

MEETING RECOMMENDATIONS



COUNCIL AGENDA REPORT

DATE: November 30, 1995
DEPARTMENT: Community Development Department
AUTHOR: Kirsten Whetstone
TITLE: Plat Amendment to Lots 15 and 16, Block 13, of the amended Park City Survey
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS:

Adopt the ordinance amending the plat at 160 Park Avenue, Lots 15 and 16, Block 13 of the amended Park City Survey in order to combine portions of both lots to create a new lot for future construction of a single family residence. This item requires a public hearing.

DESCRIPTION:

A. Topic.

PROJECT STATISTICS

Applicant:	Paul deGroot
Proposal:	Plat amendment for portions of Lots 15 and 16, Block 13, amended Park City Survey
Zoning:	Historic Residential - HR-2
Adjacent Land Uses:	Residential, Commercial (Grappa, Jefferson House, various residential structures)
Date of Application:	August 23, 1995
Project Planner:	Kirsten A. Whetstone
Staff Recommendation:	Approve with conditions

B. Background.

The applicant, Paul deGroot, representing the owners, David S. and Charlotte K. Morrison, proposes to combine the west 50' of Lot 15 with the west 50' of Lot 16 of the amended Park City Survey to create a single lot for construction of a single family residence. The lots are located at 160 Park Avenue and are currently vacant (see Exhibit A).

These are standard old town lots approximately 25' wide and 75' deep. The east (rear) 25' of Lots 15 and 16 are owned and utilized by the owner of Lots 13 and 14 (151 Main Street-The Grappa Restaurant). A plat amendment was required, as a condition of approval for an expansion to the Grappa Restaurant, to combine into a single lot all of the lots and portions of lots that the restaurant occupies (see Exhibit B), including the eastern 25' of Lots 15 and 16..

The proposed dimensions of the new lot are 50' wide by 50' deep for a total area of 2,500 sf . The lot is located at the intersection of Park Avenue and the Second Street stairs.

Property owners within 300' and within the affected plat were sent notice of this proposal. At the time of writing this report, Staff has not received comments or concerns from any affected property owners.

C. Analysis.

If this subdivision amendment is approved, one single family house could be constructed on the newly created lot. The size of the structure (floor area ratio) and setbacks are determined from the size of the lot, according to requirements of the HR-2 zone. Because there is not an existing historic structure at this location, the Land Management Code refers back to the HR-1 zone for permitted uses, sizes, and setbacks.

If this amendment is approved, the new lot would be 2,500 square feet in area, which is sufficient for construction of a single family residence. The FAR's allow an 1875 square foot house on the new lot. This is approximately 188 sq. ft. larger than allowed on a standard old town lot. The house would have to meet all existing and any new requirements for height and setbacks as approved by Planning Commission and City Council prior to submittal of building plans.

As the lots are currently owned, with the eastern 25' of both lots under different ownership than the western 50', the resultant 25' by 50' lots (Lots 15 and 16) are not of sufficient size for this owner to construct single family houses on them.

Findings:

1. Staff finds that impacts to the City and surrounding neighborhood are not significant.
2. There will be a reduction in density, as only one structure can be built on what were two

lots.

3. The size of house that would be allowed on the new Lot would not be out of scale with houses, condominiums, and commercial structures in the surrounding area.

Conclusions of Law:

1. There is good cause for the amendment as the reconfiguration will allow construction of one instead of two structures on the full lots.
2. Neither the public nor any person will be materially injured by the proposed plat amendment.

D. Department Review.

The Community Development Department and City Attorney's Office have reviewed this proposal.

ALTERNATIVES:

- A. Deny the amendment to the amended Park City Survey plat thereby retaining the original configuration of Lots 15 and 16.
- B. Approve the amendment to the amended Park City Survey plat and allow the new configuration of lots, with the western 50' of Lots 15 and 16 combined to create one lot for a single family residence.
- C. Continue the item and request evaluation and recommendations from Staff.

SIGNIFICANT IMPACTS:

This proposed amendment to the existing amended Park City Survey plat will result in one lot approximately 625 square feet larger than the standard "old town" lot and 312 square feet smaller than the common configuration of one and one-half "old town" lots. Because house size, floor area ratios, and setbacks are determined by the size of the lot, a larger home (by 188 sf) could be constructed on the new lot than could be constructed individually on Lots 15 and 16 as currently platted. This difference in allowable square feet is not significant given the size of structures in the immediate vicinity of this site (namely the Grappa building and Jefferson House condominiums).

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

If the Council chooses not to approve the plat amendment as proposed, the owner will be unable to construct houses on his portions of Lots 15 and 16 without pursuing a variance to the

lot size requirement.

RECOMMENDATION:

Staff recommends that the City Council approve the proposed plat amendment subject to the following condition:

1. **Prior to plat recordation, the City Attorney and City Engineer shall review and approve the final plat for compliance with the Land Management Code and conditions of approval.**
2. **All Standard Project Conditions shall apply.**

EXHIBITS:

EXHIBIT A- LOCATION MAP

EXHIBIT B- PROPOSED PLAT AMENDMENT

**AN ORDINANCE APPROVING THE AMENDMENT TO
THE AMENDED PARK CITY SURVEY, LOTS 15 AND 16, BLOCK 13,
LOCATED AT 160 PARK AVENUE, PARK CITY, UTAH**

WHEREAS, the owners of the property known as Lots 15 and 16, Block 13 of the amended Park City Survey, have petitioned the City Council for approval of an amendment to the amended Park City Survey plat to be known as the Amended Plat for 160 Park Avenue; and

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

WHEREAS, the City Council held a public hearing on November 30, 1995 to receive input on the proposed amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the amended plat.

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

SECTION 1. CONCLUSIONS OF LAW. The City Council hereby concludes that there is good cause for the above-mentioned plat amendment and that neither the public nor any person will be materially injured by the proposed plat amendment.

SECTION 2. PLAT APPROVAL. The amendment of the amended Park City Survey plat, Lots 15 and 16, Block 13, is approved as shown on the attached Exhibit A with the following conditions:

1. Prior to plat recordation, the City Attorney and City Engineer shall review and approve the final plat for compliance with the Land Management Code and conditions of approval.
2. All Standard Project Conditions shall apply.

SECTION 3. EFFECTIVE DATE. This Ordinance shall take effect upon adoption.

PASSED AND ADOPTED this 30th day of November, 1995.

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch

Attest:

Janet M. Scott, Deputy City Recorder

Approved as to form:

Mark D. Harrington, Assistant City Attorney

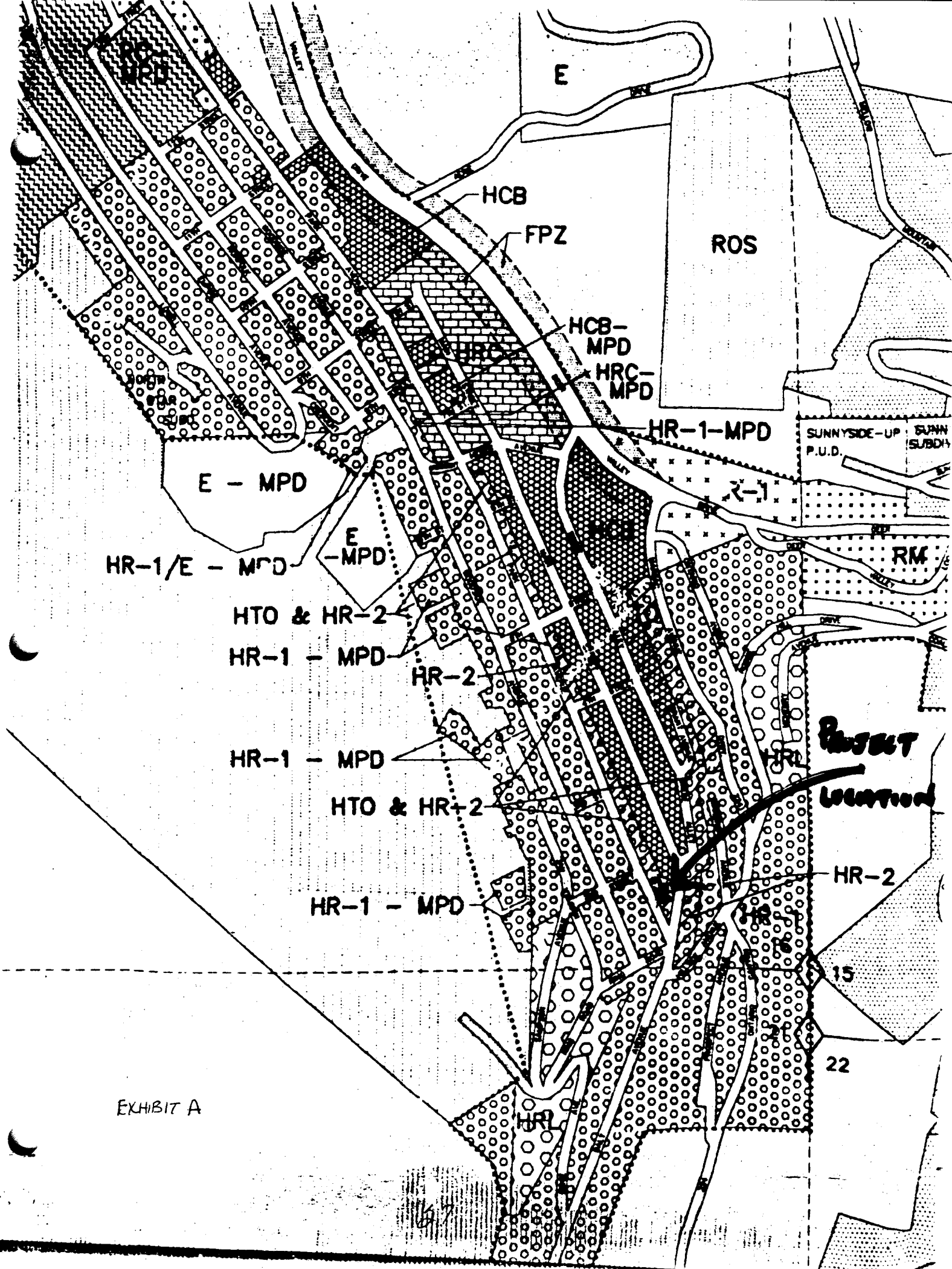


EXHIBIT A

PARK CITY
PLANNING DEPT.

SURVEYOR'S CERTIFICATE

[illegible]

NEW DESIGN AIRBORNE

[illegible]

OWNER'S DEDICATION

Know all men by these presents that _____, the _____ undersigned owners ()

EXPANDED FLAT PARK CITY SURVEY

do hereby declare for perpetual use of the public all parcels of land shown in this plat as intended for public use.

In witness whereof _____ have hereunto set
 day of _____ A.D. 19 _____

ACKNOWLEDGMENT

STATE OF UTAH } S.S.
County of _____

On the _____ day of _____ A.D. 19____ personally appeared before me _____, the undersigned Notary Public, in and for said County of _____, the undersigned Notary Public, in and for said County of _____, in said state of Utah, the signer () of the above Oath's dedication, _____ in number, who duly acknowledged to me that _____ prepared it freely and voluntarily and for the uses and purposes therein mentioned.

Notary Commission Expires _____

AMENDED PLAT PARK CITY SURVEY

PARK CITY SURVEY
AMENDING LOTS 15 AND 16, BLOCK 11

[illegible]

CITY PLANNING COMMISSION

10-10-73

APPROVAL AS TO FORM

DATE _____ DAY _____

CITY ENGINEER

THE NEW YORK PUBLIC LIBRARY
ASTOR LENOX TILDEN FOUNDATION
500 5TH AVENUE
NEW YORK 17, N.Y.

CITY COUNCIL APPROVAL _____

**THE NEW YORK PUBLIC LIBRARY
ASTOR LENOX TILDEN FOUNDATION**

_____ JUDGE DISTRICT APPROVAL

THESE ARE THE ONLY TWO COMPANIES IN THE WORLD THAT HAVE BEEN AWARDED THE "A" RATING BY THE INVESTMENT ANALYSTS.

1

MOUNTAIN STATES SURVEYS
100 WEST 8100 SOUTH, SUITE 110
SALT LAKE CITY, UTAH 84114

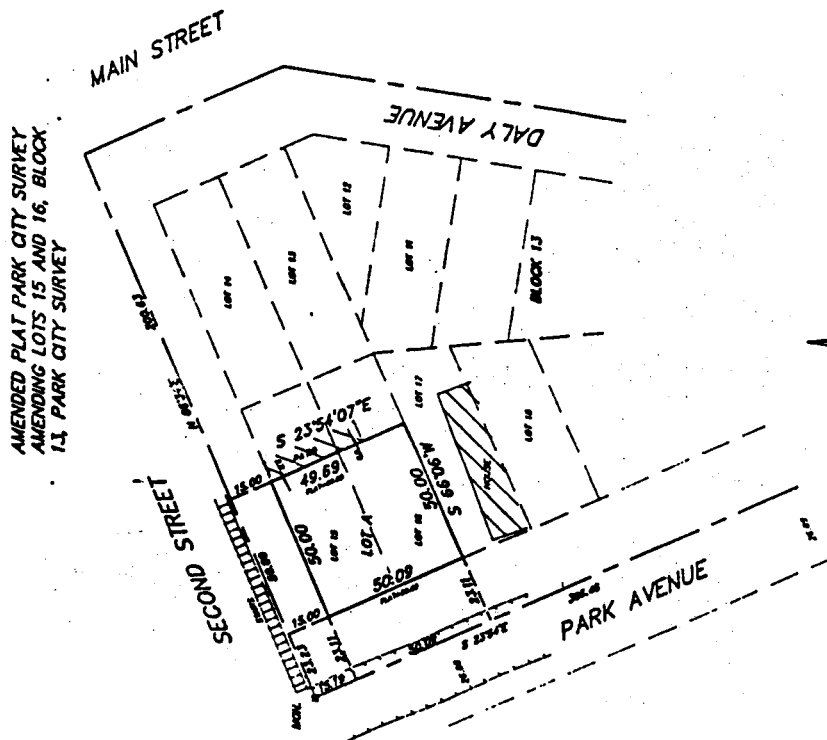
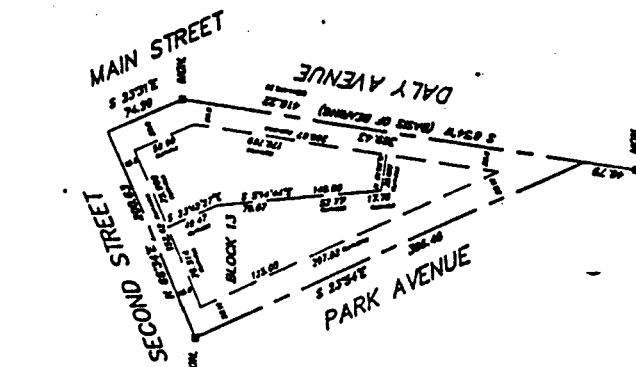


EXHIBIT B

[illegible]

ANA





COUNCIL AGENDA REPORT

DATE: November 30, 1995
DEPARTMENT: Community Development Department
AUTHOR: Kirsten Whetstone
TITLE: Plat Amendment for Ranch Lot 4, Aspen Springs Subdivision
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS:

Adopt an ordinance amending the Aspen Springs Subdivision plat at 2680 Aspen Springs Drive, Ranch Lot 4, Aspen Springs Subdivision in order to relocate and reduce in size the limits of disturbance area for the barn/storage building. This item requires a public hearing.

DESCRIPTION:

A. Topic.

PROJECT STATISTICS

Applicant:	Steven and Helen Weldon
Proposal:	Plat amendment for Ranch Lot 4, Aspen Springs Subdivision, located at 2680 Aspen Springs Drive.
Zoning:	SF- Single Family and ROS- Recreational Open Space
Adjacent Land Uses:	Residential, Open Space
Date of Application:	October 5, 1995
Project Planner:	Kirsten A. Whetstone
Staff Recommendation:	Approve with conditions

B. Background.

The owners, Steve and Helene Weldon, propose to relocate the building pad and limits of disturbance for a future barn/storage building to a location approximately 80' to the west of its current platted location. The barn is an allowable structure on Ranch Lot 4 of the Aspen Springs Subdivision II. Lot 4 is 13.6 acres in size with an allowable limits of disturbance area of 30,000 sq. ft. The Aspen Springs Subdivision Phase II plat was recorded on May 27, 1992.

The owners also propose to add secondary access to the barn off of Ruminant Road.

The building pad for the barn is legally located and described on the legal subdivision plat and therefore any changes must be processed as plat amendments with final approval by the City Council. Ranch Lot 4 is located at 2680 Aspen Springs Drive. The house on Lot 4 is currently under construction. The barn/storage building has not received building permit approval but will be required to go through the same design review and building department permitting process.

The owners are requesting this amendment because the current building pad places the barn in front of the main view corridor from the house.

Property owners within 300' and within the affected plat were sent notice of this proposal. At the time of writing this report, Staff has not received comments or concerns from any affected property owners.

C. Analysis.

If this amendment is approved, the new barn building pad limits of disturbance will be reduced in area from 10,000 sq. ft. to approximately 8,000 square feet and located approximately 80 feet west of the platted location. This amendment places the future barn behind the house, as viewed from the Park City entry corridor and Highway 224. The new building pad location is preferable because it places the barn structure in a less visible location from the Park City entry corridor and allows unobstructed views of the mountains from the house. The vegetation in this area is grasslands, therefore the amendment does not affect any existing trees on the lot.

Findings:

1. Staff finds that impacts to the City and surrounding neighborhood are not significant.
2. The future barn/storage building will be less visible from the Park City entry corridor and Highway 224.

Conclusions of Law:

1. There is good cause for the amendment as it allows the barn structure to be built in a more preferable location with less visual impact on the Park City entry corridor.

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

D. Department Review.

The Community Development Department and City Attorney's Office have reviewed this proposal.

ALTERNATIVES:

- A. Deny the amendment to the Aspen Springs Subdivision, Ranch Lot 4, and retain the original building pad/limits of disturbance for the barn.
- B. Approve the amendment to allow the new location and size of the building pad/limits of disturbance for the barn.
- C. Continue the item and request evaluation and recommendations from Staff.

SIGNIFICANT IMPACTS:

There are no significant impacts on the surrounding neighborhood or Park City resulting from this amendment.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

If the Council chooses not to approve the plat amendment as proposed, the owner will be required to keep construction of the barn/storage building within the original limits of disturbance.

RECOMMENDATION:

Staff recommends that the City Council approve the proposed plat amendment subject to the following conditions:

1. **Prior to plat recordation, the City Attorney and City Engineer shall review and approve the final plat for compliance with the Land Management Code and conditions of approval.**
2. **All Standard Project Conditions shall apply.**

EXHIBITS:

EXHIBIT A- LOCATION MAP

EXHIBIT B- PROPOSED PLAT AMENDMENT

Ordinance No. 95-

**AN ORDINANCE APPROVING THE AMENDMENT TO THE
ASPEN SPRINGS SUBDIVISION PHASE II PLAT, FOR RANCH LOT 4,
LOCATED AT 2680 ASPEN SPRINGS DRIVE, PARK CITY, UTAH**

WHEREAS, the owners of the property known as Ranch Lot 4 of the Aspen Springs Subdivision Phase II, have petitioned the City Council for approval of an amendment to be known as the Plat Amendment for Ranch Lot 4, Aspen Springs Subdivision II; and

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

WHEREAS, the City Council held a public hearing on November 30, 1995 to receive input on the proposed amendment; and

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

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

SECTION 1. CONCLUSIONS OF LAW. The City Council hereby concludes that there is good cause for the above-mentioned plat amendment and that neither the public nor any person will be materially injured by the proposed plat amendment.

SECTION 2. PLAT APPROVAL. The amendment of the Aspen Springs Subdivision Phase II, Ranch Lot 4, is approved as shown on the attached Exhibit A with the following conditions:

1. Prior to plat recordation, the City Attorney and City Engineer shall review and approve the final plat for compliance with the Land Management Code and conditions of approval.
2. All Standard Project Conditions shall apply.

SECTION 3. EFFECTIVE DATE. This Ordinance shall take effect upon adoption.

PASSED AND ADOPTED this 30th day of November, 1995.

PARK CITY MUNICIPAL CORPORATION

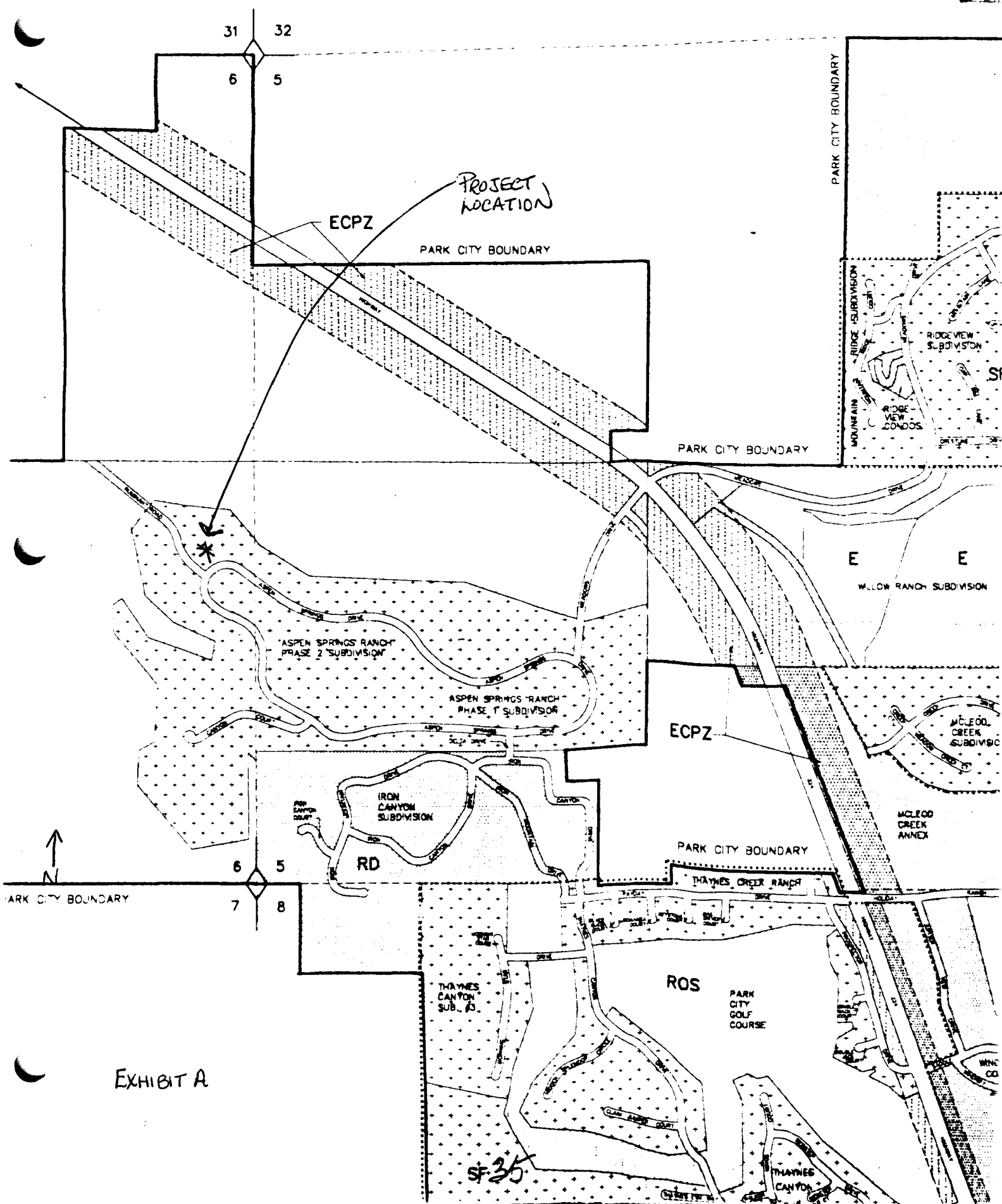
Mayor Bradley A. Olch

Attest:

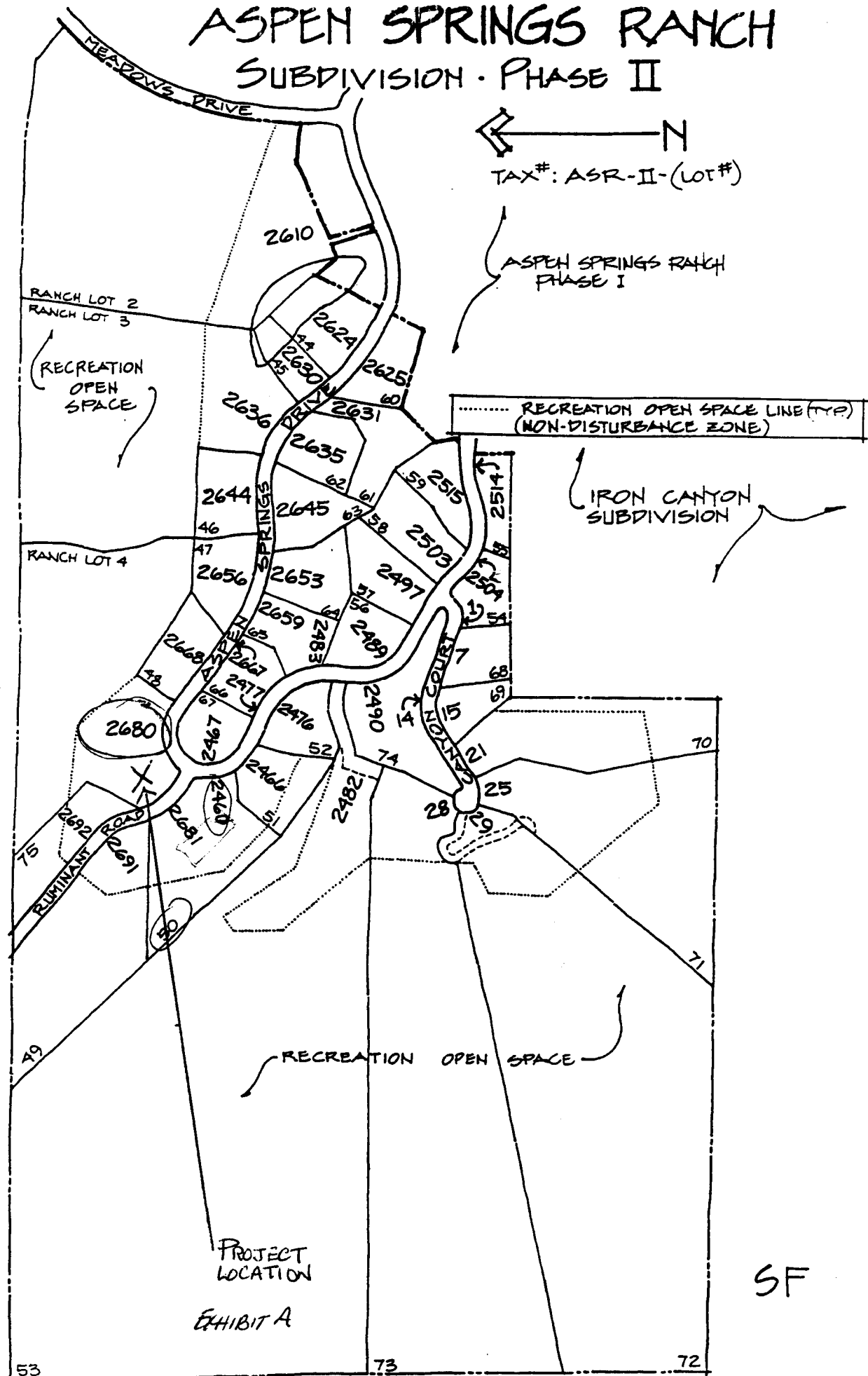
Janet M. Scott, Deputy City Recorder

Approved as to form:

Mark D. Harrington, Assistant City Attorney



ASPEN SPRINGS RANCH SUBDIVISION - PHASE II



SF



COUNCIL AGENDA REPORT

DATE: November 30, 1995
DEPARTMENT: Planning Department
AUTHOR: Kirsten Whetstone
TITLE: 430 Main Street Plat Amendment to Lots 7 and 8, Block 23, of the amended Park City Survey
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS:

Adopt an ordinance to approve this plat amendment to adjust lot lines to coincide with placement of an existing building and approve the re-subdivision request to combine the property contiguous to and under common ownership with the lots in question. This item requires a public hearing. Approval of this plat amendment and re-subdivision will not affect the status of the 45.5' public easement on the rear of the property.

DESCRIPTION:

A. Topic.

PROJECT STATISTICS

Applicant:	Paul deGroot
Proposal:	430 Main Street, Plat amendment for Lots 7 and 8, Block 23, amended Park City Survey
Zoning:	Historic Commercial Business- HCB
Adjacent Land Uses:	Commercial
Date of Application:	July 21, 1995
Project Planner:	Kirsten A. Whetstone
Staff Recommendation:	Approval with conditions

B. Background

The applicant proposes to adjust the lot lines of Lots 7 and 8 of the Park City Survey to coincide with the existing historic structure occupied by the Park City Pizza Company. The structure is located at 430 Main Street. Currently the lot line between Lots 7 and 8 runs down the middle of the building. The applicant proposes to create a new Lot 1 for the Pizza Company building.

In addition, the owner of the Pizza Company owns property contiguous to Lots 7 and 8 at the rear of the building. The applicant proposes a re-subdivision to combine this unplatted property with the new Lot 1 to create a single lot for all of the property under common ownership at this location. The resulting lot is 20.17' wide and 120.5' deep and runs from Main Street to Swede Alley.

The applicant has HDC approval to construct a new second story deck on the rear of the building. This plat amendment was a condition of approval prior to building permit issuance.

Property owners within 300' and within the affected plat (the Park City Survey) were sent notice of this proposal. At the time of writing this report, no concerns have been raised by any affected property owners.

C. Analysis.

If this subdivision and plat amendment are approved, the existing historic structure at 430 Main Street will be located on a single lot. The deck construction could occur within the new lot. The City Engineer is recommending a condition of approval that the rear 45.5' of the lot remain unbuildable, with the exception of landscaping, parking, utilities, the approved deck and stairs, and other similar uses; due to an existing non-exclusive public utility easement on this property.

Findings:

1. Impacts to the City and surrounding neighborhood are not significant as the new lot is similar in size to other existing lots in the area.
2. The amendment and subdivision create a legal lot for an existing historic structure and an approved deck addition.
3. The City's interest in the utility easement is preserved if the use of the rear 45.5' of the lot is restricted.
4. The Planning Commission held a public hearing on November 15, 1995 and forwarded a positive recommendation to the City Council, with conditions as follows.

Conclusions of Law:

1. There is good cause for the subdivision and plat amendment as the reconfiguration will allow the historic structure to occupy one lot.
2. Neither the public nor any person will be materially injured by the proposed plat amendment or subdivision.

D. Department Review.

The Community Development Department and City Attorney's Office have reviewed this proposal. There is a recommendation that a condition be placed on the plat to restrict the rear 45.5 feet of the new Lot 1 to landscaping, parking, utilities, the approved deck addition and stairs, and other similar uses, as approved by the City Engineer, that do not interfere with the existing utility easement.

ALTERNATIVES:

- A. Deny the amendment to the amended Park City Survey plat thereby retaining the original configuration of Lots 7 and 8.
- B. Approve the amendment to the amended Park City Survey plat and allow the new configuration of lots.
- C. Continue the item and request evaluation and recommendations from Staff.

SIGNIFICANT IMPACTS:

This proposed amendment to the existing amended Park City Survey plat will result in one lot smaller than the standard "old town" lot. Because there is already a structure on the lot and zero setbacks are allowed in the HCB staff believes this amendment will not create a negative impact on the established scale and rhythm of the Historic District.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

If the Council chooses not to approve the plat amendment as proposed, the historic structure will continue to straddle the lot line and the approved deck addition could not be constructed.

PLANNING COMMISSION ACTION:

On Wednesday, November 15, 1995 the Planning Commission held a public hearing on the plat amendment and re-subdivision. The Commission approved the request and voted to send a positive recommendation to City Council with the conditions as proposed by staff with a modification to condition #3 regarding the utility easement.

RECOMMENDATION:

Staff recommends that the City Council approve the plat amendment and subdivision request with the following conditions:

1. **Prior to plat recordation, the City Attorney and City Engineer shall review and approve the final plat for compliance with the Land Management Code and conditions of approval.**
2. **All Standard Project Conditions shall apply.**
3. **The rear 45.5' of this new lot is unbuildable except for landscaping, utilities, parking, stairs, and other similar uses as approved by the City Engineer that do not interfere with the existing utility easement. (The Planning Commission modified this condition to include the following: That Staff (City Engineer and City Attorney) provide additional information to the City Council regarding the utility easement to clarify this condition of approval.)**

EXHIBITS

EXHIBIT A- LOCATION MAP

EXHIBIT B- PROPOSED PLAT AMENDMENT

Ordinance No. 95-

**AN ORDINANCE APPROVING THE AMENDMENT TO THE
AMENDED PARK CITY SURVEY, LOTS 7 AND 8, BLOCK 23,
LOCATED AT 430 MAIN STREET, PARK CITY, UTAH**

WHEREAS, the owners of the property known as Lots 7 and 8, Block 23 of the amended Park City Survey, have petitioned the City Council for approval of an amendment to the amended Park City Survey plat to be known as the Amended Plat for 430 Main Street; and

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

WHEREAS, Planning Commission held a public hearing on November 15, 1995 and forwarded a positive recommendation to City Council; and

WHEREAS, the City Council held a public hearing on November 30, 1995 to receive input on the proposed amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the amended plat, known as the 430 Main Street plat amendment as the reconfiguration will allow the historic structure to occupy one lot;

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

SECTION 1. CONCLUSIONS OF LAW. The City Council hereby concludes that there is good cause for the above-mentioned plat amendment and that neither the public nor any person will be materially injured by the proposed plat amendment.

SECTION 2. PLAT APPROVAL. The amendment of the amended Park City Survey plat, Lots 7 and 8, Block 23, is approved as shown on the attached Exhibit A with the following conditions:

1. Prior to plat recordation, the City Attorney and City Engineer shall review and approve the final plat for compliance with the Land Management Code and conditions of approval.
2. All Standard Project Conditions shall apply.
3. The rear 45.5' of this lot is unbuildable except for landscaping, utilities, parking, stairs, and other similar uses as approved by the City Engineer that do not interfere with the existing utility easement. (The Planning Commission modified this condition to include the following: that Staff (City Engineer and City Attorney) provide additional information to the

City Council regarding the utility easement to clarify this condition of approval. The plat amendment does not affect the status of this utility easement.

SECTION 3. EFFECTIVE DATE. This Ordinance shall take effect upon adoption.

PASSED AND ADOPTED this 30th day of November, 1995.

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch

Attest:

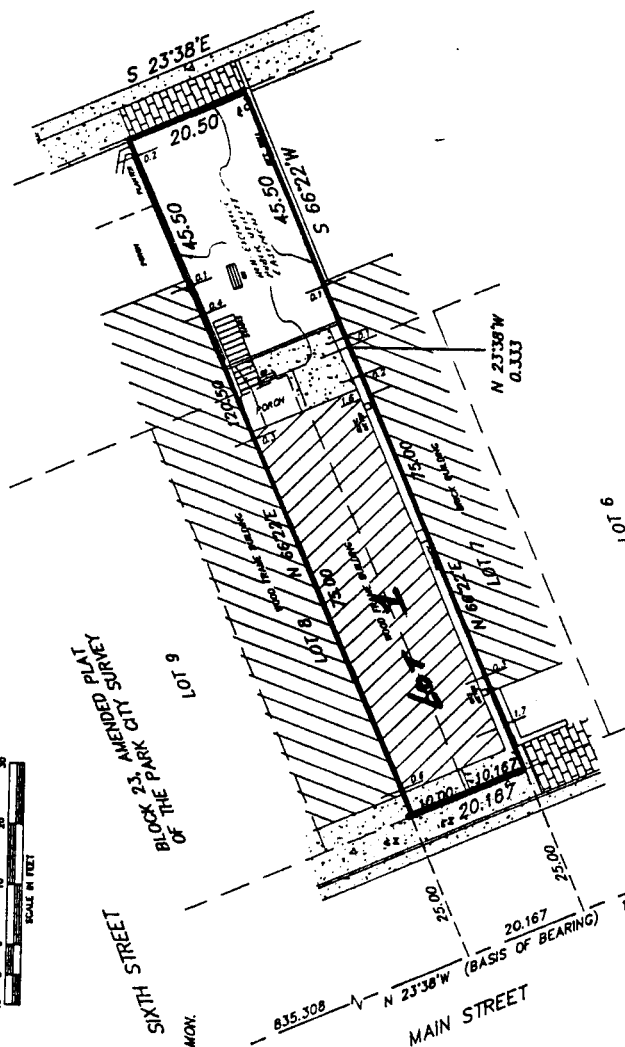
Janet M. Scott, Deputy City Recorder

Approved as to form:

Mark D. Harrington, Assistant City Attorney

I, JOY A. PUGH, do hereby certify that I am a registered Land Surveyor, and that I hold Certificate No. 17216, as prescribed under the laws of the State of Utah. I further certify that by authority of the Owners, I have surveyed the tract of land shown on this plat and described below and have added said tract of land into lots and streets, hereafter to be known as PARADE PLAT OR PORTAGE OF LOTS 7 AND 8, BLOCK 7, HANCOCK PLAT OF THE PUEBLO CITY SURVEY. I understand that said lots have been correctly surveyed and staked on the ground and shown on this plat.

0 5 10 20 30
SCALE IN FEET



DATE
5-9-1995

Know all men by these presents that _____ the _____ undersigned owners () of the above described tract of land, having caused same to be subdivided into lots and streets to be hereinafter known as _____
**ALLEGED PLAT OF PORTIONS OF LOTS 7 AND 8,
 BLOCK 12, ALLEGED PLAT OF THE PARK CITY TRAIL**
 do hereby dedicate for perpetual use of the public at parcels of land shown in this plat as intended for public use _____
 in witness whereof _____ have hereunto set _____ this _____ day of _____ A.D. 19 _____

STATE OF UTAH
County of

On the ____ day of _____ A.D., 19____ personally appeared before me, the undersigned Notary Public, in and for said County of _____, the undersigned _____ (the signor) of the above Doner's dedication, in said state of Utah, who duly acknowledged to me that _____ in number, who duly acknowledged to me that _____ assigned it freely and voluntarily and for the uses and purposes therein mentioned _____ by commission bearing

AMENDED PLAT OF PORTIONS OF LOTS 7 AND 8,
BLOCK 23, AMENDED PLAT OF THE PARK CITY SURVEY
IN SAVING IN

RECEIVED JAN 9 2 50 PM '68

RECORDED
JAN 10 1960
COUNTY OF SUMMIT, RECORD AND FIELD AT THE BY

[illegible]

COMMONWEALTH OF MASSACHUSETTS
 COUNTY OF _____ STATE OF MASSACHUSETTS
 ON the _____ DAY OF _____ 19____ PERSONALLY
 APPEARED BEFORE ME _____
 WHO BEING BY ME DULY SWORN OF AFFIDAVIT, DID SAY THAT _____
 OF _____
 TESTIFIED THAT THE WITHIN OBJECTS
 INDICATED WERE SAVED IN RESULT OF SAID _____
 BY AUTHORITY OF _____
 AND THE SAID _____
 REPRODUCED TO BE THAT SAID _____
 BEFORE ME THIS _____
 AT CONVENT SQUARE BOSTON
 JUDICIAL PUBLIC

CITY PLANNING COMMISSION
PRESENTED TO THE BOARD OF PARK CITY PLANNING COMMISSION
THIS DAY OF
A.D. 19... AT WHICH TIME THIS SUBMISSION WAS APPROVED
AND ACCEPTED

APPROVAL AS TO FORM
APPROVED BY _____ DAY _____
OF _____ A.D. 19 _____
CITY ATTORNEY _____

[illegible]

CITY COUNCIL APPROVAL

SENT TO THE BOARD OF THE PARK
CITY COUNCIL THIS DAY OF
19 AT WHICH TIME THIS RESOLUTION
UNANIMOUSLY WAS APPROVED

ATOR _____ CITY CLERK _____

SLIMER DISTRICT APPROVAL
REQUIRED FOR CONFORMANCE TO
SAYBOWELL BAYOU SLIMER MAP
DISTRICT STANDARDS THIS
DAY OF AD 19

MOUNTAIN STATES SURV
148 WEST 2100 SOUTH, SUITE
SALT LAKE CITY, UTAH 84111
PH 801-463-6831

EXHIBIT A (ORDINANCE)

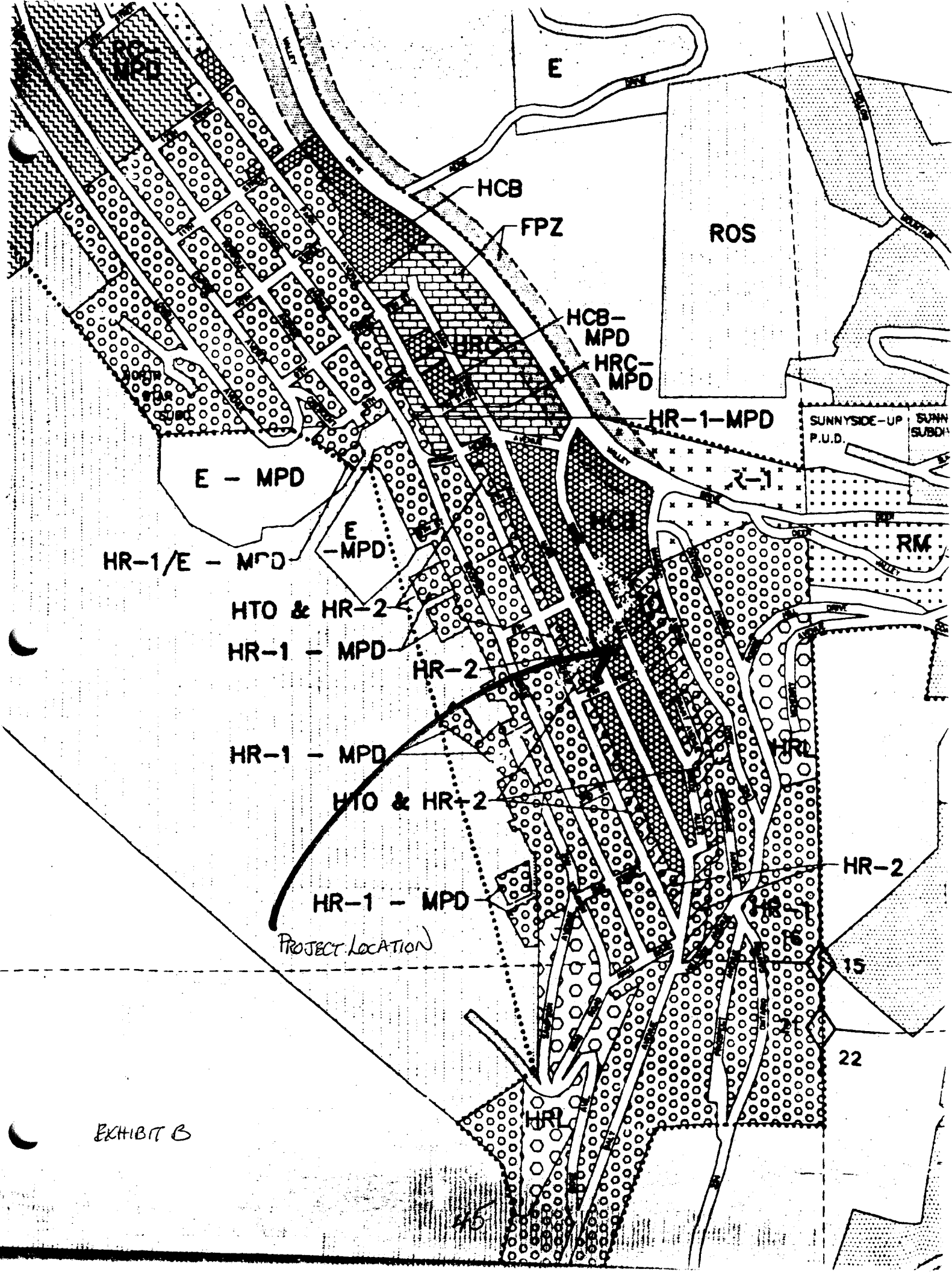


EXHIBIT B

ANA

JOSE A. DAVARIZ do hereby certify that I am a registered Land Surveyor, and that I hold as effective to date the certificate of registration of the State of Utah. Further certifying that by authority of the Owners, I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land into lots and streets, hereafter to be known as **LOT 1 AND A BACK 1/4, ADJACENT TO THE 70th CITY STREET**, and that same has been correctly surveyed and staked out on the ground as shown on this plat.

BEGINNING AT A POINT ON THE EASTLY RIGHT OF WAY LINE OF MAIN STREET, SAID POINT BEING N 23°30'00" E 10.00 FEET FROM THE SOUTHWEST CORNER OF LOT 1, BLOCK 21, ANNEALED PLAT OF THE PANK CITY SUBDIVISION, THENCE S 64°22'00" E 120.50 FEET; THENCE S 23°30'00" E 45.50 FEET; THENCE S 64°22'00" E 45.50 FEET; THENCE N 23°30'00" E 0.33 FEET; THENCE S 64°22'00" E 73.00 FEET TO THE EASTLY RIGHT OF WAY LINE OF SAID MAIN STREET; THENCE N 23°30'00" E ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 20.17 FEET TO THE POINT OF BEGINNING. CONTAINS 0.056 ACRES OR 2,445.50 FT. AND 1 LOT.

OWNER'S DEDICATION

Know all men by these presents that _____ the _____ undersigned owners () of the above described tract of land, having caused same to be subdivided into lots and streets to be hereafter known as _____
**ANNEXED PLAN OF PORTIONS OF LOTS 7 AND 8,
 BLOCK 24, ADJACENT EAST OF THE PARK CITY SURVEY**
 do hereby dedicate for perpetual use of the public all parcels of land shown in this plat as intended for public use.
 In witness whereof _____ have hereunto set
 their hands and seals this _____ day of _____, 19____.

_____ 19____

STATE OF UTAH } S.S.
County of }

On the ____ day of _____, A.D. 19____, personally appeared before me, the undersigned Notary Public, in and for said County of _____, in said state of Utah, the signor() of the above Owner's dedication, _____, in number, who duly acknowledged to me that _____ signed it freely and voluntarily and for the uses and purposes therein mentioned.

Notary Commission Expires _____

AMENDED PLAT OF PORTIONS OF LOTS 7 AND 8,
BLOCK 23, AMENDED PLAT OF THE PARK CITY SURVEY
RESIDING IN _____ COUNTY

100

RECORDED
STATE OF UTAH COUNTY OF SUMMIT, RECORDED AND FILED AT THE
OFFICE

[illegible]

ACKNOWLEDGMENT
STATE OF UTAH } S.S.
COUNTY OF _____
ON THE _____ DAY OF _____
APPEARED BEFORE ME _____ PERSONALLY
_____ 19____
WHO BEING BY ME ORALLY SWORN OF AFFIRMED, AND SAID THAT _____
_____, OF _____
ACKNOWLEDGMENT WAS SIGNED IN BEHALF OF SAID _____
BY AUTHORITY OF _____
AND THE SAID _____
ACKNOWLEDGED TO ME THIS SAID _____
_____ PREPARED THE SAME
AT COMANCHE, TEXAS

RECEIVED IN _____
CITY PLANNING COMMISSION
PRESENTED TO THE BOARD OF PUBLIC CITY PLANNING COMMISSION
DAY OF _____
A.D. 19____ AT WHICH THE RES. SUBMISSION WAS APPROVED
AND ACCEPTED
Chairman

APPROVAL AS TO FORM

APPROVED BY _____ DATE _____

BY _____ A.O. 10 _____

CITY ATTORNEY

QTY ENGINEER

CITY COUNCIL APPROVAL

SENT TO THE BOARD OF THE PARK
CITY COUNCIL THIS DAY OF
19 AT WHICH TIME THIS RESOLUTION
UNANIMOUSLY WAS APPROVED

A FOR CITY REC'D

SEWER DISTRICT APPROVAL
REVIEWED FOR CONFORMANCE TO
SOUTHERN RAINFALL WATER AND
SEWER DISTRICT STANDARDS THIS
DAY OF ... A.D. 19 ...

UNTAIN STATES SURVEY
140 WEST 2100 SOUTH, SUITE 110
SALT LAKE CITY, UTAH 84116
PH 801-405-6451

46



DATE: 11/21/95
DEPARTMENT: LEGAL
AUTHOR: MARK HARRINGTON
TITLE: VACATION OF 7TH STREET
TYPE OF ITEM: LEGISLATIVE

SUMMARY RECOMMENDATIONS: Adopt the proposed ordinance vacating and replatting the portion of 7th Street within the Town Lift project.

DESCRIPTION:

A. Topic:

7th Street, east of extended Main Street.

B. Background:

McIntosh Mill originally thought that it needed to extend 7th Street as access to Town Lift buildings A-3, A-6 and the Lobby Building, and to provide access to the Avise parcel. However, the developers decided to pursue a pedestrian walkway within the dedicated right-of-way as access to the Town Lift buildings, purchased the Avise property, and removed the need for a public right-of-way. All current owners (McIntosh Mill, Summit Watch, Marriot and GKM, Ltd.) of land adjacent to the portion of 7th Street that is proposed to be vacated signed the petition requesting the vacation.

C. Analysis:

The 7th Street right-of-way was originally dedicated for the benefit of the developer and to provide Avis with access to his property. Since both of those parties no longer need the access, there is little public interest in keeping the road. The developer has agreed to give the City all the necessary pedestrian, fire lane and utility easements to preserve the public's interest in the right-of-way. A maintenance agreement has been recorded and the deed has been drafted to secure the easements. The resulting parcel is required for a fire lane for the Town Lift buildings and shall accordingly remain undevelopable. The property will be owned by Summit Watch Owners Association.

The City Engineer recommends that the City Council vacate the street as requested to remove any maintenance responsibility that the City has in the street. No payment is recommended

because the parcel remains unbuildable and all public access to the area remains, other than private vehicular.

D. Department Review:

The Legal and Community Development Departments have reviewed this matter.

ALTERNATIVES:

A. Approve the Request:

Adopt the Ordinance as proposed as Exhibit A, vacating 7th Street east of extended Main Street and directing the Mayor to execute the necessary Quit Claim Deed(s) in a form as approved by the City Attorney.

B. Deny the Request:

If the Council feels that the public would be better served by retaining the street, it may deny the vacation petition.

C. Continue the Item:

If the Council desires more information regarding this matter or wishes to receive more public comment, it may continue the item to the next meeting and direct staff to supply additional information.

SIGNIFICANT IMPACTS:

Vacating the street removes any maintenance responsibility that the City had for the street. Easements will be given to the City to assure pedestrian, fire and utility access through the area and the new area will be undevelopable.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

The City will continue to maintain the street which will essentially have no other purpose but to serve the private property interests of the development at Town Lift.

RECOMMENDATION:

Adopt the Ordinance vacating and replatting 7th Street east of the Main Street extension.

**AN ORDINANCE VACATING AND REPLATTING THAT PORTION OF 7TH STREET
EAST OF EXTENDED MAIN STREET**

WHEREAS, all the property owners adjacent to the proposed vacation petitioned the City Council to vacate the street; and

WHEREAS, the necessity of that portion of the street to be vacated was removed when the need for access to the Avise parcel was removed; and

WHEREAS, the public interest in the street will be preserved by pedestrian, fire lane and utility easements;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PARK CITY, UTAH THAT:

SECTION I. FINDINGS. The City Council hereby finds that there is good cause for the plat amendment and neither the public nor any person will be materially harmed by the proposed amendment.

SECTION II. VACATION/PLAT AMENDMENT. 7th Street east of Main Street, more particularly described in Attachment A, is hereby vacated, reserving any access to and from any land-locked parcel that has a right of access via the right-of-way to such land-locked parcel, if any. The amended plat is approved and the Mayor is hereby authorized to execute the amended plat substantially as shown in Attachment B.

SECTION III. AUTHORIZATION TO EXECUTE NECESSARY DEEDS.
The Mayor is hereby authorized to execute the necessary quit claim deed(s) to complete the vacation. The deed(s) shall be in a form approved by the City Attorney and shall reserve all necessary pedestrian, fire/emergency access and utilities easements as determined necessary by the City Engineer. The deed(s) shall also reserve access to and from any land-locked parcel that has a right of access via the right-of-way to such land-locked parcel, if any.

SECTION IV. EFFECTIVE DATE. This ordinance shall become effective upon publication.

PASSED AND ADOPTED this 30th day of November, 1995.

Park City Municipal Corporation

Bradley A. Olch, Mayor

Attestation by:

Anita Sheldon, City Recorder

Approved as to Form:

Mark D. Harrington, Asst. City Attorney

Attachment A

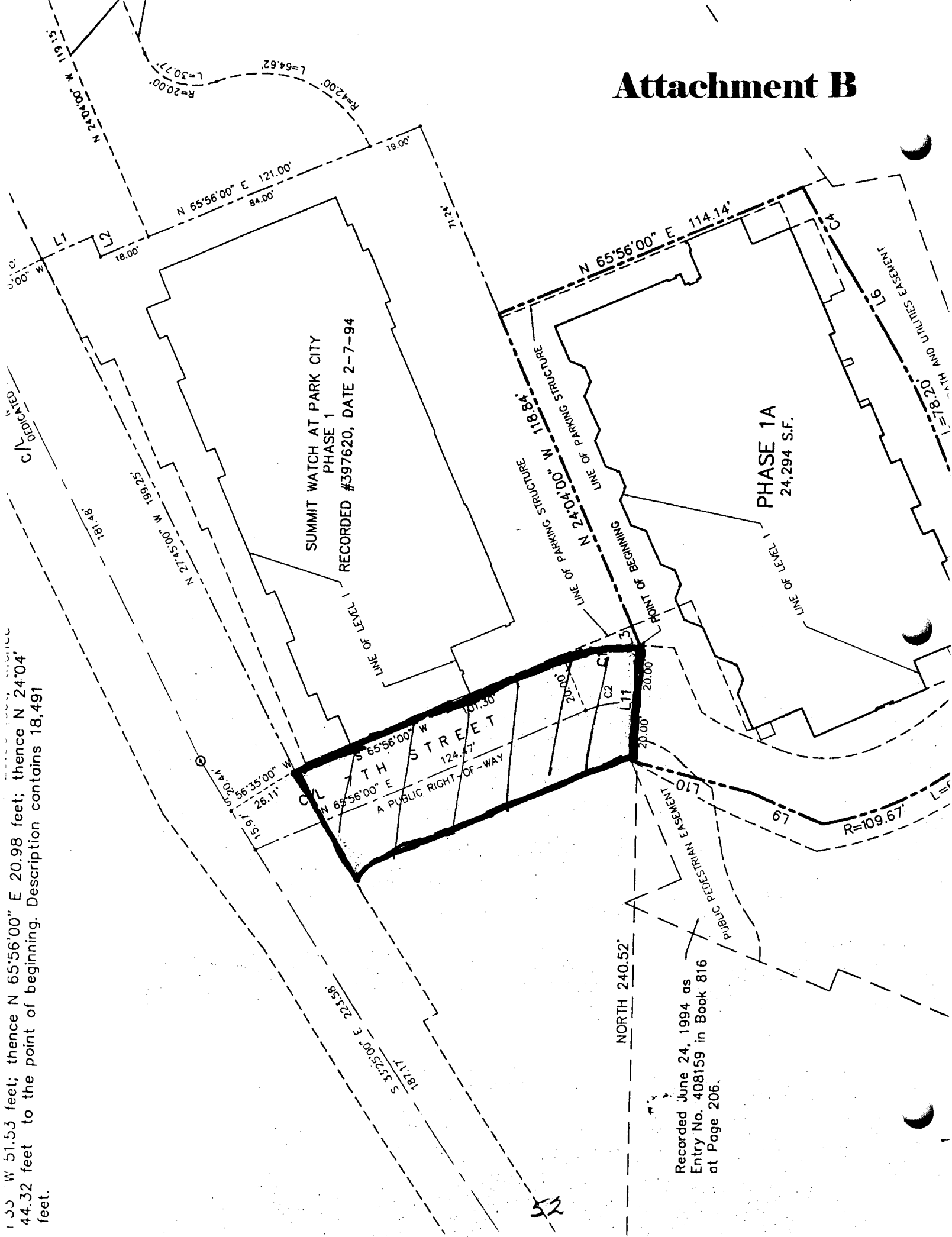
LEGAL DESCRIPTION 7TH STREET RIGHT-OF-WAY AS DEDICATED OCTOBER 20, 1995

BEGINNING at a point that is North 200.58 feet and West 129.40 feet from the Southwest Corner of the Southeast Quarter of the Northeast Quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian, said point being the Northeast corner of Lot A-1 of THE TOWN LIFT SITE, PHASE A, Subdivision, according to the official plat of record and on file in the office of the Summit County Recorder; Entry NO. 380364; and running thence N 03°08'10" E 40.00 feet to a point on a 57.50 foot radius curve to the left, whose radius point bears S 3°08'10" W, thence southwesterly along the arc of said curve 27.30 feet thru a central angle of 27°12'10" to a point of tangency; thence S 65°56'00" W 101.30 feet to a point on the easterly Right-Of-Way Line of Main Street, said point also being the Southwest corner of Lot A-2 of the afore mentioned Town Lift Site, Phase A Subdivision; thence S 30°21'55" E 49.01 feet along said easterly Right-Of-Way line to a point on a 7.50 foot radius curve to the right, whose radius point bears N 56°35'00" E; thence northwesterly along the arc of said curve 13.00 feet thru a central angle of 99°21'00" to a point of tangency; thence N 65°56'00" E 88.52 feet to a point on a 17.50 foot radius curve to the right, whose radius point bears S 24°04'00" E; thence easterly along the arc of said curve 8.31 feet thru a central angle of 27°12'10" to the point of beginning.

Y:\TL\7THABND.WPD

Attachment B

133' W 51.53 feet; thence N 65°56'00" E 20.98 feet; thence N 24°04' 44.32 feet to the point of beginning. Description contains 18,491 feet.





CITY COUNCIL REPORT

DATE: November 20, 1995
(November 30, 1995 Meeting)

DEPARTMENT: Planning Department

AUTHOR: Patrick Putt

TITLE: HR-1 and HR-L LMC Amendments

TYPE OF ITEM: Action Item (Request For Continuance)

Staff requests that Council continue the public hearing on the proposed HR-1 and HR-L Land Management Code changes until the December 7, 1995. Continuing the public hearing until December 7 will allow the Planning Department time to analyze and respond to issues raised at the November 9, 1995 work session.

As a follow-up to Council's work session, Staff contacted affected applicants regarding the effective date of the proposed ordinance changes. Staff notified these individuals that projects with complete Historic District Design Review applications submitted prior to November 30, 1995 will be reviewed under the current codes.



COUNCIL AGENDA REPORT

DATE: November 21, 1995
DEPARTMENT: Planning Department
AUTHOR: Megan B. Ryan
TITLE: 605 -655 Woodside Avenue - Block 27, Park City
Survey
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Conduct a public hearing, take public input and consider Planning Commission and Staff's recommendation to approve the six lot subdivision as conditioned.

DESCRIPTION:

A. Topic.

Applicant: Hugh Daniels and Dick Walter
Location: 605-655 Woodside Avenue - 6 property owners
Zoning: Historic Residential - HR1
Adjacent Land Uses: Residential, Recreation Open Space
Date of Application: August 31, 1995

B. Background/Project Description.

The Planning Commissioners held a public hearing on this item at their November 15th meeting and recommended that staff forward a positive recommendation to the City Council.

The applicants, Dick Walter and Hugh Daniels, are representing six property owners along Block 27 of Woodside Avenue. The applicants are requesting a replatting for each property owner that would in general:

1. Amend existing historic property lines to ensure that existing structures are not straddling several property lines and are in compliance with the Uniform Building Code and State law, and;
2. Add a portion of a previously unplatted section of property to each owners back yard in effect creating larger sized lots.

Please see Exhibit B - Block 27 Plat Map, and Exhibit C - Existing parcels with structures and proposed replat.

C. Analysis

The proposed changes are as follows:

- **605 Woodside Avenue** - This parcel currently is platted as two 25' x 75' lots and one unplatted lot to the rear. An historic single family house, of approximately 1,500 square feet, sits on the two lots that front Woodside. The owner, Dick Walter, owns all three parcels and would like to combine the lots to create one large parcel, 50' x 150'. Any expansions or additions of the existing structure would be subject to the site regulations and Historic District standards for the HR1 Zoning District. Staff supports the creation of this new parcel, shown on Exhibit A as Parcel 1.
- **615 Woodside Avenue** - This parcel is currently platted as 7 lots, 6 standard Old Town lots (25' x 75') and one unplatted lot to the rear. The Old Miner's Lodge, an historic structure of approximately 6,500 square feet, sits on 4 of the 25' x 75' lots. The owner, Hugh Daniels, owns all of the parcels and would like to combine the lots to create one large parcel, 100' x 150'. Any expansions or additions of the existing structure would be subject to the site regulations and Historic District standards for the HR1 Zoning District. Staff supports the creation of this new parcel, shown on Exhibit A as Parcel 2.
- **627 Woodside Avenue** - This parcel is currently platted as one 25' x 75' lot, half of a 25' x 75' lot and an unplatted lot to the rear. An historic duplex structure, of approximately 2,000 square feet, sits on the lot and a half. The owners, the Sheinbergs, own all of the parcels and would like to combine the lots to create one large parcel, approximately 35' x 150'. Any expansions or additions of the existing structure would be subject to the site regulations and Historic District standards for the HR1 Zoning District. Staff supports the creation of this new parcel, shown on Exhibit A as Parcel 3.

- **633 Woodside Avenue** - This parcel currently is platted as one 25' x 75' lot, half of a 25' x 75' lot and an unplatted lot to the rear. An historic single family structure, of approximately 1,000 square feet, sits on the lot and a half. The owners, the Stafsholts, would not like to create one large parcel but rather two parcels. Shown on Exhibit A as Parcels 4 and 5. Parcel 5 has no access as Norfolk is an unplatted street after 8th street. The Stafsholts do not plan to sell the parcel but for tax and value reasons would like to have two separate parcels. Staff would only support the creation of two parcels if a note is added to the plat which indicates that Parcel 5 has no access from Norfolk on this block and must only be accessed from Woodside Avenue. The owner has indicated his understanding of this and is willing to add this note. Staff also would support amending the rear property line to allow for a conforming rear yard setback to be created in the replatting.
- **637 woodside Avenue** - This parcel is platted as two 25' x 75' Old Town Lots and an unplatted area to the rear. A single family structure, of approximately 1,000 square feet, sits on the two 25' x 75' lots. The owner, Dr. Romaine, would like to create one parcel, approximately 50' x 151', shown as Parcel 6. Any expansions or additions of the existing structure would be subject to the Floor Area Ratio standard for the HR1 Zoning District. Staff supports the creation of this new parcel, shown on Exhibit A as Parcel 6.
- **655 Woodside Avenue** - This parcel is platted as two 25' x 75' Old Town Lots and an unplatted area to the rear. An historic single family structure, of approximately 1,100 square feet, sits on the two 25' x 75' lots. The owner, Gary Kimball, would like to clean up his property lines on the two 25' x 75' single family lots where his house currently sits, shown as Parcel 7. The parcel to the rear would be created as Parcel 8. As in the case at 633 Woodside Avenue, the staff does not want to create two buildable parcels unless a note is added to the plat which indicates that Parcel 8 has no access from Norfolk and must only be accessed from Woodside Avenue. The owner has indicated his understanding of this and is willing to add this note. Staff also would support amending the rear property line to allow for a conforming rear yard setback to be created in the replatting.

The staff and Planning Commission are in support of amending the property lines, as described above, on Block 27. The potential size of any additions to these structures would be limited through the zoning requirements for the Historic District. The staff believes that the application of these regulations could result in compatible additions. A note will be added to the plat that indicates Parcel 5 and Parcel 8 must have access from Woodside Ave. only. This note satisfies staff's concern about creating buildable lots that do not have access.

D. Department Review

This proposal has been reviewed by the City wide staff review team and the Planning Commission.

E. PUBLIC INPUT

Noticing for this project occurred on November 1, 1995. No comments from the public have been received at the time this staff report was prepared.

ALTERNATIVES

- A. Approve the final subdivision plat at Block 27, Lots 1-17 and Lots 29 and 30.
- B. Deny the final subdivision plat at Block 27, Lots 1-17 and Lots 29 and 30 and direct Staff to prepare Findings and Conclusions to support this action.
- C. Continue the item until December 4, 1995.

SIGNIFICANT IMPACTS:

The proposed subdivision will bring the existing ownership parcels into compliance with State law. The subdivision will also create larger parcels than the typical 25' x 75' lot found in the Historic District. The staff believes that these lots will still be in keeping with the standards for the District as the existing structures on the lots will limit any uncharacteristic expansions or additions.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

If the Council chooses to deny the subdivision plat the lots will remain as currently platted and no additions or expansions will be permitted that cross common ownership property lines.

RECOMMENDATION:

Staff recommends that the City Council conduct a public hearing, take public input and consider staff's recommendation to approve the proposed subdivision on Block 27, #605 - 655, with the following Finding of Fact, Conclusions of Law and Conditions:

Findings of Fact:

1. The proposal is consistent with both the Park City Land Management Code and

Comprehensive Plan in that it amends several lot line problems and removes some non-conforming site conditions.

2. The proposed plat amendment corrects the legal description of the applicants properties.
3. Norfolk Avenue is not a recorded street between 8th street and approximately 4th Street. Parcel 5 and Parcel 8 therefore are limited to access from Woodside Avenue only.

Conclusions of Law:

1. There is good cause for the amendment.
2. Neither the public nor any person will be materially injured by the proposed subdivision.

Conditions:

1. Prior to plat recordation, the City Council, City Attorney, and City Engineer shall review and approve the plat for compliance with the Land Management Code and these final Conditions of Approval.
2. All Standard Project Review Requirements shall apply.
3. A note shall be placed upon the plat stating that Parcel 5 and Parcel 8 shall have access from Woodside Avenue, through Parcel 4 and Parcel 7, only.

EXHIBITS

Exhibit A - Location Map/Proposed plat

Exhibit B - Plat Map

Exhibit C - Existing Structures site plan

Ordinance No. 95-

**AN ORDINANCE APPROVING THE FINAL SUBDIVISION PLAT
LOCATED AT BLOCK 27, PARK CITY SURVEY,
605-655 WOODSIDE AVENUE, PARK CITY, UTAH**

WHEREAS, the owners of property known as Block 27, Lots 1 through 17, and Lots 29 and 30, petitioned the Planning Commission for approval of a final subdivision plat; and

WHEREAS, proper notice was sent and the Planning Commission held a public hearing to receive input on the proposed subdivision on November 15, 1995; and

WHEREAS, on November 15, 1995, the Planning Commission approved the final plat attached hereto as Exhibit A; and

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

WHEREAS, there is good cause for the revision as the reconfiguration will result in compliance with state law and will not create parcels that are incompatible in the Historic District; and

WHEREAS, neither the public nor any person will be materially injured by the proposed plat revision.

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

SECTION 1. FINAL PLAT APPROVAL. The final plat is approved as shown on the attached Exhibit A with the following conditions:

1. Prior to plat recordation, the City Council, City Attorney, and City Engineer shall review and approve the plat for compliance with the Land Management Code and these final conditions of approval.
2. All Standard Project Conditions shall apply.
3. A note shall be placed upon the plat stating that Parcel 5 and Parcel 8 shall have access from Woodside Avenue, through Parcel 4 and Parcel 7 only.

SECTION 2. EFFECTIVE DATE. This Ordinance shall become effective immediately.

PASSED AND ADOPTED this 30th day of November, 1995.

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch

Attest:

Janet M. Scott, Deputy City Recorder

Approved as to form:

Mark D. Harrington, Asst. City Attorney

BLOCK 27
Exhibit A - Location Map

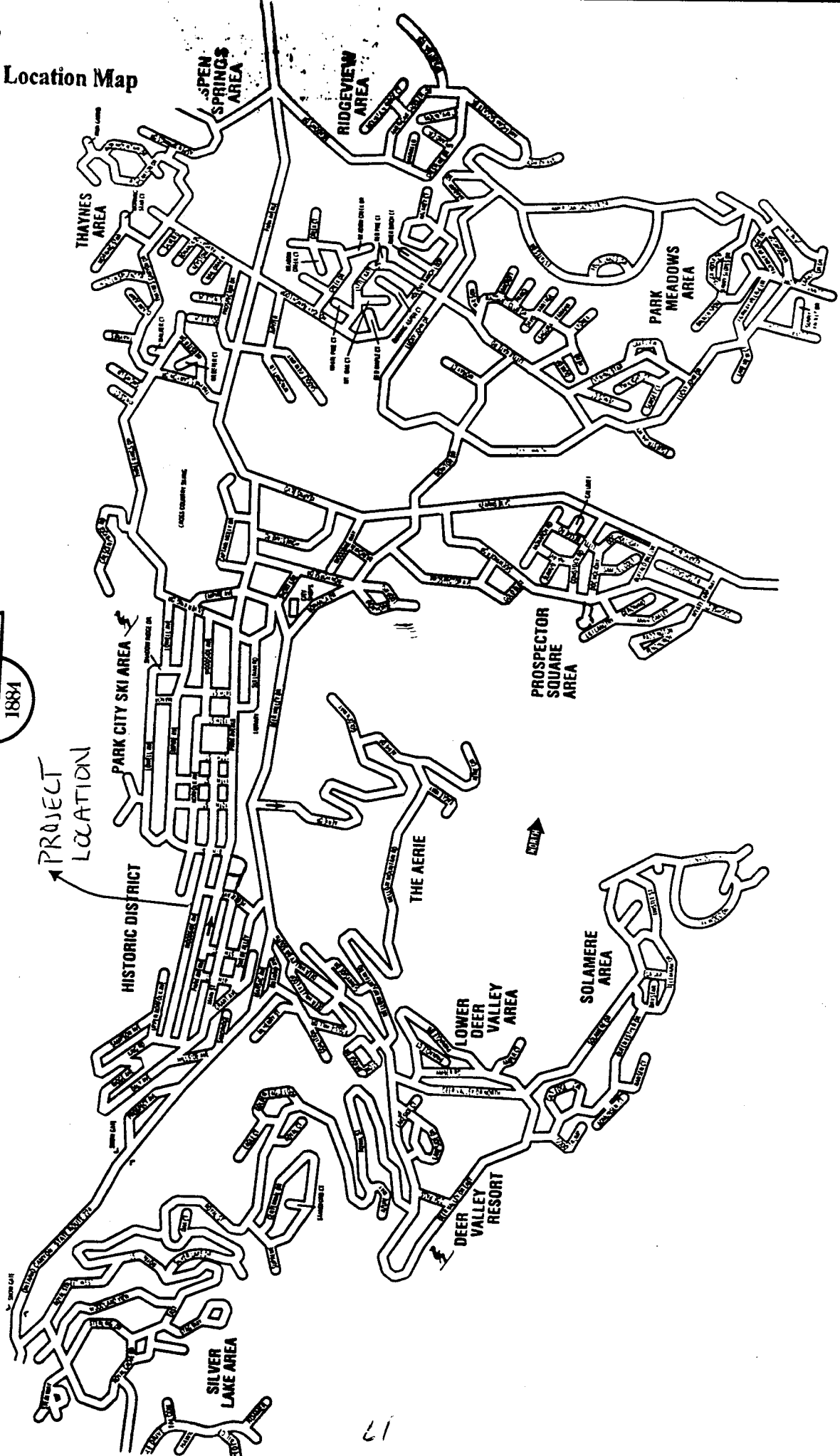
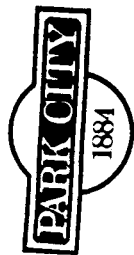
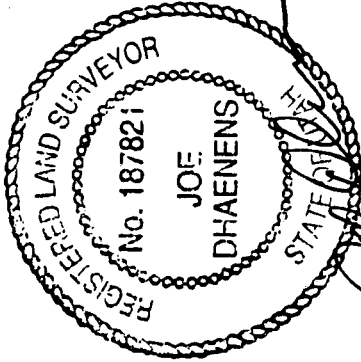
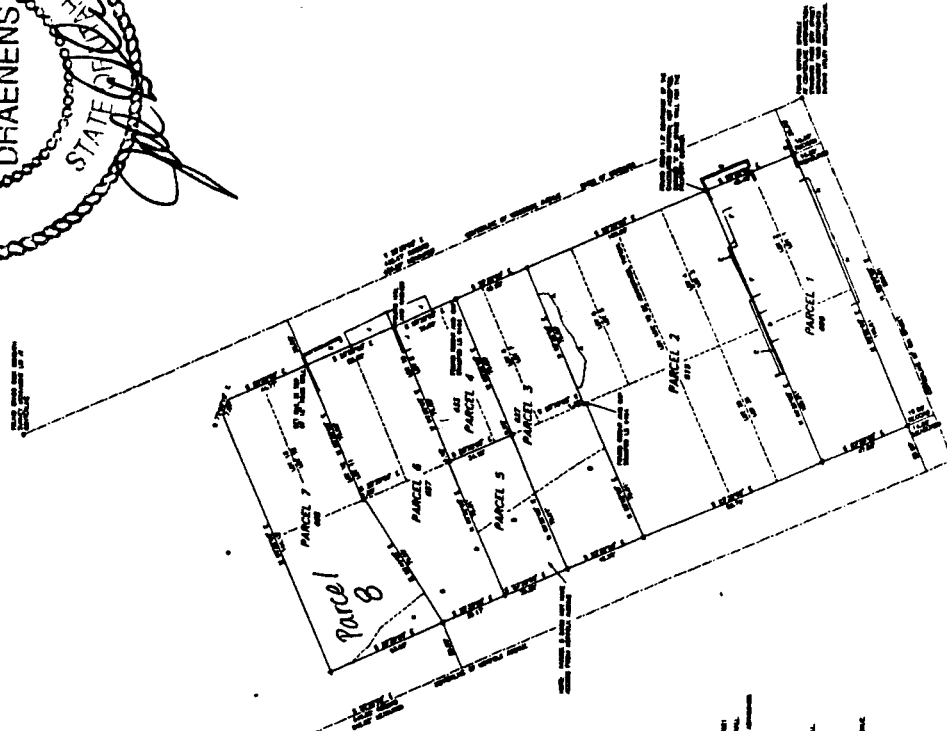


EXHIBIT A - PLAT MAP

BLOCK 27 PARK CITY
PLAT AMENDMENT AND RECORD OF SURVEY



DUPPLICATE



DESCRIPTION OF PARCELS SURVEYED
The following is a description of the parcels surveyed and shown on the plat map:
Parcel 1: A certain lot or parcel of land, situated in Block 27, Park City, Ohio, containing an area of approximately 1.0 acre, more or less, as shown on the plat map.

PARCELS ADJACENT
The parcels adjacent to the parcels surveyed and shown on the plat map are:
Parcel 9: A certain lot or parcel of land, situated in Block 27, Park City, Ohio, containing an area of approximately 1.0 acre, more or less, as shown on the plat map.

pld 11-7-95

CITY COUNCIL	CITY ENGINEER	CITY PLANNING COMMISSION	CITY ATTORNEY	SEWER DISTRICT APPROVAL	RECORDED	ON THE MAP LAND SURVEYING
APPROVED BY THE CITY COUNCIL ON _____ DAY OF _____, 19__	APPROVED BY THE CITY ENGINEER ON _____ DAY OF _____, 19__	APPROVED BY THE CITY PLANNING COMMISSION ON _____ DAY OF _____, 19__	APPROVED BY THE CITY ATTORNEY ON _____ DAY OF _____, 19__	APPROVED BY THE SEWER DISTRICT ON _____ DAY OF _____, 19__	RECORDED ON _____ DAY OF _____, 19__	ON THE MAP LAND SURVEYING
BY _____	BY _____	BY _____	BY _____	BY _____	BY _____	BY _____

reduced from 24" x 36"

BLOCK 27

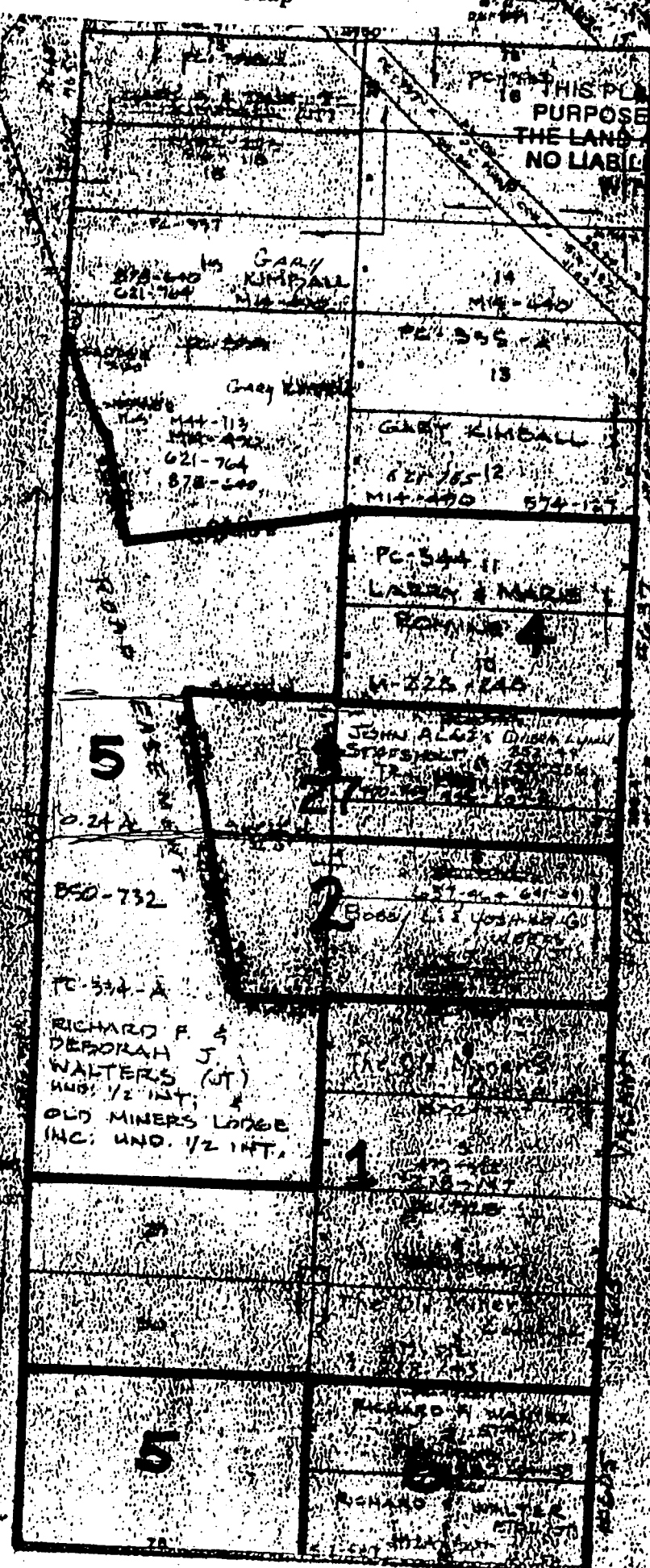
Exhibit B - Plat Map

FEET

THIS PLAT IS MADE SOLELY FOR THE PURPOSE OF ASSISTING IN LOCATING THE LAND AND THIS COMPANY ASSUMES NO LIABILITY FOR VARIATIONS, IF ANY, WITH AN ACTUAL SURVEY.

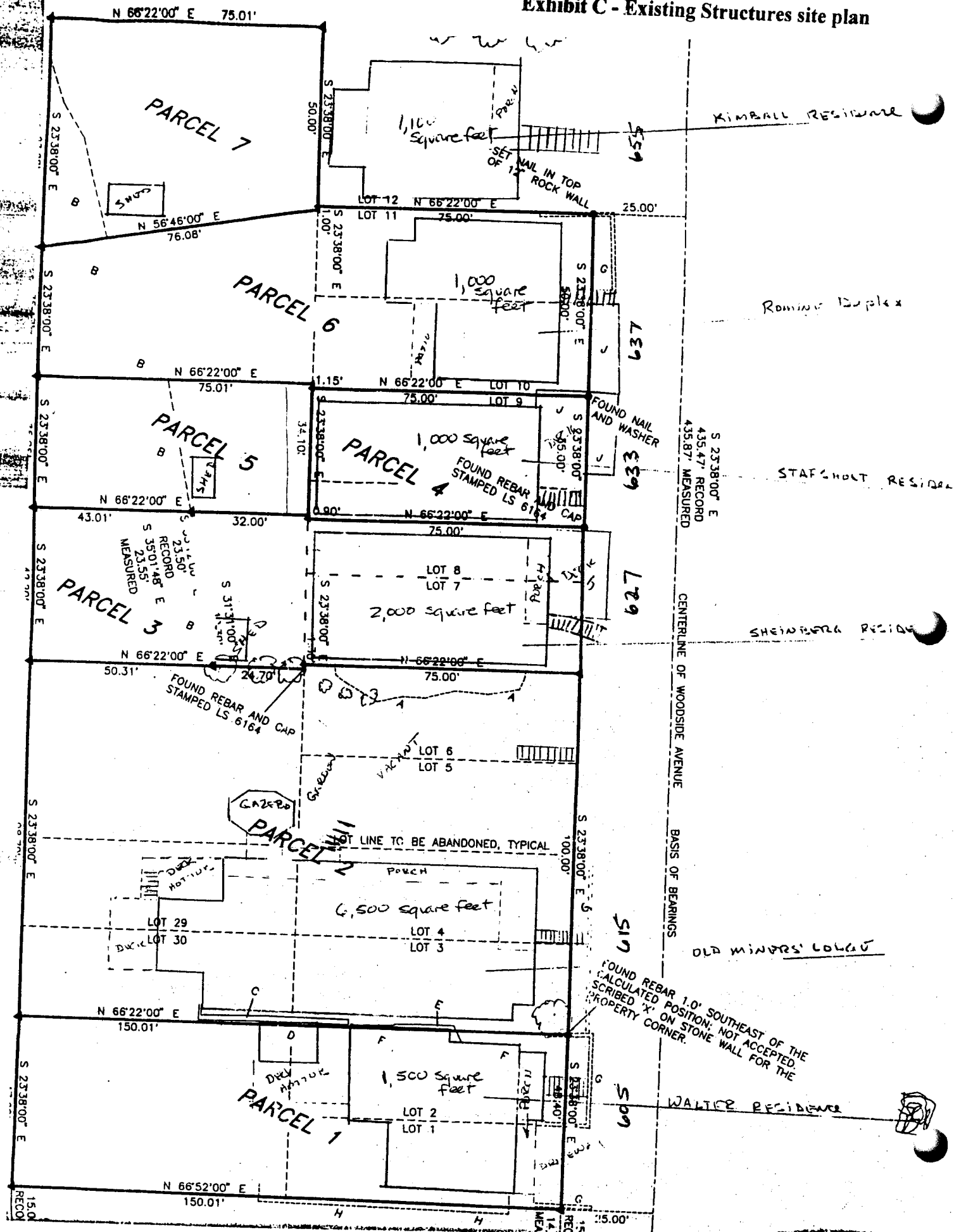
WUTOLK AVENUE (N 23° 38' W)

WOODSIDE AVENUE (N 23° 38' W)



21	BURVIE A.
22	BETTY G.
23	WATTS TR.
24	A. S. & SUSAN WILSON TRS.
25	735-227 578-499
26	1446
27	54.5'
28	58.5'
29	58.1'
30	LOWELL A. BROWN, JR.
31	30-728-439
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Exhibit C - Existing Structures site plan





DATE: November 10, 1995
DEPARTMENT: Building
AUTHOR: Ron Ivie
TITLE: Chief Building Official
TYPE OF ITEM: Litigation

SUMMARY RECOMMENDATIONS: Authorize the Legal Department to file a civil lawsuit against the owner of 2197 Little Bessie Avenue to compel him to comply with the Prospector Landscaping Ordinance, Title 11, Chapter 15 of the Park City Municipal Code.

DESCRIPTION:

A. Topic: Lawsuit against owner of 2197 Little Bessie Avenue.

B. Background: Several areas of the yard at 2197 Little Bessie Avenue have tested high for lead. We and the owner have had several soils analyses done. The results have all been basically the same. We have notified the owner several times that pursuant to Title 11, Chapter 15 of the Municipal Code, the situation needs to be remediated. As of this date, nothing has been done.

C. Analysis: My recommendation is to file civilly rather than criminally on this matter because the City is more likely to achieve compliance. In a civil action, the court can order compliance and/or authorize the City to take corrective action. In a criminal proceeding, the owner would most likely just be fined for non-compliance, as opposed to being forced to take corrective action.

D. Department Review: Legal Department/Building Department

ALTERNATIVES:

A. Approve the Request: This is the recommended action.

B. Deny the Request: We do not recommend this because it would circumvent the commitment to enforce the Ordinance that the City has to the public and to the EPA.

C. Do nothing: See "B" above.

D. File Criminally: Because of the due process issues and legal presentation involved, it is my belief that we would have a better chance of having our concerns addressed and resolved if we filed civilly. Therefore, a criminal citation is not the recommended alternative.

SIGNIFICANT IMPACTS: If we do not file civilly, the potential for a much more lengthy legal battle is probable. If we can get a civil judgment against the property owner, we can achieve compliance and avoid any potential reinvolvement with the EPA.

RECOMMENDATION: Authorize the Legal Department to file a civil complaint against the owner of 2197 Little Bessie Avenue to obtain+ compliance with the Prospector Landscaping Ordinance, Title 11, Chapter 15 of the Park City Municipal Code.



Legal Department

Date: 11/22/95
To: The Honorable Bradley A. Olch
Members of the City Council
CC: Toby Ross
From: Jodi Hoffman 
Subject: Visitor Information Center of Grand County v. Utah Tax Commission

The Visitor Information Center of Grand County (Grand County) has asked that the Park City Municipal Building Authority (MBA) contribute \$750 to \$1250 to help fund its appeal of a Utah Tax Commission ruling that would otherwise stand as an adverse precedent for our MBA. Basically, the Tax Commission ruling would make Municipal Building Authorities subject to a requirement to file annual tax returns and to pay corporate franchise tax to the state of Utah. I believe the ruling should be appealed and that Park City would benefit from a reversal on appeal. Therefore, I am requesting your authority to contribute no more than \$1250 toward the appeal effort. My aim would be to expend these funds in lieu of spending staff time on an *amicus curiae* brief. Funds are available within the Legal Department budget. Grand County is represented by Olsen and Chamberlain, a small firm that specializes in municipal law.

