

Planning • Building

#### MEMORANDUM

TO:	Laramie County Board of Commissioners
FROM:	Marissa Pomerleau, Associate Planner
DATE:	February 1, 2022
TITLE:	PUBLIC HEARING regarding a Vacation of a note on the Bison Crossing 8 <sup>th</sup> Filing plat.

#### **EXECUTIVE SUMMARY**

Ronnie Lopez on behalf of Bison Crossing, 8<sup>th</sup> Filing Road Maintenance Association, has submitted a Vacation application for a note vacation on the Bison Crossing, 8<sup>th</sup> Filing plat. The application requests a vacation of Note 6 on the plat.

Upon approval of the vacation, the Public Works Department would take on all maintenance of the roads within the Bison Crossing, 8<sup>th</sup> Filing subdivision.

#### BACKGROUND

Bison Crossing, 8<sup>th</sup> Filing was approved on May 15, 2012. Note 6 states "*The Roadways shown* on this plat are dedicated to the public, the maintenance shall be performed by the property owners by home owners association or other approved methods, no maintenance of these roads shall be performed by Laramie County." The subdivision consists of the three Rights-of-Way Ruger Dr, Spencer Dr, and Troyer Dr. The Public Works Department currently maintains portions of Ruger Drive and Troyer Drive that lead into the subdivision until they reach its border, at which point they will back up ending the maintenance.

#### **Pertinent Regulations**

Section 1-2-100 of the Laramie County Land Use Regulations governing the Board Approval process.

#### **DISCUSSION**

Section 1-2-100 (a) of the Laramie County Land Use Regulations requires that the Laramie County Board of Commissioners shall find the following before granting Board Approval:

- i. The proposed use is permitted by Board Approval in the proposed location and is in conformance with all applicable development standards.
- **ii.** The proposed use is in general conformance with all other applicable policies adopted by Laramie County.
- iii. There is no defined negative impact to the community.

Agency comments were received regarding fire apparatus access, current road maintenance, and the effects taking on the additional ROW's would have. Through their review of this application, the Public Works Department has requested that it be postponed until such time that it can be determined if the department can take on the maintenance of the three roads.

Development notice signs were posted and adjacent property owners were notified via certified mail. No public comments were received on the proposed development.

#### **RECOMMENDATION and FINDINGS**

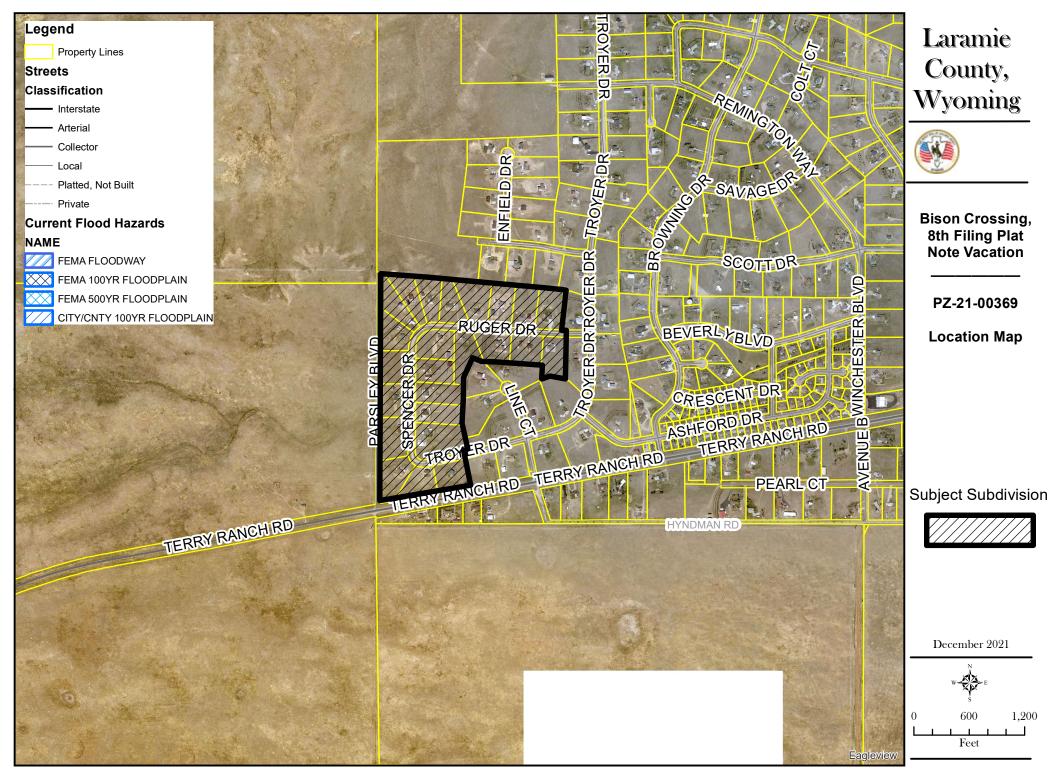
Based on the information provided, staff recommends the Laramie County Board of Commissioners postpone this application until such time that the Public Works Department determines if they can take on the maintenance of the roads within Bison Crossing, 8<sup>th</sup> Filing.

#### **PROPOSED MOTION**

I move to postpone the note vacation of Note 6 on the Bison Crossing, 8<sup>th</sup> Filing plat until such time that the Public Works Department determines if they can take on the maintenance of the roads within Bison Crossing, 8<sup>th</sup> Filing.

#### **ATTACHMENTS**

Attachment 1:	Location Map
Attachment 2:	Aerial Map
Attachment 3:	Agency Review Comments
Attachment 4:	Applicant Project Narrative Letter
Attachment 5:	Resolution
Attachment 6:	<b>Resolution Exhibit 'A' Map</b>



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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#### Bison Crossing, 8<sup>th</sup> Filing Plat Note Vacation Board Approval

County Engineer: County Engineer, Scott Larson Comments Attached 01/11/2022

1. I would recommend denial of the request to vacate the note regarding maintenance of roadways for the following reasons:

a. It has been a requirement for a long time that the maintenance of new roadways fall on the developer/HOA. It would be detrimental to set a precedence by allowing this subdivision to go against the requirements that all others must follow.

b. Don Beard, who served as Public Works Director for numerous years, has indicated that maintaining a short stretch of roadway is not difficult as indicated in the letter submitted. It happens in numerous places throughout the County and has for years, therefore this does not result in a unique situation that would constitute granting a waiver.

c. This same argument could be made for future expansions of Bison Crossing where there are short stretches of roadways that currently exist such as Sharps Drive, Remington Drive and Redhawk Drive. Again, setting the precedent could create a domino effect with this subdivision as well as others throughout the County.

2. If the County Commissioners choose to approve this request, I would strongly suggest that the HOA pay the County not only the \$30,000 they currently have but annually the same amount the HOA members pay each year for the maintenance, etc. of the roadways per the HOA agreement, in perpetuity. And if at any time payment by the HOA is not made, the County immediately terminates the maintenance activities.

<u>County Public Works Department:</u> County Public Works Department, Molly Bennett Comments Attached 01/19/2022

From my understanding of this platting process, Bison Crossing 7th filing was recorded in 2005 and Bison Crossing 8th was recorded in 2012. In between those two filings, a policy decision was made by the Board of County Commissioners. That policy is the County does not take on maintenance of new roads built within newly established subdivisions.

This situation warrants further discussion in my opinion. Being that we maintain the other 7 filings within Bison Crossing, NOT maintaining this portion actually causes more problems for Public Works vs maintaining this section. Due to the boundaries of the filing being out of the ordinary, it is difficult to differentiate the start and stop locations for maintenance and snow control. This filing and the roads included would actually allow our blades and snow plows to "complete the loop" if you will during our operations. By completing the loop, this prevents our operators from having to back-up and turn around large equipment within a public Right-Of-Way.

Fire District No 1: Fire District No. 1, Darrick Mittlestadt Comments Attached

#### 01/05/2022

Road Maintenance is extremely important for fire apparatus to access the emergency

scene when called. The impact of road maintenance spans across all of the emergency services on cleave. Fire, ambulance and law enforcement agencies. 2018 IFC requirements:

Chapter 5, Fire Service Features, pages 73 to 80.

Section 503, Fire Apparatus Access Roads, pages 73 and 74.

Subsection 503.2, Specifications, ALL

Special attention to 503.2.3 Surfaces(page74):

"Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all weather driving capabilities."

The weight of our fire apparatus ranges from 10,000 lbs. to 70,000 lbs. Road surfaces and maintenance is just as important as having water on our trucks to fight the fire.

**Planners:** Planners, Marissa Pomerleau Comments Attached 01/21/2022 Please see County Engineer and Public Works Dept. comments. Due to this, the Public Works Department has requested that the project be postponed at the 2/01/22 Board meeting.

**Planners:** Planners, Cambia McCollom Comments Attached 01/12/2022 For my understanding, the intent of this action is to adjust things so that the County can take on the additional roads that are in Bison Crossing 08. As this proceeds, please review Wyoming State Statue 24, Chapter 3 to review how roads are established.

#### AGENCIES WITH NO COMMENT

County Assessor, County Attorney, County Real Estate Office, Combined Communications Center

#### AGENCIES WITH NO RESPONSE:

Black Hills Energy, CenturyLink, Emergency Management, Sheriff's Office

Dear Laramie County,

This letter is in support of our Board Approval Application submitted by the Bison Crossing Eighth Filing Road Maintenance Association. Our application seeks to amend a note on the plat which created the Eighth Filing. Specifically, note number 6 which states: "The roadways shown on this plat are dedicated to the public, the maintenance shall be performed by the property owners by home owners association or other approved methods, no maintenance of these road shall be performed by Laramie County."

The Bison Crossing Eighth Filing is a unique phase of the Bison Crossing Subdivision. The roads contained within this phase are extensions of roads that were commenced with the Bison Crossing Seventh Filing. The roads included in this phase are Ruger Dr., beginning at Troyer Dr.; Troyer Dr. beginning at Line Ct./Line Ave.; and Spencer Dr. As mentioned, portions of both Ruger and Troyer were included in the Bison Crossing Seventh Filing and as such are maintained by the County.

In visiting with the Public Works Department, we have been informed that it really is difficult to get the grading equipment up to speed for such a short distance, only to turn that equipment around to complete the maintenance function. In addition, it seems to make sense, for uniformity in maintenance, that the roads in their entirety be maintained at the same time by the same equipment.

As a result of the County's maintenance obligations for a portion of these roadways, we are requesting that the County take over maintenance for the roads in their entirety which are included in the Eighth filing. Our Road Maintenance Association is active and currently has a balance of more than \$30,000. Should this application be approved, and the County agree to allow an amendment to the plat, thereby agreeing to take over maintenance and relieve the home owners of this obligation, we would be willing to turn funds from our account over to the County. While not a lot, these funds would help offset the cost of additional maintenance obligations taken on by the County.

We appreciate your consideration of this application.

Best Regards

Ronne Lopez

#### A RESOLUTION FOR BOARD APPROVAL FOR THE VACATION OF NOTE 6 OF THE BISON CROSSING, 8<sup>TH</sup> FILING PLAT.

**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 Laramie County Board of Commissioners have adopted the Laramie County Land Use Regulations; and

**WHEREAS**, this application meets the criteria for a Board Approval pursuant to section 1-2-100 of the Laramie County Land Use Regulations; and

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

#### The Laramie County Board of Commissioners finds that:

**a.** This application meets the criteria for Board Approval pursuant to section 1-2-100(a) of the Laramie County Land Use Regulations; and,

# And the Board approves the vacation of Note 6 of the Bison Crossing, 8<sup>th</sup> Filing plat, as shown on attached Exhibit 'A'.

PRESENTED, READ, PASSED, this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

#### LARAMIE COUNTY BOARD OF COMMISSIONERS

ATTEST:

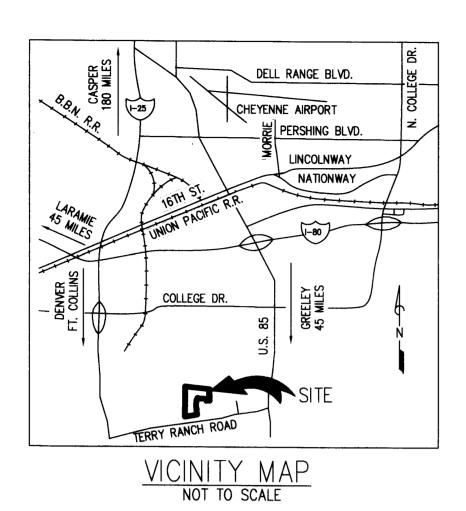
Troy Thompson, Chairman

Debra K. Lee, Laramie County Clerk

Reviewed and approved as to form:

renthar

Laramie County Attorney's Office



1. The word "Certify" or "Certificate" as shown and used hereon implies an expression of professional opinion regarding the facts and

data as acquired during this survey and does not constitute any warranty or guarantee either expressed or implied. 2. This document is valid only if it has

affixed thereon an original signature and the Land Surveyor has set his hand and seal attesting to the authenticity of this document and that it is facto et animo an approved document

	LINE TABLE			CURVE TABLE					
	BEARING	LENGTH	LINE	CHORD	CHD BRG	DELTA	LENGTH	RADIUS	CURVE
	N00"@28'39"E	105.23	L1	168.58	N78°01'10"E	3 <b>'</b> 13'08"	168.60	3001.05	C1
	S89*55'56"E	50.00	L2	184.54	S50°06'54"E	100'30'44"	210.51	120.00	C2
	S84"15'24"E	59.28	L3	350.60	S47'03'44"W	93 <b>•</b> 50'33"	393.09	240.00	C3
	N78 <b>*</b> 58'39 <b>"</b> W	184.03	L4	156.89	S87 <b>*</b> 48'51"E	3*35'42"	156.92	2500.85	C4
	S62'40'18"W	90.74	L5	168.58	N78'00'10"E	3 <b>°</b> 15'45"	168.61	2961.05	C5
	N68*14'48"W	136.46	L6	123.03	S50°06'54"E	100'30'44"	140.34	80.00	C6
	S79'37'45"W	50.85	L7	292.17	S47°03'44"W	93•50'33"	327.57	200.00	C7
	S84"15'24"E	27.30	L8	159.89	S87 <b>*</b> 49'11"E	3*36'22"	159.92	2540.85	C8
	N00°04'04"E	105.23	L9	168.58	N78'02'27"E	3"10'35"	168.60	3041.05	C9
	N86'00'59"W	65.78	L10	246.05	S50°06'54"E	100'30'44"	280.68	160.00	C10
	N86'00'59"W	27.33	L11	409.03	S47'03'44"W	93•50'33"	458.60	280.00	C11
	S00°08'28"W	24.01	L12	153.90	S87 <b>'48'28</b> "E	3*35'03"	153.93	2460.85	C12
	N85*59'38"W	9.99	L13	106.61	S87"15'27"E	2 <b>°</b> 28'57"	106.62	2460.85	C13
	N69'27'43"W	218.84	L16	97.51	S83*57'21"W	20°03'19"	98.01	280.00	C14
	N69'27'43"W	161.13	L17	85.02	S65'11'44"W	17 <b>°27'55"</b>	85.35	280.00	C15
	N40°06'47"W	111.35	L18	92.28	S46*58'40"W	18 <b>*</b> 58'12"	92.71	280.00	C16
	N40'06'47"W	203.27	L19	179.32	S18*49'01"W	37*21'06"	182.54	280.00	C17
	S84°01'20"E	59.28	L20	30.46	S0519'17"E	10°55'30"	30.51	160.00	C18
	N78 <b>*</b> 44`36 <b>"</b> W	184.03	L21	132.18	S35'10'49"E	48 <b>•</b> 47'35"	136.26	160.00	C19
	S62*54'25"W	90.74	L22	111.53	S79 <b>*58'</b> 27"E	40°47'40"	113.92	160.00	C20
	N68°00'53"W	136.46	L23	211.51	N77'34'56"E	4 <b>°</b> 05'37"	211.56	2961.05	C21
1				42.95	S75*56'57"W	0*49'52"	42.95	2961.05	C22
				47.31	S89'02'58"E	1*06'06"	47.31	2460.85	C23
				47.31	S88'48'55"E	1*06'06"	47.31	2460.85	C24
				42.95	S76'11'07"W	0*49'52"	42.95	2961.05	C25

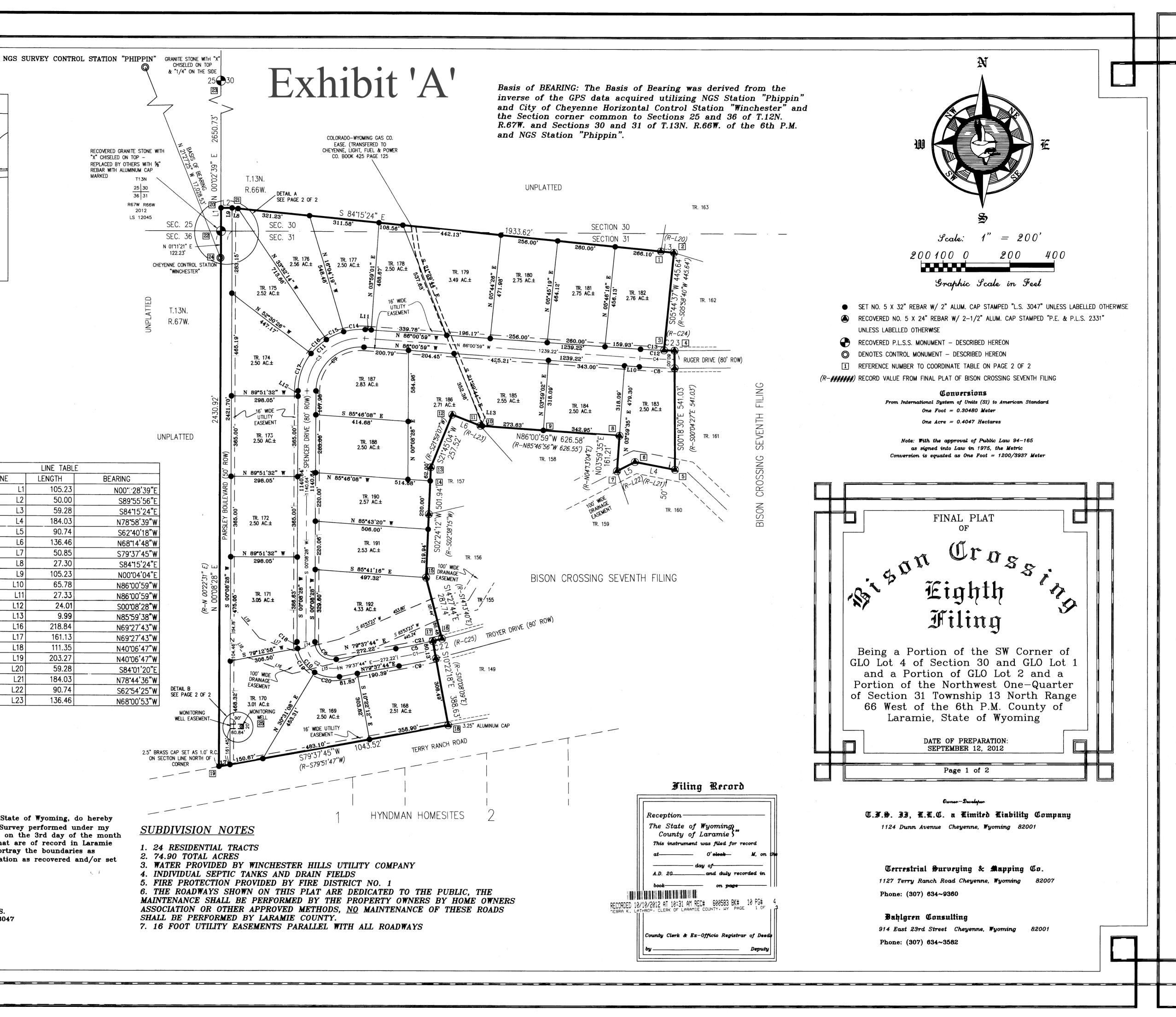
## Certificate of Surveyor ~

State of Wyoming County of Laramie

A Larry T. Perry, a Registered Professional Land Surveyor in the State of Wyoming, do hereby certify that this Map of Survey was prepared from notes of a Survey performed under my direct supervision by Alex R. Perkins utilizing RTK GPS observations on the 3rd day of the month of September in the Year of Our Lord 2012 and from other data that are of record in Laramie County Governmental Offices, and that this map does depict and portray the boundaries as established and recovered and does depict and show the Monumentation as recovered and/or set to the best of my knowledge and belief.



Larry T. Perry L.S. Wyo. Reg. No. L.S. 3047



### LAND DESCRIPTION

A PARCEL OF LAND LYING IN THE SW CORNER OF GLO LOT 4 OF SECTION 30 AND GLO LOT 1 AND A PORTION OF GLO LOT 2 AND A PORTION OF THE NW 1/4 OF SECTION 31, TOWNSHIP 13 NORTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, LARAMIE COUNTY, WYOMING AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SECTION 31 ALSO BEING THE SOUTHWEST CORNER OF SECTION 30; THENCE ALONG THE WEST LINE OF SAID SECTION 30, NO0'02'39"E A DISTANCE OF 105.25 FEET TO A POINT ON THE WEST LINE OF SECTION 30; THENCE, S89'55'56"E A DISTANCE OF 50.00 FEET TO A POINT; THENCE, S84'15'24"E A DISTANCE OF 1933.62 FEET TO THE SOUTHWEST CORNER OF TRACT 163 OF 'BISON CROSSING SEVENTH FILING'; THENCE, ALONG THE BOUNDARY OF SAID 'BISON CROSSING SEVENTH FILING' TO WIT:

S84"15'24"E A DISTANCE OF 59.28 FEET TO A POINT; THENCE, S05"44'37"W A DISTANCE OF 445.64 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF RUGER DRIVE; THENCE, ALONG THE NORTH RIGHT-OF-WAY OF RUGER DRIVE ON A CURVE TO THE LEFT WITH A RADIUS OF 2460.85 FEET, CENTRAL ANGLE OF 01'06'06", THE CHORD BEARING S89'02'58"E A DISTANCE OF 47.31 FEET, HAVING AN ARC LENGTH OF 47.31 FEET: THENCE, SOO'18'30"E A DISTANCE OF 541.03 FEET TO A POINT; THENCE, N78'58'39"W A DISTANCE OF 184.03 FEET TO A POINT; THENCE, S62'40'18"W A DISTANCE OF 90.74 FEET TO A POINT; THENCE, N03'59'35"E A DISTANCE OF 161.21 FEET TO A POINT; THENCE, N86'00'59"W A DISTANCE OF 626.58 FEET TO A POINT; THENCE, N68"14'48"W A DISTANCE OF 136.46 FEET TO A POINT; THENCE, S21"45'04"W A DISTANCE OF 257.52 FEET TO A POINT; THENCE, S02°24'12"W A DISTANCE OF 501.94 FEET TO A POINT: THENCE, S14°27'44"E A DISTANCE OF 287.74 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF TROYER DRIVE; THENCE, ALONG THE NORTH RIGHT-OF-WAY OF TROYER DRIVE ON A CURVE TO THE RIGHT WITH A RADIUS OF 2961.05 FEET, CENTRAL ANGLE OF 00'49'52", THE CHORD BEARING S75'56'57"W A DISTANCE OF 42.95 FEET, HAVING AN ARC LENGTH OF 42.95 FEET; THENCE, S10"22'12"E A DISTANCE OF 388.63 FEET TO THE SOUTHWEST CORNER OF TRACT 149 OF 'BISON CROSSING SEVENTH FILING' ALSO BEING A POINT ON THE NORTH RIGHT-OF-WAY LINE OF TERRY RANCH ROAD; THENCE, ALONG THE NORTH RIGHT-OF-WAY LINE OF TERRY RANCH ROAD S79'37'45"W A DISTANCE OF 1043.52 FEET TO A POINT ON THE WEST SECTION LINE OF SAID SECTION 31; THENCE, NORTH ALONG THE WEST SECTION LINE OF SAID SECTION 31 BEARING NOO'08'28"E A DISTANCE OF 2430.92 FEET TO THE NORTHWEST SECTION CORNER OF SAID SECTION 31, ALSO BEING THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 74.90 ACRES, MORE OR LESS.

## Dedication ~

Know All Men by These Presents; the undersigned, Brett Vizina, Managing Partner of T.F.S. II, LLC, owners in fee simple of the lands embraced in this plat of Bison Crossing, Eighth Filing, do hereby declare this plat of said lands to be their free act and deed in accordance with their desire, do hereby dedicate to the public forever the rights of way, and grant the easements shown hereon for the purposes indicated.

T.F.S. II, LLC

Brett Vizina, Managing Partner

# Acknowledgements ~

State of Wyoming ss County of Aaramie

On this <u>Sth</u>day of the month of <u>September</u> in the Year of Our LORD Two Thousand and Twelve, did personally appear Brett Vizina, managing member of T.F.S. II, L.L.C. a Limited Liability Company, by me duly sworn did state and declare that he is the authorized representative of T.F.S. II, L.L.C. and by the authority of said corporation, have executed the foregoing Dedication and Acknowledged that said instrument to be the free and voluntary act and deed of said Limited Liability Company for the purposes therein mentioned therein mentioned.

In Witness Whereof, I have hereunto set my hand and affixed the seal of my office on the day, month and year first above written.

My commission 118/2014 Expires: Notary Public Kari Collins

KACI COLLINS - NOTARY PUBLIC
County of Longains
Service Commission Buyles Buyles Buyles abor 32 20

### Approvals ~

Approved by the Laramie County Planning Commission on this \_\_\_\_\_ day of the month of \_\_\_\_\_APRIL\_\_\_\_ \_\_\_\_\_ in the Year of Our LORD Two Thousand and  $\frac{12}{12}$ 

Chairman Ody A. Mart.

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Laramie

Approved by the Go issioners of Laramie County, Wyoming on this 15 day of the month of in the Year of Our LORD Two Thousand and  $\frac{2}{2}$ 

County Clerk

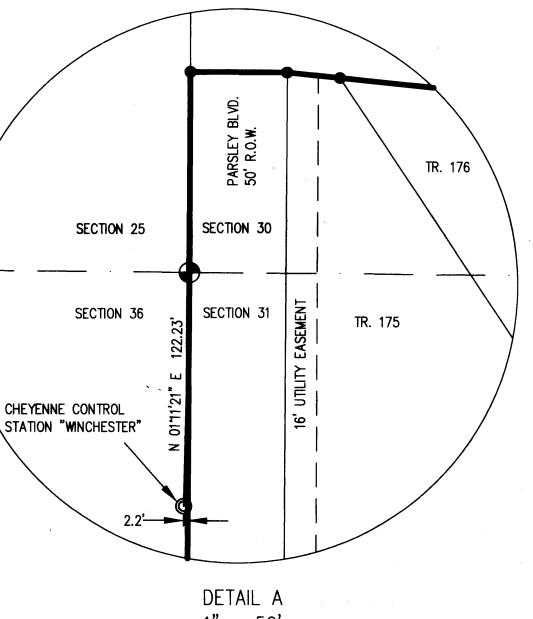
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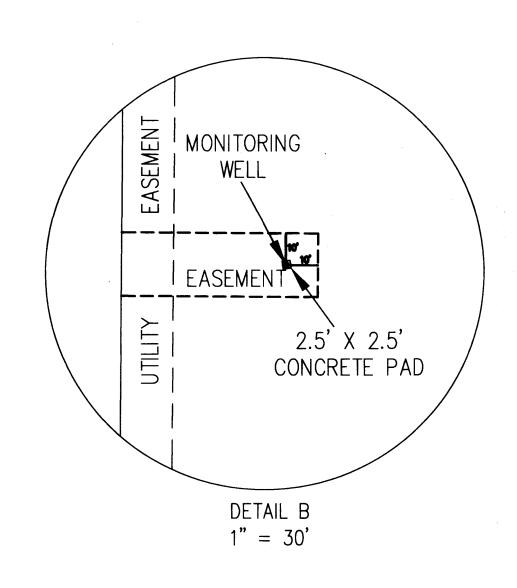
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) 1983/92 - WYOMING	3/92 – WYOMING STATE PLANE COORDINATES – EAST ZONE – US FOOT				Ground Coords. at Elev. = 6242.52' Combined Factor = 0.99965159		
DESCRIPTION	Lattitude	Longitude	Grid North	Grid East	North	East	
SW COR TRACT 163	N 41'3'31.290"	W -104°49'19.389"	203726.17	751201.48	203797.17	751463.29	
NE COR TRACT 182	N 41'3'31.229"	W -104°49'18.619"	203720.24	751260.44	203791.24	751522.28	
SE COR TRACT 182	N 41'3'26.851"	W -104°49'19.224"	203276.99	751215.86	203347.84	751477.68	
NW COR RUGER ROW	N 41'3'26.842"	W -104°49'18.607"	203276.20	751263.15	203347.05	751524.99	
SE COR TRACT 183	N 41'3'21.498"	W -104°49'18.596"	202735.37	751266.06	202806.03	751527.90	
AP COR TRACT 183	N 41'3'21.852"	W -104°49'20.952"	202770.54	751085.49	202841.21	751347.26	
SW COR TRACT 183	N 41'3'21.444"	W -104*49'22.006"	202728.90	751004.90	202799.56	751266.65	
SE COR TRACT 184	N 41°3'23.032"	W -104°49'21.851"	202889.66	751016.12	202960.38	751277.87	
SW COR TRACT 184	N 41'3'23.281"	W -104°49'26.314"	202913.48	750674.12	202984.20	750935.75	
SW COR TRACT 185	N 41°3'23.479"	W -104°49'29.875"	202932.52	750401.27	203003.24	750662.78	
AP COR TRACT 186	N 41'3'23.486"	W -104°49'30.005"	202933.18	750391.27	203003.90	750652.81	
AP COR TRACT 186	N 41'3'23.991"	W -104°49'31.657"	202983.73	750264.58	203054.48	750526.07	
AP COR TRACT 186	N 41'3'21.632"	W -104°49'32.914"	202744.63	750169.18	202815.29	750430.64	
NE COR TRACT 190	N 41'3'21.020"	W -104°49'32.951"	202682.70	750166.58	202753.34	750428.03	
SE COR TRACT 191	N 41°3'16.679"	W -104°49'33.214"	202243.30	750148.14	202313.79	750409.59	
SE COR TRACT 192	N 41'3'13.924"	W -104°49'32.291"	201964.77	750219.97	202035.17	750481.45	
NW COR TROYER DRIVE	N 41'3'13.823"	W -104°49'32.835"	201954.34	750178.33	202024.73	750439.79	
SE COR TRACT 168	N 41'3'10.044"	W -104°49'31.942"	201572.20	750248.25	201642.46	750509.74	
SW COR TRACT PARSLEY	N 41'3'08.228"	W -104°49'45.345"	201384.42	749222.15	201454.61	749483.27	
NW COR PARSLEY	N 41°3'33.278"	W -104°49'45.137"	203919.66	749228.25	203990.74	749489.38	
NW COR TRACT 175	N 41'3'33.276"	W -104°49'44.485"	203919.61	749278.24	203990.68	749539.38	
COR 25,36 R67W; 30,31 R66W	N 41'3'32.239"	W -104°49'45.144"	203814.45	749228.17	203885.49	749489.30	
SEC COR 25 R67W, 30 R66W	N 41°3'58.421"	W -104°49'44.984"	206464.27	749230.17	206536.23	749491.30	
CHEYENNE CS "WINCHESTER"	N 41°3'31.032"	W -104°49'45.183"	203692.29	749225.64	203763.28	749486.76	
MONITORING WELL	N 41°3'10.007"	W -104°49'44.014"	201564.82	749323.40	201635.07	749584.56	



1" = 50'



Owner-Developer T.J.S. II, T.T.C. a Timited Tiability Company 1124 Dunn Avenue Cheyenne, Wyoming 82001

CORDED 10/10/2012 AT 10:31 AM REC# 600583 BK# 10 PG#

