



LARAMIE COUNTY PLANNING & DEVELOPMENT DEPARTMENT

Planning • Building

MEMORANDUM

TO: Laramie County Board of County Commissioners

FROM: Michael Surface, Senior Planner

DATE: April 19, 2022

TITLE: PUBLIC HEARING regarding a Subdivision Permit & Plat for Egbert Plat, 2nd Filing, a replat of Lots 1 thru 21, Block 16, Egbert Plat, Laramie County, WY.

EXECUTIVE SUMMARY

Dennis Dawson, PLS on behalf of Elizabeth Barkell, Roy P. Medina, Molina Munoz, Zapata Torres, Scoorro R. Munoz, Edgar Torres, Hermmila Torres and Rene Socorro Molina has submitted a Subdivision Permit and Plat application located on the Territorial Plat of Egbert. It essentially is a corrective replat action. The application has been submitted for the purpose of subdividing the property from the existing 21 lots into 3 lots.

The applicant has indicated that the re-plat is necessary because:

1. Structures have been built on unused alleys in Block 16.
2. The extension of 3rd Street across Block 16 is not in the public domain, but across properties owned by Barkell/Medina and the Munoz family.
3. Lot 15 of Block 16 of the existing Egbert plat is owned by Laramie County which wishes to dispose of the property.
4. Existing structures built over platted alleys precludes clear title to any prospective buyer.

BACKGROUND

The properties total 2.47 acres, located within the Egbert community. The property is residential, with surrounding residential and mixed uses, and a Union Pacific Railroad line to the south. Zoning is not in effect.

The pertinent regulations which apply are:
Section 2-1-101 (a-e) of the Laramie County Land Use Regulations governing the criteria for a subdivision permit and plat.

DISCUSSION

The original Egbert Territorial Plat was established in 1887. Egbert is a small rural community approximately nine (9) miles west of Pine Bluffs., WY.

The Laramie County Comprehensive Plan identifies the area as Rural Ag Interface (RAI). Rural residential uses are primarily anticipated in these areas. Development should be located adjacent to existing Rights-of-Way where possible. New ROW's may be required for development. The properties are located outside both the Plan Cheyenne and zoned boundaries and therefore are not impacted by those regulations and guidelines.

A letter requesting waiver of traffic and drainage studies was submitted. The County Engineer has concurred with this request based on the justification provided in the letter. Agency comments pertained to appropriate documentation, required signatures, clerical errors, conveyance, and survey corrections necessary, to have a correct plat upon recordation.

Public notice was provided per Section 1-2-104 of the Land Use Regulations. No public comment was received.

Staff finds this application is in conformance with the plans and policies of Laramie County. The attached resolution serves as the subdivision permit upon approval by the Board of County Commissioners.

The Planning Commission recommended approval of the subdivision permit and plat by a 4 – 0 vote on March 24, 2022.

RECOMMENDATION and FINDINGS

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

This application meets the criteria for a subdivision permit and plat pursuant to section 2-1-101 (a-e) of the Laramie County Land Use Regulations.

The Planning Commission and Staff recommend that the Board approve the Subdivision Permit and Plat for the Egbert Plat, 2nd Filing with the following conditions:

1. The applicant must provide all appropriate signatures required, along with correction of clerical errors on the plat, and conveyance documentation prior to recording.
2. All survey errors are to be corrected prior to recording.

PROPOSED MOTION

I move to approve the Subdivision Permit and Plat for the Egbert Plat, 2nd Filing, and adopt the finding of fact of the staff report, along with two conditions.

ATTACHMENTS

- Attachment 1: Project Narrative**
- Attachment 2: Location Map**
- Attachment 3: Aerial Map**
- Attachment 4: Comprehensive Plan Map**
- Attachment 5: Agency Comments report**
- Attachment 6: Resolution**
- Attachment 7: Plat**

Project Narrative Letter

And

Waiver Requests

Project Narrative Letter – See attached aerial photo of area:

The Re-Plat of Lots 1- 21, Block 16 is required for a number of reasons.

1. There are structures that have been built on unused alleys in Block 16 of the existing Egbert plat
2. The extension of 3rd street across Block 16 is not in the public domain, but across the properties owned by Barkell/Medina and the Munoz family
3. Lot 15 of Block 16 of the existing Egbert plat is owned by Laramie County who wishes to disposed of the subject property
4. Barkell/Medina wish to sell the property West of the North-South alley in Block 16, but the existing structures built over the platted alleys precludes Barkell/Medina from being able to provide a clear title to any prospective buyer of the subject property. This replat is being prepared and submitted to the Laramie County Commissioners to resolve the problems outlined above.

The Egbert Territorial Plat is an unincorporated 1887 plat which encompasses a number of residences with mixed uses in and around the surrounding area. The Egbert Community lies approximately nine miles west of the town of Pine Bluffs, Wyoming. Being an unincorporated plat the regulation and management of the Platted Area falls under the responsibility of the Laramie County Commissioners.

The mixed uses are primarily residential which support agricultural operations. The Egbert Territorial Plat is situated on both sides of the Union Pacific Railroad Main line which runs generally along the alignment of Childs Draw which has a 100 year Floodplain that is contained entirely on the South side of the Railroad embankment as shown on the FEMA Floodplain map 56021C1200F.

In the past there have been several instances where the properties had several instances where buildings in the area in the area were constructed on public Rights of Way, by the predecessors of Barkell/Medina and the Munoz family. In this case the need for this re-plat is driven by the construction of two garages and a modular trailer which were placed on unused alleyways on the interior of Block 16.

The owner and applicants Barkell/Medina of the western part of Block 16 wishes to sell that property which has been inherited. The Munoz family on the Eastern part of Block 16 has agreed to participate in the alley vacation and re-plating of Block 16. In addition, Laramie County owns Lot 15 of Block 16, which was assumedly obtained by the County to provide access to the existing un-platted extension of 3rd Street which has no legal access. It is proposed that Laramie County will convey Lot 15 of Block 16 to Barkell/Medina by quit claim deed. In exchange, Barkell/Medina and the Munoz Family will

create a 40 foot access easement with this plat in the name of Laramie County to provide legal access to the extension of 3rd Street.

Normally, a vacation action would divide the vacated alley which runs North-South down the middle of the existing alley into two parcels, giving ownership to the parties adjacent to the alley. This replat will move the Barkell/Medina ownership to the east line of the existing alley in agreement of the wishes of the Munoz family to create Lot 1 of the replat. In exchange, the new property line to the South of the East-West Alley would be extended south through the existing Lot 9 to the South Boundary of Block 16 to create Lot 2 of the replat. The subject properties of Barkell/Medina and the Munoz Family would then be cross-conveyed to each of the parties by quit claim deed after approval of the replat, but before the Filing of Egbert Plat, Second Filing.

It is understood that the County would prefer an 80 foot right of Way for that 3rd Street extension. However, a requirement of an 80 Foot right of Way would create unacceptable and unreasonable burden on the Barkell and the Munoz Family for road construction to county standards for a road which currently not maintained, and which has very low traffic volume.

Furthermore, the loss of useable land on an already small parcel for each party adds insult to injury to the Barkell and Munoz parties when they are trying to help correct a problem that was not of their making.

Preliminary Development Plan Waiver Requests

- 1) Land Analysis Map – See attached aerial photo and narrative above
- 2) Environmental Services Impact Report – The existing residential development has operational Sewerage and water supply systems, and no change is contemplated - ***A Waiver is Requested***
- 3) Preliminary Drainage Study – There are no changes to the surface of the property contemplated - ***A Waiver is Requested***
- 4) Preliminary Traffic Study – – There are no changes to the surface of the property contemplated - ***A Waiver is Requested***

Subdivision Permit Application

- 1) It is acknowledged that Community Development Fees may be required for this development.

Laramie County, Wyoming



Replat
Lots 1 - 21
Block 16
Egbert
Territorial
Plat

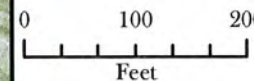
Subdivision
Permit
and Plat
and
Alley Vacation

PZ 22-00023

Location Map
Subject
Property

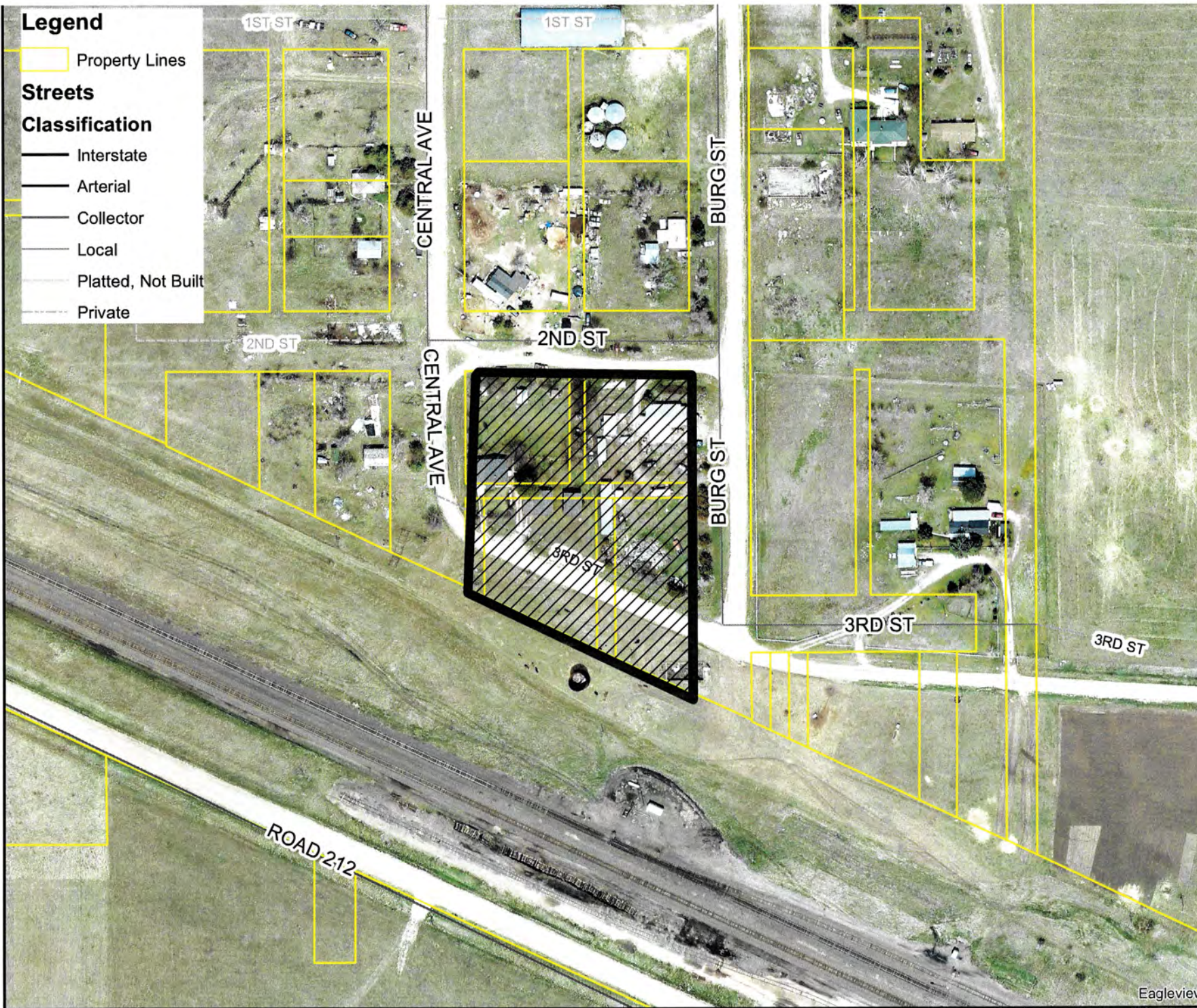


January 2022

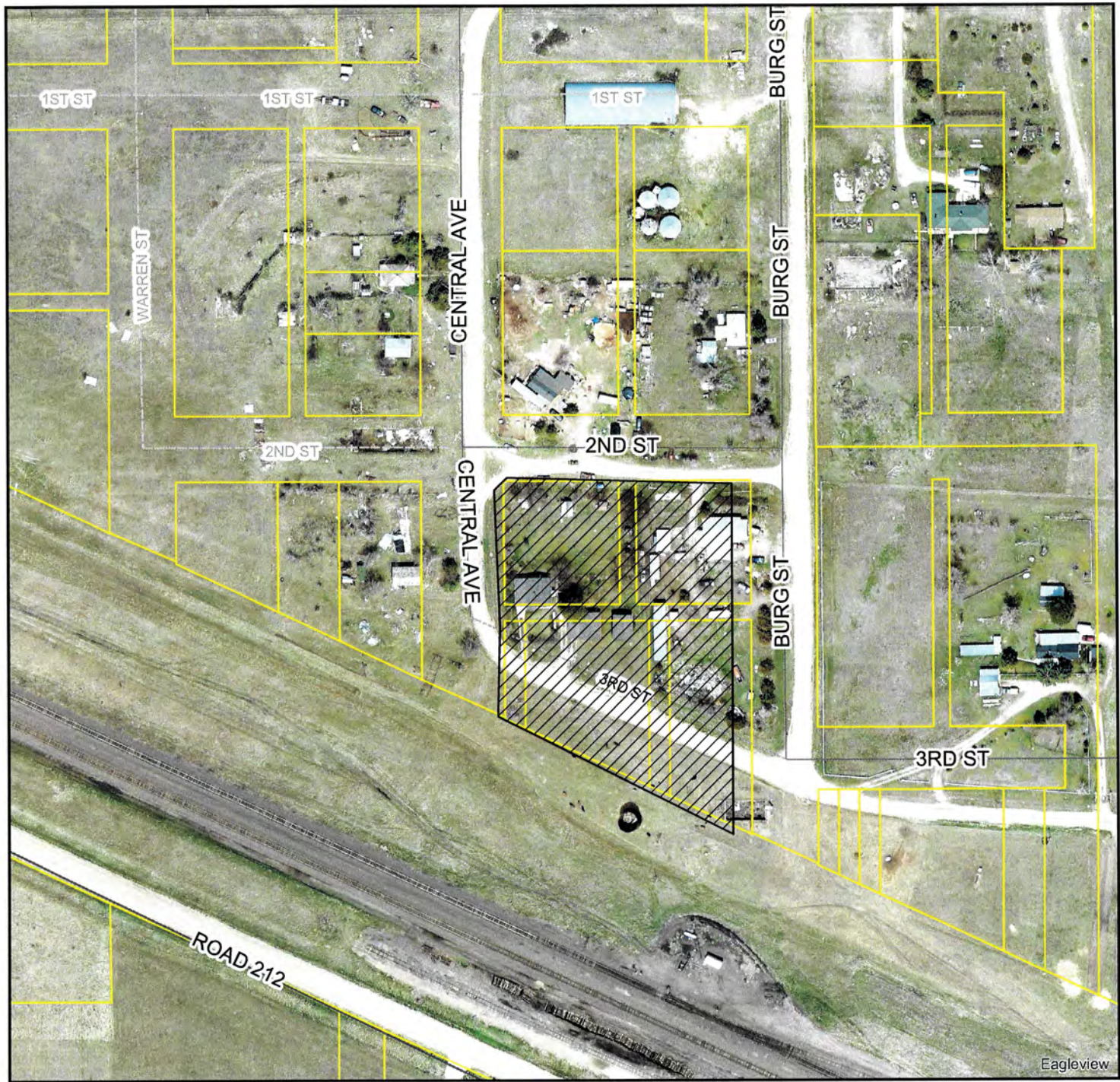


Legend

- Property Lines
- Streets**
- Classification**
- Interstate
- Arterial
- Collector
- Local
- Platted, Not Built
- Private



Eagleview



Replat
Lots 1 - 21
Block 16
Egbert
Territorial
Plat

Subdivision
permit
and Plat
and
Alley Vacation

PZ-22-00023

Aerial Map



February, 2022

Laramie County, Wyoming



**Egbert
Territorial Plat**

**Subdivision
Permit and Plat**

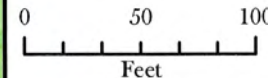
PZ-22 - 00023

**Comprehensive
Plan Map**

**Subject
Property**



September 2021



Eagleview


Legend


 Property Lines

Future Land Use Districts

OTHER

 Urban-Rural Interface (URI)

 Rural Metro (RM)

 Rural Ag Interface (RAI)

 Ag & Range Land (AGR)

RAI

PZ-22-00023
Subdivision Permit

County Assessor: County Assessor, Kaycee Eisele Comments Attached 03/03/2022
As this plat is now only being referenced as "BLOCK 1" the mention of Block 16 should not be shown on the new lots. It is very confusing that it lists both the new and old block on the newly platted lots.

Laramie County is the owner of Lot 15, Block 16 and will need to sign off on the replat or convey this lot to another owner prior to plat recording.

As this replat has MULTIPLE owners, both our office and the Clerk requests sequential deeds be recorded to convey the property that was a part of the lot line adjustment. As a plat does not determine ownership and the recorded records of when owners took title are now defunct legal descriptions, there needs to be clear recordation of ownership on the new legal descriptions. In many cases, lot line adjustments for re-plats there will be multiple ownership names on the new platted parcels. For example, BARKELL, ELIZABETH M and MEDINA, ROY P still owns the land that was adjusted to the new Lot 2 so the new legal for Lot 2 will have both the prior owners AND their name for ownership as they still own the underlying property.

It can be outlined on the plat who the owners are of the newly platted lots.

Laramie County owns the alley ways and will remain as owning the land until conveyed to other owners or they are vacated.

County Attorney: County Attorney, Joe Chenchar Comments Attached 03/03/2022
1. Lot 15, Block 16 will need to be conveyed from Laramie County to Ms. Barkell prior to recording.

County Engineer: County Engineer, Scott Larson Comments Attached 03/11/2022
Engineer Review
1. I concur with the request for a waiver of a detailed Drainage Study and Traffic Study

since most of the replatted area is already developed.

2. The Title Block on the plat indicates this platted area is located in Section 17. However, it is actually located in Section 24.

3. Since Laramie County currently owns Lot 15, I believe they would need to sign the plat as owner. However, if the property the County owns isn't deeded over to someone prior to the plat being finalized, wouldn't Lot 15 still need to be separated out because the legal description of the property owned by the County within the newly platted area will no longer be Lot 15. It will be up to the County Attorney's office to determine if the County can legally deed Lot 15 directly over to an individual or if it has to be treated as excess property and has to be advertised for bid to allow people to bid on the property, but it is my understanding that this plat can't be the process used to deed over property.

4. It would be helpful to shade back the existing lot lines and lot numbers so they are visible but not too visible and have the new Lot and Block and easements bold and stand out from everything else. You can also remove the word "Proposed" in the label of the new Lot 1 and Lot 2.

5. The width of the UPRR ROW needs to be included.

6. A Legend needs to be added to the plat.

7. If a symbol was used in the legend and on the drawing to indicate all "set corners" of the newly formed property corners were monumented with a 2" aluminum cap, then General Note 2 would make sense. Currently there are only two corners that are labeled as "set" -- the northeast and northwest corners of the platted area but it doesn't mention anything about the other newly established corners.

8. Per State Statute 18-5-306 (d), plats are required to include the note "THE SURFACE ESTATE OF THE LAND TO BE SUBDIVIDED IS SUBJECT TO FULL AND EFFECTIVE DEVELOPMENT OF THE MINERAL ESTATE".

Surveyor Review

1. It is important to complete the conveyances referenced in Mr. Dawson's Project Narrative Letter (including Laramie County's ownership of Lot 15) prior to filing of the EGBERT PLAT 2ND FILING.

2. The ACKNOWLEDGEMENTS typically serve and are in reference to the DEDICATION. In that

regard it seems like the Laramie County Commissioners should be included in the COUNTY ACKNOWLEDGEMENT.

3. It would be helpful to show distinctly different line types to clearly differentiate the lot boundaries of the original EGBERT plat from the proposed new lot boundaries and also include those line types in a LEGEND.

4. I assume the northwest corner of the PROPOSED 3RD STREET is located at the northwest corner of Lot 15 as originally platted, the boundary ties need to be shown. There are no boundary ties shown for the southeast end of the PROPOSED 3RD STREET.

County Public Works Department: County Public Works Department, Molly Bennett
[No Result] [No Result Date]

No Comments

County Real Estate Office: County Real Estate Office, Laura Pate Comments
Attached 03/04/2022

Laramie County owns lot 15 block 16. And will need to sign off the plat and have commissioners signature notarized. Tax Deed recorded 09/07/1945 in Book 346 page 118

The deed for lots 1-7 Block 16 is held by "Molina Socorro Rene Munoz and Zapata Hermila Torres" their signature block and notary acknowledgement must match exactly how they took title on the deed recorded 05/18/2017 Document #707996.

The notary for County Planning and Public works needs to be after their signatures, but before the Commissioner and the County Clerk sign.

The deed for lot 8 is Socorro R Munoz Molina. The signature line is correct but the notary acknowledgement for him and Edgar Munoz Torres is incorrect.

County Treasurer: County Treasurer, Trudy Eisele [No Result] [No Result Date]
No Comments

Emergency Management: Emergency Management, Matt Butler [No Result] [No Result Date]
No Comments

Environmental Health: Environmental Health Department, Roy Kroeger [No Result] [No Result Date]
No Comments

Fire District No 5: Fire District No. 5, Derek Walls [No Result] [No Result Date]
No Comments

High West Energy: High West Energy, David Golden [No Result] [No Result Date]
No Comments

Intraoffice: Planners, Cambia McCollom No Comments 03/08/2022
No Comments

Planners: Planners, Michael Surface Comments Attached 02/28/2022

This is a lot consolidation of 22 lots on an old territorial Plat into 2 lots, which aims to obtain a subdivision permit and plat. It is a “cleanup” of problems that have existed for a long period of time.

There are multiple owners. The community of Egbert is unzoned.

A waiver request for traffic and drainage has been submitted. The project was sent to DEQ “just in case”.

The plat is also to vacate an existing alley. The plat proposes that Laramie County convey Lot 15 of Block 16 to Barkell/Medina by quit claim deed, and in exchange there will be 40 foot wide access easement on the plat. See narrative for details.

RT Communications: RT Communications, Austin Triplett [No Result] [No Result Date]
No Comments

Sheriff's Office: Sheriff's Office, Rae Morgan [No Result] [No Result Date]
No Comments

Wyoming DEQ: Wyoming DEQ, Colin McKee [No Result] [No Result Date]
No Comments

Combined Communications Center: Combined Communications Center, Chuck Trimble [No Result] [No Result Date]
No Comments

WY State Engineer's Office: Wyoming State Engineer's Office, Lisa Lindemann [No Result] [No Result Date]
No Comments

RESOLUTION NO. _____

**A RESOLUTION TO APPROVE A SUBDIVISION PERMIT AND PLAT FOR
LOTS 1 THROUGH 21, BLOCK 16, EGBERT PLAT,
LARAMIE COUNTY, WY,
TO BE PLATTED AND KNOWN AS "EGBERT PLAT, 2ND FILING".**

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

WHEREAS, the proposed subdivision and plat is in accordance with section 2-1-101 (a-e) of the Laramie County Land Use Regulations; and

WHEREAS, this resolution is the subdivision permit for Egbert Plat, 2nd Filing.

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 2-1-101 (a-e) of the Laramie County Land Use Regulations.

And the Board approves the Subdivision Permit and Plat for Egbert Plat, 2nd Filing with the following conditions:

1. The applicant must provide all appropriate signatures required, correction of clerical errors on the plat, and conveyance documentation.
2. The applicant must make corrections to all survey errors.

PRESENTED, READ AND ADOPTED THIS _____ DAY OF

_____, 2022.

LARAMIE COUNTY BOARD OF COMMISSIONERS

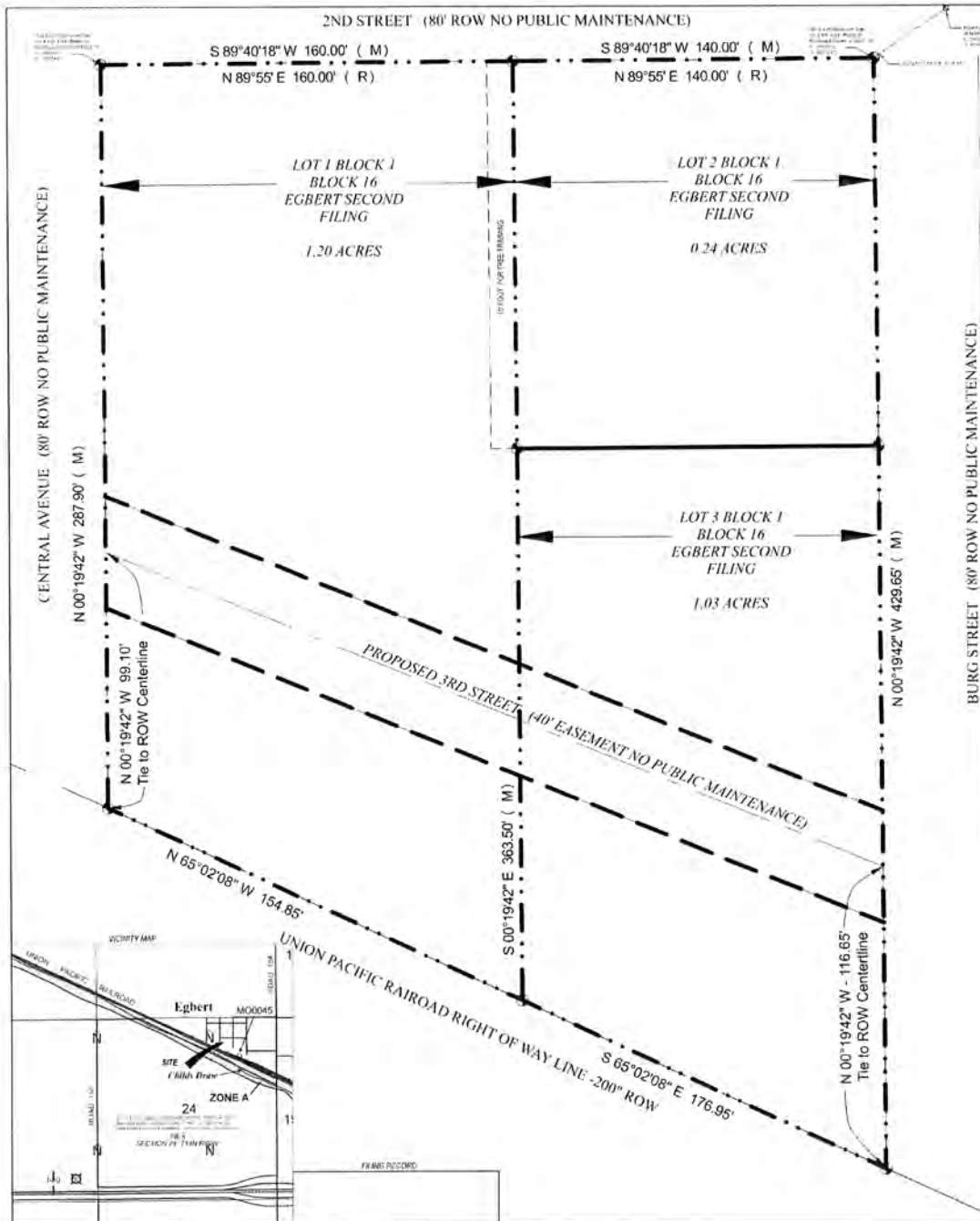
Troy Thompson, Chairman

ATTEST:

Debra K. Lee, Laramie County Clerk

Reviewed and approved as to form:

Laramie County Attorney's Office



3RD STREET (80' ROW NO PUBLIC MAINTENANCE)

GENERAL NOTES

1. BASE OF BEARING, WYOMING STATE PLANE COORDINATES EAST ZONE, NAD 83-2011, US SURVEY FEET DISTANCES ARE GRID DISTANCES. WITH A COMBINATION FACTOR 0.9997687.
2. ALL SET CORNERS ARE MONUMENTED WITH AN 2" ALUMINUM CAP ON A 5/8" X 24" REBAR.
3. NONE OF THE LANDS CONTAINED WITHIN THIS REPLAT FALL WITHIN A FEMA FLOOD PLANE ZONE AS SHOWN ON FEMA FIRM MAP NUMBER 5602C102E NO PORTIONS OF THIS REPLAT FALL WITHIN THE 100 YEAR FLOOD PLANE.
4. LARAMIE COUNTY WILDFIRE PROTECTION PLAN (WPPF) MAPPING INDICATES THAT THE WILDFIRE HAZARD FOR THIS SUBDIVISION IS NOT ESTABLISHED.
5. SEWER SYSTEMS AND WATER SUPPLY ARE PROVIDED BY EXISTING WATER SUPPLY AND SEWAGE SYSTEMS.
6. FIRE PROTECTION IS PROVIDED BY LARAMIE COUNTY FIRE DISTRICT NO 5.
7. THE SURFACE ESTATE OF THE LAND TO BE SUBDIVIDED IS SUBJECT TO FILL AND EFFECTIVE DEVELOPMENT OF THE MINERAL ESTATE.

COUNTY ACKNOWLEDGEMENT

STATE OF WYOMING } 55
 COUNTY OF LARAMIE }
 The foregoing instrument was acknowledged before me this _____ day of _____, 2012.
 By _____
 Planning Director, Laramie County
 and by _____
 Director of Laramie County Public Works.

Notary Public, Laramie County, Wyoming
 My Commission Expires _____

APPROVALS

STATE OF WYOMING } 55
 COUNTY OF LARAMIE }
 The foregoing instrument is approved this _____ day of _____, 2012.
 By _____
 Planning Director, Laramie County

The foregoing instrument is approved this _____ day of _____, 2012.
 By _____
 Chair of Laramie County Commissioners

The foregoing instrument is approved this _____ day of _____, 2012.
 By _____
 Laramie County Clerk

Notary Public, Laramie County, Wyoming
 My Commission Expires _____

STATEMENT OF LOCATION

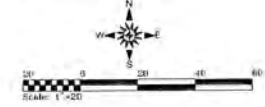
In accordance with the provisions of the Laramie County Land Use Regulations 2-1-10(c)(4), the alleys in both 16 are vacated and the existing property lines are vacated and reconfigured as shown on this plat of Egbert Plat Block 16, 2nd Filing.

LEGEND

- 5/ 2" aluminum cap on a 5/8" x 24" rebar setpoint Corner Surveying Company - WY PLS 555
- (M) - minimum measured data this survey
- (H) - contains record data

CERTIFICATE OF SURVEYOR

I, Steven Dennis Dawson, a Professional Land Surveyor in the State of Wyoming for and on behalf of Cornerstone Surveying Company, LLC hereby state, to the best of my knowledge, information and belief, that this map was prepared from field notes showing and 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.



DEED ATTEST

KNOW ALL MEN BY THESE PRESENTS THAT, Elizabeth M Barkell, and Roy P Medina, Owners in fee simple of Lots 8 thru 21, Block 16 and Socorro Rene Munoz Molina AKA, Rene Socorro Munoz Molina, and Zapata Herminia Torres owners in fee simple of Lots 1 thru 7, Block 16, and Lots 15 thru 21, Block 16, and Socorro R Munoz Molina AKA Rene Socorro Munoz Molina, and Edgar Munoz Torres, owners in fee simple of Lot 8, Block 16, jointly owners in fee simple of the Territorial Subdivision of Egbert, Laramie County, Wyoming, has caused said property to be surveyed and re-platted to be known as Lots 1 and 2 Block 1, Egbert Subdivision 2nd Filing, and does hereby declare the subdivision of said land to be their free act and deed in accordance with their desires and grant the assistance for the purposes indicated herein.

Elizabeth M Barkell
 Joint owner in fee simple of Lots 8 thru 21, Block 16.

Roy P Medina
 Joint owner in fee simple of Lots 8 thru 21, Block 16.

Socorro R Munoz Molina
 AKA, Rene Socorro Rene Munoz
 Joint owner in fee simple of Lot 8, Block 16.

Edgar Munoz Torres
 Joint owner in fee simple of Lot 8, Block 16.

Molina Socorro Rene Munoz
 AKA, Socorro R Munoz Molina
 Joint owners in fee simple of Lots 1 thru 7, Block 16.

Zapata Herminia Torres
 Joint owners in fee simple of Lots 1 thru 7, Block 16.

Troy Thompson - Chairman
 Laramie County Commissioners
 For Laramie County, Owner of Lot 15

OWNERS ACKNOWLEDGEMENT

STATE OF WYOMING } 55
 COUNTY OF LARAMIE }
 The foregoing instrument was acknowledged before me this _____ day of _____, 2012, by _____

Elizabeth M Barkell, ETAL, and Roy P Medina,
 Owners in fee simple of Lots 8 thru 21, Block 16.

Rene Socorro Molina AKA
 Molina Socorro Rene Munoz
 Chair of Laramie County Commissioners

Molina Socorro Rene Munoz AKA
 Molina Socorro Rene Munoz, ETAL,
 Zapata Herminia Torres ETAL,
 owners in fee simple of Lots 1 thru 7, Block 16.

Socorro R Munoz Molina AKA
 Molina Socorro Rene Munoz, Edgar Munoz Torres
 Owners in fee simple of Lot 8, Block 16.

Troy Thompson - Chairman
 Laramie County Commissioners
 For Laramie County, Owner of Lot 15

Notary Public, Laramie County, Wyoming
 My Commission Expires _____

NOTE:
 Revisited simultaneously herewith are conveyance documents transferring fee interest in the lands to the appropriate ownership.

EGBERT PLAT 2ND FILING

A
 A REPLAT OF
 LOTS 1 THRU 21, BLOCK 16
 EGBERT PLAT
 LOCATED IN A PORTION OF
 NE 1/4 OF SECTION 24
 T14N R22W 6TH PM
 LARAMIE COUNTY WYOMING

DATE OF REVISION: APRIL 2012
 DATE OF RECORD: _____

