

ORIGINAL ORDINANCE NO.: 1947  
ENROLLED ORDINANCE NO.: 1712

INTRODUCED BY: Henry

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF LARAMIE, WYOMING VACATING A 1,145.61 SQ. FT. ALLEY RIGHT-OF-WAY LOCATED WITHIN BLOCK 46, DOWNEY'S ADDITION

WHEREAS, on January 14, 2016, Dustin J. Richards filed an application on behalf of JS Building Company, LLC, for vacation of a 1,145.61 sq. ft. alley right-of-way located within Block 46, Downey's Addition;

WHEREAS, on March 2, 2016, the City Council approved Enrolled Ordinance No. 1705 amending Title 15 of Laramie Municipal Code creating LMC 15.06.060.W.4 to provide for an effective determination of value for rights-of-way proposed for vacation;

WHEREAS, it has been determined that 1,145.61 sq. ft. alley right-of-way located within Block 46, Downey's Addition meets the criteria of LMC 15.06.060.W.4 establishing a value of zero (0) and as such an appraisal is not required pursuant to Laramie Municipal Code;

WHEREAS, on June 13, 2016 the Laramie Planning Commission affirmatively voted to recommend approval of the vacation to the Laramie City Council;

WHEREAS, notice of a public hearing in compliance with Wyo. Stat. §15-1-602(b) shall be published in the *Laramie Boomerang* on June 11, 2016 which notice was given at least fifteen (15) days prior to the public hearing; and

WHEREAS, the Laramie City Council held a public hearing on July 5, 2016 to take and consider public comments.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LARAMIE:

**Section 1.** That pursuant to W.S. § 15-6-104, W.S. § 15-4-305 and W.S. § 34-12-106 through § 34-12-108, the City Council finds that the vacation of the following described area will not abridge or destroy any of the rights and privileges of other proprietors in said plat and further finds that the vacation is in the best interest of the City of Laramie, Wyoming (City).

**Section 2.** That the City Council hereby vacates the entirety of the 1,145.61 sq. ft. alley right-of-way located within Block 46, Downey's Addition, more particularly described as:

A TRACT OF LAND IN BLOCK 46, DOWNEY'S ADDITION TO THE CITY OF LARAMIE, SECTION 28, T16N, R73W OF THE 6TH P.M., ALBANY COUNTY, WYOMING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL OF THE INTERIOR 16 FOOT ALLEY OF SAID BLOCK 46 AS BOUNDED ON THE SOUTH BY THE NORTH LINE OF CURTIS STREET

VACATED AND AS BOUNDED ON THE NORTH BY A LINE PARALLEL WITH AND 6.0 FEET NORTHERLY OF THE SOUTHERLY LINE OF LOT 2 AND LOT 7 OF SAID BLOCK 46.

SAID TRACT CONTAINS 1,146 SQUARE FEET MORE OR LESS (0.026 ACRES).

**Section 3.** That the Clerk of Albany County, Wyoming, in whose office the aforesaid plat is recorded, shall cause the right-of-way vacation to be indicated in plain legible letters and symbols across the plat so modified, and shall also make a reference on the same to the volume and page number on which the ordinance vacating the easement is recorded.

**Section 4.** That pursuant to LMC 15.06.060.W.4 the City Council establishes a value of zero (0) and waives its request for payment.

**Section 5.** That prior to execution of the Quitclaim Deed transferring vacated property to the adjacent landowner, the following stipulations shall be met:

1. A signed copy of a Public Utility Easement granting an easement for public utilities to the City within the entirety of the vacated alley. Said Public Utility Easement shall grant the City a perpetual easement for the purposes of installing, operating, inspecting, maintaining, repairing, replacing, substituting, relocating and removing public utilities within utility easements on, under, along, and across the easement area. Signed copies of the Public Utility Easement shall be provided to the City for review and approval.
2. That the adjacent landowner shall enter into a Maintenance Agreement with the City. The Maintenance Agreement shall state that in the event of excavation the City shall be responsible to backfill and grade such area to the specifications as defined and adopted by City. The landowner shall repave with asphalt to the specifications as defined and adopted by City within twelve (12) months of completion of City backfill and grade unless agreed otherwise between the parties. Any costs for restoration other than backfill and grading shall be borne by landowner, their successors and assigns. Signed copies of the Public Utility Easement shall be provided to the City for review prior to execution of the quitclaim deed to the adjacent property owner.
3. That the applicant shall provide the City letters from affected Franchise Utilities approving the vacation.
4. That the Public Utility Agreement and Maintenance Agreement shall be approved by the City Council. The Public Utility and Maintenance Agreement shall be recorded concurrently with the Quitclaim Deed conveying the property.

**Section 6.** That this ordinance shall become effective after its passage, approval, publication, and recordation.

**PASSED, APPROVED AND ADOPTED** this 17<sup>th</sup> day of July, 2016.

  
David A. Paulekas  
Mayor and President of the City Council

ATTEST:

  
Angie Johnson  
City Clerk

First Reading: June 21, 2016  
Public Hearing July 5, 2016  
Second Reading: July 5, 2016  
Third Reading and Final Action: July 19, 2016

Duly published in the *Laramie Boomerang* this 9<sup>th</sup> day of August, 2016.

ALBANY COUNTY, LARAMIE, WY JACKIE R. GONZALES, ALBANY CO CLK

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**GRANT OF EASEMENT**

JS Building Company, LLC, a Wyoming close limited liability company (hereinafter referred to as "Grantor"), of Albany County, Wyoming, and for and in consideration of one dollar (\$1.00) and other good and valuable consideration in hand paid, receipt of which is hereby acknowledged, hereby grants and conveys to the City of Laramie, Wyoming (hereinafter referred to as "Grantee" or "City"), a municipal corporation, whose address is 406 Iverson Street, Laramie, Wyoming 82070, Laramie, Albany County, Wyoming, its successors and assigns, a perpetual easement for the purposes of installing, operating, inspecting, maintaining, repairing, replacing, substituting, relocating and removing underground water and sewer utilities on, under, along, and across the following-described property ("Property"):

A TRACT OF LAND IN BLOCK 46, DOWNEY'S ADDITION TO THE CITY OF LARAMIE, SECTION 28, T16N, R73W OF THE 6TH P.M., ALBANY COUNTY, WYOMING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL OF THE INTERIOR 16 FOOT ALLEY OF SAID BLOCK 46 AS BOUNDED ON THE SOUTH BY THE NORTH LINE OF CURTIS STREET VACATED AND AS BOUNDED ON THE NORTH BY A LINE PARALLEL WITH AND 6.0 FEET NORTHERLY OF THE SOUTHERLY LINE OF LOT 2 AND LOT 7 OF SAID BLOCK 46.

SAID TRACT CONTAINS 1,146 SQUARE FEET MORE OR LESS (0.026 ACRES).

The location and course of said easement is shown on the drawing consisting of one page, attached as Exhibit "A" and by this reference made a part hereof.

City shall have the right of ingress and egress to and from the Property for any and all purposes necessary or convenient to the exercise by City of the rights granted in this easement.

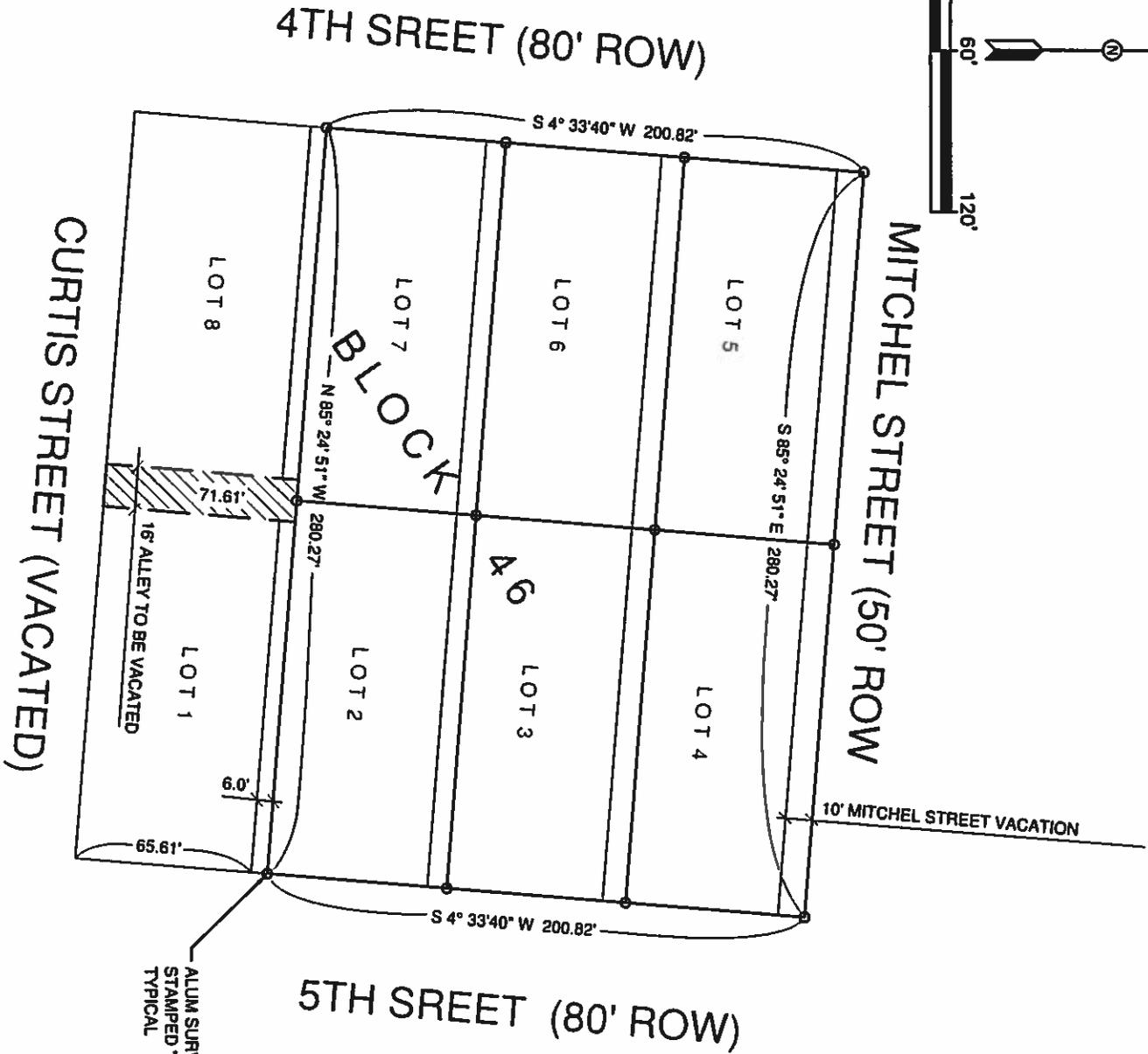
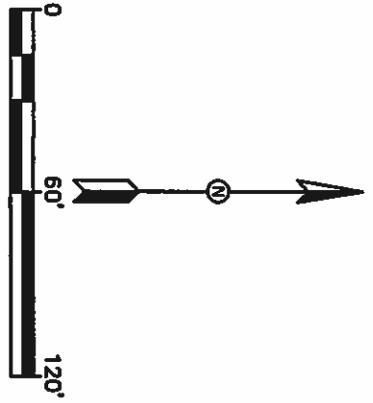
Grantor relinquishes and waives all rights in and to this easement which accrue under and by virtue of the homestead exemption laws of the State of Wyoming.

Grantor reserves the right to use and enjoy the Property to fullest possible extent without unreasonable interference with the exercise by City of the rights granted, provided Grantor shall not hereafter construct or cause to be constructed any permanent improvements or structures over said land without prior written consent of City.

In the event of an excavation in the above-described easement, the City shall be responsible to backfill and grade such right of way to the specifications as defined and adopted by City, and any costs for said restoration shall be borne by City, their successors and assigns. However, City shall not be required to restore any improvements, such as pavement or landscaping. Any costs for restoration beyond backfill and grading shall be borne by Grantor, their successors and assigns.

This easement shall run with the land and shall burden the property describe above through all the successions of title of Grantor and shall only be released upon the written agreement of City.





**AREA TO BE VACATED**

A TRACT OF LAND IN BLOCK 46, DOWNEY'S ADDITION TO THE CITY OF LARAMIE, SECTION 28, T16N, R73W OF THE 6TH P.M., ALBANY COUNTY, WYOMING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
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 SAID TRACT CONTAINS 1146 SQUARE FEET MORE OR LESS (0.026 ACRES).

ALUM SURVEYORS CAP  
 STAMPED "LS 4276"  
 TYPICAL

EXHIBIT A

ALLEY VACATION  
 DOWNEY'S ADDITION TO THE CITY OF LARAMIE  
 ALBANY COUNTY, WYOMING

drawn by: ERICKSON  
 date: 1/7/16

**GERTSCH·BAKER**  
**ENGINEERING & DESIGN** inc.

gerschbaker.com

Architects • Engineers

104 s. 4th street suite 300 laramie, wyoming 82070 phone: 307.743.6126 fax: 307.743.6048

