



## LARAMIE COUNTY PLANNING & DEVELOPMENT DEPARTMENT

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Planning • Building

### MEMORANDUM

**TO:** Laramie County Board of Commissioners

**FROM:** Michael Surface, Senior Planner

**DATE:** June 7, 2022

**TITLE:** PUBLIC HEARING regarding a Board Approval for a Vacation of Tracts 1 and 2, Foster Tracts, 2<sup>nd</sup> Filing, Laramie County, WY.

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### EXECUTIVE SUMMARY

Shane Hansen of Steil Surveying has submitted a Board Approval application seeking approval for a Vacation of Tracts 1 and 2, Foster Tracts, 2<sup>nd</sup> Filing on behalf of Betty A. Middlestadt. The purpose of the vacation is to allow for a Family Subdivision Exemption. Tracts of land within a platted subdivision are not able to carry out a subdivision exemption. Should the partial vacate be approved, the lot lines are to be withdrawn with the subdivision exemption, which would correct the current problem of two structures sitting on or over the existing lot lines.

The property address is 4219 Whitney Road.

Should the Board Approval be granted, the project shall proceed to a subdivision exemption review process.

### BACKGROUND

This property is within a MU – Mixed Use zoning district. There are two dwellings and accessory structures on the property. The Foster Tracts 2<sup>nd</sup> Filing plat is dated September 27, 1952.

Pertinent statutes and regulations include:

Wyoming Statutes: 34-12-101 through 34-12-115

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

Section 1-2-104 of the Laramie County Land Use Regulations governing Public Notice.

Section 4-2-104 of the Laramie County Land Use Regulations governing the MU — Mixed Use Residential Zoning District.

Section 2-1-101 (m) of the Laramie County Land Use Regulation governing a partial vacation of a subdivision plat.

## **DISCUSSION**

The owner wishes to carry out a vacation, which then opens the door to a Family Subdivision Exemption. An administrative plat would accomplish the same goal. However, the owner chose to carry out an administrative plat due to cost.

The property has an existing well and septic tank system which is shared and will stay in place. There are no material changes to the two tracts save the new lot line change north to south, which will alleviate any encroachment issues by the existing structures. The existing lot line runs east to west. There are no changes to the structures, access points, well or septic system.

The attached vacation map exhibit shows the two tracts to be vacated.

The attached existing conditions map is attached showing the structural encroachments to the lot lines. The lot lines run south to north.

The proposed subdivision exemption tract layout map is also attached. It shows lot lines which have no encroachments.

According to state statutes (34-12-108) any part of a plat may be vacated provided that the vacation does not abridge or destroy any of the rights or privileges of other properties situated within the same plat. Staff finds the request fits the statutory requirement.

Public notice was provided as required. The property signage was posted on April 28, 2022. A legal ad appeared in the Eagle Tribune May 1, 2022. Letters to adjacent property owners were sent out on March 29, 2022.

Staff received an email from an adjacent neighbor asking several questions and expressing concerns. The email and the staff response are attached, along with public agency comments.

Section 1-2-100 (a) of the Laramie County Land Use Regulations 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. In this instance, the Board of County Commissioners is not approving a use, it is approving a vacate request. State statutes designates the Board of County Commissioners to approve a partial vacation of a plat.

## **RECOMMENDATION and FINDINGS**

**Based on evidence provided, staff recommends the Laramie County Board of Commissioners find that:**

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

**Planning Staff recommends that the Board approve the Vacation of Tracts 1 and 2, Foster Tracts, 2<sup>nd</sup> Filing, Laramie County, WY.**

## **PROPOSED MOTION**

**I move to grant Board Approval of the Vacation of Tracts 1 and 2, Foster Tracts, Second Filing, Laramie County, WY., and adopt the findings of facts a, b and c of the staff report.**

## **ATTACHMENTS**

- Attachment 1: Aerial Map**
- Attachment 2: Existing Conditions Map**
- Attachment 3: Proposed Subdivision Exemption Map**
- Attachment 4: Narrative**
- Attachment 5: Original plat – Foster Tracts, 2<sup>nd</sup> Filing**
- Attachment 6: Agency review comments**
- Attachment 7: City of Cheyenne letter**
- Attachment 8: Public comment and staff response**
- Attachment 9: Resolution**
- Attachment 10: Resolution Exhibit “A”**





Vacation  
Lots 1 and 2  
Foster Tracts  
Second Filing

MU - Mixed Use  
Zoning District  
PZ - 22 - 00157

**Legend for Aerial View**

Property Lines

Streets

Classification

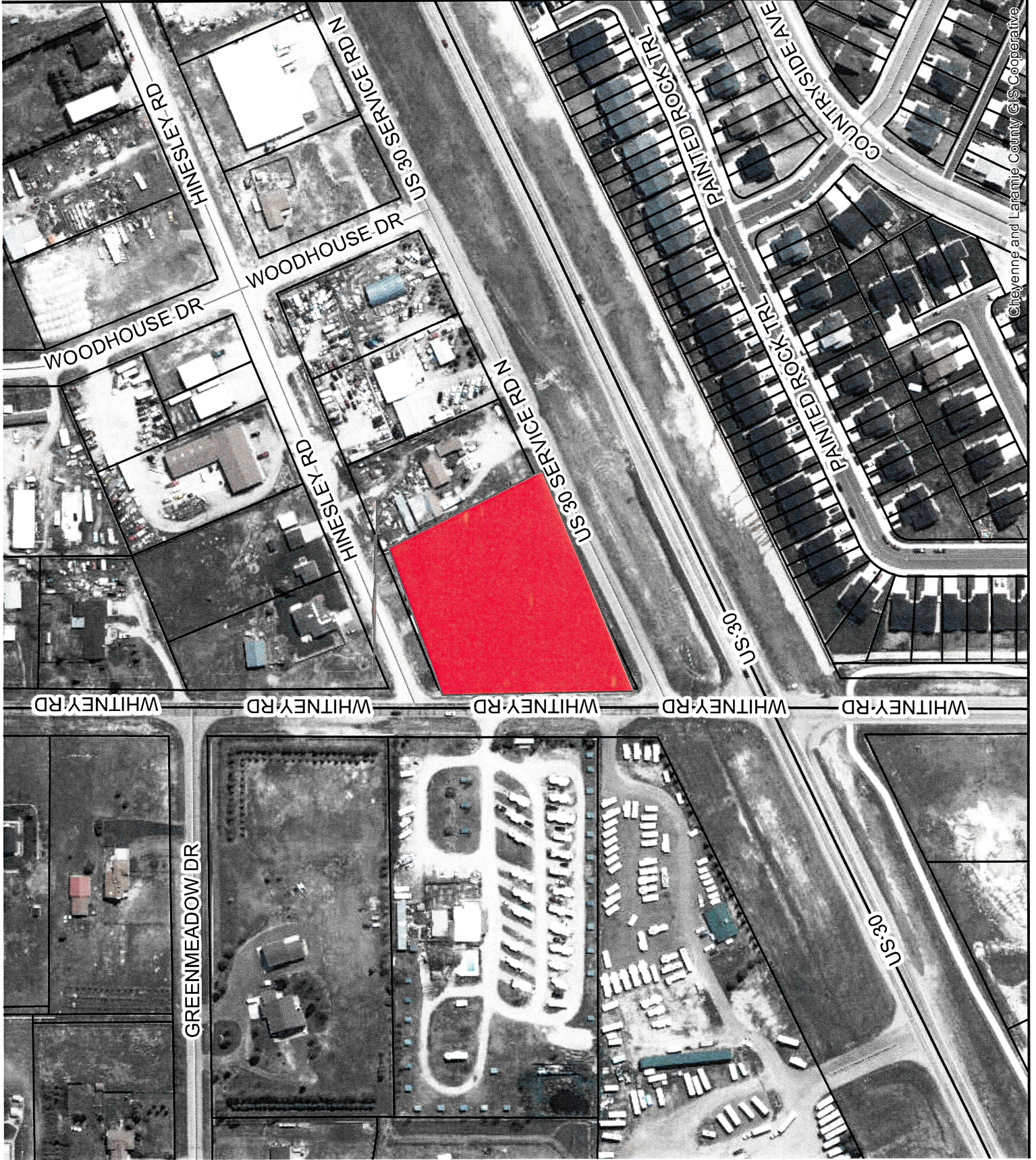
Arterial

Collector

Local



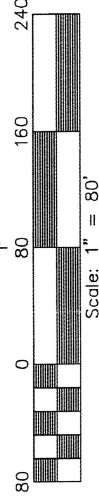
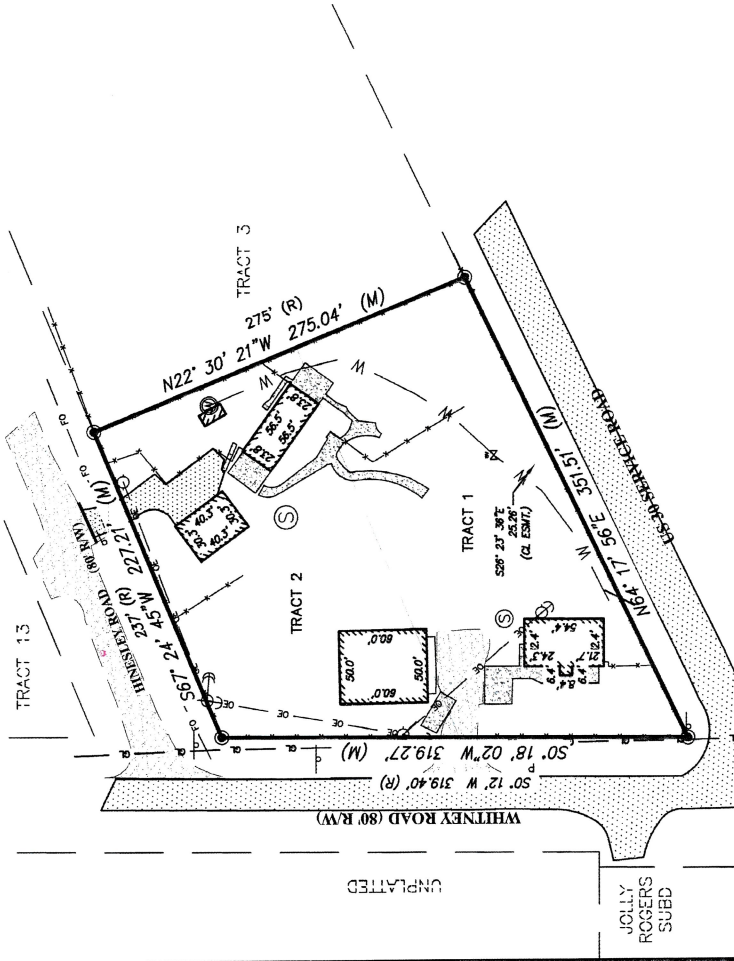
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Feet



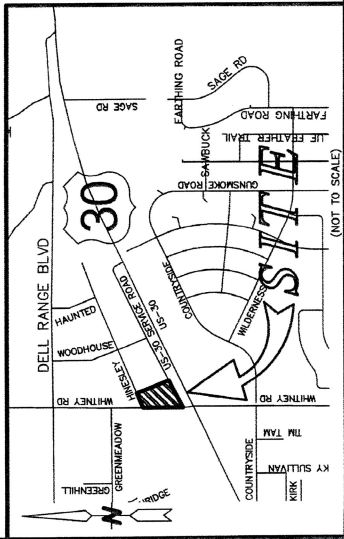


# LEGEND

- SET 3/8" X 24" LONG REBAR WITH 1 1/2" ALUMINUM CAP STAMPED "SSS P.L.S. 5910"
- FOUND 1 1/2" ALUMINUM CAP STAMPED "L.S. 3047"
- EXISTING UTILITY POLE
- EXISTING GUY WIRE
- EXISTING SEPTIC MANHOLE
- EXISTING WELL
- EXISTING FENCE LINE
- EXISTING GAS LINE
- EXISTING SINGLE POST SIGN
- DENOTES RECORD DATA
- (R) EXISTING BITUMINOUS SURFACE
- (C) EXISTING CONCRETE SURFACE
- (G) EXISTING GRAVEL SURFACE



## VICINITY MAP



**EXISTING  
CONDITIONS  
FAMILY MAP  
EXEMPTION MAP  
FOR  
BETTY A.  
MIDDLESTADT  
BECKLE**

AN EXEMPT SUBDIVISION OF  
TRACT 1 AND TRACT 2,  
FOSTER TRACTS,  
2ND FILING,  
LARAMIE COUNTY, WYOMING

PREPARED MARCH, 2022

**STEEL SURVEYING SERVICES, LLC**  
PROFESSIONAL LAND SURVEYORS  
PLANNING & DEVELOPMENT SPECIALISTS  
1102 WEST 10th ST. CHEYENNE, WY. 82001 • (307) 634-7779  
736 GILCHRIST ST. CHEYENNE, WY. 82001 • (307) 634-7788  
www.SteelSurvey.com • info@SteelSurvey.com

PREPARED: MARCH 5, 2002  
21316 TR 1&2 FOSTER TR ROS.DWG

PARCEL A DESCRIPTION:

A tract of land situated in Vacated Tracts 1 and 2, Foster Tracts, 2nd Filing, Laramie County, Wyoming, more particularly described as follows:

Beginning at the Southeast corner of said Tract 1, thence N22°30'21"W, a distance of 275.04 feet to the Northeast corner of Tract 2; thence S67°24'45"W, along the North line of Tract 2, a distance of 155.58 feet; thence S26°23'36"E, a distance of 283.08 feet to the South line of Tract 1; thence N64°17'56"E, a distance of 136.60 feet to the point of beginning.

SUBJECT TO:

A 15 foot wide temporary water line easement across a portion of above described parcel. Said easement extending 7.5 feet on each side of the following described centerline:

Beginning at point from which the Southwest corner of the above described Parcel bears S26°23'36"E, a distance of 25.26 feet; thence N40°08'07"E, a distance of 64.82 feet; thence N27°55'06"E, a distance of 80.38 feet; thence N14°47'33"W, a distance of 39.21 feet; thence N22°55'53"W, a distance of 67.98 feet and said easement there terminates.

PARCEL B DESCRIPTION:

A tract of land situated in Vacated Tracts 1 and 2, Foster Tracts, 2nd Filing, Laramie County, Wyoming, more particularly described as follows:

Beginning at a point on the South line of Tract 1, from which the Southeast corner or Tract 1 bears thence N64°17'56"E, a distance of 136.60 feet; thence N26°23'36"W, a distance of 283.08 feet to the North line of Tract 2; thence S67°24'45"W, a distance of 71.63 feet to the Northwest corner of Tract 2; thence S0°18'02"W, a distance of 319.27 feet to the Southwest corner or Tract 1; thence N64°17'56"E, a distance of 214.91 feet to the point of beginning.

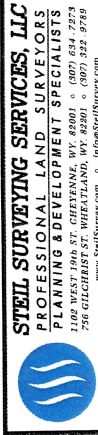
FAMILY MAP  
FOR  
BETTY A.  
MIDDLESTADT  
BECKLE

CERTIFICATE OF SURVEYOR

I, Jeffrey B. Jones, A Licensed Professional Land Surveyor in the State of Wyoming, for and on behalf of Steel Surveying Services, LLC, hereby certify that 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.

AN EXEMPT SUBDIVISION OF  
VACATED TRACT 1 AND TRACT 2,  
FOSTER TRACTS,  
2ND FILING,  
LARAMIE COUNTY, WYOMING

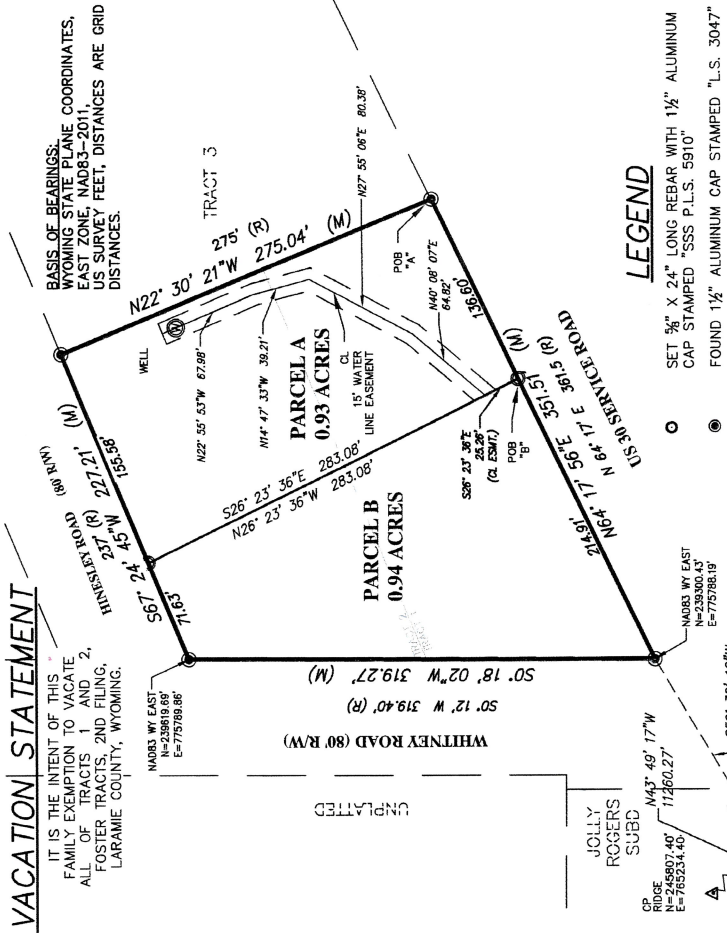
PREPARED MARCH, 2022



REVISD: 3/8/2022  
21316 TR 1&2 FOSTER TR ROS.DWG

VACATION STATEMENT

IT IS THE INTENT OF THIS  
FAMILY EXEMPTION TO VACATE  
ALL OF TRACTS 1 AND 2,  
FOSTER TRACTS, 2ND FILING,  
LARAMIE COUNTY, WYOMING.

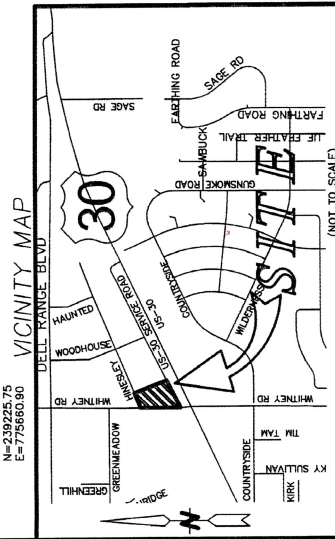


LEGEND

- SET 3/4" X 24" LONG REBAR WITH 1 1/2" ALUMINUM CAP STAMPED "SSS P.L.S. 5910"
- FOUND 1 1/2" ALUMINUM CAP STAMPED "L.S. 3047"



Scale: 1" = 80'







**April 26, 2022**

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

**InRe: LETTER OF JUSTIFICATION (VACATION) – BECKLE FAMILY EXEMPTION  
(VACATION)**

Steil Surveying Services, agent for the owner, intends to vacate tracts 1 and 2, Foster Tracts 2<sup>nd</sup> Filing, Section 25, Township 13 North, Range 66 West of the 6th P.M., Laramie County, WY. (1.90 acres) The vacation is necessary to do a Family Exemption for Betty A. Middlestadt Beckle as the property she is deeding to her grandson and keeping for herself are currently in the platted subdivision.

By vacating Tracts 1 and 2, we are able to alleviate the burden of the cost and time it takes to replat. Once vacated the property is then outside of the subdivision allowing the transfer of land to her Grandson through the Family Exemption process. With COVID causing havoc and financial hardship to the entire world, the vacation and transfer of land to her Grandson through this process, is the most cost and time efficient. We were led to this process by the Laramie County Planning & Development Office. We have followed the process as laid out by the aforementioned.

Please contact me with any questions or concerns.

Sincerely,

Shane Hansen

Director Planning and Development  
Steil Surveying Services, LLC  
[shansen@steilsurvey.com](mailto:shansen@steilsurvey.com)

Sec. 24 T. 14 N., R. 66 W.  
1" Iron pipe in road

Sec. 23

S. 45° 14' E.  
467.7'

COUNTY ROAD  
N. 89° 48' W.

N. 1/4 Cor.  
Sec. 25



### CERTIFICATE OF DEDICATION

Know all men by these presents, that L.A. Foster, owner in fee simple of the land embraced in the above description and plat of FOSTER TRACTS, 2nd Filing, does hereby declare this subdivision of the within described land to be his voluntary act and deed and in accordance with his desire and does hereby dedicate to the use of the public forever all of the roads shown hereon.

*L.A. Foster*

### ACKNOWLEDGEMENT

STATE OF WYOMING } S.S.  
COUNTY OF LARAMIE }  
On this 27th day of September, A.D. 1952, personally appeared L.A. Foster, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed and in accordance with his desires.

In witness whereof I have hereunto set my hand and affixed the seal of my office at the day and year first above written. *June 6, 1954*  
My commission expires *Chapman, Wyoming*  
Reading at *Philip White*



Notary Public in and for the State of Wyoming

### SURVEYOR'S CERTIFICATE

STATE OF WYOMING } S.S.  
COUNTY OF LARAMIE }

This is to certify that we, John F. Yeager and Robert B. Newman of Cheyenne, Wyoming, made this map of FOSTER TRACTS, 2nd Filing, from notes taken during an actual survey under our direction during September, 1952, and that it correctly represents the facts and roads as marked on the ground by iron pipes and guard stakes set at all tract corners and iron pipe monuments set at all corners of roads and survey points. And we further certify that the land embraced in this subdivision is all that part of the NW 1/4 Section 25, T. 14 N., R. 66 W., East and 35 feet South of the NW corner of Section 25, which point bears S. 45° 14' E. 467.7 feet from the NW corner of Section 25, thence S. 0° 12' W. a distance of 1348.2 feet to a point; thence N. 64° 17' E. a distance of 1863.7 feet to a point; thence N. 0° 11' E. a distance of 533.6 feet to a point; thence N. 89° 48' W. a distance of 1674.7 feet to the point of beginning. All in the NW 1/4 Section 25, T. 14 N., R. 66 W., 6th P.M. and containing 30.77 acres, more or less, and that all bearings, angles and distances shown are true to the best of our knowledge and belief.

*John F. Yeager*  
John F. Yeager, Wyo. Reg. 155

*Robert B. Newman*  
Robert B. Newman, Wyo. Reg. 175

## FOSTER TRACTS 2<sup>nd</sup> FILING

A SUBDIVISION OF THE NW 1/4 SECTION 25, T. 14 N., R. 66 W.  
LARAMIE COUNTY, WYOMING

610895

3-56 Sept  
2-52  
J. H. H. #116  
*John H. H.*



**PZ-22-00157**  
**Board Approval**

**Cheyenne Planning:** Cheyenne Development Services, Seth Lloyd Comments

1. Official City comment letter attached.
2. US 30 and service road right-of-way has been annexed into the City. Access to that road may require City approval, and any site plan on the subject properties will require City review and approval of right-of-way improvements.
3. Access to Whitney Road may be limited in the future.
4. This is in the Whitney Road Plan area:  
<https://www.plancheyenne.org/project/whitney-road-corridor-plan/>
5. Not relating to the proposed vacation, but in relation to the proposed future division: What is the plan for water and sewer service? In dividing the ownership parcel, each new parcel should have a stand-alone well and septic system on their respective properties. It appears the existing conditions map shows two septic systems but only one well.

**County Assessor:** County Assessor, Kaycee Eisele No Comments

**County Attorney:** County Attorney, Joe Chenchar No Comments

**County Engineer:** County Engineer, Scott Larson No Comments

**County Public Works Department:** County Public Works Department, Molly Bennett

**County Real Estate Office:** County Real Estate Office, Laura Pate No Comments

**County Treasurer:** County Treasurer, Trudy Eisele  
No Comments

**Emergency Management:** Emergency Management, Matt Butler

**Intraoffice:** Planners, Cambia McCollom No Comments

**Planners:** Planners, Michael Surface Comments Attached 05/09/2022  
This action is to vacate two existing subdivision tracts. The result is unplatted land. Then, a subdivision exemption may move forward.



A COMMUNITY OF CHOICE

**Planning and Development Department**  
2101 O'Neil Avenue, Suite 202, Cheyenne WY 82001  
(Phone) 307-637-6282 (Fax) 307-637-6366

May 19, 2022

Board of County Commissioners  
310 W 19th St #320  
Cheyenne, WY 82001

**RE: Foster Tracts, 2<sup>nd</sup> Filing Partial Plat Vacation (vacating Tracts 1 and 2) – City Comments**

Board of County Commissioners,

In compliance with W.S. 34-12-103 (b) the City hereby submits the following comments regarding the plat vacation referenced above:

1. Future annexation of the property will prompt review by the City. Concurrent with annexation by petition, public improvements to streets may be required; driveway accesses will be reviewed for conformance with City standards and may require modification; and Community Facility Fees will be required to be paid to the City. The City defers timing of design and construction of public improvements to the County.

I do not believe that there are any items of disagreement that warrant a response by the Board of County Commissioners pursuant to W.S. 34-12-103-(b).

Thank you,

Charles W. Bloom, AICP  
Planning and Development Director



William D. and Dawn J. Fiscus  
6408 Hinesley Road  
Cheyenne, WY 82001

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PZ-22-157  
letter  
E-mail  
response  
MS

May 14, 2022

Michael Surface, Planner  
Laramie County Planning & Development Department  
3966 Archer Parkway  
Cheyenne, WY 82009  
[planning@laramiecounty.com](mailto:planning@laramiecounty.com)

Re: Project No. PZ-22-00157

Dear Mr. Surface:

I am responding to your letter of April 29, 2022 regarding the application to vacate two tracts within Foster Tracts, 5<sup>th</sup> Filing for a subdivision exemption.

While I empathize with Mrs. Middlestadt Beckle in trying to save money and time in the transfer her property to her grandson, but I feel that this is not just a simple transaction.

While looking at the original plat documents I find that there were problems with these two tracts long before my husband and I bought our property in 1994.

1. First I think that the house that is on Whitney Road is placed in the middle of Tract 1 and 2.

2. The second is that the house placed on Hinesley Road was placed in direct contrast to the covenants of the Foster Tracts which does not allow multiple family dwellings.

I also question how this vacating and transferring will affect the rest of the land owners in the Foster Tract.

Michael Surface, Planner

May 14, 2022

Page 2

1. Will the two properties still be zoned as MUB or does this change once this transfer is complete?

2. With the new split in the property will each tract be required to have its own well? How will this be accomplished with the counties requirement of 5 acre tracts for new wells?

3. What precedent is the county is setting by going through the subdivision exemption process instead of going through the ordinary plat change process.

In summary I do not think that this is just a simple transaction and wonder if this is allowed to proceed without the usual platting process what damages may happen to the land owners in the Foster Tracts, 5<sup>th</sup> Filing. My husband and I ask that the county Planning Board not approve this request.

Sincerely,

/s/ Dawn J. Fiscus

Dawn J. Fiscus

Rec  
5-18-22  
MS  
Called  
5-18-22  
5-20-22



## Michael Surface

---

**From:** Michael Surface  
**Sent:** Friday, May 20, 2022 3:36 PM  
**To:** 'dawnfiscus@msn.com'  
**Cc:** Justin Arnold; Shane Hansen  
**Subject:** Middlestadt Beckle Plat Vacate

Hello Miss Fiscus,

Thank you for your note concerning the Vacate for Middlestadt Beckle on Foster Tracts, 5<sup>th</sup> Filing.

Tracts 1 and 2. I have called you twice since receiving your note on the 18<sup>th</sup>; I figure a note from me to you

Would be helpful.

I want to provide helpful information, and will respond by the concerns you raised.

1. The dwelling sitting across the property line is one of the reasons used to vacate these tracts on the subdivision plat.  
Once vacated, new lot lines drawn would mean the house does not sit on the property line.
2. I cannot speak to the covenants of the subdivision. That is a private contract.
3. The properties are zoned Mixed Use – MU, according to the Zoning Map. That zone district would not change  
once the vacate is approved. It is to remain the same.
4. The existing well is shared, along with the well, and have shared for a number of years. It is our understanding  
that in the future, if the property is annexed, then City water and sewer would be used.
5. The county is not setting precedent. State statutes allow for tracts to be vacated from a subdivision.  
Once vacated, either an administrative plat, or in this instance a family subdivision exemption may be used  
to convey property to a family member.

The vacating of the two tracts to unplatted land does not have any material affects upon the neighbors or the rest of the land owners in Foster Tracts, 5<sup>th</sup> Filing. It was a choice made by the property owner to efficiently solve a problem so that two tracts could be made and one parcel could be passed to a family member.

Laramie County carries out subdivision exemptions, and has done so for many years.

What makes this situation unique is that the two parcels are required to be vacated from the plat, thus going to unplatted land. Once there is unplatted land then a subdivision exemption can take place.

In order for a subdivision tract or tract to be vacated, the action of approving the vacate is to be carried out by the governing body, in this instance,

the Board of County Commissioners. It is only after approval by the governing body that a subdivision exemption can take place.

I wish things were not so complicated, but being able to pass land to a family member in this instance is a two-step process.

A subdivision exemption cannot occur with a platted lot. Thus, the first step is a vacate approved by the governing body. Once the vacate is in effect, then a subdivision exemption can take place.

I hope this note is helpful so you may understand what your neighbor is doing. Please feel free to contact me at the phone number listed below.

Thank you kindly.

Michael Surface

5/20/22

*Michael Surface*

Laramie County Planning and Development

3966 Archer Parkway

Cheyenne, WY 82009

Direct Line: 307-775-7451

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION TO APPROVE A VACATION OF TRACTS 1 AND 2,  
FOSTER TRACTS, 2<sup>ND</sup> FILING, 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 §34-12-108 of the Wyoming State Statutes; and

**WHEREAS** this resolution is the Vacation for Tracts 1 and 2, Foster Tracts, 2<sup>nd</sup> 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 Wyoming Statutes §34-12-106 to §34-12-111.
- b. The vacation has been submitted to perform a Family Subdivision Exemption to be split into two separate tracts.

**And the Board approves the Vacation of Tracts 1 and 2, Foster Tracts, 2<sup>nd</sup> Filing, Laramie County, WY. in order to carry out a Family Subdivision Exemption.**

**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

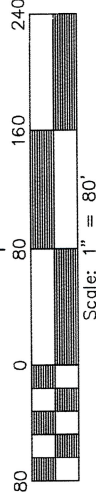
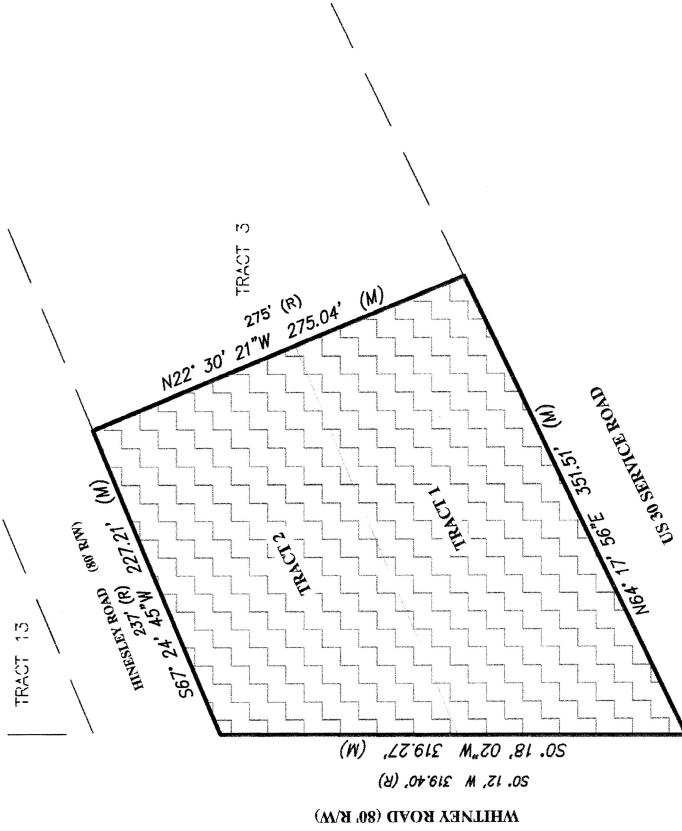


# LEGEND

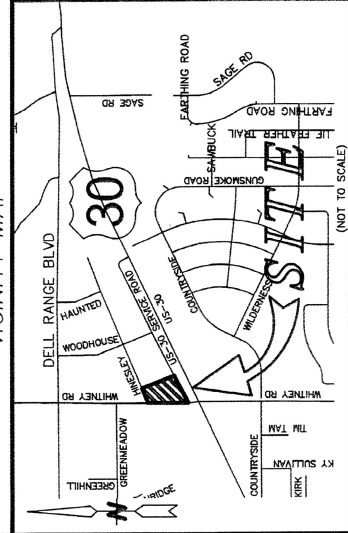


AREA OF VACATION

## EXHIBIT A



### VICINITY MAP



**VACATION  
EXHIBIT  
FAMILY  
EXEMPTION MAP  
FOR  
BETTY A.  
MIDDLESTADT  
BECKLE**

TRACT 1 AND TRACT 2,  
FOSTER TRACTS,  
2ND FILING,  
LARAMIE COUNTY, WYOMING

PREPARED MARCH, 2022



**STEEL SURVEYING SERVICES, LLC**  
PROFESSIONAL LAND SURVEYORS  
PLANNING & DEVELOPMENT SPECIALISTS  
1102 WEST 19th ST CHEYENNE, WY 82001 • (307) 634-7272  
756 GILCHRIST ST WHEATLAND, WY 82201 • (307) 322-9789  
www.steelssurvey.com • info@steelssurvey.com

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