



STATE OF WYOMING )  
 ) SS.  
COUNTY OF LARAMIE )

**BEFORE THE BOARD OF LARAMIE COUNTY  
COMMISSIONERS**

IN THE MATTER OF:

THE ESTABLISHMENT OF A PUBLIC  
RIGHT-OF-WAY ON A SECTION OF ROAD  
AN EXTENSION OF SECOND STREET  
BETWEEN ADAMS AVENUE AND  
ROAD 203 WITHIN CARPENTER,  
LARAMIE COUNTY,  
WYOMING

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**

**THIS MATTER HAVING COME BEFORE** the Board of Laramie County Commissioners pursuant to a petition for Establishment of a Public Road, and the Board having accepted on August 3, 2021, Road Petition No. PZ-21-00235 requesting establishment of a County Road. The Road requested to be established was a portion of 2nd Street, between Adams Avenue and County Road 203, within the unincorporated community of Carpenter, Laramie County, Wyoming. See, pages 6, 7, in Viewer’s Report. Said Viewer’s Report, Attached as Exhibit ‘A’ is fully incorporated herein.

On June 13, 2022, a comprehensive viewer’s report and recommendation with supporting documentation was provided to the commissioners and made available to the public for review. See Exhibit ‘A.’ This is a large exhibit and is available from the Laramie County Clerk’s office and is fully incorporated in this Order and supports and reflects the findings and conclusions entered herein. Further, these findings, conclusions and order adopt and incorporate all matters which are of record in this proceeding from its inception, in support of its findings and conclusions.

**THE BOARD HEREBY FINDS:**

**Proceedings:**

The above referenced petition for establishment of a public road was properly



executed, submitted and accepted on August 3, 2021 by the Board pursuant to Wyo. Stat. Ann. § 24-3-101.

The submitted petition was executed by over 50 individual electors of Laramie County living with 25 miles of the proposed road to be established and met the requirements of Wyo. Stat. Ann. § 24-3-101.

On August 3, 2021, the Board appointed the Laramie County Public Works Director as a viewer, pursuant to Wyo. Stat. Ann. § 24-3-103, to determine whether said proposed road to be established is practicable and ought or ought not to be established, taking into consideration both the public and private convenience, and also the expense of the proposed road. (Exhibit B)

On June 13, 2022, a comprehensive viewer's report and recommendation with supporting documentation was provided to the commissioners and made available to the public for review. See Exhibit 'A,' which is fully incorporated in this order and available for viewing through the Laramie County Clerk's Office. The report supports the findings and conclusions entered herein. Parties of interest as known to the County were advised of the completion of the report as well as how to you or inspect it.

The Viewer's report indicated that a thorough investigation had been conducted in regard to ownership interests in the area proposed to be established. Put in the review of the historical records showing successive transfers of property leading to the most current records and recorded interest. The report also included individuals or entities without recorded interests, but who had facilities or infrastructure which were present in the area of the proposed road, apparent on the ground or otherwise known to exist. Notice was provided and comment solicited from, all parties with such interests or facilities. The record reflects responses from many of them

On July 19, 2022, a public hearing was held on the Viewer's report, pursuant to Wyo. Stat. Ann. § 24-3-106. At said hearing, the Board determined that the Viewer's report recommended the establishment of the road.

Multiple parties were heard in support of the road establishment and from those opposed. See minutes of July 19, 2022 hearing attached as Exhibit 'C.' At the hearing, two parties objected to the establishment of road and requested damages. The Board continued the matter in order to appoint Appraisers, pursuant to Wyo. Stat. Ann. § 24-3-114. See Attached Resolution, Exhibit 'D' Parties registering objections and requesting damages were directed at the hearing to submit same in writing to the Laramie County Clerk's office, pursuant to Wyo. Stat. Ann. § 24-3-



111. Two parties submitted requests for damages, Parsons and Morgan. See Attached Exhibit 'E'

The Morgan's appeared at hearing and were heard by the Board. Ms. Parsons was represented by counsel at the hearing, as well as appearing in person. The evidence presented indicated that after purchasing the property in 2020, Ms. Parsons, subsequent to exploring other options, including contacting the Laramie County Planning Department about "vacation" of the road determined that the road section adjacent to her home was part of her private property. She built a dirt berm across the road, among other obstructions and signage, blocking access on it. It was this action which brought the matter to the attention of local residents, many of whom signed the petition for establishment of the road.

Testimony presented included but was not limited to: A representative of the Carpenter Water and Sewer District's expressing concern about needing to relocate utilities in the roadway, if it was not established, as their utilities were present in the right-of-way. Mr. Morgan, one of the parties who later filed a request for damages and had signed the petition for the establishment, expressed concern that without the establishment his property might become landlocked. Residents expressed concern that the closure of this section of the well-used section of road, would direct traffic in the area elsewhere, creating safety concerns.

On or about August 22, 2022, three appraisers were provided notification of their appointment as well as instructions. See Attached Exhibit 'F', "Notice of Appointment."

On or about September 8, 2022, the Appraisers completed their work and submitted reports on the two properties requesting damages for the establishment of the road. See attached Exhibit 'G' and 'H'. The Appraiser's report indicated that they had taken and subscribed to the appropriate oath as required by statute, had made contact with the individuals requesting damages and thoroughly researched and established damage amounts for the establishment of the proposed road on the affected property, owned by those requesting damages.

September 20, 2022, a public hearing was held on the Appraisers reports and for a final decision in regard to road establishment, pursuant to Wyo. Stat. Ann. § 24-3-118. Notice of the hearing had been provided however at the public hearing not public, was offered. See attached Exhibit 'I', Minutes of hearing.

The Board of Commissioners, pursuant to motion and unanimous vote, approved the establishment of the right-of-way and payment to the parties of the amounts submitted by the appraisers, directing the county attorney's office to draft conclusions of law and findings of fact.

**Further Facts:**

The "Town" of Carpenter was initially platted in 1908. The section of road under consideration in this matter is located on the West end of what was designated as "Lot D," immediately adjacent to what was designated as "Lot C", at the time of the plat approval. 2nd Street, at the time the plat was approved terminated at the northwest corner of Lot D. The area considered for establishment in the petition in this matter represents a section of roadway continuing the originally platted 2nd St., South to the southern boundary of Lot D, intersecting with existing Road 203.

County records are incomplete before the turn of the 21st century, but it is clear that the road connection between 2nd Street and what is now Road 203 to the South, was established and used as right-of-way many decades ago. The record also indicates that this right-of-way section was likely understood to be a publicly established road, though no such action had ever been taken by previous County Commissions.

Evidence of this assumption is reflected throughout the record in this matter. In particular, Ms. Parsons, one of the parties objecting to the establishment and requesting damages, made contact with the Laramie County Planning Department in September 2019. Pre-application notes indicate the purpose of the contact was to discuss the "vacation" of this section of roadway. Notes from the Planning Department indicate that they had determined that it was not a "dedicated" road. The assumption is a portion of "2nd Street" was a publicly dedicated right-of-way was also held by the Laramie County Department of Public Works, who at one point in approximately 1996, issued a right-of-way permit for a utility in it, as if it were a dedicated public road.

Other indications in the record include reference to the existence of this section of roadway as an extension of 2nd Street, in a deed from 1996 for property located approximately in the area of "Lot D", where Ms. Parson's property currently lies. The proposed roadway area is also identified as "2nd Street" by reference in the deed from 1967 and its predecessor deed from 1956. See, Exhibit 'A', Viewer's Report, 'Quit Claim Deed,' *Arnold to Soppe* 1996; 'Warranty Deed,' *Osborn to Evans* 1967; Deed, *Osborn to Mountain State Telephone* 1956.

The record, including the Viewer's report, reflects that the section of roadway proposed to be established, had been in existence and used by the public for many years. An aerial photograph showing its existence in 1942 was placed in evidence.

Records of the Laramie County Public Works Department indicated regular maintenance of the road. Current available records, due to limitations in software



date back only to 2005. Records, which are included in the Viewer's report, clearly indicate consistent maintenance and attention to rather the "working" of the road by the County since, at a bare minimum, 2005.

The two parties requesting damages had purchased their properties in 2020 for the Parsons, and Morgan's in 2013. The proposed road area existed in its present form, was clearly apparent on the ground and was used by the general public at the time of these property purchases.

The record makes clear that this section of a "2nd Street," was not part of the original plat of Carpenter. It also makes clear that for many years, there existed as a commonly held assumption that this section of roadway was a public right-of-way. This is indicated not only by the maintenance records of the Public Works Department, but also the fact that multiple utilities have been installed in the right-of-way. These include gas pipelines, overhead power, buried telephone lines and the aforementioned water and sewer lines for the Carpenter Water and Sewer District.

Available aerial photographs on County websites indicate the existence of the use of this roadway in 1985.

County maintenance of the road, based solely on the currently available records, provide un-contradicted evidence of County maintenance since at least 2005. Nothing in the record disputes that the road has been open and available for public travel for well over 50 to 60 years.

All persons required to be notified, and who may have an interest in the road and/or owners of property over which said road would be established, were notified.

The Appraisers appointed by the County Commission were unbiased electors as required by law. The record, without challenge or contradiction, reflects that they faithfully and impartially discharged their duties. They were properly sworn, made reports in writing which were duly provided to interested parties and transmitted same to the County Clerk.

The reports of the Appraisers provide un-contradicted evidence as to the appropriate valuation of any damages sustained by the claimants for the land subject to the establishment of the road.

Parties objecting to the establishment of the road and/or requesting damages were provided notice of all hearings in the matter, including that at which final determinations were made in regard to the establishment of the road and the



amount of any damages. The opportunity to contest or challenge said establishment and damages was provided to the public, and to all known interested parties.

### **CONCLUSIONS OF LAW:**

The Board of Laramie County Commissioners has jurisdiction to consider and decide the instant matter. The evidence supports without contradiction that the roadway to be established lies within the confines of unincorporated Laramie County. It is therefore subject to the authority of the Board of Commissioners pursuant to Wyo. Stat. Ann. § 24-3-101 et seq.

Notice of the petition and the proposed establishment of the road was provided to all individuals owning interests of any record, in the area of land to be considered for the establishment of the road. The record indicates notice was provided not only to general public and those with interest of record, but also those who may have had some form of easement or permit and those whose installations or facilities were present in the proposed area of road, without any recorded interest.

This included notice to entities with various forms of utilities, such as overhead transmission lines, water and sewer facilities, gas lines, telephone or other digital communications facilities. Other than the two parties, to whom damages are directed to be paid, no other party filed any written request for monetary damages with the County Clerk and/or requested damages for the establishment of the road.

The Board concludes therefore, that all parties with any recorded or otherwise ascertainable interest in the establishment of the road, have been notified and provided meaningful opportunity to be heard.

The record contains no objection as to an absence, or inadequacy of, notice by any party including those who were claimants and or requested damages the establishment of the road.

The Board concludes that effective notice, as well as meaningful opportunity to be heard, was provided to all interested parties who may be affected by the establishment of this section of roadway.

The amount of damages determined to be set herein, reflect the appropriate valuation of damages sustained by any Claimant. Notice of and the date of the public hearing regarding the appraisal reports and final decision as to the Petition for Establishment, was provided to the Claimants and/or their counsel, as well as being publicly noticed. Neither of the two Claimants, whose requests were addressed by the appointed Appraisers, appeared at the hearing in regard to the



setting of damages and establishment of the road. Both of these Claimants had been provided copies of the Appraiser's report prior to the hearing.

At the hearing, no evidence was presented contradicting or challenging the determination of the Appraisers in this matter. Therefore, the Board concludes that the amounts proposed in the Appraisers report are appropriate and supported by substantial evidence.

The record contains substantial evidence of the public good, convenience and necessity provided by the establishment of this section of roadway. The Board concludes that the public good is served by this establishment, as provided both by the record herein and the continuous history of the use of this section of roadway continuously for more than 50 years, as a public way.

**IT IS HEREBY ORDERED:**

That the roadway proposed in the Petition in this matter be established as a public road and be described henceforward as a portion of the 2nd Street in Carpenter Wyoming. That the Director of the Laramie County Public Works Department shall produce an appropriate survey of the established section of roadway for recordation in the Office of the Laramie County Clerk.

That damages shall be paid by Laramie County, in a manner subject to the discretion of the Laramie Country Commissioners to claimants, Morgan and Parsons in the amounts of \$8,953.00 and \$18,471.00, respectively.

The road having been ordered established, pursuant to Wyo. Stat. Ann. § 24-3-124, notice in writing shall be provided to owners or occupants to remove any obstructions or fences on the road section which had been under their control, within thirty (30) days of notice.

That upon notice of payment to Claimants indicated herein, the Laramie County Public Works Department is permitted to go forward and, in its discretion, and in accord with its procedures and policies, to continue to maintain this section of roadway, including but not limited to, as necessary, the removal and disposition in its discretion, of any blockages or structures in said roadway section.

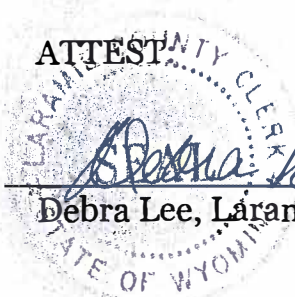
Further, that any individuals or entities having properly and validly recorded interests in facilities or infrastructure located in said roadway or within the right-of-way thereof, shall not be disturbed in such rights, except as subject to or required by applicable law, regulation or resolution.



Dated this 24 day of October, 2022.

BOARD OF LARAMIE COUNTY COMMISSIONERS

Chairman



ATTEST

Debra Lee, Laramie County Clerk

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing **FINDINGS OF FACT, CONCLUSIONS OF LAW** was placed in the U. S. Mail postage pre-paid and/or emailed on this 24 day of October, 2022 addressed to the following:

Mr. Scott Homar  
Overstreet Homar & Kuker  
508 E. 18<sup>th</sup> St.  
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Attorney for Lisa Parsons

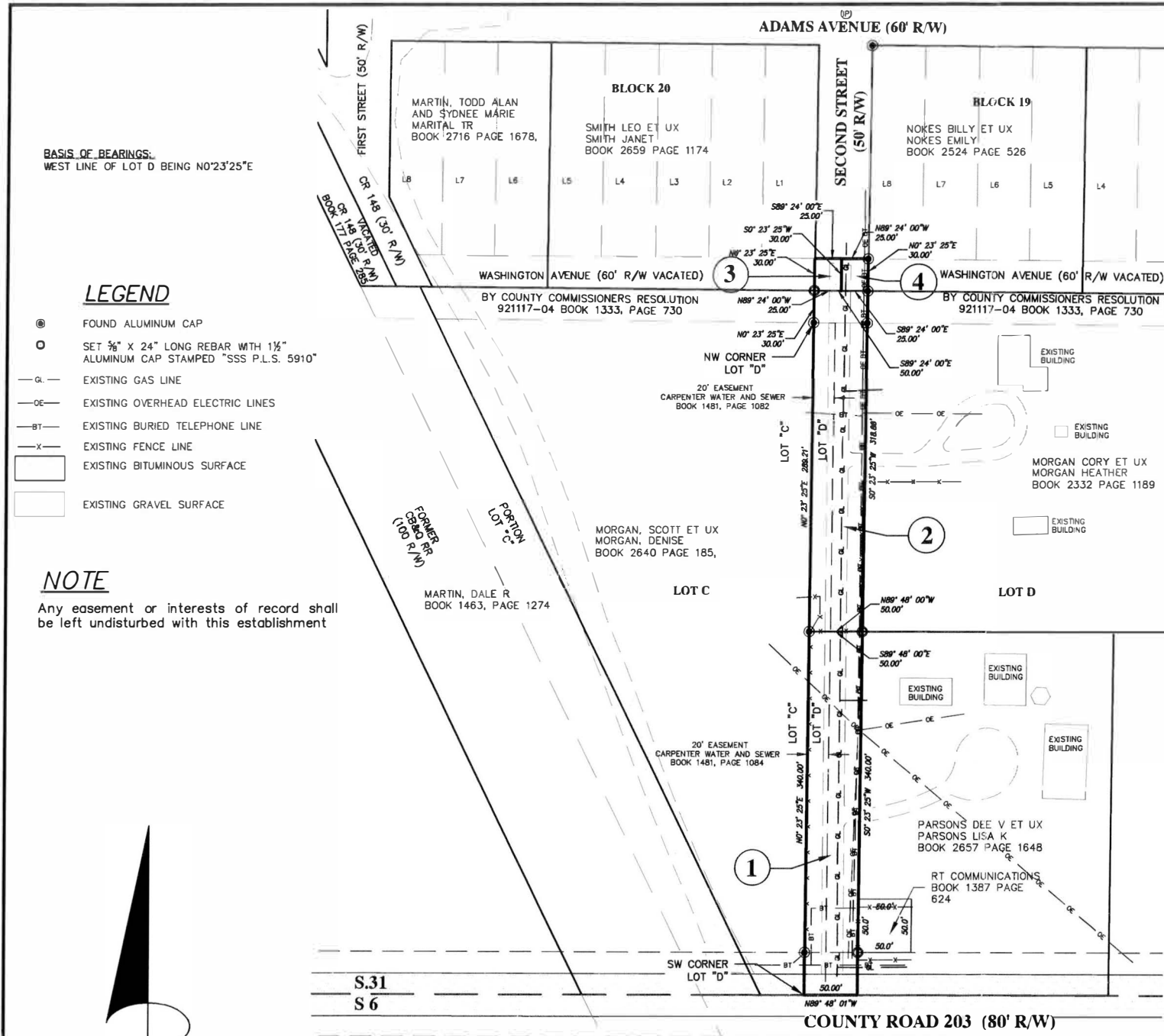
Lisa Parsons  
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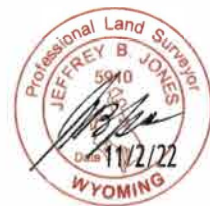
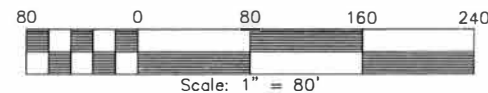
**BASIS OF BEARINGS:**  
WEST LINE OF LOT D BEING N0°23'25"E

**LEGEND**

- FOUND ALUMINUM CAP
- SET 3/8" X 24" LONG REBAR WITH 1 1/2" ALUMINUM CAP STAMPED "SSS P.L.S. 5910"
- G— EXISTING GAS LINE
- OE— EXISTING OVERHEAD ELECTRIC LINES
- BT— EXISTING BURIED TELEPHONE LINE
- X— EXISTING FENCE LINE
- ▭ EXISTING BITUMINOUS SURFACE
- ▭ EXISTING GRAVEL SURFACE

**NOTE**

Any easement or interests of record shall be left undisturbed with this establishment



**CERTIFICATE OF SURVEYOR**

I, Jeffrey B. Jones, A Professional Land Surveyor in the State of Wyoming, for and on behalf of Steil Surveying Services, LLC, hereby state, to the best of my knowledge, information and belief, that this map was prepared from field notes taken during an actual survey made by me or under my direct supervision; and that this map correctly shows the results of said survey and that the monuments found or set are as shown.

**LAND DESCRIPTION #1**

A tract of land situated in Lot D, Town of Carpenter, Laramie County, Wyoming, being more particularly described as follows:

Beginning at the Southwest Corner of Lot "D", thence N0°23'25"E, along the West line of Lot D, a distance of 340.00 feet to the North line of Book 2657, Page 1648; thence S89°48'00"E, along said North line a distance of 50.00 feet; thence S0°23'25"W, a distance of 340.00 feet to the South line of Lot D; thence N89°48'01"W, a distance of 50.00 feet to the point of beginning. Containing 0.39 acres (17,000 sq.ft) more or less and subject to easements, covenants, or restrictions of record.

**LAND DESCRIPTION #2**

A tract of land situated in Lot D and Vacated Washington Avenue, Town of Carpenter, Laramie County, Wyoming, being more particularly described as follows:

Beginning at the Northwest Corner of Lot "D", thence N0°23'25"E, a distance of 30.00 feet to the centerline of Vacated Washington Avenue; thence S89°24'00"E, along said centerline, a distance of 50.00 feet; thence S0°23'25"W, a distance of 318.86 feet to the South line of Book 2332, Page 1189; thence N89°48'00"W, along said South line, a distance of 50.00 feet to the West line of Lot D; thence N0°23'25"E, along said West line, a distance of 289.21 feet to the point of beginning. Containing 0.37 acres (15952 sq.ft) more or less and subject to easements, covenants, or restrictions of record.

**LAND DESCRIPTION #3**

A tract of land in Vacated Washington Avenue, Town of Carpenter, Laramie County, Wyoming, being more particularly described as follows:

Beginning at the Southeast Corner of Block 20, thence S89°24'00"E, along the North line of Washington Avenue, a distance of 25.00 feet; thence S0°23'25"W, a distance of 30.00 feet; thence N89°24'00"W, a distance of 25.00 feet; thence N0°23'25"W, a distance of 30.00 feet to the point of beginning. Containing 0.02 acres (750 sq.ft.) more or less and subject to easements, covenants, or restrictions of record.

**LAND DESCRIPTION #4**

A tract of land in Vacated Washington Avenue, Town of Carpenter, Laramie County, Wyoming, being more particularly described as follows:

Beginning at the Southwest Corner of Block 19, thence N89°24'00"W, along the North line of Vacated Washington Avenue, a distance of 25.00 feet; thence S0°23'25"W, a distance of 30.00 feet; thence S89°24'00"E, a distance of 25.00 feet; thence N0°23'25"E, a distance of 30.00 feet to the point of beginning. Containing 0.02 (750 sq.ft.) acres more or less and subject to easements, covenants, or restrictions of record.

**COUNTY ROAD EXHIBIT**

COUNTY ROAD  
ESTABLISHMENT OF 2nd STREET,  
TOWN OF CARPENTER,  
LARAMIE COUNTY, WYOMING

PREPARED November, 2021



**STEIL SURVEYING SERVICES, LLC**  
PROFESSIONAL LAND SURVEYORS  
PLANNING & DEVELOPMENT SPECIALISTS

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