Impact)	Preserving & Enhancing the Natural Environment (Environmental Impact)	An Inclusive Community of Diverse Economic & Cultural Opportunities (Social Equity Impact)	Responsive, Cutting-Edge & Effective Government
Which Desired Outcomes might the Recommended Action Impact?	+ Safe community that is w alkable and bike-able + Internationally recognized & respected brand + Every City employee is an ambassador of first-class service			+ Engaged and informed citizenry + Ease of access to desired information for citizens and visitors
Assessment of Overall Impact on Council Priority *(Quality of Life Impact)*	Positive			Positive
Comments:				

Funding Source:

There are no funding requirements beyond staff time.

Consequences of not taking the recommended action:

We would lose the opportunity to publicize and support National Preparedness Month.

Recommendation:

Adopt a Resolution proclaiming September, 2014 as National Preparedness Month in Park City.

Resolution No. 14-

RESOLUTION PROCLAMING SEPTEMBER, 2014 AS NATIONAL PREPAREDNESS MONTH IN PARK CITY, UTAH

WHEREAS, the Congress and President of the United States have designated September, 2014 as National Preparedness Month; and

WHEREAS, “National Preparedness Month” creates an important opportunity for every resident of Park City to prepare their families, homes, businesses and community for any type of emergency including natural disasters and human caused emergencies; and

WHEREAS, investing in the preparedness of ourselves, our families, businesses and community can reduce fatalities and economic devastation within our communities and in our nation; and

WHEREAS, the Federal Emergency Management Agency’s *Ready* Campaign, the State of Utah’s *Be Ready Utah* Campaign and Park City’s *Be Ready Park City* Campaign along with other federal, state, local, tribal, territorial, private and volunteer agencies are working to increase public activities in preparing for emergencies and to educate individuals on how to take action; and

WHEREAS, emergency preparedness is the responsibility of every citizen of Park City and all citizens are urged to make preparedness a priority and work together, as a team, to ensure that we are prepared for disasters and emergencies of any type; and

WHEREAS, all citizens of Park City are encouraged to participate in citizen preparedness activities and asked to visit the websites of the *Ready* campaign at Ready.gov or Listo.gov (in Spanish) and become more prepared.

NOW, THEREFORE BE IT RESOLVED that the Mayor and City Council herby proclaim September, 2014 as National Preparedness Month in Park City and encourages all citizens and businesses to develop their own emergency preparedness plan, prepare their own families and businesses and work together toward creating a more prepared society.

PASSED AND ADOPTED this 21st day of August, 2014.

PARK CITY MUNICIPAL CORPORATION

____
Mayor Jack Thomas

Attest:

____
Marci Heil, City Recorder

Approved as to form:

____
Mark D. Harrington, City Attorney

City Council
Staff Report

PARK CITY 1884
PLANNING DEPARTMENT

Subject:	**First Amended Silver Queen Condominiums Record of Survey**
Author:	**Kirsten A Whetstone, MS, AICP**
Date:	**August 21, 2014**
Type of Item:	**Administrative – Amended Condominium Plat**
Project Number:	**PL-14-02321**

Summary Recommendations

Staff recommends City Council hold a public hearing for the First Amended Silver Queen Condominiums record of survey plat for seven residential condominium units and one commercial condominium unit located at 632 Main Street and consider approving the amended condominium plat based on the findings of fact, conclusions of law, and conditions of approval as found in the attached ordinance.

Topic

Applicant:	Silver Queen Resort Group, LLC
Location:	632 Main Street
Zoning:	Historic Commercial Business (HCB)
Adjacent Land Uses:	Main Street retail, offices and residential; Heber Avenue residential, Kimball Art Center, Zoom restaurant, Gateway mixed use building, and Sky Lodge- condominiums, retail, and restaurants.
Reason for Review:	Condominium plat amendments require Planning Commission review and recommendation to City Council with final action by the City Council.

Proposal

The applicant requests an amended condominium record of survey plat for the purpose of creating an amended commercial condominium unit on the Main Street level and seven amended residential condominium units on the upper floors of the existing Silver Queen Condominium building located at 632 Main Street (Exhibit A). The plat is consistent with the approved Historic District Design Review and active building permit for the renovation of this non-historic building. The property is located within the Historic Commercial Business (HCB) zoning district.

Background

The property is located at the intersection of Heber Avenue and Main Street and consists of a single four story mixed use building constructed in 1982. On May 12, 1994, the City Council approved the Silver Queen Condominium record of survey plat creating twelve residential condominium units and one commercial condominium unit. The existing condo plat was recorded at Summit County on May 5, 1995 (Exhibit B). The building, with the exception of existing residential Unit # 9 (new Unit #4B), is owned by a single entity, and is currently being remodeled with an active building permit, subject to an approved Historic District Design Review (HDDR). The HDDR was approved on September 29, 2011. All of the residential units have been modified and there is no direct relationship between existing units and proposed units (see Exhibits A and B for comparison of units).

Residential and commercial uses are allowed uses in the HCB zoning district. There is no increase in existing building footprint and no non-complying situations are created with the plat. The HDDR permitted the removal of the columns and balconies that previously encroached into the Main Street and Heber Avenue rights-of way.

On April 21, 2014, an application was submitted for an amended condominium record of survey plat for one commercial unit on the Main Street level and seven residential units on the upper floors, including conversion of common penthouse area into residential floor area for the second floor of Unit 4A. Additional common area is platted for circulation and common deck areas. The application was deemed complete on July 2, 2014, upon receipt of a proof of vote for the amended condo plat. A vote of the Silver Queen Condominium HOA indicated that 92.83% of the ownership voted in favor (Exhibit C). The plat amendment memorializes the actual condition of the new units per the approved building permit.

On July 23, 2014, the Planning Commission conducted a public hearing on the plat amendment. There was no public input provided at the meeting and the Commission voted unanimously to forward to City Council a positive recommendation to approve the plat amendment. Planning Staff clarified the gross floor area and the floor area ratio as documented in the table below.

Analysis

	CODE REQUIREMENT	EXISTING
FRONT SETBACKS	0’ in HCB	0’
SIDE SETBACKS	0’ in HCB	0’
REAR SETBACKS	0’ in HCB	0’
HEIGHT	maximum height of 45’ per HCB	Constructed in compliance with the maximum height requirements and allowed volumetric of the HCB zone.
MINIMUM LOT SIZE	1,250 sf in HCB	5,047 sf
MINIMUM LOT WIDTH	25’	88.78’
FLOOR AREA RATIO (Gross Floor Area/Lot Area)	4.0 (20,188 sf) based on the total lot area of 5,047 sf.	16,332 sf (final gross floor area, including penthouse)

	zone.	FAR is 3.24 less than allowed FAR of 4.0.
PARKING	Total 30 spaces required for proposed uses (12 residential, 18 commercial) Fully assessed and paid into Special Improvement District Parking requirement is reduced for this platted configuration.	Total 35 spaces required for existing uses based on code at the time of initial plat (17 residential, 18 commercial)

Seven residential units are platted with this record of survey. Units range in size from 1,006 sf to 2,178 sf. Average unit size is 1,582 sf. Residential units are located on the second, third, and fourth floors. Unit 4A is a two story unit with a 963 sf penthouse. One 2,973 sf commercial unit is platted on the main floor.

The property was assessed and paid into the Main Street Parking Improvement District for the twelve units and lower level commercial. Parking requirements for the existing configuration (original plat) are 16.5 (17) for the twelve residential units -- 6 units less than 650 sf (6 spaces), 3 units at 1,035 sf (6 spaces), and 3 units at 876 sf (4.5 (5) spaces) and 18 for the commercial space for a total of 35 spaces. The proposed unit configuration requires 12 spaces for the seven residential (3 units greater than 2,000 sf (6 spaces), 4 units greater than 1,000 sf (6 spaces) and 18 spaces for the commercial for a total of 30 spaces. Therefore the proposed plat requires fewer spaces than were assessed and paid and no additional parking is required. No parking is provided on site.

Common area for the lobby, halls, stairs, elevators, outdoor patios and decks are being platted with this record of survey. The condominium plat is required in order for the units to be sold individually.

Commercial space is located at the street along the Main Street frontage with residential space located above. All of the storefront space is subject to requirements of the vertical zoning ordinance.

Staff finds that the condominium plat, as conditioned, will not cause undo harm to adjacent property owners because the proposed plat meets the requirements of the Land Management Code, is consistent with the approved HDDR, and active construction has been reviewed for compliance with requisite Building and Land Management Code requirements in effect at the time of application for building permits.

Good Cause

Staff finds good cause for this condominium plat as it plats residential and commercial condominium units consistent with the HCB zoning district and allows for individual ownership of the revised units. The condominium plat is consistent with the State condominium act, complies with the Land Management Code and is consistent with the approved Historic District Design Review that provided for improved architectural design, building energy efficiency, and upgrades to current building codes that have a positive visual impact on Main Street. The encroaching, heavy stone balconies have been removed.

Department Review
This project has gone through an interdepartmental review on May 13, 2014, and issues discussed regarding common water and sewer lines have been addressed with conditions of approval.

Notice
On July 9, 2014, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record on July 5, 2014.

Public Input
A public hearing is scheduled for both Planning Commission and City Council meetings. Staff has not received any public input at the time of this report. No public input was provided at the July 23, 2014 Planning Commission meeting.

Future Process
Approval of this amended condominium plat application by the City Council constitutes Final Action that may be appealed following procedures found in LMC 15-1-18.

Alternatives

- The City Council may approve the amended condominium plat as conditioned or amended, or
- The City Council may deny the amended condominium plat and direct staff to make Findings for this decision, or
- The City Council may continue discussion on the amended condominium plat and provide direction to staff and the applicant regarding any additional information, findings, or conditions necessary to take final action on the requested application.
- There is not a “no-action” alternative for administrative plat amendments.

Significant Impacts
There are no negative fiscal or significant environmental impacts to the city from this record of survey plat application.

Consequences of not taking the Suggested Recommendation
The entire building would continue to be owned by one entity (with the exception of Unit #4B) and the residential units could not be sold separately. The existing condominium plat no longer reflects the configuration of units within the building.

Recommendation
Staff recommends City Council hold a public hearing for the First Amended Silver Queen Condominiums record of survey plat for seven residential condominium units and one commercial condominium unit located at 632 Main Street and consider approving the amended condominium plat based on the findings of fact, conclusions of law, and conditions of approval as found in the attached ordinance.

Exhibits
Exhibit A- Proposed amended condominium plat
Exhibit B- Recorded Silver Queen condominium plat
Exhibit C- Letter from the HOA
Exhibit D- Planning Commission minutes

Ordinance No. 14-

AN ORDINANCE APPROVING THE FIRST AMENDED SILVER QUEEN CONDOMINIUMS RECORD OF SURVEY PLAT, LOCATED AT 632 MAIN STREET, PARK CITY, UTAH.

WHEREAS, owners of the property known as 632 Main Street (aka the Silver Queen Condominiums), have petitioned the City Council for approval of an amended condominium plat for one commercial condominium unit and seven residential condominium units, and associated common area (Exhibit A).

WHEREAS, the property was properly noticed and posted on July 9, 2014, according to requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners on July 9, 2014; and

WHEREAS, the Planning Commission held a public hearing on July 23, 2014, to receive input on the amended condominium plat; and

WHEREAS, the Planning Commission, on July 23, 2014, forwarded a positive recommendation to the City Council; and,

WHEREAS, on August 21, 2014, the City Council held a public hearing on the amended condominium plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the First Amended Silver Queen Condominiums record of survey plat.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The condominium plat as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:
1. The property is located at 632 Main Street at the intersection of Main Street and Heber Avenue. There is an existing four story mixed use building on the property.
2. The existing building, known as the known as the Silver Queen Condominiums, was constructed in 1982.
3. On May 12, 1994, the City Council approved the Silver Queen Condominiums record of survey plat for twelve residential units and one commercial unit. On May 5, 1995, the condominium plat was recorded at Summit County.
4. Seven residential units are platted with this record of survey plat for a total of 11,074 sf of floor area. Units range in size from 1,006 sf to 2,178 sf. Average unit size is 1,582 sf. Unit 4A is a two story unit with a roof top penthouse. Residential

units are located on the second, third, and fourth floors. See Exhibit A, proposed plat for all unit numbers and square footages.

5. One 2,973 sf commercial unit is platted on the main floor.
6. Common area for halls, stairs, elevators, outdoor patios and decks are being platted with this record of survey.
7. The building currently is currently being remodeled with an active building permit.
8. The condominium plat is required in order for the units to be sold individually.
9. The building is located in the Historic Commercial Business District (HCB) with access to Main Street and Heber Avenue.
10. Residential and commercial uses are allowed uses within the HCB zoning district.
11. With the exception of one residential unit, existing unit #9, the building is currently owned by one entity.
12. On April 21, 2014, the City received an application for an amended condominium plat. The application was deemed complete on July 2, 2014 when proof of a vote of the HOA was provided indicating that 92.83% of the Silver Queen Condominium HOA ownership approved of the amended plat. The application includes signatures from all owners.
13. The condominium plat is consistent with the Historic District Design Review plans approved by the Planning Staff on September 29, 2011.
14. The property was assessed and paid into the Main Street Parking Improvement District for the twelve units and ground level commercial. Parking requirements for the existing configuration (original plat) are 16.5 (17) for the twelve residential units 6 units less than 650 sf (6 spaces), 3 units at 1,035 sf (6 spaces), and 3 units at 876 sf (4.5 (5) spaces) and 18 for the commercial space for a total of 35 spaces. The proposed unit configuration requires 12 spaces for the seven residential (3 units greater than 2,000 sf (6 spaces), 4 units greater than 1,000 sf (6 spaces) and 18 spaces for the commercial for a total of 30 spaces. Therefore the proposed plat requires fewer spaces than were assessed and paid and no additional parking is required. No parking is provided on site.
15. Commercial space is located at the street along the Main Street frontage and residential units are located on the upper floors. All of the storefront properties are subject to the vertical zoning ordinance.
16. The amended plat reflects an FAR of 3.24, which is less than the maximum allowable FAR of 4.0 in the HCB zoning district.

Conclusions of Law:

1. There is good cause for this condominium plat.
2. The condominium plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed condominium plat.
4. Approval of the condominium plat, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the condominium plat for compliance with State law, the Land

Management Code, the recorded subdivision plat, and any conditions of approval, prior to recordation of the plat.

2. The applicant will record the condominium plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless an extension request is made in writing prior to the expiration date and the extension is granted by the City Council.
3. All conditions of approval of the 632 Main Street Historic District Design Review shall continue to apply.
4. A note shall be added to the plat prior to recordation stating that the units of the Silver Queen Condominiums are served by Common Private Lateral Wastewater lines. The Silver Queen Condominium Association shall be responsible for the ownership, operation and maintenance of all Common Private Lateral Wastewater lines.
5. All required ADA access, required restaurant grease traps, and other specific Building and Fire Code requirements for the units shall be addressed with tenant improvement building permits as the spaces are finished.

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

PASSED AND ADOPTED this __ day of ___, 2014.

PARK CITY MUNICIPAL CORPORATION

____
Jack Thomas, MAYOR

ATTEST:

____
Marci Heil, City Recorder

APPROVED AS TO FORM:

____
Mark Harrington, City Attorney

EXHIBIT A

SURVEYOR'S CERTIFICATE

REGISTERED LAND SURVEYOR No. 154491 JOHN DEMKOWICZ State of Utah

I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 154491, as prescribed by the laws of the State of Utah, and that by authority of the owners, I have prepared this Record of Survey map of the SILVER QUEEN CONDOMINIUMS FIRST AMENDED and that the same has been or will be monumented on the ground as shown on this plat.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT the undersigned owner of Unit 1, hereby certifies that he has caused this survey to be made and this amended Record of Survey Map to be prepared and hereby consents to the recordation of this amended Record of Survey Map.

____
Manager, Real Jack Property, LLC, a Utah limited liability company

ACKNOWLEDGMENT

State of ___________:

ss:

County of ___________:

On this ______ day of ________________________, 2014, ________________ personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been

duly sworn, __________________ acknowledged to me that he is the manager of Real Jack Property, LLC, a Utah limited liability company, the owner of Unit 1, and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

____
Signature

A Notary Public commissioned in _______________

____
Printed Name

Residing in: _________________

My commission expires: ____________________

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT the undersigned owner of Units 2, 3, 4, 5, 6, 7, 8, 10, 11, 12 and Convertible Space, hereby certifies that he has caused this survey to be made and this amended Record of Survey Map to be prepared and hereby consents to the recordation of this amended Record of Survey Map.

____
Manager, Silver Queen Resort Group, L.L.C., a Utah limited liability company

ACKNOWLEDGMENT

State of ___________:

ss:

County of ___________:

On this ______ day of ________________________, 2014, ________________ personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been

duly sworn, __________________ acknowledged to me that he is the manager of Silver Queen Resort Group, L.L.C., a Utah limited liability company, the owner of Units 2, 3, 4, 5, 6, 7, 8, 10, 11, 12 and Convertible Space, and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

____
Signature

A Notary Public commissioned in _______________

____
Printed Name

Residing in: _________________

My commission expires: ____________________

BOUNDARY DESCRIPTION

All Units 1 through 12 and Convertible Space, contained within the SILVER QUEEN CONDOMINIUMS, a Condominium Project, as the same is identified in the Record of Survey Map recorded on May 5, 1995, in Summit County as Entry No. 429304 in Book 95 at Page 17 (as said Record of Survey Map may have heretofore been amended or supplemented) and in the Condominium Declaration recorded in Summit County as Entry No. 429305 in Book 881 at Page 674 (as said Declaration may have heretofore been amended or supplemented). Together with the appurtenant undivided interest in said Project's Common areas as established in said Declaration and allowing for periodic alteration both in the magnitude of said undivided interest and in the composition of the Common Area and Facilities to which said interest relates.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT the owners of Unit 9, hereby certify that they have caused this condominium plat to be prepared, and we, Richard Joseph Blomquist and Kathryn Strobel Blomquist, husband and wife as joint tenants, do hereby consent to the recordation of this Condominium Plat.

In witness whereof the undersigned has executed this certificate and dedication this _____ day of __________________, 2014.

____
Richard Joseph Blomquist

____
Kathryn Strobel Blomquist

ACKNOWLEDGMENT

State of ________________:

ss:

County of ________________:

On this _______ day of ________________, 2014, Richard Joseph Blomquist and Kathryn Strobel Blomquist personally appeared before me, the undersigned Notary Public in and for said state and county, who after being duly sworn, acknowledged to me that he has signed the above and foregoing Owner's Dedication and Consent to Record freely and voluntarily.

____
Signature

A Notary Public Commissioned in ________________

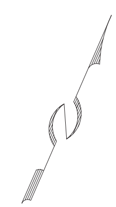
____
Printed Name

Residing in: ____________________

My Commission Expires: _______________

NOTES

1. The dimensions of the interior spaces were taken from drawings supplied by the architect.
2. The units of Silver Queen Condominiums are served by Common Private Lateral Wastewater Lines. The Silver Queen Condominium Association shall be responsible for ownership, operation and maintenance of all Common Private Lateral Wastewater Lines.



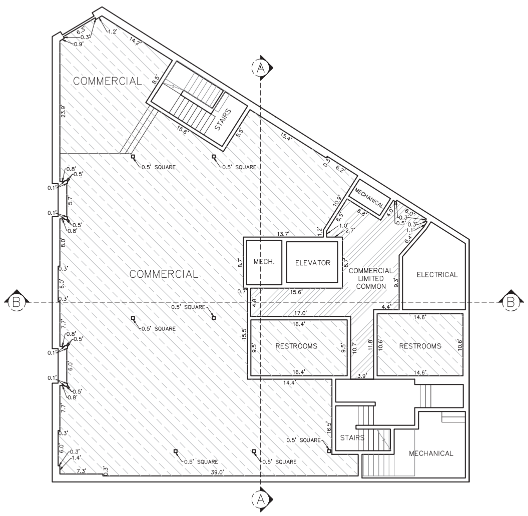
RECORD OF SURVEY OF

SILVER QUEEN CONDOMINIUMS FIRST AMENDED

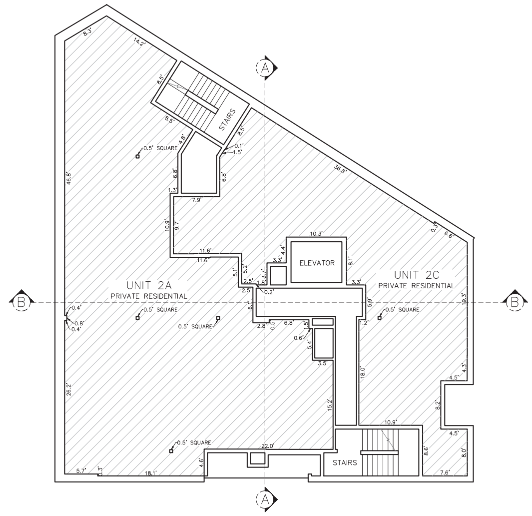
LOCATED IN BLOCK 25, PARK CITY SURVEY, WHICH IS IN SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN PARK CITY, SUMMIT COUNTY, UTAH

7/11/14 JOB NO.: 2-2-14 FILE: X:\ParkCitySurvey\dwg\srv\plat2014\020214.dwg

(435) 649-9467 Alliance Engineering Inc CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ______ DAY OF ___________, 2014 A.D. BY ________________ S.B.W.R.D.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ____ DAY OF ___________, 2014 A.D. BY ________________ CHAIR	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ______ DAY OF ___________, 2014 A.D. BY ________________ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF ___________, 2014 A.D. BY ________________ PARK CITY ATTORNEY	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF ___________, 2014 A.D. BY ________________ PARK CITY RECORDER	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ______ DAY OF ___________, 2014 A.D. BY ________________ MAYOR	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF ____________________________ DATE _____________ TIME _____________ __________ ______ ____________________ ENTRY NO. FEE RECORDER



LEVEL 1



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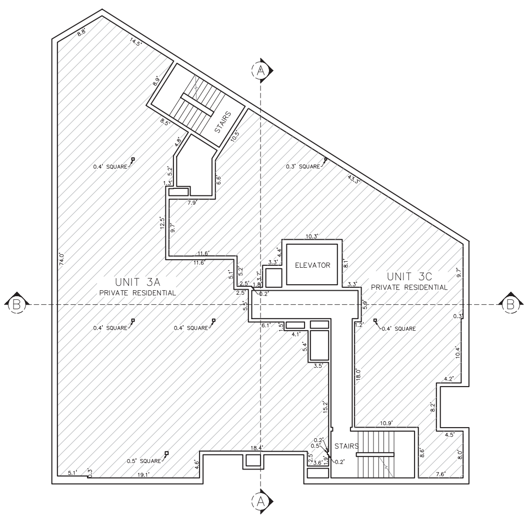

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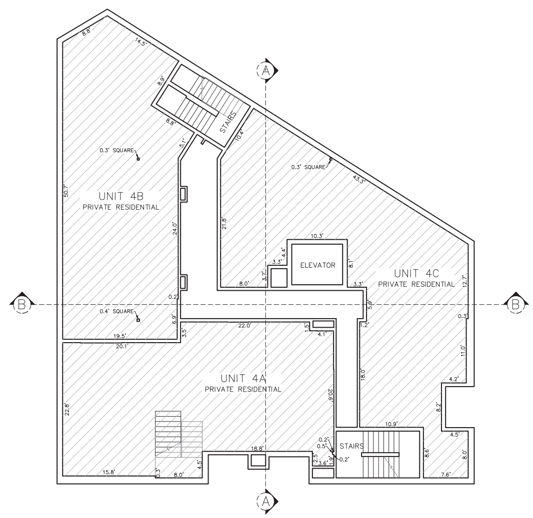


LEVEL 4

UNIT AREA TABLE

UNIT	PRIVATE OWNERSHIP AREA
COMMERCIAL	2973 SQ FT
UNIT 2A	2178 SQ FT
UNIT 2C	1247 SQ FT
UNIT 3A	2163 SQ FT
UNIT 3C	1259 SQ FT
UNIT 4A	1054 SQ FT
UNIT 4B	1006 SQ FT
UNIT 4C	1204 SQ FT
UPPER LEVEL UNIT 4A	963 SQ FT

OWNERSHIP DESIGNATIONS

- COMMON AREA
- PRIVATE RESIDENTIAL
- LIMITED COMMON RESIDENTIAL
- PRIVATE COMMERCIAL
- LIMITED COMMON COMMERCIAL

10' 0 10' 20'

SHEET 2 OF 3

SILVER QUEEN CONDOMINIUMS
FIRST AMENDED

(435) 649-9467
Alliance Engineering Inc
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

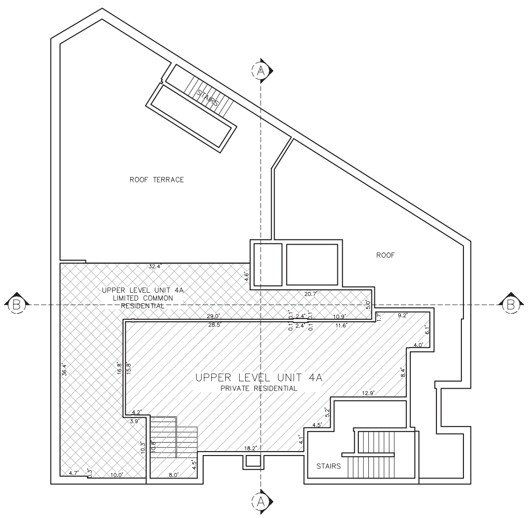
JOB NO.: 2-2-14 FILE: X:\ParkCitySurvey\dwg\srv\plat2014\020214.dwg

7/11/14

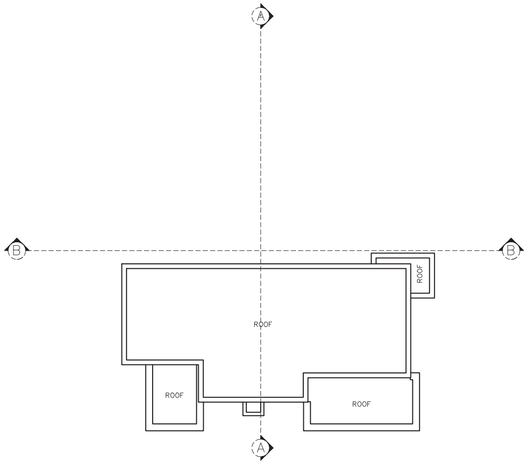
RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF ______________________
DATE ____________ TIME ____________

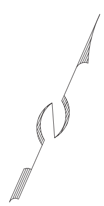
ENTRY NO. FEE RECORDER

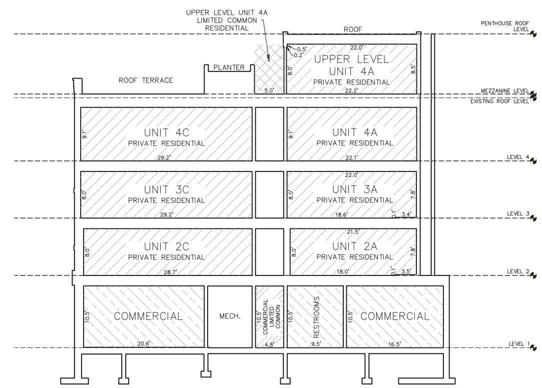


MEZZANINE LEVEL



ROOF 4A

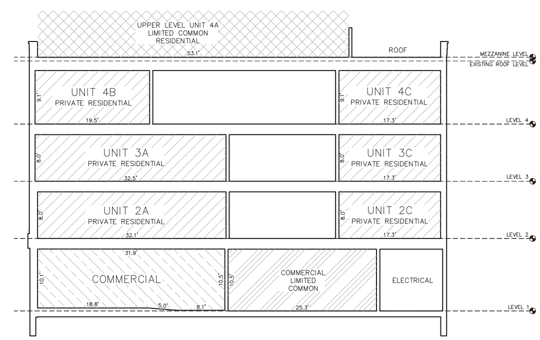




SECTION A

UNIT AREA TABLE

UNIT	PRIVATE OWNERSHIP AREA
COMMERCIAL	2973 SQ FT
UNIT 2A	2178 SQ FT
UNIT 2C	1247 SQ FT
UNIT 3A	2163 SQ FT
UNIT 3C	1259 SQ FT
UNIT 4A	1054 SQ FT
UNIT 4B	1006 SQ FT
UNIT 4C	1204 SQ FT
UPPER LEVEL UNIT 4A	963 SQ FT



SECTION B

OWNERSHIP DESIGNATIONS

- COMMON AREA
- PRIVATE RESIDENTIAL
- LIMITED COMMON RESIDENTIAL
- PRIVATE COMMERCIAL
- LIMITED COMMON COMMERCIAL

10' 0 10' 20'

SILVER QUEEN CONDOMINIUMS FIRST AMENDED

SHEET 3 OF 3

JOB NO.: 2-2-14 FILE: X:\ParkCitySurvey\dwg\srv\plat2014\020214.dwg

7/11/14

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF ____________
DATE ________ TIME ________

ENTRY NO. FEE RECORDER

(435) 649-9467
Alliance Engineering Inc
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

10' 0 10' 20'

UNIT #	ADDRESS
1	632 Main Street #1
2	632 Main Street #2
3	632 Main Street #3
4	632 Main Street #4
5	632 Main Street #5
6	632 Main Street #6
7	632 Main Street #7

UNIT #	ADDRESS
8	632 Main Street #8
9	632 Main Street #9
10	632 Main Street #10
11	632 Main Street #11
12	632 Main Street #12
12	632 Main Street #12

COMMON OWNERSHIP

PRIVATE OWNERSHIP

LIMITED COMMON OWNERSHIP

CONVERTIBLE SPACE

LEGEND

C/L CENTERLINE

℄ PROPERTY LINE

NOTE: SILVER QUEEN CONDOMINIUMS IS SERVED BY A "COMMON" SEWER LATERAL AND THAT OWNERSHIP AND MAINTENANCE RESPONSIBILITY OF THE COMMON LATERAL IS THE UNIT OWNERS'.

JOB NO. 18-8-93 PCS\D\SQCP1

SURVEYOR'S CERTIFICATE

I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 163931 as prescribed by the laws of the State of Utah, and that I have caused to be made under my direction and by authority of the owner(s), this Record of Survey Map of Silver Queen Condominiums, a Utah Condominium Project, in accordance with the provisions of Section 57-8-13(1) of the Utah Condominium Ownership Act.

John Demkowicz 3/22/95
John Demkowicz L.S. No. 163931 Date

BOUNDARY DESCRIPTION

Lots 5, 6, 7, and 8, Block 25, Park City Survey, Park City, Summit County, Utah. Containing 5046.18 SQ. FT.

OWNER'S CERTIFICATE AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS: that Gail and Lori Potter Trust, being the owner of the tract of land in Park City, Summit County Utah, described on this sheet, do hereby consent to the recordation of the Record of Survey Map in the Office of the County Recorder of Summit County, Utah, in accordance with the Utah Condominium Ownership Act.

Executed this 21 day of February 1995

Gail and Lori Potter Trust,

Gail Potter trustee — By Gail Potter, Trustee
Lori Potter, Trustee — By Lori Potter, Trustee

ACKNOWLEDGEMENT

State of CALIFORNIA
County of Los Angeles } ss

On this 21st day of February, 1995, personally appeared before me, the undersigned Notary Public in and for said state and county, Gail Potter and Lori Potter being duly sworn, acknowledged to me that they are the Trustees of the Gail and Lori Potter Trust, owners of the herein described tract of land and that they signed the above Owners Certification and Consent to Record freely and voluntarily.

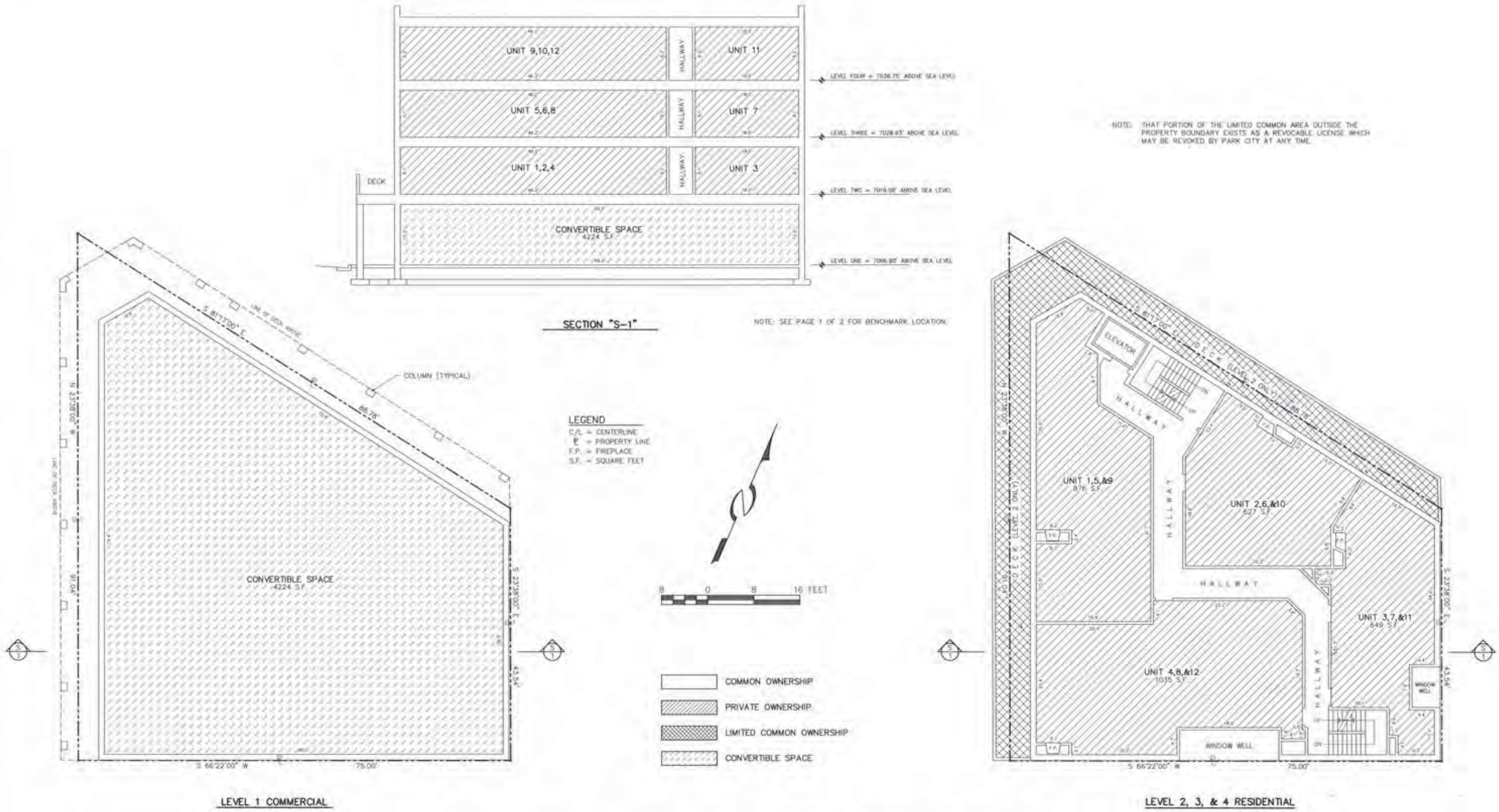
Seta Aghzayan
Notary Public
My Commission Expires 3/28/95
Residing at:
7246 Noble Ave. Van Nuys, CA 91405

SILVER QUEEN CONDOMINIUMS

A 12-UNIT UTAH CONDOMINIUM PROJECT
LOCATED IN PARK CITY, SUMMIT COUNTY, UTAH

PAGE 1 OF 2

ALLIANCE ENGINEERING INC.	SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT	PLANNING COMMISSION	ENGINEERS CERTIFICATE	APPROVAL AS TO FORM	CERTIFICATE OF ATTEST	COUNCIL APPROVAL AND ACCEPTANCE	#429304 RECORDED
P.O. BOX 2664 323 MAIN STREET PARK CITY, UTAH 84060 (801) 649-9467	REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT STANDARDS ON THIS 2nd DAY OF April 1995 A.D. BY [signature] S.B.S.I.D.	APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 24 DAY OF April 1995 A.D. BY [signature] CHAIRMAN	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 7th DAY OF APRIL 1995 A.D. BY Eric W. DeHaan PARK CITY ENGINEER	APPROVED AS TO FORM THIS 27th DAY OF APRIL 1995 A.D. BY Mark D. Harrington PARK CITY ATTORNEY	I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 12TH DAY OF MAY 1995 A.D. BY Anita L. Sheldon PARK CITY RECORDER	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 12TH DAY OF MAY 1995 A.D. BY [signature] MAYOR	STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF Coalition Title DATE 05-05-95 TIME 9:52AM BOOK ___ PAGE ___ $73.00 FEE Alan Spriggs RECORDER



SILVER QUEEN CONDOMINIUMS

A 12-UNIT UTAH CONDOMINIUM PROJECT
LOCATED IN PARK CITY, SUMMIT COUNTY, UTAH

PAGE 2 OF 2

JOB NO. 18-8-93 FCS\D\SQCP2

429304 RECORDED
STATE OF UTAH COUNTY OF SUMMIT AND FILED
AT THE REQUEST OF Coalition Title
DATE 05-05-95 TIME 9:52 AM BOOK ____ PAGE ____
$73.00 FEE — Alan Spriggs RECORDER

EXHIBIT C

Silver Queen Condominiums
632 Main Street
P.O. Box 683300
Park City, UT 84068

June 30, 2014

Kirsten Whetstone
Park City Municipal Corporation
1354 Park Avenue
P.O. Box 1480
Park City, UT 84060

Dear Kirsten:

Pursuant to the requirements of Park City Municipal Corporation, the Silver Queen Condominiums Homeowners' Association ("HOA") has provided notice to the Owners of the proposed application. Additionally, a vote of the Owners indicated that 92.83% of the approved the application as follows:

OWNER	UNIT	% OF OWNERSHIP	VOTING % IN FAVOR
Silver Queen Resort Group, LLC	2A	15.52%	15.52%
Jack Real Property, LLC	2C	8.89%	8.89%
Silver Queen Resort Group, LLC	3A	15.41%	15.41%
Silver Queen Resort Group, LLC	3C	8.97%	8.97%
Silver Queen Resort Group, LLC	4A	14.37%	14.37%
Rick & Kathy Blomquist	4B	7.17%	0.00%
Silver Queen Resort Group, LLC	4C	8.58%	8.58%
Commercial Space	---	21.08%	21.08%
TOTAL		**100.00%**	**92.83%**

If you have any questions, please contact me directly at (435) 658-9403.

Regards,

Brenda Nagle

Brenda Nagle
President
Silver Queen Condominiums

State of UTAH County of SUMMIT

Subscribed and sworn before me this 30th day of June, 2014.

Notary Public Seal

COLLEEN STEPHANIE TAYLOR
Notary Public
State of Utah
Comm. No. 666487
My Comm. Expires May 5, 2017

RECEIVED
JUL 0 2 2014
PARK CITY
PLANNING DEPT.

terms of lot size and depth.

3. Approval of the plat amendment does adversely affect health, safety, and welfare of the citizens of Park City.

4. There is Good Cause to deny the proposed plat amendment as the plat does cause undo harm on adjacent property owners because the proposal is not compatible with existing Single Family development (lots) in the near proximity.

6. <u>632 Main Street, Silver Queen Condominiums – First Amended Record of Survey</u> (Application PL-14-02301)

Planner Kirsten Whetstone reviewed the request for an amendment to an existing condominium plat for the Silver Queen Condominiums located at 632 Main Street, at the corner of Heber and Main. The building was constructed in 1982 and a condominium plat was recorded with Summit County in 1995 for 15 residential units and commercial on the ground floor.

Planner Whetstone reported that a Historic District Design Review was approved in 2011for remodeling the exterior of the building, as well as gutting the interior and reducing the units from 15 residential condominium units to seven units. The commercial on the ground floor was reconfigured. There are existing elevators and stairways within the building and hallways. The building is located in the HCB zones and multi-family is an allowed use. The seven units do not require a master planned development. The commercial is also an allowed use. Planner Whetstone stated that there was no increase in the building footprint and the requested plat would not create any non-complying situations.

Planner Whetstone commented on a change to the table on page 261 of the Staff report. When she calculated the Floor Area Ratio, she inadvertently excluded the hallways, elevators and staircases. Those were added in, which changed the lot size to 5,047 square feet from 5,045, and changed the FAR to 20,188. Adding in the hallways, elevators and staircases also changed the actual gross floor area to 16,332, which is a FAR of 3.24. Planner Whetstone recommended memorializing the changes by adding Finding 16 to say, “The plat reflects an FAR of 3.24 which is less than the maximum allowable FAR of 4.0 in the HCB Zone.”

Planner Whetstone stated that an active building permit to create the seven units was approved by the Chief Building Official. Therefore, because it was such a large project, the condominium plat needs to come in after the units are built so they can be surveyed and become an actual record of survey. The Chief Building Official allowed the permit to go forward, but because of the reduction in units from the original plan, a condominium plat is required. Planner Whetstone noted that another difference is that the entire building is owned by one entity, except for Unit 4B, which has a different owner. A vote was taken by the15 unit owners and only the owner of Unit 4B was opposed.

The Staff recommended that the Planning Commission conduct a public hearing for the First Amended Silver Queen Condominiums Record of Survey Plat for seven residential condominium units and one commercial condominium unit located on the lower floor, and consider forward a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval found in the draft ordinance with the addition of Finding #16.

Steve Bremmer with Elliott Work Group, stated that he had the privilege of representing both the owner of the building and the owners of Unit 4B. Mr. Bremmer explained that the owners of Unit 4B originally opposed the plat as proposed, which showed limited common area on the roof terrace as identified in the exhibit on page 269 of the Staff report. It was later determined by the Building Department that commercial area on the roof would not be allowed. The plan was revised and re-submitted to the Planning Department. The area is now common area on the mezzanine level, which is the rooftop area above Unit 4B. Mr. Bremmer noted that the owners of Unit 4B also modified their unit and made it slightly larger. Based on the revision to the rooftop area, the owners of Lot 4B now fully support the plat as currently proposed.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Phillips moved to forward a POSITIVE recommendation for the First Amended Silver Queen Condominiums record of survey based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance and as amended with the addition of Finding of Fact #16 stating that the plat reflects an FAR of 3.24 which is less than the maximum allowable FAR of 4.0 in the HCB Zone. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.
<u>Findings of Fact – 632 Main Street</u>

1. The property is located at 632 Main Street at the intersection of Main Street and

Heber Avenue. There is an existing four story mixed use building on the property.

2. The existing building, known as the known as the Silver Queen Condominiums, was constructed in 1982.

3. On May 12, 1994, the City Council approved the Silver Queen Condominiums record of survey plat for twelve residential units and one commercial unit. On May 5, 1995, the condominium plat was recorded at Summit County.

4. Seven residential units are platted with this record of survey plat for a total of 11,074 sf of floor area. Units range in size from 1,006 sf to 2,178 sf. Average unit size is 1,582 sf. Unit 4A is a two story unit with a roof top penthouse. Residential units are located on the second, third, and fourth floors. See Exhibit A, proposed plat for all unit numbers and square footages.

5. One 2,973 sf commercial unit is platted on the main floor.

6. Common area for halls, stairs, elevators, outdoor patios and decks are being platted with this record of survey.

7. The building currently is currently being remodeled with an active building permit.

8. The condominium plat is required in order for the units to be sold individually.

9. The building is located in the Historic Commercial Business District (HCB) with access to Main Street and Heber Avenue.

10. Residential and commercial uses are allowed uses within the HCB zoning district.

11. With the exception of one residential unit, existing unit #9, the building is currently owned by one entity.

12. On April 21, 2014, the City received an application for an amended condominium plat. The application was deemed complete on July 2, 2014 when proof of a vote of the HOA was provided indicating that 92.83% of the Silver Queen Condominium HOA ownership approved of the amended plat. The application includes signatures from all owners.

13. The condominium plat is consistent with the Historic District Design Review plans approved by the Planning Staff on September 29, 2011.

14. The property was assessed and paid into the Main Street Parking Improvement District for the twelve units and ground level commercial. Parking requirements for the existing configuration (original plat) are 16.5 (17) for the twelve residential units 6 units less than 650 sf (6 spaces), 3 units at 1,035 sf (6 spaces), and 3 units at 876 sf (4.5 (5) spaces) and 18 for the commercial space for a total of 35 spaces. The proposed unit configuration requires 12 spaces for the seven residential (3 units greater than 2,000 sf (6 spaces), 4 units greater than 1,000 sf (6 spaces) and 18 spaces for the commercial for a total of 30 spaces. Therefore the proposed plat requires fewer spaces than were assessed and paid and no additional parking is required. No parking is provided on site.

15. Commercial space is located at the street along the Main Street frontage and residential units are located on the upper floors. All of the storefront properties are subject to the vertical zoning ordinance.

16. The plat reflects an FAR of 3.24 which is less than the maximum allowable FAR of 4.0 in the HCB Zone.

Conclusions of Law – 632 Main Street

1. There is good cause for this condominium plat.

2. The condominium plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.

3. Neither the public nor any person will be materially injured by the proposed condominium plat.

4. Approval of the condominium plat, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 632 Main Street

1. The City Attorney and City Engineer will review and approve the final form and content of the condominium plat for compliance with State law, the Land Management Code, the recorded subdivision plat, and any conditions of approval, prior to recordation of the plat.

2. The applicant will record the condominium plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless an extension request is made in

writing prior to the expiration date and the extension is granted by the City Council.

3. All conditions of approval of the 632 Main Street Historic District Design Review shall continue to apply.

4. A note shall be added to the plat prior to recordation stating that the units of the Silver Queen Condominiums are served by Common Private Lateral Wastewater lines. The Silver Queen Condominium Association shall be responsible for the ownership, operation and maintenance of all Common Private Lateral Wastewater lines.

5. All required ADA access, required restaurant grease traps, and other specific Building and Fire Code requirements for the units shall be addressed with tenant improvement building permits as the spaces are finished.

Park City Planning Commission meeting adjourned at 8:45 p.m.

Approved by Planning Commission: ___________________________________

City Council
Staff Report

PLANNING DEPARTMENT

Subject:	**1102 Norfolk Avenue - Plat Amendment**
Author:	**Ryan Wassum, Planner**
Date:	**August 21, 2014**
Type of Item:	**Administrative – Plat Amendment**
Project Number:	**PL-14-02367**

Summary Staff Recommendation
Staff recommends that the City Council hold a public hearing for the 1102 Norfolk Avenue Subdivision Plat Amendment and consider approving the proposed plat amendment based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Description

Applicant:	Casey Crawford, owner
Location:	1102 Norfolk Avenue
Zoning:	Historic Residential (HR-1)
Adjacent Land Uses:	Residential single family and vacant lots
Reason for Review:	Plat amendments require City Council review and approval

Proposal
The applicant is requesting a plat amendment (Exhibit A) for the purpose of removing the lot line between Lot 31 and Lot 32, to create one legal lot of record called the 1102 Norfolk Avenue Subdivision of Block 8, Snyder's Addition to Park City Survey. The existing historic structure, located across the lot line separating Lots 31 and 32 at 1102 Norfolk Avenue would be brought into compliance. The applicant is proposing to preserve the historic structure and add an addition.

Background
On June 3, 2014 the owner submitted a complete application for a plat amendment. The subject property is located at 1102 Norfolk Avenue, and the existing historic structure sits on Lots 31 and 32 of Block 8, Snyder's Addition to Park City Survey.

The applicant wishes to remove the lot line located between Lots 31 and 32 at 1102 Norfolk Avenue to create one legal lot of record, further bringing the existing historic structure that straddles the lot line into legal compliance. The applicant proposes to preserve and renovate the home and add an addition. A Historic District Design Review (HDDR) and Steep Slope Conditional Use Permit application were also submitted by the applicant on May 21, 2014; both applications are currently on hold due to incomplete applications.

On July 23, 2014, the Planning Commission voted unanimously to forward a positive recommendation to City Council.

Analysis
The current application is a request to create a 3,750 square feet of lot by removing the lot line located between Lots 31 and 32 at 1102 Norfolk Avenue. Lots 31 and 32 are both seventy-five (75) feet deep by twenty-five (25) feet, and each has a square footage of 1,875 sf. The HR-1 zone requires a minimum lot area of 1,875 square feet for a single family house and 3,750 square feet for a duplex. The existing home is 1,024 square feet in size, which is under the allotted maximum building footprint of 1,480 square feet. The back of the home currently sits 2 feet away from the front setback on Norfolk Avenue and is nonconforming since it does not meet the required 10 foot front yard setback. The historic structure is valid complying in that it does not meet the south side yard setback at 3.42 feet (10 feet required), as well as the front yard setback at 2 feet (5 feet required. Currently, the south side yard retaining wall, concrete walkway, and wood deck encroach into the 11th Street public right-of-way. The proposed plat amendment meets the required lot size for a new legal lot of record.

The purpose of the Historic Residential (HR-l) District is to:

A. preserve present land Uses and character of the Historic residential Areas of Park City,
B. encourage the preservation of Historic Structures,
C. encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,
D. encourage single family Development on combinations of 25' x 75' Historic Lots,
E. define Development parameters that are consistent with the General Plan policies for the Historic core, and
F. establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

1102 Norfolk Avenue Subdivision

	HR-1 Zone Designation	Existing Conditions	Proposed Lot (Exhibit A)
Min Lot Size:	1,875 square feet	3,750 square feet	3,750 square feet
Max Footprint:	1518.75 square feet	1,024 square feet; *complies*	1,480 square feet
Front/Rear Setbacks:	10’ min (20’ total)	Front: 2’; *valid complying* Rear: 35’; *complies*	Front: 10’ Rear: 10’
Side setbacks:	5’ min (10’ total)	South side: 3.42’; *noncomplying* North side: 14.43’; *complies*	South side: 5’ North side: 5’
Max. Height:	27’	15.75’	Up to 27’ (proposing 23’in HDDR)
Parking:	Per LMC 15-3-8., historic structures are exempt.	None	Proposing 2 tandem spots, however exempt

The proposed plat amendment does not create any new non-complying situations with respect to setbacks. The plat amendment would remove existing encroachments over the interior lot lines (side yard setbacks); however, any existing encroachments into the 11th Street right-of-way will either be removed or an encroachment agreement will be entered into with the City Engineer. The additions to the significant structure would be required to meet the current setback requirements.

Good Cause

Planning Staff finds that there is good cause for this plat amendment as it meets the Land Management Code and creates a legal conforming structure that is compatible within the HR-1 District. The plat amendment will also utilize best planning and design practices, while preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City community.

Staff finds that the plat will not cause undo harm on any adjacent property owner because the proposal meets the requirements of the Land Management Code (LMC) and all future development will be reviewed for compliance with requisite Building and Land Management Code requirements. In approving the plat, the City will gain one (1) ten foot (10') snow storage easement along Norfolk Avenue as well as resolve the existing building encroachments over interior lot lines and make the side yard setbacks comply with the LMC. The applicant cannot move forward with their proposed preservation and addition to the home until the plat amendment has been recorded.

Process

Approval of this application by the City Council constitutes Final Action that may be appealed following the procedures in LMC 1-18. A Historic District Design Review application or pre-application is required prior to issuance of any building permits for new construction on the property. Any area proposed for future construction that meets requirements for applicability of a Steep Slope Conditional Use permit shall be reviewed for compliance with the Steep Slope Conditional Use permit review criteria, prior to issuance of any building permits.

Department Review

This project has gone through an interdepartmental review. There were no issues raised by any of the departments regarding this proposal that have not been addressed by the conditions of approval.

Notice

Legal Notice of this public hearing was posted on August 11, 2014.

Public Input

No public input was received at the July 23, 2014, Planning Commission hearing.

Alternatives

- The City Council may approve the 1102 Norfolk Avenue Subdivision Plat Amendment as conditioned or amended; or
- The City Council may deny the 1102 Norfolk Avenue Subdivision Plat Amendment and direct staff to make Findings for this decision; or

- The City Council may continue the discussion on the 1102 Norfolk Avenue Subdivision Plat Amendment; or
- The City Council may remand the item back to the Planning Commission for specific discussion on topics and/or findings.

Significant Impacts
There are no significant fiscal or environmental impacts from this application.

Consequences of not taking the Suggested Recommendation
The historic structure located at 1102 Norfolk Avenue would remain legally non-complying since it runs over a lot line, further preventing the dilapidated structure from being restored or adding additional living space.

Recommendation
Staff recommends that the City Council hold a public hearing for the 1102 Norfolk Avenue Subdivision Plat Amendment and consider approving the 1102 Norfolk Avenue Subdivision Plat Amendment based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Exhibits
Ordinance Exhibit A- Proposed Subdivision Plat Amendment
Exhibit B- Aerial photo/ vicinity map
Exhibit C- Survey
Exhibit D- Photos

Draft Ordinance

Ordinance No. 14-

AN ORDINANCE APPROVING THE 1102 NORFOLK AVENUE SUBDIVISION BY REMOVING THE LOT LINE BETWEEN LOTS 31 AND 32 OF BLOCK 8, SNYDERS ADDITION TO THE PARK CITY SURVEY, LOCATED IN PARK CITY, UTAH

WHEREAS, the owner of property located at 1102 Norfolk Avenue petitioned the City Council for approval of the 1102 Norfolk Avenue Subdivision; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on July 23, 2014, to receive input on the 1102 Norfolk Avenue Subdivision;

WHEREAS, the Planning Commission, on July 23, 2014, forwarded a recommendation to the City Council;

WHEREAS, the City Council held a public hearing on August 21, 2014; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 1102 Norfolk Subdivision removing the Lot Line between Lots 31 and 32. The plat amendment also secures public snow storage easements across the frontage of the proposed lot.

WHEREAS, Staff finds that the plat will not cause undo harm to adjacent property owners and all requirements of the Land Management Code for any future development can be met.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The 1102 Norfolk Avenue Subdivision as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 1102 Norfolk Avenue and consists of two (2) “Old Town” lots, namely Lots 31 and 32 of Block 8 Snyders addition to the Park City Survey.
2. The property is located within the Historic Residential (HR-1) zoning district.
3. The property has frontage on Norfolk Avenue and the lot contains 3,750 square feet of area.

4. There is an existing historic structure located on the property that straddles the Lot Line between Lots 31 and 32.
5. The existing historic structure does not meet the front yard setback at 2' (west elevation) and the side yard setback at 3.42' (south elevation) but is a valid Complying structure pursuant to LMC 15-2.2-4.
6. The side yard (south elevation) retaining wall, concrete walkway, and wood deck encroach into the 11th Street public right-of-way.
7. The maximum building footprint allowed for 1102 Norfolk Avenue on Lot 31 and 32 is 1,518.75 square feet per the HR-1 LMC requirements and based on the lot size. The applicant is proposing an addition which will increase the building footprint to1,480 square feet.
8. The existing home has a building footprint of approximately 1,024 square feet.
9. The minimum lot area for a single family lot in the HR-1 zone is 1,875 square feet. The minimum lot area for a duplex in the HR-1 zone is 3,750 sf.
10. The maximum height for a home in the HR-1 zone is 27 feet; the existing home is 15.75 feet.
11. Single family homes are an allowed use in the HR-1 zone.
12. On May 21, 2014, the owner submitted an application for a plat amendment to remove the lot line between Lot 31 and Lot 32, to create one legal lot of record and further making the historic structure legally complying. The application was deemed complete on June 3, 2014.
13. The applicant proposes to renovate the home and add an addition.
14. The home is currently on the Historic Sites Inventory (HSI) listed as a significant structure.
15. The Lot is subject to the Park City Design Guidelines for Historic Districts and Historic Sites for any new construction on the structure.
16. The proposed subdivision plat amendment does not create any new non-complying or nonconforming situations; removing the lot line makes the historic structure legally complying.
17. The plat amendment secures public snow storage easements across the frontage of the lots.
18. There is good cause to remove the lot line to create one lot and make the historic structure legally complying; the lot size is compatible with lots in the surrounding neighborhood within the HR-1 District.

Conclusions of Law:
1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:
1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.

2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Approval of an HDDR application is a condition precedent to issuance of a building permit for construction on the lots. Also recordation of the plat is a condition of building permit issuance.
4. Approval of a Steep Slope Conditional Use Permit application is a condition precedent to issuance of a building permit if the proposed development is located on areas of 30% or greater slope and over 1000 square feet per the LMC.
5. Modified 13-D sprinklers will be required for new construction/substantial renovation as required by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final mylar prior to recordation.
6. A 10 foot wide public snow storage easement is required along the frontage of the lots with Norfolk Avenue and shall be shown on the plat.
7. Any encroachments on the 11th Street right-of-way will either need an encroachment agreement with the City Engineer or be removed.
8. All prior snow storage and snow shedding easements associated with this property shall be reflected on this plat.

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

PASSED AND ADOPTED this _21st__day of August, 2014.

PARK CITY MUNICIPAL CORPORATION

____
Jack Thomas, MAYOR

ATTEST:

____
Marci Heil, City Recorder

APPROVED AS TO FORM:

____
Mark Harrington, City Attorney

Exhibit A

SURVEYOR'S CERTIFICATE

REGISTERED LAND SURVEYOR
No. 4938739
MARTIN A. MORRISON
State of Utah

I, Martin A. Morrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 4938739, as prescribed by the laws of the State of Utah, and that by authority of the owner, I have prepared this Record of Survey map of the 1102 NORFOLK AVENUE SUBDIVISION and that the same has been or will be monumented on the ground as shown on this plat. I further certify that the information on this plat is accurate.

BOUNDARY DESCRIPTION

LOTS 31 & 32, Block 8, SNYDER'S ADDITION TO PARK CITY, according to the official plat thereof on file and of record in the Summit County Recorder's Office.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that Casey S. Sutherland, the undersigned owner of the herein described tract of land, to be known hereafter as 1102 NORFOLK AVENUE SUBDIVISION, does hereby certify that she has caused this Plat to be prepared, and does hereby consent to the recordation of this Plat.

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

_______________, 2014.

________________, Owner
Casey S. Sutherland

ACKNOWLEDGMENT

State of Utah:
ss:
County of Summit:

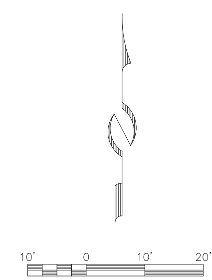
On this _____ day of ____________________, 2014, Casey S. Sutherland personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Casey S. Sutherland acknowledged to me that she is the owner of the herein described tract of land, and that she signed the above Owner's Dedication and Consent to Record freely and voluntarily.

____
A Notary Public commissioned in Utah

____
Printed Name

Residing in: _______________

My commission expires: ___________________



BLOCK 8, SNYDER'S ADDITION TO PARK CITY SURVEY

1102 NORFOLK AVENUE SUBDIVISION

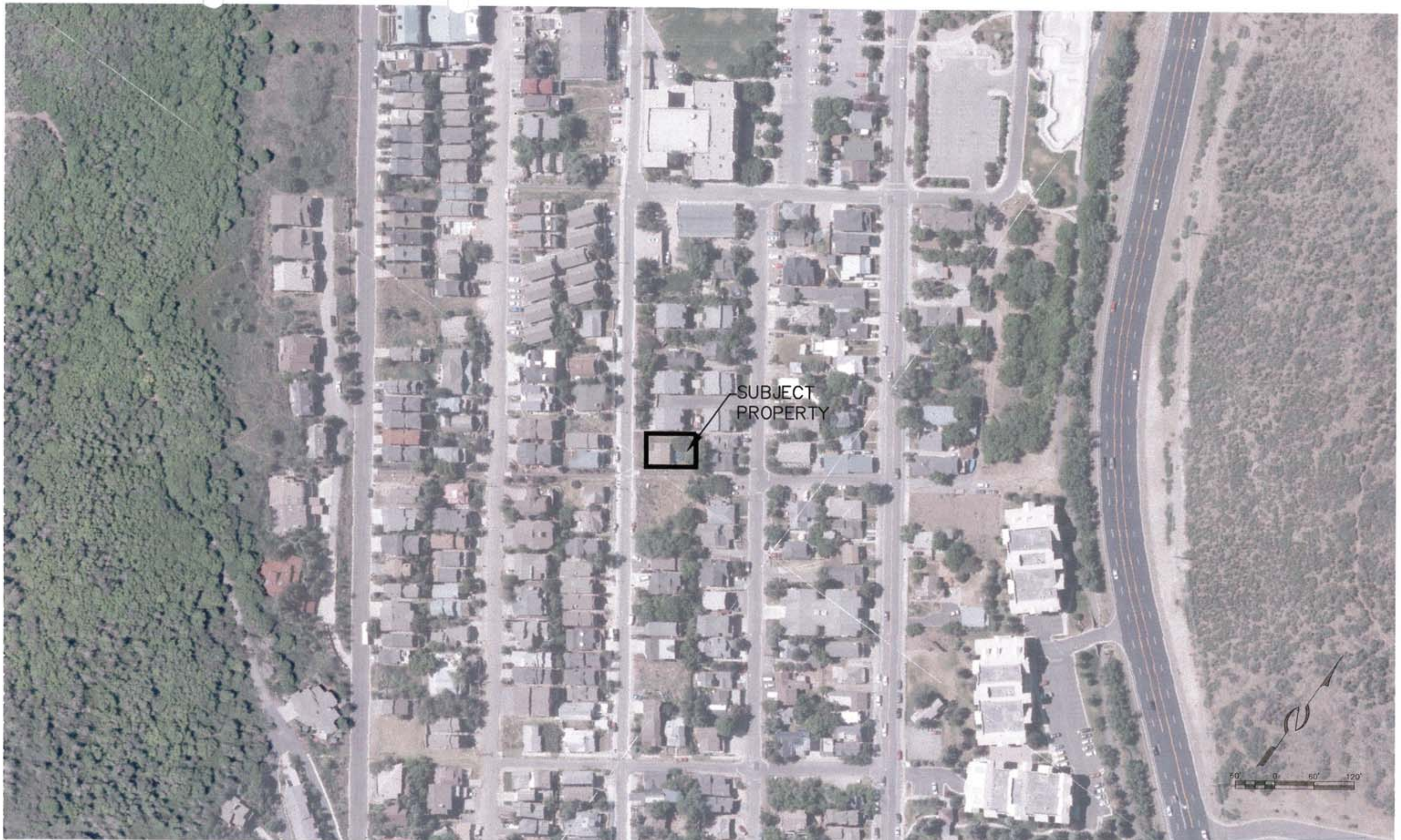
LOCATED IN THE NORTHWEST QUARTER OF SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

SHEET 1 OF 1

6/23/14 JOB NO.: 3-4-14 FILE: X:\SnydersAddition\dwg\srv\plat2014\030414.dwg

(435) 649-9467 Alliance Engineering Inc CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT	PLANNING COMMISSION	ENGINEER'S CERTIFICATE	APPROVAL AS TO FORM	CERTIFICATE OF ATTEST	COUNCIL APPROVAL AND ACCEPTANCE	RECORDED
	REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ______ DAY OF __________, 2014 BY ______________ S.B.W.R.D.	APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ____ DAY OF __________, 2014 BY ______________ CHAIRMAN	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF __________, 2014 BY ______________ PARK CITY ENGINEER	APPROVED AS TO FORM THIS _____ DAY OF __________, 2014 BY ______________ PARK CITY ATTORNEY	I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF __________, 2014 BY ______________ PARK CITY RECORDER	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF __________, 2014 BY ______________ MAYOR	STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF ____________________ DATE __________ TIME __________ ENTRY NO. FEE RECORDER

Exhibit B



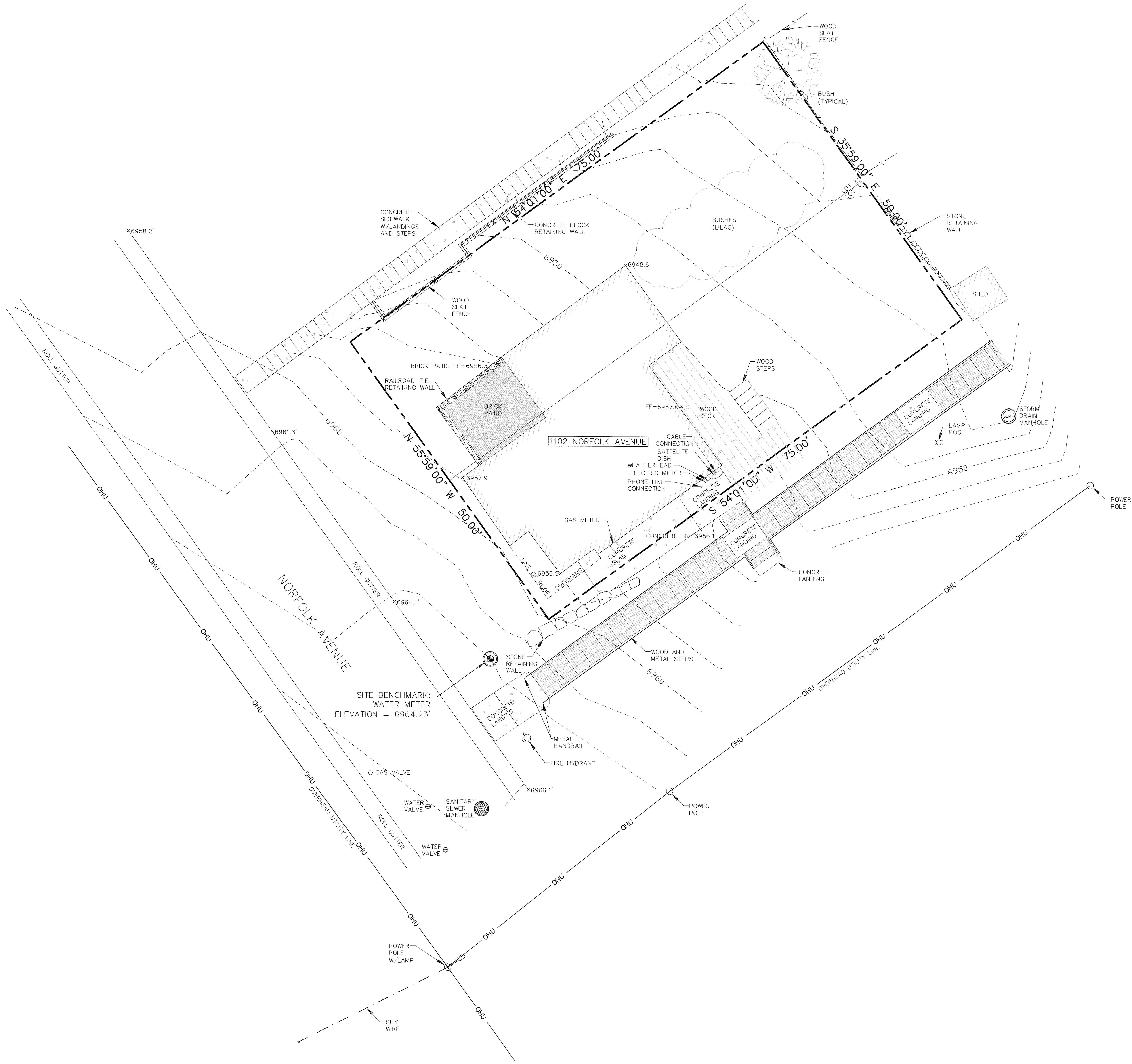
Alliance Engineering Inc. (435) 649-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS	STAFF: MARSHALL KING DATE: 4/3/14	AERIAL PHOTOGRAPH 1102 NORFOLK AVENUE BLOCK 8, SNYDER'S ADDITION FOR: COREY CRAWFORD JOB NO.: 3-4-14 FILE: X:\SnydersAddition\dwg\Exhibits\1102 norfolk-photo.dwg	SHEET 1 OF 1

Exhibit C

SURVEYOR'S CERTIFICATE

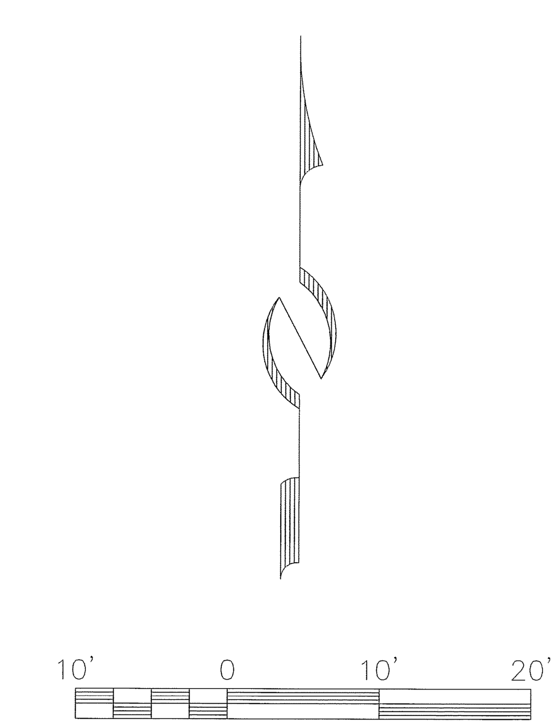
REGISTERED LAND SURVEYOR
No.4938739
MARTIN A. MORRISON
State of Utah
Martin A. Morrison
4-15-'14

I, Martin A. Morrison, do hereby certify that I am a registered land surveyor and that I hold certification no. 4938739 as prescribed under the laws of the State of Utah. I further certify that a topographic survey has been made under my direction of the lands shown and described hereon. I further certify that this topographic survey is a correct representation of the land surveyed at the time the field work was completed and is in compliance with generally accepted industry standards for accuracy.



NOTES

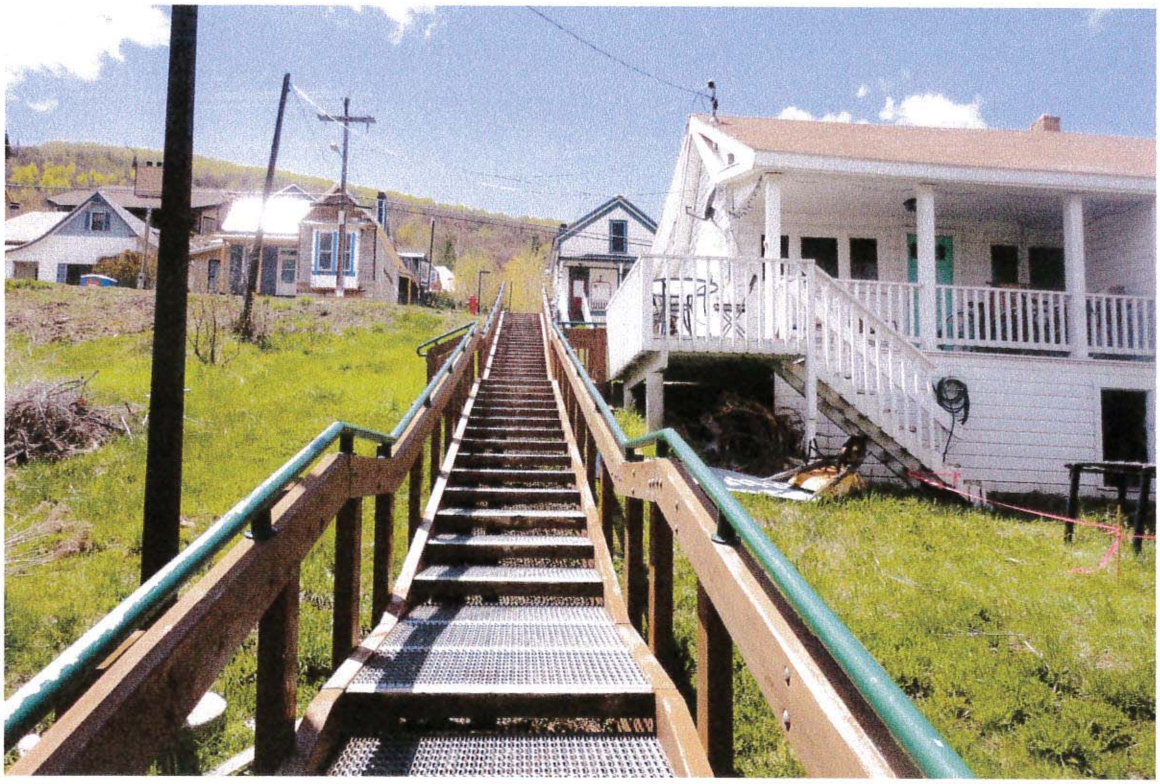
1. Site Benchmark: Water Meter
   Elevation= 6964.23'
2. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
3. This topographic map is based on a field survey performed on November 19, 2007 with additional mapping on March 4, 2014.
4. Property corners were found or set.

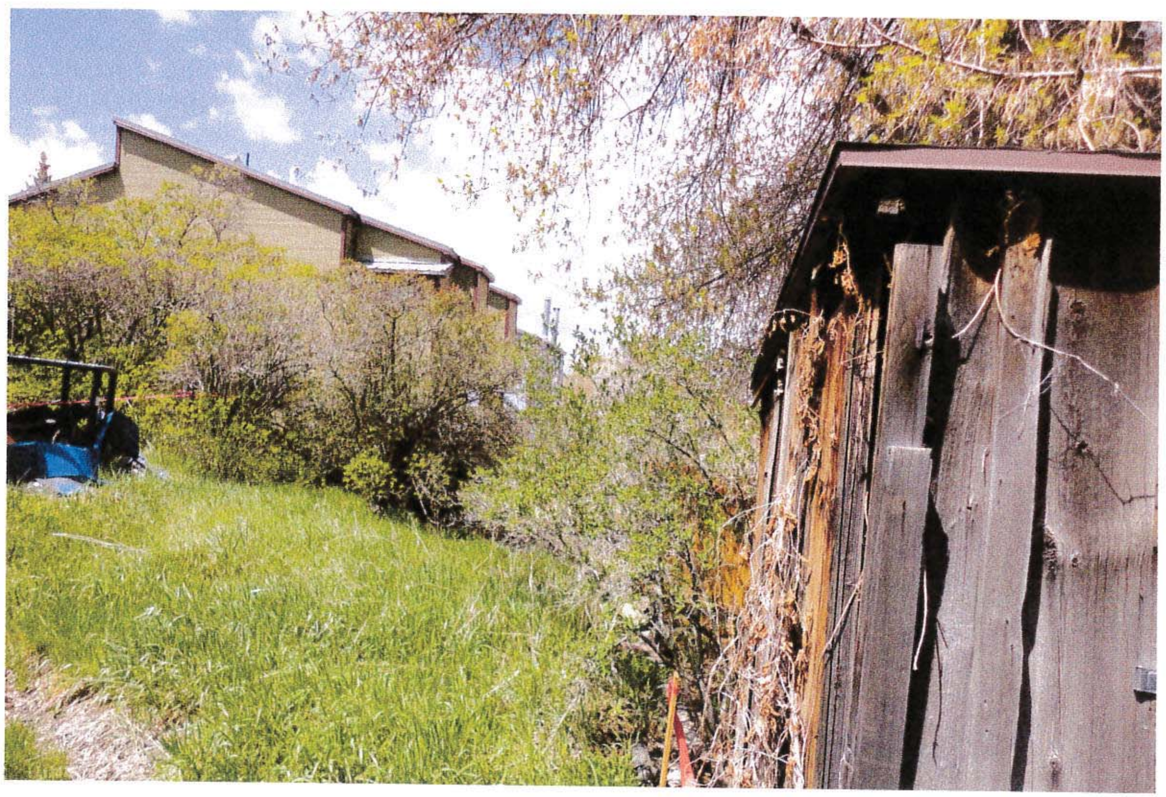


(435) 649-9467 Alliance Engineering Inc CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	STAFF: MARSHALL KING MARTY MORRISON HARRISON HOLLEY DATE: 4/15/14	TOPOGRAPHIC SURVEY 1102 NORFOLK AVENUE LOTS 31 & 32, BLK 8, SNYDER'S ADDITION FOR: STUDIO 255 ARCHITECTURE JOB NO.: 3-4-14 FILE: X:\SnydersAddition\dwg\srv\topo2014\030414.dwg	SHEET 1 OF 1

Exhibit C

Exhibit D





City Council
Staff Report

PARK CITY 1884 PLANNING DEPARTMENT

Subject:	**Third Amended Stag Lodge Phase II condominium plat for Unit 35 located at 8200 Royal Street East**
Author:	**Christy J. Alexander, AICP, Planner II**
Date:	**August 21, 2014**
Type of Item:	**Administrative – Condominium Record of Survey Amendment**
Project Number:	**PL-14-02394**

Summary Recommendations
Staff recommends the City Council hold a public hearing and consider approving the Third Amended Stag Lodge Phase II condominium plat for Unit 35 based on the findings of fact, conclusions of law and conditions of approval as stated in the draft ordinance.

Description

Applicant:	Marshall King, representative of the owner (WCSCM Utah LLC) and the HOA
Location:	8200 Royal Street East, Unit #35
Zoning:	Residential Development (RD) as part of the Deer Valley MPD and is within the Sensitive Lands Overlay
Adjacent Land Uses:	Stag Lodge Condominium units, ski terrain of Deer Valley Resort, single family homes.
Reason for Review:	Plat amendments require Planning Commission review and City Council approval.

Proposal
The applicant is requesting to amend the existing Stag Lodge Phase II record of survey plat for Unit 35 (Exhibit A). This unit is a detached, single family unit. The amendment is a request to enlarge Unit 35 by expanding the Garage Level to encompass the entire existing building footprint. A portion of the area that includes the proposed expansion is currently designated as Common Area. This proposal would convert the Common Area to Private Ownership Area A. All of the changes taking place on this proposed plat are internal and will not alter the exterior appearance of Unit 35. The footprint of the Unit will not change and no additional parking is required.

Background
On June 6, 2014, the owner submitted an application for an amended record of survey for the Stag Lodge Phase II condominiums. Stag Lodge Phase II is a 12 unit Phase of the 52 unit condominium project located in the Silver Lake area of Deer Valley. The Stag Lodge Condominium project consists of a total of 52 units ranging in size from 2,213 sf to 6,806.8 sf. The applicant wishes to amend the plat to enlarge Unit 35 by expanding the Garage Level to encompass the entire existing building footprint. A portion of the area that includes the proposed expansion is currently designated as Common Area. This proposal would convert the Common Area to Private Ownership Area A.

During the time after the recording of the Second Amended Stag Lodge Phase II and this current proposal to Unit 35 of Stag Lodge Phase II, expansion into Private Ownership Area B took place by the previous owner. This proposed plat will reflect those changes. During this same time frame, the area designated as Unexcavated on the Entry Level of the Second Amended Stag Lodge Phase II was also expanded by the previous owner, to be included as part of Unit 35. This area will now be shown as Private Ownership Area A on the proposed plat. Alliance Engineering discovered these changes when they were surveying the property for the new owner. The amended plat will reflect the changes the previous owner had made without seeking permits and approval from the Planning and Building Departments. There are two designations for private areas (Private Area A and B), which have been found on previous plats. Private Area B typically is area that has not had any changes made to the area and Private Area A typically is private area that has been amended.

All of the changes that have taken place and will now take place on this proposed plat are internal and will not alter the exterior appearance of Unit 35. Sheet 1 of 5 of Stag Lodge Phase II, recorded January 17, 1989, as Entry No. 303348 will not be affected, as it is not being proposed to alter the footprint of the building in any way and does not change the number of units. The parking requirement for this unit is 2 spaces. The unit has an attached two car garage. No additional parking is required.

Stag Lodge Phase II plat was approved by City Council on January 11, 1989 and recorded at Summit County on January 17, 1989. The First Amended Stag Lodge Phase II plat was approved by City Council on June 6, 2002 and recorded at Summit County on January 17, 2003 and basically created two types of ownership for the Units. The Second Amended Stag Lodge Phase II plat was approved by City Council on July 1, 2004 and recorded at Summit County on May 25, 2005 and created additional private area for the Units.

Stag Lodge is subject to the 11th Amended Deer Valley Master Plan Development (DVMPD) that allows 52 units for Stag Lodge. There are 52 existing Stag Lodge units and the proposed amendments do not create additional units. The DVMPD allowed 50 units to be built at the Stag Lodge parcel in addition to the 2 units that existed prior to the DVMPD. A total of 52 units are allowed per the Eleventh Amended DVMPD and 52 units exist within the Stag Lodge parcel. The Stag Lodge units are all included in the 11th Amended Deer Valley Master plan and the developer, with the approval of Planning Commission, could elect whether to utilize either the City's Unit Equivalent (UE) formula of 2,000 square feet per or develop the allowed number of units without a stipulated unit size and are not developed using the LMC unit equivalent formula

In the case of Stag Lodge, the developer utilized the number of units with no size restriction. The Stag Lodge Condominium project consists of 52 units ranging in size from 2,213 sf to 6,806.8 sf. Unit 35 is currently platted as 5,017 sf. If approved, Unit 35 increases by 1,789.8 sf. Approval of the Garage/Lower Level as private area and reflecting changes to the Main Level and Entry Level would increase Unit 35 to 6,806.8 sf. The Planning Commission voted unanimously at their July 23, 2014 meeting to forward a positive recommendation to the City Council.

Analysis

The zoning for Unit 35 is within the DVMPD and is Residential Development (RD). The area was part of the original DVMPD that was zoned RD-MPD during the approval of that Master Planned Development and is within the Sensitive Lands Overlay. The unit was built in 1989 and is accessed via private road. The development is required to have 60% open space, but because the footprint of the unit is not changing there is no change to the open space. The property is subject to the following criteria:

	Permitted through 11th Amended DVMPD	**Proposed**
Height	28'-35'	No changes are proposed.
Setbacks	Per the record of survey plat	No changes are proposed.
Units/ UE	52 units	No change proposed to the allowed number of units
Parking	2 spaces for Unit 35	2 spaces for Unit 35. No changes are proposed
Square Footage	5,017 square feet private area existing	6,806.8 square feet private area proposed (see Exhibit A)

Good Cause

Planning Staff finds that there is good cause for this record of survey amendment to reflect the as-built conditions and allow the owner to utilize basement area as private living area without increasing the building footprint or parking requirements, consistent with provisions of the Deer Valley MPD. Staff finds that the plat will not cause undo harm to adjacent property owners and all requirements of the Land Management Code for any future development can be met.

Department Review

This project has gone through an interdepartmental review. There were no issues raised by any of the departments regarding this proposal that have not been addressed by the conditions of approval.

Notice

The property was posted and notice was mailed on July 9, 2014 to property owners within 300 feet in accordance with the requirements in the LMC. Legal notice was also published in the Park Record on July 9, 2014 and on the public notice website in accordance with the requirements of the LMC.

Public Input

Staff has not received public input on this application at the time of this report.

Process

Approval of this application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18. A Building Permit is publicly noticed by posting of the permit.

Alternatives

- The City Council may approve the Third Amended Stag Lodge Phase II record of survey plat for Unit 35 as conditioned or amended; or
- The City Council may deny the Third Amended Stag Lodge Phase II record of survey plat and direct staff to make Findings for this decision; or
- The City Council may continue the discussion on the Third Amended Stag Lodge Phase II record of survey plat to a date certain and provide direction to the applicant and/or staff to provide additional information necessary to make a decision on this item.

Significant Impacts

There are no significant fiscal or environmental impacts from this application.

Consequences of not taking the Suggested Recommendation

The additional basement areas will not be identified as private areas and will remain as common area. This area will not be considered to be part of Unit 35 for the exclusive use of Unit 35.

Recommendation

Staff recommends the City Council hold a public hearing and consider approving the Third Amended Stag Lodge Phase II condominium plat for Unit 35 based on the findings of fact, conclusions of law and conditions of approval as stated in the draft ordinance.

Exhibits

Exhibit A – Draft Ordinance and Amended Plat
Exhibit B – Vicinity Map/Aerial Photographs
Exhibit C – Streetscape Images
Exhibit D – Existing plats for Unit 35

Ordinance No. 14-

AN ORDINANCE APPROVING THE THIRD AMENDMENT TO THE STAG LODGE PHASE II CONDOMINIUMS FOR UNIT 35, LOCATED AT 8200 ROYAL STREET EAST, PARK CITY, UTAH.

WHEREAS, the owner of the property known as the Stag Lodge Phase II condominium Unit 35, has petitioned the City Council for approval of a request for an amendment to the record of survey plat to designate additional Garage/Lower Level area as private area; 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 on July 9, 2014; and

WHEREAS, the Planning Commission held a public hearing on July 23, 2014, to receive input on the amended record of survey plat;

WHEREAS, the Planning Commission forwarded a positive recommendation to the City Council; and,

WHEREAS, on August 21, 2014, the City Council held a public hearing on the amended record of survey plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Third Amended Stag Lodge Phase II record of survey plat for Unit 35 to reflect as-built conditions and allow the owner to utilize Garage/Lower Level area as private living area without increasing the building footprint or parking requirements, consistent with provisions of the Deer Valley MPD, as amended (11^{th} Amended DVMPD).

WHEREAS, Staff finds that the plat will not cause undo harm to adjacent property owners and all requirements of the Land Management Code for any future development can be met.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Third Amended Stag Lodge Phase II condominium record of survey plat for Unit 35, as shown in Exhibit A, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 8200 Royal Street East, Unit 35.
2. The property is located within the Residential Development (RD) zone and is subject to the Eleventh Amended Deer Valley MPD (DVMPD).

3. The Deer Valley MPD allowed 50 units to be built at the Stag Lodge parcel in addition to the 2 units that existed prior to the Deer Valley MPD. A total of 52 units are allowed per the Eleventh Amended Deer Valley MPD and 52 units exist within the Stag Lodge parcel.
4. The Stag Lodge parcels are all included in the 11th Amended Deer Valley Master plan and are not developed using the LMC unit equivalent formula.
5. Stag Lodge Phase II plat was approved by City Council on January 11, 1989 and recorded at Summit County on January 17, 1989. The First Amended Stag Lodge Phase II plat was approved by City Council on June 6, 2002 and recorded at Summit County on January 17, 2003. The Second Amended Stag Lodge Phase II plat was approved by City Council on July 1, 2004 and recorded at Summit County on May 25, 2005.
6. On June 6, 2014, an application was submitted to the Planning Department for The Third Amended Stag Lodge Phase II record of survey plat for Unit 35. The application was deemed complete on June 16, 2014.
7. The plat amendment identifies additional Garage/Lower Level area for Unit 35 as private area for this unit. The area is currently considered common area.
8. The additional Garage/Lower Level area is located within the existing building footprint and there is no increase in the footprint for this building.
9. Unit 35 is currently platted as 5,017 sf. If approved, Unit 35 increases by 1,789.8 sf. Approval of the Garage/Lower Level as private area and reflecting changes to the Main Level and Entry Level would increase Unit 35 to 6,806.8 sf.
10. As a detached unit, the parking requirement is 2 spaces per unit. The unit has an attached two car garage. The plat amendment does not increase the parking requirements for this unit.
11. The findings in the analysis section are incorporated herein.

<u>Conclusions of Law:</u>
1. There is good cause for this amendment to the record of survey.
2. The amended record of survey plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. The amended record of survey plat is consistent with the 11th Amended and Restated Deer Valley Master Planned Development.
4. Neither the public nor any person will be materially injured by the proposed record of survey amendment.
5. Approval of the record of survey amendment, subject to the conditions of approval, will not adversely affect the health, safety and welfare of the citizens of Park City.

<u>Conditions of Approval:</u>
1. The City Attorney and City Engineer will review and approve the final form and content of the amended record of survey plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the record of survey.
2. The applicant will record the amended record of survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year’s time, this approval for the record of survey will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. All other conditions of approval of the Stag Lodge Condominium record of survey

plats as amended and the Deer Valley MPD shall continue to apply.
4. The plat shall be recorded at Summit County as a condition precedent to issuance of certificates of occupancy for the interior basement finish work.

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

PASSED AND ADOPTED this ______ day of ______________, 2014.

PARK CITY MUNICIPAL CORPORATION

____
Jack Thomas, MAYOR

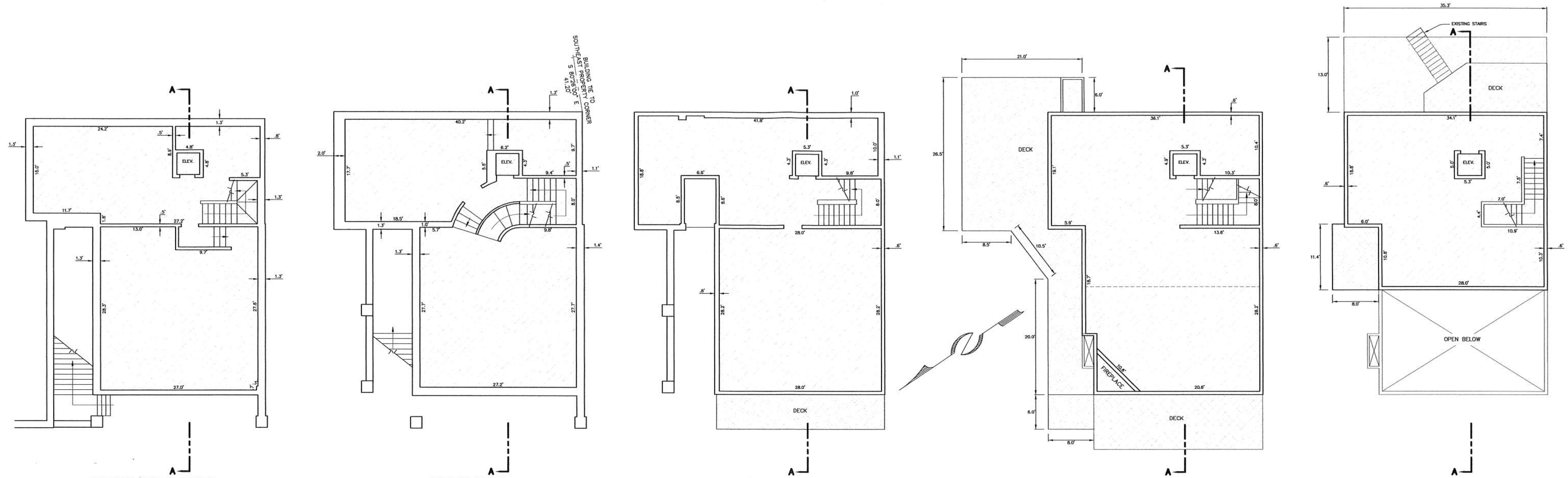
ATTEST:

____
City Recorder's Office

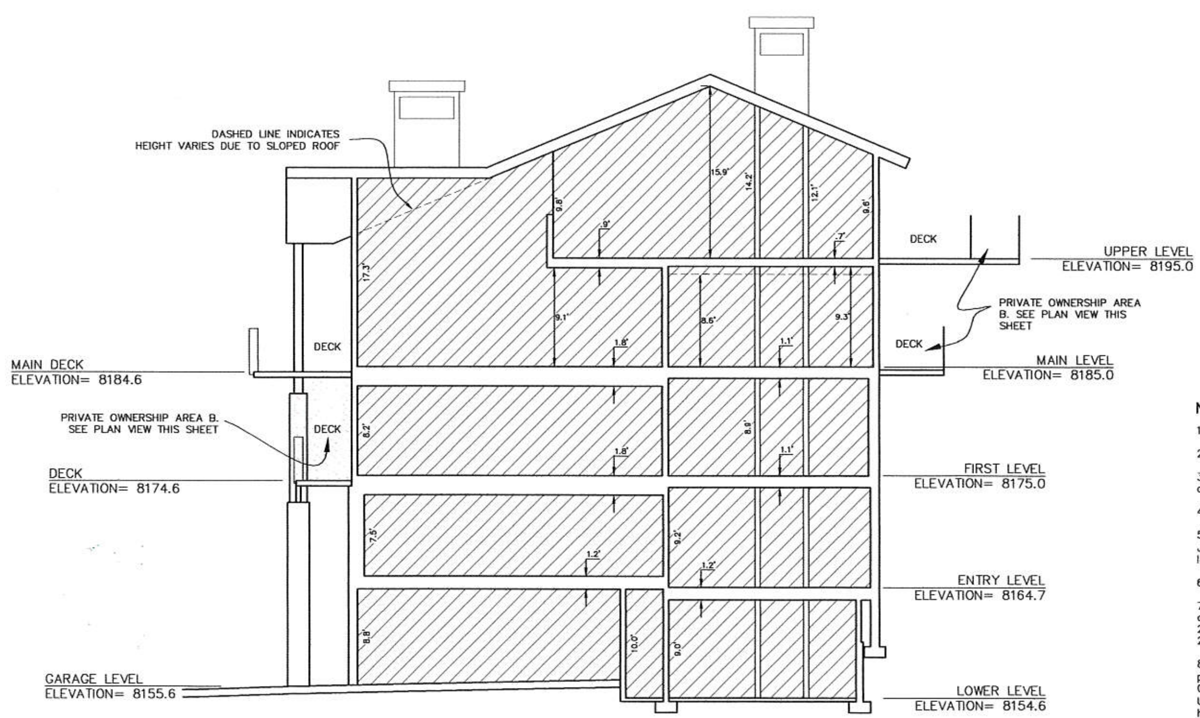
APPROVED AS TO FORM:

____
Mark Harrington, City Attorney

EXHIBIT A



GARAGE/LOWER LEVEL — ENTRY LEVEL — FIRST LEVEL — MAIN LEVEL — UPPER LEVEL



SECTION A

OWNERSHIP DESIGNATIONS

- "PRIVATE OWNERSHIP AREA A"
- COMMON OWNERSHIP
- LIMITED COMMON OWNERSHIP
- "PRIVATE OWNERSHIP AREA B"

UNIT 35	SQUARE FOOTAGE
GARAGE/LOWER LEVEL	1388.4
ENTRY LEVEL	1450.2
FIRST LEVEL	1509.0
MAIN LEVEL	1512.6
UPPER LEVEL	946.6
TOTAL	6806.8

NOTES

1. Interior dimensions shown are to finish surfaces.
2. All structural elements are designated as common areas.
3. All physical features and improvements not shown are designated as common area.
4. Refer to Declaration of Condominium for complete description of ownership.
5. Benchmark: See Sheet 1 of the Stag Lodge Phase II Condominium, recorded January 17, 1989 as Entry No. 303348 in the Summit County Recorder's Office for location and elevation.
6. This plat is subject to the conditions of approval in Ordinance ____________.
7. All conditions of approval of the Stag Lodge Phase II, recorded January 17, 1989, as Entry No. 303348; Stag Lodge Phase II, First Amended, recorded January 17, 2003, as Entry No. 645060 and Stag Lodge Phase II, Second Amended, recorded May 25, 2005, as Entry No. 737280 shall continue to apply.
8. The two primary changes reflected on this plat that are different from the previous plat are: 1) The Garage/Lower Level will include what was the unexcavated Common Area on the Garage Level on Stag Lodge Phase II, Second Amended for Unit 35 and has been expanded to Private Ownership. 2) To reflect changes that have taken place on what is designated as the Main Level and Entry Level on the Stag Lodge Phase II, Second Amended for Unit 35, recorded May 25, 2005, as Entry No. 737280 in the office of the Summit County Recorder.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, the undersigned owner of the herein described Stag Lodge Phase II, Unit 35, hereby certifies that he has caused this survey to be made and this amended Record of Survey Map to be prepared and hereby consents to the recordation of this amended Record of Survey Map.

____
Warren Gorrell, Manager, WCSCM Utah LLC

ACKNOWLEDGMENT

State of ____________;

ss:

County of ____________;

On this ______ day of ________________________, 2014, Warren Gorrell personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Warren Gorrell acknowledged to me that he is the manager of WCSCM Utah LLC, a Virginia limited liability company, the owner of Unit 35, and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

____
Warren Gorrell, Manager of WCSCM Utah LLC, a Virginia limited liability company

A Notary Public commissioned in ________________

____
Printed Name

Residing in: ____________________

My commission expires: ______________________

LEGAL DESCRIPTION

Unit 35, contained within the STAG LODGE CONDOMINIUM, PHASE II, AMENDED, a Utah expandable condominium project as the same is identified in the record of survey map recorded on March 4, 1985 in Summit County, as Entry No. 231328, (as said record of survey map may have heretofore been amended or supplemented) and in the declaration recorded in Summit County, as Entry No. 231329 in Book 333 at Page 435 (as said declaration may have heretofore been amended or supplemented.) Together with the exclusive rights to the limited common areas associated with Unit 35 and the appurtenant undivided interest in said project's common areas as established in said declaration and allowing for periodic alteration both in the magnitude of said undivided interest and in the composition of the common areas and facilities to which said interest relates

Together with a 25 foot wide private roadway and non-exclusive public utility easement as set forth on said record of survey map for STAG LODGE PHASE II recorded January 17, 1989 as Entry No. 303348 and the record of survey map for STAG LODGE PHASE III recorded March 1, 1990 as Entry No. 321286

ASSOCIATION DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, on behalf of Stag Lodge Owners Association, having complied with the requirements of both Statues and the Recorded Declaration hereby consents to the recording of this amended record of survey map.

____
Warren Gorrell, President
Stag Lodge Owners Association

ACKNOWLEDGMENT

State of ______________;

ss:

County of ______________;

On this ______ day of ______________, 2014, personally appeared before me, the undersigned Notary Public, in and for said County and State, Warren Gorrell, being duly sworn, acknowledged to me that he is the president of the Stag Lodge Homeowners Association, Inc., and that he signed the above Owner's Dedication and Consent to Record for, on, and in behalf of all of the unit owners at the Stag Lodge Condominium Project acting as a group (under the name of the Stag Lodge Homeowners Association, Inc.) in accordance with the Utah Condominium Ownership Act, U.C.A., Sections 57-1-1 et seq. (1963) as amended and supplemented, and the Declarations of Covenants, Conditions, and Restrictions for Stag Lodge Condominium.

____

A Notary Public Commissioned in ________________

____
Printed Name

Residing in: ________________________

My commission expires: ________________

RECEIVED
JUN 06 2014
PARK CITY PLANNING DEPT.

THIRD AMENDED
RECORD OF SURVEY MAP

STAG LODGE PHASE II UNIT 35

A UTAH CONDOMINIUM PROJECT
LOCATED IN SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE & MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

8 0 8 16

6/6/14 JOB NO.: 4-4-14 FILE: X:\SilverLakeVillage\dwg\srv\plat2014\040414.dwg

(435) 649-9467
Alliance Engineering Inc.
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _______ DAY OF ____________, 2014
BY ________________

PLANNING COMMISSION
APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ______ DAY OF ____________, 2014
BY ________________ CHAIR

ENGINEER'S CERTIFICATE
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ______ DAY OF ____________, 2014
BY ________________ PARK CITY ENGINEER

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS ______ DAY OF ____________, 2014
BY ________________

CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ______ DAY OF ____________, 2014
BY ________________ PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ______ DAY OF ____________, 2014
BY ________________ MAYOR

RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF ________________
DATE ____________ TIME ____________
ENTRY NO. FEE RECORDER

EXHIBIT B

50' 0 50' 100'

(435) 649-9467
Alliance Engineering Inc.
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

STAFF:
MARSHALL KING
HARRISON HOLLEY

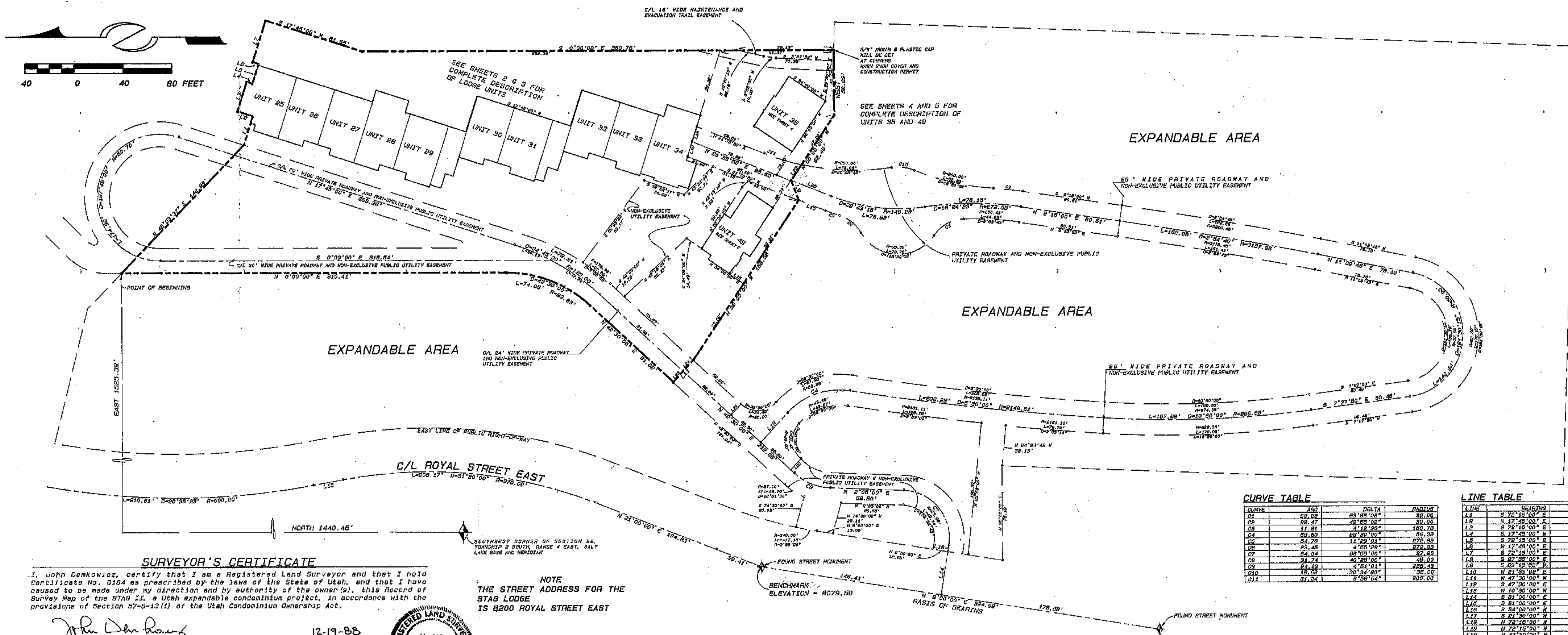
DATE: 5/15/14

AERIAL PHOTOGRAPH
STAG LODGE PHASE II
UNIT 35

FOR: WARREN GORRELL
JOB NO.: 4-4-14
FILE: X:\SilverLakeVillage\dwg\Exhibits\Stag 35-ortho.dwg

SHEET 1 OF 1

EXHIBIT C



NOTE
THE STREET ADDRESS FOR THE STAG LODGE IS 8200 ROYAL STREET EAST

CURVE TABLE

CURVE	ARC	DELTA	RADIUS
C1	29.29	63°58'28"	30.00
C2	22.47	42°55'02"	30.00
C3	11.81	4°12'26"	160.76
C4	68.60	59°30'00"	66.38
C5	54.70	11°29'21"	272.93
C6	23.46	4°55'29"	272.93
C7	64.04	98°55'00"	37.86
C8	31.74	40°25'00"	45.00
C9	24.18	4°51'01"	285.43
C10	18.08	30°34'20"	35.00
C11	31.24	8°56'54"	200.00

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 72°15'00" E	23.83
L2	N 17°45'00" E	13.00
L3	S 72°15'00" E	24.83
L4	S 17°45'00" W	5.00
L5	S 72°15'00" E	16.80
L6	N 17°45'00" E	5.00
L7	S 72°15'00" E	34.83
L8	S 87°55'00" E	22.61
L9	S 69°18'52" W	16.89
L10	N 21°33'52" E	29.25
L11	N 47°30'00" W	24.00
L12	S 47°30'00" E	32.00
L13	N 10°30'00" W	24.44
L14	S 81°00'00" E	35.00
L15	S 81°00'00" E	5.36
L16	S 34°00'00" W	13.78
L17	S 21°30'00" W	11.05
L18	N 72°15'00" W	12.53
L19	N 72°15'00" W	12.53
L20	N 47°30'00" W	12.00
L21	S 47°30'00" E	12.00
L22	S 56°00'00" E	15.29
L23	S 47°30'00" E	12.00
L24	S 47°30'00" E	12.00
L25	N 21°33'52" E	34.81

SURVEYOR'S CERTIFICATE

I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 6164 as prescribed by the laws of the State of Utah, and that I have caused to be made under my direction and by authority of the owner(s), this Record of Survey Map of the STAG II, a Utah expandable condominium project, in accordance with the provisions of Section 57-8-13(1) of the Utah Condominium Ownership Act.

JOHN DEMKOWICZ L.S. NO. 6164 — DATE: 12-19-88

REGISTERED LAND SURVEYOR No 6164 JOHN DEMKOWICZ STATE OF UTAH

LEGAL DESCRIPTION

Beginning at a point that is North 1440.46 feet and East 1825.32 feet from the Southwest corner of Section 22, Township 2 South, Range 4 East, Salt Lake Base & Meridian, said point being on the South boundary line of STAG LODGE PHASE I, a Utah expandable condominium project, according to the official plat thereof, as recorded in Summit County, Utah; and running thence along said South boundary line thru the following 8 courses (1) S 46°53'37" E 142.98 feet; thence (2) S 72°15'00" E 23.83 feet; thence (3) N 17°45'00" E 13.00 feet; thence (4) S 72°15'00" E 24.83 feet; thence (5) S 17°45'00" W 5.00 feet; thence (6) S 72°15'00" E 16.80 feet; thence (7) N 17°45'00" E 5.00 feet; thence (8) S 72°15'00" E 34.83 feet; thence leaving said South boundary line along the East line of an expandable area to said STAG LODGE PHASE I thru the following 2 courses (1) S 17°45'00" W 81.56 feet; thence (2) South 380.76 feet to the Southeast corner of said expandable area; thence leaving said East line West 62.09 feet; thence N 56°00'00" W 62.49 feet to a point on the centerline of a private road and non-exclusive public utility easement; thence S 69°18'52" W 16.89 feet to a point on the West line of said private road and utility easement; thence leaving said West easement line N 56°00'00" W 153.58 feet to a point on the East line of a 24' wide private roadway and non exclusive public utility easement; thence N 47°30'00" W 24.00 feet to a point on the West line of said easement; thence along said West easement line thru the following 3 courses (1) N 42°30'00" E 91.02 feet to a point on a 99.83 foot radius curve to the left, the radius point of which bears N 47°30'00" W; thence (2) northeasterly along the arc of said curve 74.05 feet thru a central angle of 42°30'00" to a point of tangency; thence (3) North 310.41 feet to the point of beginning.
CONTAINS 2.143 ACRES

Subject to a private roadway and non-exclusive public utility easement as recorded in Summit County, Utah, Entry NO. 229400, January 11, 1985, Book 327, Pages 803-805

OWNER'S DEDICATION AND CONSENT TO RECORD

Know all men by these presents, that Success at Stag, A Utah Limited Partnership, being the owners of the tract of land in Park City, Summit County Utah, described on this sheet, do hereby consent to the recordation of the Record of Survey Map in the Office of the County Recorder of Summmit County Utah, in accordance with the Utah Condominium Ownership Act.

Executed this 19th day of December, 1988.

Success at Stag
A Utah Limited Partnership

By: Harry F. Reed, General Partner — By: Stephen M. Schirf, General Partner

ACKNOWLEDGEMENT

State of UTAH)
County of Summit)

On the 19 day of December, 1988, personally appeared before me Harry F. Reed, who, being by me duly sworn, did say that he is a General Partner of Success at Stag, a Utah Limited Partnership, and that the within and foregoing Owner's Dedication and Consent to Record was signed on behalf of said Limited Partnership as such general partner, and said Harry F. Reed duly acknowledged to me that said partnership executed the same.

Notary Public
My Commission Expires: 4-1-90
Residing at: PARK CITY, UT

NOTARY PUBLIC CHRIS ROBERTSON P.O. Box 68 Park City, UT 84060 Comm. Exp. 4-1-90 STATE OF UTAH

ACKNOWLEDGEMENT

State of UTAH)
County of Summit)

On the 19 day of December, 1988, personally appeared before me Stephen M. Schirf who, being by me duly sworn, did say that he is a General Partner of Success at Stag, a Utah Limited Partnership, and that the within and foregoing Owner's Dedication and Consent to Record was signed on behalf of said Limited Partnership as such general partner, and said Stephen M. Schirf duly acknowledged to me that said partnership executed the same.

Notary Public
My Commission Expires: 4-1-90
Residing at: PARK CITY, UT

NOTARY PUBLIC CHRIS ROBERTSON P.O. Box 68 Park City, UT 84060 Comm. Exp. 4-1-90 STATE OF UTAH

NOTE:

THE STAG LODGE HOMEOWNERS ASSOCIATION IS RESPONSIBLE FOR THE MAINTENANCE OF ALL 4" AND 6" SANITARY SEWER LARERALS.

RECORD OF SURVEY MAP OF:

STAG LODGE PHASE II

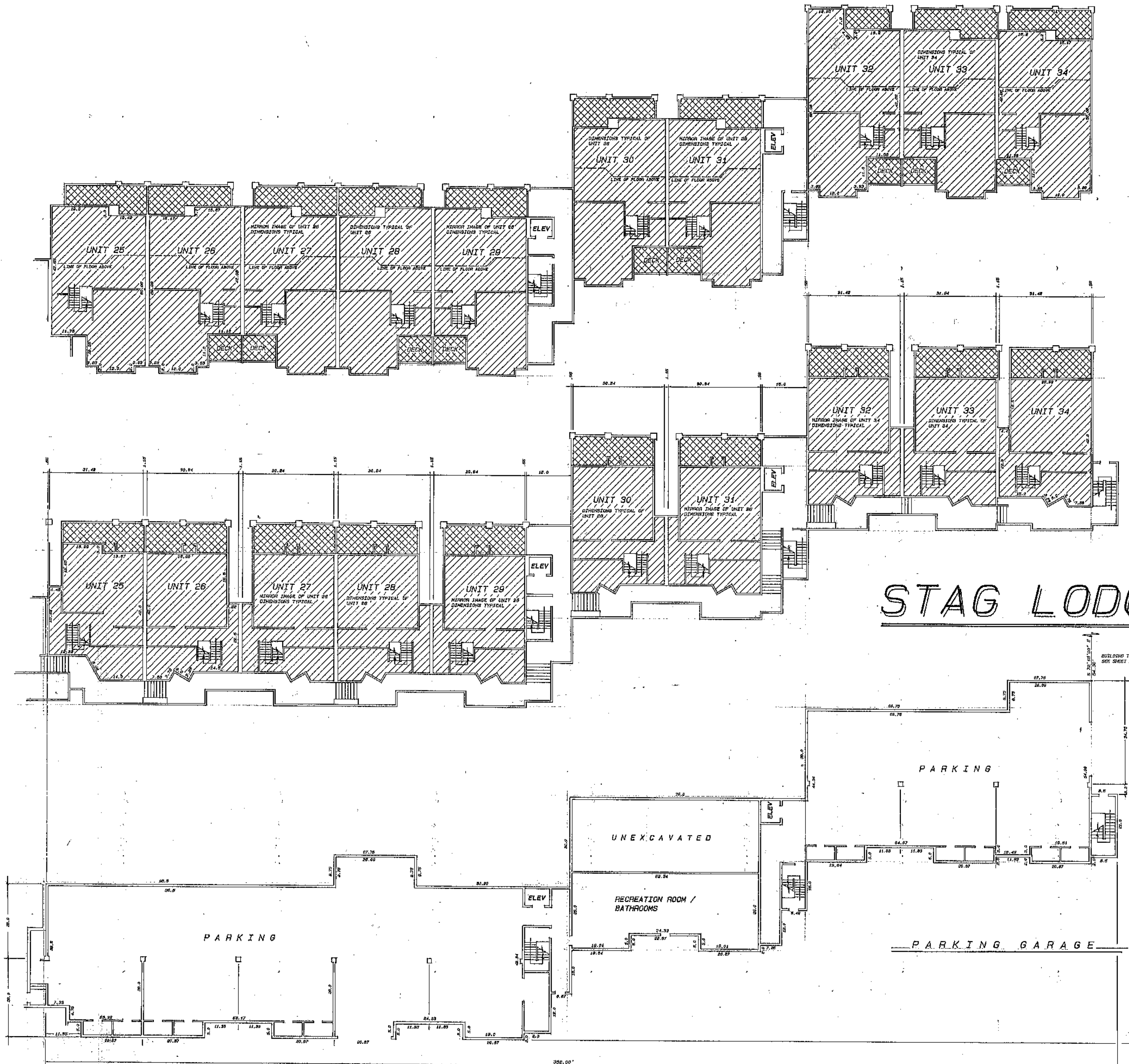
A UTAH EXPANDABLE CONDOMINIUM PROJECT LOCATED IN SECTION 22, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, SUMMIT COUNTY, UTAH

PARK CITY SUMMIT COUNTY UTAH CORPORATE Seal MARCH 1

SHEET 1 OF 5

ALLIANCE ENGINEERING INC.	PLANNING COMMISSION	ENGINEERS CERTIFICATE	APPROVAL AS TO FORM	CERTIFICATE OF ATTEST	COUNCIL APPROVAL AND ACCEPTANCE	#303348 RECORDED
P.O. BOX 2664 323 MAIN STREET PARK CITY, UTAH 84060 (801) 649-9467	APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 4 9 DAY OF January 1989 A.D. BY CHAIRMAN	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 12TH DAY OF JANUARY 1989 A.D. BY Eric W. DeHaan, P.E. PARK CITY ENGINEER	APPROVED AS TO FORM THIS 11th DAY OF January 1989 A.D. BY PARK CITY ATTORNEY	APPROVED AS TO FORM THIS 11th DAY OF January 1989 A.D. BY Anita L. Sheldon PARK CITY RECORDER	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 11TH DAY OF JANUARY 1989 A.D. BY MAYOR	STATE OF UTAH COUNTY OF SUMMIT RECORDED AND FILED AT THE REQUEST OF High Country Title DATE 1-17-89 TIME BOOK PAGE $106.00 FEE RECORDER

STAG LODGE PH II 1 OF 5



MAIN LEVEL/
MASTER BEDROOM LEVEL

NOTES:

1. Plans and dimensions shown on this plat were compiled from Architectural Drawings prepared by Richard Otto and field measurements made on site.

2. Interior dimensions shown are to finished surfaces.

3. All structural elements are designated as common areas.

4. All physical features and improvements not shown are desgnated as common areas.

5. Refer to Declaration of Condominium for complete description of ownership.

6. BENCHMARK: See Sheet 1 of 5 for location and elevation.

LOWER LEVEL/
ENTRY LEVEL

STAG LODGE PHASE II

OWNERSHIP LEGEND

COMMON OWNERSHIP

PRIVATE OWNERSHIP

LIMITED COMMON OWNERSHIP

* OWNERSHIP LEGEND TYPICAL ALL SHEETS

PARKING GARAGE

STAG LODGE PHASE II

A UTAH EXPANDABLE CONDOMINIUM PROJECT LOCATED IN SECTION 22, T2S, R4E, SLB&M, SUMMIT COUNTY, UTAH

SHEET 2 OF 5

#303348 RECORDED

STATE OF UTAH COUNTY OF SUMMIT RECORDED AND FILED AT THE

REQUEST OF High Country Title

DATE 1-17-89 TIME 11:22 BOOK ______ PAGE ______

$106 FEE

Alan Spriggs RECORDER

STAG LODGE PH.II 2 OF 5

NOTES:

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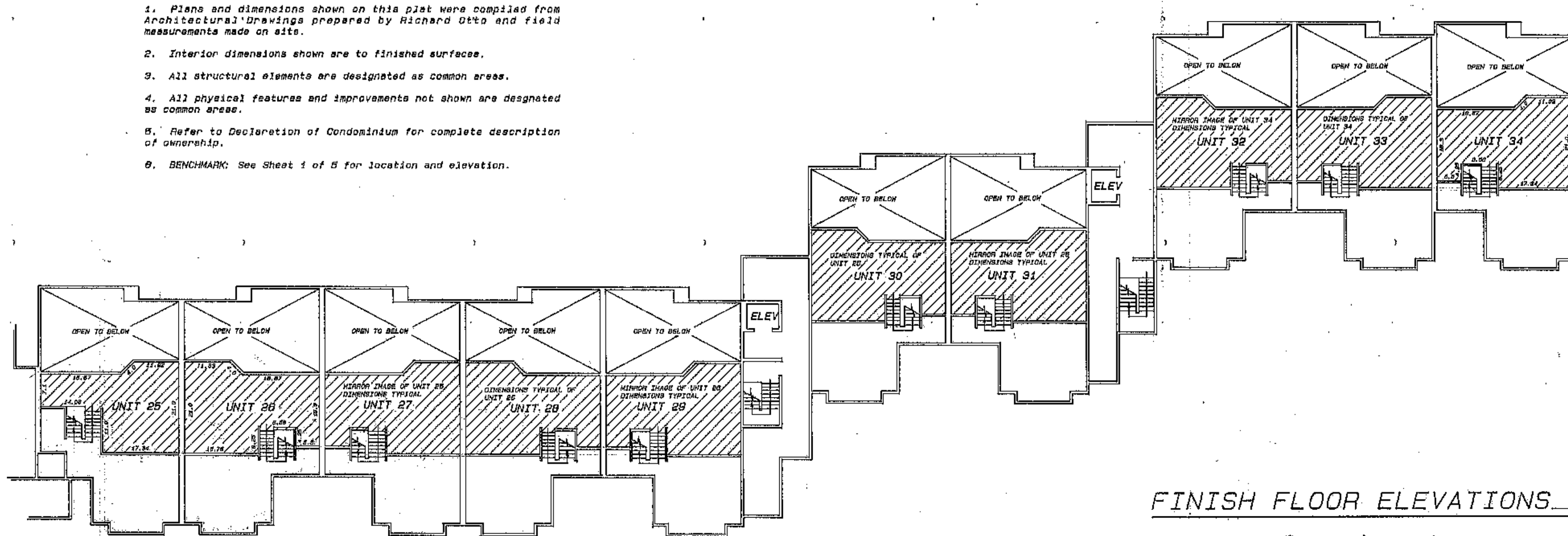
6. BENCHMARK: See Sheet 1 of 5 for location and elevation.



UPPER LEVEL / LOFT

16 0 16 32 FEET

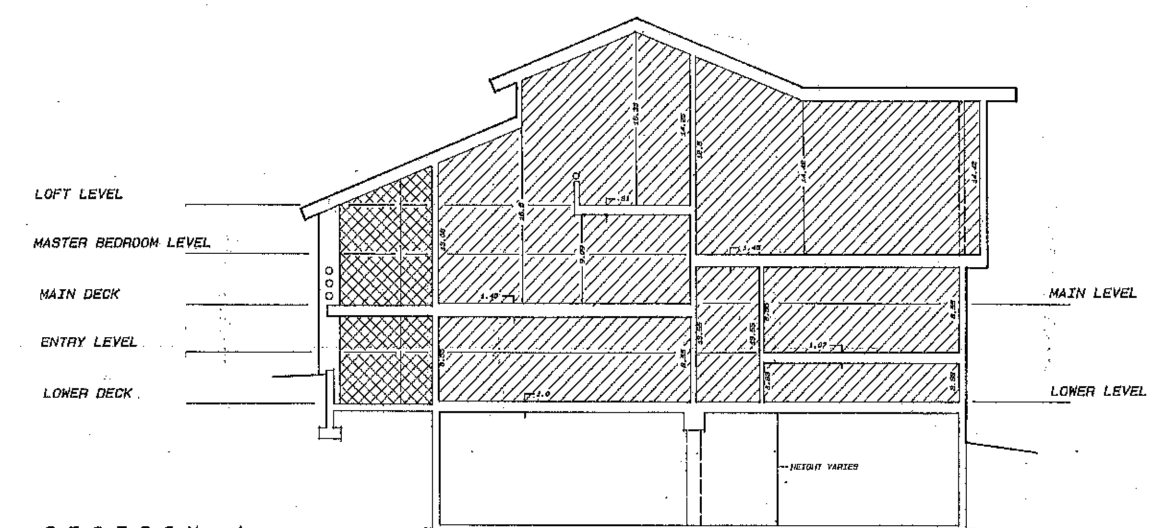
FINISH FLOOR ELEVATIONS

	UNIT 25	UNIT 26	UNIT 27	UNIT 28	UNIT 29	UNIT 30	UNIT 31	UNIT 32	UNIT 33	UNIT 34
LOFT LEVEL	8144.4	8149.0	8149.0	8153.6	8153.6	8164.4	8164.4	8178.0	8179.7	8181.5
MASTER BEDROOM	8139.4	8144.0	8144.0	8148.6	8148.6	8159.4	8159.4	8173.3	8175.0	8176.8
MAIN LEVEL	8134.4	8139.0	8139.0	8143.6	8143.6	8154.4	8154.4	8168.6	8170.3	8172.1
ENTRY LEVEL	8129.4	8134.0	8134.0	8138.6	8138.6	8149.4	8149.4	8163.9	8165.6	8167.4
LOWER LEVEL	8124.4	8129.0	8129.0	8133.6	8133.6	8145.4	8145.4	8159.2	8160.9	8162.7

UNIT SQUARE FOOTAGE

	UNIT 25	UNIT 26	UNIT 27	UNIT 28	UNIT 29	UNIT 30	UNIT 31	UNIT 32	UNIT 33	UNIT 34
LOFT LEVEL	508.5	541.1	541.1	541.1	541.1	541.1	541.1	553.1	553.1	553.1
MASTER BEDROOM	707.2	623.7	623.7	623.7	623.7	623.7	623.7	631.0	631.0	631.0
MAIN LEVEL	826.8	868.8	868.8	868.8	868.8	868.8	868.8	1009.6	882.6	882.6
ENTRY LEVEL	210.5	236.6	236.6	236.6	236.6	236.6	236.6	236.6	236.6	236.6
LOWER LEVEL	971.3	938.7	938.7	938.7	938.7	938.7	938.7	950.0	950.0	950.0
TOTAL	3224.3	3208.9	3208.9	3208.9	3208.9	3208.9	3208.9	3380.3	3253.3	3253.3

STAG LODGE PHASE II



SECTION A

STAG LODGE PHASE II

A UTAH EXPANDABLE CONDOMINIUM PROJECT LOCATED IN SECTION 22, T2S, R4E, SLB&M, SUMMIT COUNTY, UTAH

SHEET 3 OF 5

303348

RECORDED

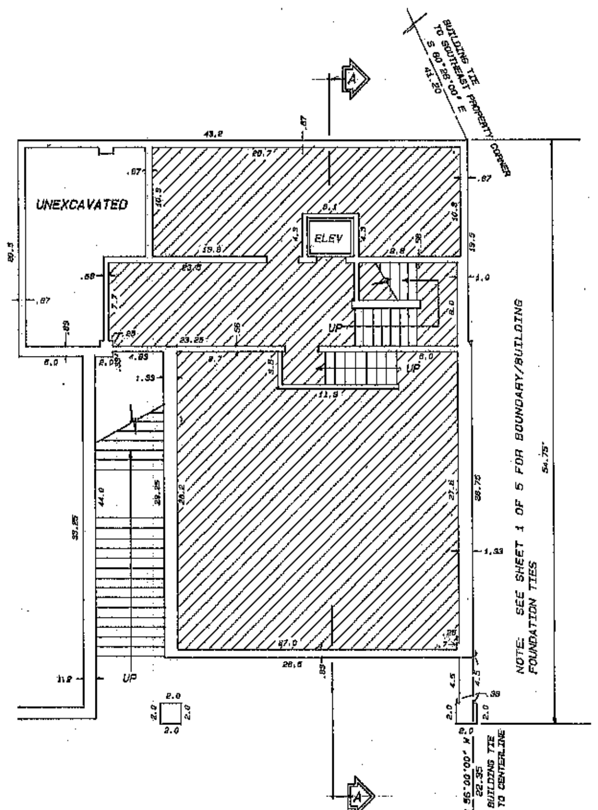
STATE OF UTAH COUNTY OF SUMMIT RECORDED AND FILED AT THE REQUEST OF High Country Title

DATE 1-17-89 TIME 11:22 BOOK ______ PAGE ______

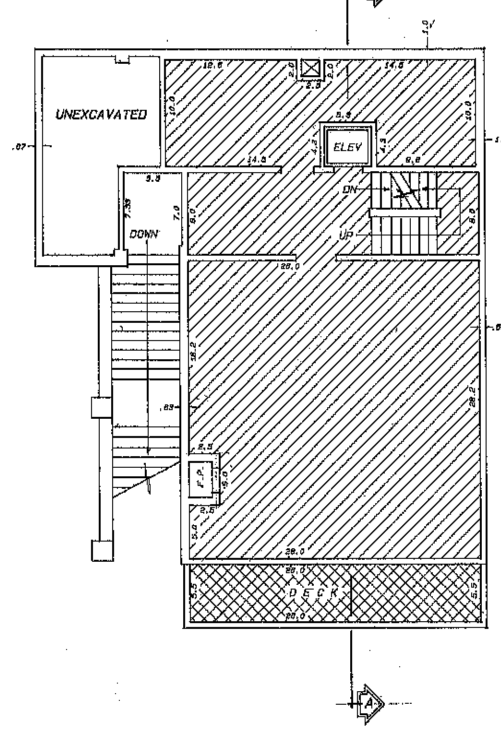
$ 106.00 Alan Spriggs

FEE RECORDER

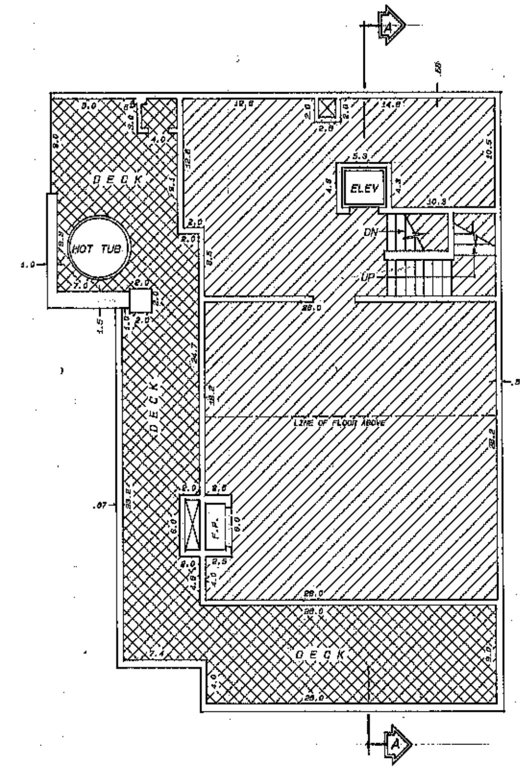
STAG LODGE PH. II 3 of 5



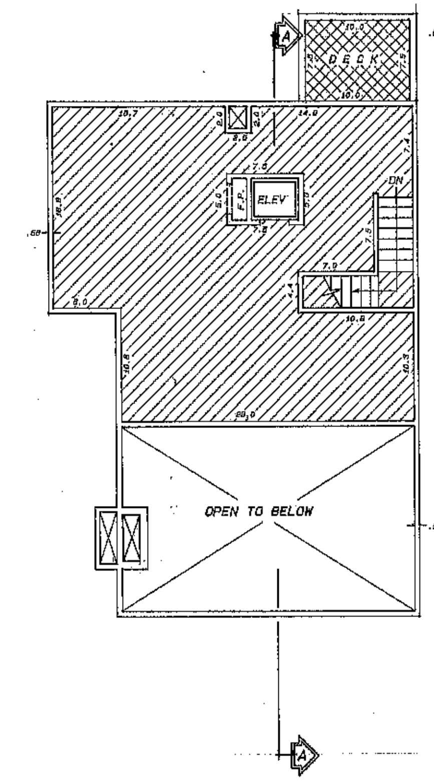
GARAGE LEVEL



ENTRY LEVEL



MAIN LEVEL



UPPER LEVEL

UNIT 35	SQUARE FOOTAGE
GARAGE LEVEL	1369.30
ENTRY LEVEL	1341.00
MAIN LEVEL	1365.10
UPPER LEVEL	941.60
TOTAL	5017.00

NOTES:

1. Plans and dimensions shown on this plat were compiled from Architecturel Drawings prepared by Richard Otto and field measurements made on site.

2. Interior dimensions shown are to finished surfaces.

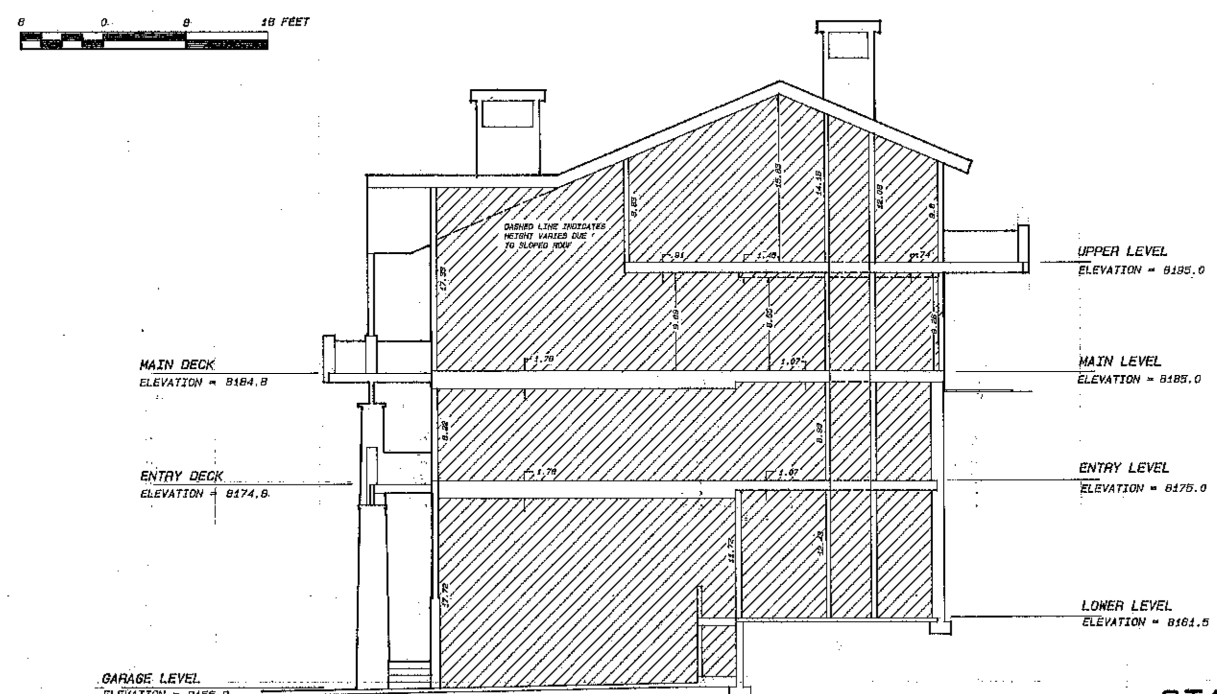
3. All structural elements are designated as common areas.

4. All physical features and improvements not shown are desgnated as common areas.

5. Refer to Declaration of Condominium for complete description of ownership.

6. BENCHMARK: See Sheet 1 of 5 for location and elevation.

UNIT 35



SECTION A

STAG LODGE PHASE II

A UTAH EXPANDABLE CONDOMINIUM PROJECT LOCATED IN SECTION 22, T2S, R4E, SLB&M, SUMMIT CO. UTAH

SHEET 4 OF 5

#303348

RECORDED

STATE OF UTAH COUNTY OF SUMMIT RECORDED AND FILED AT THE

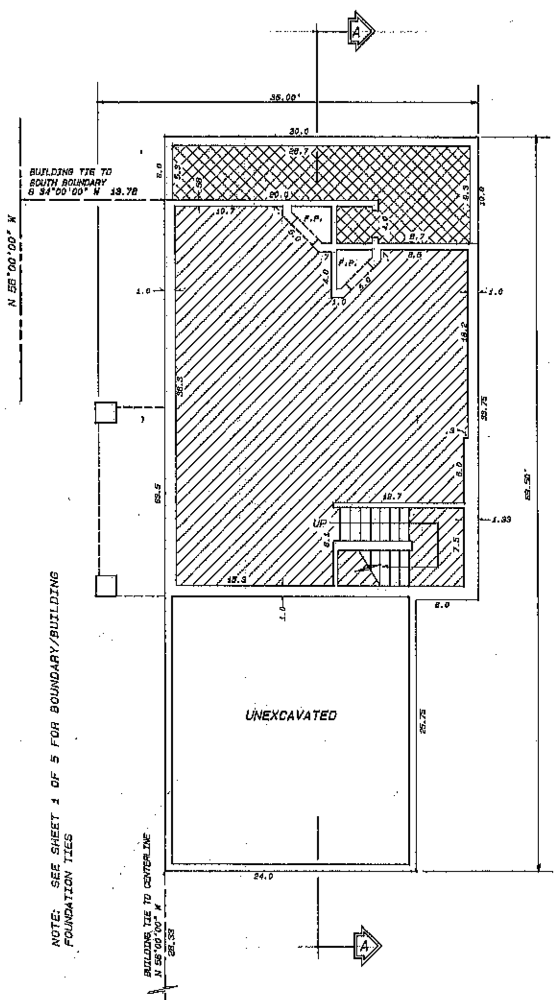
REQUEST OF High Country Title

DATE 1-12-99 TIME 11:22 BOOK _____ PAGE _____

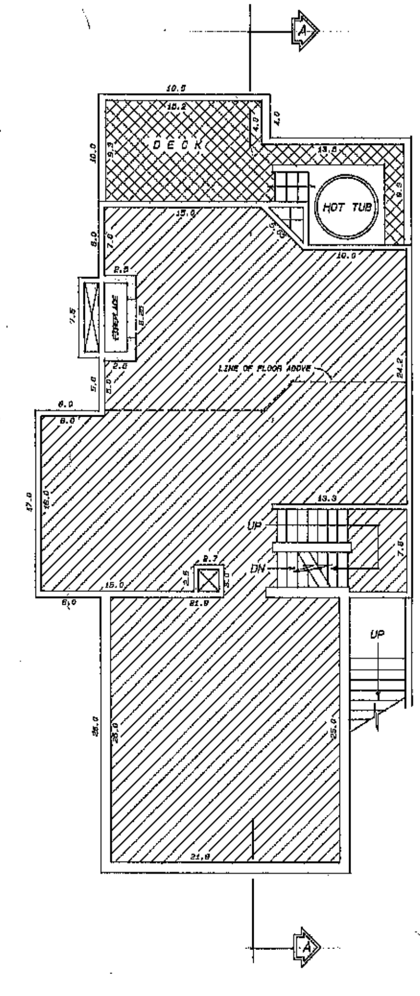
$ 106.00 FEE

Alan Spriggs RECORDER

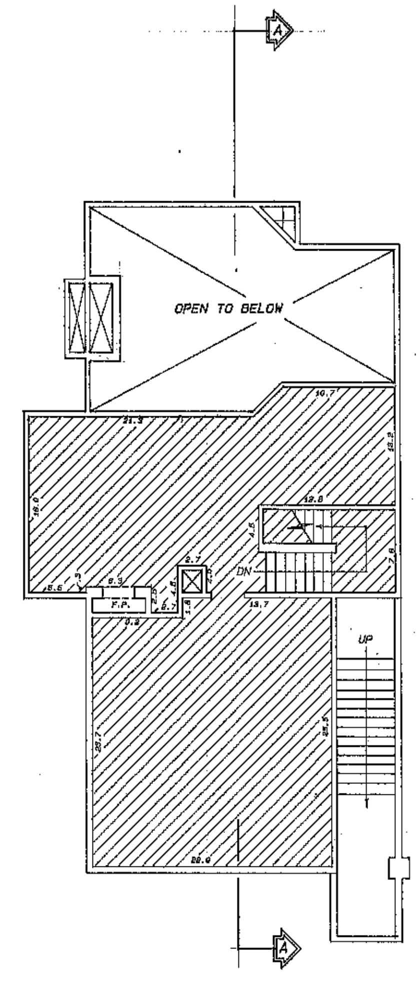
STAG LODGE PH. II 4 of 5



LOWER LEVEL



MAIN LEVEL



UPPER LEVEL

NOTES:

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3. All structural elements are designated as common areas.

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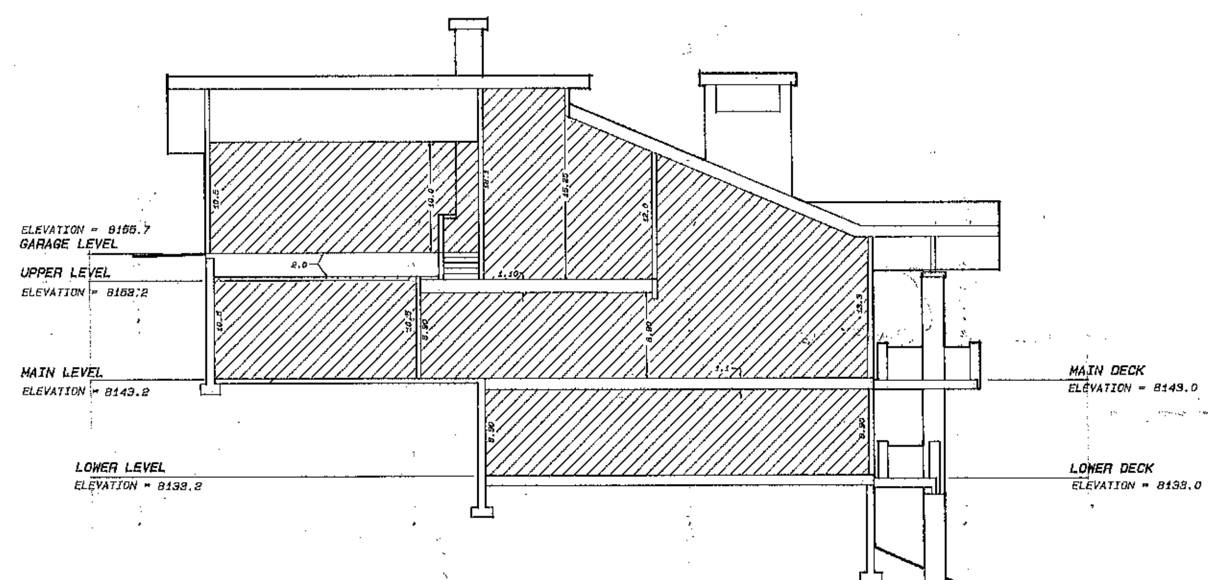
5. Refer to Declaration of Condominium for complete description of ownership.

6. BENCHMARK: See Sheet 1 of 5 for location and elevation.

UNIT 49	SQUARE FOOTAGE
LOWER LEVEL	964.40
MAIN LEVEL	1775.89
UPPER LEVEL	1194.60
TOTAL	3934.89

UNIT 49



SECTION A

STAG LODGE PHASE II

A UTAH EXPANDABLE CONDOMINIUM PROJECT LOCATED IN SECTION 22, T2S, R4E, SLB&M, SUMMIT COUNTY, UTAH

SHEET 5 OF 5

#303348 RECORDED

STATE OF UTAH COUNTY OF SUMMIT RECORDED AND FILED AT THE REQUEST OF High Country Title

DATE 1-17-89 TIME 11:22 BOOK ______ PAGE ______

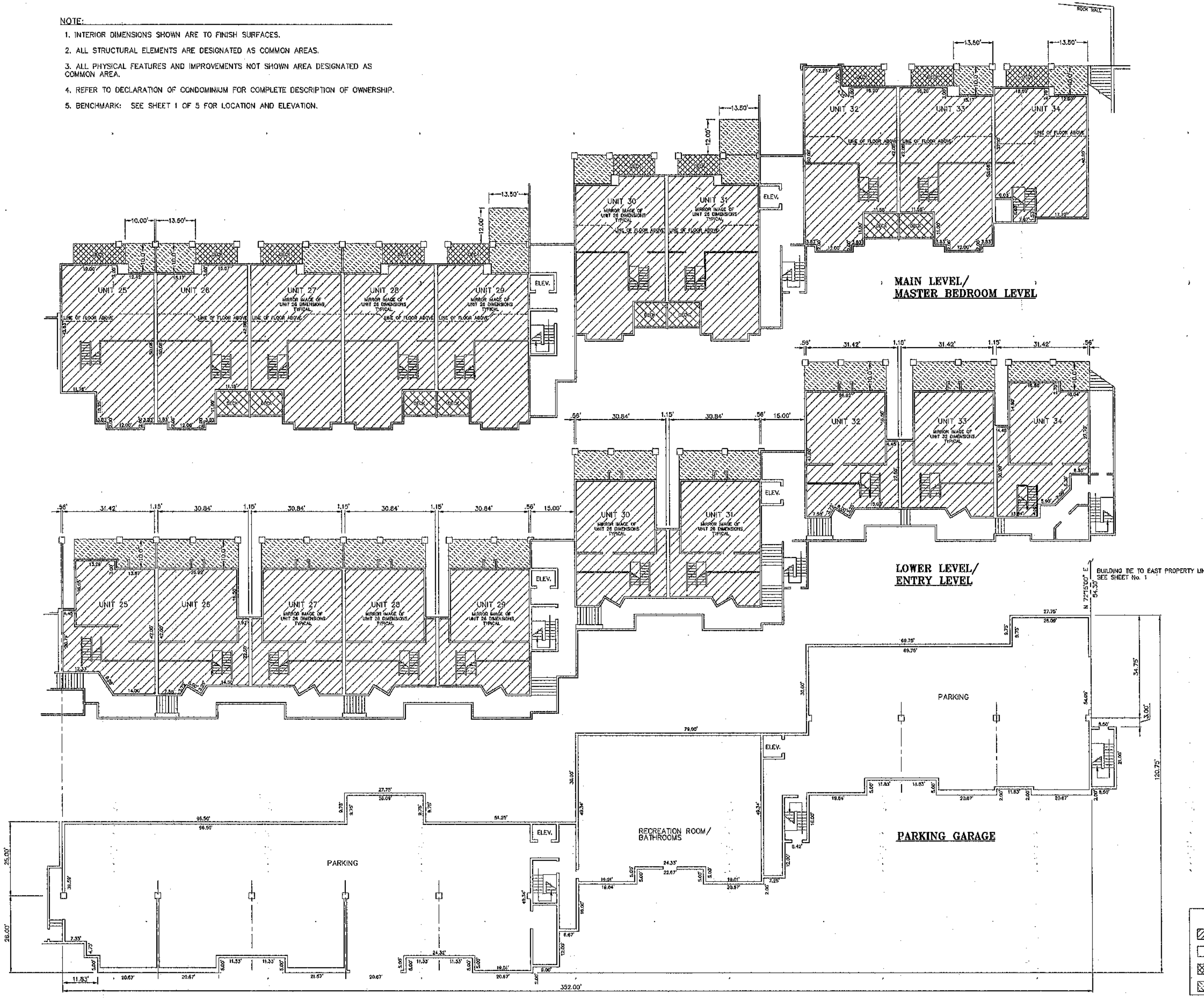
$106.00 FEE

Alan Spriggs RECORDER

STAG LODGE PH II 5 OF 5

NOTE:

1. INTERIOR DIMENSIONS SHOWN ARE TO FINISH SURFACES.
2. ALL STRUCTURAL ELEMENTS ARE DESIGNATED AS COMMON AREAS.
3. ALL PHYSICAL FEATURES AND IMPROVEMENTS NOT SHOWN AREA DESIGNATED AS COMMON AREA.
4. REFER TO DECLARATION OF CONDOMINIUM FOR COMPLETE DESCRIPTION OF OWNERSHIP.
5. BENCHMARK: SEE SHEET 1 OF 5 FOR LOCATION AND ELEVATION.



SURVEYOR'S CERTIFICATE

I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 154491, 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 unit owners at the STAG LODGE PHASE II CONDOMINIUM PROJECT acting as a group in accordance with the Declaration of Covenants, Conditions, and Restrictions for STAG LODGE PHASE II, a Utah Condominium project, this Amended Record of Survey Map of STAG LODGE PHASE II, which consists of sheets 2, 3, 4, and 5 in accordance with the provisions of Section 57-8-13(1) of the Utah Condominium Ownership Act. I further certify the information shown hereon is accurate.

REGISTERED LAND SURVEYOR No. 154491 JOHN DEMKOWICZ State of Utah

John Demkowicz, LS #154491 — Date 11/13/02

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, the undersigned owner(s) of the herein described tract of land, hereby certify that they have caused this survey to be made and this Amended Record of Survey Map to be prepared and hereby consent to the recordation of this Amended Record of Survey Map.

Brad Scott, President — Date 12-10-02
Stag Lodge Condominium Homeowners Association, Inc.

ACKNOWLEDGMENT

State of Utah :
ss:
County of Summit :

On this 10th day of Dec, 2002, personally appeared before me, the undersigned Notary Public, in and for said County and State, Brad Scott, being duly sworn, acknowledged to me that he is the president of the Stag Lodge Homeowners Association, Inc., and that he signed the above Owner's Dedication and Consent to Record for, on, and in behalf of all of the unit owners at the Stag Lodge Phase II Condominium Project acting as a group (under the name of the Stag Lodge Homeowners Association, Inc.) in accordance with the Utah Condominium Ownership Act, U.C.A., Sections 57-1-1 et seq. (1963) as amended and supplemented, and the Declarations of Covenants, Conditions, and Restrictions for Stag Lodge Phase II Condominium.

Mary J Carney
Notary Public
Residing in: Park City
My commission expires: 6-1-2004

NOTARY PUBLIC MARY J. CARNEY My Commission Expires: June 1, 2004 State of Utah

NOTES:

1. This Amended Record of Survey Map is an Amendment of sheets 2, 3, 4, and 5 of the Stag Lodge Phase II Condominium, recorded January 17, 1989, as Entry #303348 in the Summit County Recorders Office. Sheet 1 of the Stag Lodge Phase II Condominium as recorded January 17, 1989, shall remain intact.
2. All other conditions of approval of the Stag Lodge Condominium project continue to apply.
3. Recorded concurrently herewith an Amendment to the Condominium Declaration for Stag Lodge. This Amended Record of Survey Map has been prepared in connection with said Amended Declaration which provides for, but not limited to, the following:

   "Private Ownership Area A" means and refers to all of the previously existing privately owned property as shown on the original Map or Maps, property privately owned prior to the Private Ownership Area B Effective Date.

   "Private Ownership Area B" means and refers to the property changed from Common Area or Limited Common Area to private ownership which, hereafter, shall for all purposes be considered part of each Unit, as shown on this Amended Map, including by way of illustration but not limitation private ownership, taxes, assessments, insurance, liability, maintenance, repair and replacement. Private Ownership Area B cannot be used to create a lockout unit or additional bedrooms.

4. The dimensions of the private spaces and square footage calculations are based on the Record of Survey Map of Stag Lodge Condominium (see Note 1), and on measurements in the field. Minor variations may occur. It is the intent that the private ownership area of the units will be as constructed.

OWNERSHIP DESIGNATIONS
- "PRIVATE OWNERSHIP AREA A"
- COMMON OWNERSHIP
- LIMITED COMMON OWNERSHIP
- "PRIVATE OWNERSHIP AREA B"

FIRST AMENDED
RECORD OF SURVEY MAP

STAG LODGE PHASE II

A UTAH CONDOMINIUM PROJECT
LOCATED IN SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST
S.L.B. & M.
PARK CITY, SUMMIT COUNTY, UTAH

16 0 16 32

PAGE 2 OF 5

JOB NO.: 5-7-01 FILE: Z:\sl\dwg\Phase2-Am\ph2-sht2

Alliance Engineering — (435) 649-9467-PHONE (435) 649-9475-FAX — CONSULTING ENGINEERS LAND PLANNERS SURVEYORS — 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS 3rd DAY OF January, 2003 A.D.
BY ______ S.B.W.R.D.

PLANNING COMMISSION
APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 6th DAY OF Aug, 2002 A.D.
BY ______ CHAIRMAN

ENGINEER'S CERTIFICATE
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 6th DAY OF JANUARY, ~~2002~~ 2003 A.D.
BY ______ PARK CITY ENGINEER

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS 9TH DAY OF JANUARY, 2003 A.D.
BY ______ PARK CITY ATTORNEY

CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 6TH DAY OF JUNE, 2002 A.D.
BY ______ PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 6th DAY OF JUNE, 2002 A.D.
BY ______ MAYOR

#645060 **RECORDED**
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF High Country Title
DATE 1-17-2003 TIME 9:03 AM BOOK — PAGE —
$132.00 FEE ______ RECORDER

Stag Lodge Ph II 2 of 5

NOTES:

1. INTERIOR DIMENSIONS SHOWN ARE TO FINISH SURFACES.
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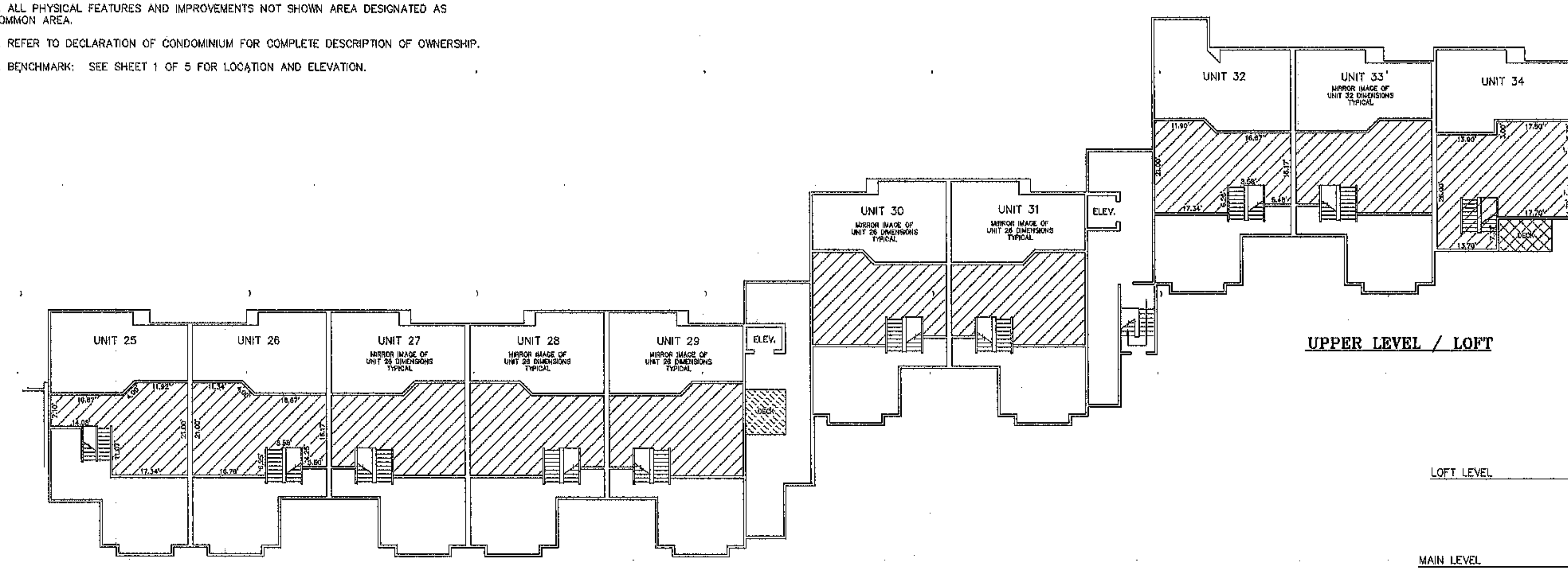
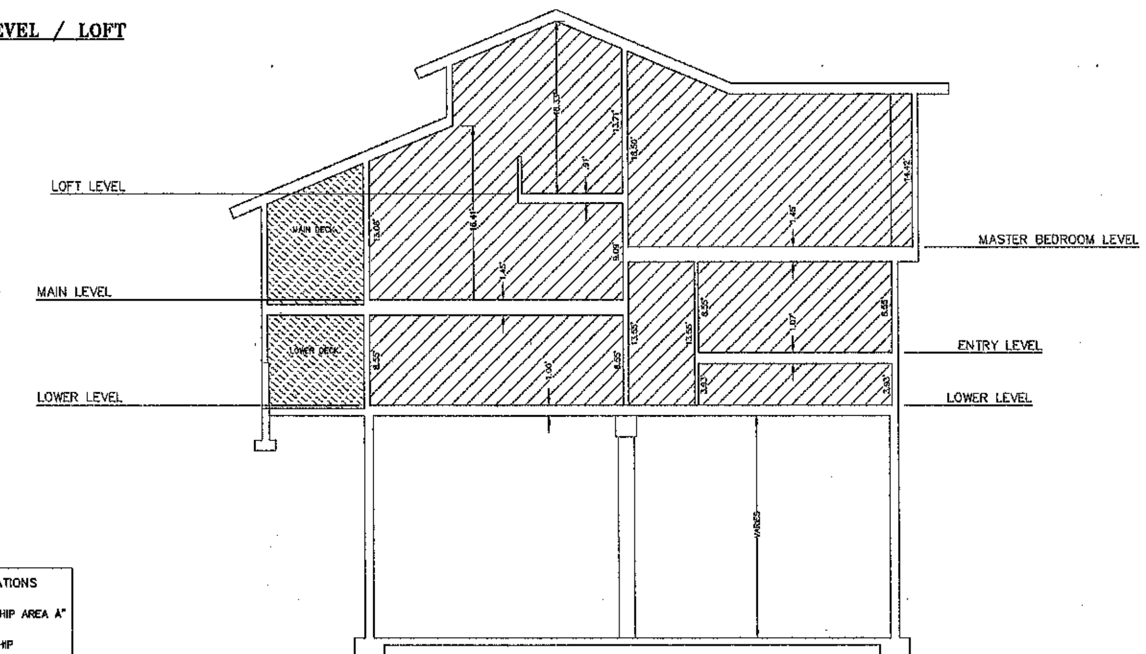
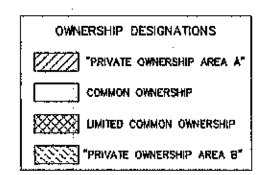
3. ALL PHYSICAL FEATURES AND IMPROVEMENTS NOT SHOWN AREA DESIGNATED AS COMMON AREA.
4. REFER TO DECLARATION OF CONDOMINIUM FOR COMPLETE DESCRIPTION OF OWNERSHIP.
5. BENCHMARK: SEE SHEET 1 OF 5 FOR LOCATION AND ELEVATION.



UPPER LEVEL / LOFT



TYPICAL SECTION
SCALE: 1"=8'



UNIT SQUARE FOOTAGE

	UNIT 25	UNIT 26	UNIT 27	UNIT 28	UNIT 29	UNIT 30	UNIT 31	UNIT 32	UNIT 33	UNIT 34
LOFT LEVEL	508.5	541.1	541.1	541.1	541.1	541.1	541.1	553.1	553.1	553.1
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TOTAL	3224.3	3208.9	3208.9	3208.9	3208.9	3208.9	3208.9	3380.3	3253.3	3253.3

FINISH FLOOR ELEVATIONS

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2. All other conditions of approval of the Stag Lodge Condominium project continue to apply.

3. Recorded concurrently herewith an Amendment to the Condominium Declaration for Stag Lodge. This Amended Record of Survey Map has been prepared in connection with said Amended Declaration which provides for, but not limited to, the following:

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4. The dimensions of the private spaces and square footage calculations are based on the Record of Survey Map of Stag Lodge Condominium (see Note 1), and on measurements in the field. Minor variations may occur. It is the intent that the private ownership area of the units will be as constructed.

FIRST AMENDED
RECORD OF SURVEY MAP

STAG LODGE PHASE II

A UTAH CONDOMINIUM PROJECT
LOCATED IN SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST
S.L.B. & M.
PARK CITY, SUMMIT COUNTY, UTAH

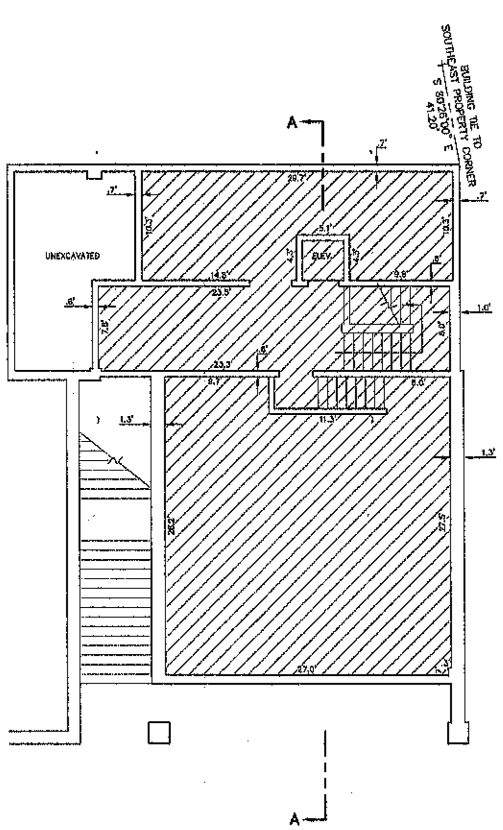
16 0 16 32

PAGE 3 of 5

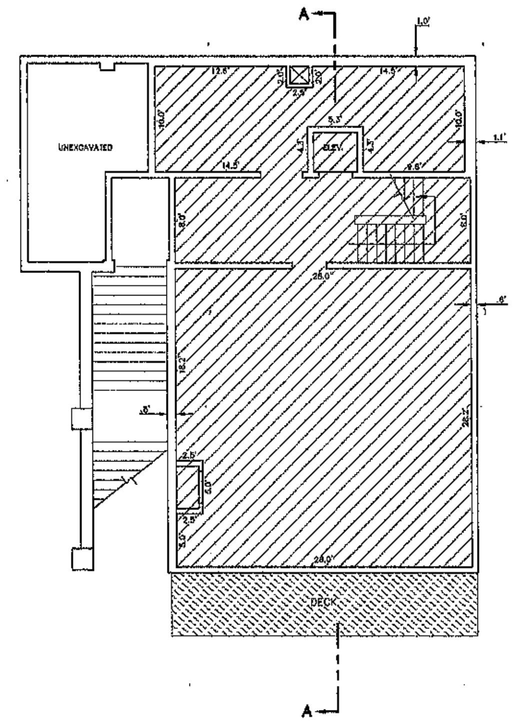
#645060 **RECORDED**
STATE OF UTAH COUNTY OF SUMMIT AND FILED
AT THE REQUEST OF High Country Title
DATE 1-17-2003 TIME 9:43 AM BOOK — PAGE —
$132.00 FEE Alan Spriggs RECORDER

5-7-01 Z:\sl\dwg\Phase2-Am\ph2-sht3

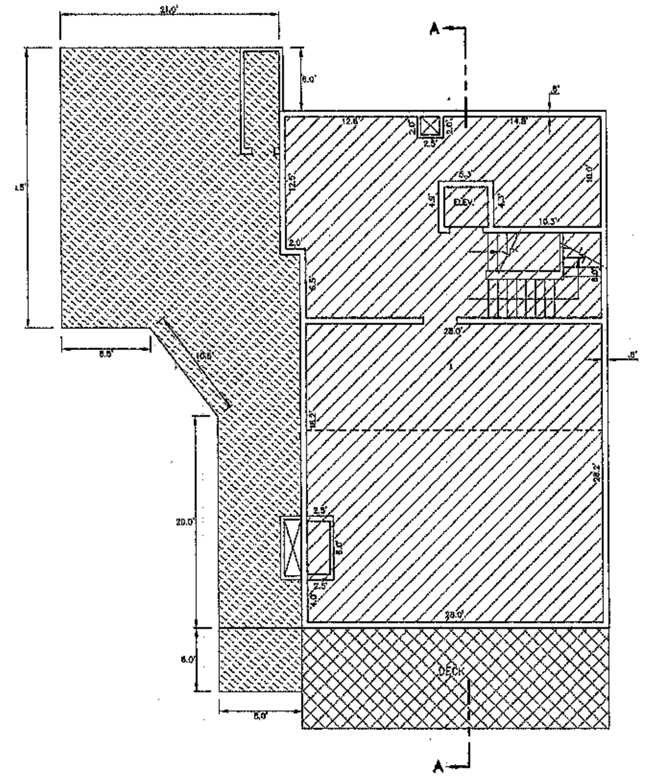
Stag Lodge Ph. II 3 of 5



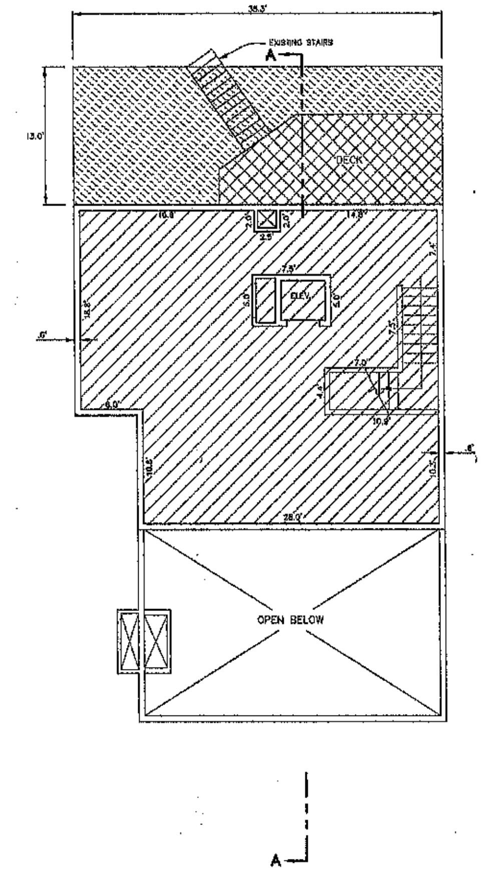
GARAGE LEVEL



ENTRY LEVEL



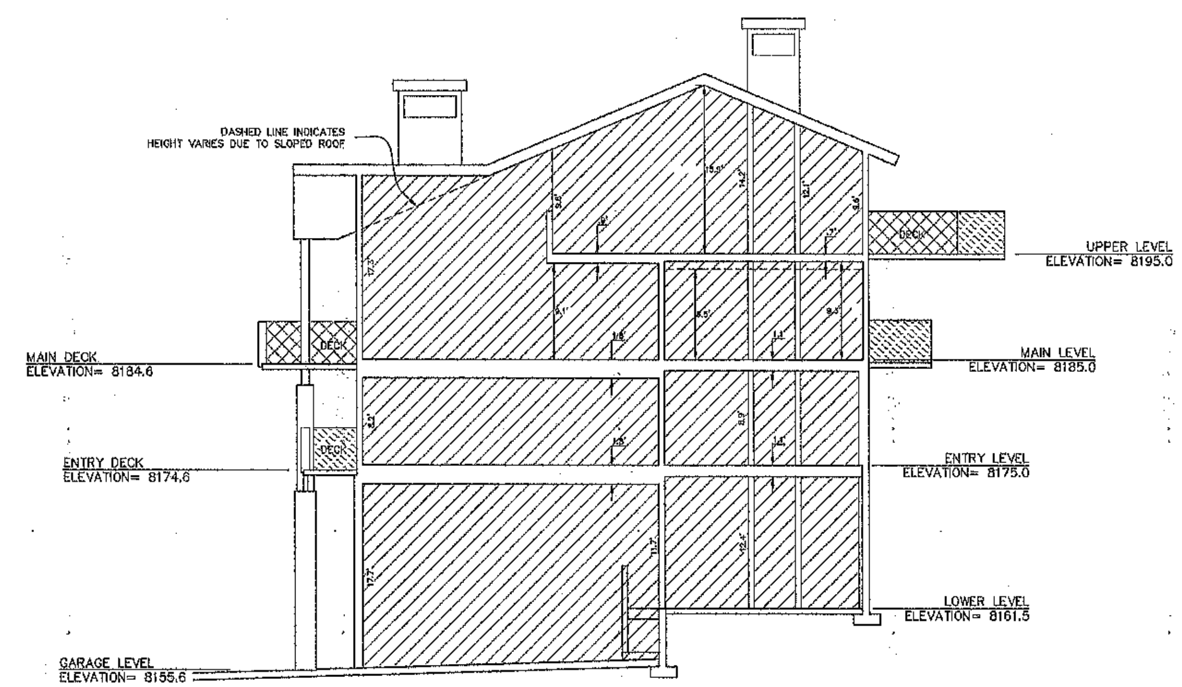
MAIN LEVEL



UPPER LEVEL

UNIT 35

UNIT 35	SQUARE FOOTAGE
GARAGE LEVEL	1369.30
ENTRY LEVE	1341.00
MAIN LEVEL	1365.10
UPPER LEVEL	941.60
TOTAL	5017.00



SECTION A

NOTES:

1. This Amended Record of Survey Map is an Amendment of sheets 2, 3, 4, and 5 of the Stag Lodge Phase II Condominium, recorded January 17, 1989, as Entry #303348 in the Summit County Recorders Office. Sheet 1 of the Stag Lodge Phase II Condominium as recorded January 17, 1989, shall remain intact.

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NOTES:

1. INTERIOR DIMENSIONS SHOWN ARE TO FINISH SURFACES.
2. ALL STRUCTURAL ELEMENTS ARE DESIGNATED AS COMMON AREAS.
3. ALL PHYSICAL FEATURES AND IMPROVEMENTS NOT SHOWN ARE DESIGNATED AS COMMON AREA.
4. REFER TO DECLARATION OF CONDOMINIUM FOR COMPLETE DESCRIPTION OF OWNERSHIP.
5. BENCHMARK: SEE SHEET 1 OF 5 FOR LOCATION AND ELEVATION.

OWNERSHIP DESIGNATIONS

- "PRIVATE OWNERSHIP AREA A"
- COMMON OWNERSHIP
- LIMITED COMMON OWNERSHIP
- "PRIVATE OWNERSHIP AREA B"

FIRST AMENDED
RECORD OF SURVEY MAP

STAG LODGE PHASE II

A UTAH CONDOMINIUM PROJECT
LOCATED IN SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST
S.L.B. & M.
PARK CITY, SUMMIT COUNTY, UTAH

8 0 8 16

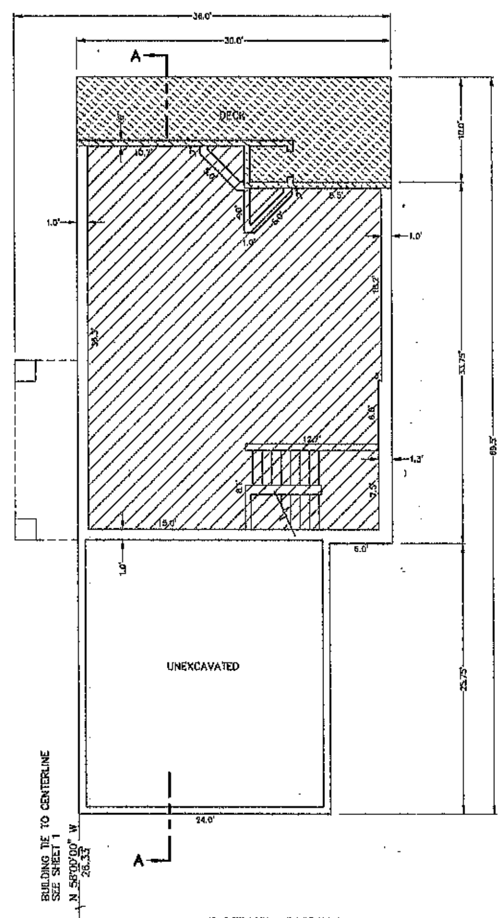
PAGE 4 of 5

#645060 **RECORDED**

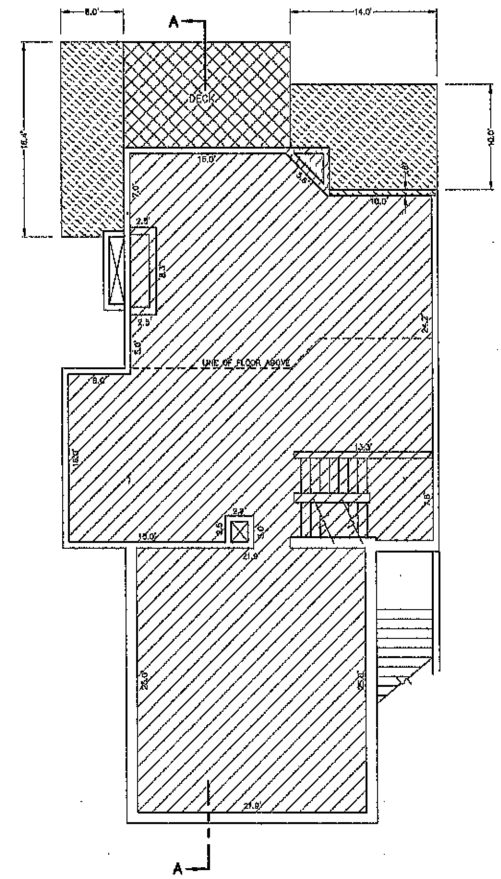
STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF High Country Title
DATE 1-17-2003 TIME 9:23AM BOOK — PAGE —
$132.00 FEE Alan Spriggs RECORDER

5-7-01 Z:\sl\dwg\Phase2-Am\ph2-sht4

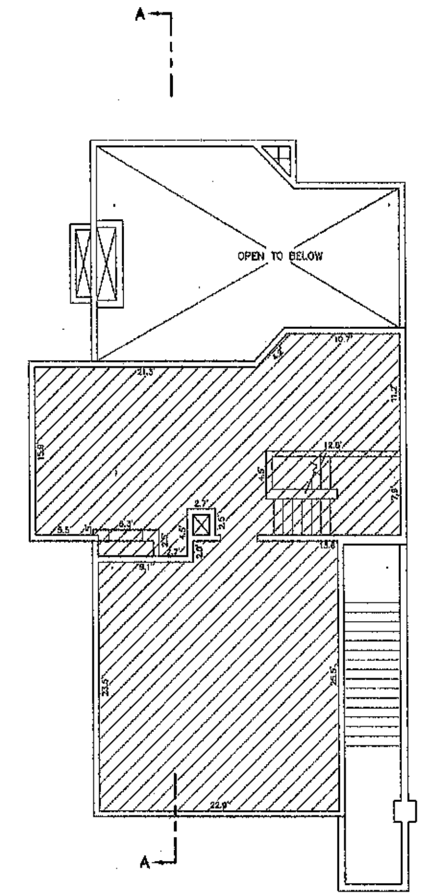
Stag Lodge Ph II 4 of 5



LOWER LEVEL



MAIN LEVEL

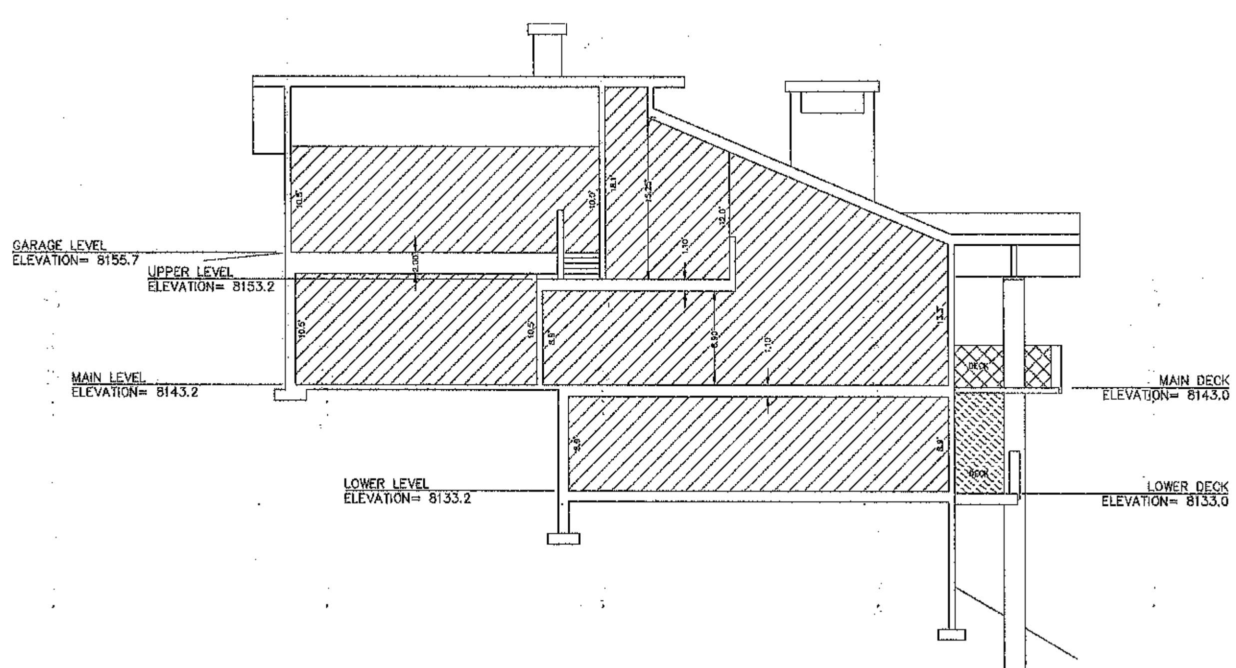


UPPER LEVEL

OWNERSHIP DESIGNATIONS

- "PRIVATE OWNERSHIP AREA A"
- COMMON OWNERSHIP
- LIMITED COMMON OWNERSHIP
- "PRIVATE OWNERSHIP AREA B"

UNIT 49



SECTION A

UNIT 49	SQUARE FOOTAGE
LOWER LEVEL	964.40
MAIN LEVEL	1775.69
UPPER LEVEL	1194.60
TOTAL	3934.69

NOTES:

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FIRST AMENDED
RECORD OF SURVEY MAP

STAG LODGE PHASE II

A UTAH CONDOMINIUM PROJECT
LOCATED IN SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST
S.L.B. & M.
PARK CITY, SUMMIT COUNTY, UTAH

8 0 8 16

PAGE 5 of 5

II 645060 **RECORDED**

STATE OF UTAH COUNTY OF SUMMIT AND FILED
AT THE REQUEST OF High Country Title
DATE 1-17-2003 TIME 9:03 AM BOOK — PAGE —
$132.00 FEE Alan Spriggs RECORDER

5-7-01 | Z:\sf\dwg\Phase2-Am\ph2-sht5

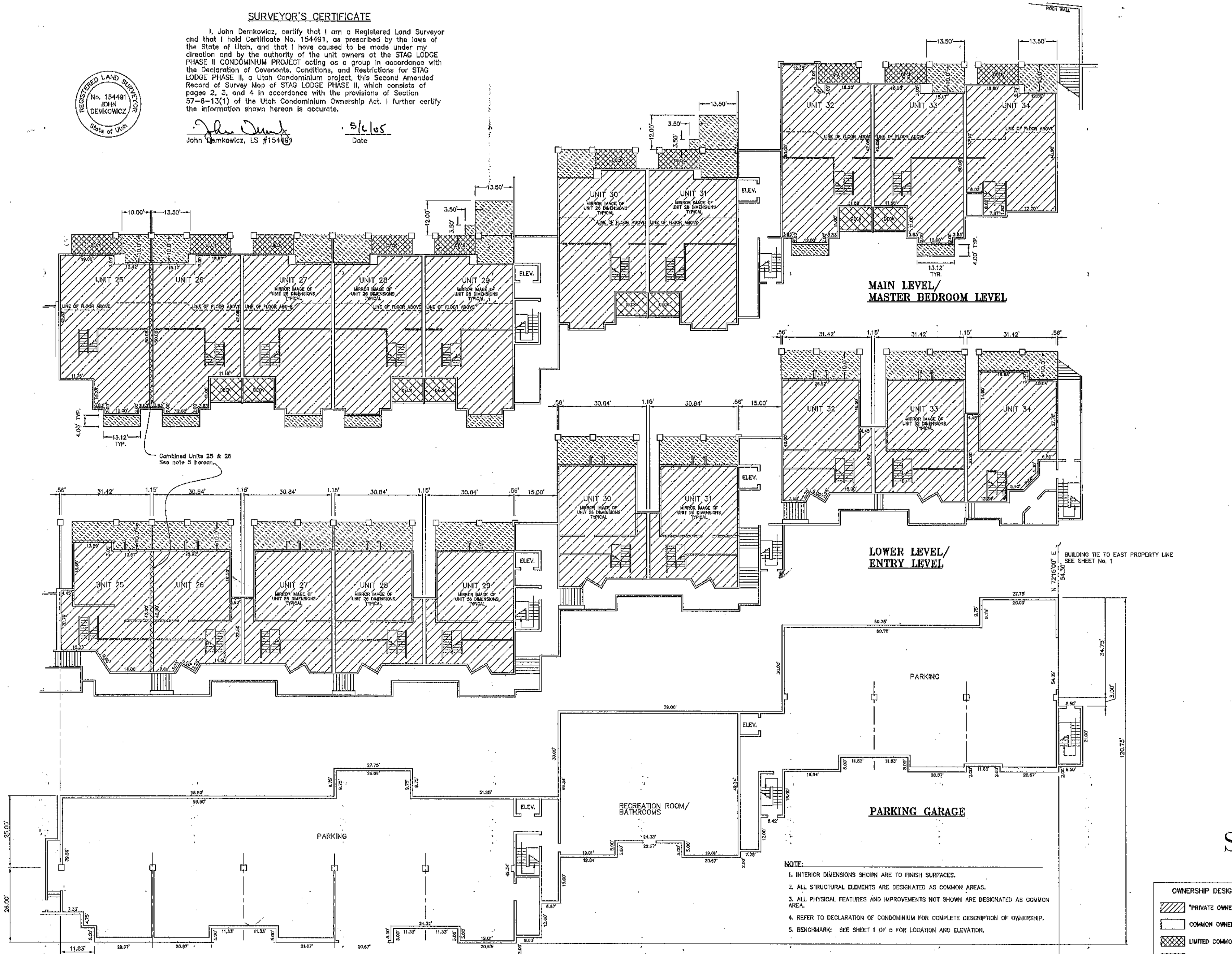
Stag Lodge Ph II 5 of 5

SURVEYOR'S CERTIFICATE

REGISTERED LAND SURVEYOR No. 154491 JOHN DEMKOWICZ State of Utah

I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 154491, 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 unit owners at the STAG LODGE PHASE II CONDOMINIUM PROJECT acting as a group in accordance with the Declaration of Covenants, Conditions, and Restrictions for STAG LODGE PHASE II, a Utah Condominium project, this Second Amended Record of Survey Map of STAG LODGE PHASE II, which consists of pages 2, 3, and 4 in accordance with the provisions of Section 57-8-13(1) of the Utah Condominium Ownership Act. I further certify the information shown hereon is accurate.

John Demkowicz, LS #154491 — 5/6/05 Date



NOTE:

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4. REFER TO DECLARATION OF CONDOMINIUM FOR COMPLETE DESCRIPTION OF OWNERSHIP.
5. BENCHMARK: SEE SHEET 1 OF 5 FOR LOCATION AND ELEVATION.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, the undersigned owner(s) of the herein described tract of land, hereby certify that they have caused this survey to be made and this Second Amended Record of Survey Map to be prepared and hereby consent to the recordation of this Second Amended Record of Survey Map.

Robert S. Carpenter, President — 5-2-05 Date
Stag Lodge Condominium Homeowners Association, Inc.

ACKNOWLEDGMENT

State of MARYLAND :
ss:
County of BALTIMORE CITY

On this 2nd day of MAY, 2005, personally appeared before me, the undersigned Notary Public, in and for said County and State, Robert S. Carpenter, being duly sworn, acknowledged to me that he is the president of the Stag Lodge Homeowners Association, Inc., and that he signed the above Owner's Dedication and Consent to Record for, on, and in behalf of all of the unit owners at the Stag Lodge Phase II Condominium Project acting as a group (under the name of the Stag Lodge Homeowners Association, Inc.) in accordance with the Utah Condominium Ownership Act, U.C.A., Sections 57-1-1 et seq. (1963) as amended and supplemented, and the Declarations of Covenants, Conditions, and Restrictions for Stag Lodge Phase II Condominium.

A NOTARY PUBLIC COMMISSIONED IN, MARYLAND
TONY FERGUSON
FULL NAME (printed)
Residing in: BALTIMORE CITY
My commission expires: NOV. 1, 2008

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, the undersigned owner(s) of the herein described tract of land, hereby certify that they have caused this survey to be made and this Second Amended Record of Survey Map to be prepared and hereby consent to the recordation of this Second Amended Record of Survey Map.

Anita Hirsch, owner of Units 25 & 26 by ______
Attorney-In-Fact — Brent Glissmeyer
for Jeffrey P. Sudikoff pursuant to the Limited Power of Attorney, document no. 00732731, Bk 01692, Pg. 007741-00742 as recorded on April 13, 2005 in the office of the Summit County Recorder.

ACKNOWLEDGMENT

State of Utah :
ss:
County of Summit :

On this 6th day of May, 2005, personally appeared before me, the undersigned Notary Public, in and for said County and State, Brent Glissmeyer who duly acknowledged the foregoing instrument.

A NOTARY PUBLIC COMMISSIONED IN UTAH
Mary J. Carney
Residing in: Park City
My commission expires: 6-13-2008

NOTES:

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2. All other conditions of approval of the Stag Lodge Condominium project continue to apply.
3. See Amendment to Declaration of Condominium for Stag Lodge, Document #00645062, Bk 01504, Pg 01845-01852, filed January 17, 2003. This Amended Record of Survey Map has been prepared in connection with said Amended Declaration which provides for, but not limited to, the following:

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5. Units 25 & 26 are a combined unit of single ownership. Pursuant to a provision contained in the Declaration of Condominium, Entry no. 231239, recorded March 4 1985, paragraph 3.03, Right to Combine Units, the wall seperation between Units 25 & 26 may for as long as the two Units are utilized as one Unit, be utilized as a Limited Common Area as shown hereon.

SECOND AMENDED
RECORD OF SURVEY MAP

STAG LODGE PHASE II

A UTAH CONDOMINIUM PROJECT
LOCATED IN SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST
S.L.B. & M.
PARK CITY, SUMMIT COUNTY, UTAH

OWNERSHIP DESIGNATIONS

- "PRIVATE OWNERSHIP AREA A"
- COMMON OWNERSHIP
- LIMITED COMMON OWNERSHIP
- "PRIVATE OWNERSHIP AREA B"

16 0 16 32

PAGE 2 OF 5

JOB NO.: 4-2-04 FILE: X:\SL\DWG\040204 AMENDED\PH2-SHT2

Alliance Engineering Inc.
(435) 649-9467-PHONE
(435) 649-9475-FAX
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS 6th DAY OF May, 2005 A.D.
BY ______ S.B.W.R.D.

PLANNING COMMISSION
APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 18 DAY OF May, 2005 A.D.
BY ______ (J. Barth)
CHAIRMAN

ENGINEER'S CERTIFICATE
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 13th DAY OF MAY, 2005 A.D.
BY ______ PE
PARK CITY ENGINEER

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS 17TH DAY OF MAY, 2005 A.D.
BY ______
PARK CITY ATTORNEY

CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 1st DAY OF JULY, 2005 A.D.
BY Janet M. Scott
PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 1st DAY OF JULY, 2004 A.D.
BY Dana Williams
MAYOR

RECORDED
#734280
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF High Country Title
DATE 5-25-05 TIME 12:41 BOOK ____ PAGE ____
$101.00 FEE
______, Deputy RECORDER

NOTES:

1. INTERIOR DIMENSIONS SHOWN ARE TO FINISH SURFACES.
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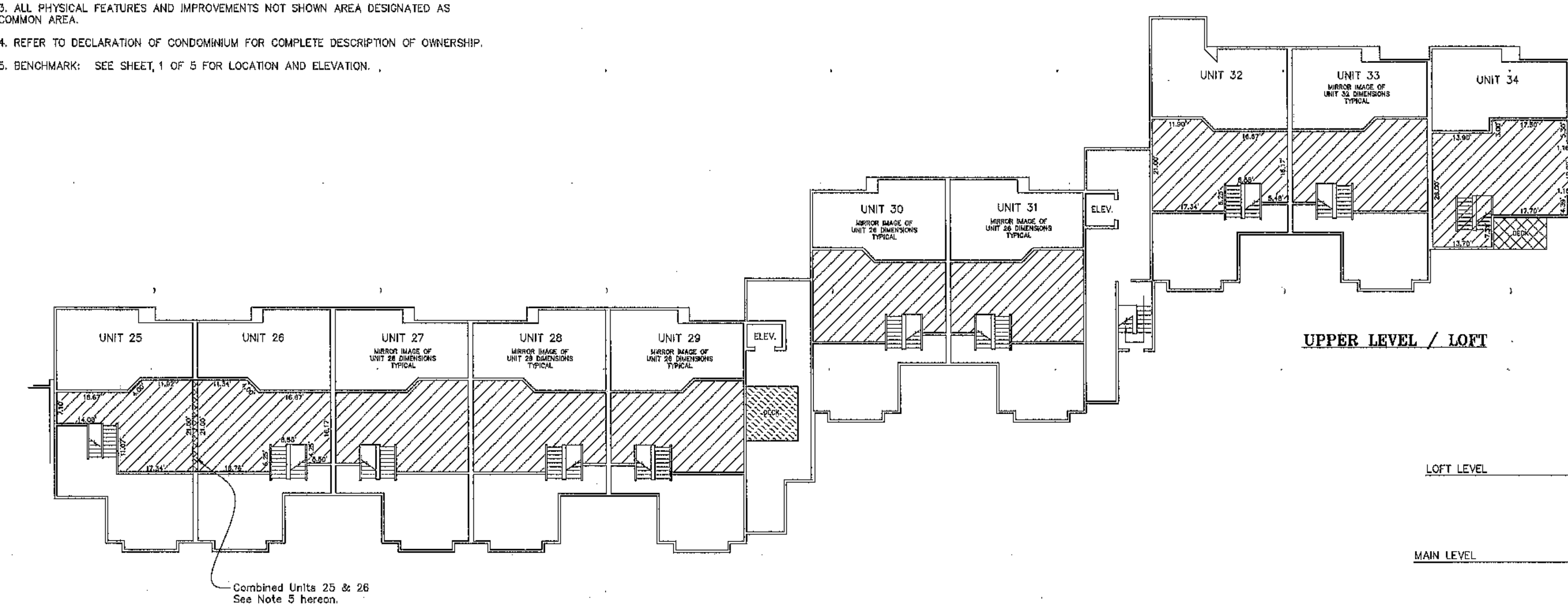
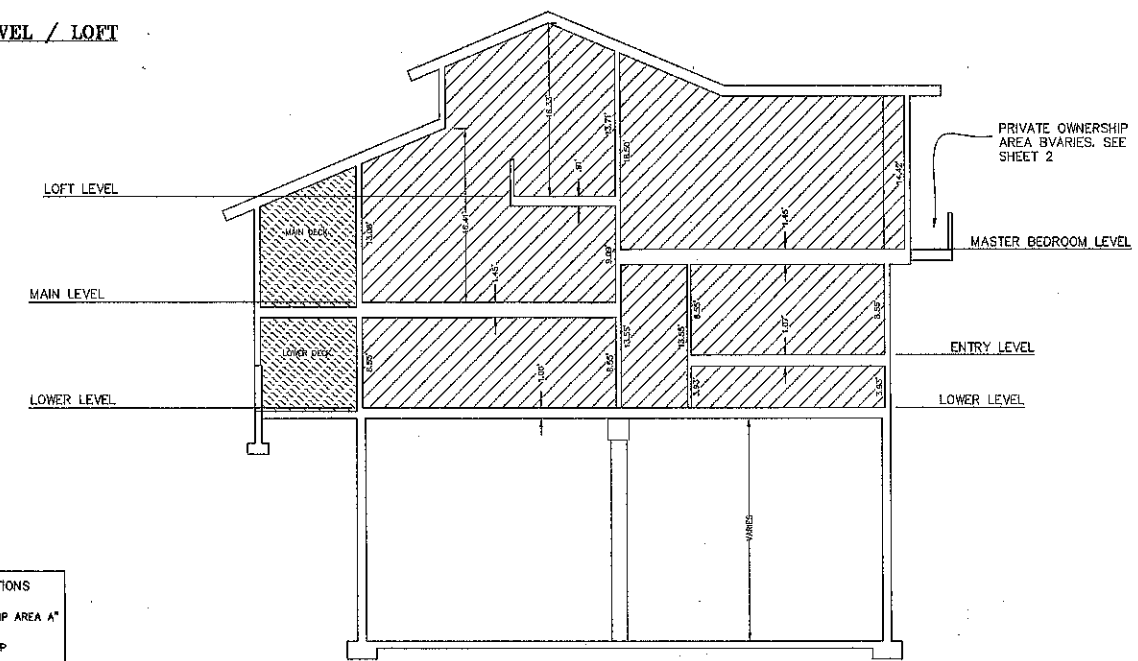
3. ALL PHYSICAL FEATURES AND IMPROVEMENTS NOT SHOWN AREA DESIGNATED AS COMMON AREA.
4. REFER TO DECLARATION OF CONDOMINIUM FOR COMPLETE DESCRIPTION OF OWNERSHIP.
5. BENCHMARK: SEE SHEET 1 OF 5 FOR LOCATION AND ELEVATION.



UPPER LEVEL / LOFT



TYPICAL SECTION

SCALE: 1"=8'

OWNERSHIP DESIGNATIONS

- "PRIVATE OWNERSHIP AREA A"
- COMMON OWNERSHIP
- LIMITED COMMON OWNERSHIP
- "PRIVATE OWNERSHIP AREA B"

UNIT SQUARE FOOTAGE

	UNIT 25	UNIT 26	UNIT 27	UNIT 28	UNIT 29	UNIT 30	UNIT 31	UNIT 32	UNIT 33	UNIT 34
LOFT LEVEL	508.5	541.1	541.1	541.1	541.1	541.1	541.1	553.1	553.1	553.1
MASTER BEDROOM	707.2	623.7	623.7	623.7	623.7	623.7	623.7	631.0	631.0	631.0
MAIN LEVEL	826.8	868.8	868.8	868.8	868.8	868.8	868.8	1009.6	882.6	882.6
ENTRY LEVEL	210.5	236.6	236.6	236.6	236.6	236.6	236.6	236.6	236.6	236.6
LOWER LEVEL	971.3	938.7	938.7	938.7	938.7	938.7	938.7	950.0	950.0	950.0
TOTAL	3224.3	3208.9	3208.9	3208.9	3208.9	3208.9	3208.9	3380.3	3253.3	3253.3

FINISH FLOOR ELEVATIONS

	UNIT 25	UNIT 26	UNIT 27	UNIT 28	UNIT 29	UNIT 30	UNIT 31	UNIT 32	UNIT 33	UNIT 34
LOFT LEVEL	8144.4	8149.0	8149.0	8153.6	8153.6	8164.4	8164.4	8178.0	8179.7	8181.5
MASTER BEDROOM	8139.4	8144.0	8144.0	8148.6	8148.6	8159.4	8159.4	8173.3	8175.0	8176.8
MAIN LEVEL	8134.4	8139.0	8139.0	8143.6	8143.6	8154.4	8154.4	8168.6	8170.3	8172.1
ENTRY LEVEL	8129.4	8134.0	8134.0	8138.6	8138.6	8149.4	8149.4	8163.9	8165.6	8167.4
LOWER LEVEL	8124.4	8129.0	8129.0	8133.6	8133.6	8145.4	8145.4	8159.2	8160.9	8162.7

NOTES:

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SECOND AMENDED
RECORD OF SURVEY MAP

STAG LODGE PHASE II

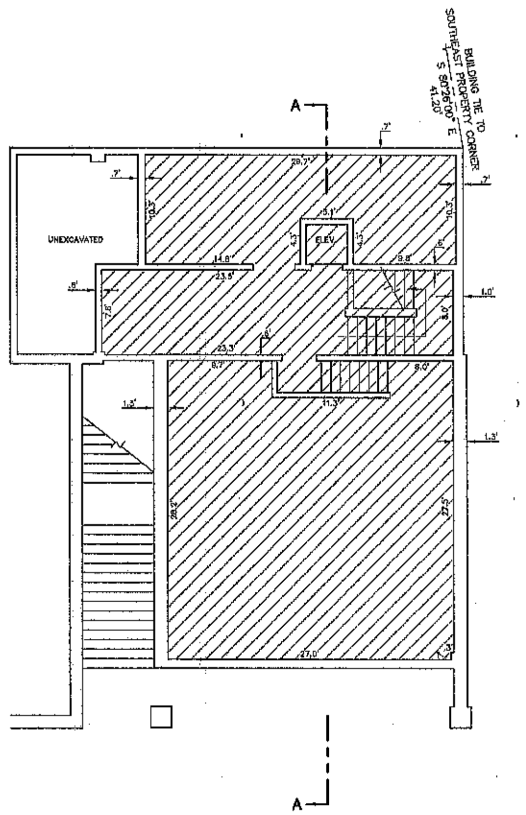
A UTAH CONDOMINIUM PROJECT
LOCATED IN SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST
S.L.B. & M.
PARK CITY, SUMMIT COUNTY, UTAH

16 0 16 32

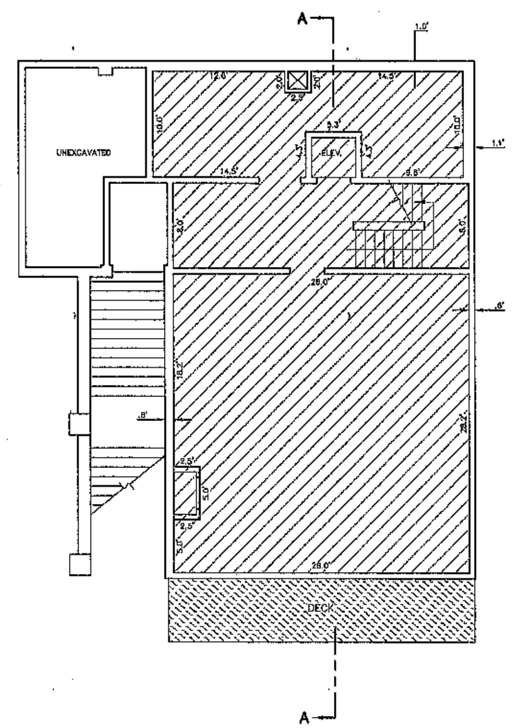
#737280 RECORDED

STATE OF UTAH COUNTY OF SUMMIT AND FILED
AT THE REQUEST OF High Country
DATE 5-25-05 TIME 12:41 BOOK — PAGE —
$101.00 FEE Daniel G Bowen, Deputy RECORDER

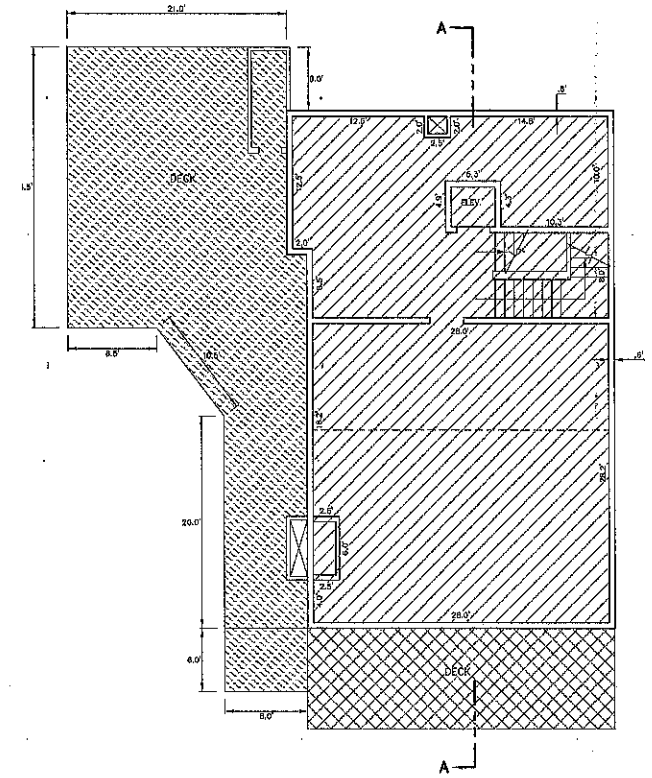
4-2-04 X:\SL\DWG\040204 AMENDED\PH2-SHT3



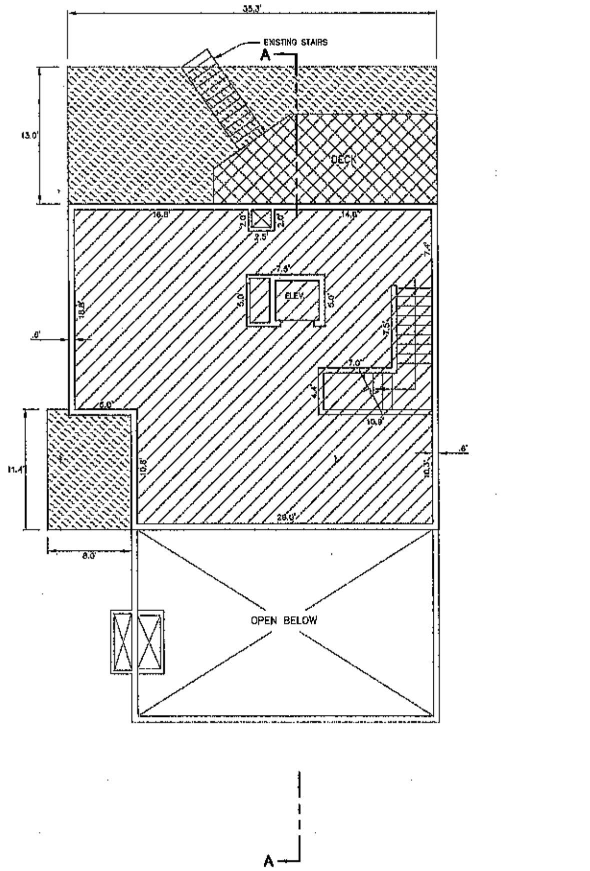
GARAGE LEVEL



ENTRY LEVEL

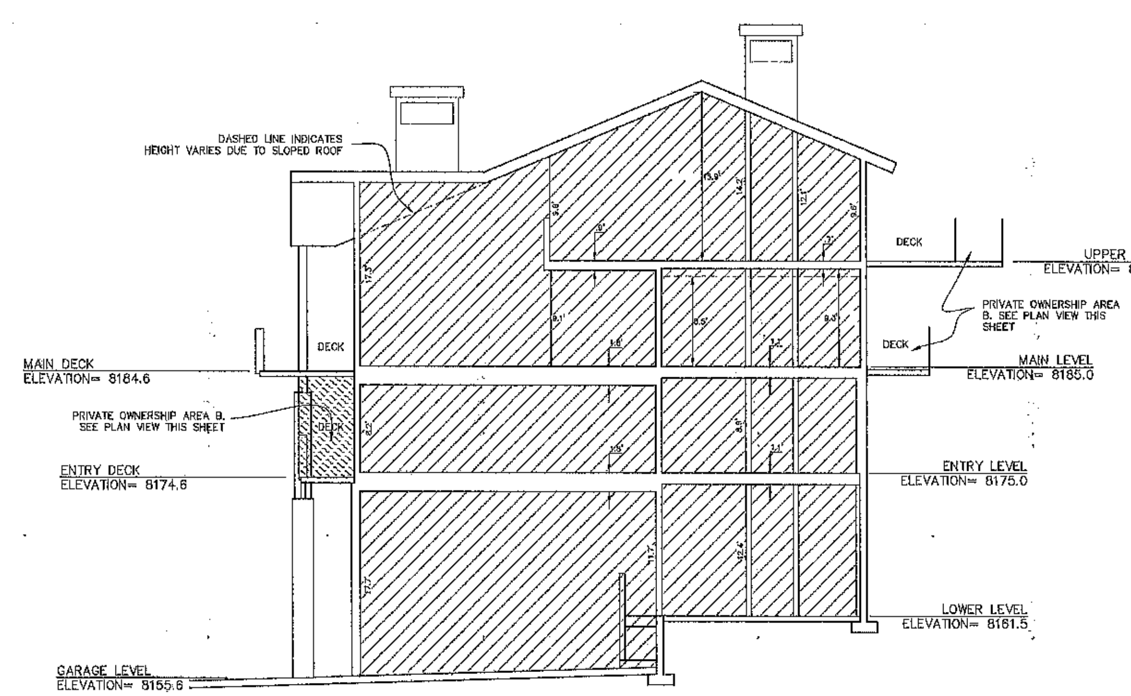


MAIN LEVEL



UPPER LEVEL

UNIT 35



SECTION A

UNIT 35	SQUARE FOOTAGE
GARAGE LEVEL	1369.30
ENTRY LEVE	1341.00
MAIN LEVEL	1365.10
UPPER LEVEL	941.60
TOTAL	5017.00

NOTES:

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1. INTERIOR DIMENSIONS SHOWN ARE TO FINISH SURFACES.
2. ALL STRUCTURAL ELEMENTS ARE DESIGNATED AS COMMON AREAS.
3. ALL PHYSICAL FEATURES AND IMPROVEMENTS NOT SHOWN ARE DESIGNATED AS COMMON AREA.
4. REFER TO DECLARATION OF CONDOMINIUM FOR COMPLETE DESCRIPTION OF OWNERSHIP.
5. BENCHMARK: SEE SHEET 1 OF 5 FOR LOCATION AND ELEVATION.

OWNERSHIP DESIGNATIONS

- "PRIVATE OWNERSHIP AREA A"
- COMMON OWNERSHIP
- LIMITED COMMON OWNERSHIP
- "PRIVATE OWNERSHIP AREA B"

SECOND AMENDED
RECORD OF SURVEY MAP

STAG LODGE PHASE II

A UTAH CONDOMINIUM PROJECT
LOCATED IN SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST
S.L.B. & M.
PARK CITY, SUMMIT COUNTY, UTAH

8 0 8 16

PAGE 4 of 5

734280 RECORDED
STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF High Country Title
DATE 5-25-05 TIME 12:41 BOOK ____ PAGE ____
$101.00 FEE [signature], Deputy RECORDER

4-2-04 X:\SL\DWG\040204 AMENDED\PH2-SHT4