

**RP-513 – KNOWLWOOD ROAD VACATION PETITION
VIEWER REPORT**

Prepared for:

Laramie County Public Works Department
13797 Prairie Center Circle
Cheyenne, WY 82009
(307) 633-4302

Prepared by:

Scott D. Larson, P.E.
BenchMark Engineers, P.C.
1920 Thomes Avenue
Suite 320
Cheyenne, WY 82001
(307) 634-9064

December 11, 2024

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INTRODUCTION

Pursuant to Wyoming State Statute 24-3-101, a petition (see Exhibit A) was submitted to vacate a portion of the existing 80' right-of-way (ROW) of Knowlwood Road within Briarwood Ranchettes in the western area of Laramie County off Horse Creek Road. The approximately 685.17' of the ROW to be vacated is located within the northwest quarter of Section 4, T14N, R67W. Exhibit B shows the original plat for Briarwood Ranchettes and the proposed area to be vacated. Exhibit C shows the property owners potentially impacted and within the area. The total approximate area of the vacation is 1.26 acres.

HISTORY AND EVALUATION

The 80' ROW for Knowlwood Road was established via a platted subdivision (Briarwood Ranchettes) and approved by the BOCC on August 21, 1973. The road begins at Horse Creek Road, heads south and terminates at Riding Club Road. The road directly serves and is directly adjacent to sixteen (16) lots within the subdivision. Of those 16 lots, seven (7) lots remain vacant. There are a total of 32 lots within the original platted Briarwood Ranchettes subdivision. Knowlwood Road was never accepted for County maintenance as outlined by State Statutes.

Currently the road ROW is approximately 0.98 miles in length or 5,188.68 feet and not all of the roadway has been constructed. There is only approximately 2,765 feet of existing roadway that serves six (6) residents and one lot that only has a few metal storage buildings but no residence. The existing roadways appear to not meet current or historic requirements/regulations as they vary in width from approximately 10' to 18'.

There is no existing roadway or even a two-track road within the petition area. The two lots immediately adjacent to the petition/vacation area currently access Horse Creek Road directly and via Roundtop Road.

There has been a significant amount of residential development in this general area since 1973, however, within Briarwood Ranchettes, there are still 10 lots that have not been developed out of the total 32 original lots.

Generally, one of the main concerns with a roadway vacation would be for existing and future access to properties. Knowlwood Road has three other platted rights-of-way to access the lots along Knowlwood Road. These include Dona Street, David Street, and Riding Club Road. Currently there is only one road that physically exists within these ROWs and that is David Street. The other two roadways could eventually be constructed to allow additional access to the lots along Knowlwood Road. However, in this case, due to the existing topography, constructing Dona Street would be very challenging and costly. It is likely the roadway could not

be built within the existing 80' ROW and would encroach on existing developed lots. This would also require the adjacent property owners' consent, which may or may not be difficult to obtain.

In addition, there is a FEMA floodplain that crosses Knowlwood Road and Dona Street in a northeasterly direction. Construction of Dona Street and Knowlwood from the south to the north would require crossing the floodplain and the roadways would need to be designed to accommodate the floodplain. Knowlwood Road could be constructed from Horse Creek Road south to provide access to lots without crossing the floodplain, thus reducing the cost.

There is information that indicates Idaho Street within Briarwood Ranchettes was vacated. However, the actual date of vacation was not found. Even without this roadway, as mentioned, there are three other platted ROWs that make connections between Knowlwood Road and Smoking Oak Road, which ties into Roundtop Road.

Although WYDOT would have to allow access onto Horse Creek Road if this road were ever constructed because the right-of-way legally exists. However, WYDOT would not allow this ROW to happen now because they require a minimum distance between intersection and this ROW/roadway would not meet their current requirements for the distance to the intersection of Telephone Road/Roundtop Road. Currently there is approximately 570' between these two intersections and WYDOT requires a minimum distance of 1,320'. As stated previously, since this dedicated public ROW was legally created in 1973, WYDOT cannot restrict or stop Knowlwood Road from being built and tied to Horse Creek Road even though it does not meet their current distance requirements.

During the past 20+ years, the County has required subdivisions of 12 lots or more to have two points of access into the subdivision. This is required in the event of an emergency and one access is impassable for some reason (snow, flooding, fire, vehicle blocking, etc.), the emergency vehicles have an alternative route to take. Currently, the entire subdivision has one access which is Smoking Oak Road off Roundtop Road.

A couple property owners within this subdivision provided information regarding this petition. They indicated that prior to this petition being submitted, they had contacted the property owner who submitted this petition and discussed their plans to finally construct Knowlwood Road in order to develop some vacant lots that do not currently have access from an existing roadway (See Exhibit D). Immediately after the conversation, the petition was filed with the County to vacate. Based on the timing, it is very possible that the petition was submitted specifically to stop the proposed construction of Knowlwood Road and proposed development of lots within the subdivision.

CONCLUSIONS AND RECOMMENDATIONS

It is recommended that the petition be denied given the following conclusions:

- From a public health, safety and welfare standpoint, it would be beneficial to create a second access into this 32-lot subdivision. Since there is a floodplain that could potentially impact access to Smoking Oak from Roundtop Road to the north and Horse Creek Road to the east (as a result of flooding), having the second access off Horse Creek Road to the west could be very advantageous in an emergency situation.
- If vacated, the alternative routes create challenges resulting from the terrain and floodplain, which, in turn would make the alternative much more costly than utilizing this route.
- There are property owners who are currently considering constructing Knowlwood Road and tying into Horse Creek Road in order to develop some vacant lots within the subdivision. It appears this petition may have only been submitted to stop the proposed development, which should not be a reason for vacating a ROW.
- Once vacated, it can be extremely difficult to get the ROW back if it is ever determined to be needed in the future.

Exhibit A – Petition

EXHIBIT A
RESOLUTION # 241001-18

ROAD PETITION #RP-513

Consideration of the "Acceptance of Petition for Establishment, Alteration and/or Vacation of County Highway pursuant to W.S. 24-3-101 et seq. and Appointment of Viewer."

WHEREAS, petitioners in the attached Laramie County road petition have requested the vacation of a county road as identified on Exhibit A, attached hereto and specifically incorporated herein by reference; and

WHEREAS, The Board of Laramie County Commissioners, having reviewed said petition and having said petition examined by the office of the Laramie County Clerk hereby determines the petition meets the requirements pursuant to W.S. 24-3-101; and

WHEREAS, The Board having considered the Petition herein, pursuant to W.S. § 24-3-103, may appoint a suitable and disinterested person, who may be a member of the board of county commissioners, to examine into the expediency of the proposed road, alteration or vacation thereof, and to report to the Board their findings as soon as practical;

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, LARAMIE COUNTY, WYOMING, the Board hereby appoints the Laramie County Director of Public Works or her designee as viewer in this matter pursuant to W.S. § 24-3-103 and directs said viewer to report to the board at a public meeting as soon as practically possible upon the expediency of the establishment of the road proposed by the petition attached hereto.


DATED this 1 day of Oct, 2024.

BOARD OF LARAMIE COUNTY COMMISSIONERS

Decertified by:

Brian Lovett, Chairman

ATTEST:

Signed by:

Debra Lee, Laramie County Clerk

Reviewed and approved as to form:


Laramie County Attorney's Office

COPY OF RECORD

LARAMIE COUNTY ROAD PETITION

**ESTABLISHMENT, ALTERATION OR VACATION OF COUNTY HIGHWAY
BY PETITION, PUBLIC HEARING AND BOARD RESOLUTION
W.S. 24-3-101**

" (b) (i) Any person desiring the establishment, vacation or alteration of a county highway shall file in the office of the county clerk of the proper county, a petition signed by **five (5) or more electors of the county residing within twenty-five (25) miles of the road proposed** to be established, altered, or vacated, in substance as follows: To the Board of County Commissioners of County. The undersigned ask that a county highway, commencing at and running thence and terminating at be established (altered or vacated as the case may be).

(ii) With said petition shall be filed a list containing the names and also the known post office address of each person owning or having an interest in any land over which the proposed establishment, vacation or alteration of a county highway is to be made."

TO THE BOARD OF COUNTY COMMISSIONERS OF LARAMIE COUNTY:

The undersigned ask that a public road, commencing at South boundary of
Brianwood estate between property 10816 Round Top Rd # 6417
House Creek Rd Cheyenne WY 82009
and running thence ^{Between} Ranchetts Lot 1 to 2 Block 2 + Block 3 lot,
and terminating at House Creek Rd
and terminating at House Creek Rd

be ESTABLISHED, ALTERED or VACATED (circle one), said right-of-way is 30
feet wide, named County Road Knowlwood Road aka _____.

Attached are signatures for at least five electors residing within 25 miles of said road and a list of landowners as described in 24-3-101(b)(i) and (ii).

ELECTORS: Five (5) or more electors residing within 25 miles of the road proposed:

PRINTED NAME	SIGNATURE	RESIDENTIAL ADDRESS	MAILING ADDRESS (IF DIFFERENT)	TELEPHONE
Chris Mack	<i>Chris Mack</i>			
Chris Mack	<i>Chris Mack</i>	10816 Roundtop Rd	Cheyenne WY	307 241 2000
Louise Mack	<i>Louise Mack</i>	10816 Roundtop Rd	Cheyenne WY	626 392-8010
Roger L Allsop	<i>Roger L Allsop</i>	6417 Horse Creek Rd	Cheyenne WY	307 630-9929
Jancy Allsop	<i>Jancy Allsop</i>	6417 Horse Creek Rd	Cheyenne WY	307-6307707
Patricia Obady	<i>Patricia Obady</i>	10110 Branding Iron Dr.	Cheyenne, WY	307-631-8851

List containing the names and also the known post office address of each person owning or having an interest in any land over which the proposed establishment, vacation or alteration of a county highway is to be made

PRINTED NAME	RESIDENTIAL ADDRESS	MAILING ADDRESS (IF DIFFERENT)
Jancy J Allsop	6417 Horse Creek Rd	6417 Horse Creek Rd
Roger L Allsop	6417 Horse Creek Rd	
Chris Mack	10816 Roundtop Rd	10816 Roundtop Rd Cheyenne WY
Louise Mack	10816 Roundtop Rd	Same

LARAMIE COUNTY ROAD PETITION

LARAMIE COUNTY CLERK
CHEYENNE, WY

ESTABLISHMENT, ALTERATION OR VACATION OF COUNTY HIGHWAY 12:18
BY PETITION, PUBLIC HEARING AND BOARD RESOLUTION
W.S. 24-3-101

" (b) (i) Any person desiring the establishment, vacation or alteration of a county highway shall file in the office of the county clerk of the proper county, a petition signed by five (5) or more electors of the county residing within twenty-five (25) miles of the road proposed to be established, altered, or vacated, in substance as follows: To the Board of County Commissioners of County. The undersigned ask that a county highway, commencing at and running thence and terminating at be established (altered or vacated as the case may be).

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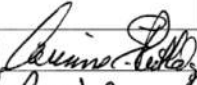
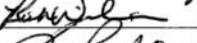
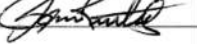
TO THE BOARD OF COUNTY COMMISSIONERS OF LARAMIE COUNTY:

The undersigned ask that a public road, commencing at South boundary of
Brianwood estate between property 10816 Roundtop Rd # 6417
House creek Rd Cheyenne WY 82009
and running thence ^{between} Ranchetts Lot 1 to 2 Block 2 + Block 3 lot,
and terminating at House creek Rd
and terminating at House creek Rd

be ESTABLISHED, ALTERED or VACATED (circle one), said right-of-way is 80
feet wide, named County Road _____ aka _____.

Attached are signatures for at least five electors residing within 25 miles of said road and a list of landowners as described in 24-3-101(b) (i) and (ii).

ELECTORS: Five(5) or more electors residing within 25 miles of the road proposed:

PRINTED NAME	SIGNATURE	RESIDENTIAL ADDRESS	MAILING ADDRESS (IF DIFFERENT)	TELEPHONE
✓ Corinne E. Rutledge		300 Saddle Dr.		307-421-1270
✓ Rick Wilcox		7817 Kepler Dr.		307-636-9598
✓ Trent Rutledge		300 Saddle Dr.		307-421-1280

List containing the names and also the known post office address of each person owning or having an interest in any land over which the proposed establishment, vacation or alteration of a county highway is to be made

PRINTED NAME	RESIDENTIAL ADDRESS	MAILING ADDRESS (IF DIFFERENT)

DocuSign Envelope ID: D87EBFC7-D50A-4276-9825-794AA1502879

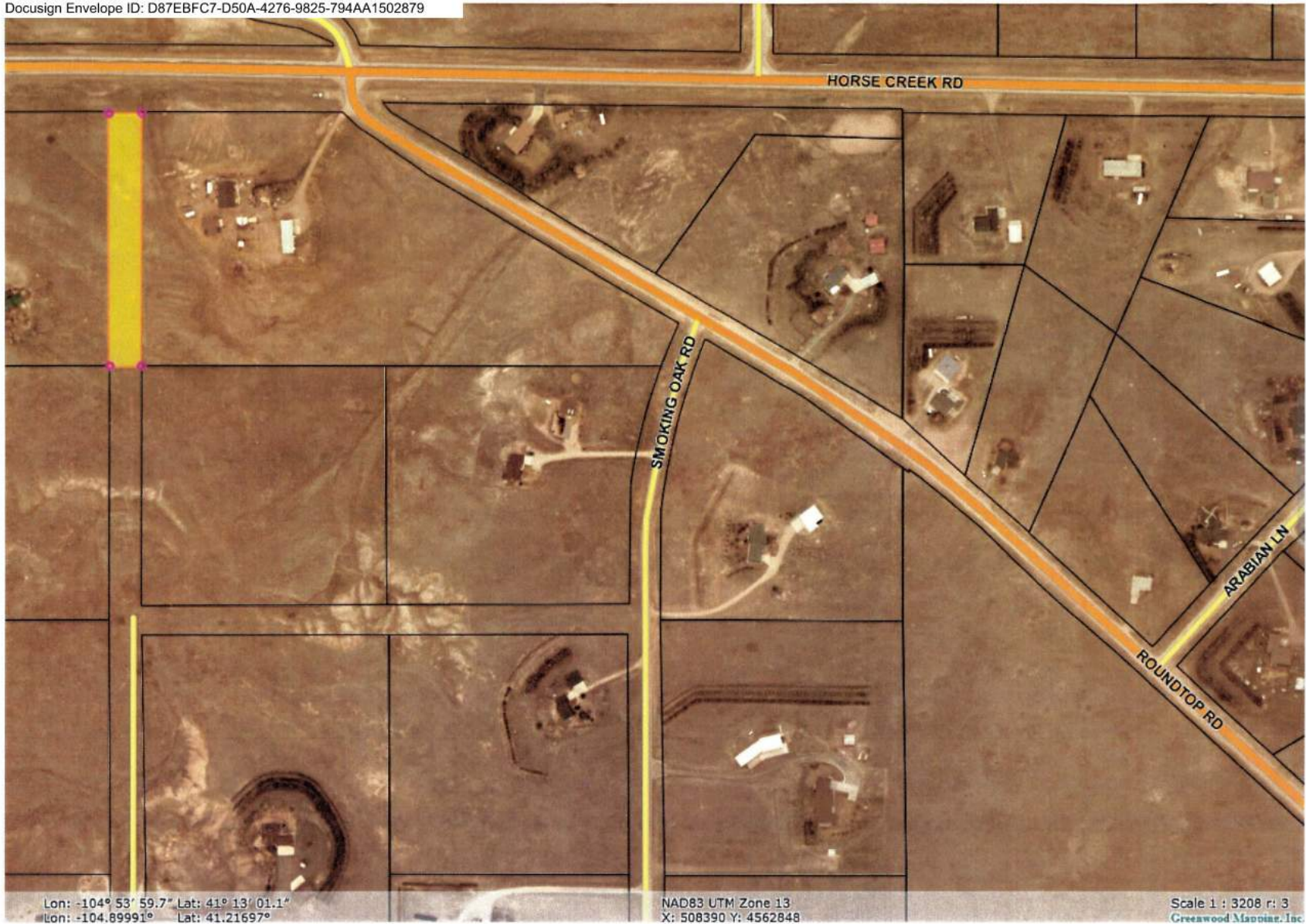
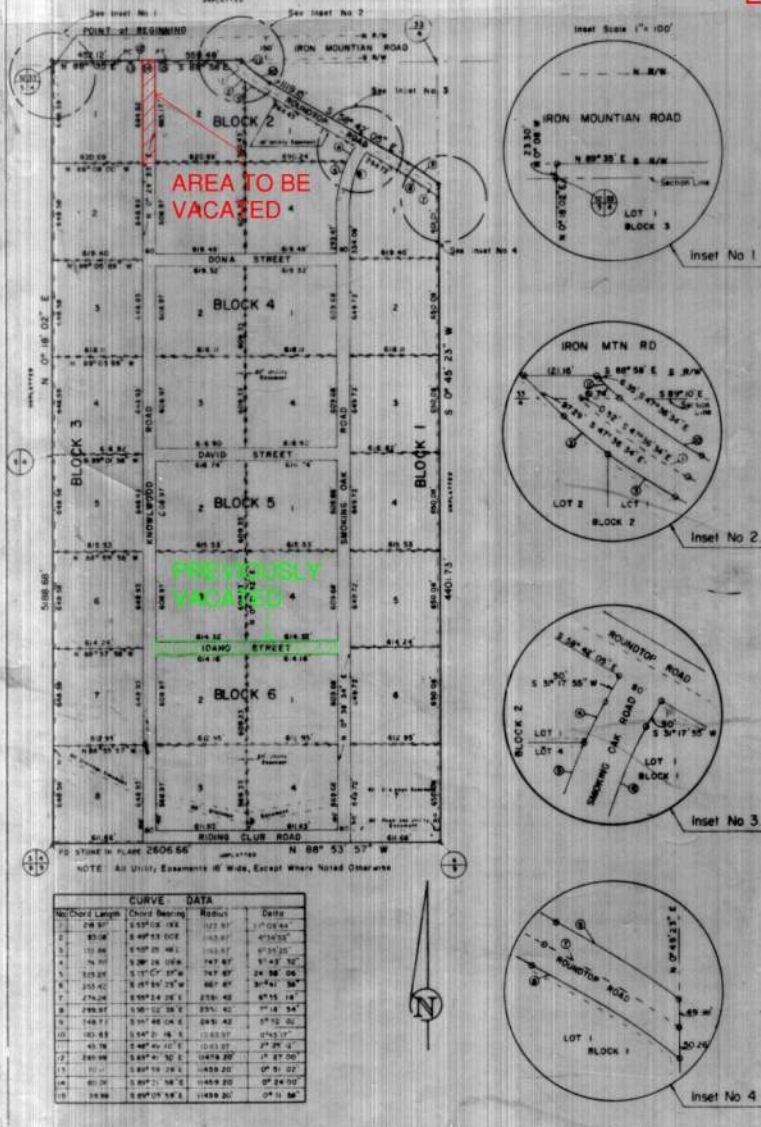


Exhibit B – Briarwood Ranchettes Plat Map

EXHIBIT B



DEDICATION

KNOW ALL MEN BY THESE PRESENTS that James W. Morris, President of Northway Machinery Company, a Wyoming Corporation, owner in fee simple of a portion of the west one-half of Section 4, T.14 N., R.47 W., 6th P.M., Laramie County, Wyoming, more particularly described as follows: Beginning at the Southwest corner of said Section 4 thence N.89°10' W., along the West boundary line of said Section 4 a distance of 23.35 feet to a point on the South right-of-way line of Iron Mountain Road as recorded with the County Clerk and Ex-Officio Registrar of Deeds for Laramie County in Book 782, Page 289; thence S.89°35' E., along said South right-of-way line of Iron Mountain Road a distance of 452.12 feet to a point; thence along a curve to the right the radius of which is 1149.35 feet and whose long chord bears S.89°41'30" E., a distance of 289.99 feet to 15' point of tangency; thence S.89°58' E., along said South right-of-way line of Iron Mountain Road a distance of 59.49 feet to a point on the East right-of-way line of Round Top Road; thence S.47°36'34" E., along said East right-of-way line of Round Top Road a distance of 8.15 feet to the beginning of a curve to the left the radius of which is 1021.07 feet and whose long chord bears S.89°48'10" E., a distance of 45.78 feet to a point on the North boundary of said Section 4; thence S.89°19' W., along the North boundary of said Section 4 a distance of 61.74 feet to a point on the centerline of Round Top Road; thence S.47°36'34" E., along said centerline of Round Top Road a distance of 12 feet to the beginning of a curve to the left the radius of which is 107.97 feet and whose long chord bears S.53°58'15" E., a distance of 218.87 feet to 15' point of tangency; thence S.59°42'00" E., along said centerline of Round Top Road a distance of 1119.15 feet to the beginning of a curve to the right the radius of which is 2191.42 feet and whose long chord bears S.59°24'26" E., a distance of 274.24 feet to a point on the North-South centerline of said Section 4; thence S.89°45'23" W., along said North-South centerline of Section 4 a distance of 4151.75 feet to the South quarter corner of said Section 4; thence S.89°53'57" W., along the South boundary of said Section 4 a distance of 2866.46 feet to the Southwest corner of said Section 4; thence N.80°02'02" E., along the West boundary of said Section 4 a distance of 5188.68 feet to the point of beginning, bounding 100.84 Acres, more or less, does hereby declare the subdivision of said land as it appears on this plat to be his free act and deed and in accordance with his desire and hereby dedicates to the use of the public forever all of Dome Street, David Street, Idaho Street, Riding Club Road, Knowwood Road, Roundtop Road, that portion of Round Top Road contained herein, and all easements shown hereon.

WITNESS MY HAND AND OFFICIAL SEAL

MORTIEN MACHINERY COMPANY
James W. Morris, President
Secretary

ATTEST
Secretary

ACKNOWLEDGMENT
STATE OF WYOMING SS
COUNTY OF LARAMIE SS
The foregoing instrument was acknowledged before me this 3rd day of March, 1978.
Witness my hand and official seal.

DEDICATION

KNOW ALL MEN BY THESE PRESENTS that HILDA B. WRIGHT owner in fee simple of a portion of the west one-half of Section 4, T.14 N., R.47 W., 6th P.M., Laramie County, Wyoming, more particularly described as follows: Beginning at a point on the North boundary of said Section 4 bears S.89°10' W., a distance of 1278.99 feet; thence S.89°10' E., along the North boundary of said Section 4 a distance of 61.74 feet to a point on the East right-of-way line of Round Top Road being on a curve to the left the radius of which is 1091.31 feet and whose long chord bears S.54°21'18" E., a distance of 185.83 feet to 15' point of tangency; thence S.58°48'57" E., along said East right-of-way line of Round Top Road a distance of 1119.15 feet to the beginning of a curve to the right the radius of which is 2411.43 feet and whose long chord bears S.59°42'00" E., a distance of 248.73 feet to a point on the North-South centerline of said Section 4; thence S.89°45'23" W., along said North-South centerline of Section 4 a distance of 49.98 feet to a point on the centerline of Round Top Road; thence along a curve to the left the radius of which is 2391.42 feet and whose long chord bears S.59°24'26" E., a distance of 274.24 feet to 15' point of tangency; thence S.59°42'00" E., along said centerline of Round Top Road a distance of 1119.15 feet to the beginning of a curve to the right the radius of which is 1131.15 feet and whose long chord bears S.53°09'19" W., a distance of 218.87 feet to 15' point of tangency; thence S.47°36'34" E., along said centerline of Round Top Road a distance of 8.15 feet to the point of beginning, bounding 1.441 Acres, more or less, does hereby declare the subdivision of said land as it appears on this plat to be his free act and deed and in accordance with his desire and he hereby dedicates to the use of the public forever that portion of Round Top Road as described herein and shown hereon.

WITNESS MY HAND AND OFFICIAL SEAL

HILDA B. WRIGHT
Hilda B. Wright
Felda

WITNESS Philip Kelley, Notary Public
Hilda B. Wright

ACKNOWLEDGMENT
STATE OF WYOMING
COUNTY OF LARAMIE SS
The foregoing instrument was acknowledged before me this 3rd day of March, 1978.
Witness my hand and official seal.
By Commission Expires May 12, 1980
Notary Public

BUSINESS CERTIFICATE
STATE OF WYOMING
COUNTY OF LARAMIE SS
I, E. Philip Kelley, a Professional Engineer and Notary Public, duly registered in the State of Wyoming, hereby certify that this plat correctly and accurately shows the Lots, Blocks, and Streets as marked on the ground with 4 inch iron pipe except where noted otherwise herein and I further certify that the land embraced within this subdivision is a portion of the West one-half of Section 4, T.14 N., R.47 W., 6th P.M., Laramie County, Wyoming and a portion of the NE1/4 of Section 33, T.15 N., R.47 W., 6th P.M., Laramie County, Wyoming more particularly described as follows: Beginning at the North-west corner of Section 4 thence S.80°02'00" E., along the West boundary of said Section 33 a distance of 23.35 feet to a point on the South right-of-way line of Iron Mountain Road as recorded with the County Clerk and Ex-Officio Registrar of Deeds for Laramie County in Book 782, Page 289; thence S.89°35' E., along said South right-of-way line of Iron Mountain Road a distance of 452.12 feet to the beginning of a curve to the right the radius of which is 1149.35 feet and whose long chord bears S.89°41'30" E., a distance of 289.99 feet to 15' point of tangency; thence S.89°58' E., along said South right-of-way line of Iron Mountain Road a distance of 59.49 feet to a point on the East right-of-way line of Round Top Road; thence S.47°36'34" E., along said East right-of-way line of Round Top Road a distance of 8.15 feet to the beginning of a curve to the left the radius of which is 1021.07 feet and whose long chord bears S.47°36'34" E., a distance of 45.78 feet to a point on the North boundary of said Section 4; thence S.89°19' W., along the North boundary of said Section 4 a distance of 61.74 feet to a point on the centerline of Round Top Road; thence S.47°36'34" E., along said centerline of Round Top Road a distance of 12 feet to the beginning of a curve to the left the radius of which is 107.97 feet and whose long chord bears S.53°58'15" E., a distance of 218.87 feet to 15' point of tangency; thence S.59°42'00" E., along said centerline of Round Top Road a distance of 1119.15 feet to the beginning of a curve to the right the radius of which is 2191.42 feet and whose long chord bears S.59°24'26" E., a distance of 274.24 feet to a point on the North-South centerline of said Section 4; thence S.89°45'23" W., along said North-South centerline of Section 4 a distance of 4151.75 feet to the South quarter corner of said Section 4; thence S.89°53'57" W., along the South boundary of said Section 4 a distance of 2866.46 feet to the Southwest corner of said Section 4; thence N.80°02'02" E., along the West boundary of said Section 4 a distance of 5188.68 feet to the point of beginning, bounding 382.184 acres, more or less.

APPROVALS
Approved by the Cheyenne-Laramie County Regional Planning Commission this 2nd day of March, 1978.
Attest: Secretary
Approved by the Board of County Commissioners of Laramie County, Wyoming this 3rd day of March, 1978.
Attest: County Clerk
APPROVED BY THE CITY CLERK OF THE CITY OF CHEYENNE, WYOMING
APPROVED BY THE CITY CLERK OF THE CITY OF BURLINGTON, WYOMING
BRIARWOOD RANCHETTES
A Subdivision of a portion of Sec 33 & 34, Section 4, T.14 N., R.47 W., 6th P.M., and a portion of the SW 1/4, SW 1/4, Section 33, T.15 N., R.47 W., 6th P.M., Laramie County, Wyoming
Scale 1" = 400'

Exhibit C – Ownership Map

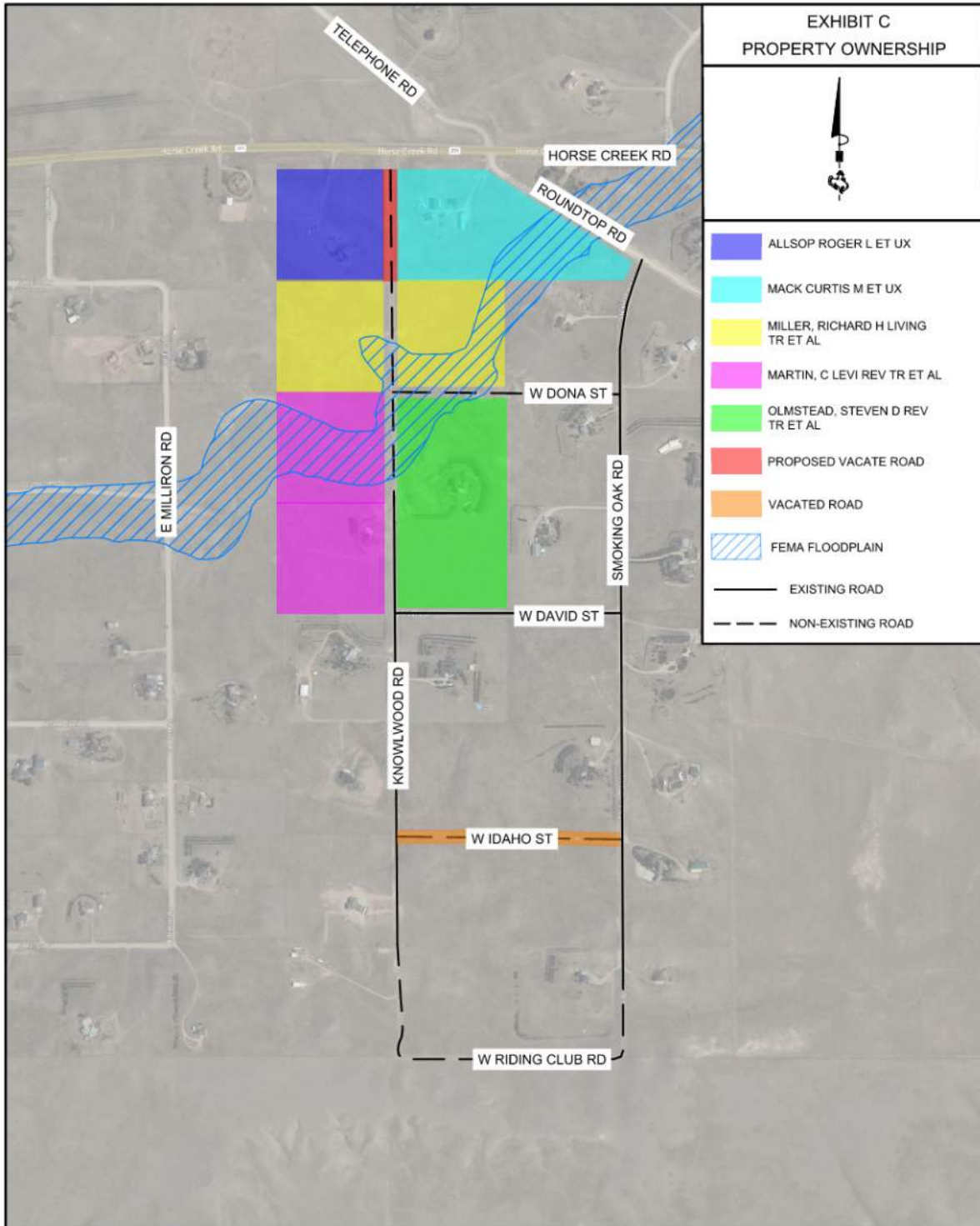




Exhibit D – Letter

EXHIBIT D

From: Molly Bennett <Molly.Bennett@laramiecountywy.gov>
Sent: Tuesday, November 26, 2024 10:28 AM
To: Scott Larson
Cc: martins2x4@yahoo.com; Rebekah Merwin
Subject: Re: File #24-479; Resolution #RP-513; Request 2053 Request to Vacate portion of Knowlwood Road
Attachments: [Road Petition Application Fillable.pdf](#)

Hey Scott,

Please see the below email related to the Road Petition on Knowlwood Road. I spoke with Levi this morning and explained the process from a high level utilizing the attached road petition application. I wanted to make sure the line of communication was open between the two of you and Levi had an opportunity to ask questions and pass along his perspective.

I will be following up with you Scott, separately, with next steps for this road petition and the others in the queue.

Let me know if I can support either of you.

Thanks,

Molly Bennett

Director
Laramie County Public Works
13797 Prairie Center Circle
Cheyenne, WY 82009
Office: 307-633-4302
Office Hours: M - Th, 6am to 4:30pm
Cell: 307-369-7195

From: Levi Martin <martins2x4@yahoo.com>
Sent: Monday, November 25, 2024 12:14 PM
To: Molly Bennett <Molly.Bennett@laramiecountywy.gov>; Rebekah Merwin <Rebekah.Merwin@laramiecountywy.gov>
Subject: File #24-479; Resolution #RP-513; Request 2053 Request to Vacate portion of Knowlwood Road

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.

Director Bennett:

It was brought to our attention yesterday that our neighbors, the Macks and the Allsops, have petitioned the county to vacate



a portion of Knowlwood Road that provides the easiest, shortest, and most economical means of access to the undeveloped lot owned by us and the two undeveloped lots owned by my father-in law and his wife, Richard and Carolyn Miller. Specifically, we own Block 3, Lot 3. The Millers own Block 3, Lot 2 and Block 2, Lot 3.

The timing of this petition and Curtis Mack's failure to provide us notice of it, even as a courtesy, is rather unfortunate. Regardless, it seems important that you, or your designee as viewer, understand some of the more recent factual background for this parcel of property. For the last year or so, Mr. Mack has engaged in unauthorized grazing on that portion of the publicly platted road that he now seeks to vacate. For the previous ten years (at least), and up until about 5 months ago, there was fencing which precluded constant access for his cattle (he had a gate put into it for a while). However, this year he took down the entire north-south running fence line and has used the public property as his own since that time.

My wife and I met with Mr. Mack at the end of August and advised him we were contemplated building a road from Horse Creek Road to these lots for possible development. Apparently, this is his response to that discussion.

This petition should be denied for a few reasons. First, I am willing to provide pictures which would demonstrate the dramatic difference in the approach to these lots from Horse Creek Road versus any alternative, but the comparison can be objectively seen even with just the elevation contour feature enabled on the Greenwood overhead map which is available on the county website. Second, it seems like bad public policy to vacate a public road which would frustrate, if not economically prevent, development of property by owners who have held those properties as investments for several years. Third, this is especially true, if the only perceivable purpose would be to reward and legitimize the previous unlawful conduct of the petitioner who is requesting that the County Commissioners economically harm his neighbors so that he can be provided a marginally increased plot of land on which he already overgrazes (nine head of cattle on 14.4 acres).

I look forward to discussing this issue with you more fully tomorrow morning.

Regards,

Levi Martin