AGENDA
CITY OF SHERIDAN
FEBRUARY 10, 2020
STUDY SESSION COUNCIL MEETING START 5:30 P.M.

1. Cemetery Discussion - City Attorney Brendon Kerns

2. DDA Discussion - City Attorney Brendon Kerns

3. Consideration of Resolution # 04-20 for the Hill Court Right-of-Way Vacation - Public Works Director Lane Thompson

4. Consideration of Resolution #05-20 for Kaden Court Minor Subdivision - Public Works Director Lane Thompson

5. Consideration of Resolution #06-20 for the Circle 8 Right-of-Way Vacation - Public Works Director Lane Thompson

6. Consideration of Award for the Sheridan Fire Dept. Vehicle Exhaust Removal System - City Engineer Hanns Mercer

7. Consideration of Award to Wasatch Railroad Contractors for the Asbestos Abatement and Remediation Services for CB&Q #5631 Steam Locomotive - City Engineer Hanns Mercer

8. Consideration of Award of Professional Services for the Design of the Utilidor at the BGWTP - City Engineer Hanns Mercer

9. Consideration of Award of ONE (1) Single Axle, Minimum GVWR 36,000 lbs Truck with Flat Bed, Snow Plow, and Spreader to Floyds Truck and Equipment. - Public Works Director, Lane Thompson

10. Consideration of Pre-Annexation Agreement with George W. Mohatt for Water and Sewer Service to 135 Decker Road - Utility Services Coordinator Mike Peacock

CITY OF SHERIDAN, WYOMING

55 Grinnell Street, P.O. Box 848, Sheridan Wyoming 82801
Ph (307) 674-6483 Fax (307) 674-2195

Attorney

MEMORANDUM

Project Name:	Cemetery Discussion - City Attorney Brendon Kerns
From:	Brendon Kerns, City Attorney
To:	Mayor and Council
CC:	Interim City Administrator Mike Jackson
Date:	02/10/2020

Attachments

Cemetery Ordinance
Cemetery Memo
Cemetery Map

Ordinance _____

AN ORDINANCE ADOPTING PROVISIONS CONCERNING THE CITY OF SHERIDAN CEMETERY FOR CHAPTER 17 and APPENDIX A, ARTICLE 14, SPECIFICALLY:

WHEREAS, the City of Sheridan owns and operates the City of Sheridan Cemetery for the benefit of the public; and

WHEREAS, the City of Sheridan is authorized by W.S. § 35-8-201, et. al. to regulate its cemetery; and

WHEREAS, the City of Sheridan is authorized per W.S. § 35-8-201 to sell plots for burials by deed or certificate; and

WHEREAS, it is in the best interests of the City of Sheridan and its citizens to adopt an ordinance addressing the sale and transfer of cemetery deeds.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SHERIDAN, WYOMING:

Ordinances 17-1 through 17-14 are hereby repealed

Chapter 17 shall be codified as follows:

17-1 Administration

a. The cemetery grounds belonging to the City shall be known as the "Sheridan Municipal Cemetery", which shall be a part of the Municipal Park System, under the supervision of the Director of Public Works.

b. The City Governing Body shall adopt Cemetery Policies and Procedures for the Sheridan Municipal Cemetery.

c. Definitions for this Chapter shall be set by the Governing Body per the Cemetery Policies and Procedures.

17-2 Plot Sales

a. Plots for fetal and infant burial, as defined by the Cemetery Policies and Procedures shall be free of charge.

b. All burial plots, excepting fetal and infant burial plots, shall be purchased from the City at such price as shall be set by the City Governing Body. The City Clerk shall furnish the purchaser with a cemetery deed executed by the Mayor.

c. The City Clerk shall create a written or electronic plot purchase application form to be completed by the purchaser prior to the issuance of any deed.

17-3 Cemetery Deeds, Transfers and Assignments

a. A cemetery deed does not grant any plot owner any right in real property, mineral rights, water rights or any other right except as specifically granted per this ordinance. A cemetery deed solely establishes the right of burial for the purchaser in a plot pursuant to Wyoming State Statute and City of Sheridan Ordinance.

b. All cemetery deeds issued after the date of this ordinance becoming effective shall not be transferable or assignable.

1. Only the person(s) whose name(s) are listed on the deed as allowed person(s) for burial shall be eligible for placement in the plot. The number of cremations allowed per plot shall be no more than five (5).

c. All cemetery deeds issued prior to the date of this ordinance becoming effective shall be transferable or assignable. Provided that any person or deceased person who has received a plot by transfer or assignment shall establish proof of ownership by the execution of an Affidavit of Ownership.

1. An Affidavit of Ownership shall be executed by either the person claiming ownership in the plot or an authorized person in order of priority per W.S. § 2-17-101(b) (i-vii).

2. Any person who executes an Affidavit of Ownership fraudulently or provides false information shall be guilty of a misdemeanor subject to a fine of no more than $750.00 and be required to pay all damages and costs incurred by the City.

3. The City authorized personnel may rely on the Affidavit of Ownership and act in accordance with the Cemetery Policies and Procedures unless a person with higher or equal priority under W.S. § 1-17-101(b)(i-vii) provides the City Clerk a

contrary written notice before the burial. Upon the receipt of the contrary written notice, the City Clerk may at the Clerk's discretion:

A. Allow or deny the burial by a majority vote of the claimants; or

B. Allow or deny the burial per the decision of the person with the highest priority; or

C. Require the parties obtain a Court Order establishing ownership and priority prior to burial.

17-4 Markers

a. Grave marker standards shall be set by the City Governing Body per the Cemetery Policies and Procedures.

b. No monuments, mausoleums, vaults, or structures, other than approved grave markers, may be erected or placed upon any burial plots within the cemetery.

17-5 Grave Opening No plot within the cemetery shall be opened without approval from the City. Approval for the opening of a plot shall not be given unless the location and proof of right of burial can be established.

17-6 Grave Liners All burials, except for infants and cremated remains, shall be in permanent-type grave liners constructed of concrete, fiberglass steel, polypropylene, or other methods approved by the Public Works Director or designee.

17-7 Burial Plot Remains/Cremains

a. All plots, excepting baby/child plots located in Valley View Addition, are limited to:

1. 1 casket and up to 4 cremains; or

2. 5 cremains.

b. Valley View Addition Baby/Child plots (under the age of 3) are limited to one remains and one cremains, or a total of two cremains.

c. Stacked remains burials are prohibited.

d. No remains or cremains burials shall occur without approval from the City.

e. The reopening of a plot containing remains or cremains shall only occur with permission of the City. Said restriction shall not prohibit any Court with jurisdiction over the City of Sheridan from ordering a reopening to occur.

1. Should the City find need to reopen any plot, the City shall notify the owner or known decedents by certified mail at the last known address of the intent to reopen the plot. Notice is deemed delivered upon a successful delivery or upon the last day delivery is attempted. Any person who objects to the reopening of the plot must provide written notice to the City within seven (7) days of receipt of the certified mailing. An objection to the reopening shall be appealed to the City of Sheridan Board of Adjustments.

2. The City may reopen any plot and remove remains or cremains for any reason per Wyoming Statute or Wyoming Department of Health regulations. In addition, the City may reopen any plot or remove remains for reasons of health, safety, or upon the determination that a deceased person was buried in the incorrect location.

3. The cost of reopening any plot shall be borne by the City unless the reopening of the plot or removal of the remains or cremains was done so by request of an heir or order of a court. The cost of reopening any plot and/or removal of remains or cremains shall be paid by the requesting party before any opening occurs.

17-8 Appeals

a. An appeal of any administrative decision shall be made to the City of Sheridan Board of Adjustment and be subject to the rules and procedures of the Board and as found in Appendix A, Article 14.

b. For an appeal regarding a Cemetery decision, the City Public Works Director shall be the City representative and responsible party.

17-9 Maintenance and Work

a. The City shall not be liable for any damages to any burial plot, grave marker or other structure which may result from mowing, watering, or other required care furnished by the City.

b. Persons working within the cemetery shall not attach ropes or other equipment to any structure, marker or tree within the cemetery, nor leave material, garbage or rubbish on plots, streets or walkways. Such persons shall complete their work as soon as possible, and remove their rubbish and waste material immediately after their work is completed. Such persons will be held responsible for any damage to monuments, structures, grass, trees or other objects in the cemetery.

17-10 Prohibitions and Damages

a. No person shall place trees, shrubs, hedging, cropping, curbing, wire work or enclosure upon any burial plot except as allowed by the Cemetery Policies and Procedures.

b. No person shall pick flowers or damage trees, plants or other property in the cemetery.

c. Except for authorized equipment, no vehicles or bicycles are allowed within the cemetery except on designated roads.

d. No person shall be in the cemetery except during cemetery hours per the Cemetery Policies and Procedures.

17-11 Lodge Cemeteries

a. The City may maintain or provide services to any lodge cemetery located within or adjacent to the City of Sheridan Municipal Cemetery upon the lodge and the City entering into a maintenance agreement.

b. Any lodge cemetery which is transferred to the City's ownership shall be subject to City Ordinances and the Cemetery Policies and Procedures. Any plot containing remains/or cremains at the time of transfer to the City, which may be considered a nonconforming use, shall be grandfathered unless the nonconforming use is determined to be dangerous, hazerdous or a nuisance. The City may abate any dangerous, hazardous or nuisance condition without notice being provided to the lodge or the plot occupant's hiers.

c. Upon the transfer of the lodge cemetery to the City, the City may issue an agreed upon number of plots to the lodge for the use of their members provided such use does not violate any Federal or State law. Said lots shall not be transferable or assignable.

Appendix A, Article 14 shall be amended to include a new subparagraph under the heading of Jurisdiction (2)(i) as follows:

(i) Permit a variation of a Cemetery Ordinance or variation from the Cemetery Policies and Procedures.

WHEREUPON, a motion was passed and this Ordinance and was declared adopted this _____ day of_____, 2020.

CITY OF SHERIDAN, WYOMING

_____ _____
Mayor Roger Miller

ATTEST: _____
City Clerk

FIRST READING: _____

SECOND READING: _____

THIRD READING: _____

PUBLISHED: _____

EFFECTIVE THE _____ DAY OF _____, 2020.

KERNS & BUNTING, LLC

200 W. Loucks St.
P.O. Box 6669
Sheridan, WY 82801
Telephone: 307.655.8600
Facsimile: 307.674.5000

BRENDON E. KERNS
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Licensed in WY & MT

SHERYL S. BUNTING
sbunting@kernsbunting.com
Licensed in WY

MEMORANDUM

Date: **February 6, 2020**
To: **City of Sheridan Mayor and Council**
RE: **Cemetery Ordinance Amendments**

In the January study session, the staff presented Mayor and Council with some of the issues we have identified regarding cemetery deeds. The proposed Ordinance in your packet is a complete redraft of the City's current cemetery ordinance. The following is a synopsis of each section's effect.

17-1 Administration: The Governing Body will adopt Cemetery Policies and Procedures. These will be presented to you at the March study session for approval on the final reading of this ordinance.

17-2 Plot Sales: Infant and fetal burial plots shall be free. Paragraph (c) authorizes the City Clerk to create a purchase application

17-3 Cemetery Deeds, Transfers and Assignments: Paragraph (a) states that a cemetery deed only grants a right of burial. Paragraph (b) limits the transferability of deeds for any future plot. It further allows for up to five people to be listed on the deed who can be buried in the plot and limits the cremains per plot to 5. Paragraph (c) addresses the issues of all previously sold lots. Any time a question of ownership occurs, the claimant can execute an Affidavit of Ownership so that a burial can proceed. If another party objects then the Clerk has three options:

(1) Allow/Deny burial based on a majority of claimants;
(2) Allow/Deny burial based on seniority;
(3) Require the parties to obtain a court order prior to burial

17-4 Markers: Grave marker standards shall be set by the Cemetery Policies and Procedures. The ordinance also prohibits monuments, mausoleums, vaults or structures.

17-5 Grave Opening: Only the City is allowed to open a grave.

17-6 Grave Liners: This section requires grave liners.

17-7 Burial Plot Remains/Cremains: This section limits the number of cremains per plot and prohibits stacked burials. This section also sets forth the standard in order for the City to reopen. The City can open a plot if it deems it necessary for the health and safety of the public, in the case of an improperly located burial, or by order of the court or per Wyoming Statute or Wyoming Department of Health Regulations. Should the City intend to reopen a plot, the City is required to give notice. If there is an objection, the matter is appealed to the Board of Adjustments.

17-8 Appeals: Appeals of an administrative decision is made to the Board of Adjustments.

17-9 Maintenance and Work: This section protects the City from damage as a result of maintenance and requires persons working in the cemetery to clean up and fix damages.

17-10 Prohibitions and Damages: This section prohibits people from damaging the property, prohibits them from being in the cemetery after hours and limits vehicle usage.

17-11 Private Cemeteries and Lodges: The cemetery contains multiple lodge cemeteries which are owned by the lodges. This section requires the lodges to enter into a maintenance agreement. It further established some guidelines for transferring the lodge portions to City ownership.

This ordinance amendment will also amend Appendix A, Article 14 which establishes the powers of the Board of Adjustments.

If you have any questions, please contact me at your convenience.



CEMETERY MAP

Created by the City of Sheridan GIS Division.
Image from Orthophotography April, 2002.
Date of Publication: October 1, 2002

Legend

Designations

New Areas

Private Lodge Areas

Block numbers shown on this map represent approximate locations.

Feet

0 50 100 200 300 400

N

DISCLAIMER: The City of Sheridan GIS Division produced this map for informational purposes only. Although data represented on this map is believed to be accurate at the time of printing, the City of Sheridan provides this map on an "as is" basis without warranties of any kind, either expressed or implied, and shall not be liable for any direct, indirect, incidental, special or consequential damages arising out of the use of such map. The user acknowledges and agrees that the use of such data is at the sole risk of the user. General questions about this map including errors, omissions, and/or updates should be directed to the City of Sheridan GIS Division.

Block	Available Plots
70	1
71	2
72	0
73	3
74	0
75	0
76	0
77	0
78	2
79	5
80	0
81	0
82	1
83	0
84	0
85A	0
85	5
86	0
87	1
88	4
89	0
90	0
91	2
92	0
93	2
94	1
95	5
96	0
97	0
98	1
99	1
100	0
101	5
102	16
103	37
104	39
105	1
Total	134

CITY OF SHERIDAN, WYOMING

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Attorney

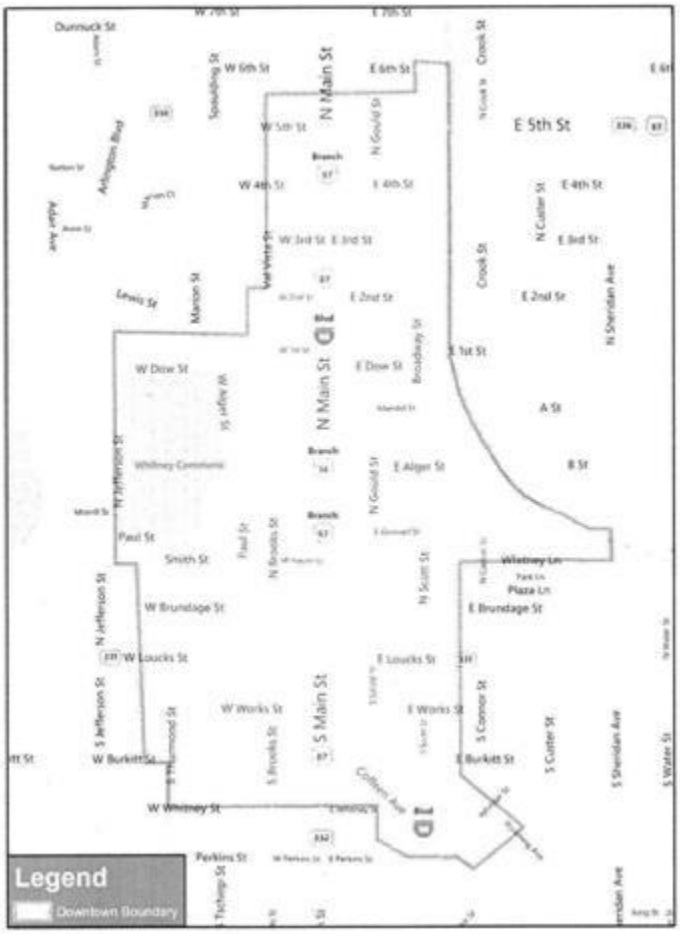
MEMORANDUM

Project Name:	DDA Discussion - City Attorney Brendon Kerns
From:	Brendon Kerns, City Attorney
To:	Mayor and Council
CC:	Interim City Administrator Mike Jackson
Date:	02/10/2020

Attachments

DDA Boundaries
DDA Memo
DDA Ordinance Amendment
DDA Area Worksheet

The boundaries of the downtown development district within which the authority shall exercise its powers shall be as follows:



as more specifically described on the exhibit attached hereto and incorporated herein (the "District"). (Ord. No. 2143, § 3, 2-18-14.)

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SHERYL S. BUNTING
sbunting@kernsbunting.com
Licensed in WY

MEMORANDUM

Date: **February 6, 2020**
To: **City of Sheridan Mayor and Council**
RE: **Proposed Changes to DDA Ordinance**

In your packet are proposed changes to the Downtown Development Authority (DDA) Ordinance. The changes are tracked for your convenience. The DDA is a five-member Board made up of business owners and lessees located within the Downtown District. For your reference, a map of the District boundaries is enclosed. The DDA is tasked under ordinance and statute to engage in activities that will benefit the District. However, the main focus of a DDA is intended to be economic development through mitigating blight.

Last year, the Council elected to move forward with reestablishing the DDA. Most of the proposed changes are updates and corrections without substantive effect. The substantive changes are as follows:

Ordinance 2-73 will include a subsection (d) which specifies that the method of identifying people to fill a vacancy shall be at the discretion of the Mayor. Subsection (e) will now require that the DDA bylaws be approved by the City of Sheridan Governing Body.

Ordinance 2-77 will be amended to remove a portion of the current ordinance which establishes a sales tax base from 2013. Any sales tax collected above the 2013 amount within the Downtown District was supposed be set over to the DDA. The City never set the 2013 amount, and funds were never allocated to the DDA. Therefore, this provision should be repealed. The staff recommends that the City elect to make distributions from other funds rather than calculating sales tax revenue from the District.

If you have any questions or concerns, please contact me at your convenience.

Ordinance #2203

AN ORDINANCE AMENDING CHAPTER 2 ARTICLE V OF THE CITY OF SHERIDAN MUNICIPAL ORDINANCES CONCERNING THE DOWNTOWN DEVELOPMENT AUTHORITY, SPECIFICALLY;

WHEREAS, the City of Sheridan Governing Body established a Downtown Development Authority per W.S. § 15-9-201 et.al; and

WHEREAS, the City finds it necessary to amend its current Downtown Development Authority Ordinances.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SHERIDAN, WYOMING:

Ordinance 2-73 shall be amended to read as follows:

(a) The authority shall be under the direct supervision and control of a board consisting of five (5) members appointed by the Mayor with consent of the City Council. A majority of the members of the authority, except any member from the Governing Body, shall reside, be a lessee or own property within the designated downtown development district.

(b) The board shall be constituted as follows:

1. At least one member shall be a member of the City Governing Body, appointed to serve at the pleasure of the City Governing Body.
2. Two members shall be appointed for terms expiring three (3) years from appointment.
3. Two members shall be appointed for terms expiring two (2) years from appointment.
4. One member shall be appointed for a term expiring one(1) year from appointment.

(c) A member shall hold office until his or her successor has been appointed and qualified. After terms of the initial members of the board have expired, the terms of all members (except any member who is a member of the Governing Body) shall expire four (4) years from the expiration dates of the terms of their predecessors. Appointments to fill vacancies shall be for the unexpired term, and shall be made within thirty (30) days after the occurrence of said vacancy.

(d) The method of identifying people to fill a vacancy shall be at the discretion of the Mayor.

(e) The Board shall adopt and promulgate rules and/or bylaws governing its procedure, including election of officers. The rules/bylaws shall be approved by the City of Sheridan Governing Body and be filed in the office of the Sheridan City Clerk. The Board shall hold regular or special meetings in the manner provided by the Board. All meetings of the Board shall be open to the public except those dealing with land acquisition or sales, personnel matters, legal matters or other matters exempted from the public meeting laws of the state of Wyoming. Members of the Board shall serve without compensation, but they may be reimbursed for actual and necessary expenses.

Ordinance 2-75 shall be amended to read as follows:

(a) The Board shall, submit to the City of Sheridan a proposed operating budget for each forthcoming fiscal year by the date and time set by the City Treasurer.

1. The fiscal year shall be from July 1st until June 30th of the ensuing year. Said budget shall be subject to alteration, modification and approval by the City Governing Body in accordance with the policies of the City of Sheridan, and after being approved, shall be adopted as the fiscal plan for the Board for the ensuing year.

(b) The City, on behalf of the Board, shall keep a regular set of books and financial records for the operation of its projects and activities, showing in detail any business transaction. The Board shall be subject to all policies and procedures adopted by the City Governing Body.

Ordinance 2-77 is amended to read as follows:

The Board may finance development projects through any method of financing identified Wyoming Statute. Any ordinance or resolution by which bonds are issued shall specify the maximum net effective interest rate on such bonds.

WHEREUPON, a motion was passed and this Ordinance and was declared adopted this _____ day of_____, 2020.

CITY OF SHERIDAN, WYOMING

_____
Mayor

ATTEST:

_____
City Clerk

FIRST READING: _____

SECOND READING: _____

THIRD READING: _____

PUBLISHED: _____

EFFECTIVE THE _____ DAY OF _____, 2020.

	Area (Acres)	% Commercial	Commercial/Other Area	% of All Commercial Area	% of City Area
DDA Boundaries	208.00	50%	104.00	11.7%	1.3%
**Other Commercial Area	787.25	100%	787.25	88.3%	9.6%
Total Commercial Area	995.25		891.25	100.0%	10.9%
All other Area	7,186.75		7,290.75		89.1%
Total City Area	8,182.00		8,182.00		100.0%

** This area was calculated on use, not purely on a zone boundary, not inclusive of DDA

	DDA SalesTax compared to All Sales Tax					DDA Internet Tax Compared to All Internet Tax				
	Total Commercial Area	DDA Boundaries	**Other Commercial Area	% DDA	% Other	Total Commercial Area	DDA Boundaries	**Other Commercial Area	% DDA	% Other
FY13 Tax	$3,598,221	$419,877	$3,178,344	11.67%	88.33%	$16,799	$1,960	$14,839	11.67%	88.33%
FY19 Tax	$4,190,336	$488,970	$3,701,366	11.67%	88.33%	$116,216	$13,561	$102,655	11.67%	88.33%
Difference	$592,115	$69,094	$523,021			$99,417	$11,601	$87,816		
% Increase	16.46%	16.46%	16.46%			591.80%	591.80%	591.80%		

	DDA Internet Tax as a % of DDA Total Sales Tax			DDA Internet Tax as a % of ALL Sales Tax		
	DDA Sales Tax	DDA Internet Tax	% Internet	Total Sales Tax	DDA Internet Tax	% Internet
FY13 Tax	$419,877	$1,960	0.47%	3,598,221	1,960	0.054%
FY19 Tax	$488,970	$13,561	2.77%	4,190,336	13,561	0.324%

CITY OF SHERIDAN, WYOMING

55 Grinnell Street, P.O. Box 848, Sheridan Wyoming 82801
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Planning

MEMORANDUM

Project Name:	Consideration of Resolution # 04-20 for the Hill Court Right-of-Way Vacation - Public Works Director Lane Thompson
From:	Lane Thompson, Public Works Director
To:	Mayor and Council
CC:	
Date:	01/16/2020

Recommendation:

Staff recommends the Mayor and Council approve PL-19-31, Resolution # 04-20, vacating .45 acres of Right-of-Way located in the Colony South Addition. This is located in the 1400 block of S Main St.
Staff recommends the waiver of the $2.00 per square foot fee for this right of way vacation. This is due to the geographic challanges with this property. In return for the fee waiver, the developer has agreed to put the hill side into a conservation easement on the accompanying plat. This will prevent future building on the slope.

Discussion:

In evaluating whether or not the request meets the requirements of Sheridan City Code Appendix B §205, staff concluded the following.

1. ***The vacation does not abridge or destroy any of the rights and privileges of other proprietors in the platted area.***
2. ***The vacation does not close or obstruct any public highway.***
3. ***Proper notification has occurred to impacted parties and private utilities.***

City code requires that the area vacated shall be conveyed to all lots or parcels adjacent to the street or alley being vacated in equal proportions or as prescribed by the petitioners. In this case, the adjacent owners have an agreement on how this Right-of-Way will be divided. This vacated area will be included in the Kaden Court Minor Subdivision.
All utility companies have been notified and have approved of this vacation. Staff sent out direct nearest neighbor notifications as part of this application, in addition to advertising in the press and a sign posted on the property. No comments from the public have been received by this date.

Staff intends to bring this item for final consideration at the next City Council meeting.

Staff has no further comments at this time.

Background:

The owners are requesting to vacate a total of .45 acres of the unimproved Hill Court right-of-way located in the Colony South Addition, in the 1400 block of S. Main Street.

Hill Court was originally platted in 1976 as part of the Colony South Addition, as a cul de sac for 10 lots off of South Main St. The right of way is located on a hill and remains in its native vegetative state.

Potential Findings of Fact:

Vacation of platted easements and rights-of-way is governed by Sheridan City Code Appendix B §205. That section requires that in the case of an easement vacation the following be found to be true:

1. The vacation does not abridge or destroy any of the rights and privileges of other proprietors in the platted area.
2. The vacation does not close or obstruct any public highway.
3. Proper notification has occurred to impacted parties and private utilities.

Attachments

petition to vacate

Property owners agreement

Exhibits

aerial

RES 04-20

PETITION FOR RIGHT OF WAY VACATION

TO THE CITY COUNCIL OF THE CITY OF SHERIDAN, WYOMING:

Pursuant to the provisions of Sheridan City Code Appendix B§ 205, and applicable state statutes, the undersigned landowner(s) respectfully petition and show the City Council as follows:

1. This is a petition for the vacation of right-of-way within the city limits of Sheridan, Wyoming, having a legal description as follows: See Attached.

2. Excalibur Construction - Andrew McFaul, and Kurt and Amber Huestis are the owners of the abutting property who have signed this petition for vacation.

3. A survey of the area sought to be vacated is attached hereto and made a part hereof.

4. The petitioners certify that they represent a majority of the property owners, owning a majority of the property abutting the right-of-way to be vacated.

5. Petitioners hereby request that said lands be vacated for the following reason(s): Hill Court serves no useful purpose. Hill Court is currently the right of way access to a major subdivision that can never be built due to the hillside being too steep to construct a residential dwelling. With the vacation of Hill Court, the possibility to build closer to the street and improve surrounding homes' values, becomes possible.

Therefore, Petitioners pray said right-of-way be vacated pursuant to and in accordance with the applicable Wyoming Statutes and City Ordinances after proper notice and public hearing.

Dated this 24th day of October, 2019.

Signed by the Petitioners (attach more sheets as necessary:

Kurt Huestis
Amber Huestis
Andrew McFaul

STATE OF Wyoming)
) ss
COUNTY OF Sheridan)

The above and foregoing was subscribed, sworn to, and acknowledged before me by Andrew this 24 day of October 2019.

KRISTA K KELLY - NOTARY PUBLIC
COUNTY OF SHERIDAN STATE OF WYOMING
MY COMMISSION EXPIRES MAY 31, 2021

My Commission Expires:

Notary Public Krista Kelly

EXHIBIT OF ROW VACATION

AREA TO BE CONVEYED TO EXCALIBUR CONSTRUCTION

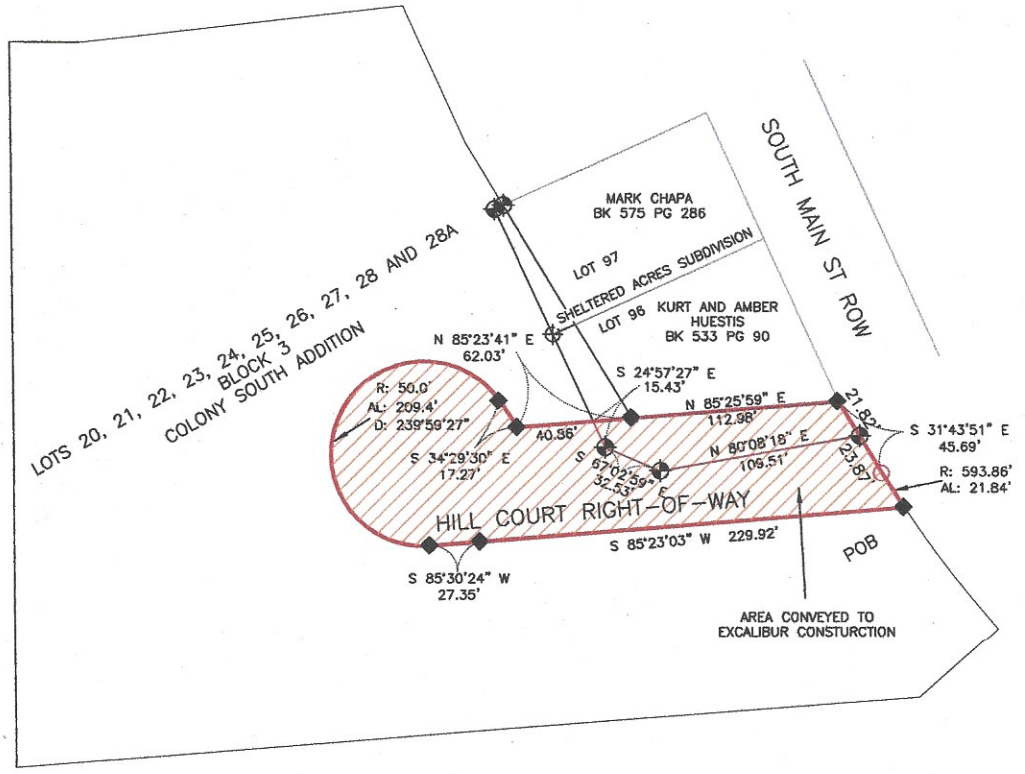
HILL COURT ROW, COLONY SOUTH ADDITION TO THE TOWN, NOW CITY OF SHERIDAN, LOCATED IN THE NE¼SE¼ OF SECTION 34,TOWNSHIP 56 NORTH, RANGE 84 WEST, 6TH P.M., SHERIDAN COUNTY, WYOMING
CONTAINING ±.45 ACRES

HILL COURT ROW ESTABLISHED BY COLONY SOUTH ADDITION PLAT:
RECORDED IN PLAT BOOK 1, PAGE 140, NO 684410, ON APRIL, 29, 1976.

LEGAL DESCRIPTION:

HILL COURT RIGHT-OF-WAY (ROW) MORE PARTICULARLY DESCRIBED AS;

BEGINNING AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF HILL COURT AND THE WESTERN RIGHT-OF-WAY LINE OF SOUTH MAIN STREET; THENCE S 85°23'03" W, 229.92 FEET; THENCE S 85°30'24" W, 27.35 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 50 FEET, ARC LENGTH OF 209.4 FEET AND A DELTA ANGLE OF 239°59'27"; THENCE S 34°29'30" E, 17.27 FEET; THENCE N 85°23'41" E 62.03 FEET TO THE SOUTHWEST CORNER OF LOT 96 OF SHELTERED ACRES SUBDIVISION; THENCE N 85°25'59" E, 112.98 FEET ALONG SAID LOT 96 SOUTH LINE TO A POINT ON SAID WESTERN RIGHT-OF-WAY LINE; THENCE S 31°43'51" E 45.69 FEET, ALONG SAID WESTERN RIGHT-OF-WAY LINE; THENCE ALONG SAID WESTERN RIGHT-OF-WAY LINE THROUGH A CURVE TO THE LEFT HAVING A RADIUS OF 593.86 FEET AND AN ARC LEGNTH OF 21.84 FEET, ALONG SAID WESTERN RIGHT-OF-WAY LINE, TO THE POINT OF BEGINNING
CONTAINING .45 ACRES MORE OR LESS



SURVEYOR'S CERTIFICATE:
I, CLAYTON P. ROSENLUND DO HEREBY CERTIFY THAT THIS PLAT WAS MADE FROM AN ACTUAL FIELD SURVEY PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT IT CORRECTLY SHOWS THE LOCATION TO THE BEST OF MY KNOWLEDGE.

Professional Land Surveyor
CLAYTON ROSENLUND
14250
Date 10/23/19
WYOMING

N

SCALE: 1"=80'

BASIS OF BEARINGS ARE
US STATE PLANE, NAD 83 WYOMING EAST CENTRAL ZONE
DISTANCES ARE GROUND (US SURVEY FEET)
PAF:1.000235

LEGEND

- SET 1.5" AC LS 14250
- FOUND 1.5" AC-PLS 10287
- FOUND 2" IRON PIPE AS NOTED
- AC ALUMINUM CAP
- ROW RIGHT OF WAY
- POB POINT OF BEGINNING
- AREA TO BE VACATED
- ROW BOUNDARY LINE

PREPARED BY:
Cannon Consulting LLC (307) 752-0109 201 E 5TH ST, SHERIDAN, WY, 82801

FOR: EXCALIBUR CONSTRUCTION, LLC
2275 DRY RANCH ROAD
SHERIDAN, WYOMING

Date: 10/23/19

Hill Court Vacation Agreement

THIS AGREEMENT is made and entered into this 19th day of December, 2019, by and between Kurt Huestis, Amber Huestis, and Excalibur Construction. All of the above-named parties are the property owners of the land and property which surrounds Hill Court, an existing Right of Way for the City of Sheridan.

THE ABOVE-NAMED PARTIES, through this vacation process of Hill Court, are aware of, agree to and will comply with the following terms:

1. Wyoming State Statute on vacation of land is written so that unless the parties dually agree to other terms and land division, each property owner would be fully entitled to exactly half of the vacation of any City Right of Way that directly affects them.
2. The dually agreed to division of land and allocation of Hill Court is based on an existing signed agreement between the parties. Per existing agreement, this division of Hill Court is not a fifty-fifty split.
3. Excalibur Construction, owned by an above-named party, agrees to provide Huestis, and above-named party with enough materials so that Huestis may build a cedar fence on that property.
4. Excalibur Construction, agrees to gift a portion of their land, to Huestis. This gifted portion of land is referenced on the existing agreement dated October 07, 2019. The gifted land is agreed to be the land in which Huestis already has a partial fence located on.

Kurt Huestis

Amber Huestis

Excalibur Construction

This agreement acknowledged before me on the 19th day of December, 2019.

WITNESS my hand and official seal.

KRISTA K KELLY - NOTARY PUBLIC
COUNTY OF SHERIDAN
STATE OF WYOMING
MY COMMISSION EXPIRES MAY 31, 2021

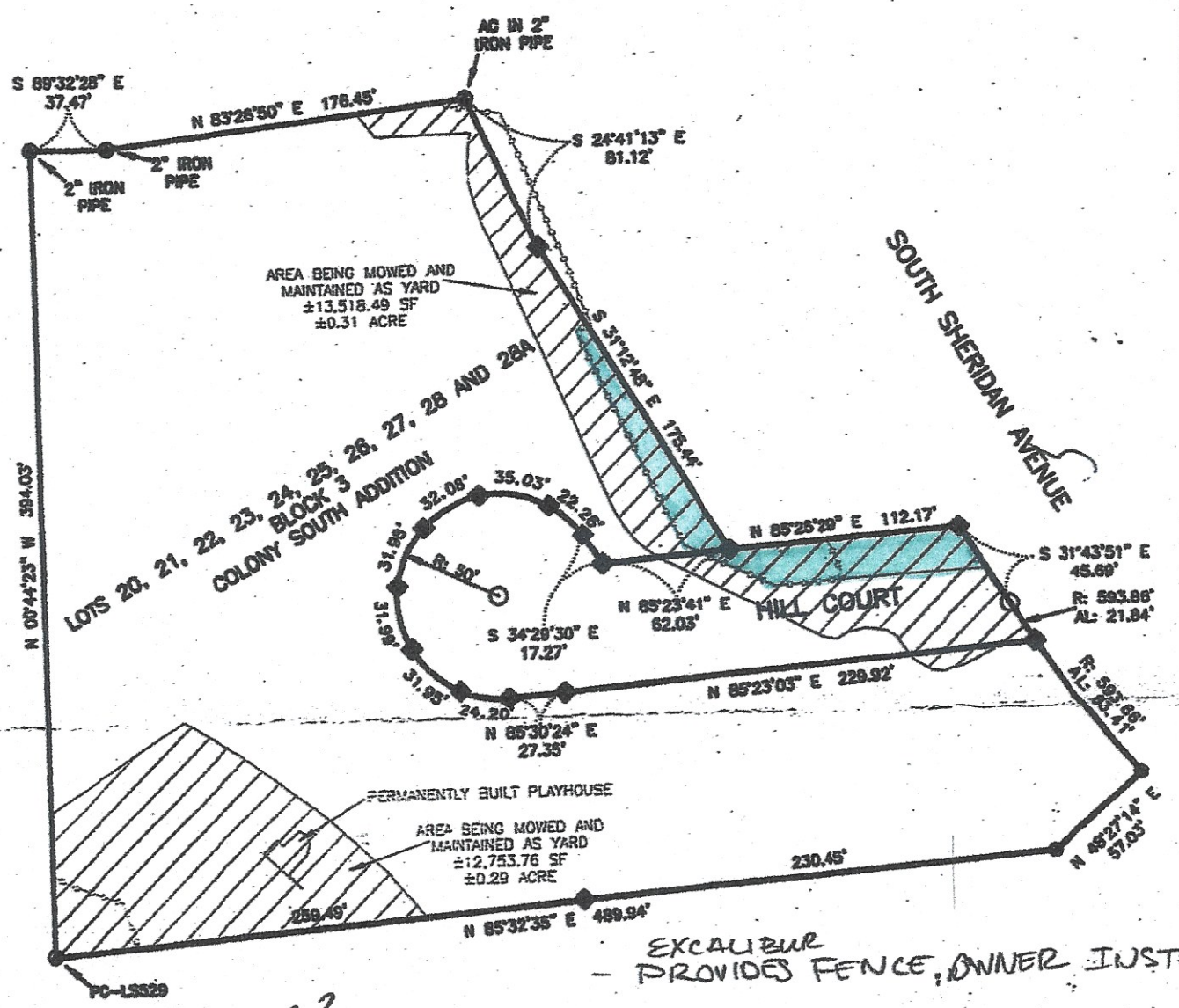
My Commission expires: 5-31-21

Signature of Notarial Officer

Title: Notary Public

EXHIBIT OF SURVEY

LOTS 20, 21, 22, 23, 24, 25, 26, 27, 28 AND 28A OF BLOCK 3, COLONY SOUTH ADDITION TO THE TOWN, NOW CITY OF SHERIDAN,
LOCATED IN THE NE¼SE¼ OF SECTION 34,TOWNSHIP 56 NORTH, RANGE 84 WEST, 6TH P.M.,
SHERIDAN COUNTY, WYOMING
CONTAINING ±2.82 ACRES



- EXCALIBUR
- PROVIDES FENCE, OWNER INSTALLS
- PROVIDE LAND TO SOUTH & WEST
- PROVIDE SURVEY & REPLAT FEES

SIGNED: [signature] DATE: 10-7-19

SIGNED: [signature] DATE: 10-7-19

LEGEND

SIGNED: [signature] DATE: 10/7/19

RIGHT OF WAY VACATION EXHIBIT A

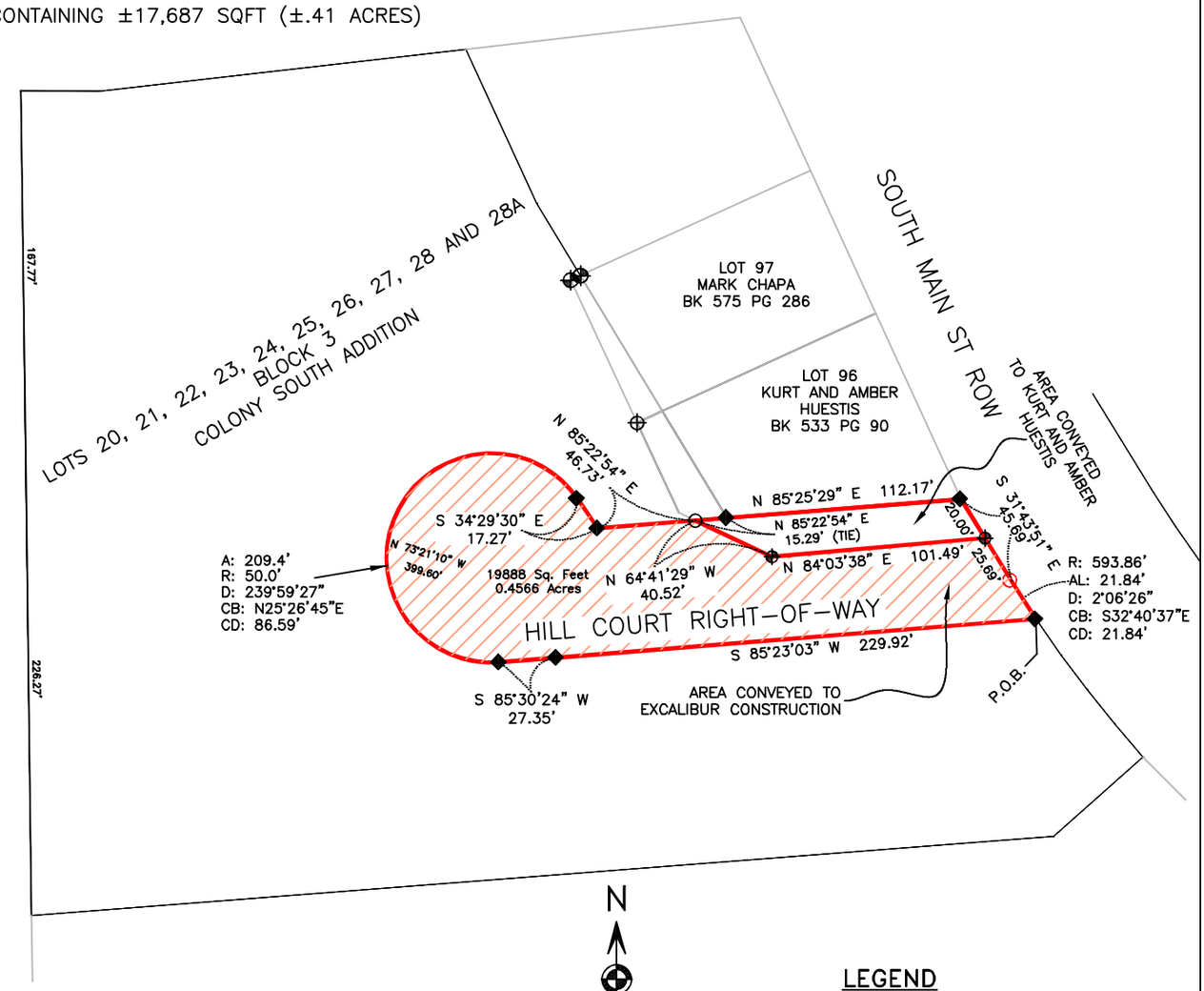
HILL COURT RIGHT-OF-WAY, COLONY SOUTH ADDITION TO THE TOWN, NOW CITY OF SHERIDAN,
LOCATED IN THE NE¼SE¼ OF SECTION 34, TOWNSHIP 56 NORTH, RANGE 84 WEST, 6TH P.M.,
SHERIDAN COUNTY, WYOMING
CONTAINING ±.41 ACRES

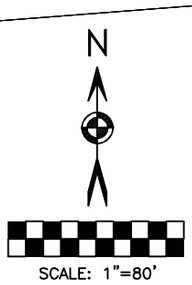
HILL COURT RIGHT-OF-WAY ESTABLISHED BY COLONY SOUTH ADDITION PLAT:
RECORDED IN PLAT BOOK 1, PAGE 140, NO 684410, ON APRIL, 29, 1976.

AREA TO BE CONVEYED TO EXCALIBUR CONSTRUCTION:

BEGINNING AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF HILL COURT AND THE WESTERN RIGHT-OF-WAY LINE OF SOUTH MAIN STREET, SAID POINT BEING THE POINT OF BEGINNING OF SUBJECT PARCEL; THENCE S 85°23'03" W, 229.92 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE OF HILL COURT: THENCE S 85°30'24" W, 27.35 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE THROUGH A CURVE TO THE RIGHT HAVING A RADIUS OF 50 FEET, AN ARC LENGTH OF 209.4 FEET, A DELTA ANGLE OF 239°59'30", A CHORD BEARING OF N 25°26'45" E AND A CHORD LENGTH OF 86.59 FEET; THENCE S 34°29'30" E, 17.27 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID HILL COURT; THENCE N 85°22'54" E 46.73 FEET ALONG SAID NORTH RIGHT-OF-WAY LINE TO A POINT; THENCE S 64°41'29" E, 40.52 FEET; THENCE N 84°03'38" E 101.49 FEET TO A POINT ON SAID WESTERN RIGHT-OF-WAY LINE OF SOUTH MAIN STREET: THENCE S 31°43'51" E, 25.69 FEET ALONG SAID WESTERN RIGHT-OF-WAY LINE; THENCE ALONG SAID WESTERN RIGHT-OF-WAY LINE THROUGH A CURVE TO THE LEFT HAVING A RADUS OF 593.86 FEET, AN ARC LENGTH OF 21.84 FEET, A DELTA ANGLE OF 2°06'26", A CHORD BEARING OF S 32°40'37" E AND A CHORD LENGTH OF 21.84 FEET TO THE POINT OF BEGINNING.

CONTAINING ±17,687 SQFT (±.41 ACRES)

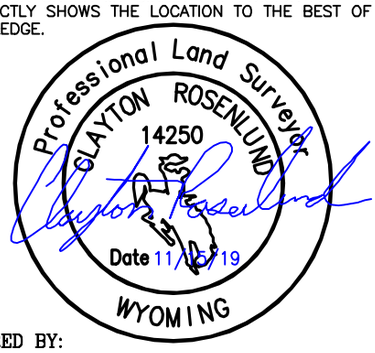




LEGEND

- SET 1.5" AC LS 14250
- FOUND 1.5" AC-PLS 10287
- FOUND 2" IRON PIPE W/ 5/8 REBAR
- CALCULATED CORNER
- A.C. ALUMINUM CAP
- R.O.W. RIGHT OF WAY
- P.O.B. POINT OF BEGINNING
- AREA TO BE CONVEYED
- SUBJECT PARCEL BOUNDARY

SURVEYOR'S CERTIFICATE:
I, CLAYTON P. ROSENLUND DO HEREBY CERTIFY THAT THIS PLAT WAS MADE FROM AN ACTUAL FIELD SURVEY PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT IT CORRECTLY SHOWS THE LOCATION TO THE BEST OF MY KNOWLEDGE.



BASIS OF BEARINGS ARE
US STATE PLANE, NAD 83 WYOMING EAST CENTRAL ZONE
DISTANCES ARE GROUND (US SURVEY FEET)
PAF:1.000235

PREPARED BY:
Cannon Consulting LLC (307) 752-0109 201 E 5TH ST, SHERIDAN, WY, 82801

FOR: EXCALIBUR CONSTRUCTION, LLC
2275 DRY RANCH ROAD
SHERIDAN, WYOMING

Date: 11/15/19

RIGHT–OF–WAY VACATION EXHIBIT B

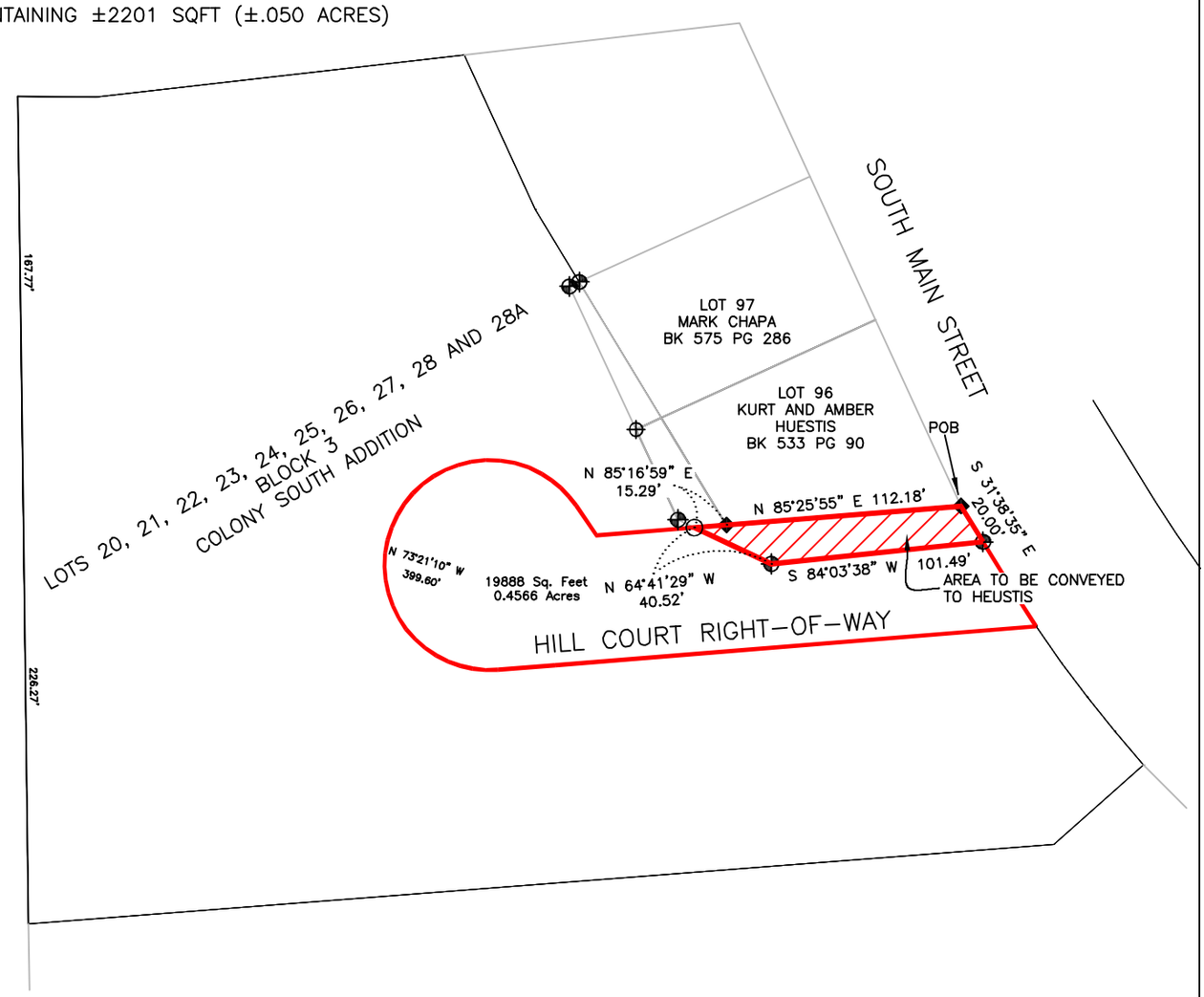
HILL COURT RIGHT–OF–WAY, COLONY SOUTH ADDITION TO THE TOWN, NOW CITY OF SHERIDAN,
LOCATED IN THE NE¼SE¼ OF SECTION 34,TOWNSHIP 56 NORTH, RANGE 84 WEST, 6TH P.M.,
SHERIDAN COUNTY, WYOMING
CONTAINING ±.05 ACRES

LEGAL DESCRIPTION

(AREA TO BE CONVEYED TO KURT AND AMBER HUESTIS)

BEGINNING AT THE INTERSECTION OF THE NORTH RIGHT–OF–WAY LINE OF HILL COURT AND THE WESTERN RIGHT–OF–WAY LINE OF SOUTH MAIN STREET; THENCE S 31°38'35" E, 20.00 FEET ALONG SAID WESTERN RIGHT–OF–WAY LINE OF SOUTH MAIN STREET TO A POINT; THENCE S 84°03'38" W, 101.49 FEET; THENCE N 64°41'29" W, 40.52 FEET TO A POINT ON THE NORTH RIGHT–OF–WAY LINE OF HILL COURT; THENCE N 85°16'59" E, 15.29 FEET TO THE SOUTHWEST CORNER OF LOT 96, SHELTERED ACRES SUBDIVISION; THENCE ALONG SAID NORTH RIGHT–OF–WAY LINE (ALSO THE SOUTH LINE OF SAID LOT 96) N 85°25'55" E, 112.18 FEET TO THE POINT OF BEGINNING.

CONTAINING ±2201 SQFT (±.050 ACRES)



N

SCALE: 1"=80'

BASIS OF BEARINGS ARE
US STATE PLANE, NAD 83 WYOMING EAST CENTRAL ZONE
DISTANCES ARE GROUND (US SURVEY FEET)
PAF:1.000235

LEGEND

⊕	SET 1.5" AC LS 14250
◆	FOUND 1.5" AC–PLS 10287
⊕	FOUND 2" IRON PIPE W/ 5/8 REBAR
○	CALCULATED CORNER
A.C.	ALUMINUM CAP
R.O.W.	RIGHT OF WAY
P.O.B.	POINT OF BEGINNING
▨	AREA TO BE CONVEYED
▬	SUBJECT PARCEL BOUNDARY

SURVEYOR'S CERTIFICATE:
I, CLAYTON P. ROSENLUND DO HEREBY CERTIFY THAT THIS PLAT WAS MADE FROM AN ACTUAL FIELD SURVEY PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT IT CORRECTLY SHOWS THE LOCATION TO THE BEST OF MY KNOWLEDGE.

Professional Land Surveyor
CLAYTON ROSENLUND
14250
Date 11/15/19
WYOMING

PREPARED BY:

Cannon Consulting LLC (307) 752-0109 201 E 5TH ST, SHERIDAN, WY, 82801

FOR: KURT AND AMBER HUESTIS
1460 SOUTH MAIN STREET
SHERIDAN, WYOMING

Date: 11/15/19

EXHIBIT C

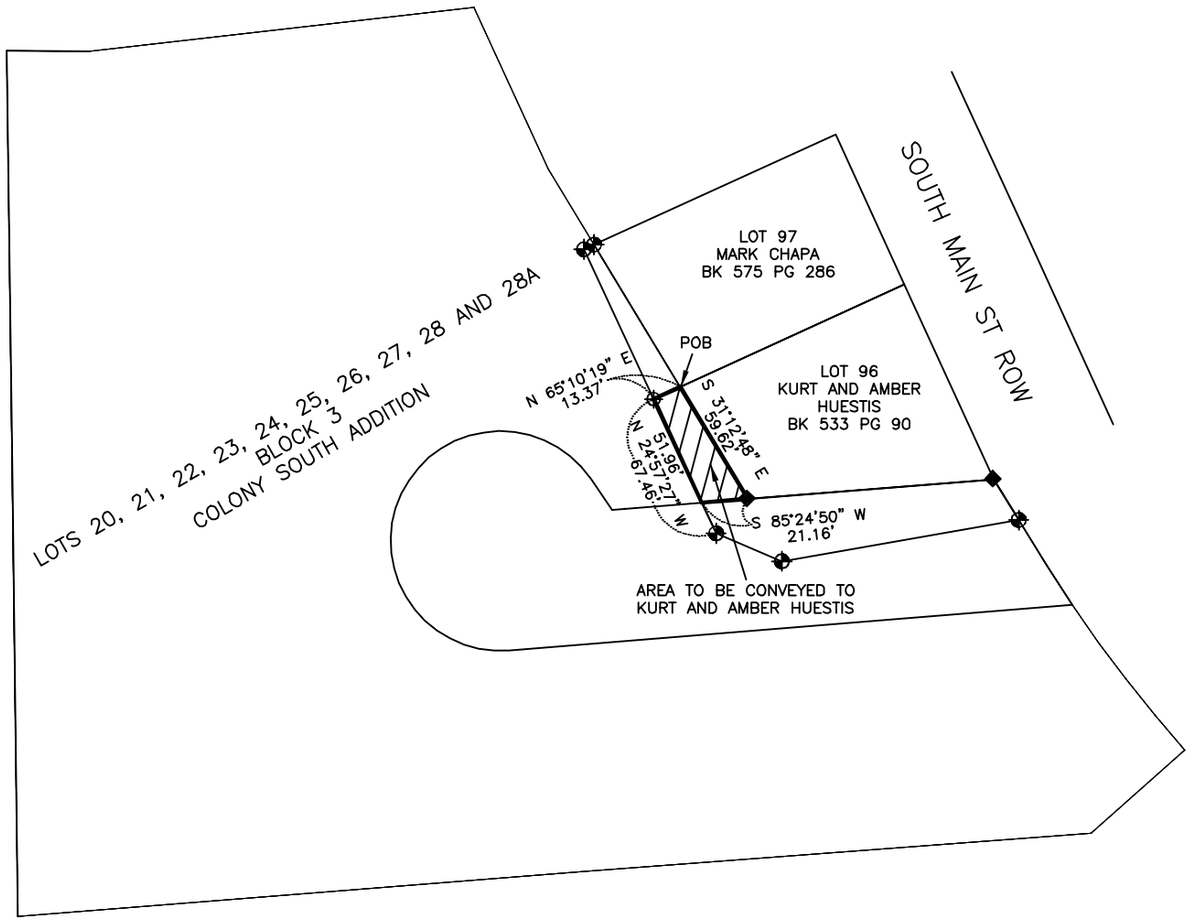
A PORTION OF LOTS 28 AND 28A OF BLOCK 3, COLONY SOUTH ADDITION TO THE TOWN, NOW CITY OF SHERIDAN, LOCATED IN THE NE¼SE¼ OF SECTION 34,TOWNSHIP 56 NORTH, RANGE 84 WEST, 6TH P.M., SHERIDAN COUNTY, WYOMING
CONTAINING ±0.02 ACRES

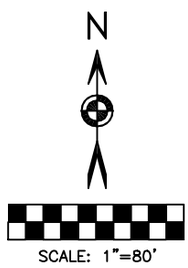
LEGAL DESCRIPTION

AREA TO BE CONVEYED TO KURT AND AMBER HUESTIS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 96 SHELTERED ACRES SUBDIVISION; THENCE ALONG THE WEST LOT LINE OF SAID LOT 96, S 31°12'48" E, 59.62 FEET TO THE SOUTHWEST CORNER OF SAID LOT 96; THENCE S 85°24'50" W, 21.16 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF HILL COURT TO A POINT; THENCE N 24°57'27" W, 51.96 FEET ALONG AN EXISTING CHAIN LINK FENCE TO A POINT; THENCE N 65°10'19" E, 13.37 FEET TO THE POINT OF BEGINNING.

CONTAINING ±911.82 SQFT (±.02 ACRES) MORE OR LESS



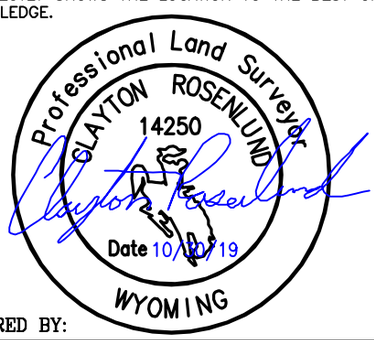


BASIS OF BEARINGS ARE
US STATE PLANE, NAD 83 WYOMING EAST CENTRAL ZONE
DISTANCES ARE GROUND (US SURVEY FEET)
PAF:1.000235

LEGEND

- SET 1.5" AC LS 14250
- FOUND 1.5" AC-PLS 10287
- FOUND 2" IRON PIPE W/ ⅝ REBAR
- AC ALUMINUM CAP
- ROW RIGHT OF WAY
- POB POINT OF BEGINNING
- AREA TO BE CONVEYED
- SUBJECT PARCEL BOUNDARY

SURVEYOR'S CERTIFICATE:
I, CLAYTON P. ROSENLUND DO HEREBY CERTIFY THAT THIS PLAT WAS MADE FROM AN ACTUAL FIELD SURVEY PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT IT CORRECTLY SHOWS THE LOCATION TO THE BEST OF MY KNOWLEDGE.



PREPARED BY:

Cannon Consulting LLC (307) 752-0109 201 E 5TH ST, SHERIDAN, WY, 82801

FOR: EXCALIBUR CONSTRUCTION, LLC
2275 DRY RANCH ROAD
SHERIDAN, WYOMING

Date: 10/30/19

EXHIBIT D

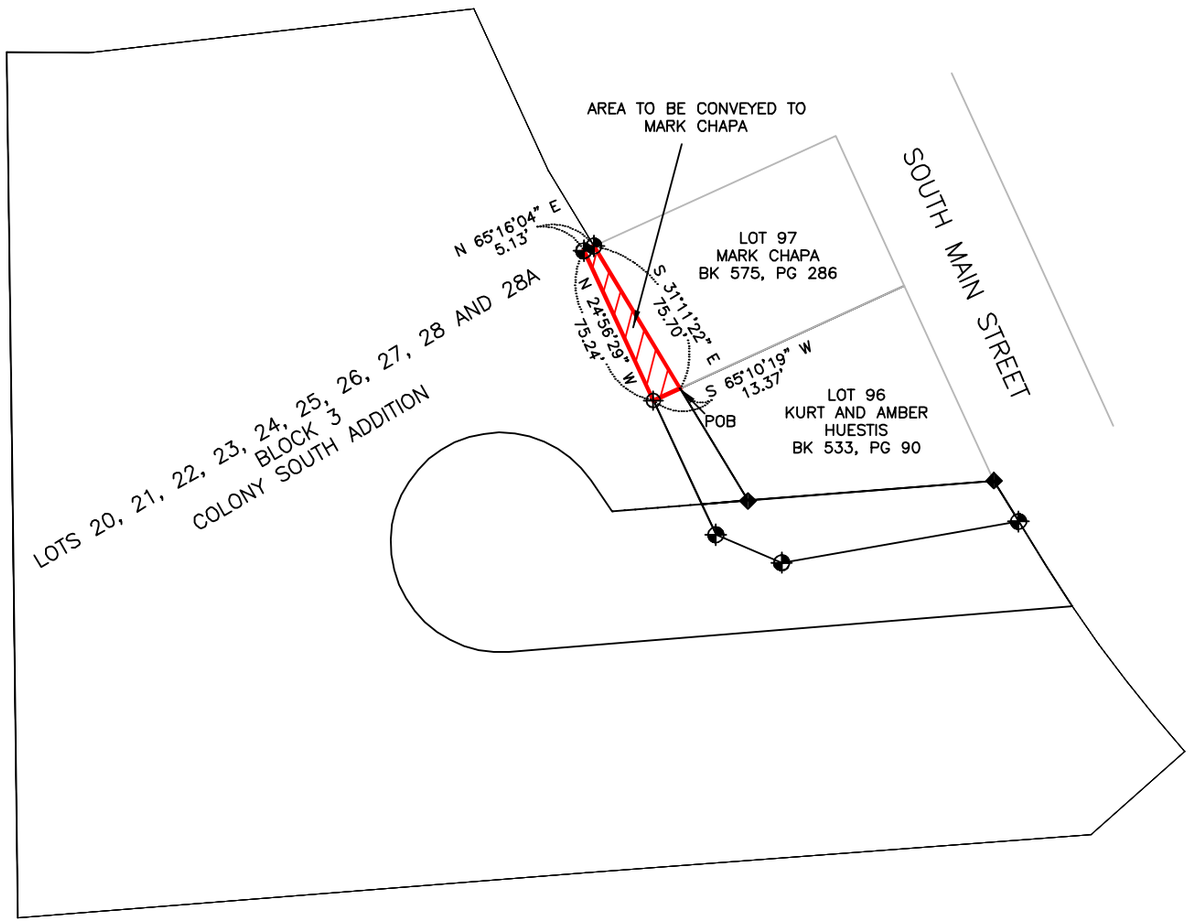
A PORTION OF LOTS 28 AND 28A OF BLOCK 3, COLONY SOUTH ADDITION TO THE TOWN, NOW CITY OF SHERIDAN, LOCATED IN THE NE¼SE¼ OF SECTION 34, TOWNSHIP 56 NORTH, RANGE 84 WEST, 6TH P.M., SHERIDAN COUNTY, WYOMING
CONTAINING ±0.16 ACRES

LEGAL DESCRIPTION

AREA TO BE CONVEYED TO MARK CHAPA

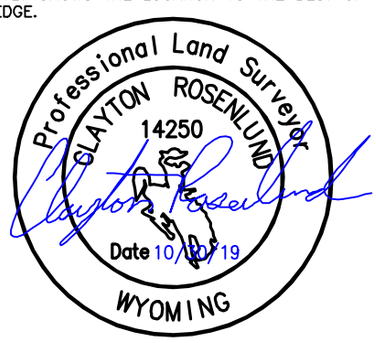
BEGINNING IN THE SOUTHWEST CORNER OF LOT 97, SHELTERED ACRES SUBDIVISION; THENCE S 65°10'19" W, 13.37 FEET, TO A POINT ON A CHAINLINK FENCE; THENCE N 24°56'29" W 75.24 FEET ALONG SAID CHAINLINK FENCE; THENCE N 65°16'04" E 5.13 FEET TO THE NORTHWEST CORNER OF LOT 97, SHELTER ACRES SUBDIVISION; THENCE ALONG THE WEST LINE OF SAID LOT 97, S 31°11'22" E 75.70 FEET TO THE POINT OF BEGINNING.

CONTAINING ±696 SQFT (±.016 ACRES)





SURVEYOR'S CERTIFICATE:
I, CLAYTON P. ROSENLUND DO HEREBY CERTIFY THAT THIS PLAT WAS MADE FROM AN ACTUAL FIELD SURVEY PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT IT CORRECTLY SHOWS THE LOCATION TO THE BEST OF MY KNOWLEDGE.



BASIS OF BEARINGS ARE
US STATE PLANE, NAD 83 WYOMING EAST CENTRAL ZONE
DISTANCES ARE GROUND (US SURVEY FEET)
PAF:1.000235

LEGEND

- SET 1.5" AC LS 14250
- FOUND 1.5" AC–PLS 10287
- FOUND 2" IRON PIPE W/ ⅝ REBAR
- AC ALUMINUM CAP
- ROW RIGHT OF WAY
- POB POINT OF BEGINNING
- AREA TO BE CONVEYED
- SUBJECT PARCEL BOUNDARY

PREPARED BY:

Cannon Consulting LLC (307) 752-0109 201 E 5TH ST, SHERIDAN, WY, 82801

FOR: EXCALIBUR CONSTRUCTION, LLC
2275 DRY RANCH ROAD
SHERIDAN, WYOMING

Date: 10/30/19



CITY OF Sheridan WYOMING

Hill Court vacation

N

0 50 100 200 Feet

Name: sgoodman Date: 01/16/2020

CITY OF SHERIDAN
Resolution 04-20

A RESOLUTION vacating .45 acres of the Hill Court right-of-way, located in the Colony South Addition.

Whereas, the owner adjacent to Hill Court ROW has petitioned the City Council requesting that Hill Court right-of-way be vacated; and

Whereas, this request for a right-of-way vacation meets the requirements of Sheridan City Code §205;

Whereas, this request benefits the City of Sheridan by removing problematic lots, the City shall waive the square foot fee;

Now, therefore, be it resolved by the City Council of the City of Sheridan:

That Hill Court, located in the Colony South Addition to the City of Sheridan, is hereby vacated.

Passed, approved and adopted this _____day of _____, 2020

_____
Roger Miller, Mayor

Attest:

_____
Cecilia Good, City Clerk

State of Wyoming)
)SS
County of Sheridan)

Subscribed and sworn to (or affirmed) before me this _____day of _____, 2020 by _____.

_____
Notary Public

My commission expires _____.

CITY OF SHERIDAN, WYOMING

55 Grinnell Street, P.O. Box 848, Sheridan Wyoming 82801
Ph (307) 674-6483 Fax (307) 674-2195

Planning

MEMORANDUM

Project Name:	Consideration of Resolution #05-20 for Kaden Court Minor Subdivision - Public Works Director Lane Thompson
From:	Lane Thompson, Public Works Director
To:	Mayor and Council
CC:	
Date:	01/16/2020

Recommendation:

Staff recommends that Mayor and Council approve PL-19-32, Resolution #05-20, Kaden Court Minor Subdivision, a request to replat 3.20 acres from 10 lots and the Hill Court ROW into 2 lots. This is within the R-1 Residence District in the Colony South Addition, located in the 1400 block of S Main Street.

Planning Commission Action: The City of Sheridan Planning Commission will see this item on their January 27, 2020 meeting.

Potential Findings of Fact:

Prior to approving the final plat, the City Council will need to make the following findings per Sheridan City Code Appendix B §202:

1. The City shall not approve any proposed subdivision of land which, by itself, or as a part of a larger tract, is contiguous to or completely surrounded by the boundaries of the City, unless the application is accompanied by a properly-acknowledged petition for annexation to the City.

2. The City shall not approve any proposed subdivision of land which is within one mile of the corporate limits of Sheridan but not, at the time of submittal, eligible for annexation, unless the application is accompanied by a properly acknowledged agreement not to contest future annexation proceedings.

3. Every plat shall conform to the Zoning Ordinance currently adopted at the time of final plat approval.

4. All new subdivision developments within the Airport Influence Area within the city limits of the City of Sheridan shall grant an Avigation Easement to the Sheridan County Airport.

5. No subdivision shall be approved within the corporate limits of the City of Sheridan, or one mile thereof, unless City Public Works staff concludes that an adequate long-term water supply exists to support the proposed use and density of the subdivision In accordance with City adopted policy. City elected officials acting as Council representatives on other boards or committees that review development shall likewise consider long-range water supply in making any determination.

Discussion:

Staff offers the following comments on final plat required findings:

1. The City shall not approve any proposed subdivision of land which, by itself, or as a part of a larger tract, is contiguous to or completely surrounded by the boundaries of the City, unless the application is accompanied by a properly-acknowledged petition for annexation to the City.

This property falls completely within the City Limits, so this condition does not apply.

2. The City shall not approve any proposed subdivision of land which is within one mile of the corporate limits of Sheridan but not, at the time of submittal, eligible for annexation, unless the application is accompanied by a properly-acknowledged agreement not to contest future annexation proceedings.

Again, not applicable in this case, the property is within the city limits.

3. Every plat shall conform to the Zoning Ordinance currently adopted at the time of final plat approval.

Proposed Lots 1and 2 will not meet the required front to depth ratio of 1:2.5, but this is a common request. The unusual layout of the two lots is due to the steep terrain in the back of the lot. This property includes a large hill that has been noted on the plat as the preservation area. The lot widths fronting onto South Main St. are consistent with existing lots in the area and more than adequate for future development. Staff has no objections to this request. A variance request letter has been provided with the application.

4. All new subdivision developments within the Airport Influence Area within the city limits of the City of Sheridan shall grant an Avigation Easement to the Sheridan County Airport.

This proposed subdivision is outside of the Airport influence area.

5. No subdivision shall be approved within the corporate limits of the City of Sheridan, or one mile thereof, unless City Public Works staff concludes that an adequate long-term water supply exists to support the proposed use and density of the subdivision In accordance with City adopted policy. City elected officials acting as Council representatives on other boards or committees that review development shall likewise consider long-range water supply in making any determination.

Water and sewer is readily available to both lots.

Staff has no further comments at this time.

Background:

This proposed minor subdivision seeks to replat 3.20 acres from the current 10 lots and the Hill Court ROW into 2 lots. This property is zoned R-1 Residence District and is located in the Colony South Addition in the 1400 block of S. Main Street.

This plat will incorporate the proposed vacated Hill Court into a buildable area for two homes. The steep terrain and geotechnical issues have been an issue with previous owners as they try to develop the area into more housing. Excalibur Construction, the owner of the proposed Kaden Court Minor is platting just two buildable lots and has agreed to deed to the two adjacent landowners to the northeast a small section to enlarge their back yards, seen on the plat as Outlot A and B.

Potential Findings of Fact:

Prior to approving the final plat, the City Council will need to make the following findings per Sheridan City Code Appendix B §202:

1. The City shall not approve any proposed subdivision of land which, by itself, or as a part of a larger tract, is contiguous to or completely surrounded by the boundaries of the City, unless the application is accompanied by a properly-acknowledged petition for annexation to the City.
2. The City shall not approve any proposed subdivision of land which is within one mile of the corporate limits of Sheridan but not, at the time of submittal, eligible for annexation, unless the application is accompanied by a properly-acknowledged agreement not to contest future annexation proceedings.
3. Every plat shall conform to the Zoning Ordinance currently adopted at the time of final plat approval.
4. All new subdivision developments within the Airport Influence Area within the city limits of the City of Sheridan shall grant an Avigation Easement to the Sheridan County Airport.
5. No subdivision shall be approved within the corporate limits of the City of Sheridan, or one mile thereof, unless City Public Works staff concludes that an adequate long-term water supply exists to support the proposed use and density of the subdivision In accordance with City adopted policy. City elected officials acting as Council representatives on other boards or committees that review development shall likewise consider long-range water supply in making any determination.

Attachments

subdivision plat

aerial

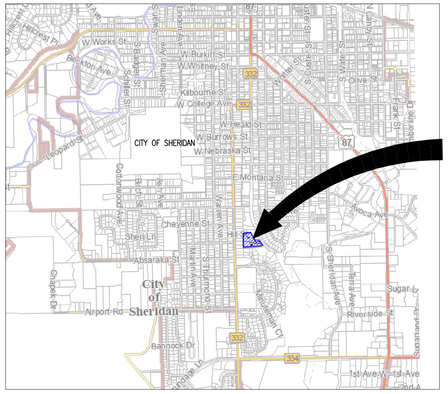
RES 05-20

neighbor letter

FINAL PLAT OF

KADEN COURT MINOR SUBDIVISION

BEING A RE-SUBDIVISION OF LOTS 20-28 AND 28A OF BLOCK 3 AND A PORTION OF VACATED HILL COURT RIGHT-OF-WAY OF THE COLONY SOUTH ADDITION TO THE CITY OF SHERIDAN, SHERDIAN COUNTY, WYOMING
LOCATED IN THE NE¼SE¼, SECTION 34, T56N, R84W, 6TH P.M.,
SHERIDAN COUNTY, WYOMING
TOTAL AREA=±3.20 ACRES



LOCATION MAP
SCALE: 1"=2000'

LEGEND

	SET 1.5" AC-LS 14250
	FOUND 1.5" AC-LS 10287 OR AS NOTED
	CALCULATED CORNER
AC	ALUMINUM CAP
PC	PLASTIC CAP
IP	IRON PIPE
P.O.B.	POINT OF BEGINNING
	PRESERVATION AREA
	UTILITY EASEMENT



DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED EXCALIBUR CONSTRUCTION, INC, BEING THE OWNER, PROPRIETOR OR PARTIES OF INTEREST IN THE LAND SHOWN ON THIS PLAT, DO HEREBY CERTIFY:

THAT THE FOREGOING PLAT DESIGNATED AS KADEN COURT MINOR SUBDIVISION, LOCATED IN THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER (NE1/4SE1/4), SECTION 34, TOWNSHIP 56N, RANGE 84W, 6TH P.M., SHERIDAN COUNTY, WYOMING, IS A RESUBDIVISION OF LOTS 20-28 AND 28A AND A PORTION OF VACATED HILL COURT OF BLOCK 3, COLONY SOUTH ADDITION AS RECORDED IN SHERIDAN COUNTY RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 4 OF SAID BLOCK 3, COLONY SOUTH ADDITION, SAID POINT BEING THE TRUE POINT OF BEGINNING OF SUBJECT PARCEL; THENCE N00°44'23"W, 394.03 FEET ALONG THE EAST LINE OF STEINHILBER ADDITON TO THE SOUTHWEST CORNER OF LOT 101 OF SHELTERED ACRES SUBDIVISION; THENCE S89°32'28"E, 37.47 FEET ALONG THE SOUTH LINE OF SAID LOT 101; THENCE N83°26'50"E, 176.45 FEET ALONG SAID SOUTH LINE TO THE NORTHEAST CORNER OF SAID LOT 28, BLOCK 3, COLONY SOUTH ADDITION; THENCE S24°41'13"E, 81.12 FEET ALONG THE EAST LINE OF SAID LOT 28; THENCE S31°12'48"E, 40.10 FEET ALONG SAID EAST LINE OF LOT 28; THENCE S31°12'48"E, 135.34 FEET ALONG THE EAST LINE OF SAID LOTS 28 & 28A, BLOCK 3, COLONY SOUTH ADDITION, TO A POINT ON THE NORTH LINE OF HILL COURT RIGHT-OF-WAY; THENCE S85°20'11"W, 15.30 FEET, ALONG SAID HILL COURT RIGHT-OF-WAY TO A POINT ON A CHAIN LINK FENCE; THENCE S64°41'29"E, 40.52 FEET ALONG SAID FENCE; THENCE N84°03'38"E, 101.49 FEET TO A POINT ON THE WEST RIGHT-OF-WAY OF SOUTH MAIN STREET; THENCE S31°43'51"E, 25.69 FEET ALONG SAID RIGHT OF WAY; THENCE ALONG SAID RIGHT-OF-WAY THROUGH A CURVE TO THE LEFT HAVING AN ARC LENGTH OF 105.25 FEET, A RADIUS OF 593.86 FEET, A DELTA ANGLE OF 10°09'17", A CHORD BEARING OF S36°42'03"E AND A CHORD LENGTH OF 105.12 FEET TO THE NORTHEAST CORNER OF LOT 19 OF SAID BLOCK 3, COLONY SOUTH ADDITION; THENCE S48°27'14"W, 57.03 FEET ALONG THE NORTH LINE OF SAID LOT 19; THENCE S85°32'35"W, 489.94 FEET ALONG THE NORTH LINES OF LOTS 19, 5 AND 4 OF SAID BLOCK 3, TO THE POINT OF BEGINNING OF SUBJECT TRACT CONTAINING AN AREA OF 3.20 ACRES, MORE OR LESS

SUBJECT TO ALL LEASES, EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS AND ENCUMBRANCES OF RECORD, AND

THAT THIS SUBDIVISION, AS IT IS DESCRIBED AND AS IT APPEARS ON THIS PLAT, IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNER(S) AND PROPRIETOR(S); AND THAT THIS IS A CORRECT PLAT OF THE AREA AS IT IS DIVIDED INTO LOTS, BLOCKS, STREETS AND EASEMENTS, AND

THAT THE UNDERSIGNED OWNER(S) OF THE LAND SHOWN AND DESCRIBED ON THIS PLAT DOES (DO) HEREBY DEDICATE TO THE CITY OF SHERIDAN AND ITS LICENSEES FOR PUBLIC USE FOR THE INDICATED PURPOSES, ALL STREETS, ALLEYS, EASEMENTS AND OTHER PUBLIC LANDS WITHIN THE BOUNDARY LINES OF THE PLAT, AS INDICATED, AND NOT ALREADY OTHERWISE DEDICATED FOR PUBLIC USE.

EXECUTED THIS _____ DAY OF _____, 2020.

_____
EXCALIBUR CONSTRUCTION, INC
(MEMBER)

STATE OF WYOMING)
COUNTY OF SHERIDAN) :ss
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME
THIS _____ DAY OF _____, 2020.
WITNESS MY HAND AND OFFICIAL SEAL. MY COMMISSION EXPIRES:_____.

_____
NOTARY PUBLIC

_____
EXCALIBUR CONSTRUCTION, INC
(MEMBER)

STATE OF WYOMING)
COUNTY OF SHERIDAN) :ss
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME
THIS _____ DAY OF _____, 2020.
WITNESS MY HAND AND OFFICIAL SEAL. MY COMMISSION EXPIRES:_____.

_____
NOTARY PUBLIC

CERTIFICATE OF APPROVAL

THIS PLAT HAS BEEN PREPARED IN ACCORDANCE WITH THE REQUIREMENTS AND PROCEDURES OUTLINED IN THE SUBDIVISION REGULATIONS OF THE CITY OF SHERIDAN, AND CERTIFIED THIS _____ DAY OF _____, 2020, BY THE DIRECTOR OF PUBLIC WORKS OF SHERIDAN, WYOMING.

_____
DIRECTOR OF PUBLIC WORKS

APPROVED BY THE CITY COUNCIL OF THE CITY OF SHERDAN, WYOMING THIS _____DAY OF_____.

_____ _____
ATTEST: CITY CLERK MAYOR

CERTIFICATE OF RECORDER

STATE OF WYOMING)
COUNTY OF SHERIDAN) :ss

I HERBY CERTIFY THAT THIS PLAT WAS FILED FOR RECORD IN THE OFFICE OF THE CLERK AND RECORDER AT _____ O'CLOCK THIS DAY OF _____, 2020
AND IS DULY RECORDED IN PLAT BOOK _____ ON PAGE _____.

_____ _____
COUNTY CLERK STAMP RECEIVING NUMBER

CERTIFICATE OF APPROVAL CITY PLANNING COMMISSION

REVIEWED BY THE CITY OF SHERIDAN, WYOMING PLANNING COMMISION THIS_____DAY OF _____, 2020.

_____ _____
ATTEST: VICE CHAIRMAN CHAIRMAN

Cannon Consulting LLC
Making every shot count
201 E 5TH ST
SHERIDAN, WYOMING 82801

CERTIFICATE OF SURVEYOR

I, CLAYTON ROSENLUND , do hereby certify that I am a Registered Land Surveyor, licensed under the laws of the State of Wyoming, that this plat is a true, correct and complete plat of KADEN COURT MINOR SUBDIVISION, as laid out, platted, dedicated and shown hereon, that this plat was made from an accurate survey of said property conducted by me or under my supervision and correctly shows the location and dimensions of all lots, easements and streets of said subdivision in compliance with City of Sheridan regulations governing the subdivision of land.

Professional Land Surveyor
CLAYTON ROSENLUND
14250
Date 12/27/19
WYOMING

REGISTERED LAND SURVEYOR
NO._____14250_____.

N

SCALE: 1"=40'

BASIS OF BEARINGS IS
US STATE PLANE, NAD 83
WYOMING EAST CENTRAL ZONE
DISTANCES ARE GROUND (US SURVEY FEET)
PAF:1.000235

DECLARATION VACATING PREVIOUS PLATTING

THIS PLAT IS THE RE-SUBDIVISION OF LOTS 20-28 AND 28A AND HILL COURT (VACATED) OF BLOCK 3, COLONY SOUTH ADDITION TO THE CITY OF SHERIDAN, SHERIDAN COUNTY WYOMING, AS RECORDED IN THE RECORDS OF SHERIDAN COUNTY CLERK. ALL EARLIER PLATS OR PORTIONS THEREOF ENCOMPASSED BY THE BOUNDARIES OF THIS PLAT ARE HEREBY VACATED.

RECORD OWNER:
EXCALIBUR CONSTRUCTION, INC
2275 DRY RANCH ROAD,
SHERIDAN, WYOMING 82801

Prepared by Cannon Consulting LLC / (307) 752-0109

DATE PREPARED: 12/27/19



CITY OF Sheridan WYOMING

Kaden Court Minor Subdivision

N

0 50 100 200 Feet

Name: sgoodman Date: 11/19/2019

CITY OF SHERIDAN
RESOLUTION 05-20

A RESOLUTION approving PL 19-32, the final plat of the Kaden Court Minor Subdivision, dividing ± 3.2 acres into 2 lots and 2 outlots. Zoned R-1 Residence District, located in the Colony South Addition, in the 1400 Block of S Main St.

WHEREAS, the final plat of the Kaden Court Minor Subdivision has been reviewed for consistency with Appendix B (Subdivision Regulations) and other applicable City code; and

WHEREAS, all applicable requirements for a final plat, have been met and all documents meet the applicable requirements in Appendix B (Subdivision Regulations); with the exception of the variances from Sheridan City Code Appendix B §505(C)(1) requiring the depth-to-front ratio of lots shall not exceed 2.5 to 1.

Now, therefore, be it resolved by the City Council of the City of Sheridan:

That the final plat of the Kaden Court Minor Subdivision, dividing ± .3.2 acres into 2 lots, and 2 outlots, zoned R-1 Residence District, located in the Colony South Addition, in the 1400 Block of S Main St.

Is hereby approved by vote of the City of Sheridan's City Council with the following variance:

> A variance from Sheridan City Code Appendix B §505(C)(1) requiring; the depth-to-front ratio of lots shall not exceed 2.5 to 1.

In approving the variance from the depth to frontage ratio requirements and area variance, the City Council finds the following in accordance with SCC Appendix B §204(A).

1. The granting of the variance will not be detrimental to the public safety, health or welfare, or be injurious to other property;

2. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property in the area; or because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;

3. The variance is necessary for reasonable development of the property in question and will alleviate a clearly demonstrable hardship.

In approving the RRLC 2 Subdivision, the City Council finds the following as required by Sheridan City Code Appendix B §202:

A. The property is already within the corporate limits of the City and requires no further action as pertains to annexation.

B. The lots as platted conform to the requirements of the City Zoning Ordinance with the exception of the variances granted.

C. The subdivision falls outside of the Airport Influence Area.

D. As concluded by City Public Works staff, there is adequate long-term water supply to serve this subdivision as of the time of this resolution.

PASSED, APPROVED, AND ADOPTED this 18th day of February 2020.

_____
Roger Miller, Mayor

ATTEST:

_____
Cecilia Good, City Clerk

ROBERT KOSMA
1647 STEFFEN COURT
SHERIDAN, WYOMING 82801
PHONE: 307-751-1086

CITY OF SHERIDAN
CITY PLANNER
55 GRINNELL PLAZA
SHERIDAN, WYOMING 82801

Please enter the following into the record of the public Hearing on January 27, 2020 in regards to:
Application #: PL-19-31, Hill Court vacation and PL-19-32, Kaden Court Minor Subdivision

1. In light of the judgment of negligence against the City of Sheridan and ABC Builders in 1980, where the slide occurred destroying the Phillip's home, is in the same general area where my house sits, with my house the closest to the edge of the new development north on the hill, how does the City of Sheridan and Excalibur Construction Inc. propose to protect the integrity of my home where I have lived for 40 years? See attached.

Also it is my understanding that in the 1960's, South Main was to be extended thru this same proposed subdivision and was abandoned because of the water issues and instability of the ground. Has that study been taken into consideration?

2. Has the City of Sheridan and Excalibur Construction Inc. addressed the storm drain that is on my property that gathers water from Big Horn Ave from Marshal Park and down Steffen Court and to the storm drain that will during heavy rain drains considerable water down the hill of the proposed subdivision?

When Excalibur Construction Inc. and the City of Sheridan has the Hydrologist final report completed about the water from the storm drain and how to resolve it, please inform me in writing what those results are and how the City of Sheridan interprets them, or if the City of Sheridan or Excalibur Construction Inc. chooses not to explore the water problem with a Hydrologist or other professional means would both the City of Sheridan and Excalibur inform me to that fact in writing.

3. Where are the houses to be built in new subdivision and what will be done in excavation of the hill side where my house sits, especially if they have to do a swale directly below my house to divert the water, which I am sure would be addressed in the Hydrologist final report?

Thank You,

Robert D. Kosma

Robert Kosma

Back in district court, ABC impleaded the City, the Kasters, and the Bensons. However, the district court, before trial, granted the Kasters and the Bensons summary judgments and dismissed them from the case. As we reach the issues related to these developments, we will set out other pertinent facts.

The case proceeded to trial on September 18, 1980. It was submitted to the jury only on the negligence claim. On the verdict form the jury was allowed to apportion negligence among ABC, the City of Sheridan, the appellees, and the Kasters. It divided up the negligence:

"ABC Builders, Inc., 80 %

"City of Sheridan 15 %

929 *929

"William H. Phillips and Cynthia Phillips 5 %

"Kenneth Kaster and Virginia R. Kaster 0 % 100 %"

The jury further found that the appellees had sustained damages totaling $40,000. Accordingly, judgment was entered and the various appeals here involved ensued.

CITY OF SHERIDAN, WYOMING

55 Grinnell Street, P.O. Box 848, Sheridan Wyoming 82801
Ph (307) 674-6483 Fax (307) 674-2195

Planning

MEMORANDUM

Project Name:	Consideration of Resolution #06-20 for the Circle 8 Right-of-Way Vacation - Public Works Director Lane Thompson
From:	Lane Thompson, Public Works Director
To:	Mayor and Council
CC:	
Date:	01/16/2020

Recommendation:

Staff recommends that Mayor and Council approve Resolution # 06-20, vacating a total of .06 acres of the remaining unimproved Circle 8 right-of-way located in the Sheltered Acres Subdivision, in the 1400 block of S Main Street.
Staff recommends that the $2.00 per square foot fee for this vacation be waived. The current owners of these properties were not a party to the original vacation, they have maintained this property as their own, and the City of Sheridan has no interest in keeping these areas as it is not connected to any other right of way.

Discussion:

In evaluating whether or not the request meets the requirements of Sheridan City Code Appendix B §205, staff concluded the following.

- ***The vacation does not abridge or destroy any of the rights and privileges of other proprietors in the platted area.***
- ***The vacation does not close or obstruct any public highway.***
- ***Proper notification has occurred to impacted parties and private utilities.***

All utility companies have been notified and have approved of this vacation. Staff sent out direct nearest neighbor notifications as part of this application, in addition to advertising in the press and a sign posted on the property. No comments from the public have been received by this date.

Staff intends to bring this item for final consideration at the next City Council meeting.

Background:

The City of Sheridan is requesting to vacate a total of .06 acres in the remaining unimproved Circle 8 right-of-way. This is located in the Sheltered Acres Subdivision in the 1400 block of South Main Street.
Circle 8 was originally platted in 1964, as part of the Extension of Blocks Three and Eight of Sheltered Acres Subdivision. In 1976 Colony South Addition replatted a portion of the Sheltered Acres, but left off a few lots and a small portion of the Circle 8 ROW. Over time that area has been incorporated into the adjacent owner's property and has been maintained by them. As the Hill Court vacation and Kaden Court move forward, staff felt this is a good time to clean up the ownership of the remaining right-of-way.

Potential Findings of Fact:

Vacation of platted easements and rights-of-way is governed by Sheridan City Code Appendix B §205. That section requires that in the case of an easement vacation the following be found to be true:

1. The vacation does not abridge or destroy any of the rights and privileges of other proprietors in the platted area.
2. The vacation does not close or obstruct any public highway.
3. Proper notification has occurred to impacted parties and private utilities.

Attachments

Exhibits

aerial

RES 06-20

RIGHT OF WAY VACATION EXHIBIT A

CIRCLE 8 RIGHT-OF-WAY, EXTENSION OF BLOCK 3 AND 8 OF SHELTERED ACRES SUBDIVISION, CITY OF SHERIDAN, LOCATED IN THE NE¼SE¼ OF SECTION 34, TOWNSHIP 56 NORTH, RANGE 84 WEST, 6TH P.M., SHERIDAN COUNTY, WYOMING
CONTAINING ±.016 ACRES

CIRCLE 8 RIGHT-OF-WAY ESTABLISHED BY EXTENSION OF BLOCK 3 AND 8 OF SHELTERED ACRES SUBDIVISION:
RECORDED IN PLAT BOOK 2, PAGE 60, NO 496132, ON SEPTEMBER 17, 1964.

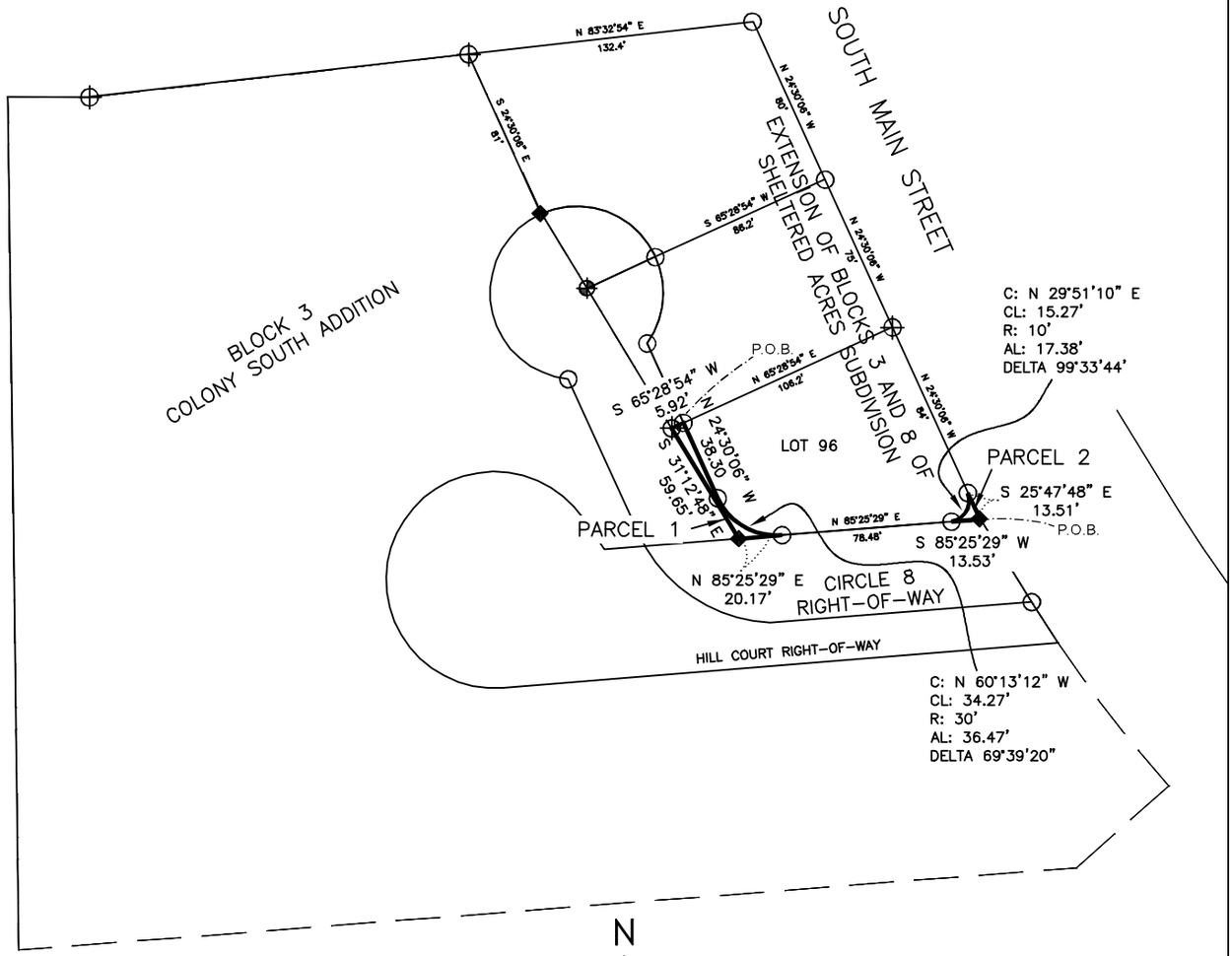
AREA TO BE CONVEYED TO KURT AND AMBER HUESTIS:

PARCEL 1

BEGINNING AT THE NORTHWEST CORNER OF LOT 96 OF EXTENSION OF BLOCK 3 AND 8 OF SHELTERED ACRES SUBDIVISION, SAID POINT BEING THE TRUE POINT-OF-BEGINNING OF SUBJECT PARCEL, THENCE S 65°28'54" W, 5.92 FEET TO A POINT ON THE EAST LINE OF COLONY SOUTH ADDITION; THENCE S 31°12'48" E, 59.65 FEET ALONG SAID EAST LINE TO A POINT LYING ON THE NORTH LINE OF HILL COURT RIGHT-OF-WAY; THENCE N 85°25'29" E, 20.17 FEET ALONG SAID RIGHT-OF-WAY TO A POINT ON THE NORTH LINE OF HILL COURT RIGHT-OF-WAY TO THE SOUTHWEST CORNER OF SAID LOT 96; THENCE THROUGH A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 30 FEET, AN ARC LENGTH OF 36.47 FEET, A DELTA OF 69°39'20" AND A CHORD OF N 60°13'12" W, 34.27 FEET, ALONG THE WEST LOT LINE OF SAID LOT 96; THENCE N 24°30'06" W, 38.30, FEET ALONG SAID WEST LINE TO THE POINT-OF-BEGINNING AND CONTAINING ±225 SQUARE FEET MORE OR LESS

PARCEL 2

BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF HILL COURT, AND THE WEST LINE OF SOUTH MAIN STREET, SAID POINT BEING THE TRUE POINT-OF-BEGINNING OF SUJECT PARCEL, THENCE S 85°25'29" W, 13.52 FEET ALONG SAID NORTH LINE RIGHT-OF-WAY TO A POINT LYING ON THE SOUTH LINE OF LOT 96 OF THE EXTENSION OF BLOCKS 3 AND 8 OF SHELTERED ACRES SUBDIVISION; THENCE THROUGH A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 10.00 FEET, AN ARC LENGTH OF 17.38 FEET, A DELTA OF 99°33'44" AND A CHORD OF N 29°51'10" E, 15.27 FEET, TO THE SOUTHEAST CORNER OF SAID LOT 96 LYING ON SAID WEST LINE OF SOUTH MAIN STREET; THENCE S 25°47'48" E, 13.51 FEET ALONG SAID WEST LINE TO THE POINT-OF-BEGINNING AND CONTAINING ±48 SQUARE FEET MORE OR LESS



N

SCALE: 1"=80'

LEGEND

- FOUND 1.5" AC LS 14250
- FOUND 1.5" AC-PLS 10287
- FOUND 5/8" REBAR
- CALCULATED CORNER
- A.C. ALUMINUM CAP
- R.O.W. RIGHT OF WAY
- P.O.B. POINT OF BEGINNING
- AREA TO BE CONVEYED
- SUBJECT PARCEL BOUNDARY

SURVEYOR'S CERTIFICATE:
I, CLAYTON P. ROSENLUND DO HEREBY CERTIFY THAT THIS PLAT WAS MADE FROM AN ACTUAL FIELD SURVEY PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT IT CORRECTLY SHOWS THE LOCATION TO THE BEST OF MY KNOWLEDGE.

Professional Land Surveyor
CLAYTON ROSENLUND
14250
Date 1/13/20
WYOMING

BASIS OF BEARINGS ARE
US STATE PLANE, NAD 83 WYOMING EAST CENTRAL ZONE
DISTANCES ARE GROUND (US SURVEY FEET)
PAF:1.000235

FOR: CITY OF SHERIDAN
SHERIDAN WY 82801

PREPARED BY:
Cannon Consulting LLC (307) 752-0109 201 E 5TH ST, SHERIDAN, WY, 82801

Date: 1/13/20

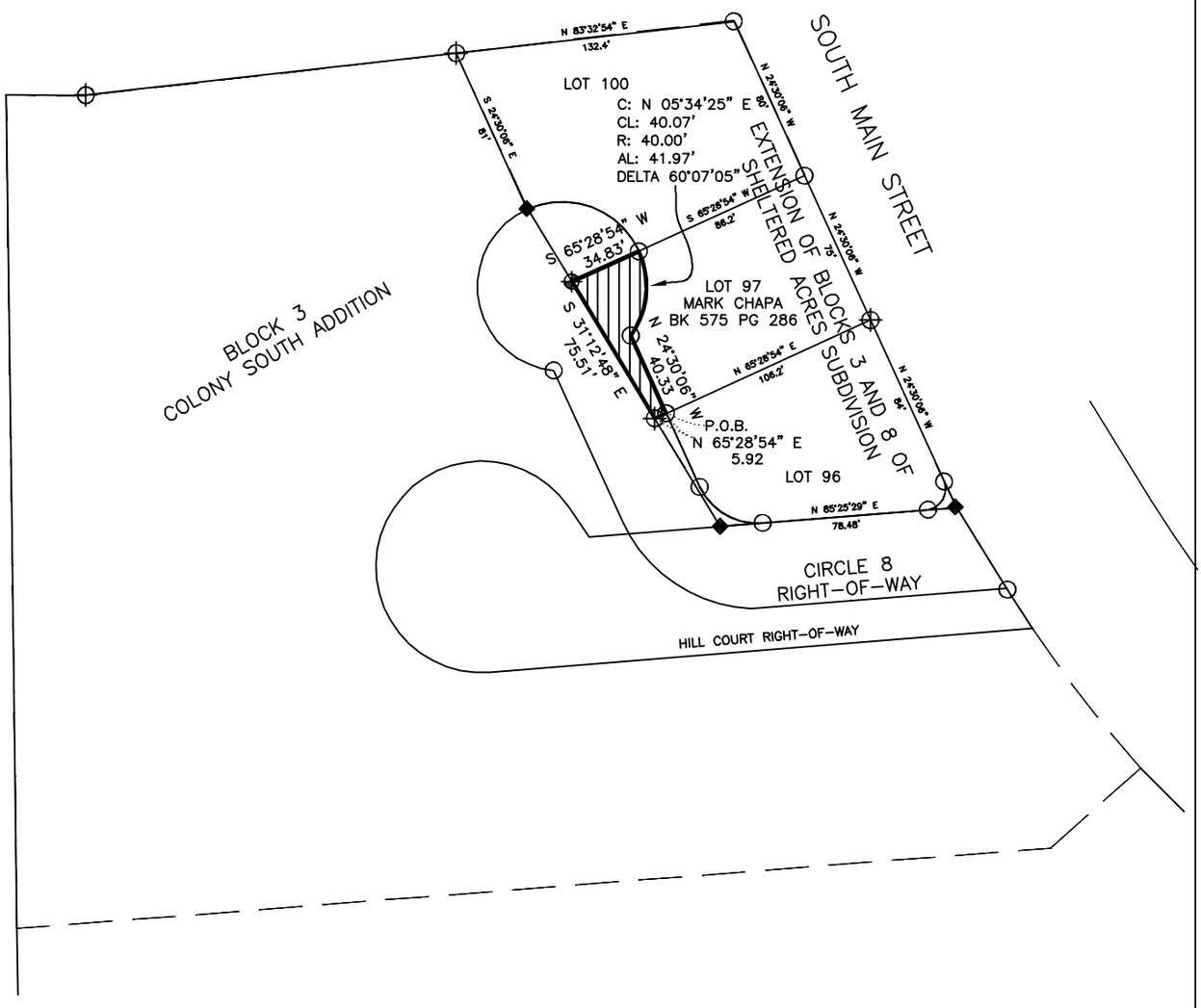
RIGHT-OF-WAY VACATION
EXHIBIT B

CIRCLE 8 RIGHT–OF–WAY, EXTENSION OF BLOCK 3 AND 8 OF SHELTERED ACRES SUBDIVISION, CITY OF SHERIDAN, LOCATED IN THE NE¼SE¼ OF SECTION 34, TOWNSHIP 56 NORTH, RANGE 84 WEST, 6TH P.M., SHERIDAN COUNTY, WYOMING
CONTAINING ±.029 ACRES

CIRCLE 8 RIGHT–OF–WAY ESTABLISHED BY EXTENSION OF BLOCK 3 AND 8 OF SHELTERED ACRES SUBDIVISION:
RECORDED IN PLAT BOOK 2, PAGE 60, NO 496132, ON SEPTEMBER, 17, 1964.

AREA TO BE CONVEYED TO MARK CHAPA

BEGINNING AT THE SOUTHWEST CORNER OF LOT 97 OF THE EXTENSION OF BLOCK 3 AND 8 OF SHELTERED ACRES SUBDIVISION, SAID POINT BEING THE TRUE POINT–OF–BEGINNING; THENCE N 24°30'06" W, 40.33 FEET ALONG THE EAST LINE OF CIRCLE 8 RIGHT–OF–WAY TO A POINT; THENCE ALONG A NON–TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 40.00 FEET, AN ARC LENGTH OF 41.97 FEET, A DELTA OF 60°07'05" AND A CHORD OF N 05°34'25" E, 40.07 FEET ALONG SAID CIRCLE 8 RIGHT–OF–WAY TO THE NORTHWEST CORNER OF SAID LOT 97; THENCE S 65°28'54" W, 34.83 TO A POINT ON THE EAST LINE OF COLONY SOUTH ADDITION; THENCE S 31°12'48" E, 75.51 FEET, ALONG THE EAST LINE OF SAID COLONY SOUTH ADDITION TO A POINT; THENCE N 65° 28'54" E 5.92 FEET TO THE POINT–OF–BEGINNING OF SUBJECT TRACT AND CONTAINING ±1269 SQUARE FEET MORE OR LESS



N

SCALE: 1"=80'

BASIS OF BEARINGS ARE
US STATE PLANE, NAD 83 WYOMING EAST CENTRAL ZONE
DISTANCES ARE GROUND (US SURVEY FEET)
PAF:1.000235

LEGEND

⊕	FOUND 1.5" AC LS 14250
◆	FOUND 1.5" AC–PLS 10287
⊕	FOUND 5/8" REBAR
○	CALCULATED CORNER
A.C.	ALUMINUM CAP
R.O.W.	RIGHT OF WAY
P.O.B.	POINT OF BEGINNING
▨	AREA TO BE CONVEYED
———	SUBJECT PARCEL BOUNDARY

SURVEYOR'S CERTIFICATE:
I, CLAYTON P. ROSENLUND DO HEREBY CERTIFY THAT THIS PLAT WAS MADE FROM AN ACTUAL FIELD SURVEY PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT IT CORRECTLY SHOWS THE LOCATION TO THE BEST OF MY KNOWLEDGE.

Professional Land Surveyor
CLAYTON ROSENLUND
14250
WYOMING
Date 1/13/20

FOR: CITY OF SHERIDAN
SHERIDAN, WYOMING

PREPARED BY:

Cannon Consulting LLC (307) 752–0109 201 E 5TH ST, SHERIDAN, WY, 82801

Date: 1/13/20

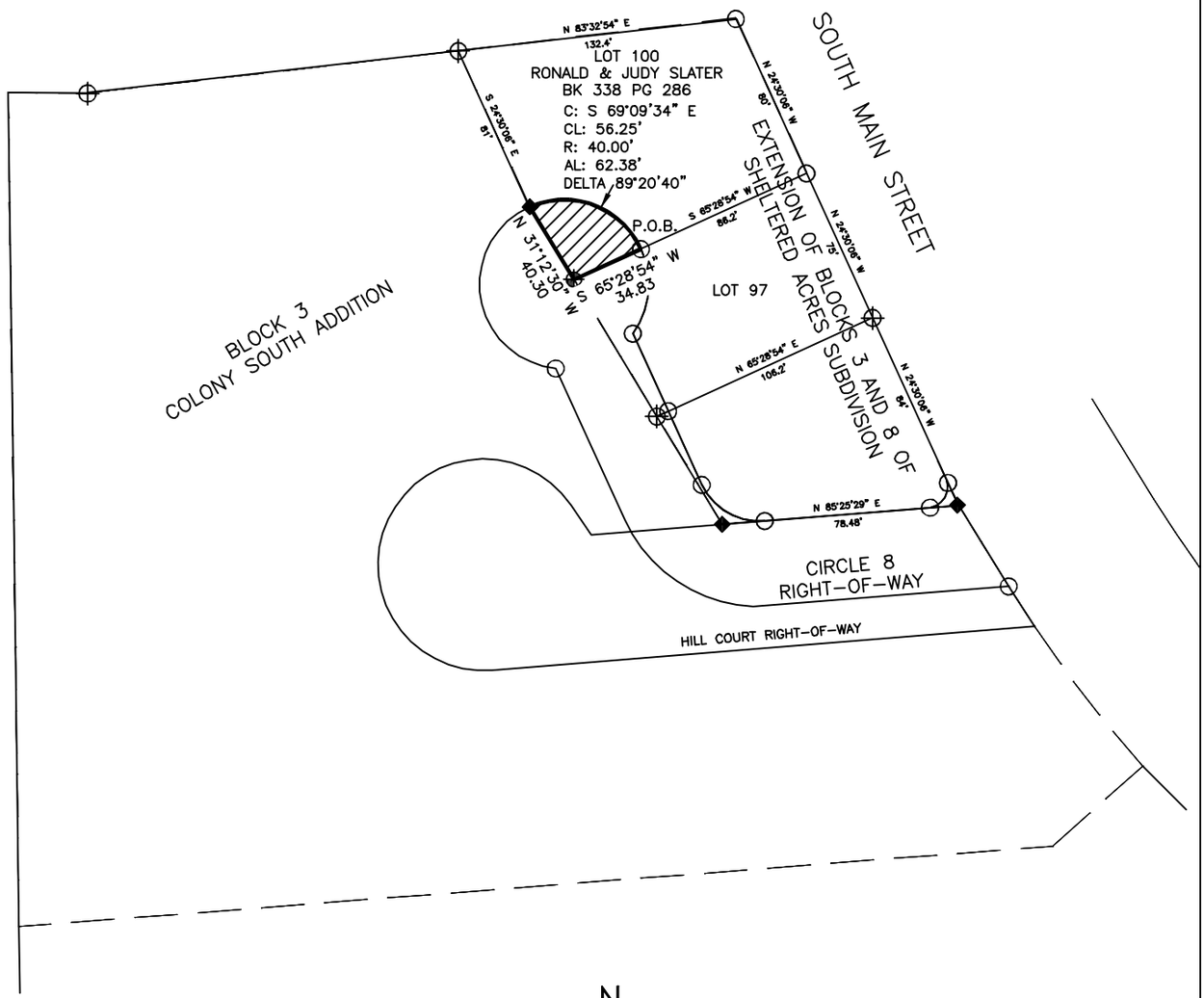
RIGHT-OF-WAY VACATION
EXHIBIT C

CIRCLE 8 RIGHT–OF–WAY, EXTENSION OF BLOCK 3 AND 8 OF SHELTERED ACRES SUBDIVISION, CITY OF SHERIDAN, LOCATED IN THE NE¼SE¼ OF SECTION 34, TOWNSHIP 56 NORTH, RANGE 84 WEST, 6TH P.M., SHERIDAN COUNTY, WYOMING
CONTAINING ±.026 ACRES

CIRCLE 8 RIGHT–OF–WAY ESTABLISHED BY EXTENSION OF BLOCK 3 AND 8 OF SHELTERED ACRES SUBDIVISION: RECORDED IN PLAT BOOK 2, PAGE 60, NO 496132, ON SEPTEMBER 17, 1964.

AREA TO BE CONVEYED TO RONALD AND JUDY SLATER

BEGINNING AT THE NORTHWEST CORNER OF LOT 97, EXTENSION OF BLOCK 3 AND 8 OF SHELTERED ACRES SUBDIVISION, SAID POINT LYING ON THE RIGHT–OF–WAY LINE OF CIRCLE 8 OF SAID SUBDIVISION AND BEING THE TRUE POINT OF BEGINNING OF SUBJECT PARCEL; THENCE S 65°28'54" W, 34.83 FEET TO A POINT LYING ON THE EAST LINE OF COLONY SOUTH ADDITION; THENCE N 31°12'30" W, 40.3 FEET ALONG SAID EAST LINE TO THE SOUTHWEST CORNER OF LOT 100 OF SAID SUBDIVISION, SAID POINT LYING ON SAID RIGHT–OF–WAY LINE; THENCE ALONG SAID RIGHT–OF–WAY, THROUGH A CURVE TO THE RIGHT HAVING A RADIUS OF 40.00 FEET, AN ARCH LEGNTH OF 62.38 FEET, A DELTA OF 89°20'40", AND A CORD OF S 69°09'34" E, 56.25 FEET TO THE POINT OF BEGINNING OF SUBJECT TRACT.
SUBJECT TRACT CONTAINING ± 1145 SQUARE FEET MORE OR LESS



N

SCALE: 1"=80'

BASIS OF BEARINGS ARE
US STATE PLANE, NAD 83 WYOMING EAST CENTRAL ZONE
DISTANCES ARE GROUND (US SURVEY FEET)
PAF:1.000235

LEGEND

⊕	FOUND 1.5" AC LS 14250
◆	FOUND 1.5" AC–PLS 10287
⊕	FOUND 5/8" REBAR
○	CALCULATED CORNER
A.C.	ALUMINUM CAP
R.O.W.	RIGHT OF WAY
P.O.B.	POINT OF BEGINNING
▨	AREA TO BE CONVEYED
▬	SUBJECT PARCEL BOUNDARY

SURVEYOR'S CERTIFICATE:
I, CLAYTON P. ROSENLUND DO HEREBY CERTIFY THAT THIS PLAT WAS MADE FROM AN ACTUAL FIELD SURVEY PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT IT CORRECTLY SHOWS THE LOCATION TO THE BEST OF MY KNOWLEDGE.

Professional Land Surveyor
CLAYTON ROSENLUND
14250
Date 1/13/20
WYOMING

FOR: CITY OF SHERIDAN
SHERIDAN, WYOMING

PREPARED BY:

Cannon Consulting LLC (307) 752–0109 201 E 5TH ST, SHERIDAN, WY, 82801

Date: 1/13/20



CITY OF Sheridan WYOMING

Circle 8 vacation

N

0 35 70 140 Feet

Name: sgoodman Date: 01/16/2020

CITY OF SHERIDAN
Resolution 06-20

A RESOLUTION vacating the remaining .06 acres of Circle 8 right-of-way, located in the Sheltered Acres Addition.

Whereas, the owners adjacent to Circle 8 ROW have petitioned the City Council requesting that Circle 8 ROW be vacated; and

Whereas, this request for a right-of-way vacation meets the requirements of Sheridan City Code §205;

Whereas, this is a City of Sheridan initiated vacation, the City shall waive the square foot fees;

Now, therefore, be it resolved by the City Council of the City of Sheridan, Wyoming:

That Circle 8 right-of-way, located in the Sheltered Acres Addition to the City of Sheridan, is hereby vacated.

Passed, approved and adopted this _____day of _____, 2020

_____
Roger Miller, Mayor

Attest:

_____
Cecilia Good, City Clerk

State of Wyoming)
)SS
County of Sheridan)

Subscribed and sworn to (or affirmed) before me this _____day of _____, 2020 by _____.

_____
Notary Public

My commission expires _____.

CITY OF SHERIDAN, WYOMING

55 Grinnell Street, P.O. Box 848, Sheridan Wyoming 82801
Ph (307) 674-6483 Fax (307) 674-2195

Public Works

MEMORANDUM

Project Name:	Consideration of Award for the Sheridan Fire Dept. Vehicle Exhaust Removal System - City Engineer Hanns Mercer
From:	Hanns Mercer, City Engineer
To:	Mayor and Council
CC:	
Date:	01/27/2020

Recommendation:

The City of Sheridan received proposals through January 24, 2020 for the Sheridan Fire Department Vehicle Exhaust Removal System Project. Staff recommends that the Mayor and City Council award the Sheridan Fire Department Vehicle Exhaust Removal System Project to Weidner Fire of Midvale, UT, the lowest qualified proposal, in the amount of $84,876.20.

Staff requests that for the Sheridan Fire Department Vehicle Exhaust Removal System Project, the Mayor and City Council authorize the Public Works Director, Lane Thompson, to act on behalf of the Mayor and City Council on all matters related to this project.

Background:

The City of Sheridan's fire station currently has no vehicle exhaust ventilation. The exhaust removal system will be a source capture, fully automatic removal system that addresses the problem of diesel/gas exhaust fumes in the fire station. The vehicle exhaust ventilation will not interfere with normal day-to-day operation or vehicles. The system is designed to evacuate diesel/gas outside the building and shall follow NIOSH standards. The exhaust system will not impede doorways, exits, and vehicles and ensure the air quality meets both OSHA and NIOSH standards. This will be a turnkey package that will include design and construction.
The system will have separate fans and control panels to supply the two different areas (North and South) within the station. The North location shall serve 5 pieces of apparatus with 5 overhead doors, and the South area shall serve 4 pieces of apparatus with 4 overhead doors.
Requests for bids were advertised December 23, 2019 - January 24, 2020, and the proposals were opened on January 24, 2020. The bid results are as follows:

Proposal Cost
Weidner Fire = $84,876.20
Powder River Heating & Air Conditioning = $142,300.16

Funding:

Sheridan Fire Department Vehicle Exhaust Removal System Project is fully funded with proceeds from FEMA Assistance to Firefighters Grant of 80,952.38, and a match of 4,047.62 from Direct Distribution Funds. Total funding $85,000.00.

CITY OF SHERIDAN, WYOMING

55 Grinnell Street, P.O. Box 848, Sheridan Wyoming 82801
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Public Works

MEMORANDUM

Project Name:	Consideration of Award to Wasatch Railroad Contractors for the Asbestos Abatement and Remediation Services for CB&Q #5631 Steam Locomotive - City Engineer Hanns Mercer
From:	Hanns Mercer, City Engineer
To:	Mayor and Council
CC:	
Date:	01/07/2020

Recommendation:

Staff recommends that Mayor and Council approve the award for the CB&Q #5631 Steam Locomotive Asbestos Abatement and Remediation Services to Wasatch Railroad Contractors in the amount of one-hundred seventy-nine thousand dollars ($179,000).

Discussion:

A Request for Proposal was advertised from November to December 16, 2019. In total, Staff received three (3) proposals.

- **Wasatch Railroad Contractors - $179,000**
- Safetech Inc - $168,000
- WIC Abatement, Inc - $379,153.60

Staff conducted interviews with Wasatch Railroad Contractors and Safetech Inc. After the interviews and discussion, Staff is recommending award to Wasatch Railroad Contractors. This company has specific experience with historical locomotives and will know best where asbestos is present and how best to remove it. In addition, Wasatch will remove parts of the engine which contain asbestos and replace them with hand-crafted replicas. This will keep the train mostly intact, more aesthetically pleasing, and will prepare it for further restoration.

Background:

In July of 2019, City Staff presesnted Mayor and Council with background information and discussion about the future of the CB&Q #5631 Steam Locomotive. This steam engine was gifted to the City of Sheridan in 1962 by the BNSF Railway Company. In the past, the Rotary Club performed a cosmetic restoration on the train. Due to the poor state of the locomotive and the presence of asbestos, Staff began working with Wasatch Railroad Contractors to obtain potential solutions.

In December of 2019, Staff presented to Mayor and Council 4 options for solutions offered by Wasatch. It was decided that a full restoration would be too costly at this time. Staff began the process of advertising a Request for Proposal to obtain a contractor to complete asbestos abatement and remediation services on the locomotive. The RFP was open from November until December 16, 2019.

Funding:

This project will be funded with the following:
General Fund = $100,000
Optional 1% = $85,000

Remaining funds will be returned to 1% contingency.

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Public Works

MEMORANDUM

Project Name:	Consideration of Award of Professional Services for the Design of the Utilidor at the BGWTP - City Engineer Hanns Mercer
From:	Hanns Mercer, City Engineer
To:	Mayor and Council
CC:	
Date:	01/07/2020

Recommendation:

The City of Sheridan received four (4) proposals for the design of the utilidor at the Big Goose Water Treatment Plant. Staff recommends that the Mayor and City Council award the Professional Services for the **Design of the Utilidor at the BGWTP** to EnTech, Inc. of Sheridan, WY, in the amount of $55,390.00. Staff requests that for the design of the utilidor at the Big Goose Water Treatment Plant that Mayor and City Council authorize the Public Works Director, Lane Thompson, to act on behalf of the Mayor and City Council on all matters related to this project.

Discussion:

Proposals Received:

EnTech = $55,390
CDG = $95,050
CPG = $78,500
Wood = $79,150

Background:

The Big Goose Water Treatment Plant located at 1350 Big Goose Rd, Sheridan Wy consists of a main building and a clearwell annex building. As it exists, several chemical feed lines (soda ash and chlorine) and miscellaneous conduits that are crucial for the treatment of the drinking water extend between the two buildings and are not replaceable. There is a need to install a "utilidor" for the replacement and future servicing of these conduits. EnTech's project approach reccomends a tunneling with the use of liner plates. The utilidor will be circular and 4' to 5' in diameter.

Funding:

Project funded with Enterprise Funds (Water).

Attachments

Concepts

- The utilidor would be approximately 47' long, installed at right angles to the walls of the two buildings, and enter into the clearwell annex at approximately the midpoint of its wall. Figure 2 is an aerial view of the BGWTP site and proposed alignment for the utilidor. Orientation of the utilidor in this manner represents the least length required and, based upon a site visit and review of record drawings, appears to have the fewest utility conflicts. (There is a 6" raw water line used to supply a fire hydrant near the northwest corner of the building that would likely cross above the utilidor. Its depth would be verified during design and accommodations made to avoid a conflict if necessary.)

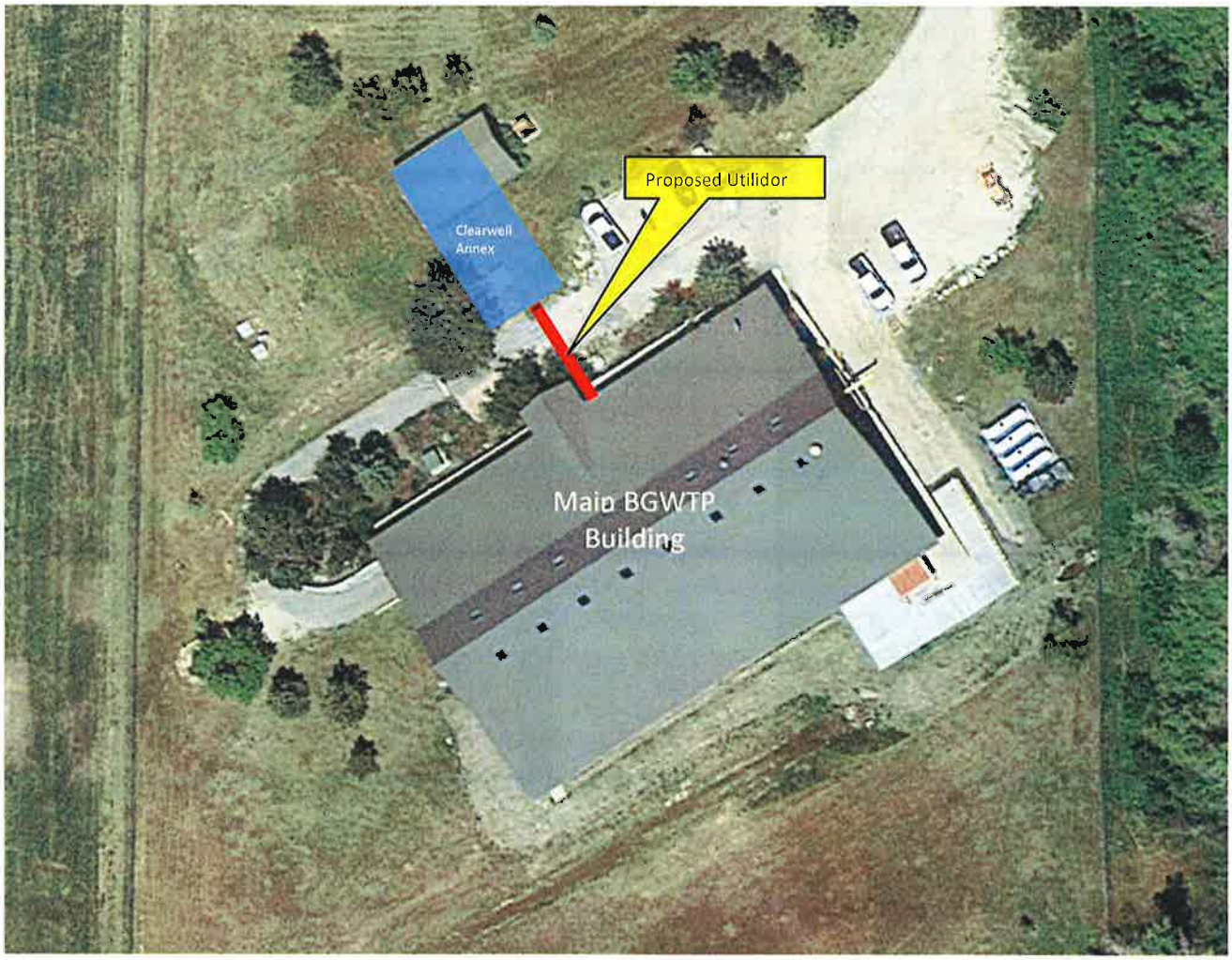


Figure 2 –Proposed Alignment of Utilidor

- The utilidor would be circular, with a diameter of 4 to 5 feet. A 4' to 5' diameter utilidor could be installed by tunneling and use of liner plates, which is discussed in greater detail in the subsequent paragraph. While a utilidor with this diameter would not be as easy to walk through as the 7'-high utilidor installed at the Sheridan WTP, it would nonetheless be possible to walk through it without a great deal of difficulty. More importantly, it would still accommodate the utilities discussed above which City staff desires extension between the two buildings, at much less cost for construction. The smaller the utilidor size, the less difficult it will be to tunnel between the two buildings using the proposed method discussed in the subsequent paragraph. Additionally, and due to the significant elevation difference between the basement floor elevation and clearwell annex floor elevation (14.5'), our proposal assumes that the utilidor's inside floor will be at the same elevation as the main building's basement floor elevation, whereas the outside top of the utilidor will be as close as possible to the ceiling of the clearwell annex. By constructing the utilidor in this manner, the slope of the utilidor can be reduced substantially. For instance, we calculate that the slope of utilidor could be reduced to approximately 11% if constructed this way. (The smaller the size of the

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Public Works

MEMORANDUM

Project Name:	Consideration of Award of ONE (1) Single Axle, Minimum GVWR 36,000 lbs Truck with Flat Bed, Snow Plow, and Spreader to Floyds Truck and Equipment. - Public Works Director, Lane Thompson
From:	Lane Thompson, Public Works Director
To:	Mayor and Council
CC:	
Date:	02/06/2020

Recommendation:

Staff is recommending Award to Floyd's Truck and Equipment in the amount of One Hundred Seventy Eight Nine Hundred and Eighty Three Dollars ($178,983.00) for One (1) Single Axle, Minimum GVR 36,000 lbs Truck with a Flat Bed, Snow Plow, and Spreader.

Discussion:

This vehicle was advertised January 10th, January 24th, and bids were opened on January 28th. The snow plow combo was planned in the Fleet Plan as an addition truck to allow for the Streets Department to serve the new North Main areas that we are now responsible for.

Funding:

This vehicle is funded out of the Streets Department Capital Outlay - Machinery and Equipment.

Attachments

Bid Tally

Dump Plow Truck with Flat Bed and Spreader January 28, 2020

Company	**Floyds Truck & Equip**	**Cmi-Teco**	**TriState Equip**	**Peterbilt of Wy**
5% Bid Bond	Yes	Yes	Yes	Yes
Trade-in	NA	NA	NA	NA
Bid	**$178,983**	**$180,595**	**$201,120**	**$190,986**
Spec Met	Yes	Yes	Yes	Yes
	Freightliner w/ Kois	Mack w/ Kois	Volvo w/ Kois	Peterbilt

Company	**Floyds Truck & Equip**	**Motor Power**		
5% Bid Bond	Yes	Yes		
Trade-in	NA	NA	NA	NA
Bid	**$185,281**	**$185,396**		
Specs Met	Yes	Yes		
	Freightliner w/ Ameri-Tech	Kenworth		

Floyds Truck with Kois is low bid

Feb 10 is Study
Feb 17 is Meeting

CITY OF SHERIDAN, WYOMING

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Utilities

MEMORANDUM

Project Name:	Consideration of Pre-Annexation Agreement with George W. Mohatt for Water and Sewer Service to 135 Decker Road - Utility Services Coordinator Mike Peacock
From:	Mike Peacock, Utility Services Coordinator
To:	Mayor and Council
CC:	
Date:	01/23/2020

Recommendation:

Staff recommends that City Council approve and authorize the Mayor to sign the attached Pre-Annexation Agreement between George W. Mohatt, and the City of Sheridan, to serve as authorization for George W. Mohatt to tie into the City of Sheridan's water and sewer system to serve lands outside the City limits located at 135 Decker Road.

Background:

The proposed property is located Northeast of Decker Road and Northeast of I-90. The property is not contiguous to the City. The landowner, George W. Mohatt, desires to be served from the City of Sheridan through its water and sewer system located along the East side of Decker Road (See attached map). The property is within the planned Urban Services Area boundary which means it is intended to receive City services at some point in the future. As such, this property should receive water and sewer service from the City of Sheridan.

Resolution 73-07 establishes policy and requirements that must be met before City Council can authorize the extension of Sheridan's water and/or sewer system to serve lands outside the city limits. Staff has confirmed the requirements are satisfied by this application which are listed as follows:

1. Land is within the Urban Services Area.

2. The water and sewer service extensions appear to be economically feasible.

3. The property to be served can be made to conform to City ordinances related to subdivisions and construction of Improvements.

4. The property to be served can be reasonably expected to be annexed within the foreseeable future and provided with other basic services available to City residents.

5. The water and sewer service extensions will promote orderly growth and welfare to the City.

6. The landowner will obtain the required permits from the City prior to proceeding with construction.

7. The property to be served is not currently served by City water, or sewer system.

In accordance with Resolution 73-07, City Council may authorize the extension of the City's water or sewer system to serve lands outside the city limits provided the landowner signs a Pre-Annexation Agreement and that agreement is filed at the courthouse to run with the land. The property at 135 Decker Road is outside the city limits; therefore, a prepared Pre-Annexation Agreement is being presented for City Council consideration.

Attachments

Map for 135 Decker Road

Pre-Annexation Agreement


George Mohatt
135
Hatched area is City Limits
I-90 EXIT 200 WESTBOUND OFF
I-90 EXIT 200 EASTBOUND OFF
I-90 WB
I-90 EB
N MAIN ST
I-90 EXIT 200 WESTBOUND OFF
I-90 EXIT 200 EASTBOUND
I-90 EXIT 200 EASTBOUND
MEXICO RD
KOA
KOA
KOA
KOA

PRE-ANNEXATION AGREEMENT AND PETITION

This Pre-Annexation Agreement and Petition, hereinafter referred to as AGREEMENT, made this 20 day of January, 2020, by and between George W Mahaffy, and their heirs, successors in interests and assigns, hereinafter referred to as LANDOWNER, and the City of Sheridan, Wyoming, a municipal corporation and City of the First Class, hereinafter referred to as CITY.

WHEREAS, the LANDOWNER is the record owner of a certain tract of land, described as follows: See Exhibit "A" attached hereto and incorporated herein

This tract of land, or any smaller part or parcel which may be conveyed as a separate tract, whether or not subdivided, shall hereinafter be referred to as the LAND.

WHEREAS, the LAND is currently not contiguous to the CITY; and

WHEREAS, the LANDOWNER desires to receive certain CITY services in exchange for a commitment to annex, at the direction of the CITY; and

NOW, THEREFORE, the parties above named have decided to set forth all of their agreements concerning the annexation of the property as follows:

1. The parties acknowledge that the LAND is currently not contiguous to the City limits of the CITY and is within the natural growth area of the CITY. The LANDOWNER agrees and covenants for himself and his heirs, assigns and successors in interest to take all remaining actions at any time, and at the sole discretion of the CITY, to comply with State annexation law and to complete the annexation of the LAND into the CITY. The LANDOWNER, or any successor in interest, shall incorporate this requirement to annex into the CITY on each and every deed for any parcel of land existing or created within the LAND. The LANDOWNER shall adhere to the **City Comprehensive Plan**, appropriate restrictions pertaining thereto, and the **2001 City of Sheridan Traffic Study,** and all amendments thereto. All lands existent at the time of this AGREEMENT, if subdivided and approved by Sheridan County, along with any agreements, covenants, restrictions or zones, shall be submitted to the City Council for approval prior to the recording of the subdivision plat or a sale of any parcel. A commitment or restriction shall be included in every deed or land sale contract executed by the LANDOWNER, whether or not presently platted or subdivided, subsequent to the date of approval of this AGREEMENT, noting that the parcel "shall annex to the CITY without protest, at the discretion and direction of the Sheridan City Council". The commitment to annex shall be recorded as part of each deed and is a covenant running with the property known as the LAND, enforceable by the CITY.

2. This AGREEMENT does not relieve the LANDOWNER, or any successor in interest, from any requirements of the City of Sheridan Subdivision Regulations, when the LAND is further subdivided, and that the subdivision shall be in accordance with all relevant CITY ordinances and other regulations in effect at this time.

3. The LANDOWNER shall construct any and all new buildings or structures on the property in complete conformity with the current building codes and all other codes, as adopted by the City of Sheridan, and the LANDOWNER shall certify such compliance to the Building Official of the City of Sheridan.

4. Upon annexation to the CITY, the CITY shall provide municipal services on the same level as provided to other areas of the CITY, according to state statutes and local ordinances.

5. The parties acknowledge that all CITY utilities and services are required to service lands annexed to the CITY. The parties further acknowledge that this AGREEMENT is a petition to create a local improvement district, as specified in §15-6-203 W.S., 1977, and therefore, constitutes a waiver of the LANDOWNER's right to file protests and remonstrances, as provided by Wyo. Stat. Ann. §15-6-202(d) and §15-6-203. It is expressly understood that this AGREEMENT obligates the inclusion of the LAND, after annexation, in a district or districts which provide for the installation and construction of the following listed improvements, until all the improvements are constructed in compliance with City ordinances then in effect and accepted by the City Council. The improvements required are as follows:

LANDOWNER shall be required to install, at LANDOWNER'S sole cost, all water infrastructure and sewer infrastructure for the LAND required under City ordinances in effect at the time of such installation for the benefit of the LAND so annexed. LANDOWNER further agrees to pay all costs and fees

associated with the annexation and installation (eg., costs of producing required drawings, exhibits, maps, etc.; filing and review fees; and other typical fees charged in similar processes. If a district(s) is formed which includes lands in addition to LANDOWNER'S LAND, then the LANDOWNER shall pay the cost of any infrastructure assessed to the property as part of the local improvement district in addition to any costs described above.

6. The parties further agree to the following specific items: None

7. The LANDOWNER hereby petitions the Sheridan City Council to accept this AGREEMENT as a petition to annex all of the LAND previously described above into the CITY limits of the City of Sheridan. LANDOWNER is the owner of all LAND described above. LANDOWNER and CITY agree that this petition may be filed with the City and/or County Clerk at any time, and at the sole discretion of the CITY.

8. LANDOWNER agrees to sign any other petition or petitions or to take any other action whatsoever to comply with State annexation law as they may be required by the CITY to facilitate the annexation. LANDOWNER further waives any irregularities in the annexation process and specifically waives his right to protest the said annexation. The parties acknowledge that the CITY may choose not to complete the annexation of LANDOWNER's LAND until additional logical and adjacent properties may be annexed simultaneously. LANDOWNER agrees to provide an annexation plat, prepared by a Wyoming registered land surveyor, at his sole cost and expense, upon the request of the CITY. The LANDOWNER specifically agrees and acknowledges that the timing of the annexation is within the sole discretion of the CITY. The CITY may initiate the annexation of the LAND described above at any time and without notice to LANDOWNER.

9. The CITY agrees to allow the LANDOWNER'S installation of water and/or sewer service line(s) and connection to the CITY's water and/or sewer main(s) at such a time the mains become available.

10. LANDOWNER agrees that any sidewalk currently in existence on any portion of the LAND or any sidewalk constructed on the LAND in the future shall be maintained by LANDOWNER and snow/ice shall be removed by LANDOWNER per City of Sheridan Ordinance.

11. This AGREEMENT, and every part thereof, shall constitute a covenant running with the LAND described above and may be enforced by the CITY by an action at law or equity.

12. This AGREEMENT shall inure to the benefit of, and be binding upon the parties hereto, their respective heirs, successors in interest and assigns. This AGREEMENT shall bind each and every successor in interest to the LAND or any portion or parcel thereof.

13. This AGREEMENT shall be governed by the laws of the State of Wyoming. The District Court of the Fourth Judicial District in Sheridan County, Wyoming, shall have venue and jurisdiction exclusively for any action in law or equity which may be instituted to enforce the terms of this AGREEMENT.

14. If any legal action is instituted to enforce any of the terms of this AGREEMENT, the unsuccessful party shall pay the successful party's reasonable attorneys' fees and all costs of the action including court costs, expert witness fees and all other actual expenses incurred in the prosecution of the action.

15. If any section, subsection, sentence, clause, phrase or portion of this AGREEMENT is for any reason held invalid or unconstitutional by any Court or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and shall not affect the validity of the remaining portions hereof, which shall remain in full force and effect.

DATED This 20 day of January, 20 20

LANDOWNER:

George W Mohatt (Trustee)

George W Mohatt Revocable Trust

STATE OF WYOMING)
)ss.
COUNTY OF SHERIDAN)

On January 20, 2020 before me, George W Mohatt personally appeared before me, whom I know personally, to be the signer(s) of the above and hereby acknowledge his/her/their signature(s).

SUSAN M. GOODMAN - NOTARY PUBLIC
COUNTY OF SHERIDAN STATE OF WYOMING
My Commission Expires June 12, 2022

Susan M Goodman
Notary Public
My Commission Expires:

CITY OF SHERIDAN:

Roger Miller, Mayor

ATTEST:

Cecilia Good, City Clerk

STATE OF WYOMING)
)ss.
COUNTY OF SHERIDAN)

On _____, 20___, before me, _____, personally appeared _____, whom I know personally, to be the signer(s) of the above and hereby acknowledge his/her/their signature(s).

Notary Public
My Commission Expires: