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**This motion requires you to respond.
Please see the Notice to Responding Party.**

*Attorneys for Intervening Respondent Deer
Valley Development Company*

**IN THE THIRD JUDICIAL DISTRICT COURT IN AND FOR SUMMIT COUNTY,
STATE OF UTAH**

AMERICAN FLAG HOMEOWNERS
ASSOCIATION, a Utah non-profit
corporation; et al.,

Petitioners,

v.

PARK CITY MUNICIPAL
CORPORATION, a political subdivision of
the state of Utah,

Respondent.

DEER VALLEY DEVELOPMENT
COMPANY, a Delaware corporation,

Intervening-Respondent.

MOTION TO DISMISS

Case No.: 240500015

Judge: Richard Mrazik

Pursuant to Utah R. Civ. P. 12(b)(1) and 12(b)(6), Deer Valley Development Company (“DVDC”)¹ hereby moves the Court to dismiss Petitioners’ *Amended Petition for Review* (the

¹ DVDC is a Delaware corporation. The caption in the Stipulated Motion to Intervene and accompanying

“**Petition**”) (Dkt. 5) with prejudice for lack of subject matter jurisdiction and failure to state a claim upon which relief can be granted. Petitioners lack standing, lack interests sufficient to implicate their due process rights, and failed to exhaust their administrative remedies. DVDC respectfully requests dismissal of this case.

SUMMARY

DVDC and its affiliates own and operate the ski resort known as Deer Valley Resort. Pursuant to an existing development agreement, DVDC intends to expand and redevelop a portion of the resort to provide increased public benefits to residents of Respondent Park City Municipal Corporation (the “**City**”). Pursuant to Utah Code § 10-9a-609.5(2), DVDC submitted a petition to the City to vacate a small portion of the public roadway commonly known as Deer Valley Drive (the “**Partial Road Vacation**”), depictions of which are collectively attached hereto as **Exhibit A**.² The requested vacation facilitated a realignment of the public right-of-way. The City Council of Park City (the “**City Council**”) approved the Partial Road Vacation on December 14, 2023, and published an ordinance of the same on December 15, 2023—Park City Ordinance No. 2023-56

Order incorrectly referred to it as a Colorado corporation.

² Although not attached to the Petition, the Court may consider Exhibit A under either Utah R. Civ. P. 12(b)(6) or 12(b)(1), both of which are applicable here. For purposes of Rule 12(b)(6), the Petition for Review referenced the petition for the road vacation described here, and “if a plaintiff does not incorporate by reference or attach a document to its complaint, but the document is referred to in the complaint and is central to the plaintiff’s claim, a defendant may submit an indisputably authentic copy to the court to be considered on a motion to dismiss.” *Oakwood Vill. LLC v. Albertsons, Inc.*, 2004 UT 101, ¶ 13, 104 P.3d 1226 (internal quotations and citation omitted). “The rationale for this exception is that a document that is referred to in the complaint, even though not formally incorporated by reference or attached to the complaint, is not considered to be a ‘matter outside the pleading.’” *Id.* (cleaned up) (internal quotation and citation omitted). “This exception exists because if the rule were otherwise, a plaintiff with a deficient claim could survive a motion to dismiss simply by not attaching a dispositive document upon which the plaintiff relied.” *Id.* (cleaned up) (internal quotation and citation omitted). Separately, for purposes of Rule 12(b)(1), the Court may consider materials outside the pleadings in considering a motion to dismiss for lack of subject-matter jurisdiction without converting the motion into one for summary judgment. *Coombs v. Juice Works Dev. Inc.*, 2003 UT App 388, ¶ 7, 81 P.3d 769. The same applies to Exhibits B–F, referenced below.

(the “**Ordinance**”). Petitioners challenge the City Council’s approval of the Partial Road Vacation and the Ordinance. The Court should dismiss the Petition for three reasons—any one of which is independently sufficient.

First, regardless of whether the Ordinance was administrative or legislative in nature, Petitioners lack standing to challenge the Partial Road Vacation and Ordinance. They are not the land use applicant, not adjoining landowners, and do not have special damages.

Second, Petitioners’ have no property or liberty interest in this matter and thus cannot assert a violation of their due process rights. Any due process claim therefore fails on the first prong of the test. Without a protectable interest, there is no due process violation.

Third, assuming Petitioners are correct—that the Ordinance was an administrative land use decision—Petitioners failed to timely exhaust their administrative remedies because they did not appeal the City Council’s decision within ten calendar days of the Ordinance (nor did they ever file an appeal). Because a timely appeal is a necessary condition for this Court to exercise jurisdiction, Petitioners’ failure to comply is fatal to their cause.

For these reasons, the Court should dismiss the Petition with prejudice.

FACTUAL BACKGROUND

1. In connection with the planned redevelopment of the Deer Valley base area, on September 30, 2021, DVDC’s affiliated entities submitted a petition to vacate a minor and approximately 1.004-acre portion of Deer Valley Drive. (Vacation Petition attached hereto as **Exhibit B.**) Due to intervening circumstances, the parties later amended the petition to substitute DVDC as the petitioner. (Amended Vacation Petition attached hereto as **Exhibit C.**)

2. The Partial Road Vacation is in reality a realignment of the public right-of-way as depicted by the attached map that shows the vacated areas of the road and further areas that were dedicated. (January 2022 Application Map, attached hereto as **Exhibit D.**)

3. Beginning in March 2022 through December 2023, the City’s planning commission

and City Council held at least seven meetings and work sessions on the road vacation petition. (Ordinance, at 1, attached hereto as **Exhibit E**.)

4. On December 14, 2023, the City Council held a public meeting and public hearing to consider the proposed Partial Road Vacation. (Petition, ¶ 19.)

5. That evening, the City Council approved the Ordinance, in turn authorizing the Partial Road Vacation. (*Id.*)

6. All five council members of the City Council voted in favor of the Ordinance. The City published the Ordinance on December 15, 2023. (*Id.*)

7. Before and after the Partial Road Vacation, Petitioners did not own any interest in the vacated portion of Deer Valley Drive as the right-of-way was owned by the City and reverted back to the underlying or abutting fee owners—not Petitioners.

8. To date, Petitioners have made no attempt to file an appeal of the Ordinance. To the extent the Partial Road Vacation was administrative in nature, the deadline for filing an appeal expired in December 2023.

9. Petitioners are homeowner associations that own or maintain the common area within their respective associations depicted below. (Plats of Petitioner Associations, attached hereto as **Exhibit F**.) As shown on the next page, Petitioners do not own any property adjoining, or even adjacent to, the Partial Road Vacation.³

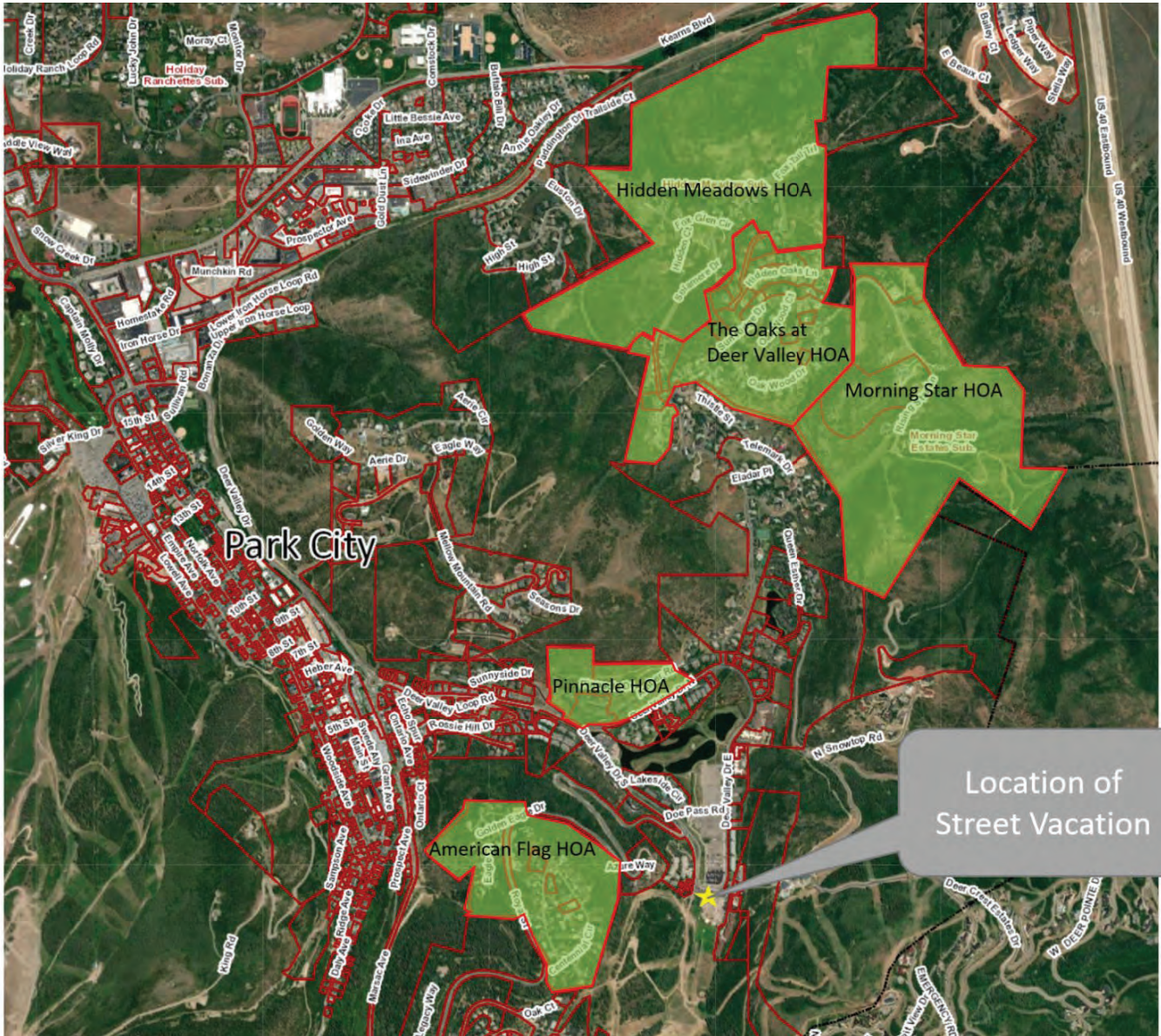
10. Ingress and egress to Petitioners' respective properties have not changed because of the Partial Road Vacation.

11. Petitioners principally claim that the Ordinance was an administrative land use action. (*See* Petition, at 12–13; *id.* Ex. B, at 2–5.)

12. They complain about two City Council members' vote after negotiating a contract

³ Pursuant to Utah R. Evid. 201, the Court may take judicial notice of the location of Petitioners' respective associations in relation to the Partial Road Vacation.

with DVDC's affiliate.⁴ (*E.g., id.* ¶¶ 13–14.) Petitioners also complain that the Partial Road Vacation will purportedly lead to increased traffic and trespassing on their respective properties and harms to the general public. (*E.g., id.*, ¶¶ 42–45.)



⁴ These allegations are assumed to be true only for purposes of this Motion. DVDC disputes the Petitioners' characterization of the role and effect of the two City Council members.

STANDARD OF REVIEW

This Motion raises challenges under both Utah Rule of Civil Procedure 12(b)(1) and 12(b)(6). Motions to dismiss under Rule 12(b)(1) for lack of subject matter jurisdiction “fall into two different categories: a facial or a factual attack on jurisdiction.” *Salt Lake Cnty. v. State*, 2020 UT 27, ¶ 26, 466 P.3d 158 (quoting 13B Charles Alan Wright & Arthur R. Miller, *Federal Practice & Procedure* § 1350 (3d ed. 2018)). “In a factual challenge to jurisdiction, the defendant attacks the factual allegations underlying the assertion of jurisdiction, either through the filing of an answer or otherwise presenting competing facts.” *Id.* “In a facial challenge, on the other hand, all of the factual allegations concerning jurisdiction are presumed to be true” *Id.* (cleaned up). “[W]hen presented with a rule 12(b)(1) motion to dismiss for lack of subject matter jurisdiction, district courts can consider relevant materials submitted by the parties and, if necessary, resolve fact questions regarding those materials after providing the plaintiff an opportunity to address them.” *Amundsen v. Univ. of Utah*, 2019 UT 49, ¶ 4 n.1, 448 P.3d 1224.

In considering motions to dismiss under 12(b)(6), by contrast, a court may dismiss a pleading for “failure to state a claim upon which relief can be granted.” To survive such a motion, a pleading “must allege facts sufficient to satisfy each element of a claim.” *Harvey v. Utah Indian Tribe of Uintah & Ouray Reservation*, 2017 UT 75, ¶ 60, 416 P.3d 401. Utah courts “accept the factual allegations in the [pleading] as true and . . . make all reasonable inferences in favor the non-moving party, but [they] do not accept a [pleading’s] legal conclusions as true.” *Kirkham v. Widdison*, 2019 UT App 97, ¶ 22, 447 P.3d 89 (quotations and internal citation omitted). Nor do courts “accept extrinsic facts not pleaded . . . [or] legal conclusions in contradiction of the pleaded facts.” *Am. West Bank Members, LC v. State*, 2014 UT 49, ¶ 7, 342 P.3d 224 (cleaned up).

Under either 12(b)(1) or 12(b)(6), allegations that are merely conclusory and do not state the factual basis for the claim are insufficient and will not prevent dismissal of a pleading. *Commonwealth Prop. Advocates v. Mortgage Elec. Reg. Sys., Inc.*, 2011 UT App 232, ¶ 16 (citing

Marty v. Mortgage Elec. Reg. Sys., Civ No. 1:10-cv-00033, 2010 WL 4117196, *2 (D. Utah Oct. 19, 2010)). Accordingly, legal conclusions or unsubstantiated allegations need not be accepted as true. *Osguthorpe v. Wolf Mountain Resorts, L.C.*, 2010 UT 29, ¶ 11, 232 P.3d 999 (“Because these are legal conclusions rather than pleaded facts, we need not accept them as true.”).

ARGUMENT

Three independent grounds exist to warrant a dismissal of this case with prejudice. Before delving into those reasons, however, some legal context regarding Utah land use law is intended to orient and assist the Court. Utah law has long distinguished between administrative and legislative land use actions. *E.g.*, *Bradley v. Payson City Corp.*, 2003 UT 16, ¶ 10, 70 P.3d 47. An administrative land use decision is a “decision of a land use authority or appeal authority regarding: (a) a land use permit; or (b) a land use application.” Utah Code § 10-9a-103(31). Conversely, a legislative land use regulation is a “decision enacted by ordinance, law, code, map, resolution, specification, fee, or rule that governs the use or development of land” Utah Code § 10-9a-103(33).

Whether an action is administrative or legislative determines the post-action review process and standard of review. For example, an administrative land use decision must be appealed to the municipal appeal authority as an essential condition for judicial review. *See* Utah Code § 10-9a-701(2). A court must uphold an administrative land use decision, unless the decision was arbitrary, capricious, or illegal. *Bradley*, 2003 UT 16, ¶ 10; *see also* Utah Code § 10-9a-801(3)(b). On the other hand, a challenge to a legislative act cannot be heard by a municipal appeal authority. *See* Utah Code § 10-9a-701(1)(c). Instead, a challenger must proceed directly to district court and the legislative act is presumed valid and cannot be undone unless it is preempted by or enacted contrary to state or federal law or is not reasonably debatable. *See Bradley*, 2003 UT 16, ¶ 10; Utah Code § 10-9a-801(3)(a).

Here, Petitioners principally assert that the Partial Road Vacation was an administrative

land use decision, not a legislative action. (Petition, at 12–13; *id.* Ex. B, at 2–5 (arguing extensively that the City Council “was not acting legislatively”).) But Petitioners seek to have their cake and eat it too. In an apparent attempt to lay a foundation to assert due process violations, Petitioners curiously claim the Partial Road Vacation was an “administrative land use decision” notwithstanding: (1) the fact that the decision was enacted by the Ordinance, (2) the requirement of the relevant statute that⁵ that the *legislative body* make the decision, and (3) Petitioners took no steps to pursue an administrative appeal as required to exhaust their administrative remedies. In the last paragraph of the Petition, Petitioners halfheartedly plead an alternative claim should the City Council’s decision be deemed a “land use regulation”—*i.e.*, a legislative decision, but include no supporting facts.

Regardless of whether the action was administrative or legislative, Petitioners lack standing and do not have protectable interests. In other words, to obtain judicial review of a road vacation in district court, Petitioners must establish they have standing, whether the action was administrative or legislative. *See, e.g., Specht v. Big Water Town*, 2017 UT App 75, ¶ 49, 397 P.3d 802 (“Because we conclude Specht lacks standing, we do not address the question of whether the Council acted administratively or legislatively and thus whether the district court had jurisdiction to review the vacation.”). Here, Petitioners lack standing because they do not own property adjoining the Partial Road Vacation and cannot show damages different in kind from any damage to the general public. In addition, Petitioners cannot show a protected property interest sufficient to trigger due process rights. And even assuming Petitioners are correct that the Partial Road Vacation was an administrative decision, the Court should dismiss this case due to Petitioners’ undeniable failure to exhaust administrative remedies.

⁵ Utah Code 10-9a-609.5(4) states: “the *legislative body* may adopt an ordinance granting a petition to vacate some or all of a public street ... if the *legislative body* finds that: (a) good cause exists for the vacation; and (b) neither the public interest nor any person will be materially injured by the vacation.” (Emphasis added.)

I. Petitioners Lack Standing Because They Are Not Applicants, Do Not Own Property Adjoining the Partial Road Vacation, and Cannot Show Special Damages.

First and foremost, the Court should dismiss this case due to Petitioners' lack of standing. The Utah Supreme Court has unequivocally determined that, if there are statutorily created grounds for standing, then a party must meet these statutory standing requirements as "traditional or alternative standing cannot excuse a lack of statutory standing where the petitioner is a statutory claimant." *McKitrick v. Gibson*, 2021 UT 48, ¶ 48, 496 P.3d 147. This is because the petitioner must be "within the class of parties that the legislature has authorized to file suit" and not simply a petitioner that can "identify some sort of 'distinct or palpable injury' or a basis for 'public interest' standing." *Id.* (quoting *Haik v. Jones*, 2018 UT 39, ¶ 41, 427 P.3d 1155 (Lee, A.C.J.)). Here, Petitioners seek judicial review under Utah Code § 10-9a-801 and therefore must establish statutorily created grounds for standing. They cannot do so.

Under the applicable land use statutes, only land use applicants or "adversely affected" parties have standing to seek judicial review of a land use decision. *See* Utah Code § 10-9a-701(2). Petitioners lack standing because they are neither. Petitioners are most certainly not a land use applicant. *See* Utah Code § 10-9a-103(28) (defining "land use applicant" as the "property owner, or the property owner's designee, who submits a land use application regarding the property owner's land"). It is undisputed that the Petitioners have not filed a land use application.

Likewise, Petitioners are not "adversely affected parties" as defined by statute. An "adversely affected party" means "a person other than a land use applicant who . . . owns real property adjoining the subject property or will suffer damage different in kind than, or an injury distinct from, that of the general community as a result of a land use decision." *See* Utah Code § 10-9a-103(2).⁶ Property is adjoining if it touches or shares a common boundary. *See Adjoining*,

⁶ Although the statute refers directly to administrative actions, the "special damages" component applies to legislative actions as well. *See Specht*, 2017 UT App 75, ¶¶ 50, 56 (a party must establish "special damages different in kind from the damage to the general public" to have standing to contest an administrative or legislative action). As such, the outcome is the same under either analysis.

Black’s Law Dictionary (11th ed. 2019); *see also Sackett v. EPA*, 598 U.S. 651, 1364–65 (2023) (Kavanaugh, J.) (“Adjoining” means “touching or contiguous, as distinguished from lying near to or adjacent.” (cleaned up)). Here, it is undisputed that Petitioners do not own real property adjoining the Partial Road Vacation.

Furthermore, Petitioners cannot demonstrate special damages. Utah courts have routinely held that changes or increases in traffic that do not prohibit access to the claimant’s property are not special damages distinct from the general community. For example, in *Specht* the Utah Court of Appeals explained that increased traffic or inconvenient traffic configurations are not special injuries distinct from the community. 2017 UT App 75, ¶ 53. There, a claimant challenged a partial vacation of a cul-de-sac and claimed the vacation hindered his and others’ ease of turning around and negatively impacted his property. *Specht*, 2017 UT App 75, ¶ 53. The court concluded that claimant’s traffic allegation did not confer standing because it was a “minor inconvenience” and “common to all drivers” who would use the cul-de-sac. *Id.* Likewise, the claimant’s allegations that his property would be negatively affected was not the type of special injury “different in kind from the public in general” and therefore insufficient to confer standing. *Id.* Accordingly, the court upheld the dismissal of the petition. *Id.* ¶ 56. Similarly, in *Sears v. Ogden City*, the Utah Supreme Court explained that “[i]f means of ingress or egress are . . . only rendered less convenient” by a road vacation, a complainant does not suffer special injury. 572 P.2d 1359, 1362 (Utah 1977).

The Petition does not even acknowledge or try to meet the clear standard set in these cases. Rather, the Petition merely alleges harms to the general public. The reality is that Petitioners have not, and will not, suffer any special damage or injury from the Partial Road Vacation sufficient to confer standing. At most, Petitioners have alleged that the Partial Road Vacation would impact traffic near the area and cause people to trespass on their property. (Petition, ¶ 42.) These strikingly

similar traffic-related inconveniences were already rejected by the *Sears* and *Specht* courts.⁷ Petitioners’ other claimed injury—that people will trespass on Petitioners’ property because of the Partial Road Vacation—would not be caused by the Partial Road Vacation but by third parties. Moreover, that claimed injury is speculative and, even if it were true, would not be unique to Petitioners. As such, Petitioners have not alleged facts to support this legal conclusion, and the Court need not assume as true the legal conclusion that trespass both will occur and also be caused by the Partial Road Vacation. As such, Petitioners have not alleged sufficient facts to demonstrate special damages as a basis for standing.

II. Petitioners Have No Due Process Interest in the Partial Road Vacation.

The Court should dismiss this case for the additional reason that Petitioners lack a property interest sufficient to implicate their due process rights. A federal and state procedural due process claim requires a petitioner to satisfy a two-part test. *Salt Lake City Corp. v. Jordan River Restoration Network*, 2012 UT 84, ¶ 48, 299 P.3d 990. The first prong requires that a petitioner demonstrate that it “has been deprived of a protected interest in property or liberty.” *Id.* (internal quotation marks omitted). If a party is deprived of a protected interest, then the court must determine whether the procedures at issue comply with due process. *Id.*

Property interests for due process purposes are “legitimate claim[s] of entitlement to some benefit.” *N. Monticello Alliance v. San Juan Cnty.*, 2022 UT 10, ¶ 32, 506 P.3d 593 (alteration in original) (quotation marks omitted). “An abstract need for, or unilateral expectation of, a benefit does not constitute property.” *Id.* “[A] property interest exists only where ‘existing rules and understandings that stem from an independent source such as state law . . . secure certain benefits

⁷ DVDC disputes the notion that the Partial Road Vacation will somehow cause increased traffic as that has been disproved by a carefully prepared traffic study. (Ordinance, § 1.A.2 (“The vacation does not increase the Snow Park Village approved density”); *id.* § 1.B.3 (“Increase trip generation on Deer Valley Drive results primarily from the already entitled density for the Snow Park Village and is not the result of the right-of-way vacation.”). For purposes of this Motion, however, the Court may assume that the allegations of increased traffic are true.

and . . . support claims of entitlement to those benefits.” *Id.* (quoting *Petersen v. Riverton City*, 2010 UT 58, ¶ 22, 243 P.3d 1261).

Here, Petitioners’ due process claim fails on the first prong of this test. Petitioners have no property or liberty interest in the Partial Road Vacation for a host of reasons. First, the City owned the portion of the right-of-way that was vacated—not Petitioners. Upon its vacation, under the “center-of-the-highway rule,” it reverted back to the underlying or abutting fee owners—not Petitioners. *Nelson v. Provo City*, 2000 UT App 204, ¶ 12, 6 P.3d 567. Accordingly, there is no basis for Petitioners to claim a property interest in the portion of the roadway that was vacated by the Partial Road Vacation. Likewise, Petitioners have no claim of entitlement to the portion of the vacated road because no law confers rights on Petitioners to the vacated road. Relatedly, Petitioners have no liberty interest in the Partial Road Vacation. At best, Petitioners are concerned, non-adjointing homeowners’ associations without a protectable interest in this case’s outcome. Concern does not confer a protectable interest. Lastly, the facts that Petitioners lack standing, discussed above, further indicate that they have no protected property or liberty interest at stake in this dispute. The Court should accordingly dismiss the Petition and its due process claim on this basis as well.

III. If the Partial Road Vacation Was Administrative, the Court Lacks Subject Matter Jurisdiction Due to the Failure to Exhaust Administrative Remedies.

Finally, assuming that the Partial Road Vacation was an administrative decision, as Petitioners assert, the Court lacks jurisdiction to review the Petition because Petitioners failed to exhaust their administrative remedies. This failure provides a third, independent basis to dismiss the Petition with prejudice.

The law on exhaustion of administrative remedies is clear. “As a condition precedent to judicial review, each adversely affected party shall timely and specifically challenge a land use authority’s land use decision, in accordance with local ordinance.” Utah Code § 10-9a-701(2). “No

person may challenge in district court a land use decision until that person has exhausted the person's administrative remedies" Utah Code § 10-9a-801(1). This exhaustion requirement is significant because the Court's review on appeal is limited to the appeal authority's record. *See* Utah Code § 10-9a-801(8)(a).

As land use exhaustion requirements, sections 10-9a-701(2) and 10-9a-801(1) must be strictly followed and enforced. *See Salt Lake Mission v. Salt Lake City*, 2008 UT 31, ¶ 6, 184 P.3d 599 (explaining that "a specific exhaustion requirement with regard to land use decisions" is strictly enforced); *Van Frank v. Salt Lake City Corp.*, 2012 UT App 188, ¶ 9, 283 P.3d 535 (same). If a land use petitioner "fails to exhaust [its] administrative remedies prior to filing suit, the suit must be dismissed." *Salt Lake Mission*, 2008 UT 31, ¶ 6 (internal quotation marks omitted) (alteration in original); *Patterson v. American Fork City*, 2003 UT 7, ¶ 17, 67 P.3d 466 (affirming the dismissal of the petitioners unlawfully "leap-frogged over the entire administrative process and sought immediate relief for their grievances in district court").

Here, Petitioners claim that the Partial Road Vacation was an administrative act, yet Petitioners failed to exhaust their administrative remedies. Specifically, the final vote on the Partial Road Vacation occurred on December 14, 2024, and the final written decision on the Partial Road Vacation occurred at the very latest on December 15, 2023, when the City published the Ordinance. The Park City Code requires an appeal to be filed with the appeal authority "within ten (10) calendar days of the Final Action" taken on the land use decision. Park City Code § 15-1-18(E). The Park City Code defines the term "Final Action" as "[t]he later of the final vote or written decision on a matter." *See* Park City Code § 15-15-1. Petitioners therefore had until December 26, 2023, at the latest, to appeal the Partial Road Vacation. Instead, Petitioners waited until January 12, 2024, to file a Petition for Review directly with this Court, without ever attempting to file an appeal.

Because no appeal was filed, no appeal record exists for this Court to review. Accordingly,

the Court does not have jurisdiction to review the Petition or to determine whether the appeal authority's decision was lawful. For this reason, the Petition should be dismissed with prejudice.

CONCLUSION

For the foregoing three reasons—any one of which is independently sufficient—the Court should dismiss this case. Regardless of whether the Partial Road Vacation was an administrative or legislative act, Petitioners lack standing and do not have a protectable interest to sustain their Petition. Furthermore, if Petitioners are correct that the Partial Road Vacation was an administrative act, then they indisputably failed to exhaust their administrative remedies, which is a necessary prerequisite for this Court to exercise jurisdiction over this case. For these reasons, DVDC respectfully requests dismissal of the Petition.

DATED this 29th day of March, 2024.

SNELL & WILMER L.L.P.

/s/ Ben T. Welch

Ben T. Welch

Benjamin J. Mills

*Attorneys for Intervening-Respondent Deer Valley
Development Company*

CERTIFICATE OF SERVICE

I hereby certify that on March 29, 2024, I caused a true and correct copy of the foregoing **MOTION TO DISMISS** to be served via the Court's electronic filing system to the following parties:

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*Attorneys for Respondent Park City
Municipal Corporation*

/s/ Edela Irvin _____

Notice to responding party

You have a limited amount of time to respond to this motion. In most cases, you must file a written response with the court and provide a copy to the other party:

- within 14 days of this motion being filed, if the motion will be decided by a judge, or
- at least 14 days before the hearing, if the motion will be decided by a commissioner.

In some situations a statute or court order may specify a different deadline.

If you do not respond to this motion or attend the hearing, the person who filed the motion may get what they requested.

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Aviso para la parte que responde

Su tiempo para responder a esta moción es limitado. En la mayoría de casos deberá presentar una respuesta escrita con el tribunal y darle una copia de la misma a la otra parte:

- dentro de 14 días del día que se presenta la moción, si la misma será resuelta por un juez, o
- por lo menos 14 días antes de la audiencia, si la misma será resuelta por un comisionado.

En algunos casos debido a un estatuto o a una orden de un juez la fecha límite podrá ser distinta.

Si usted no responde a esta moción ni se presenta a la audiencia, la persona que presentó la moción podría recibir lo que pidió.

Vea la página del tribunal sobre Mociones para encontrar más información sobre el proceso de las mociones, las fechas límites y los formularios:

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La página de la internet del tribunal Cómo encontrar ayuda legal (utcourts.gov/help-span) tiene información sobre algunas maneras de encontrar ayuda legal, incluyendo el Centro de Ayuda de los Tribunales de Utah, abogados que ofrecen descuentos u ofrecen ayuda legal limitada, y talleres legales gratuitos.



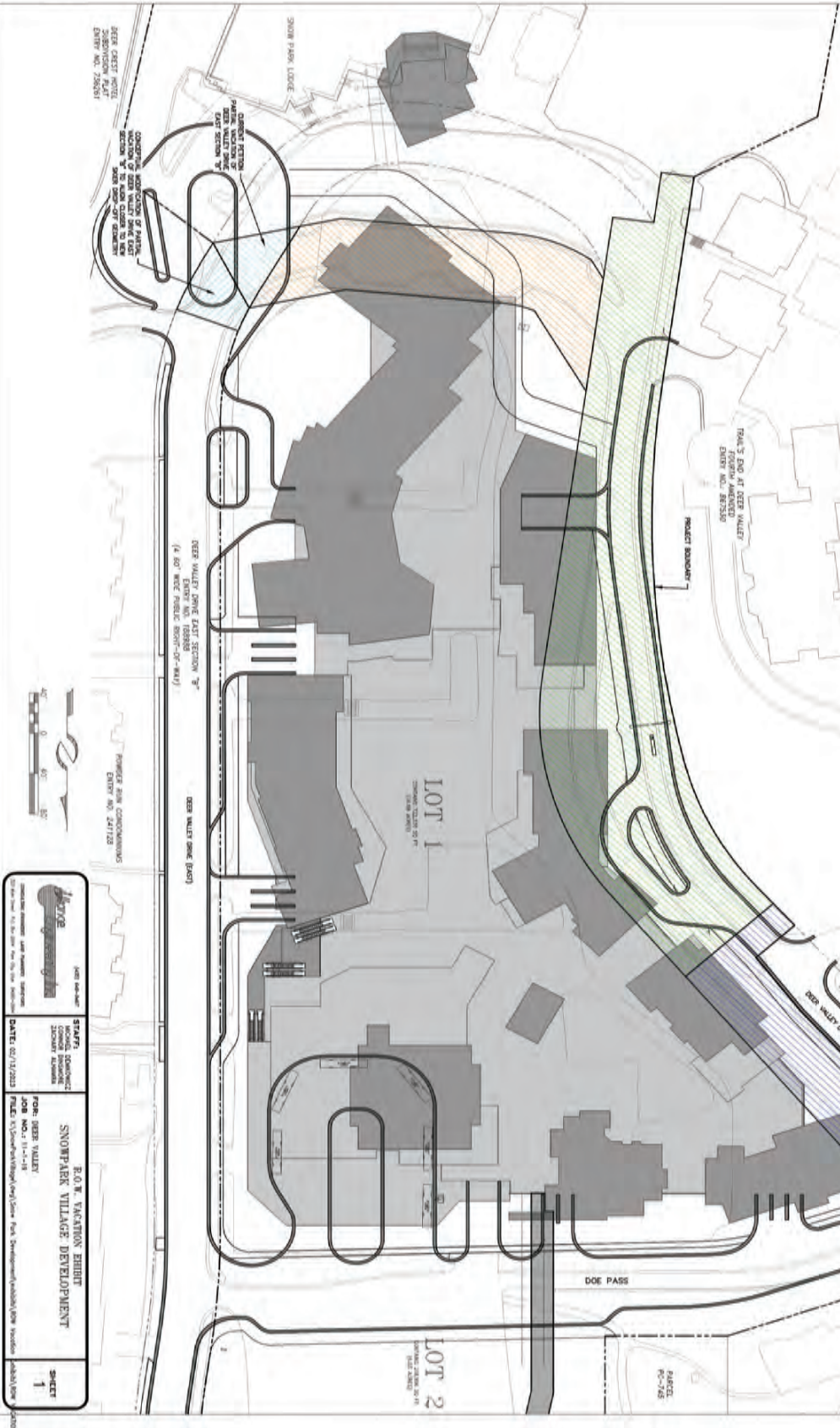
Para acceder esta página escanee el código QR

EXHIBIT A

Depiction of Partial Road Vacation

(Attached)

	PARTIAL SECTION OF DEER VALLEY DRIVE EAST SECTION "B" (2,794.23 SQ FT)
	PARTIAL SECTION OF DEER VALLEY DRIVE WEST SECTION "C" (18,441.53 SQ FT)
	PARTIAL SECTION OF DEER VALLEY DRIVE SOUTH SECTION "D" (7,500.26 SQ FT)
	SECTION OF A SECTION OF DEER VALLEY DRIVE (SECTION NO. 59-59 (22,279.43 SQ FT))



	STAFF: CONSULTANT: ARCHITECT: SCHEMATIC DESIGNER: DATE: 02/13/2013
	R.O.W. VACATION SHEDS SNOWPARK VILLAGE DEVELOPMENT SHEET 1

E 1/4 CORNER
SECTION 16, T2S, R4E, SLB&M

VACATION OF A DEDICATION OF RIGHT-OF-WAY ORDINANCE NO. 95-59

BASIS OF BEARING - S 00°30'11" W 2630.05'
2337.19'

LAKESIDE AT
DEER VALLEY
CONDOMINIUMS

SWD
#1167578

DEER VALLEY ROAD
SECTION "C"

DEER VALLEY
DRIVE SOUTH
SECTION "D"

EAST 3977.60'

SE CORNER
SECTION 16, T2S, R4E, SLB&M

POWDER RUN
CONDOMINIUMS

TRAIL'S END AT
DEER VALLEY

SWD
#1167578

SOUTH 370.41'

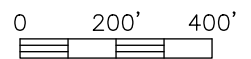
**ROAD
VACATION**

DEER VALLEY
DRIVE
VACATION
#442391

DEER CREST HOTEL
SUBDIVISION PLAT

PARCEL
PC-900-4

BLACK DIAMOND
SUBDIVISION

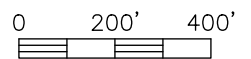
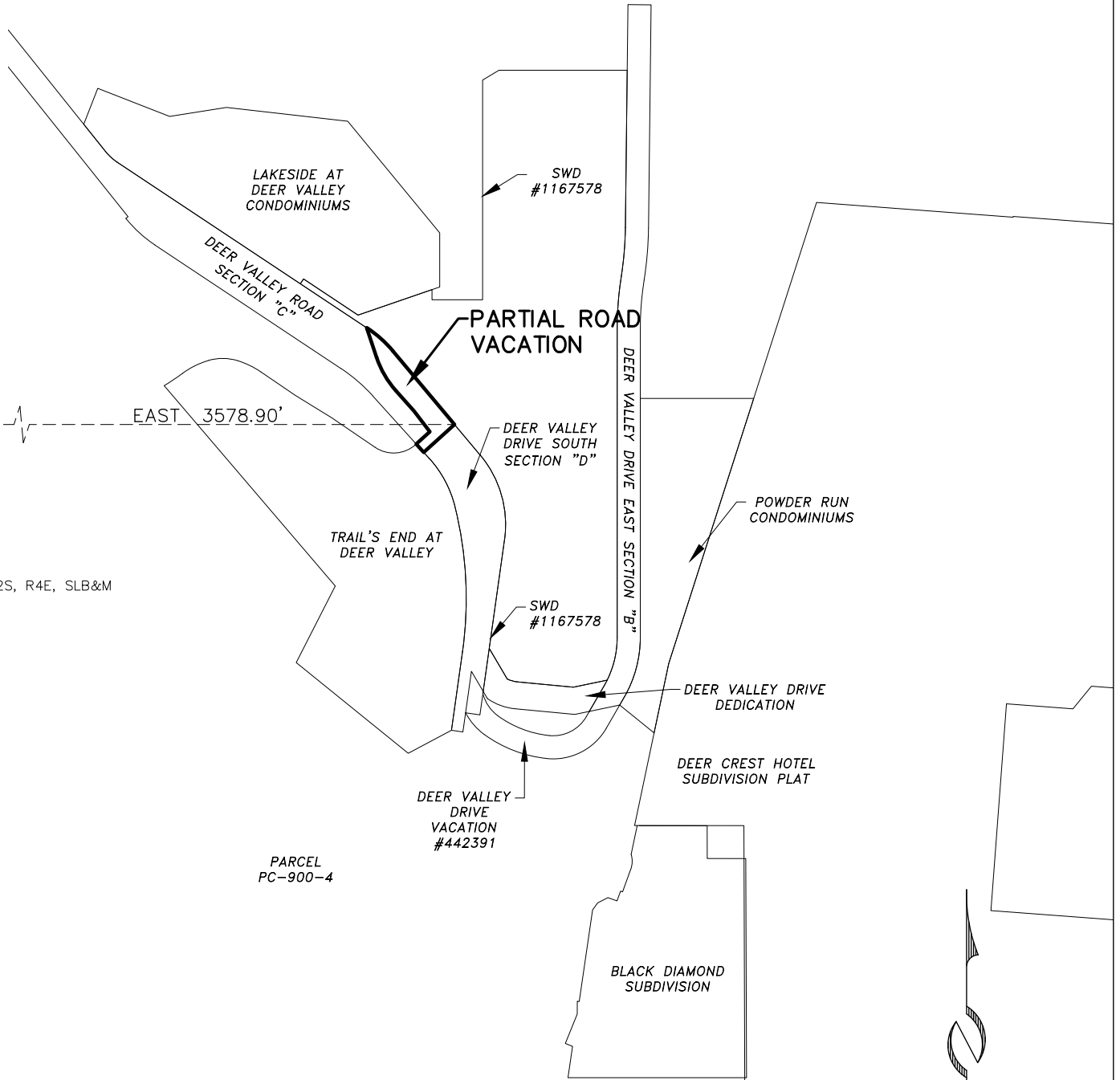


PARTIAL VACATION DEDICATION PLAT OF DEER VALLEY ROAD SECTION "C"

E 1/4 CORNER
SECTION 16, T2S, R4E, SLB&M

BASIS OF BEARING - S 00°30'11" W 2630.05'
2337.20'

SE CORNER
SECTION 16, T2S, R4E, SLB&M



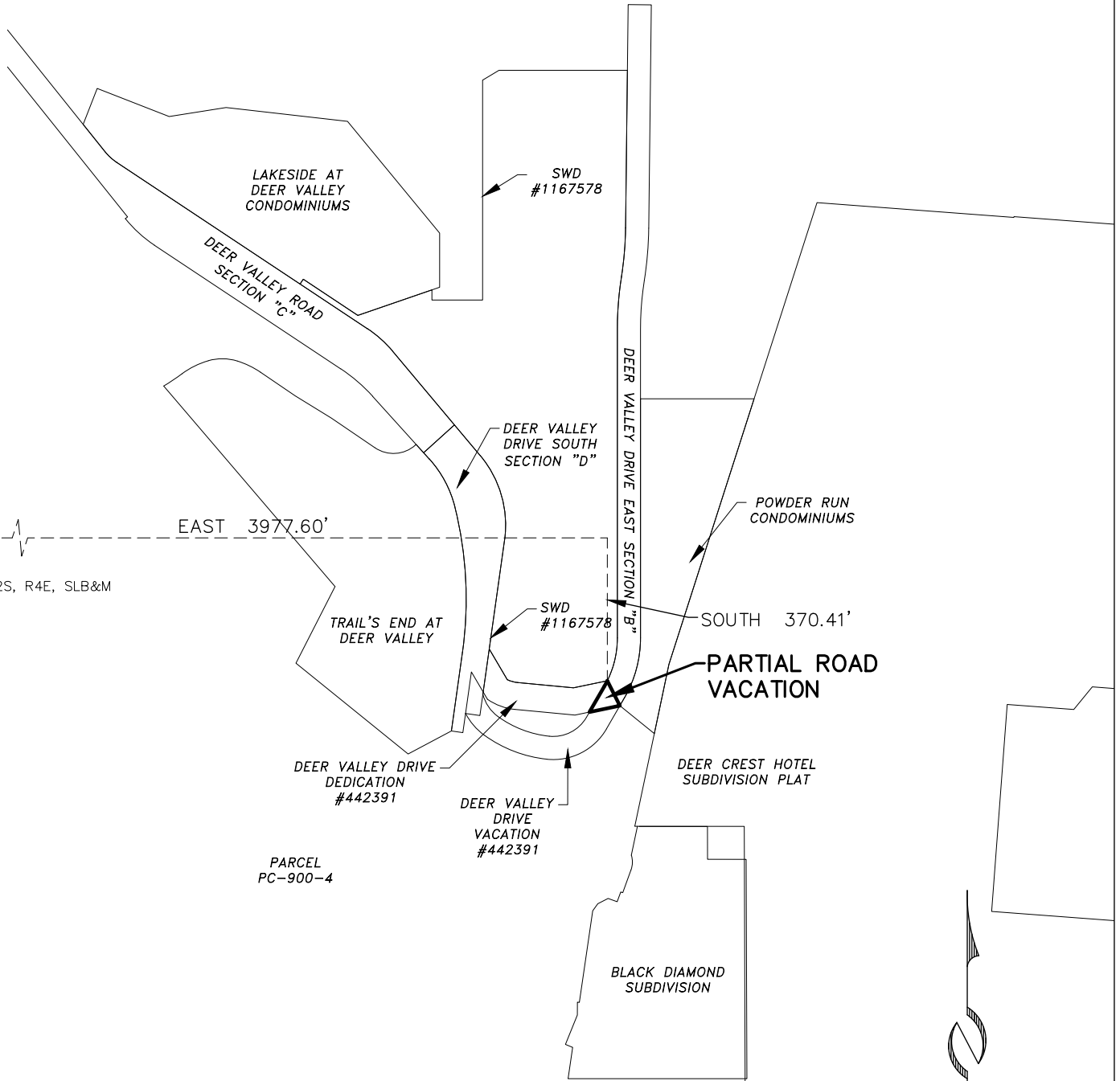
PARTIAL VACATION OF DEER VALLEY DRIVE EAST SECTION "B"

E 1/4 CORNER
SECTION 16, T2S, R4E, SLB&M

BASIS OF BEARING - S 00°30'11" W 2630.05'
2337.19'

SE CORNER
SECTION 16, T2S, R4E, SLB&M

EAST 3977.60'



PARCEL
PC-900-4

DEER VALLEY DRIVE
DEDICATION
#442391

DEER VALLEY
DRIVE
VACATION
#442391

BLACK DIAMOND
SUBDIVISION

DEER CREST HOTEL
SUBDIVISION PLAT

**PARTIAL ROAD
VACATION**

SOUTH 370.41'

POWDER RUN
CONDOMINIUMS

DEER VALLEY
DRIVE SOUTH
SECTION "D"

SWD
#1167578

LAKESIDE AT
DEER VALLEY
CONDOMINIUMS

DEER VALLEY ROAD
SECTION "C"

DEER VALLEY DRIVE EAST SECTION "B"

0 200' 400'

EXHIBIT B

Vacation Petition

Snell & Wilmer

15 WEST SOUTH TEMPLE
SUITE 1200
GATEWAY TOWER WEST
SALT LAKE CITY, UT 84101
801.257.1900 P
801.257.1800 F

Wade Budge
(801) 257-1906
wbudge@swlaw.com



September 29, 2021

Matt Dias
City Manager
Park City Municipal Corporation
445 Marsac Avenue
Park City, UT 84060

Re: Right of Way Vacation Petition

Dear: Mr. Dias

On behalf of the Deer Valley Resort Company, LLC and Alterra Mountain Company Real Estate Development Inc., the property owners of parcels - PC-745-11, PC-900-4, and PC-900-3, we would like to submit a petition for vacation of a portion of public right of way and public utility easements within the jurisdictional boundary of Park City. This request is made pursuant to Utah Code Ann. §10-9a-609.5 and Park City's Land Management Code § 15-7-7, as adopted.

We are seeking to vacate portions of Deer Valley Dr. in an effort to redirect traffic patterns to streamline transit access and improve traffic circulation in the Lower Deer Valley neighborhood. In order to accomplish these goals, we are seeking to dedicate public right of way along Deer Valley Drive and Doe Pass Rd, where there currently is no public right of way. The granting of this vacation petition and accepting the dedications we seek to make, is the first step towards reducing modal conflicts, increasing efficiency for all transportation types, and emphasizing the transit-focused desire of the City.

As required in Utah Code Ann. §10-9a-609.5, we have included the following as attachments to this petition:

1. The names and addresses of each owner of record of land that is:
 - a. adjacent to the public street and/or municipal utility easement between the two nearest public street intersections ((i)Deer Valley Drive West & Deer Valley Drive South; (ii)Deer Valley Drive West and Doe Pass Rd.); and/or
 - b. accessed exclusively by or within 300 feet of the public street and/or municipal utility easement.

Matt Dias
September 29, 2021
Page 2

2. Proof of written notice to operators of utilities and culinary water or sanitary sewer facilities located within the bounds of the public street or municipal utility easement sought to be vacated; and
3. The signature of each owner under Subsection (2)(a) who consents to the vacation

We ask for the opportunity to have a public work session with the City Council to discuss this petition in detail, after which a public hearing can be scheduled. To aid this conversation, we have attached **Exhibit A**, which identifies that areas we are seeking the City to vacate (red), and the areas we are seeking to dedicate (purple).

This request exceeds the standard for “Good Cause”, which the Land Management Code requires be considered in responding to our petition. Park City has defined “Good Cause” as –

Providing positive benefits and mitigating negative impacts, determined on a case by case basis to include such things as: providing public amenities and benefits, resolving existing issues and non-conformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City community.

See LMC § 15-15-1. The proposed traffic improvements satisfy this requirement.

In addition we request that the council take into account that the vacation and dedication will promote topics and values:

1. Transit Focused Layout
 - a. This vacation is needed to move forward with a proposed new transit center and mobility hub we proposed at the intersection of Doe Pass Rd. and Deer Valley Dr. East.
 - b. The new circulation pattern will allow for prioritizing the arrival sequencing for transit vehicles.
2. Increased safety through revised pedestrian/vehicular conflicts
 - a. The diversification of mobility and drop-off or pick-up options.
 - b. The creation of vertical separation of vehicular and pedestrian movement.
3. Private Vehicular Safety and Circulation
 - a. All the key intersections will increase in Level of Service (LOS).
4. Parking Improvements
 - a. Eliminate the requirement for on-street parking for resort guests.
 - b. Create a paid parking structure which will allow for a more efficient use of land and will promote transit.

We have attached a traffic study as **Exhibit B**, which further confirms the public benefit that will be gained through approval of the vacation. We understand that the traffic study is

Snell & Wilmer

Matt Dias
September 29, 2021
Page 3

based on improvements that will need to go through the approval process, however, the general location, variety of uses, and intensity of development have all been entitled through the Deer Valley Master Development Plan and will be updated as the phases and applications progress. We are working to ensure the infrastructure is in place to support those entitlements as they go through the required site-specific approvals.

We are pleased to have for the opportunity to work with the City through this vacation petition. As stated previously, we welcome the opportunity to go before City Council in a work meeting in order discuss some of the details, before holding the public hearing.

If you have any questions or concerns, please feel free to reach out to us.

Respectfully,



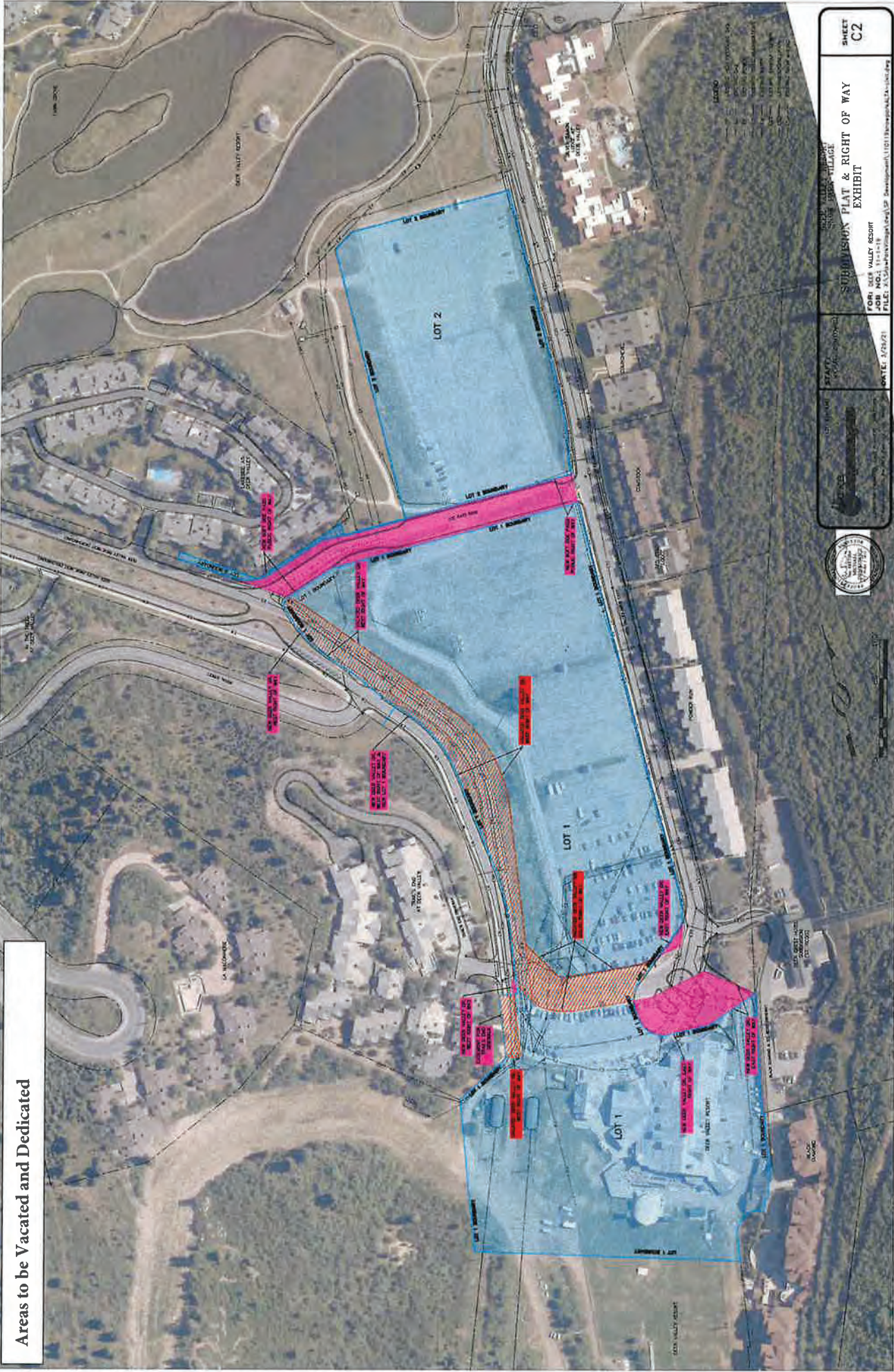
CC Deer Valley Resort

Enclosures:

- Map showing areas to be vacated and dedicated,
- Legal descriptions and specific area maps of portions of ROW to be vacated,
- Addresses of adjacent landowners and those who have access off Deer Valley Dr.,
- Signatures of those adjacent property owners that consent, and
- Proof of written notice to operators of utilities and culinary water or sanitary sewer facilities located within the bounds of the public street or municipal utility easement sought to be vacated.

Map showing areas to be
vacated & dedicated

Areas to be Vacated and Dedicated



SUBMISSION PLAT & RIGHT OF WAY
EXHIBIT
FOR OLD VALLEY RESORT
FILE # 2024-11080101010101010101010101010101

DATE: 4/24/21

STAFF: [Illegible]



SHEET C2

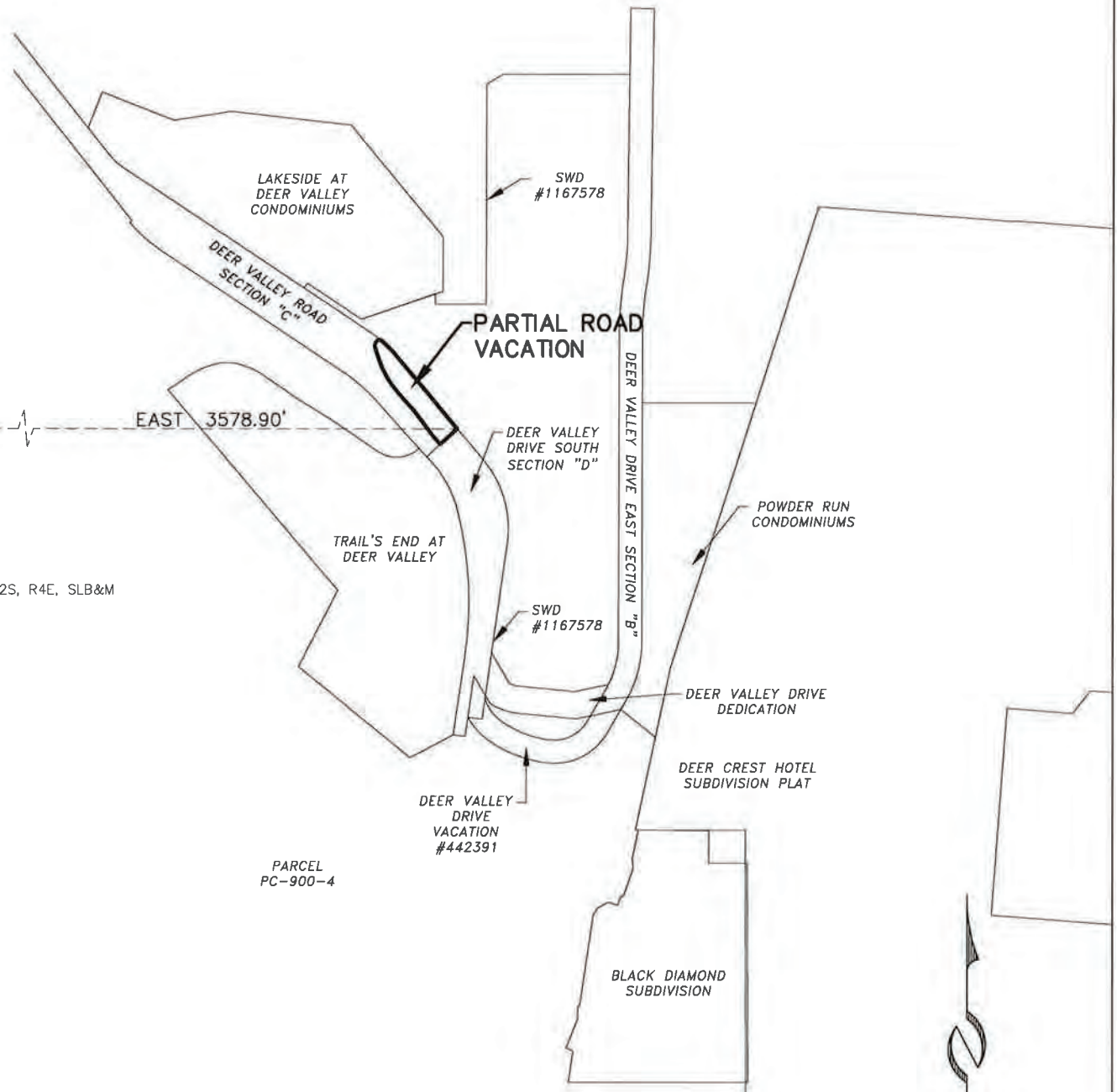
Specific area maps and legal descriptions

PARTIAL VACATION DEDICATION PLAT OF DEER VALLEY ROAD SECTION "C"

E 1/4 CORNER
SECTION 16, T2S, R4E, SLB&M

BASIS OF BEARING - S 00°30'11" W 2630.05'
2337.20'

SE CORNER
SECTION 16, T2S, R4E, SLB&M



PARTIAL VACATION
DEDICATION PLAT OF
DEER VALLEY ROAD SECTION "C"

August 19, 2021

A parcel of land located in the southeast quarter of Section 15, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being described as follows:

Beginning at a point that is South $00^{\circ}30'11''$ West 2337.20 feet and East 3578.90 feet from the east quarter corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point being the easternmost corner of the Dedication Plat of Deer Valley Road Section "C", recorded April 16, 1980, as Entry No. 165811 in the Office of the Recorder, Summit County, Utah; and running thence coincident with the southerly end of Deer Valley Road Section "C" South $47^{\circ}53'34''$ West 60.16 feet; thence North $41^{\circ}44'02''$ West 34.64 feet; thence North $36^{\circ}19'49''$ West 74.33 feet; thence North $41^{\circ}44'02''$ West 63.34 feet to a point on a curve to the right having a radius of 247.00 feet, of which the radius point bears North $48^{\circ}15'58''$ East; thence along the arc of said curve 100.21 feet through a central angle of $23^{\circ}14'46''$; thence North $18^{\circ}29'16''$ West 32.09 feet to a point on a curve to the right having a radius of 17.00 feet, of which the radius point bears North $71^{\circ}30'44''$ East; thence along the arc of said curve 26.76 feet through a central angle of $90^{\circ}11'40''$; thence North $71^{\circ}42'24''$ East 2.08 feet to the northerly right-of-way of said Deer Valley Road Section "C", said point being on a non tangent curve to the right having a radius of 308.53 feet, of which the radius point bears South $39^{\circ}14'30''$ West; thence coincident with the northerly right-of-way of Deer Valley Road Section "C" the following two (2) courses: 1) along the arc of said curve 57.93 feet through a central angle of $10^{\circ}45'30''$; thence 2) South $40^{\circ}00'00''$ East 249.01 feet to the point of beginning.

The Basis of Bearing for the above description is South $00^{\circ}30'11''$ West 2630.05 feet between the east quarter corner and the southeast corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian.

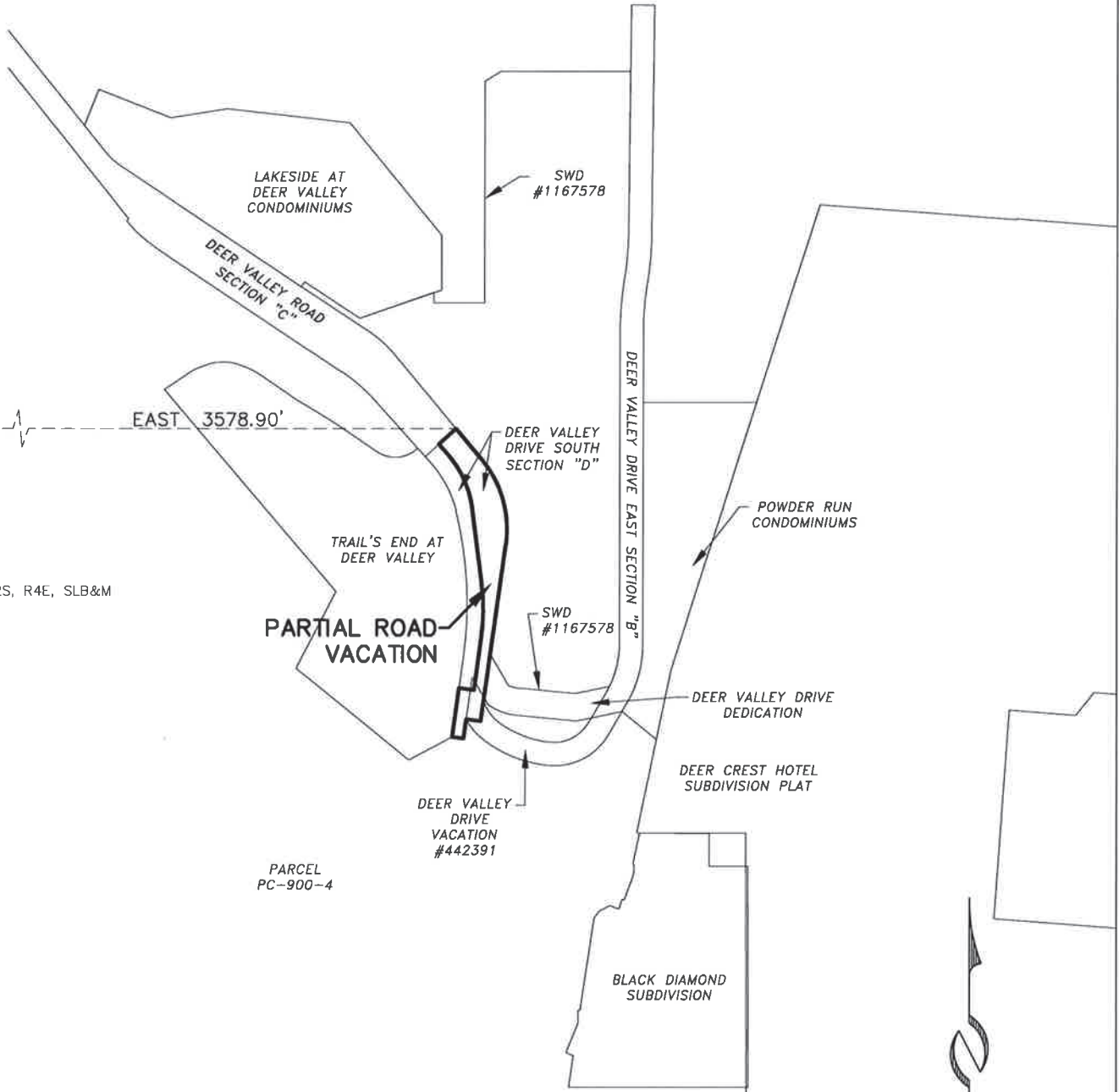
Description contains 0.38 acres.

E 1/4 CORNER
SECTION 16, T2S, R4E, SLB&M

PARTIAL VACATION DEDICATION PLAT OF DEER VALLEY DRIVE SOUTH SECTION "D"

BASIS OF BEARING - S 00°30'11" W 2630.05'
2337.20'

SE CORNER
SECTION 16, T2S, R4E, SLB&M



PARCEL
PC-900-4

0 200' 400'

SNOW PARK VILLAGE
PARTIAL VACATION OF
DEDICATION PLAT OF
DEER VALLEY DRIVE SOUTH SECTION "D"

August 19, 2021

A parcel of land located in the southeast quarter of Section 15, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being described as follows:

Beginning at a point that is South 00°30'11" West 2337.20 feet and East 3578.90 feet from the east quarter corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point being the northernmost corner of the Dedication Plat of Deer Valley Drive South Section "D", recorded March 1, 1982, as Entry No. 188987 in the Office of the Recorder, Summit County, Utah; and running thence coincident with the boundary of said Dedication Plat Section "D" the following seven (7) courses: 1) South 40°00'00" East 104.22 feet to a point on a curve to the right having a radius of 280.00 feet, of which the radius point bears South 50°00'00" West; thence 2) along the arc of said curve 234.57 feet through a central angle of 48°00'00"; thence 3) South 08°00'00" West 458.96 feet; thence 4) North 82°00'00" West 37.50 feet; thence 5) South 08°00'00" West 50.01 feet; thence 6) North 82°00'00" West 30.00 feet; thence 7) North 08°00'00" East 126.96 feet; thence South 82°00'00" East 38.76 feet; thence North 07°48'40" East 136.28 feet to a point on a non tangent curve to the left having a radius of 522.00 feet, of which the radius point bears North 82°11'21" West; thence along the arc of said curve 137.44 feet through a central angle of 15°05'10"; thence North 07°16'31" West 197.00 feet to a point on a curve to the left having a radius of 257.00 feet, of which the radius point bears South 82°43'29" West; thence along the arc of said curve 154.56 feet through a central angle of 34°27'31"; thence North 41°44'02" West 35.82 feet to the north boundary of said Dedication Plat Section "D"; thence coincident with the north boundary of Dedication Plat Section "D" North 47°53'34" East 60.16 feet to the point of beginning.

The Basis of Bearing for the above description is South 00°30'11" West 2630.05 feet between the east quarter corner and the southeast corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian.

Description contains 1.02 acres.

E 1/4 CORNER
SECTION 16, T2S, R4E, SLB&M

PARTIAL VACATION OF A DEDICATION OF RIGHT-OF-WAY OF DEER VALLEY DRIVE EAST ORDINANCE NO. 95-59

BASIS OF BEARING - S 00°30'11" W 2630.05'
2337.19'

SE CORNER
SECTION 16, T2S, R4E, SLB&M

EAST 3671.60'

SOUTH 288.04'

TRAIL'S END AT
DEER VALLEY

**PARTIAL ROAD
VACATION**

PARCEL
PC-900-4

DEER VALLEY
DRIVE
VACATION
#442391

LAKESIDE AT
DEER VALLEY
CONDOMINIUMS

DEER VALLEY ROAD
SECTION "C"

SWD
#1167578

DEER VALLEY
DRIVE SOUTH
SECTION "D"

SWD
#1167578

DEER VALLEY DRIVE EAST SECTION "B"

POWDER RUN
CONDOMINIUMS

DEER CREST HOTEL
SUBDIVISION PLAT

BLACK DIAMOND
SUBDIVISION

0 200' 400'

SNOW PARK VILLAGE
PARTIAL VACATION
OF A DEDICATION OF RIGHT-OF-WAY
OF DEER VALLEY DRIVE EAST
ORDINANCE NO. 95-59

August 19, 2021

A parcel of land located in the southeast quarter of Section 15, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being described as follows:

Beginning at a point that is East 3671.60 feet and South 288.04 feet from the southeast corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point being on the east right-of-way of the Dedication Plat of Deer Valley Drive South Section "D", recorded March 1, 1982, as Entry No. 188987 in the Office of the Recorder, Summit County, Utah, said point also being the northernmost point of the Dedication Parcel in Exhibit C of Ordinance No. 95-59 recorded November 15, 1995, as Entry No. 442391 in the Office of the Recorder, Summit County, Utah; and running thence coincident with the northerly boundary of said Dedication Parcel the following four (4) courses: 1) South 30°26'41" East 92.27 feet (92.28 feet record) to a point on a non tangent curve to the left having a radius of 80.00 feet, of which the radius point bears North 25°30'20" East; thence 2) along the arc of said curve 28.08 feet through a central angle of 20°06'46"; thence 3) South 84°36'26" East 145.24 feet; thence 4) North 78°14'07" East 40.28 feet; thence South 51°48'35" West 70.26 feet to a point on a curve to the left having a radius of 53.00 feet, of which the radius point bears South 38°11'25" East; thence along the arc of said curve 37.98 feet through a central angle of 41°03'26" to the south boundary of said Dedication Parcel; thence coincident with the south boundary of said Dedication Parcel the following four (4) courses: 1) North 84°36'26" West 116.60 feet to a point on a curve to the right having a radius of 150.00 feet, of which the radius point bears North 05°23'34" East; thence 2) along the arc of said curve 77.15 feet through a central angle of 29°28'11"; thence 3) North 30°26'41" West 21.96 feet (21.97 feet record) to the easterly right-of-way of Deer Valley Drive South Section "D"; thence 4) and also coincident with said easterly right-of-way North 08°00'00" East 112.58 feet to the point of beginning.

The Basis of Bearing for the above description is South 00°30'11" West 2630.05 feet between the east quarter corner and the southeast corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian.

Description contains 0.40 acres.

Addresses of adjacent
landowners and those who
have access off Deer Valley
Dr.

1663 LAKESIDE CIRCLE LLC LKSD-7-D
6529 OCEAN SHORE LN
COLUMBIA, MD 21044

APRES SKI WEST LLC TE-303-4AM
16 RAE AVE
NEEDHAM, MA 02492

BRATT ROBERT K TRUSTEE TE-105-4AM
38416 MAPLE LN
SELBYVILLE, DE 19975

CAPITANO LLC TE-503-4AM
C/O AUDREY WILLIAMS
PO BOX 17155
HOLLADAY, UT 84117

CEDAR-DV L C PRUN-A-14
10031 WYSTONE AVE
NORTHRIDGE, CA 91324-1246

COLLAR LTD TE-15-4AM
382 BISHOPSBRIDGE DR
CINCINNATI, OH 45255

DEER VALLEY RESORT CO PC-900-3
PO BOX 889
PARK CITY, UT 84060-0889

DONDA 1 CORP TE-204-4AM
C/O PATRICIA BELDA
5300 W HILLSBORO BLVD STE 217
MIAMI, FL 33131
DOYLE RICHARD K PRUN-A-13
C/O MAPES INDUSTRIES
7748 N 56TH ST
LINCOLN, NE 68514-9724

FEDDOCK JONATHAN H/W (JT) LKSD-6-F
1185 INDIAN MOUND RD
LEXINGTON, KY 40502

ACBC REALTY LLC TE-403-4AM
200 E 94TH ST #1209
NEW YORK, NY 10128

BIEBER MARCIA MCGEE TRUSTEE TE-203-4AM
740 ORANGE AVE
LOS ALTOS HILLS, CA 94022

BROMLEY PAUL A TRUSTEE PRUN-A-33
20 CRAIGMONT WAY
WOODSIDE, CA 94062

CARMICHAEL TRENT TE-12-4AM
78 MAYO AVE
GREENWICH, CT 06830

CLARK JERRY B TRUSTEE PINE-10
311 EASTON CIR
BIRMINGHAM, AL 35223

CULLEN SUSAN A (JT) PRUN-A-12
13950 NC HWY 96 N
ZEBULON, NC 27597

DESANO ALISON W/H (JT) LKSD-6-A
1775 LAKESIDE CIR
PARK CITY, UT 84060

DONNELLY EDUARDO ANDRES H/W (JT) TE-202-4AM
SIERRA CHALCHIHUI 215 #11A
LOMOS DE CHAPULTEPEC, CDMX 11000
MEXICO
DRES MARIA TRUSTEE PINE-4
5321 CORBIN AVE
TARZANA, CA 91356

GEORGE DAVID TE-304-4AM
11693 SOUTH GROVES MEADOW CIR
SOUTH JORDAN, UT 84095

ALTERRA MTN CO REAL ESTATE DEVELOPMENT INC
PC-745-11

C/O INGRASSIA JENNIFER ESQ
3501 WAZEE ST STE 400
DENVER, CO 80216

BLAZEJEWSKI STEVEN H/W (JT) LKSD-5-E
1822 BALDWIN FARMS DR
MARIETTA, GA 30068

CAMPBELL CHRIS H/W (JT) LKSD-7-A
68 WOODLAND AVE
SUMMIT, NJ 07901

CARPENTER MELISSA M TRUSTEE TE-301-4AM
606 DUNLOY CT
LUTHERVILLE TIMONIUM, MD 21093-3801

COLEMAN ARLETTE TE-502-4AM
PO BOX 369
RAMSEY, NJ 07446

DANSIE SCOTT LKSD-12-C
560 E SOUTH TEMPLE #801
SALT LAKE CITY, UT 84102

DISCH MICHAEL A LKSD-6-E
6363 EAGLE LAKE DR
MAPLE GROVE, MN 55369-6209

DONNELLY MARIA MARGARITA TE-201-4AM
PO BOX 60326
HOUSTON, TX 77205
DURBAN EGON TRUSTEE PINE-3
PO BOX 90039
AUSTIN, TX 78709

GRAUER GEORGE M (JT) PINE-9
2516 BRANT ST
SAN DIEGO, CA 92101

GROSSMAN JEFFREY H/W (JT) TE-205-4AM

5113 N IVY RD NE
ATLANTA, GA 30342

HYRAX SENGI REAL ESTATE LLC TE-505-4AM

5802 BOB BULLOCK LOOP C1-23-208
LAREDO, TX 78041

JEFFERY DEREK R TRUSTEE LKSD-7-C

PO BOX 4673
PARK CITY, UT 84060

KIENITZ MICHAEL K H/W (JT) LKSD-7-B

10200 SPICEWOOD PKWY
AUSTIN, TX 78750

MACCALL HOLDINGS LLC TE-504-4AM

185 S STATE ST STE 1300
SALT LAKE CITY, UT 84111

MARSH ROGER W (JT) TE-401-4AM

1104 COUNTRY LN
CHAMPAIGN, IL 61821-4422

NAFTEL PROPERTIES PRUN-A-23

3195 OVERHILL RD
BIRMINGHAM, AL 35223-1247

PARTAP INVESTMENTS LLC TE-13-4AM

7140 SMOKE RANCH RD
LAS VEGAS, NV 89128

PINE INN PROPERTIES LLC PINE-1

50 MELODY LN
ORINDA, CA 94563

RUBENSTEIN ROBERT TRUSTEE LKSD-6-B

3215 VISTA DR
MANHATTAN BEACH, CA 90266-3844

HACET REALTY LLC TE-302-4AM

10912 MEETING ST
PROSPECT, KY 40059-6577

IN THE TREES AT DEER VALLEY OWNERS ASSOC
ITT-A

C/O ELEVATED PROPERTY MANAGEMENT
PO BOX 684090
PARK CITY, UT 84068-4090

JONES PETER C H/W (JT) TE-305-4AM

4848 KOKANEE BAY CT
COEUR D'ALENE, ID 83814

LEP CABOOSE LLC DCRGR-3A-1AM

C/O PEREZ LAREE
6619 N SCOTTSDALE RD
SCOTTSDALE, AZ 85250

MACLEOD BRUCE W H/W (JT) PRUN-A-22

600 GARRISON COVE LN #7
TAMPA, FL 33602

MAY ALYSIA TRUSTEE PINE-8

PO BOX 1229
KETCHUM, ID 83340

NORMA AND RICK FINLAYSON LLC PINE-5

7105 HAYMARKET LN
RALEIGH, NC 27615-5491

PIKE GRAIN COMPANY INC LKSD-6-D

PO BOX 550
LOUISIANA, MO 63353-0550

RAUNER BRUCE V (JT) TE-14-4AM

340 E RANDOLPH ST #61E
CHICAGO, IL 60601

SAMMONS B F & LYNDIA R (JT) LKSD-6-C

PO BOX 680126
PARK CITY, UT 84068-0126

HOULIHAN FRANCIS J TRUSTEE TE-406-4AM

C/O THE CHICAGO TRUST COMPANY
201 S HOUGH STREET
BARRINGTON, IL 60010

JARKOWSKI LEONARD JR TRUSTEE PRUN-A-32

108 LAKESHORE DR APT 1740
NORTH PALM BEACH, FL 33408

K & J SHAFER FAMILY LP TE-102-4AM

173 SUMMIT AVE
SOUTHLAKE, TX 76092

LFRE HOLDINGS LLC TE-404-4AM

54 W FAIRBRANCH CIR
THE WOODLANDS, TX 77382

MAGOON REALTY LTD PRUN-A-21

2 FRANKLIN TOWN BLVD #705
PHILADELPHIA, PA 19103

MERRIMAN RICHARD W TRUSTEE LKSD-5-D

C/O MERRIMAN FAMILY TRUST
P.O. BOX 7307

OKAMURA-GOSKOWICZ FAMILY LIMITED
PARTNERSHIP TE-104-4AM

5024 CHELTERHAM TERR
SAN DIEGO, CA 92130-1413

PINE INN NO 7 LLC PINE-7

C/O JAMES A & SUSAN LANGAN
306 WOODLEY RD
WINNETKA, IL 60093

ROGERS ROBERT D H/W (JT) TE-506-4AM

1470 PHEASANT TRAIL
INVERNESS, IL 60067

SHELEG TOO LLC TE-402-4AM

3870 N 40TH AVE
HOLLYWOOD, FL 33021

SIMPSON GARY M CO-TRUSTEE ETAL
PRUN-A-34
1229 MANITOU LANE
SANTA BARBARA, CA 93101

SRDV PARTNERS LLC DCRGR-2A-1AM
500 MAMARONECK AVE
HARRISON, NY 10528

SU ERIC C (JT) LKSD-12-B
7404 TURNBUOY DR
AUSTIN, TX 78730

VOGT MARTIN S H/W (JT) LKSD-12-D
529 CROWN GOLD DR
THE COLONY, TX 75056

WITZ DAVID TE-11-4AM
C/O CONTINENTAL ELECTRIC CONST
815 COMMERCE DR STE 100
OAK BROOK, IL 60523

SIPPERLEY JACK O (JT) PRUN-A-31
17225 KINGFISH LN EAST
SUGARLOAF KEY, FL 33042

STEFANIS GEORGE S TE-405-4AM
310 HOSPITAL DR STE 205
MACON, GA 31217-8025

THOMSON ROBERT G CO-TRUSTEE LKSD-
5-F
15 W SNAPPER POINT DR
KEY LARGO, FL 33037

WEGNER ALLAN H TRUSTEE TE-101-4AM
1429 CREST RD
DEL MAR, CA 92014

WORTHE JULIETTE CAPRETTA TRUSTEE
TE-501-4AM
1435 HIGH BLUFF DR
NEWPORT BEACH, CA 92660

SOS KOLOB LLC PRUN-A-11
5849 E REDBIRD RD
SCOTTSDALE, AZ 85266

STURGES GEORGE DAVID TRUSTEE LKSD-
12-A
PO BOX 1206
PARK CITY, UT 84060-1206

ULENE ARTHUR L & PRISCILLA (TRUSTEES)
PINE-6
6511 MOORE DR
LOS ANGELES, CA 90048-5325

WILEY KATE K PINE-2
50 MELODY LN
ORINDA, CA 94563

YANG LAWRENCE R TRUSTEE TE-103-4AM
2888 RAMONA STREET
PALO ALTO, CA 94306

Signatures of adjacent
property owners that
consent

Consent of Landowners Adjacent to the Vacation

As a property owner adjacent to the Deer Valley Drive South right-of-way and/or the Deer Valley Drive South right-of-way, I hereby consent to the proposed vacation.

Parcel Number- PC-745-11
ALTERRA MTN CO REAL ESTATE
DEVELOPMENT INC
3501 WAZEE ST STE 400
DENVER, CO 80216

By: Rich Wagner
Name: Rich Wagner, VP Development
Its: Authorized Signatory

Parcel Number- PC-900-4
DEER VALLEY RESORT COMPANY
PO BOX 889
PARK CITY, UT 84060-0889

By: Rich Wagner
Name: Rich Wagner, VP Development
Its: Authorized Signatory

Certification of Written Notice Delivery

Certification of Written Notice Delivery

I JASON BOAL  on September 30, 2021

Delivered written notice to the following entities:

- Park City Municipal Corporation, Public Utility Department;
- Rocky Mountain Power;
- Dominion Gas.

EXHIBIT C

Amended Vacation Petition

Gateway Tower West
15 West South Temple
Suite 1200
Salt Lake City, Utah 84101-1547
801.257.1900
801.257.1800 (Fax)
www.swlaw.com

DENVER
LAS VEGAS
LOS ANGELES
LOS CABOS
ORANGE COUNTY
PHOENIX
RENO
SALT LAKE CITY
TUCSON

Wade R. Budge, P.C.
wbudge@swlaw.com

December 14, 2023

VIA EMAIL AND US MAIL

Matt Dias
City Manager
Park City Municipal Corporation
445 Marsac Avenue
Park City, UT 84060

Re: Submitted Deer Valley Right of Way Vacation Petition – Ownership Update

Dear Mr. Dias:

On behalf of the Deer Valley Development Company, we want to provide you this letter to update the petition referenced on our last letter dated January 31, 2022 regarding the pending vacation at Snow Park. When the initial petition letter was submitted, Deer Valley Resort Company and Alterra Mountain Company Real Estate Development Inc., had ownership of the parcels PC-745-11, PC-900-4, PC-900-4-A, and PC-900-3-3, known as the “Parcels”. Since that time, all interest in Parcels PC-745-11, PC-900-4-A, and PC-900-3-3 have been transferred to Deer Valley Development Company. Parcel PC-900-4 is still owned by Deer Valley Resort Company.

If you have any questions or concerns, please feel free to reach out to us.

Very truly yours,

SNELL & WILMER



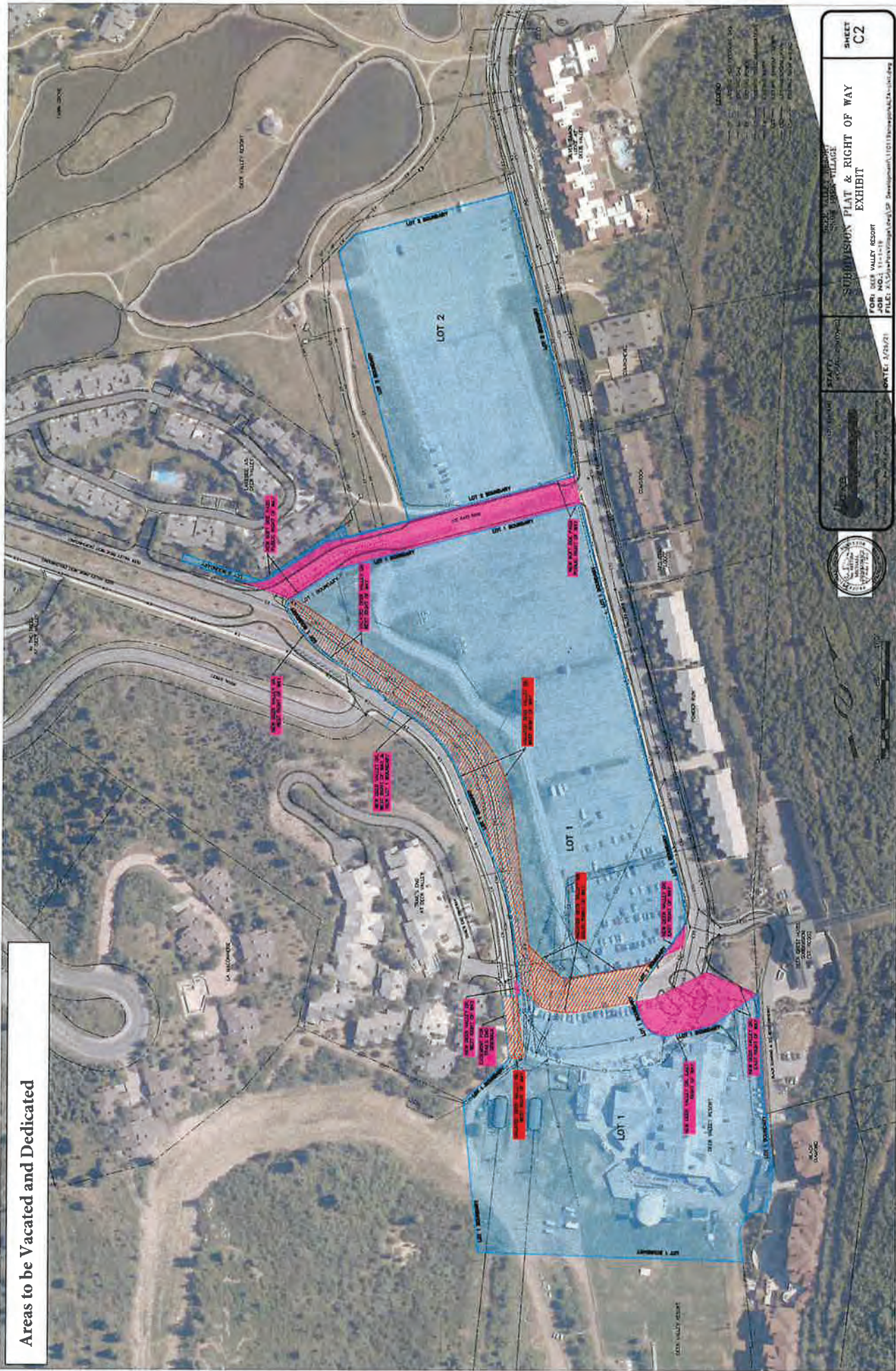
Wade R. Budge, P.C.

cc: Deer Valley Development Company
Mark Harrington, Esq. (via email)

EXHIBIT D

January 2022 Application Map

Areas to be Vacated and Dedicated



STATE OF FLORIDA
PROFESSIONAL ENGINEER
NO. 12345
EXPIRES 12/31/2024

SEAN VALLEY RESORT
SUBDIVISION PLAT & RIGHT OF WAY
EXHIBIT
FOR SEAN VALLEY RESORT
FILE: A:\Seav\Projects\Seav\SP_Development\110113\Seav\A\TA\LINE.DWG
DATE: 1/28/21

SHEET
C2

EXHIBIT E

Park City Ordinance No. 2023-56

**AN ORDINANCE VACATING A PORTION OF
DEER VALLEY DRIVE, PARK CITY, UTAH**

WHEREAS, Deer Valley Resort Company, LLC and Alterra Mountain Company Real Estate Development Inc (collectively “Petitioners” or “Deer Valley”),¹ petitioned Park City Municipal Corporation (“Park City” and “the City”) to vacate a portion of Deer Valley Drive right-of-way in contemplation of including the property within their revised site plan for the Snow Park Village;

WHEREAS, the City Council considered the Planning Commission’s January 18, 2023 recommendations for consideration of good cause;

WHEREAS, the City Council considered the petition and held a public hearing on March 16, 2023, a work session on June 1, 2023, considered public input on June 15, 2023, and held public hearings on July 6, 2023, August 29, 2023, September 28, 2023, November 2, 2023, November 30, 2023, and final public hearings on December 5, 2023 and December 14, 2023;

WHEREAS, Utah law affords municipalities broad discretion, pursuant to their legislative authority, to determine whether to vacate all or a portion of a public right-of-way;

WHEREAS, Snow Park Village includes the redevelopment of the existing Snow Park parking lots and base area utilizing Deer Valley’s entitled density approved in the Deer Valley Master Planned Development (MPD), including up to 209.75 authorized Residential Unit Equivalents, and 21,890 square feet of Commercial and Support Space. The project is proposed to be developed in Phases, subject to Planning Commission approval of a pending MPD amendment which includes the property subject to the vacation petition, and with each phase requiring a Conditional Use Permit approval from the Planning Commission; and

WHEREAS, the requested vacation of the right of way has been reviewed by the City Council and applicable Park City departments, including the City Engineer, Police, Public Works, and Water, and all appropriate hearings, postings, and notifications required by Utah law have been performed to receive public comment about the proposed determination;

¹ Deer Valley Development Company is successor in title to Alterra Mountain Company Real Estate Development

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

SECTION 1. VACATION. The recitals are incorporated herein. The City Council hereby determines that there is good cause for the vacation of a portion of Deer Valley Drive and neither the public interest nor any person will be materially injured by the vacation. The portion of Deer Valley Drive described in Exhibit A, which is attached and made a part hereof, is hereby declared vacated, reserving all public utility and private access easement rights of record of the vacated portion of Deer Valley Drive.

A. Good Cause. The City Council bases its determination of good cause by finding the following:

1. Petitioners provided valuable consideration in the form of \$15,000,000 dollars to Park City, for the purposes detailed herein.
2. The vacation does not increase the Snow Park Village approved density, expressed as residential unit equivalents and commercial square footage permitted in the Snow Park Village in the Deer Valley 12th Amended and Restated Large Scale Master Planned Development Permit.
3. The vacation does not increase the Snow Park Village existing approved heights at the Snow Park development and will allow for a more efficient design with a larger plaza area.
4. The vacation furthers the health, safety, and welfare of the Park City community by maintaining and providing new public safety access and alternatives.
5. The vacation mitigates traffic by reducing the number of allowed parking spaces that are designated for day skier use to 1360 and by restricting parking spaces for hotel, residential, dining, retail, entertainment, and commercial uses from day skier use.
6. Traffic will be further mitigated by implementing paid parking.
7. The vacation facilitates a new site plan that includes a new public transit center which accommodates transit, resort/lodging vehicles, and drop off lanes.
8. The vacation is consistent with the General Plan for the Lower Deer Valley Neighborhood which emphasizes maintaining the world-class resort experience, creating a village base area that is complimentary to the surrounding neighborhood, encouraging alternative modes of transportation, and expanding winter and summer recreation amenities which are important to the economy and well-being of Park City.
9. The vacation increases Deer Valley's flexibility to promote a neighborhood compatible design with a larger site area without height changes or exceptions.
10. A vibrant and well-planned Snow Park area is of high importance to Park City and will advance preparations for the anticipated return of the Winter Olympics to Park City in just over ten years.
11. Upon evaluating the exchange of replacement right-of-way, the retention of existing public utility easements and required new utility easements, and the Streets Master Plan, the City Engineer determined the proposed area of the right-of-way vacation to no longer have significant utility to the City.
12. Doe Pass Road is currently a private drive owned and operated by Deer Valley and the offer to dedicate public access and right-of-way easements over an expanded Doe Pass Road will replace and relocate the loop portion of the vacated right-of-way with

expanded width and improved pedestrian, transit, and vehicular access and safety at Doe Pass Road.

B. No Material Injury. City Council finds and concludes that:

1. The vacation will not cause a material injury to any property owner or the general public and that no injury has been alleged different in kind or degree from the general public.
2. The east and west sections of the Deer Valley Drive which are not subject to the vacation petition maintain public and private access and utility easements to all adjacent property.
3. Increased trip generation on Deer Valley Drive results primarily from the already entitled density for the Snow Park Village and is not a result of the right-of-way vacation.
4. It is in the public interest to return the property to be vacated to productive purposes in facilitating expansion of a plaza concept with the parking lot redevelopment of the ski area, and extension of lifts and that the vacation will not cause a harm to the public interest.
5. Doe Pass Road is currently a private drive owned and operated by Deer Valley and the offer to dedicate public access and right-of-way easements over an expanded Doe Pass Road will replace and relocate the loop portion of the vacated right-of-way with expanded width and improved pedestrian, transit, and vehicular access and safety at Doe Pass Road.
6. Construction and maintenance responsibility of Doe Pass Road is proposed to remain with Deer Valley, avoiding any additional tax burden on the city and residents, while establishing public rights of use.
7. As set forth in Section 3 below, the project will maintain public pedestrian and bicycle access through the plaza area, effectively maintaining the loop for active transportation.

SECTION 2. VACATION SUBJECT TO EXISTING

ACCESS/EASEMENTS. Park City and all third parties shall retain all public utility and private access easement rights of record, including the easements scheduled on the attached Exhibit B, as provided in Utah Code § 10-9a-609.5(6)(b), to the vacated portion of Deer Valley Drive. The above vacation is expressly made subject to all existing rights-of-way and easements of all public utilities of any and every description now located on and under or over the confines of this property, and also subject to the rights of entry thereon for the purposes of maintaining, altering, repairing, or removing said utilities, including the city's water and sewer facilities.

SECTION 3. TITLE TRANSFER. Upon recordation of the final subdivision plat (the "Final Plat") pursuant to Section 4, the property described in Exhibit A shall be vested in fee in the name of Petitioner Deer Valley Development Company, or its successors and assigns. Deer Valley Development Company and Park City shall execute the Final Plat after approval of Park City Planning Commission pursuant to the applicable provisions governing

subdivisions in the Land Management Code. At the time of recording the Final Plat, Deer Valley shall grant permanent access rights to Park City over Doe Pass Road, as further described in Section 4 below and confirm public pedestrian and bicycle access through the project's plaza in the approximate location of the area to be vacated.

SECTION 4. ADDITIONAL MITIGATION BEYOND GOOD CAUSE; CONDITIONS FOR PLAT RECORDATION AND TRANSFER OF TITLE. Prior to recordation of a Final Plat, Deer Valley and Park City shall enter into a Public Private Partnership Agreement ("PPPA"), consistent with any Letter of Intent which may be approved concurrently herewith, with the following elements:

- A. Petitioners shall pay \$15 million to Park City to be used by Park City for a regional, off-site parking and transportation facility.
- B. The PPPA shall address timing of payment for improvements described in subsection A; City matching funding; long-term traffic and peak day mitigation strategies for Park City's transportation network; and project scope and approvals.
- C. Deer Valley shall amend and obtain Planning Commission approval of an amended 13th Master Plan Development Permit and final Subdivision Plat(s), including the Final Plat, which includes these transportation and parking mitigation measures:
 1. The proposed gondola between Snow Park and Silver Lake (the "Gondola") shall service or connect to another gondola servicing the base facilities of what is currently referred to as the Mayflower development, at times determined by Deer Valley;
 2. Exhibit 2 to the MPD will be amended to include additional integrated resort infrastructure to support the expanded Gondola including (i) up to 15,000 additional square feet at the current Deer Valley maintenance facilities south of Silver Lake; (ii) up to 15,000 additional square feet of restaurant/commercial facilities for expansion of public or skier service at Silver Lake Lodge; (iii) a realigned Carpenter lift to extend into the Snow Park project and allow for the Gondola; and (iv) a new beginner ski pod adjacent to the new gondola alignment serviced by newly proposed "Lift 7" circulator lift, which may be incorporated into the pending MPD amendment or permitted via stand-alone Conditional Use Permit approvals;
 3. Skier, day use, and employee parking plans, as well as the full connection of the proposed gondola alignment including HW/40 and Mayflower, in amended mitigation plans.
- D. Terms addressing when affordable housing may be incorporated into the regional transportation project as a secondary component.
- E. Terms addressing when a Public Infrastructure District may be authorized by the City Council for the Snow Park Village project.

SECTION 5. EFFECTIVE DATE. Pursuant to Utah Code Ann. § 10-3-712 this ordinance shall constitute Final Action and is effective upon publication on December 15, 2023, and may be implemented upon satisfaction of the conditions required to finalize the transfer of title pursuant to Sections 3 and 4.

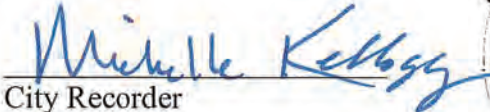
SECTION 6. SUNSET PROVISION. The conditions of entering into a PPPA and obtaining approval of an amended 13th Master Plan Development Permit and final Subdivision Plat(s), including the Final Plat, must be satisfied to finalize the transfer of title pursuant to Sections 3 and 4 are subject to a two-year sunset provision. If either item is not completed within two years of the Effective Date of this Ordinance, this Ordinance and right-of-way vacation are null and void. The City Council, in its sole discretion, may extend the sunset provision upon finding good cause by Resolution.

PASSED AND ADOPTED THIS 14th of DECEMBER, 2023.

PARK CITY MUNICIPAL CORPORATION


Mayor Nann Worel

ATTEST:


City Recorder



Approved as to Form:

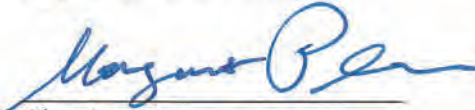
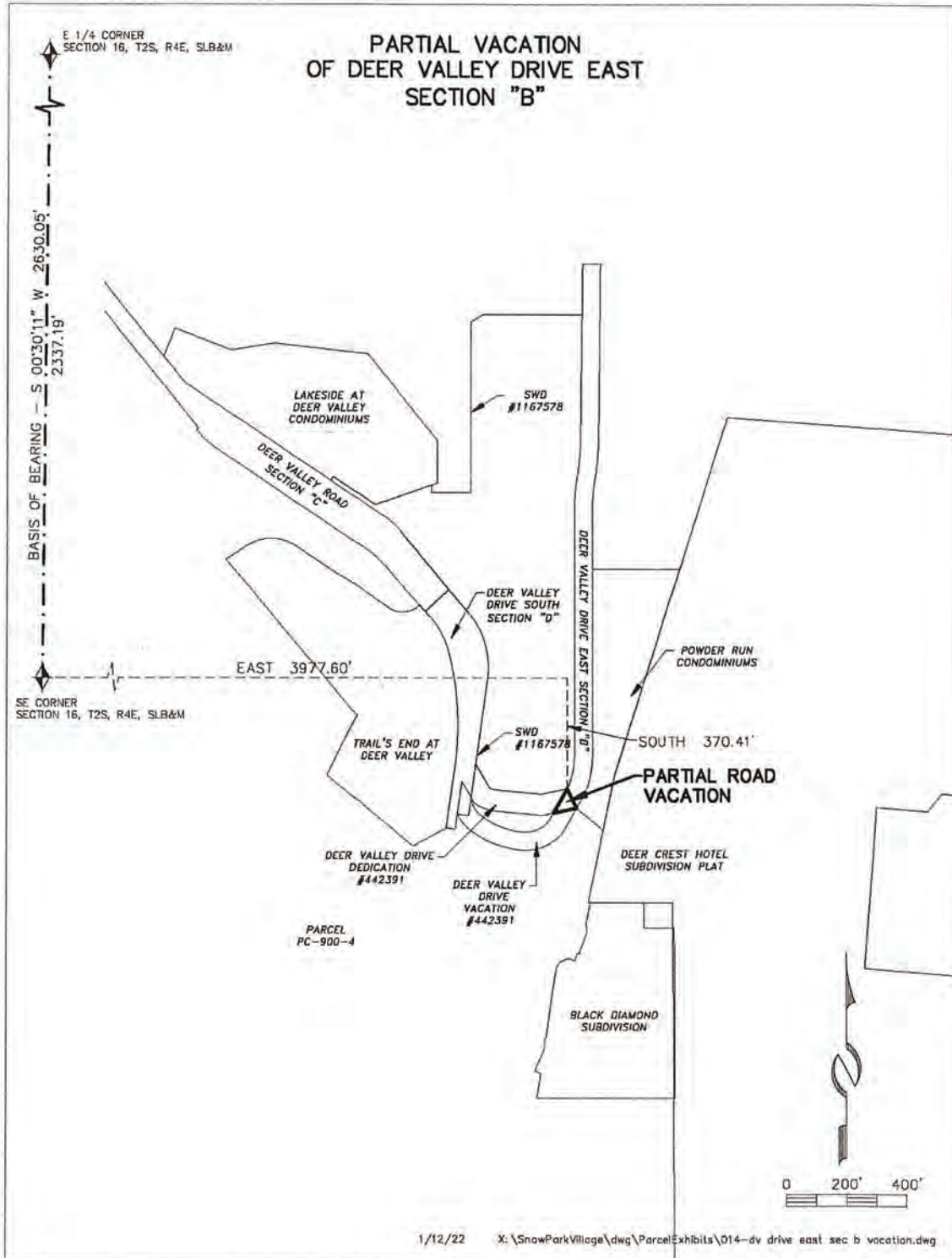

City Attorney

EXHIBIT A
[LEGAL DESCRIPTIONS FROM AMENDED PETITION]



SNOW PARK VILLAGE
PARTIAL VACATION
OF DEER VALLEY DRIVE EAST
SECTION "B"

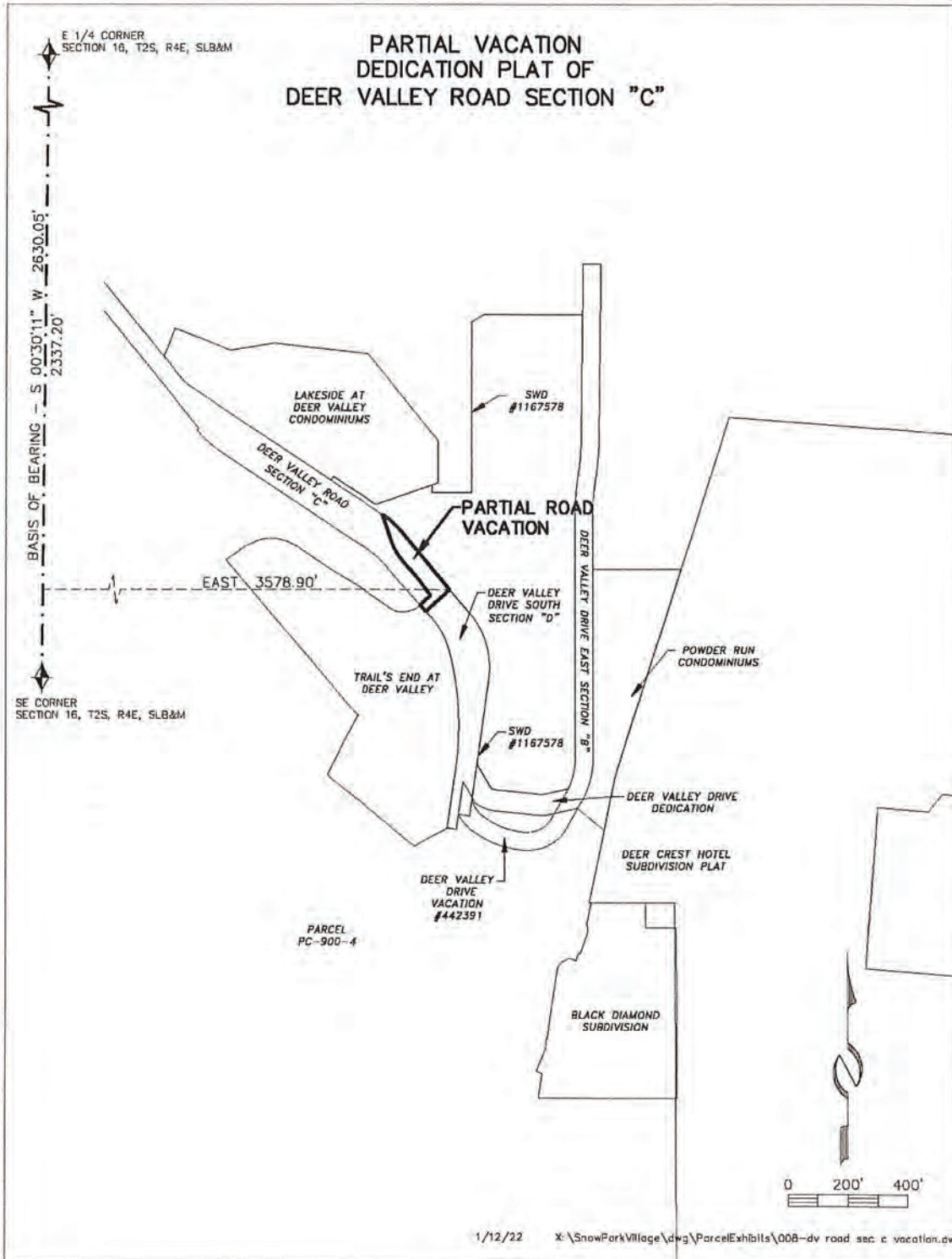
January 13, 2022

A parcel of land located in the northeast quarter of Section 22, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being described as follows:

Beginning at a point that is East 3977.60 feet and South 370.41 feet from the southeast corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point being on the westerly right-of-way of Deer Valley Drive East Section "B", recorded March 1, 1982, as Entry No. 188988 in the Office of the Recorder, Summit County, Utah, and also being the northeasterly corner of the Dedication Parcel in Exhibit C of Ordinance No. 95-59, recorded November 15, 1995, as Entry No. 442391 in the Office of the Recorder, Summit County, Utah; and running thence South 26°45'21" East 72.35 feet to the northeasterly corner of the Vacation Parcel in Exhibit B of Ordinance No. 95-59, recorded November 15, 1995, as Entry No. 442391 in the Office of the Recorder, Summit County, Utah; thence coincident with the northerly boundary of said Vacation Parcel South 78°09'28" West 80.54 feet to the southwesterly corner of the aforementioned Dedication parcel; thence coincident with said Dedication parcel the following two (2) courses: 1) North 30°00'00" East 77.39 feet to a point on a curve to the left having a radius of 249.90 feet, of which the radius point bears North 60°00'00" West; thence 2) along the arc of said curve 16.01 feet through a central angle of 03°40'14" to the point of beginning.

The Basis of Bearing for the above description is South 00°30'11" West 2630.05 feet between the east quarter corner and the southeast corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian.

Description contains 0.064 acres.



SNOW PARK VILLAGE
PARTIAL VACATION OF
DEDICATION PLAT OF
DEER VALLEY ROAD SECTION "C"

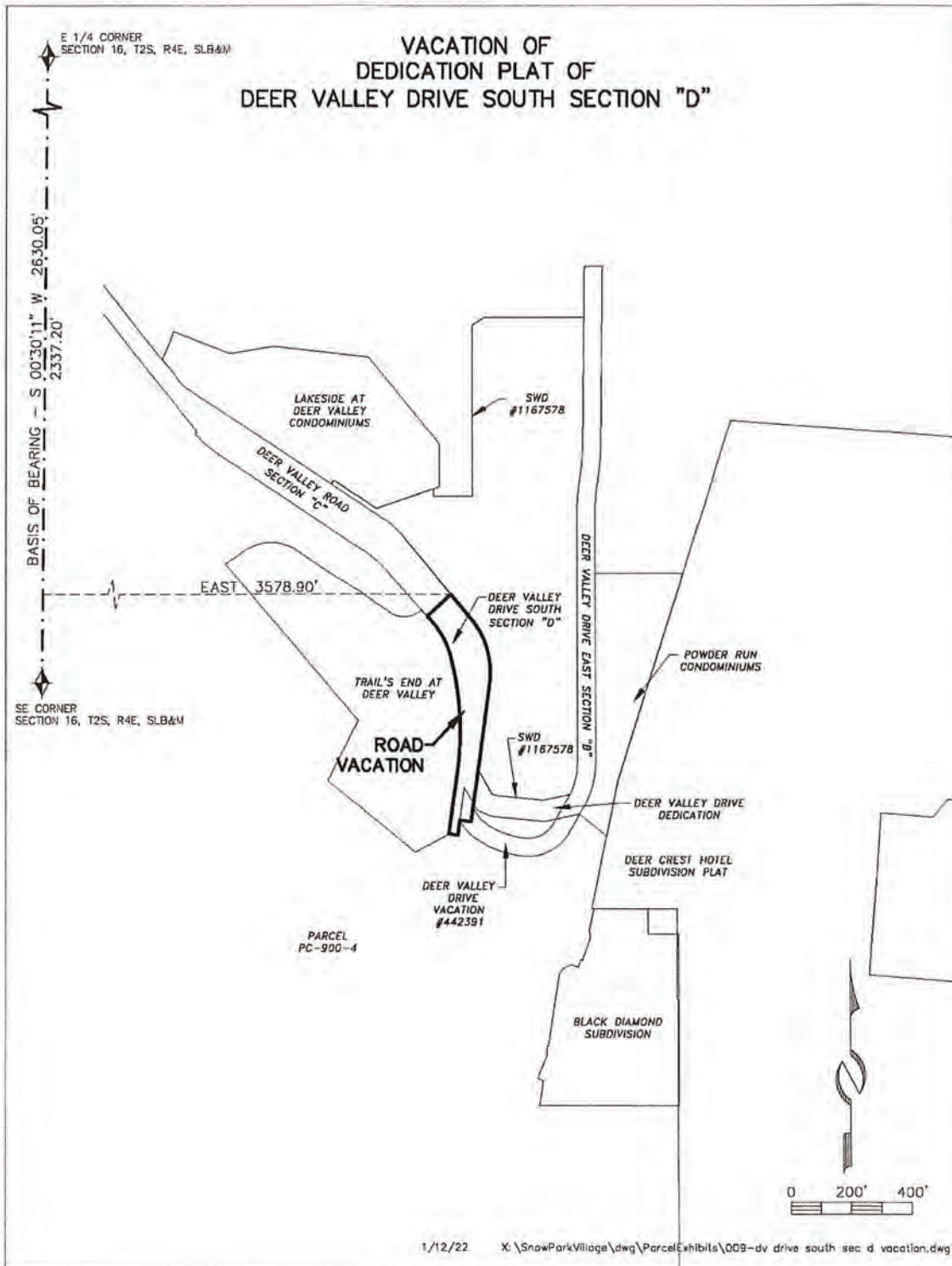
January 18, 2022

A parcel of land located in the southeast quarter of Section 15, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being described as follows:

Beginning at a point that is South 00°30'11" West 2337.20 feet and East 3578.90 feet from the east quarter corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point being the easternmost corner of the Dedication Plat of Deer Valley Road Section "C", recorded April 16, 1980, as Entry No. 165811 in the Office of the Recorder, Summit County, Utah; and running thence coincident with the southeasterly end of Deer Valley Road Section "C" South 47°53'34" West 107.67 feet to the southernmost point of said Deer Valley Road Section "C", said point also being on the easterly boundary of Trail's End at Deer Valley, recorded March 18, 2009, as Entry No. 867530 in the Office of the Recorder, Summit County, Utah; thence coincident with the easterly boundary of Trail's End at Deer Valley North 42°06'26" West 29.08 feet; thence North 47°53'34" East 47.72 feet; thence North 37°30'27" West 67.84 feet; thence North 41°44'02" West 70.59 feet to a point on a curve to the right having a radius of 247.00 feet, of which the radius point bears North 48°15'58" East; thence along the arc of said curve 100.21 feet through a central angle of 23°14'46"; thence North 18°29'16" West 81.14 feet to the northerly right-of-way of said Deer Valley Road Section "C"; thence coincident with the northerly right-of-way of Deer Valley Road Section "C" the following three (3) courses: 1) South 56°25'40" East 2.56 feet to a point on a curve to the right having a radius of 308.53 feet, of which the radius point bears South 33°34'20" West; thence 2) along the arc of said curve 88.46 feet through a central angle of 16°25'40"; thence 3) South 40°00'00" East 249.01 feet to the point of beginning.

The Basis of Bearing for the above description is South 00°30'11" West 2630.05 feet between the east quarter corner and the southeast corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian.

Description contains 0.42 acres.

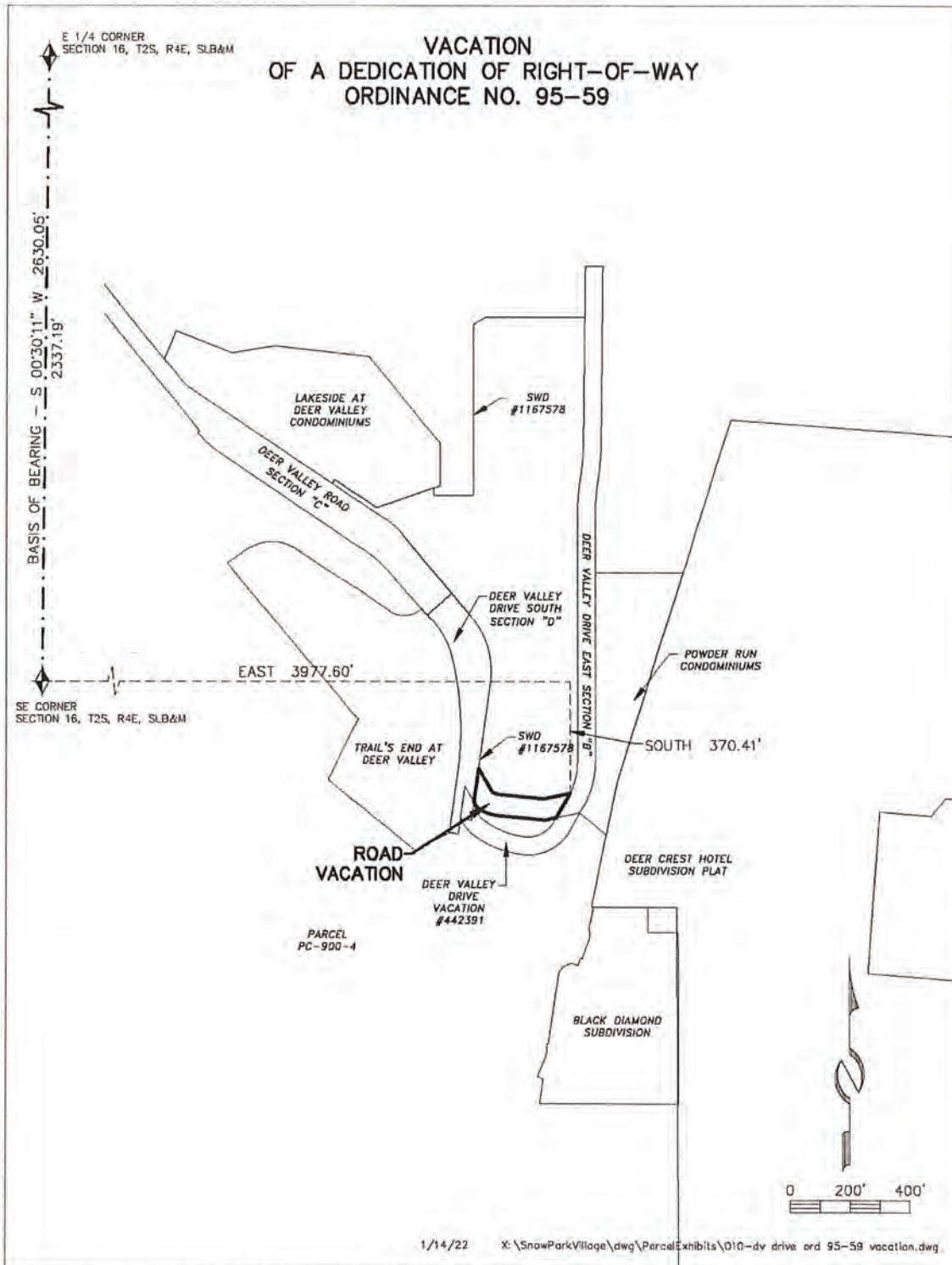


SNOW PARK VILLAGE

VACATION OF
DEDICATION PLAT OF
DEER VALLEY DRIVE SOUTH SECTION "D"

January 12, 2022

Dedication Plat of Deer Valley Drive South Section "D", located in the south half of Section 15 and the north half of Section 22, Township 2 South, Range 4 East, Salt Lake Base and Meridian, recorded March 1, 1982, as Entry No. 188987 in the Office of the Recorder, Summit County, Utah.



SNOW PARK VILLAGE

VACATION OF
A DEDICATION OF RIGHT-OF-WAY
ORDINANCE NO. 95-59

January 14, 2022

Beginning at a point on the westerly right-of-way of Deer Valley Drive East Section 'B', said point being South 1248.12 feet and East 4008.65 feet from the east 1/4 corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian (Basis of Bearing being $S00^{\circ}30'11''E$ from the east quarter corner of said Section 16 to the southeast corner of said Section 16); thence along said right-of-way, as described on Section 'B' of Deer Valley Drive East plat as recorded in the Summit County Recorder's Office, Entry Number 188988, the following four courses: (1) $S00^{\circ}40'00''W$ 579.06 feet to a point on an 878.16 foot radius curve to the right (center bears $N89^{\circ}20'00''W$); thence (2) along the arc of said curve 127.48 feet through a central angle of $08^{\circ}19'03''$ to a point of a reverse curve to the left (center bears $S81^{\circ}00'57''E$); thence (3) along the arc of said curve 136.50 feet through a central angle of $08^{\circ}59'03''$; thence (4) South 800.00 feet to a point on a 249.90 foot radius curve to the right (center bears West); thence along the arc of said curve and the western right-of-way of Deer Valley Drive East, 114.84 feet through a central angle of $26^{\circ}19'46''$ to the true point of beginning; thence departing from said right-of-way $S78^{\circ}14'07''W$ 89.60 feet; thence $N84^{\circ}36'26''W$ 145.24 feet to a point on an 80.00 foot radius curve to the right (center bears $N05^{\circ}23'34''E$); thence along the arc of said curve 28.08 feet through a central angle of $20^{\circ}06'46''$; thence $N30^{\circ}26'41''W$ 92.28 feet to a point on the east right-of-way of Deer Valley Drive South Section 'D' as recorded in the Summit County Recorder's Office, Entry Number 188987; thence along said right-of-way $S08^{\circ}00'00''W$ 112.58 feet; thence departing said right-of-way $S30^{\circ}26'41''E$ 21.97 feet to a point on a non-tangent 150.00 foot radius curve to the left (center bears $N34^{\circ}51'45''E$); thence along the arc of said curve 77.15 feet through a central angle of $29^{\circ}28'11''$; thence $S84^{\circ}36'26''E$ 155.80 feet; thence $N78^{\circ}14'07''E$ 38.33 feet to a point on the westerly right-of-way of said Deer Valley Drive East; thence along said right-of-way the following two courses: (1) $N30^{\circ}00'00''E$ 77.39 feet to a point on a 249.90 foot radius curve to the left (center bears $N60^{\circ}00'00''W$); thence (2) along the arc of said curve 16.01 feet through a central angle of $03^{\circ}40'14''$ to the true point of beginning.

Contains 0.52 acres, more or less.

EXHIBIT B
[EXISTING INTERESTS OF RECORD]

1. Right of Way and Easement Grant, dated SEPTEMBER 22, 1980, in favor of MOUNTAIN FUEL SUPPLY COMPANY, a Utah corporation, to lay, maintain, operate, repair, inspect, protect, remove and replace pipe lines, valves, valve boxes and other gas transmission and distribution facilities, through and across a portion of the subject property. Said Right of Way and Easement grant recorded NOVEMBER 18, 1980, as Entry No. 173018, in Book M172, at Page 173, SUMMIT County Recorder's Office.
2. GRANT OF EASEMENT (30' WIDE WATERLINE EASEMENT) from DEER VALLEY RESORT COMPANY, A UTAH LIMITED PARTNERSHIP to PARK CITY MUNICIPAL CORPORATION for the right privilege and authority to construct, operate, replace, repair and maintain underground water lines and pipes and related facilities, recorded APRIL 20, 1998, as Entry No. 504727, in Book 1137, at Page 372, SUMMIT County Recorder's Office.
3. GRANT OF EASEMENT dated SEPTEMBER 15, 2000, by and between DEER VALLEY RESORT COMPANY, A UTAH LIMITED PARTNERSHIP and BLACK DIAMOND LODGE LLC, A DELAWARE LIMITED LIABILITY COMPANY, recorded SEPTEMBER 18, 2000, as Entry No. 573026, in Book 1334, at Page 40, SUMMIT County Recorder's Office.
4. GRANT OF EASEMENT in favor of SNYDERVILLE BASIN SEWER IMPROVEMENT STRICT the right, privilege and authority to construct, operate, replace, repair and maintain sewers and pipes including all necessary fixtures under, across and upon the subject property. Said Easement recorded SEPTEMBER 19, 2001, as Entry No. 598557, in Book 1396, at Page 26, Summit County Recorder's Office.
5. GRANT OF EASEMENT in favor of SNYDERVILLE BASIN WATER RECLAMATION DISTRICT the right, privilege and authority to construct, operate, replace, repair and maintain sewers and pipes including all necessary fixtures under, across and upon the subject property. Said Easement recorded JANUARY 2, 2004, as Entry No. 684488, in Book 1591, at Page 1357, Summit County Recorder's Office.
6. Right of Way and Easement Grant, in favor of QUESTAR GAS COMPANY, A CORPORATION OF THE STATE OF UTAH, to lay, maintain, operate, repair, inspect, protect, remove and replace pipe lines, valves, valve boxes and other gas transmission and distribution facilities, through and across a portion of the subject property. Said Right of Way and Easement grant recorded JULY 21, 2004, as Entry No. 705276, in Book 1635, at Page 1170, SUMMIT County Recorder's Office.
7. Grant of Easement in favor of PACIFICORP, AN OREGON CORPORATION, d/b/a ROCKY MOUNTAIN POWER, ITS SUCCESSORS AND ASSIGNS, a perpetual easement and right of way for the right of way, erection, operation and continued maintenance, repair, inspection, relocation and replacement of the electric transmission and distribution circuits recorded DECEMBER 10, 2010, as Entry No. 912687, in Book 2060, at Page 1678, SUMMIT County Recorder's Office.

EXHIBIT F

Plats of Petitioner Associations

LOTS 88 AND 89 AMERICAN FLAG SUBDIVISION

PLAT AMENDMENT NO. 2

LYING WITHIN THE SOUTHWEST QUARTER OF SECTION 15
AND THE NORTHWEST QUARTER OF SECTION 22
TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE & MERIDIAN
SUMMIT COUNTY, UTAH

SURVEYOR'S CERTIFICATE
I, DAVID L. MORTON, a Registered Land Surveyor and
that I have carefully examined the plat and the original
plat and described therein, and I further certify that this plat is correct on this
date and in accordance with the minimum standards and requirements of the law.

David L. Morton 4/24/03
DAVID L. MORTON
REGISTERED LAND SURVEYOR
STATE OF UTAH
NO. 12724

**OWNER'S DECLARATION AND ACKNOWLEDGMENT FOR
LOTS 88 AND 89 AMERICAN FLAG SUBDIVISION PLAT AMENDMENT NO. 2**

I, the undersigned, do hereby certify that I am the owner of the herein described tract of land and that I have read and understand the contents of the herein described plat and that I have signed the same in accordance with the provisions of the law.

Wilson E. Brewer Wilson E. Brewer
Wilson E. Brewer
Alice S. Brewer

ACKNOWLEDGMENT

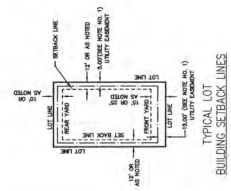
State of Utah,
County of Summit.

On this 20 day of April, 2003, personally appeared before me, the undersigned Notary Public, in and for said County of Summit, in said State of Utah, Wilson E. & Alice S. Brewer, being duly sworn, acknowledged to me that they are the owners of the herein described tract of land and they signed the above Owner's Declaration and Consent to Record hereof and authority.

Debra L. Mortimer My commission expires: 3-19-2004
Notary Public

LEGAL DESCRIPTION
The above described Plat Amended No. 2, American Flag Subdivision, recorded plat, and subdivision plat, for the purpose of this amendment, is to combine Lots 88 and 89 as shown herein.

FOUND BRASS PIPES MONUMENT FOR MONUMENT 10



<p>PARK CITY SURVEYING, INC. P.O. BOX 3003 PARK CITY, UTAH 84302 (435) 648-2518</p>	<p>ADMINISTRATIVE APPROVAL APPROVAL AND ACCEPTANCE BY THE CITY ENGINEER: THIS <u>25</u> DAY OF <u>JULY</u>, 2003, A.D. BY: <u>[Signature]</u></p>	<p>CITY ENGINEER APPROVED AND ACCEPTED BY THE CITY ENGINEER: THIS <u>25</u> DAY OF <u>JULY</u>, A.D. 2003. <u>[Signature]</u> CITY ENGINEER</p>	<p>SEWER DISTRICT APPROVAL REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN RECLAMATION DISTRICT REGULATIONS: THIS <u>25</u> DAY OF <u>JULY</u>, A.D. 2003. <u>[Signature]</u> S.D. ENGINEER</p>	<p>APPROVAL AS TO FORM APPROVED AS TO FORM ON THIS <u>25</u> DAY OF <u>MAY</u>, A.D. 2003. <u>[Signature]</u> CITY ATTORNEY</p>	<p>RECORDED No. <u>45719</u> STATE OF <u>UTAH</u> RECORDED AND FILED AT THE REQUEST OF: <u>Fealty T. T. T.</u> DATE: <u>5/28/03</u> FEE: <u>5.10</u> <u>[Signature]</u> COUNTY RECORDER</p>	<p>PARK CITY SURVEYING, INC. P.O. BOX 3003 PARK CITY, UTAH 84302 (435) 648-2518</p>
--	--	--	--	--	--	--

ACKNOWLEDGEMENT

STATE OF UTAH } ss
County of Summit } ss

On this 14th day of August, A.D. 1979, personally appeared before me the undersigned Notary Public in and for the said State and County of Utah, the President of Royal Street Land Co., a Utah corporation, and the accompanying instrument was signed by him in his individual capacity and in his capacity as President of said corporation. My commission expires July 2, 1983.

Notary Public
Residing in Summit, County of Utah

REMARKS

1. A 1/4 section well, drainage easement along all front and side lot lines as shown.

2. A 1/4 section well, drainage easement along all back lot lines as shown.

3. In Hydrants

4. Survey Monument

DATE	BY ASSUM	SCALE
1-8-80	ICAL	
2-27		

PREPARED BY

J.J. Johnson & Associates
Civil Engineering, Planning, Surveying
1700 Park Avenue, P.O. Box 1651
Park City, Utah 84060

City Planning Commission
Approved & Accepted by the Park City Planning Commission this 14th day of August, A.D. 1979

Russell W. Smith
Chairman

Engineers Certificate
Approved & Accepted by the Park City Engineering Department this 14th day of August, A.D. 1979

John C. Roberts
Park City Engineer

Approval as to Form
Approved as to Form this 14th day of August, A.D. 1979

John C. Roberts
Park City Attorney

Certificate of Attest
Attest this 14th day of August, A.D. 1979

John C. Roberts
Park City Recorder

Council Approval & Acceptance
Approved & Accepted by the Park City Council this 14th day of August, A.D. 1979

John C. Roberts
Mayor

Recorded
State of Utah, County of Summit, Recorded and Filed at the request of:
Date 14-8-79 Time 3:15 P.M.
Fees \$100.00
Summit County Recorder

SURVEYORS CERTIFICATE

I, James G. Meitz, do hereby certify that the above described plat was prepared by me or under my direct supervision and that I am a duly licensed and sworn surveyor in the State of Utah. I am a member of the American Flag Subdivision and have made a survey of the tract of land shown on this plat and approved the same as a subdivision of land, and that the same is to be known as American Flag Subdivision and that same has been correctly surveyed and shown on the present as shown on this plat.

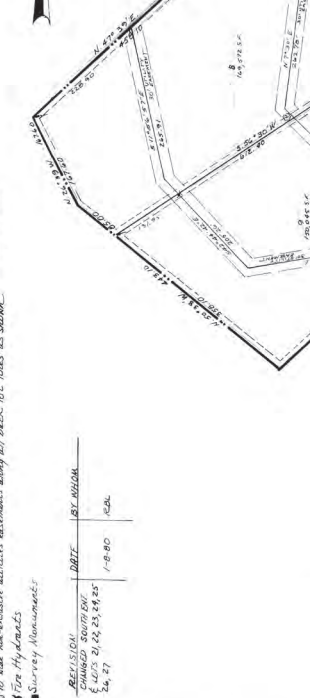
OWNERS DEDICATION

Know all men by these presents that I, the undersigned owner of the herein described tract of land having certain same that is situated into lots and streets to be hereafter known as American Flag Subdivision hereby dedicate for perpetual use of the public all parcels of land shown on this plat as shown for public use in witness whereof I have hereunto set our hands this 14th day of August, 1979.

James G. Meitz
President
Royal Street Land Co.

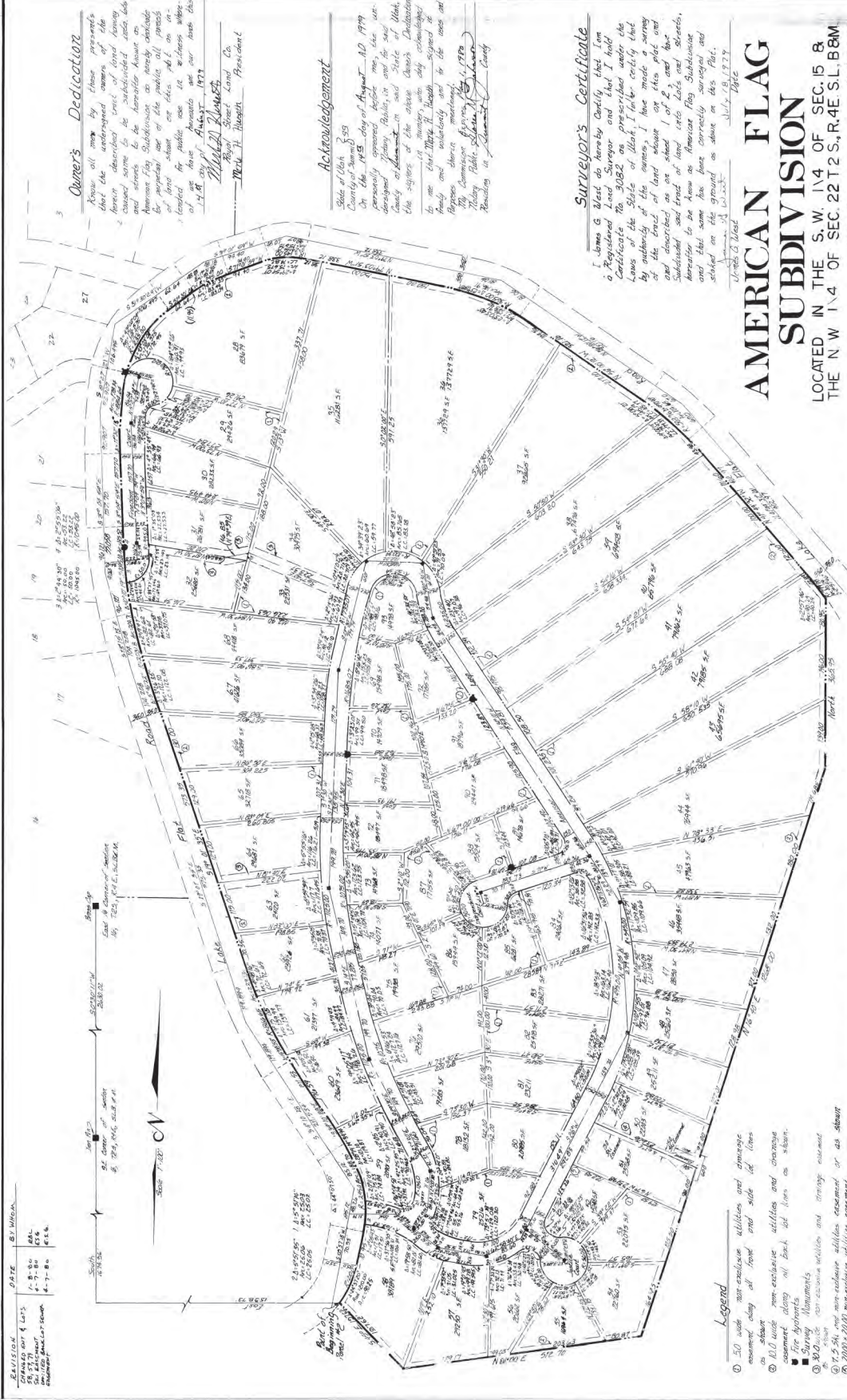
AMERICAN FLAG SUBDIVISION

LOCATED IN THE S.W. 1/4 OF SEC. 15 & THE N.W. 1/4 OF SEC. 22 T 2 S, R. 4E.SLB&M.



Legend

- 1. A 1/4 section well, drainage easement along all front and side lot lines as shown.
- 2. A 1/4 section well, drainage easement along all back lot lines as shown.
- 3. In Hydrants
- 4. Survey Monument



REVISION	DATE	BY Whom
CRANED OUT & LOTS	4-7-80	CSK
5-1-80	CSK	
5-1-80	CSK	
5-1-80	CSK	

Owner's Dedication

Know all men by these presents that the undersigned owners of the herein described tract of land having been divided into lots, blocks and streets to be hereafter known as American Flag Subdivision as more fully set forth in the plat of said subdivision as shown on the plat of said subdivision located for public use in witness whereof we have hereunto set our hands this 14th day of August, 1979.

Walter R. Hagan
Walter R. Hagan, President

Acknowledgment

Sale of Block 355
County of Summit, Utah
On the 14th day of August, A.D. 1979, before me, the undersigned, a duly qualified Notary Public and the said County of Summit in said State of Utah, the signers of the above described Declaration to me that they have duly acknowledged the same and voluntarily and for the uses and purposes therein mentioned.

Walter R. Hagan
Walter R. Hagan, Notary Public
Residing in Summit County

Surveyor's Certificate

I, James G. West do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No. 3082 as prescribed under the Laws of the State of Utah. I have, solely by authority of the owner, I have made a survey of the land shown on this plat and the subdivision and tract of land into lots and blocks, hereafter to be known as American Flag Subdivision and that same have been correctly surveyed and shown on the ground as shown on this Plat.

James G. West
July 18, 1979

AMERICAN FLAG SUBDIVISION

LOCATED IN THE S.W. 1/4 OF SEC. 15 & THE N.W. 1/4 OF SEC. 22 T2S., R.4E S.L. 88M

<p>Prepared by: J.J. Johnson & Associates Civil Engineering Planning Surveying 700 Park Avenue P.O. Box 1661 Park City, Utah 84060</p>	<p>City Planning Commission Approved & Accepted by the Park City Planning Commission this 11th Day of May, A.D. 1977</p> <p><i>Bruce Watts</i> Chairman</p>	<p>Engineers Certificate Approved & Accepted by the Park City Engineering Department this 26th Day of August, A.D. 1977</p> <p><i>John R. Phillips</i> Park City Engineer</p>	<p>Approval as to Form Approved as to Form this 19th Day of August, A.D. 1979</p> <p><i>John R. Phillips</i> Park City Attorney</p>	<p>Certificate of Attest Attest this 19th Day of August, A.D. 1979</p> <p><i>John R. Phillips</i> Park City Recorder</p>	<p>Council Approval & Acceptance Approved & Accepted by the Park City Council this 19th Day of August, A.D. 1979</p> <p><i>John R. Phillips</i> Mayor</p>	<p>Records State of Utah, County of Summit, Recorded and Filed at the request of: <i>James G. West</i> Date Filed: 8-20-79 Time 2:15 Fee: \$120.00 <i>James G. West</i> Summit County Recorder</p>
---	--	--	--	---	--	--

- Legend**
- ① 50' wide non-exclusive utilities and drainage easement along all front and side lot lines as shown
 - ② 10.0' wide non-exclusive utilities and drainage easement along all back lot lines as shown
 - ③ 30.0' wide non-exclusive utilities and drainage easement
 - ④ 50' wide non-exclusive utilities and drainage easement
 - ⑤ 200'-240' wide drainage utilities easement

SURVEYOR'S CERTIFICATE

I, the undersigned, being duly sworn, depose and say that the above described plat was prepared under the supervision of the undersigned by the duly qualified and licensed surveyors named therein, and that the same is a true and correct copy of the original as shown on this plat.

John D. Cook
Surveyor

8-24-91
DATE

BOUNDARY DESCRIPTION

Beginning at a point on the northerly line of the former mining claim north 77° 30' 15" West 201.53 feet from the Northeast corner of the mining claim; ...

ACKNOWLEDGEMENT

STATE OF UTAH)
COUNTY OF SALT LAKE)
I, the undersigned, being duly sworn, depose and say that the above described plat was prepared under the supervision of the undersigned by the duly qualified and licensed surveyors named therein, and that the same is a true and correct copy of the original as shown on this plat.

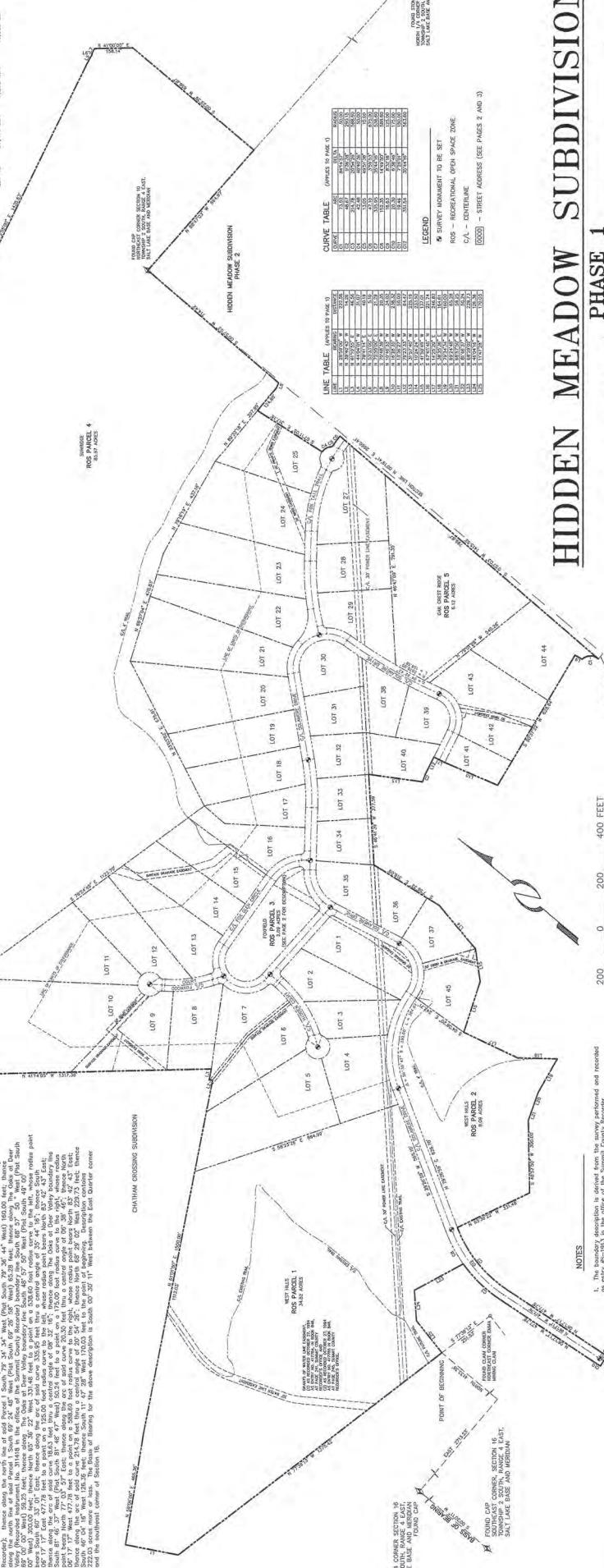
Clifford A. Clark
Commissioner
May 30, 1991

OWNER'S DEDICATION AND CONSENT TO RECORD

The undersigned, being duly sworn, depose and say that the above described plat was prepared under the supervision of the undersigned by the duly qualified and licensed surveyors named therein, and that the same is a true and correct copy of the original as shown on this plat.



TABLE B: LOT #, SQUARE FEET, MAXIMUM FLOOR AREA, MAXIMUM DISTANCE



NOTES

- 1. The boundary description is derived from the survey performed and recorded in entry #18-185 in the office of the Salt Lake County Recorder.

HIDDEN MEADOW SUBDIVISION PHASE 1

A SUBDIVISION LOCATED IN SECTIONS 2, 3, 10, AND 11; TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.

ALLIANCE ENGINEERING INC.
P.O. BOX 2664
322 MAIN STREET
PARK CITY, UTAH 84060
(801) 648-9467

SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT STANDARDS ON THIS DATE
BY *James R. Bond*
S.E.S.D.

PLANNING COMMISSION
APPROVED BY THE PARK CITY PLANNING COMMISSION THIS DATE
BY *Steve*
CHAIRMAN

ENGINEERS CERTIFICATE
AND THIS PLAN IS TO BE FILED IN MY OFFICE THIS DATE
BY *Eric D. O'Brien*
PARK CITY ENGINEER

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS DATE
BY *M.D.H.*
PARK CITY ATTORNEY

CERTIFICATE OF ATTEST
CERTIFY THIS RECORD OF SURVEY AND ACCEPTANCE BY THE PARK CITY MAP COUNCIL THIS DATE
BY *Paul O'Connell*
PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE
#4364-V2
STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF *COALITION TITLE Co*
DATE 3-15-91 TIME 12:00 PM BOOK PAGE
138-5 RECORDER

TABLE B
 SQUARE FEET MINIMUM FLOOR AREA SUBDIVISION

LOT #	SQUARE FEET	MINIMUM FLOOR AREA	MINIMUM FLOOR AREA
LOT 1	78,427 SF	8,500 SF	12,000 SF
LOT 2	34,540 SF	7,250 SF	10,000 SF
LOT 3	87,280 SF	8,500 SF	12,000 SF
LOT 4	74,421 SF	8,500 SF	12,000 SF
LOT 5	84,201 SF	7,250 SF	10,000 SF
LOT 6	281,772 SF	10,000 SF	14,000 SF
LOT 7	80,195 SF	8,500 SF	12,000 SF
LOT 8	76,328 SF	8,500 SF	12,000 SF
LOT 9	58,277 SF	7,250 SF	10,000 SF
LOT 10	74,275 SF	8,500 SF	12,000 SF
LOT 11	108,209 SF	10,000 SF	14,000 SF
LOT 12	102,817 SF	10,000 SF	14,000 SF
LOT 13	166,894 SF	10,000 SF	14,000 SF
LOT 14	80,195 SF	8,500 SF	12,000 SF
LOT 15	43,247 SF	7,250 SF	10,000 SF
LOT 16	33,889 SF	6,000 SF	8,000 SF
LOT 17	41,201 SF	6,000 SF	8,000 SF
LOT 18	37,722 SF	6,000 SF	8,000 SF
LOT 19	42,883 SF	6,000 SF	8,000 SF
LOT 20	44,428 SF	6,000 SF	8,000 SF
LOT 21	35,338 SF	6,000 SF	8,000 SF
LOT 22	35,338 SF	6,000 SF	8,000 SF
LOT 23	35,338 SF	6,000 SF	8,000 SF
LOT 24	35,338 SF	6,000 SF	8,000 SF
LOT 25	35,338 SF	6,000 SF	8,000 SF
LOT 26	35,338 SF	6,000 SF	8,000 SF
LOT 27	35,338 SF	6,000 SF	8,000 SF
LOT 28	35,338 SF	6,000 SF	8,000 SF
LOT 29	35,338 SF	6,000 SF	8,000 SF
LOT 30	35,338 SF	6,000 SF	8,000 SF
LOT 31	35,338 SF	6,000 SF	8,000 SF
LOT 32	35,338 SF	6,000 SF	8,000 SF
LOT 33	35,338 SF	6,000 SF	8,000 SF
LOT 34	35,338 SF	6,000 SF	8,000 SF
LOT 35	35,338 SF	6,000 SF	8,000 SF
LOT 36	35,338 SF	6,000 SF	8,000 SF
LOT 37	35,338 SF	6,000 SF	8,000 SF
LOT 38	35,338 SF	6,000 SF	8,000 SF
LOT 39	35,338 SF	6,000 SF	8,000 SF
LOT 40	35,338 SF	6,000 SF	8,000 SF
LOT 41	35,338 SF	6,000 SF	8,000 SF
LOT 42	35,338 SF	6,000 SF	8,000 SF
LOT 43	35,338 SF	6,000 SF	8,000 SF
LOT 44	35,338 SF	6,000 SF	8,000 SF
LOT 45	35,338 SF	6,000 SF	8,000 SF

RAW EASEMENT LINE TABLE

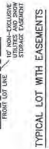
LINE	BEARING	DISTANCE
1	N 89° 59' 53" W	100.00
2	S 89° 59' 53" E	100.00
3	N 00° 00' 00" E	100.00
4	S 00° 00' 00" W	100.00
5	N 89° 59' 53" W	100.00
6	S 89° 59' 53" E	100.00
7	N 00° 00' 00" E	100.00
8	S 00° 00' 00" W	100.00

NEC NAME

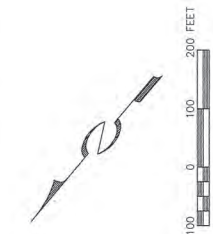
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6	101.0000
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43	101.0000
44	101.0000
45	101.0000

NEC NAME

NEC	NAME
1	101.0000
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3	101.0000
4	101.0000
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6	101.0000
7	101.0000
8	101.0000
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36	101.0000
37	101.0000
38	101.0000
39	101.0000
40	101.0000
41	101.0000
42	101.0000
43	101.0000
44	101.0000
45	101.0000



LEGEND
 * SURVEY MONUMENT TO BE SET
 HDS - INDICATIONAL OPEN SPACE ZONE
 C/L - CENTERLINE
 [Symbol] - STREET ADDRESS



HIDDEN MEADOW SUBDIVISION

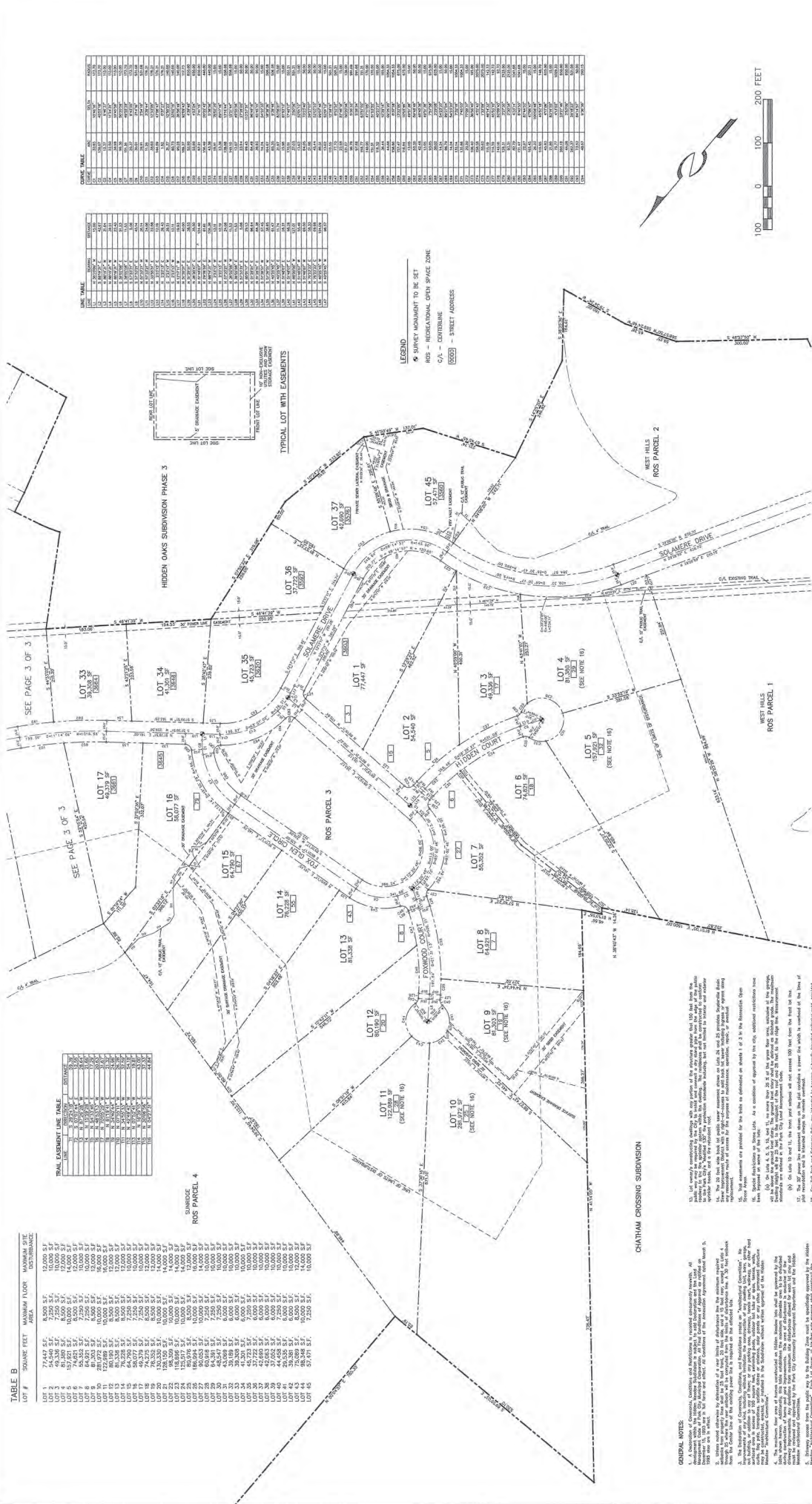
PHASE 1

A SUBDIVISION LOCATED IN SECTIONS 10 AND SECTION 11, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.

RECORDED
 # 47404/2
 STATE OF UTAH COUNTY OF SUMMIT AND FILED
 AT THE REQUEST OF Coalition Title Co.
 DATE 3/13/12 - TIME 11:00 AM BOOK PAGE
 1358
 FEE
 Recorder
 W. J. ...

JOB NO. 4-5-32 NO. D. P. U. H. M. P. 2

HIDDEN MEADOW



EASEMENT CURVE TABLE

LINE	BEARING	DISTANCE	CHORD BEARING	CHORD DISTANCE
1	N 89° 59' 53" W	100.00	N 89° 59' 53" W	100.00
2	S 89° 59' 53" E	100.00	S 89° 59' 53" E	100.00
3	N 00° 00' 00" E	100.00	N 00° 00' 00" E	100.00
4	S 00° 00' 00" W	100.00	S 00° 00' 00" W	100.00
5	N 89° 59' 53" W	100.00	N 89° 59' 53" W	100.00
6	S 89° 59' 53" E	100.00	S 89° 59' 53" E	100.00
7	N 00° 00' 00" E	100.00	N 00° 00' 00" E	100.00
8	S 00° 00' 00" W	100.00	S 00° 00' 00" W	100.00

EASEMENT LINE TABLE

LINE	BEARING	DISTANCE
1	N 89° 59' 53" W	100.00
2	S 89° 59' 53" E	100.00
3	N 00° 00' 00" E	100.00
4	S 00° 00' 00" W	100.00
5	N 89° 59' 53" W	100.00
6	S 89° 59' 53" E	100.00
7	N 00° 00' 00" E	100.00
8	S 00° 00' 00" W	100.00

GENERAL NOTES
 1. The boundaries of this subdivision are shown by the lines and bearings and distances shown on this plan.
 2. The lots shown on this plan are intended to be conveyed as separate lots and are not to be construed as a warranty of title.
 3. The plat shows the location of the easements and the easement lines are shown by the lines and bearings and distances shown on this plan.
 4. The easement lines are shown by the lines and bearings and distances shown on this plan.
 5. The easement lines are shown by the lines and bearings and distances shown on this plan.
 6. The easement lines are shown by the lines and bearings and distances shown on this plan.
 7. The easement lines are shown by the lines and bearings and distances shown on this plan.
 8. The easement lines are shown by the lines and bearings and distances shown on this plan.
 9. The easement lines are shown by the lines and bearings and distances shown on this plan.
 10. The easement lines are shown by the lines and bearings and distances shown on this plan.

CHATHAM CROSSING SUBDIVISION

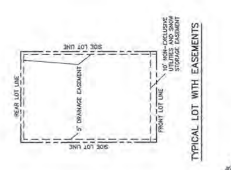
TABLE B
LOT # SQUARE FEET MAXIMUM FLOOR AREA DISTURBANCE

Table with 4 columns: LOT #, SQUARE FEET, MAXIMUM FLOOR AREA, and DISTURBANCE. Rows 1-43.

LINE TABLE with 4 columns: LINE #, FROM, TO, DISTANCE. Rows 1-43.

CURVE TABLE with 6 columns: CURVE #, BEARING, DISTANCE, CHORD BEARING, CHORD DISTANCE, POINTS. Rows 1-12.

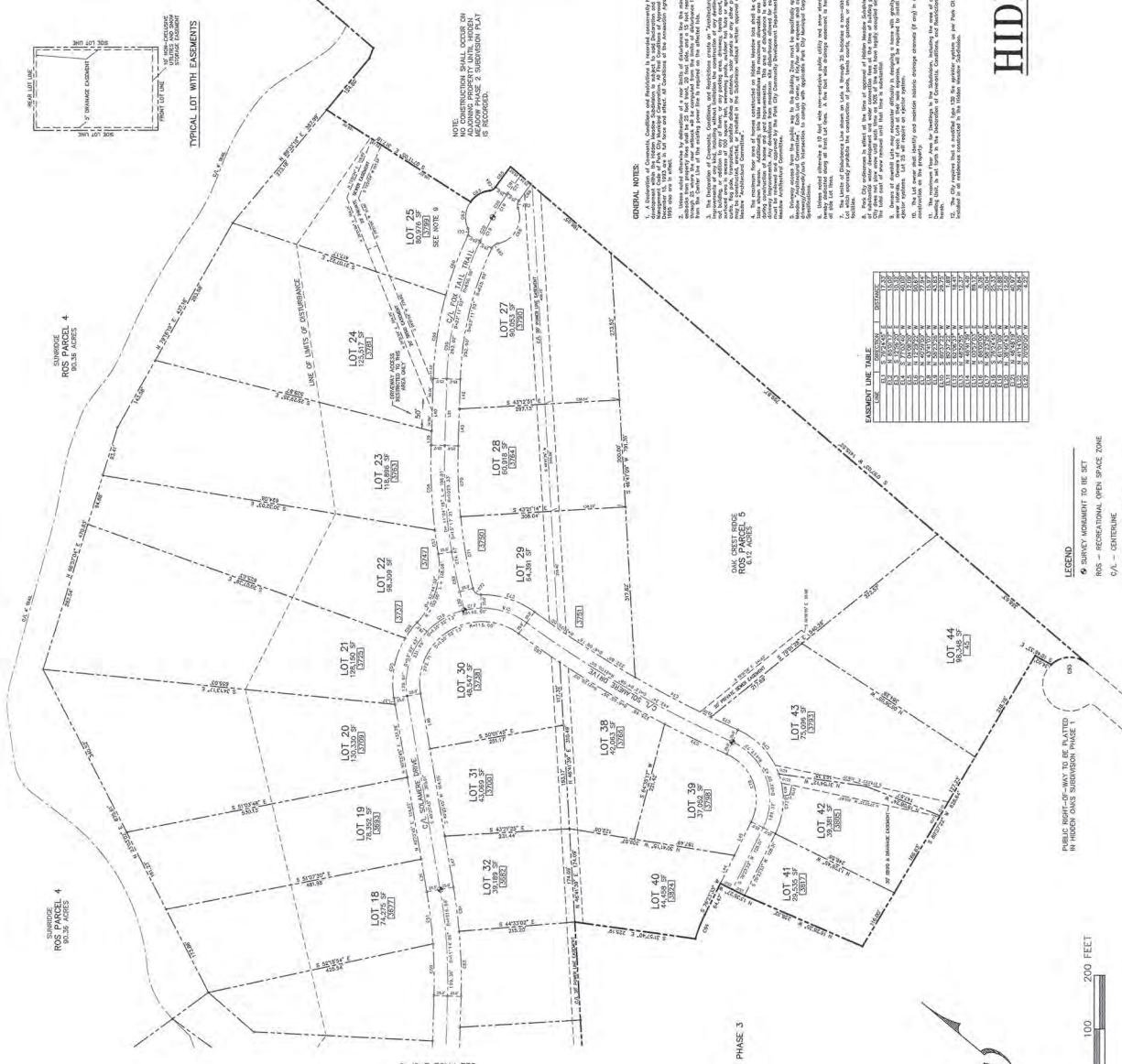
EASEMENT CURVE TABLE with 6 columns: CURVE #, BEARING, DISTANCE, CHORD BEARING, CHORD DISTANCE, POINTS. Rows 1-4.



NO CONSTRUCTION SHALL OCCUR ON ACROSS PHASE 2, SUBDIVISION PLAT AS RECORDED.

GENERAL NOTES: 1. The limits of disturbance line shown on this plan... 2. All easements shown on this plan... 3. The easement shown on this plan... 4. The easement shown on this plan... 5. The easement shown on this plan...

EASEMENT CURVE TABLE (small version) with 6 columns: CURVE #, BEARING, DISTANCE, CHORD BEARING, CHORD DISTANCE, POINTS. Rows 1-4.

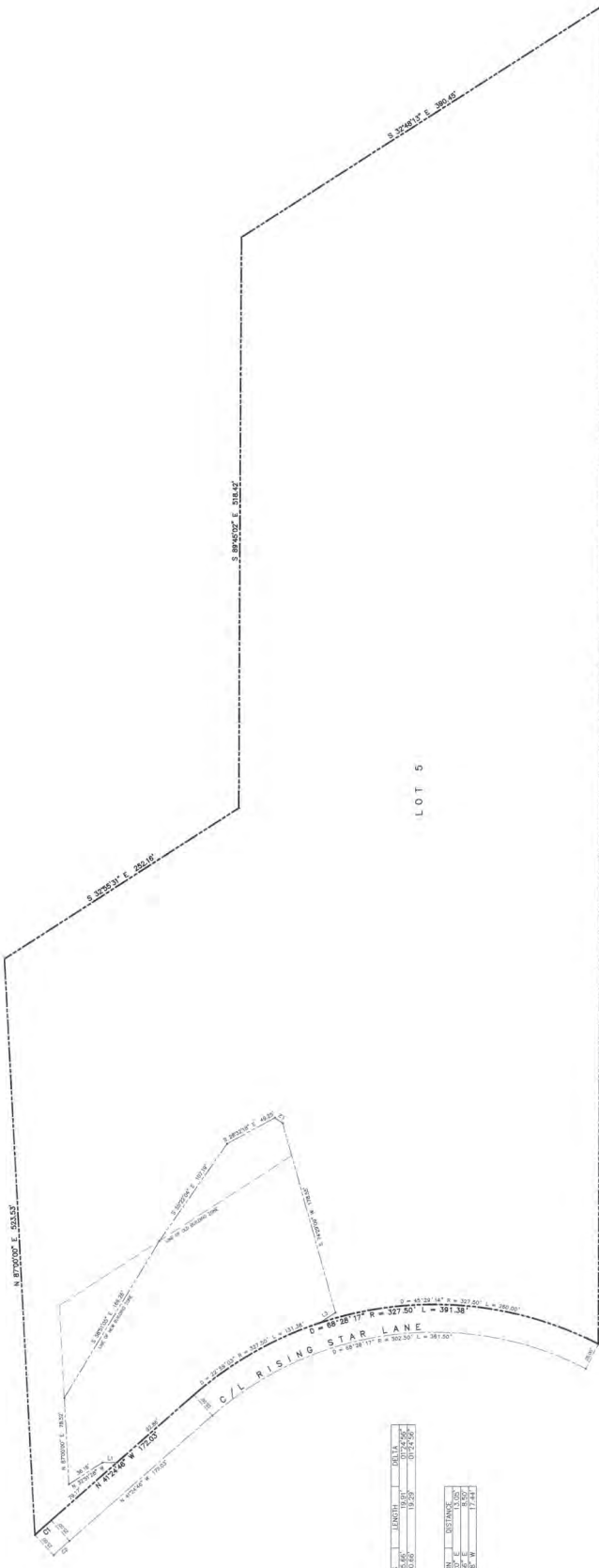


- LEGEND
* SURVEY MONUMENT TO BE SET
R/S - RECREATIONAL OPEN SPACE ZONE
C/A - CENTERLINE
[Symbol] - STREET ADDRESS

HIDDEN MEADOW SUBDIVISION PHASE 1

A SUBDIVISION LOCATED IN SECTIONS 10 AND SECTION 11, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.

Administrative information including recording details: #4544-92, STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF COLLETTION, TIME 10:07 AM, DATE 5-13-19, FEE 1394.00, RECORDER (signature). JOB NO. 4-5-19-NCU/DJ/PL/MTS and page number PAGE 3 OF 3.



LOT 5

LINE	BEARING	DISTANCE	BEARING	DISTANCE
1	N 87°00'00" E	523.55	S 89°00'00" E	399.46
2	N 87°00'00" E	282.16	S 89°00'00" E	399.46
3	S 89°00'00" E	399.46	N 87°00'00" E	523.55
4	N 87°00'00" E	523.55	S 89°00'00" E	399.46

OWNER'S DEDICATION AND CONSENT TO RECORD
 I, the undersigned, being the owner of the above described tract of land, having caused the same to be surveyed and the boundaries thereof to be marked, do hereby certify that I have read and approved the foregoing plat and consent to the recording of this record in accordance with Utah Law 1936, Chapter 22, Section 2, and that I have caused the same to be recorded in the office of the county clerk of the county of Summit, Utah, on this 21st day of March, 1936.

BY: *Walter P. Pool*
 WALTER P. POOL
 OWNER

ACKNOWLEDGEMENT
 STATE OF UTAH
 COUNTY OF SUMMIT
 I, the undersigned, being the undersigned, do hereby certify that I have read and approved the foregoing plat and consent to the recording of this record in accordance with Utah Law 1936, Chapter 22, Section 2, and that I have caused the same to be recorded in the office of the county clerk of the county of Summit, Utah, on this 21st day of March, 1936.

BY: *Frank M. Smith*
 FRANK M. SMITH
 COUNTY CLERK



SURVEYOR'S CERTIFICATE

I, the undersigned, being a duly licensed surveyor under the laws of the State of Utah, do hereby certify that I have surveyed the above described tract of land and that the boundaries thereof are correctly shown on the foregoing plat and that I have caused the same to be recorded in the office of the county clerk of the county of Summit, Utah, on this 21st day of March, 1936.

BY: *Walter P. Pool*
 WALTER P. POOL
 SURVEYOR

BOUNDARY DESCRIPTION

LOT 5, MORNING STAR ESTATES, AS DESCRIBED IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, NO. 37823, SUMMIT COUNTY, UTAH, MARCH 31, 1934.



NOTE: NOTE AND PLACEMENT SHOWN ON THE PLAT FOR MORNING STAR ESTATES AS RECORDED IN THE OFFICE OF THE SUMMIT COUNTY RECORDER NO. 37823, SHALL REMAIN IN FULL FORCE AND EFFECT.

**FIRST AMENDED
 LOT 5, MORNING STAR ESTATES**

AN AMENDMENT OF THE BUILDING ZONE FOR LOT 5 OF MORNING STAR ESTATES, A SUBDIVISION LOCATED IN SECTION 11 AND SECTION 14, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.

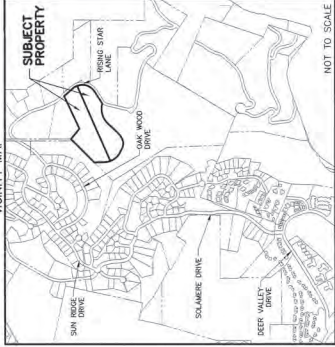


ALLIANCE ENGINEERING INC.
 P.O. BOX 2684
 323 MAIN STREET
 PARK CITY, UTAH 84060
 (801) 649-9467

PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 25th DAY OF APRIL, 1936 A.D. BY: <i>Johnnie J. Jones</i> CHAIRMAN	ENGINEERS CERTIFICATE I, the undersigned, being a duly licensed engineer under the laws of the State of Utah, do hereby certify that I have surveyed the above described tract of land and that the boundaries thereof are correctly shown on the foregoing plat and that I have caused the same to be recorded in the office of the county clerk of the county of Summit, Utah, on this 21st day of March, 1936.
APPROVAL AS TO FORM APPROVED AS TO FORM THIS 19th DAY OF APRIL, 1936 A.D. BY: <i>Walter P. Pool</i> PARK CITY ATTORNEY	CERTIFICATE OF ATTEST I, the undersigned, being a duly licensed clerk under the laws of the State of Utah, do hereby certify that I have surveyed the above described tract of land and that the boundaries thereof are correctly shown on the foregoing plat and that I have caused the same to be recorded in the office of the county clerk of the county of Summit, Utah, on this 21st day of March, 1936.
APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 15th DAY OF FEBRUARY, 1936 A.D. BY: <i>Walter P. Pool</i> MAYOR	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 15th DAY OF FEBRUARY, 1936 A.D. BY: <i>Walter P. Pool</i> MAYOR

RECORDED
 STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF *ALLIANCE ENGINEERING INC.*
 DATE *04-14-36* TIME *02:24 PM* PAGE *51*
 FEE *Quinn J. Jones - \$10.00*
 RECORDER

NEIGHBORHOOD MAP

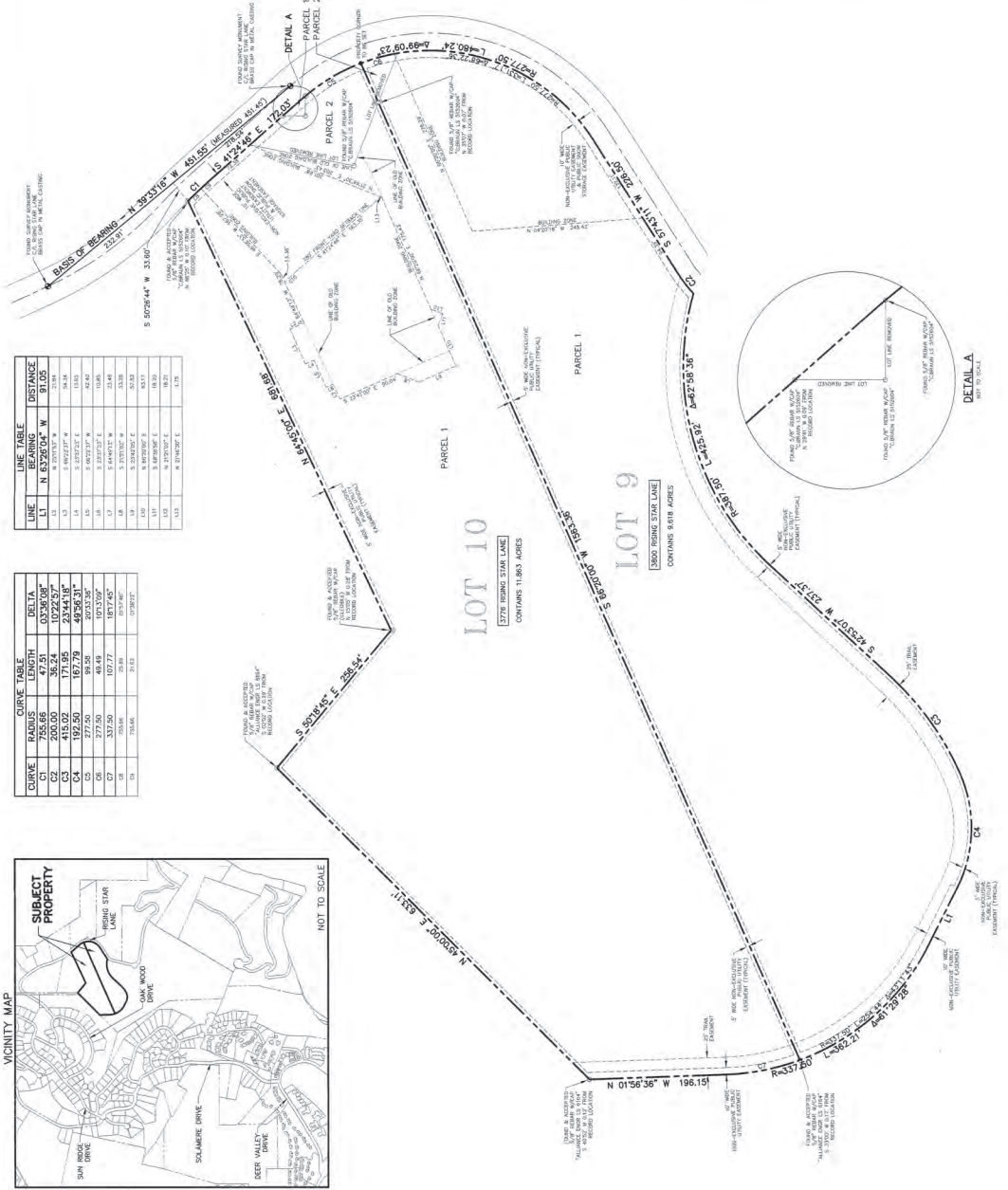


LINE TABLE

LINE	BEARING	DISTANCE
1	S 89°56'36" W	196.15
2	N 01°56'36" E	186.15
3	S 89°56'36" W	196.15
4	N 01°56'36" E	186.15
5	S 89°56'36" W	196.15
6	N 01°56'36" E	186.15
7	S 89°56'36" W	196.15
8	N 01°56'36" E	186.15
9	S 89°56'36" W	196.15
10	N 01°56'36" E	186.15
11	S 89°56'36" W	196.15
12	N 01°56'36" E	186.15
13	S 89°56'36" W	196.15
14	N 01°56'36" E	186.15
15	S 89°56'36" W	196.15
16	N 01°56'36" E	186.15
17	S 89°56'36" W	196.15
18	N 01°56'36" E	186.15
19	S 89°56'36" W	196.15
20	N 01°56'36" E	186.15
21	S 89°56'36" W	196.15
22	N 01°56'36" E	186.15
23	S 89°56'36" W	196.15
24	N 01°56'36" E	186.15
25	S 89°56'36" W	196.15
26	N 01°56'36" E	186.15
27	S 89°56'36" W	196.15
28	N 01°56'36" E	186.15
29	S 89°56'36" W	196.15
30	N 01°56'36" E	186.15

CURVE TABLE

CURVE	RADIUS	LENGTH	DELTA
C1	200.00	36.24	10.24297°
C2	415.02	171.85	23.4418°
C3	272.50	167.78	49.5631°
C4	277.50	46.49	101.520°
C5	537.50	107.77	101.745°
C6	264.8	26.8	101.84°



SURVEYOR'S CERTIFICATE

I, Martin A. Johnson, certified as a Registered Land Surveyor for the State of Utah, do hereby certify that I have personally surveyed the above described lots and that the same have been or will be monumented on the ground as shown on the accompanying map. I further certify that the information on this plat is true and correct.

BOUNDARY DESCRIPTION, LOT 9

PANEL 1
Lot No. 9, Morning Star Estates Subdivision, according to the official plat filed in the office of the Summit County Recorder, County of Summit, Utah.

PANEL 2
Beginning at point on the westerly end of the line of the right-of-way of the Filling Star Lane and corner with the 194.00' lot and area of Section 11, South 89°42'07" East 283.8 feet to a point on a 277.50' lot; thence north 0°00'00" East 11.0 feet to a point on a 277.50' lot; thence south 89°56'36" West 196.15 feet to a point on a 277.50' lot; thence north 0°00'00" East 11.0 feet to a point on the westerly right-of-way line of Filling Star Lane 54.32 feet to the west corner of the 277.50' lot.

BOUNDARY DESCRIPTION, LOT 10

PANEL 1
The back corner and the northwest corner of Section 11, Township 2 South, Range 4 East, Salt Lake Base and Meridian.

PANEL 2
All of Lot No. 10, Morning Star Estates Subdivision, according to the official plat filed in the office of the Summit County Recorder, County of Summit, Utah.

NOTES

- This subdivision is subject to the Conditions of Approval in Ordinance 10-43.
- All conditions of approval of Morning Star Estates, as shown on the official plat filed in the office of the Summit County Recorder, shall be a part of this subdivision.
- Fire sprinklers shall be required for all new construction or substantial renovations, as determined by the Park City Building Department during building permit review.

OWNER'S DEDICATION AND CONSENT TO RECORD

I, Robert Andrew Maczorek, do hereby dedicate and consent to record the above described lots and area of Section 11, Township 2 South, Range 4 East, Salt Lake Base and Meridian.

In witness whereof, the undersigned has hereunto set his hand and seal of office on this 12th day of December, 2016.

Robert Andrew Maczorek

ACKNOWLEDGMENT

I, Robert Andrew Maczorek, do hereby acknowledge that I have signed the above described dedication and consent to record.

In witness whereof, the undersigned has hereunto set his hand and seal of office on this 12th day of December, 2016.

Robert Andrew Maczorek

OWNER'S DEDICATION AND CONSENT TO RECORD

I, Terri Ann Habrock, do hereby dedicate and consent to record the above described lots and area of Section 11, Township 2 South, Range 4 East, Salt Lake Base and Meridian.

In witness whereof, the undersigned has hereunto set her hand and seal of office on this 12th day of December, 2016.

Terri Ann Habrock

ACKNOWLEDGMENT

I, Terri Ann Habrock, do hereby acknowledge that I have signed the above described dedication and consent to record.

In witness whereof, the undersigned has hereunto set her hand and seal of office on this 12th day of December, 2016.

Terri Ann Habrock

OWNER'S DEDICATION AND CONSENT TO RECORD

I, John Charles Drenth, do hereby dedicate and consent to record the above described lots and area of Section 11, Township 2 South, Range 4 East, Salt Lake Base and Meridian.

In witness whereof, the undersigned has hereunto set his hand and seal of office on this 12th day of December, 2016.

John Charles Drenth

ACKNOWLEDGMENT

I, John Charles Drenth, do hereby acknowledge that I have signed the above described dedication and consent to record.

In witness whereof, the undersigned has hereunto set his hand and seal of office on this 12th day of December, 2016.

John Charles Drenth

OWNER'S DEDICATION AND CONSENT TO RECORD

I, John Charles Drenth, do hereby dedicate and consent to record the above described lots and area of Section 11, Township 2 South, Range 4 East, Salt Lake Base and Meridian.

In witness whereof, the undersigned has hereunto set his hand and seal of office on this 12th day of December, 2016.

John Charles Drenth

ACKNOWLEDGMENT

I, John Charles Drenth, do hereby acknowledge that I have signed the above described dedication and consent to record.

In witness whereof, the undersigned has hereunto set his hand and seal of office on this 12th day of December, 2016.

John Charles Drenth

LOTS 9 AND 10, MORNING STAR ESTATES

A PARCEL COMBINATION PLAT & AN AMENDMENT OF THE BUILDING ZONE FOR LOT 10 OF MORNING STAR ESTATES
A SUBDIVISION LOCATED IN SECTION 11 AND SECTION 14, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

COUNCIL APPROVAL AND ACCEPTANCE

I HEREBY APPROVE AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 1 DAY OF SEPTEMBER, 2016

BY: [Signature] MAYOR

APPROVAL AS TO FORM

I APPROVE AS TO FORM THIS 12th DAY OF JANUARY, 2017

BY: [Signature] PARK CITY ATTORNEY

ENGINEER'S CERTIFICATE

I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 5th DAY OF AUGUST, 2016

BY: [Signature] CHAIR

PLANNING COMMISSION

APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 10 DAY OF AUGUST, 2016

BY: [Signature]

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS 13th DAY OF AUGUST, 2016

BY: [Signature]

CERTIFICATE OF ATTEST

I HEREBY CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 1 DAY OF SEPTEMBER, 2016

BY: [Signature] CLERK

OWNER'S DEDICATION AND CONSENT TO RECORD

I, Robert Andrew Maczorek, do hereby dedicate and consent to record the above described lots and area of Section 11, Township 2 South, Range 4 East, Salt Lake Base and Meridian.

In witness whereof, the undersigned has hereunto set his hand and seal of office on this 12th day of December, 2016.

Robert Andrew Maczorek

ACKNOWLEDGMENT

I, Robert Andrew Maczorek, do hereby acknowledge that I have signed the above described dedication and consent to record.

In witness whereof, the undersigned has hereunto set his hand and seal of office on this 12th day of December, 2016.

Robert Andrew Maczorek