

ORDINANCE NO. 2063

AN ORDINANCE vacating a portion of an alley located west of Custer Street between Brundage Street and Loucks Street in Block 20 of Palmer's Addition to the City of Sheridan, as described below, and as shown in Exhibit "A".

Whereas, this request for an alley vacation meets the requirements of Wyoming Statutes 34-12-107., 15-1-508, and 15-4-242; and

Whereas, the City Planning Commission having voted to recommend approval of said vacation at their December 22, 2008, regular meeting; and

Whereas there were no negative comments from the Development Review Committee, the Planning Commission, nor from the general public meeting; therefore

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

Section 1. Vacation of Public Right-of-Way

The following public right-of-way is hereby vacated conditioned on the requirements detailed Section 2. below:

That the portion of alley located west of Custer Street between Brundage Street and Loucks Street in Block 20 of Palmer's Addition to the City of Sheridan, as shown on Exhibit "A" and attached hereto and by this reference made a part thereof, said alley being more particularly described as follows:

A portion of alley lying between lots 1 through 5 and 26 through 30, Block 20, Palmers Addition to Sheridan, Sheridan County, Wyoming, being more particularly described as follows:

Commencing at a 1 1/2" aluminum cap marking the Southeast corner of said Block 20; thence N00°26'19"E 124.04 feet along the East line of Lot 30 of said Block 20 to the Point-of-Beginning; said point being the Northeast corner of said Lot 30; thence N89°28'56"W 93.67 feet along the North line of Lots 27-30 of said Block 20 to a point, thence through a non-tangent curve to the left with an arc length of 22.75 feet, a radius of 61.50 feet, a delta angle of 21°11'36", a chord bearing of N44°45'18"W, and a chord length of 22.62 feet to a point lying on the South line of Lot 5 of said Block 20; thence S89°31'31"E 109.72 feet along the South line of Lots 1-5 of said Block 20 to the Southeast corner of said Lot 1; thence S00°26'19"W 16.00 feet along the East line of said Block 20 to the Point-of-Beginning and containing 1607.3 square feet, more or less.

Said tract of land is hereby vacated.

Section 2. Conditions of Right-of-Way Vacation

The following are conditions of the right-of-way vacation detailed in Section 1:

1. The fee of \$2 per square foot of right-of-way vacated be waived per Planning Commission recommendation. This amounts to \$3,214.60 (1,607.3 square feet x \$2=\$3,214.60).
2. Alternative access to the portion of the alley not being vacated must be provided as depicted in the building permit application submitted for the Early Childhood Center prior to issuance of a certificate of occupancy.
3. A new terminal manhole must be installed immediately to the west of the proposed alley vacation.

4. Existing and proposed sewer service lines must be reconnected downstream of the new manhole.
5. The existing sanitary sewer main and existing manhole located within the portion of the alley to be vacated must be abandoned in place.
6. Prior the acceptance of any additional public infrastructure, or issuance of a certificate of occupancy, any easements necessary for the provision of City services or access be recorded at the County Courthouse and contain the following language to address City utilities:

*Utility easements, as designated on this exhibit, are hereby dedicated to the City of Sheridan and its licensees for public use for the purpose of installing, repairing, reinstalling, replacing and maintaining sewers, water lines, gas lines, electric lines, telephone lines, cable TV lines and other forms and types of public utilities now or hereafter generally utilized by the public.*

Other necessary easements must utilize language appropriate for their function.

Section 3. Severability.

If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance, the intention being that the various provisions hereof are severable.

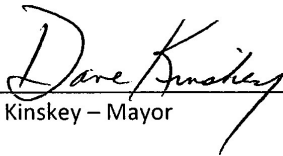
Section 4. Repealer.

All orders, by-laws, resolutions and ordinances, or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

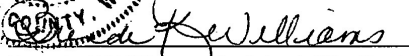
Section 5.

That this ordinance shall be in full force and effect immediately upon its passage and publication as by law provided.

PASSED, APPROVED, AND ADOPTED this 2<sup>nd</sup> day of Febr., 2009.

  
Dave Kinskey – Mayor

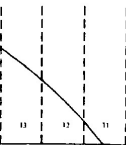


  
Brenda K Williams – Assistant City Clerk



R VACATION  
(6' WIDE) BETWEEN LOTS  
D, PALMER'S ADDITION  
IN COUNTY, WYOMING

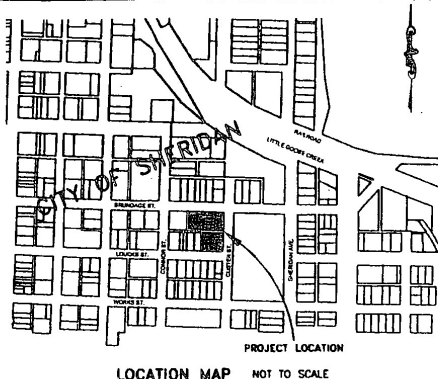
4  
ADDITION



METER LINE

ION

68



LOCATION MAP NOT TO SCALE

**DESCRIPTION "A"**  
**"PORTION OF ALLEY TO BE VACATED"**

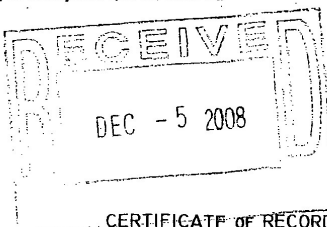
A portion of alley lying between lots 1 through 5 and 20 through 30, Block 20, Palmer's Addition to Sheridan, Sheridan County, Wyoming, being more particularly described as follows:  
Commencing at a 1" aluminum cap marking the Southeast corner of said Block 20; thence N 07°26'18" E 124.04 feet along the East line of Lot 30 of said Block 20 to the Point-of-Beginning; said Point being the Northeast Corner of said Lot 20; thence N07°26'56"W 63.67 feet along the North line of Lots 27-30 of said Block 20 to a point; thence through a non-tangent curve to the left with an arc length of 22.75 feet, a radius of 61.50 feet, a delta angle of 21°11'35", a chord bearing of 84°45'16"W, and a chord length of 22.02 feet to a point lying on the South line of Lot 5 of said Block 20; thence S02°31'31"E 106.72 feet along the South line of Lots 1-5 of said Block 20 to the Southwest corner of said Lot 1; thence S02°26'16"W 16.00 feet along the East line of said Block 20 to the Point-of-Beginning and containing 1007.3 square feet, more or less.

**DESCRIPTION "B"**  
**"UTILITY EASEMENT"**

A 15 foot wide utility easement situated within Lots 27-30, Block 20, Palmer's Addition to Sheridan, Sheridan County, Wyoming, being more particularly described as follows:  
Commencing at a 1" aluminum cap marking the Southeast corner of said Block 20; thence N07°26'18"E 105.54 feet along the East line of said Lot 30 to the Point-of-Beginning; thence S02°26'56"W 85.02 feet to a point; thence through a non-tangent curve to the left with an arc length of 18.37 feet, a radius of 61.50 feet, a delta angle of 15°14'48", a chord bearing of 82°20'41"W, and a chord length of 18.32 feet to a point; thence S02°26'56"E 91.42 feet to a point, said point lying on the East line of said Lot 30; thence S02°26'16"W 15.00 feet along said East line to the Point-of-Beginning and containing 1317.4 square feet, more or less.

**DESCRIPTION "C"**  
**"ACCESS AND UTILITY EASEMENT"**

An easement for access and utilities situated within Lots 25-27, Block 20, Palmer's Addition to Sheridan, Sheridan County, Wyoming, being more particularly described as follows:  
Commencing at a 1" aluminum cap marking the Southeast corner of said Block 20; thence N07°31'31"W 62.81 feet along the South line of Lots 27-30 of said Block 20 to the Point-of-Beginning; thence N07°31'31"W 41.00 feet along the South line of said Lots 25-27 to a point; thence N07°26'56"E 96.16 feet to a point; thence through a curve to the left with an arc length of 30.40 feet, a radius of 75.50 feet, a delta angle of 70°12'42", a chord bearing of N37°02'26"W, and a chord length of 30.34 feet to a point lying on the North line of said Lot 25; thence S02°26'56"E 53.39 feet along said North line to a point; thence through a non-tangent curve to the right with an arc length of 37.15 feet, a radius of 61.50 feet, a delta angle of 34°30'30", a chord bearing of S16°51'16"E, and a chord length of 36.50 feet to a point; thence S02°26'56"W 86.19 feet to the Point-of-Beginning and containing 5128.5 square feet, more or less.



**CERTIFICATE OF RECORDER**

State of Wyoming  
County of Sheridan

I hereby certify that this plat was filed for record in the Office of the Clerk and Recorder of \_\_\_\_\_, N. H.S., day of \_\_\_\_\_, 2008, and (for all Plat No. \_\_\_\_\_), Page Number \_\_\_\_\_.

County Clerk

**CIFICATE OF SURVEY**

UNAWEN, A DULY REGISTERED LAND SURVEYOR IN THE STATE OF WYOMING, HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM NOTES OF A SURVEY PERFORMED BY ME OR UNDER MY SUPERVISION 2008.

**DIRECTOR OF PUBLIC WORKS**

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 \_\_\_\_\_, 2008 by the Director of Public Works of Sheridan, Wyoming.

Director of Public Works

**SHERIDAN PLANNING COMMISSION**

Reviewed by the City of Sheridan Planning Commission this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

Attest: Vice Chairman

Chairman

**CITY COUNCIL OF SHERIDAN**

Reviewed by the City Council of Sheridan, Wyoming, this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

Attest: City Clerk

Mayor

**PROPERTY OWNER**

Sheridan Economic and Educational Development Authority Joint Powers Board, Owner

State of Wyoming  
County of Sheridan

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2008, by \_\_\_\_\_

Notary

My Commission Expires \_\_\_\_\_

Notary Public

