

Ordinance No. 05-39

AN ORDINANCE APPROVING THE HENDERSON SUBDIVISION CREATING ONE LOT OF RECORD OUT OF A METES AND BOUNDS PARCEL LOCATED AT 1499 PARK AVENUE.

WHEREAS, the owner of the metes and bounds parcel known as 1499 Park Avenue, located in the southwest corner of Section 9, Township 2 South, Range 4 East has petitioned the City Council for approval of a subdivision; and

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

WHEREAS, on June 22, 2005 the Planning Commission held a public hearing to receive public input on the proposed subdivision, and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, the proposed plat amendment allows the property owner to create one legal lot of record out of a metes and bounds parcel; and

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

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

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. The lot is an approximately 15,712 sf metes and bounds parcel.
2. The creation of a lot of record out of a metes and bounds parcel is required prior to development on the lot.
3. The lot is located across from the 7-11 Convenience store on Park Avenue.
4. The lot is the site of the old Texaco Station and is currently vacant.
5. Multi-Unit Dwellings are a Conditional Use in the RC District.
6. The property is identified in FEMA's National Flood Insurance Rate Map as being a special flood hazard area inundated by 100 year flood.
7. The RC zone requires the following setbacks from the three adjoining streets: Park Avenue – front (20'); 15th Street – front (20'); Woodside Avenue – street side (10').
8. A 10' Public Utility and Snow Storage easement will be required along Woodside Avenue.
9. A major overhead power line runs parallel to 15th Street, within the property lines for this parcel. A 20' Power Easement will be required for the power line, 10' on either side of the pole line.
10. The Planning Commission reviewed this item at the June 22, 2005 meeting. A Public hearing was held. No public comment was received. The Planning Commission voted to forward a positive recommendation to the City Council to approve the plat amendment.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby adopts the following 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.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. As conditioned the plat amendment is consistent with the Park City General Plan.


SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the Subdivision Plat 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 Subdivision 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 and the plat will be void.
3. Approval of a construction mitigation plan is a condition precedent to the issuance of final building permits.
4. A financial guarantee for public improvements in a form acceptable to the City Attorney and in an amount acceptable to the City Engineer shall be in place prior to plat recordation or building permit.
5. Easements are dedicated on the plat as shown.

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

PASSED AND ADOPTED this 30th day of June, 2005.

PARK CITY MUNICIPAL CORPORATION



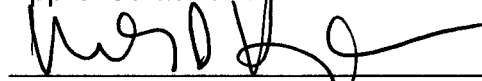
Dana Williams, Mayor

Attest:



Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney

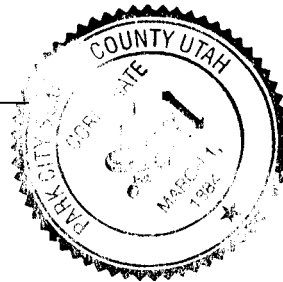


Exhibit A – Proposed Subdivision Plat

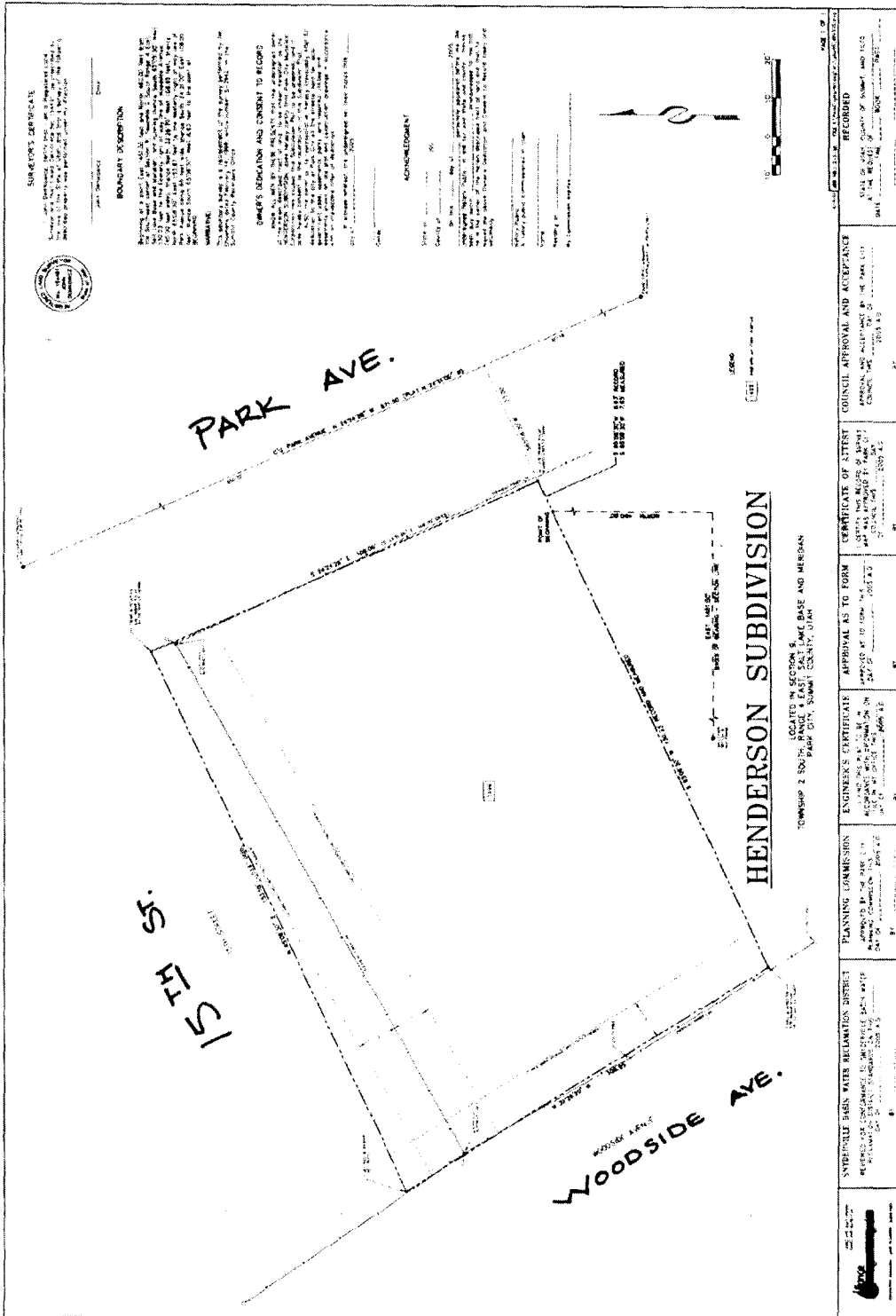


Exhibit A