

**LARAMIE COUNTY CLERK
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM PROCESSING FORM**

1. DATE OF PROPOSED ACTION: February 7, 2012

2. AGENDA ITEM:	<input type="checkbox"/> Appointments	<input type="checkbox"/> Bids/Purchases	<input type="checkbox"/> Claims
<input type="checkbox"/> Contracts/Agreements/Leases	<input type="checkbox"/> Grants	<input checked="" type="checkbox"/> Land Use: Variances/Board App/Plats	
<input type="checkbox"/> Proclamations	<input type="checkbox"/> Public Hearings/Rules & Reg's	<input type="checkbox"/> Reports & Public Petitions	
<input type="checkbox"/> Resolutions	<input type="checkbox"/> Other		

3. DEPARTMENT: Planning & Development Office

APPLICANT: Charles Clint Grady **AGENT:** Charles Clint Grady

4. DESCRIPTION:

Consideration of a Subdivision Permit for the Grady Subdivision, located in a portion of the NE ¼ of Section 18, T. 15 N., R. 66 W., of the 6th P.M., Laramie County, WY.

RECEIVED AND APPROVED AS
TO FORM ONLY BY THE
DEPUTY LARAMIE COUNTY
ATTORNEY

[Signature] 2/1/12

Amount \$ _____ From _____

5. DOCUMENTATION: 1 Originals 4 Copies

<u>Clerks Use Only:</u>	
<u>Commissioner</u>	<u>Signatures</u>
Humphrey _____	Co Atty _____
Thompson _____	Asst Co Atty _____
Woodhouse _____	Grants Manager _____
Action _____	Outside Agency _____

Proof of Publication

THE STATE OF WYOMING)
County of Laramie) ss.

AFFIDAVIT

L.D. Catalano of said County of Laramie, being first duly sworn, deposes and says that he is Controller; or Faith Vroman, of said County of Laramie, being first duly sworn, deposes and says that she is the Secretary of the

**LARAMIE
COUNTY**

DEC 16 2011

**PLANNING & DEVELOPMENT
OFFICE**

Wyoming Tribune-Eagle

a newspaper printed and published in said County and State, and in the Capitol of said State; that the notice of which the annexed is a true copy, has been published in the said newspaper.

for One
Times, to wit:
December 12, 2011

and that the first publication of said notice was made in said paper bearing date

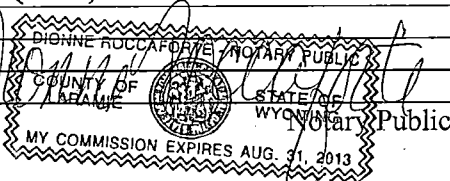
December 12, A.D. 20 11

and that the last publication of said notice was made in said paper bearing date

December 12, A.D. 20 11

Subscribed in my presence and sworn to before me by the aforesaid L.D. Catalano, Controller or Faith Vroman, Secretary.

this 12th
Day of December, 20 11
My commission expires:
August 31, 2013



PUBLIC NOTICE

Charles Clint Grady of 1887 Century Road, Cheyenne, WY 82009, has submitted an application for a Subdivision Permit to the Laramie County Planning and Development Office for the following location: a portion of the NE 1/4 of Section 18, T. 15 N., R. 66 W., of the 6th P.M., Laramie County, WY, located at 1887 Century Road. The application has been submitted for the purpose of subdividing the property into two parcels of 5 acres each. The Laramie County Planning Commission will hold a public hearing to discuss this application on January 12, 2012. The anticipated Board of County Commissioners public hearing of this application is scheduled for February 7, 2012. Both meetings will be held at 3:30 PM at 310 W. 19th Street, Suite 310, Cheyenne, WY 82001. For information, contact the Laramie County Planning and Development Office at (307) 633-4303.

December 12, 2011



LARAMIE COUNTY PLANNING & DEVELOPMENT DEPARTMENT

Planning • Building

MEMORANDUM

TO: Laramie County Board of Commissioners

FROM: Gary Kranse, Planning and Development Director

DATE: February 7, 2012

TITLE: Review and action of a Subdivision Permit for the Grady Subdivision, located in a portion of the NE ¼ of Section 18, T. 15 N., R. 66 W., of the 6th P.M., Laramie County, WY.

EXECUTIVE SUMMARY

Charles Clint Grady has submitted an application for approval of a Subdivision Permit for the following location: A portion of the NE ¼ of Section 18, T. 15 N., R. 66 W., of the 6th P.M., Laramie County, WY, located at 1887 Century Road. The purpose of the application is to subdivide the property into two parcels of five acres each.

BACKGROUND

The proposed subdivision would result in a total of two five-acre parcels. The property is adjacent to the eastern boundary of the Northern Heights subdivision, which has an average lot size of 2.5 acres. The proposed subdivision would therefore be compatible with residential development in the area and would meet the minimum requirements for septic systems per the Cheyenne-Laramie County Division of Environmental Health.

On January 12, 2012, the Planning Commission voted (4-0) to recommend approval of the Subdivision Permit for the Grady Subdivision with no conditions.

Pertinent Regulations

Section 2-1-100 of the Laramie County Land Use Regulations governing the criteria of preliminary development plan review.

Section 2-1-101 (a-d) of the Laramie County Land Use Regulations governing the criteria for a subdivision permit.

AGENCY REVIEW

County Real Estate Office

This is a survey, not a subdivision plat.

Agencies Responding with No Comment: County Assessor, Environmental Health Department, Combined Communications Center, and the Sheriff's Office.

Agencies Not Responding: County Clerk, County Public Works Department, County Conservation District, County Treasurer, Emergency Management, Fire District No. 2, Cheyenne Light, Fuel & Power, and CenturyLink.

DISCUSSION

The Laramie County Comprehensive Plan describes this area as best suited for Low Density Rural Agricultural development. The Laramie County Comprehensive plan encourages an average residential dwelling unit density of one unit per 10-35 acres in this area. The Plan encourages clustering of residential activities in this area and allows for flexibility in density requirements (Section 6.2.4). The property is located adjacent to the Northern Heights subdivision, which was subdivided into approximately fifty 2.5-acre lots in 1979. Given the adjacency of the proposed subdivision to an existing small-lot residential subdivision, staff finds this subdivision to be compatible with the existing density in the area. Subdividing the property into two five-acre lots is consistent with the goals and policies of the Laramie County Comprehensive Plan.

The Planning and Development Director waived the requirement for a Preliminary Development Plan for this subdivision pursuant to section 2-1-100 (b) of the Laramie County Land Use Regulations. This section allows for the waiver of the Preliminary Development Plan when the proposed subdivision will not require DEQ/Conservation District review, will create five (5) or fewer lots, will require no new public right of way, is in conformance with all requirements of the Laramie County Land Use Regulations, and is consistent with the Laramie County Comprehensive Plan.

The parcel size (five acres) of the subdivision is in conformance with the Cheyenne-Laramie County Environmental Health Department's lot size criteria for septic system permits.

Section 2-1-101 (d) of the Laramie County Land Use Regulations allows the Planning and Development Director to exempt the subdivision permit application from the requirements of W.S. 18-5-306, including the requirement to plat if:

- i. The proposed subdivision contains five (5) or less divisions of land and is exempted from a Department of Environmental Quality Chapter 23 review, provided that said divisions are in conformance with all regulations, plans and policies adopted by Laramie County; and,
- ii. The proposed subdivision meets the density requirements designated

in the Laramie County Comprehensive Plan and the applicable zoning district, whichever is smaller; and,

iii. Findings from the Planning Commission hearing of the Preliminary Development Plan support the exemption; or,

iv. The proposed subdivision will not require dedication of new public right of way.

The proposed subdivision meets the requirements of section 2-1-101 (d) and was exempted from the requirement to provide a plat with the subdivision permit application. Per section 2-1-101 (k) of the Laramie County Land Use Regulations, the executed resolution granting approval for the subdivision, if approved, shall constitute the subdivision permit.

The application meets the criteria of sections 2-1-101 of the Laramie County Land Use Regulations and staff recommends approval of the subdivision.

RECOMMENDATION and FINDINGS

Based on evidence provided, staff recommends the Board of County Commissioners find that:

- a. This application meets the criteria for a subdivision permit pursuant to section 2-1-101 of the Laramie County Land Use Regulations.
- b. The proposed subdivision meets the requirements of section 2-1-101 (d) and is exempted from the requirement to provide a plat with the subdivision permit application. Per section 2-1-101 (k) of the Laramie County Land Use Regulations, the executed resolution granting approval for the subdivision constitutes the subdivision permit.

and that the Board of County Commissioners approve the Subdivision Permit for the Grady Subdivision as described in Exhibit A with no conditions.

PROPOSED MOTION

I move to approve the Subdivision Permit for the Grady Subdivision as described in Exhibit A with no conditions and adopt the finding of facts a and b of the staff report.

ATTACHMENTS

Attachment 1: Aerial Map

Attachment 2: Laramie County Comprehensive Plan Map

Attachment 3: Record of Property Deeds

Attachment 4: Planning Commission January 12, 2012 Meeting Minutes

Attachment 5: Proposed Subdivision Map

Attachment 6: DRAFT Subdivision Permit Resolution & Exhibit A Legal Descriptions

RESOLUTION NO. 120207-20

ENTITLED: A RESOLUTION TO APPROVE A SUBDIVISION PERMIT FOR THE GRADY SUBDIVISION LOCATED IN A PORTION OF THE NE ¼ OF SECTION 18, T. 15 N., R. 66 W., OF THE 6th P.M., LARAMIE COUNTY, WY.

WHEREAS, Wyoming State Statutes §18-5-101 to 18-5-107; §18-5-201 to 18-5-208; §18-5-301 to 18-5-315 authorize Laramie County, in promoting the public health, safety, morals and general welfare of the county, to regulate the use of land through zoning in unincorporated Laramie County; and

WHEREAS, the Board of County Commissioners adopted the Laramie County Land Use Regulations, and

WHEREAS, the proposed subdivision is in accordance with section 2-1-101 of the Laramie County Land Use Regulations, and

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF LARAMIE COUNTY, WYOMING, as follows:

The Board of County Commissioners finds that:

- a. This application meets the criteria for a subdivision permit pursuant to section 2-1-101 of the Laramie County Land Use Regulations.
- b. The proposed subdivision meets the requirements of section 2-1-101 (d) and is exempted from the requirement to provide a plat with the subdivision permit application. Per section 2-1-101 (k) of the Laramie County Land Use Regulations, the executed resolution granting approval for the subdivision constitutes the subdivision permit.

And the Board approves the Subdivision Permit for the Grady Subdivision as described in Exhibit A with no conditions.

PRESENTED, READ AND ADOPTED THIS 7th **DAY OF**
February, 2012.

BOARD OF COUNTY COMMISSIONERS



Gay Woodhouse
Gay Woodhouse, Chairman

ATTEST:

Debra K. Lathrop
Debra K. Lathrop, Laramie County Clerk

Reviewed and approved as to form:

Mark T. Voss
for Mark T. Voss, Laramie County Attorney

Exhibit A:

North Parcel

A tract of land situated in a portion of the Northeast Quarter (NE1/4) of Section 18, Township 15 North, Range 66 West of the 6th P.M., Laramie County, Wyoming, more particularly described as follows:

Beginning at a point on the east line of said NE1/4, from which the northeast corner of said Section 18 bears N.00°11'26"E., a distance of 659.80 feet; thence S.00°11'26"W., along said east line, a distance of 352.05 feet; thence N.89°32'39"W., a distance of 619.51 feet; thence N.00°14'46"E., a distance of 352.05 feet; thence S.89°32'39"E., a distance of 619.17 feet to the point of beginning. Containing 5.005 acres more or less, and subject to easements, covenants and restrictions of record.

South Parcel

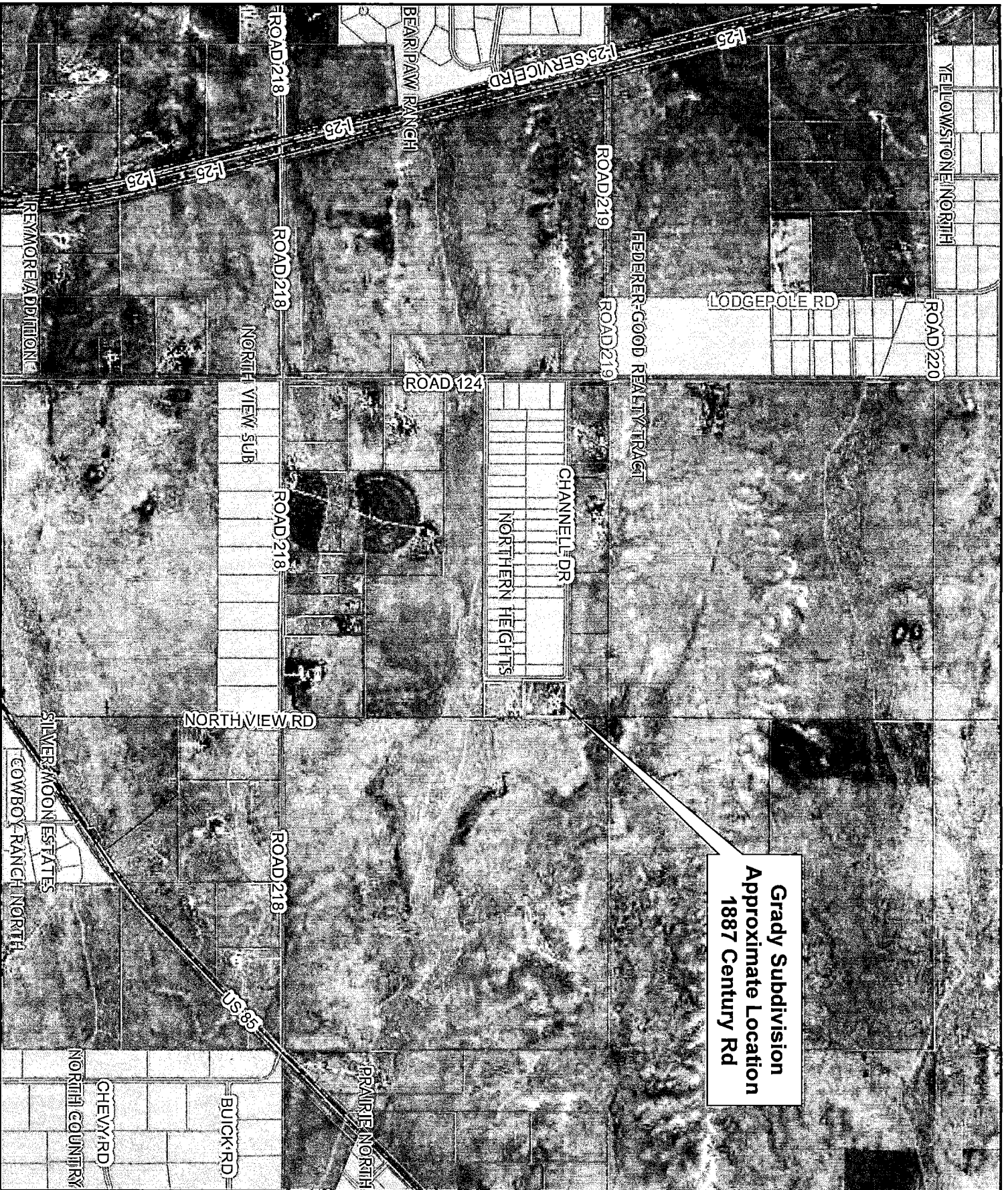
A tract of land situated in a portion of the Northeast Quarter (NE1/4) of Section 18, Township 15 North, Range 66 West of the 6th P.M., Laramie County, Wyoming, more particularly described as follows:

Beginning at a point on the east line of said NE1/4, from which the northeast corner of said Section 18 bears N.00°11'26"E., a distance of 1011.85 feet; thence S.00°11'26"W., along said east line, a distance of 351.75 feet; thence N.89°33'51"W., a distance of 619.85 feet; thence N.00°14'46"E., a distance of 351.96 feet; thence S.89°32'39"E., a distance of 619.51 feet to the point of beginning. Containing 5.005 acres more or less, and subject to easements, covenants, and restrictions of record.

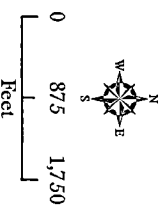
Laramie County, Wyoming



Grady Subdivision
Approximate Location
1887 Century Rd



Printed on Dec. 7, 2011



This map is made possible through the Cheyenne and Laramie County Cooperative GIS Program (CLCCGIS). The data contained herein was collected for its use and is for display and planning purposes only. The CLCCGIS will not be held liable as to the validity, correctness, accuracy, completeness, and/or reliability of the data. The CLCCGIS furthermore assumes no liability associated with the use or misuse of this information.

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Prepared by or under the supervision of:
P. Olen Snider, Jr., Esq.
Snider Law Office
5801 Yellowstone Road, Suite 2
Cheyenne, Wyoming 82009
307-775-0900

This instrument filed for record by
Summit Title Services as an
accommodation only. It has not
been examined as to its execution
or as to its effect upon the title.

WARRANTY DEED

CHARLES CLINT GRADY, A MARRIED PERSON AND CRYSTAL D. GRADY, HIS WIFE (the "Grantor"), residing in Laramie County in the State of Wyoming, for and in consideration of the sum of Ten Dollars (\$10) in hand paid and other good and valuable consideration, does hereby GRANT, CONVEY AND WARRANT unto **CHARLES CLINT GRADY AND CRYSTAL D. GRADY, HUSBAND AND WIFE** (the "Grantee"), residing at _____, Cheyenne, Wyoming, all of the following described real estate situate in Laramie County, Wyoming, hereby releasing and waiving all rights under and by virtue of the homestead exemption laws of the State of Wyoming, to wit:

A parcel of land situate in the Northeast quarter of Section 18, Township 15 North, Range 66 West of the 6th Principal Meridian, Laramie County, Wyoming, being more particularly described as:

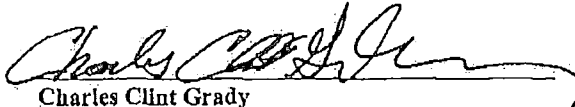
Beginning at a point on the East line of said Northeast quarter, from which the Northeast corner of said Section 18 bears North 00 degrees 11 minutes 26 seconds East, a distance of 659.80 feet; thence South 00 degrees 11 minutes 26 seconds West, along said East line, a distance of 703.80 feet; thence North 89 degrees 33 minutes 51 seconds West, a distance of 619.85 feet; thence North 00 degrees 14 minutes 46 seconds East, a distance of 704.01 feet; thence South 89 degrees 32 minutes 39 seconds East, a distance of 619.17 feet to the point of beginning.

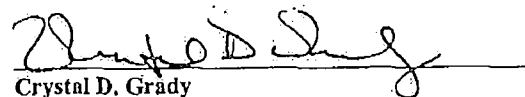
TOGETHER WITH all right, privileges, appurtenances, and hereditaments appertaining thereto or belonging thereto and all improvements affixed thereto, TO HAVE AND TO HOLD the herein-described property unto the Grantee, and the Grantee's heirs and assigns, in fee simple, forever, as tenants by the entirety, SUBJECT TO all patents, easements, rights of way, reservations, covenants, conditions, restrictions, and prior recorded leases, assignment, deeds, and other conveyances or transfers of record of all or any part of the mineral estate and all ad valorem property taxes levied upon the subject property from and after the date hereof.

AND the Grantor, for the Grantor and for the Grantor's heirs and personal representatives, covenants that at the time of the making and delivery of this Warranty Deed the Grantor was lawfully seized of an indefeasible estate in fee simple in and to the premises herein described and had good right and power to convey the same; that the same were then free from all encumbrances; and that the Grantor warrants to the Grantee, and the Grantee's heirs and assigns, the quiet and peaceful possession of such premises, and will defend the title thereto against all persons who may lawfully claim the same.

THE SAID CRYSTAL D. GRADY joins in this Warranty Deed, as an inducement to the Grantee to accept this deed and the title of the Grantor and for other good and valuable consideration, solely for the purposes of releasing and waiving all rights under and by virtue of the homestead exemption laws of the State of Wyoming respecting the property hereinabove described and to acknowledge that the Grantee has relied upon this release and waiver in paying the consideration for such property.

AS WITNESS our hands on this 11 day of November, 2008.

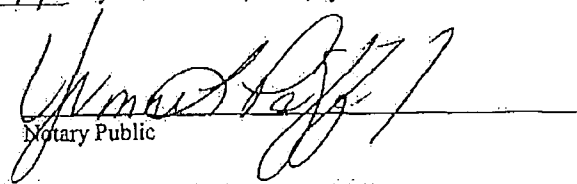

Charles Clint Grady


Crystal D. Grady

STATE OF WYOMING
COUNTY OF LARAMIE

This instrument was acknowledged before me on this 11 day of November, 2008, by Charles Clint Grady and Crystal D. Grady.




Notary Public

ST-08J045

RECORDED 11/13/2008 AT 10:34 AM REC# 511242 JK# 2003 PG# 667
DEBRA K. LATHROP, CLERK OF LARAMIE COUNTY, WY PAGE 1 OF 1

Minutes of the Proceedings
Grady Subdivision Permit
Laramie County Planning Commission
Prepared by the Laramie County Planning & Development Office
Laramie County Wyoming

Thursday, January 12, 2012

- 120112 00** The Laramie County Planning Commission met in regular session on Thursday, January 12, 2012 at 3:30 p.m.

Members in attendance were: Commissioner Jody Clark, Chairman; Commissioners Frank Cole, Jim Ward, and Bert Macy; Abby Yenco, Senior Planner; Lyndsay Hazen, Associate Planner; Nancy Trimble, Recording Secretary.

The meeting register was signed by: Gary Hickman, Environmental Health Dept.; Clint Grady, 1887 Century Rd., Cheyenne; Brent Grady, 308 Ponderosa Trail, Cheyenne; Richard Campbell, 6509 Tate Rd., Cheyenne; Scot Cook, P.O. Box 2836, Cheyenne; Brett Vizina, 1124 Dunn Ave., Cheyenne; Steven Shwen, 1124 Dunn Ave., Cheyenne; Tomas Sarmiento, 1407 S. Greeley Hwy, Cheyenne; Ron Perkins, 305 W. Magnolia, Fort Collins, Colorado; Russ Dahlgren, 914 East 23rd, Cheyenne; John Steil, P.O. Box 2073, Cheyenne; Ken Masters, 6656 Troyer Drive, Cheyenne; Lisa Pafford, Cheyenne Development Office; Jim Flesher, Cheyenne Planning Office; James Perrott MacNeil, P.O. Box 3252, Cheyenne.

- 03** Review and action of a Subdivision Permit for a portion of the NE ¼ of Section 18, T. 15 N., R. 66 W., of the 6th P.M., Laramie County, WY.

Clint Grady explained he wanted to subdivide his property into two lots, so his parents could live on the other lot to be near him. Originally, the property was 9.5 acres, but additional land was purchased in order to meet the subdivision requirement resulting in lots of 5 acres each.

Abby Yenco gave an overview of the staff report, explaining that the property was in the unzoned area of the County, and there was no density specified. This subdivision request was in character with the development in the area, and in conformance with the Laramie County Comprehensive Plan. Ms. Yenco clarified this property was to be subdivided by recordation of the legal description, not a plat, and that staff found the application met the criteria for a subdivision permit.

Commissioner Clark asked if Channel Road was private; Mr. Grady responded that it was a County road. Commissioner Ward asked if Northview Road had been completed to the north? Commissioner Cole said the road was not there.

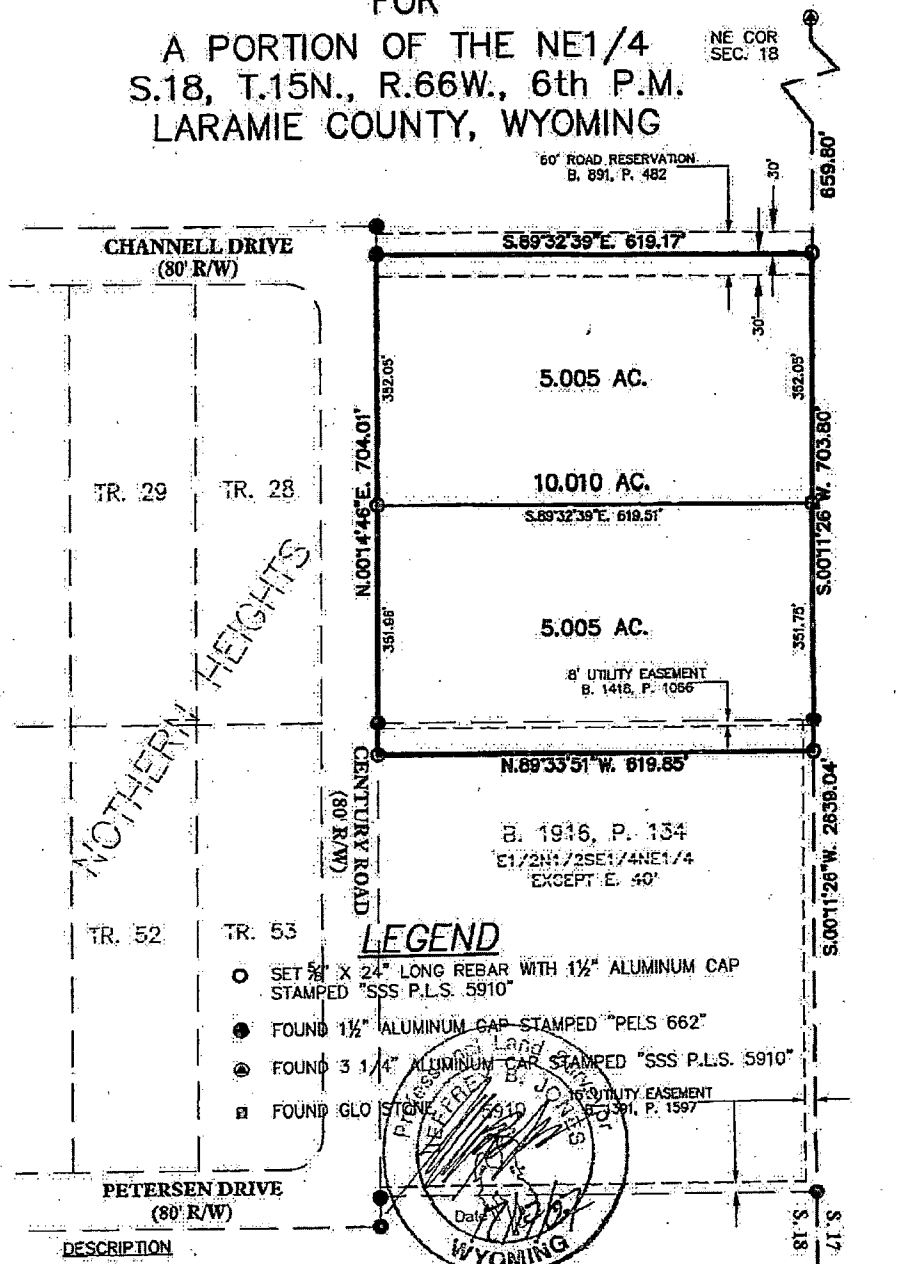
Commissioner Clark opened the hearing to the public. James Perrott MacNeil asked if the applicant had a warranty deed for the property. Commissioner Clark confirmed yes he did, a copy of which was included in the Planning Commission packet to the members.

Brent Grady, the applicant's father, came forward to explain he wanted to build a house on the 5 acre lot in the future. He explained that to the east of this property the land was owned by Warren Livestock, and that the lots in the development to the west were about 2.5 acres, and by comparison, this lot would be bigger than those. The property was purchased with this purpose in mind.

Gary Hickman came forward to state that Mr. Grady had spoken with him, and the Environmental Health Dept. was fine with the proposed subdivision.

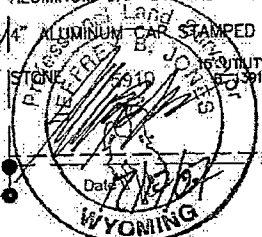
Commissioner Clark closed the public hearing. Commissioner Cole moved to recommend approval of the subdivision permit; Commissioner Macy seconded, and the motion passed 4 - 0.

RECORD OF SURVEY FOR A PORTION OF THE NE1/4 S.18, T.15N., R.66W., 6th P.M. LARAMIE COUNTY, WYOMING



LEGEND

- SET 3/8" X 24" LONG REBAR WITH 1 1/2" ALUMINUM CAP STAMPED "SSS P.L.S. 5910"
- FOUND 1 1/2" ALUMINUM CAP STAMPED "PELS 662"
- ⊙ FOUND 3 1/4" ALUMINUM CAP STAMPED "SSS P.L.S. 5910"
- FOUND GLO STONE



(North)

DESCRIPTION

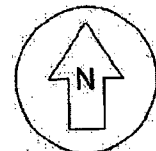
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(South)

A tract of land situated in a portion of the Northeast Quarter (NE1/4) of Section 18, Township 15 North, Range 66 West of the 6th P.M., Laramie County, Wyoming, more particularly described as follows:

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0 200'
Scale: 1"=200'

Survey of intended split



STEIL SURVEYING SERVICES, LLC
REGISTERED LAND SURVEYORS
1102 WEST 19th STREET P.O. BOX 2079
PRISBY/634-7273 CHEYENNE, WY. 82009

07405 END SPLIT