Planning • Building

MEMORANDUM

TO:	Laramie County Board of Commissioners
FROM:	Cate Cundall, Associate Planner
DATE:	July 18, 2023
TITLE:	PUBLIC HEARING regarding a vacation of Tracts 21, 22 and 23, Green Subdivision, 3rd Filing, located in the SW1/4 SW1/4 of Section 22, Township 14 North, Range 66 West, of the 6th PM, Laramie County, WY.

EXECUTIVE SUMMARY

Steil Surveying Services, LLC, on behalf of Robert A Grandpre, has submitted a vacation for Tracts 21, 22 and 23, Green Subdivision, 3rd Filing located between 3420 Green Court and 3410 Green Court. The vacation has been submitted to create an Administrative Plat so the three (3) tracts may be combined into one (1) 0.42-acre tract.

BACKGROUND

The subject properties are approximately 0.14-acres and located within a MR – Medium Density Residential zoning district. Currently this is vacant residential land, with water and sanitary sewer provided by the Cheyenne Board of Public Utilities.

Pertinent Statutes and Regulations include:

Wyoming State Statute: Section 34-12-101 through 34-12-115. Section 1-2-100, governing Board Approval process. Section 1-2-104, governing Public Notice. Section 2-1-101(m), governing Board vacation of a subdivision plat. Section 4-2-104, governing the Medium Density Residential zone district.

DISCUSSION

The property was originally platted as Green Subdivision, Lot 4 and 5, which was approved by the Board September 1, 2020. The replat will combine the three (3) 0.14 acres tracts into one 0.42 acre tract.

Public notice was provided as required. One public comment was received regarding drainage which will be addressed between the two parties. All agency comments have been addressed.

The property has an Outside User Water/Sewer Services Agreement, dated October 9, 2020, between the City of Cheyenne, acting through the Board of Public Utilities (BOPU), and the current owner for Tract 21, Green Subdivision, 3rd Filing.

Section 1-2-100 (a) outlines the Laramie County Board of Commissioners Board Approval process. The application for vacation has met the public notice requirements as outlined in the regulations. State statutes requires the Board of County Commissioners to approve a vacation or any portion thereof of a plat established under Wyoming State Statute §18-5-306.

RECOMMENDATION and FINDINGS

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

- **a.** This application meets the criteria for Board Approval pursuant to **Section 2-1-100** of the Laramie County Land Use Regulations.
- b. This application meets the criteria for a partial vacation of a plat pursuant to Section 2-1-101 (m) of the Laramie County Land Use Regulations.
- **c.** The application fulfills the intent of **Wyoming State Statute 34-12-108** as it does not abridge any of the rights of properties situated in the same subdivision.

and that the Board may approve the Vacation of Tracts 21, 22 and 23, Green Subdivision, 3rd Filing, Laramie County WY, and approve the Administrative Plat for Green Subdivision, 4th Filing.

PROPOSED MOTION

I move to adopt the findings of facts a, b, and c of the staff report, to approve the Vacation of Tracts 21, 22, and 23, Green Subdivision, 3rd Filing, Laramie County, WY which shall take effect upon recordation of the Administrative Plat of Green Subdivision, 4th Filing, and to approve the Administrative Plat of Green Subdivision, 4th Filing.

ATTACHMENTS

Attachment 1:	Project Map
Attachment 2:	Applicant Narrative
Attachment 3:	Agency Review Comments and Applicant Responses
Attachment 4:	Public Comment
Attachment 5:	Outside User Water/Sewer Service Agreement
Attachment 6:	To be Vacated - Green Subdivision, 3 rd Filing Plat
Attachment 7:	Green Subdivision, 4 th Filing Plat
Attachment 8:	Resolution

Attachment 8: Resolution



Laramie County Wyoming

Green Subdivision, 4th Filing Administrative Plat PZ-23-00080

Green Subdivision, 3rd Filing Tract 21, 22 and 23

Medium Density Residential Zone District

Laramie County Fire Authority

AMEC Zone 2

Urban Rural Interface

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7/11/2023, 8:16 AM



June 1, 2023

Laramie County Planning & Development Office 3966 Archer Parkway Cheyenne, WY 82007 (307) 633-4303

InRe: LETTER OF JUSTIFICATION – GREEN SUBDIVISION, 4TH FILING

Steil Surveying Services, agent for the owner, intends to VACATE and REPLAT all of Tracts 21, 22 and 23, Green Subdivision, 3rd Filing, Laramie County, Wyoming, for Mixed Use. A zone change is required from MR to MU.

The overall density of the replat is 0.41 acres. The proposed replat will consist of ONE (1) tract of 0.41 acres.

Please contact me with any questions or concerns.

Sincerely,

Michael S. Harrom

Shane Hansen

Director Planning and Development Steil Surveying Services, LLC <u>shansen@steilsurvey.com</u>

Permit Notes

	Steil Surveying GRANDPRE, F	ROBERT A	, 22 and 23, Green Subc	Parcel Number: Site Address: division, 3rd Filing int	14662232001700 UNKNOWN Laramie County, WY 00000 o one tract	Submitted: 06/02/2023 Technically Complete: 06/07/2023 Approved: Issued:
Begin Date	End Date	Permit Area	Subject	Note Type	Note Text	Created By
10/10/1910		Parcels	14662232001500	GENERAL	Permit: 14662232001500 Attribute ATTRIBUTE: TaxDist VALUE: 07 ATTRIBUTE: SoneCHR VALUE: ATTRIBUTE: Fire District VALUE ATTRIBUTE: Firm Panel VALUE ATTRIBUTE: Lot Acres VALUE: ATTRIBUTE: Lot Acres VALUE: 0 ATTRIBUTE: Ward VALUE: 0 ATTRIBUTE: Map Page VALUE: ATTRIBUTE: Lot SqFt VALUE: 0 ATTRIBUTE: Lot SqFt VALUE: 0 ATTRIBUTE: Lot SqFt VALUE: 0 ATTRIBUTE: Lot SqFt VALUE: N ATTRIBUTE: HistDist VALUE: N ATTRIBUTE: Jurisdiction VALUE ATTRIBUTE: Flood Zone VALUE	117 : N E: LCFA :: 56021C1092F_REV LUE: LCSD #1 0.14 R : D-65C 5026.00 I E: COUNTY
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Permit Notes

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06/26/2023		Fees	PUBLIC SAFETY FEES	ADJUST AMOUNT	Adjusted Amount - \$1,000.00 did not calculate	CATHERINE.CUNDA LL@LARAMIECOUNT YWY.GOV
07/11/2023	07/11/2023	Workflow	ENGINEERS REVIEW	GENERAL	 I concur with the request for a waiver of a detailed Drainage Study and Traffic Study since this development will have negligible impact on both. The notes at the top of the plat drawing indicate no proposed centralized water or sewer systems for this property. However, Note 4 indicates water and sewer will be served by Cheyenne BOPU. The notes at the top of the page need to be changed to reflect that. 	RAMIECOUNTYWY.G OV

Catherine Cundall

From:	Tyler Gibbs <tdgibbs2@gmail.com></tdgibbs2@gmail.com>
Sent:	Friday, July 7, 2023 11:10 AM
То:	Planning
Cc:	info@steilsurvey.com
Subject:	Comments Regarding Administrative Replat: PZ - 23 - 00080

Attention: This email message is from an external(non-County) email address. Please exercise caution and/or verify authenticity before opening the email/attachments/links from an email you aren't expecting.

Hello,

I'm reaching out in response to a letter we received in the mail regarding an administrative replat to combine Tracts 21, 22 and 23 of the Green Subdivision, 3rd Filing (Project number: PZ-23-00080). My wife and I own Tract 24. We completely support Bob combining his 3 parcels into 1 parcel. However, we politely ask you to consider utilizing this administrative replat to resolve the storm drainage issue in the area.

The stormwater drain on the northwest corner of our lot (Tract 24) was poorly engineered. Runoff coming from north of Tracts 21 thru 24 would need to flow uphill to reach the storm drain in the northwest corner of Tract 24. Unfortunately, this results in runoff pooling in the alleyway on the northern side of Tracts 21 thru 24 as well as in the apartment building parking lot north of our lots. The water pooling results in potholes in the alleway and becomes an ice skating rink in the apartment parking lot when it freezes in the winter. Water also tends to drain diagonally across our lot from the northwest corner across our lot to Tract 23.

I have no experience managing stormwater but I suggest considering the addition of a stormwater drainage easement (i.e. a small drainage ditch) between Tract 23 and Tract 24 to allow the water to drain from north to south from the alley to Green Court. Thank you for your consideration.

Respectfully,

Tyler D. Gibbs 2365 Plain View Road Cheyenne, WY 82009 (307) 620-1462 tdgibbs2@gmail.com

Approved as to form only: $Date: \frac{1}{2020}$

OUTSIDE USER WATER/SEWER SERVICES AGREEMENT

WITNESSETH:

WHEREAS, the USER(S) are the current owners of and are desirous of connecting the property described as follows to CITY water and sanitary sewer system: Tract 21, Green Subdivision, 3rd Filing Situated in the SW ¼, SW ¼ of Section 22, T.14N., R.66W., 6th . P.M. Laramie County ,Wyoming ; and

WHEREAS, the BOPU has exclusive control of all CITY owned waterworks and sanitary sewer systems and operates the same for the CITY and may furnish surplus water and sanitary sewer facilities to persons outside the CITY pursuant to WYO. STAT. § 15-7-404 (a) (1977) and Title 13 of the Cheyenne City Code.

NOW, THEREFORE, in consideration of the mutual promises and covenants herein contained, the parties agree as follows:

1. The BOPU shall allow the USER(S) to connect the above-referenced property to the existing BOPU water distribution system and sanitary sewer system at points determined by the BOPU.

2. The BOPU shall provide all necessary inspections for the construction and installation of the service line connections. The USER(S) shall provide the BOPU with a certificate of compliance, signed in affidavit form by a contractor licensed in the CITY, verifying that all construction materials and trade installation of service lines, service line fittings, and termination points at or in USER(S) dwellings and at the location of the USER'(S) dwellings and at the location of the USER'(S) water meter are in accordance with applicable provisions of federal, state and local codes, laws, and/or ordinances. Specific codes in effect include BOPU'S standards, International Plumbing Codes and International Mechanical Codes. Specific reference shall be given stating that 1) there are no taps off of the service line between the water meter and the water main; 2) that a BOPU water meter has been installed; 3) a backflow prevention device has been installed; and (4) that the service lines are only servicing one building. Inspection fees to be paid by the USER(S) shall compensate the BOPU at 1.5 times the then current inspection fee charged to in-CITY users. The cost of the water meters installed will be paid for by the BOPU, not the users.

3. The USER(S) shall retain ownership of all improvements from the point of tapping into the water and sewer mains and shall be responsible for the maintenance, repair and upkeep thereof. The BOPU shall retain ownership of the water meter and shall be responsible for the maintenance, repair and upkeep thereof.

4. The USER(S) shall comply with all applicable federal, state and local laws, rules, regulations and ordinances governing sanitary sewer systems including but not limited to the applicable chapters of Cheyenne City Code Title 13. The USER(S) shall comply with all technical codes applicable to in-CITY construction which use or connect to the sewer mains including the BOPU standards, International Plumbing Codes and International Mechanical Codes.

5. The USER(S) shall pay 1.5 times the BOPU water and sewer rates presently in effect for in-CITY users and shall be subject to all subsequent changes thereof. The USER(S) shall pay 1.5 times the BOPU water and sewer tap fees, system development fees and all other applicable rates and fees. In the event the BOPU negotiates a different water and/or sewer rate with a similarly situated user, the BOPU and USER(S) agree to adjust the water and/or sewer rates in a manner consistent with that negotiated with the similarly situated user. In the event the BOPU negotiates a

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water and/or sewer agreement with a district hereinafter created, the BOPU and USER(S) agree to adjust the water and/or sewer rates in a manner consistent with the water and/or sewer rates charged to the customers in said district by the water and/or sewer district. If annexation to the CITY takes place, the water and sewer rate and tap fees and other such charges will be not more than those charged to all other CITY users.

6. The USER(S) hereby consents to the annexation of the above-referenced property in the event said property qualifies for annexation to the CITY in accordance with WYO. STAT. § 15-1-402 and Cheyenne City Code Chapter 1.16 as the same may be hereafter amended and, by warranty deed covenants, will require future USER(S) to consent to the terms and conditions of this agreement including the annexation of the above-referenced property which utilizes the water and sewer mains in the event said property qualifies for annexation to the CITY in accordance with WYO. STAT. 15-1-402 and Cheyenne City Code Chapter 1.16 as the same may be hereafter amended and sewer mains in the event said property qualifies for annexation to the CITY in accordance with WYO. STAT. 15-1-402 and Cheyenne City Code Chapter 1.16 as the same may be hereafter amended.

7. No drilling of water wells will be allowed within said property and no water wells shall be connected to the BOPU water system so long as water service is furnished by the BOPU or its successors. No septic systems will be allowed within said property so long as sanitary sewer service is furnished by the BOPU or its successors.

8. The USER(S) shall include the affirmative covenant attached hereto as Exhibit A and made a part hereof by this reference, with appropriate book and page numbers from the filing of this agreement with the Laramie County Clerk of Deeds, in all deeds from USER(S) conveying property included in the above-referenced property and hereby assign an equal right to the CITY to enforce the same.

9. The BOPU reserves the right to increase said water and sewer rate (to 2.0 times the in-CITY rate or the maximum allowed by law) to any property or lot within the above-referenced property not annexed to the CITY if said property or lot qualifies for annexation to the CITY and the CITY requests such annexation.

10. The BOPU and CITY reserve all governmental/sovereign immunities as provided by law. The USER(S) shall indemnify and hold harmless the BOPU and CITY, their officers, agents, employees and representatives from any claim or liability arising out of the failure to comply with the terms and conditions of this agreement or from any other action regarding the construction of said water distribution and sanitary sewer systems.

11. If a provision, section, subsection, sentence, clause or phrase of this agreement is invalidated by any court of competent jurisdiction, such holding shall not affect the validity of the remainder of the agreement, which shall continue in full force and effect.

12. The terms and conditions contained herein shall be a covenant running with the land and shall extend to and be binding upon the USER(S), their heirs, devisees, personal representatives, successors and assigns.

13. This agreement contains all the agreements of the representations between the parties. None of the terms of this agreement shall be waived or modified to any extent, except by written instrument signed and delivered by both parties.

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RECP #: 790692 RECORDED 10/9/2020 AT 1:15 PM BK# 2699 PG# 42 Debra K. Lee, CLERK OF LARAMIE COUNTY, WY PAGE 2 OF 4

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IN WITNESS WHEREOF, the parties hereto have executed this agreement on the date first above written.

BOARD OF PUBLIC UTILITIES CITY OF CHEYENNE, WYOMING By U Bradley A. Brooks,

Director of the Board of Public Utilities Of the City of Cheyenne, Wyoming

STATE OF WYOMING

)) ss

)

COUNTY OF LARAMIE

Before me, a Notary Public in and for the state and county aforesaid, personally appeared Bradley A. Brooks, with whom I am personally acquainted, and who, upon oath, acknowledged that he is the Director of Board of Public Utilities of the City of Cheyenne, Wyoming, and that he executed the foregoing instrument for the purposes therein contained, by signing his name as such officer.

officer.
Witness my hand and official seal at office in the state and county aforesaid, this
day of <u>(1070BER</u> , 2020
Avotary Public
My commission expires: $2/9/2024$
ERIN LAMB NOTARY PUBLIC
COUNTY OF STATE OF
MY COMMISSION EXPIRES FEBRUARY 9, 2024
User: SJT, LLC
OSCI. SJI, LLC
nu for M
By: <u>Signature</u>
Scott T. Norsepi Owner
Print Name and Title
STATE OF)
) \$\$
COUNTY OF)
Before me, a Notary Public in and for the state and county aforesaid, personally appeared
<u>SCOTT</u> NORSEN, with whom I am personally acquainted, and who, upon oath,
acknowledged that he/she is the <u>PUNER</u> of
SJF LLC, and that he/she executed the foregoing instrument for
the purposes therein contained, by signing his/her name as such officer.
Witness my hand and official seal at office in the state and county aforesaid, this
day of <u>July</u> , 20 <u>2</u>)
Notary Public 7
My commission expires: <u>2/9/2024</u> ERIN LAMB NOTARY PUBLIC 2
COUNTY OF STATE OF WYOMING WYOMING
S MY COMMISSION EXPIRES FEBRUARY 9, 2024
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RECP #: 790692
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EXHIBIT "A"

COVENANT

The above conveyance is expressly made subject to the terms and conditions of the USER WATER & SANITARY SEWER SERVICES AGREEMENT recorded in book ______ and pages ______ with the Laramie County Clerk of Deeds, such terms and conditions to be binding upon and to be observed by the Grantee(s) herein and (his, her, their) heirs, executors, administrators and assigns, and to run with and bind the land in favor of and to be enforceable by the Grantor and their legal representatives, heirs, successors and assigns including the City of Cheyenne, Wyoming. In the event of a violation or non-observance of the terms and conditions of said USER WATER & SANITARY SEWER SERVICES AGREEMENT, the Grantor, their legal representatives, heirs, successors and assigns including the City of Cheyenne, Wyoming, shall have the right to enforce the same including but not limited to granting consent to the annexation on behalf of the Grantee(s); and no act or admission upon the part of any of the beneficiaries of this clause shall be a waiver of the operation or enforcement of such condition.

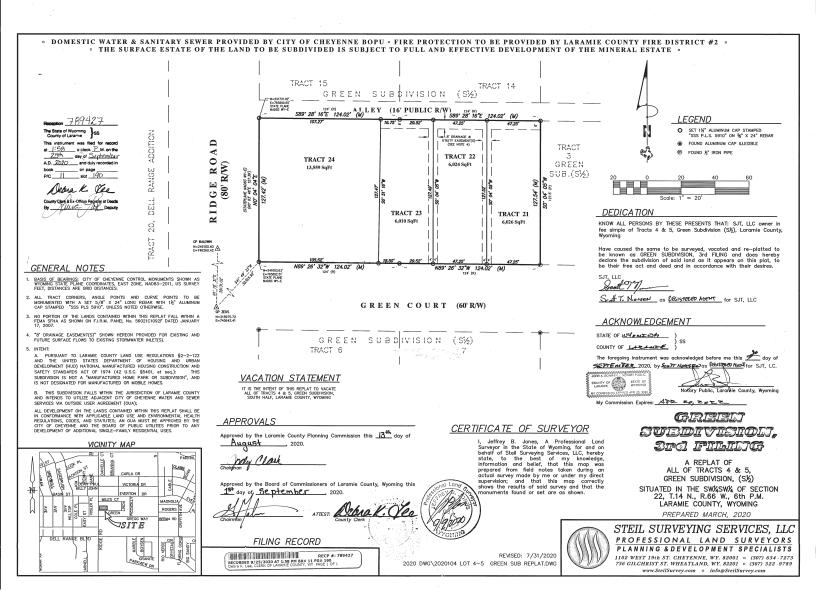
edures/Outside City Users/user agreements/USER Agreements-2011/User Water-sewer Agree-2011.doc

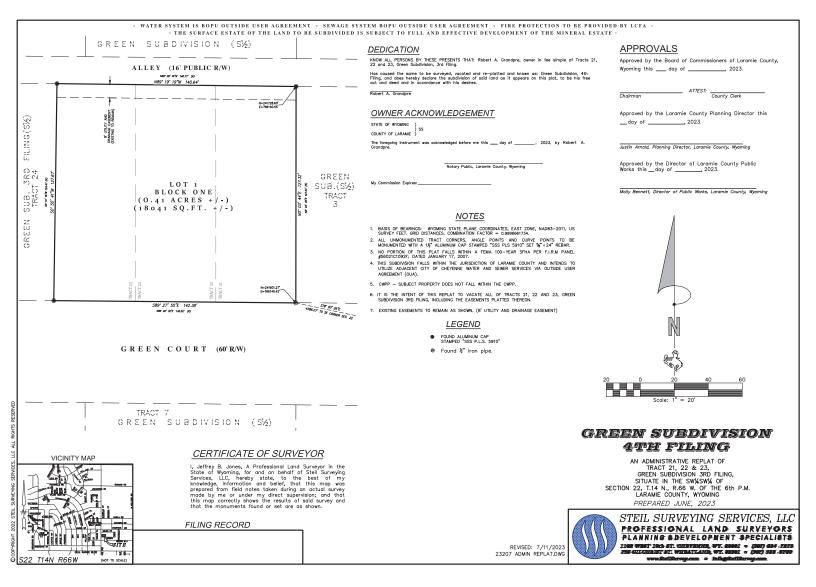
RECP #: 790692

RECORDED 10/9/2020 AT 1:15 PM BK# 2699 PG# 44 Debra K. Lee, CLERK OF LARAMIE COUNTY, WY PAGE 4 OF 4

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RESOLUTION NO.

A RESOLUTION TO APPROVE A VACATION OF TRACTS 21, 22 AND 23, GREEN SUBDIVISION, 3RD FILING, LOCATED IN THE SW ¼ SW ¼ SECTION 22, TOWNSHIP 14 NORTH, RANGE 66 WEST, OF THE 6TH P.M., LARAMIE COUNTY, WY.

WHEREAS, Wyoming State Statutes §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 adopted the Laramie County Land Use Regulations and the vacation is in accordance with the Laramie County Land Use Regulations, 2-1-101; and

WHEREAS, the proposed Vacation is in accordance with section §34-12-106 to §34-12-111 of the Wyoming State Statutes; and

WHEREAS, this resolution is the Vacation for Tracts 21, 22 and 23, Green Subdivision, 3rd Filing, located in the SW ¼ SW ¼ of Section 22, Township 14 North, Range 66 West of the 6th P.M., Laramie County, WY.

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 is in conformance with section §34-12-106 to §34-12-111.
- b. The vacation has been submitted to create an Administrative Plat on Tracts 21, 22 and 23, Green Subdivision, 3rd Filing, to be combined into one tract and known as Green Subdivision, 4th Filing..

And the Board approves the Vacation for Tracts 21, 22 and 23, Green Subdivision, 3rd Filing, located in the SW ¼ SW ¼ of Section 22, Township 14 North, Range 66 West, of the 6th P.M., Laramie County, WY. in order to create an Administrative Plat.

PRESENTED, READ AND ADOPTED THIS DAY OF

, 2023.

LARAMIE COUNTY BOARD OF COMMISSIONERS

Troy Thompson, Chairman

ATTEST:

Debra K. Lee, Laramie County Clerk

Reviewed and approved as to form:

Laramie County Attorney's Office