

ORDINANCE NO. 05-23

AN ORDINANCE ACCEPTING CERTAIN PUBLIC IMPROVEMENTS AT EMPIRE PASS (IN AND NEAR THE FOLLOWING SUBDIVISIONS IN PARK CITY, UTAH: NORTHSIDE VILLAGE, MARSAC AVENUE RIGHT-OF-WAY, NORTHSIDE VILLAGE SUBDIVISION II, PARCEL A EMPIRE VILLAGE SUBDIVISION.)

WHEREAS, recorded subdivision plats for Marsac Avenue and Northside Village in Empire Pass were reviewed by the Park City Planning Commission and approved by the City Council; and

WHEREAS, construction of streets known as Marsac Avenue, also known as State Route 224, and Northside Court, and Hawkeye Place have been completed by the developer; and

WHEREAS, related water system infrastructure has been completed by the developer; and

WHEREAS, Park City has adopted Land Management Code Section 15-7.2-3, which provides for the City Council to accept (by Ordinance) those public improvements which are dedicated and built in accordance with the requirements of Title 15 Chapter 7 of the Land Management Code; and

WHEREAS, certain water system improvements within and adjacent to the developments described above were installed in accordance with the ordinances in effect at the time of plat recordation, and have been duly inspected by the City Engineer.

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

SECTION 1. PUBLIC IMPROVEMENTS. The City hereby accepts from the Developer the following water system improvements at Empire Pass: The 1,000,000-gallon Lodge water tank, together with its drain valve vault, drain line, and on-site appurtenances;

- The Marsac Avenue water lines, including valves, and adjacent fire hydrants, and the Northside Village pressure-reducing valve vault;
- Pump Station #2, located east of the Empire Canyon Day Lodge and the components within the pump station serving the Lodge water tank;
- The supply line to Pump Station #2 from Bald Eagle Club Condominium;
- The water lines and appurtenances within Northside Village up to the meter boxes.

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ALAN SPRIGGS, SUMMIT CO RECORDER
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REQUEST: PARK CITY MUNICIPAL CORP

The City does not accept the water line in Empire Canyon below Empire Pass at this time.

SECTION 2. MAINTENANCE Nothing in the ordinance shall be construed to modify or eliminate any maintenance obligations assigned to the developer or the Empire Pass Master Owner's Association under the separate maintenance agreement between the parties. Park City specifically does not accept any maintenance responsibility for the stone veneer on Pump Station #2, nor for the grass and the flowers, or the lack thereof, on top of or near the Lodge water tank. Marsac Avenue remains a State Highway until such time as the jurisdictional transfer shall have been approved by the Park City Council and the Transportation Commission of the State of Utah. The developer is responsible for repairs to the improvements described in Section 1 arising from improper materials or installation for a period of one year. A financial guarantee shall be retained by the City for this one-year period.

SECTION 3. WATER SOURCES Nothing in this ordinance relieves the developer of its obligations to provide source(s) of water for Empire Pass in accordance with the Development Agreement between the parties, together with related agreements.

SECTION 4. EFFECTIVE DATE This Ordinance shall be effective upon publication.

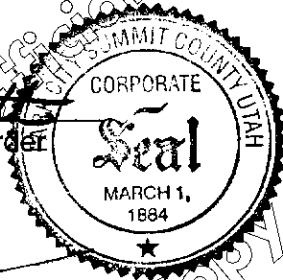
PASSED AND ADOPTED this 28th day of April, 2005.

PARK CITY MUNICIPAL CORPORATION


Mayor Dana Williams

Attest:


Janet M. Scott, City Recorder



Approved as to form:


Mark D. Harrington, City Attorney

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