



CITY OF MILLS
EST. 1921

704 Fourth Street
P.O. Box 789
Mills, WY 82644

Phone: 307-234-6679
Fax: 307-234-6528

Memorandum

TO: Mills City Council

FROM: Megan Nelms, AICP, City Planner

DATE: June 8, 2023

SUBJECT: Vacation of a portion of Cosllo Street

Case Number: 23.02 VAC

Summary: A petition has been submitted by OS Investments, LLC to vacate 464' of Cosllo Street adjacent to Lots 0, 1 and a portion of Lot 2, Cosllo's District subdivision.

Cosllo's District was platted in 1972. Cosllo Street was dedicated to the public on said plat, but the street was never constructed or improved to City standards upon annexation. The easterly portion of the right-of-way that is being used to provide access to lots within the Cosllo's District subdivision, has been constructed to a gravel standard and is currently maintained by the lot owners.

OS Investments, LLC owns Lots 0, 1, & a portion of Lot 2, Cosllo's District. They have requested to resubdivide those three (3) lots into one, larger lot to accommodate future development and expansion of their business operations. As part of the resubdivision, they would like to vacate that portion of Cosllo Street adjacent to their lots. Cosllo Street, as platted, dead-ends at the western edge of the subdivision, on Lot 0. The topography in the area is not conducive to extension of the street further to the west. OS Investments, LLC would like to utilize the additional lot area that would be provided with vacation of the street.

Wyoming §15-4-305, regarding street vacations, states "no vacation may be ordered except upon petition of a majority of the owners of the property abutting on the portion proposed to be vacated and extending three hundred (300) feet in either



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direction from the portion proposed to be vacated.” Signatures have been obtained from a majority of the surrounding property owners and attached to the petition. Once vacated, ownership of the right-of-way will revert to the immediately adjacent property owners. For this vacation, OS Investments, LLC is the only adjacent property owner to the proposed right-of-way to be vacated.

The forthcoming resubdivision plat for Lots 0, 1 & portion of Lot 2, Cosllo’s District will combine the parcels and include the area of vacated right-of-way in the new lot. A general utility easement will be provided on the plat for existing and future infrastructure and utilities within the existing right-of-way area to be vacated.

Planning Considerations:

There are no planning considerations.

Planning Commission Recommendation: At their June 1, 2023, meeting the Planning & Zoning Commission made a “DO PASS” recommendation on the petition to vacate.

Staff Recommendation: Staff recommends APPROVAL of the proposed vacation.



CITY OF MILLS
APPLICATION TO VACATE/ABANDON
PUBLIC RIGHT-OF-WAY OR EASEMENT
Pursuant to the Mills City Code



City of Mills, Wyoming
704 4th Street
P.O. Box 789
Mills, Wyoming 82644

Date: _____
Return by: _____
For Meeting on: _____

PLEASE PRINT

Section 1.

SINGLE POINT OF CONTACT IS:

APPLICANT/OWNER(S) INFORMATION:

Print Owner Name: OS INVESTMENTS LLC
Owner Mailing Address: 4402 MOUNTAIN VIEW DRIVE
City, State, Zip: CASPER WY 82604
Owner Phone: 307-259-3107
Applicant Email: joey@westernenergyfab.com

AGENT INFORMATION:

Print Agent Name: JOSEPH SULLIVAN
Agent Mailing Address: 4402 MOUNTAIN VIEW DRIVE
City, State, Zip: CASPER WY 82604
Agent Phone: 307-259-3107
Agent Email: joey@westernenergyfab.com

ATTACHMENT (REQUIRED):

- **Proof of ownership:** ^{WARRANTY DEED} (such as deed, title certification, attorney's title opinion)

Section 2.

PROPERTY INFORMATION:

Physical Address of Property: 400 Crescent Drive
Or, if not available, provide a general location (Example: NW corner of A & 1st Streets): NA
Legal Description of Property: Lot: 0 & 1 and pt of 2 Block: -- PARCEL ID: 33800140100100
Subdivision: Cosllos District, Mountain View Suburb
Or SECTION: NA TOWNSHIP: NA RANGE: NA

Section 3.

RIGHT-OF-WAY / EASEMENT INFORMATION:

Right-of-Way / Easement Location: Adjacent to northwestern property line of Lots 0-4, Cosllos District, Mountain View Suburb
(Example: along west property line, running north & south)
Width of Existing Right-of-Way / Easement: 50' Number of Feet to be Vacated: ~464'
Please indicate the purpose for which the Right-of-Way / Easement is to be vacated / Abandoned
It is currently unbuilt ROW, with no plans to construct it or need for access/use of the ROW.

Section 4. **SIGNATURES OF OWNERS (AND AGENT IF APPLICABLE):**

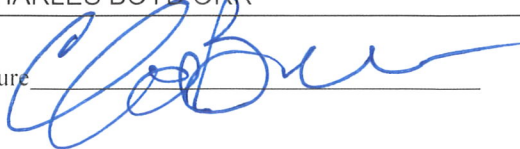
The following owner's signature signifies that all information on this application is accurate and correct to the best of the owner's knowledge; and that the owner has thoroughly read and understands all application information and requirements. [In addition to the owner's signature(s), if an agent of the owner is to be contacted for all communications relating to this application, please have the agent sign below.]

I (We) the undersigned owner(s) of the property described above do hereby make application to the City of Mills as follows:
OS INVESTMENTS LLS

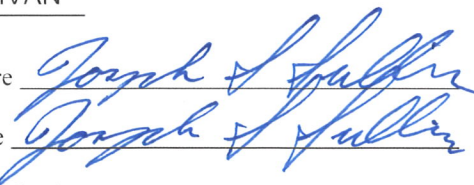
CHARLES BOYD ORR

JOSEPH S SULLIVAN

OWNER Signature



OWNER Signature



AGENT Signature

FEE: A check in the amount of \$100 payable to the City of Mills, must accompany this application.

Section 5. **UTILITY PROVIDERS:**

Telephone:	Eric Overlie	CenturyLink	eric.overlie@CenturyLink.com	(307) 235-2408
Gas:	Lori Neibauer	Black Hills Corporation	lori.neibauer@blackhillscorp.com	(307) 262-5714
Electric:	Greg Hansen	Rocky Mt. Power	greg.hansen@rockymountainpower.net	(307) 261-7066
Cable:	Robert Casados	Charter Communications	Robert.Casados@charter.com	(307) 264-3136
Water/Sewer:	City of Mills			(307) 234-6679

Section 6. **REASONS FOR THIS REQUEST:**

a. Why does the property owner wish to vacate or request abandonment of this right-of-way/easement?

It is dedicated ROW on the Cosilos District plat that has never been constructed.

b. How is the right-of-way/easement being used?

It is not, it is unbuilt ROW

c. How will the proposed vacation/abandonment affect access to adjacent property owners?

There will be no effect on adjacent property owners as the portion being vacated is adjacent three lots owned by the same entity at a dead-end. The topography at the dead end makes development or extension of the ROW unlikely.

d. How does the property owner propose to use right-of-way/easement if vacated/abandoned?

As part of their existing property for further development.

e. Are there any public utilities or infrastructures currently located in the right-of-way/easement? If so, describe them:

There are gas and electric utilities. A general utility easement will be provided on the resubdivision plat to accommodate the utilities.

Section 7. **PROPERTIES ABUTTING THE PROPERTY TO BE VACATED/ABANDONED:**

The following properties about the area to be vacated/abandoned:

Property Owner name(s): OS Investments, LLC

Address: 400 Crescent Dr.

Lot: 0,1 & pt 2 Block: Cosllos District, Mountain View Suburb Addition

Property Owner name(s): Spurgin Properties, LLC

Address: 2065 Yellow Creek Rd. Casper, WY 82604

Lot: Pt NW¼SW¼ Block: Section 1, T33N, R80W Addition

Property Owner name(s): Carol Paulson

Address: 1517 Kit Carson Av

Lot: 3 & pt 2 Block: Cosllos District, Mountain View Suburb Addition

Property Owner name(s): M-3 Industries Attn: Ted Morton

Address: 372 Crescent Drive

Lot: 3 & 4 Block: Cosllos District, Mountain View Suburb Addition

Section 8. **ATTACHMENTS AND EXHIBITS:**

Applications to vacate/abandon must be submitted to the city planner at least thirty (30) days prior to the City Council meeting in which this action shall be considered.

The following documents must be included when submitting the application package:

As to Section 1.

- A copy of the recorded deed or other legal instrument indicating proof of ownership.
- If an agent is listed, a notarized letter or statement of authorization from the property owner(s) authorizing the agent to represent the owner(s) in connection with this application, OR a recorded Power of Attorney, Personal Representative Deed, Trustee Agreement, etc., in the agent's name.

As to Section 2.

- If the property is not located within a platted subdivision, a metes and bounds description must be provided.

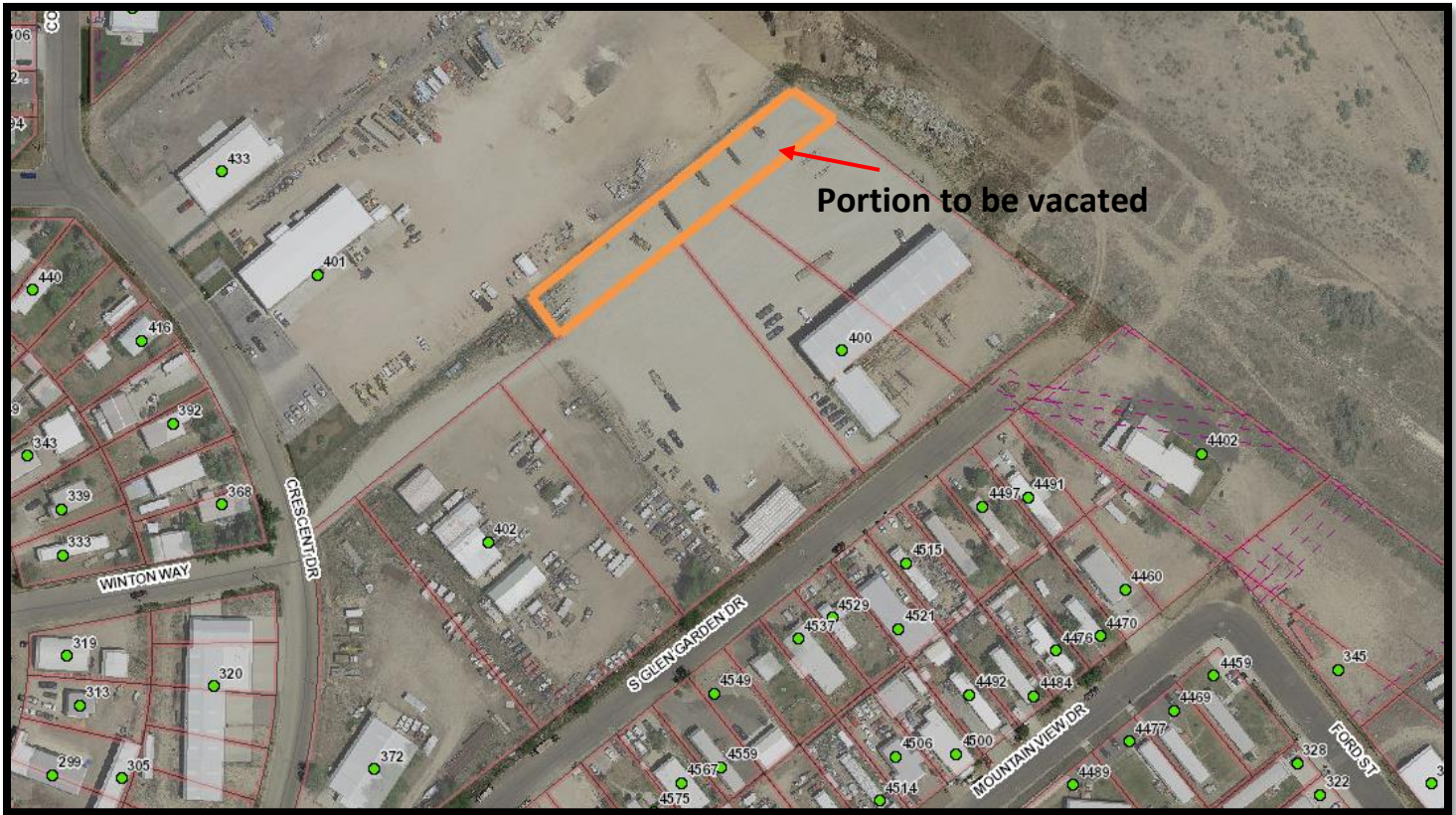
As to Section 3.

- A copy of a certified survey of the lot or parcel indicated in Section 1 showing the right-of-way or easement to be vacated or abandoned.

As to the Application.

- All areas must be filled in or marked N/A (Not applicable).
- Incomplete applications will be returned to the Applicant.

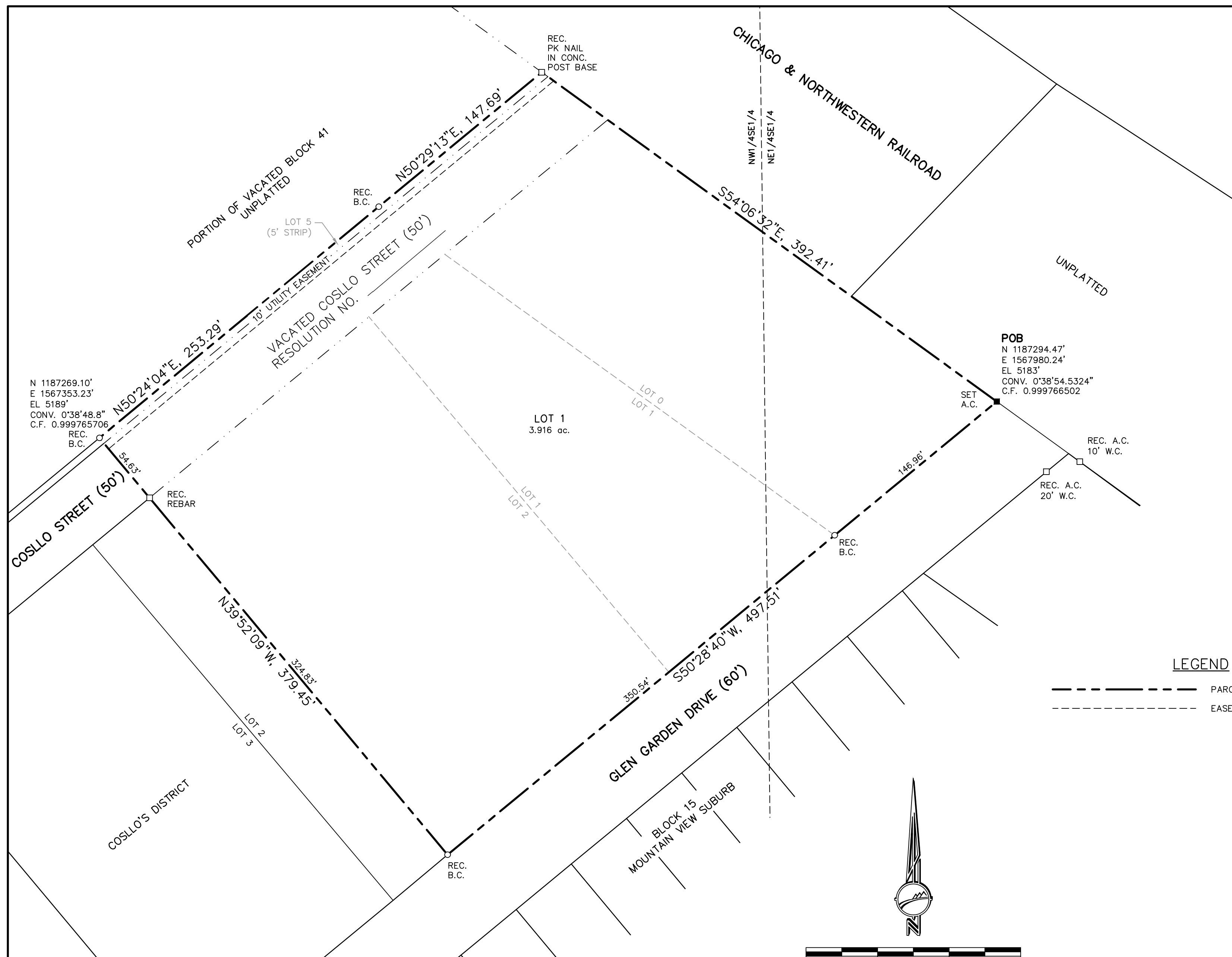
Vacate ROW – A portion of Cosllo Street



Mills Zoning Districts			
	Mills, DB		Mills, ER: Established Residential
	Mills, DI: Developing Industrial		Mills, PLI: Public Land Institutions
	Mills, DMH: Developing Mobile Home		Mills, PUD: Planned Urban Development
	Mills, DR: Developing Residential		Mills, MSR: Mixed Sized Residential
	Mills, EB: Established Buisness		Mills, MU: Mixed Use
	Mills, EI: Established Industrial		Mills, UA: Urban Agriculture
			Mills, UR: Urban Agriculture Residential

PLAT OF
"OSI DISTRICT"
 A SUBDIVISION OF PORTIONS OF
 THE NW1/4SE1/4, NE1/4SE1/4, SECTION 1
 TOWNSHIP 33 NORTH, RANGE 80 WEST
 SIXTH PRINCIPAL MERIDIAN
 NATRONA COUNTY, WYOMING

BEING A VACATION AND REPLAT OF LOTS 0-1
 ALL, AND A PORTION OF LOTS 2 AND 5 (5'
 STRIP) OF COSLLO'S DISTRICT, A SUBDIVISION
 LOCATED IN AND BEING A PORTION OF THE
 N1/2SE1/4 & SW1/4SE1/4, SECTION 1;



DEDICATION STATEMENT

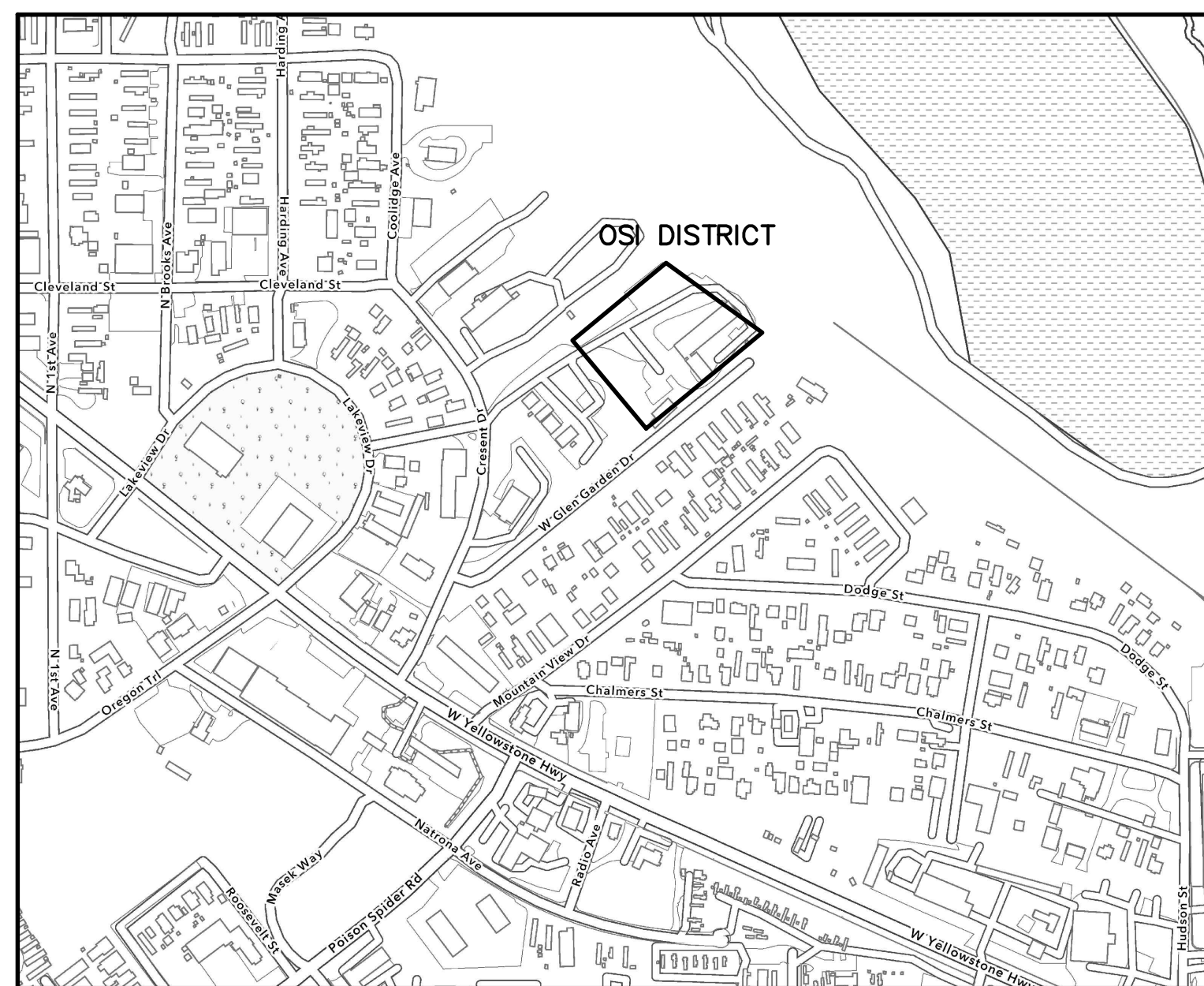
OC Investments, LLC does hereby certify that they are the owner and proprietor of the foregoing vacation and replat of Lots 0-1 All, and a portion of Lots 2 and 5 (5' strip) of Cosllo's District, a subdivision located in and being a portion of the N1/2SE1/4 & SW1/4SE1/4, Section 1, Township 33 North, Range 80 West of the Sixth Principal Meridian, Natrona County, Wyoming and being more particularly described by metes and bounds as follows:

Beginning at the most easterly corner of the Parcel being described and the most northerly corner of Glen Garden Drive; thence from said Point of Beginning and along the southeasterly line of said Parcel and the northwesterly line of said Glen Garden Drive, S50°28'40"W, 497.51 feet to a point; thence along the southwesterly line of said Parcel and into and across Cosllo Street and Lot 5, Cosllo's District, N39°52'09"W, 379.45 feet to a point in and intersection with the northwesterly line of said Lot 5, Cosllo's District; thence along the northwesterly line of said Parcel, N50°24'04"E, 253.29 feet to a point; thence continuing along the northwesterly line of said Parcel, N50°29'13"E, 147.69 feet to a point in and intersection with the southwesterly line of the Chicago & Northwestern Railroad; thence along the northeasterly line of said Parcel and the southwesterly line of said Chicago & Northwestern Railroad, S54°06'32"E, 392.41 feet to said Point of Beginning and containing 3.916 acres, more or less, as set forth by the plat attached and made a part hereof.

Said Parcel being subject to any and all reservations, easements and rights-of-way of record or as may otherwise exist.

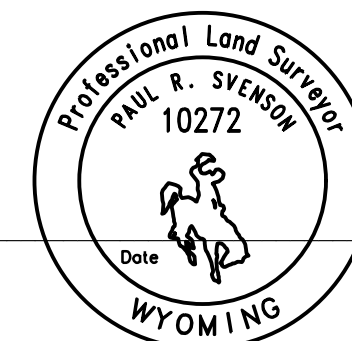
The vacation, replat and subdivision of the foregoing described lands as appears on this plat is with the free consent, and in accordance with the desires of the undersigned owner and proprietor. The name of said subdivision shall be known as "OSI DISTRICT" to the City of Mills, Wyoming. All streets as shown hereon have previously been dedicated to the use of the public and easements as shown hereon are hereby dedicated to the use of public and private utility companies for purposes of construction, operation and maintenance of utility lines, conduits, ditches drainage and access.

OS INVESTMENTS, LLC
 4402 MOUNTAIN VIEW DRIVE
 MILLS, WY 82604



SURVEYORS CERTIFICATE

I, Paul R. Svenson, a Professional Land Surveyor, 10272, do hereby certify that this plat was made from notes taken during an actual survey made by me or under my direct supervision during the month of May, 2023 and that this plat, to the best of my knowledge and belief, correctly and accurately represents said survey.



STATE OF WYOMING }
 COUNTY OF NATRONA } SS

The foregoing instrument was acknowledged before me by Paul R. Svenson this ____ day of _____, 20__.

Witness my hand and official seal.

My commission expires: _____

NOTARY PUBLIC _____

OS INVESTMENTS, LLC

JOSEPH S. SULLIVAN, MEMBER

STATE OF WYOMING }
 COUNTY OF NATRONA } SS

The foregoing instrument was acknowledged before me by Joseph S. Sullivan, Member this ____ day of _____, 20__.

Witness my hand and official seal.

My commission expires: _____

NOTARY PUBLIC _____

APPROVALS

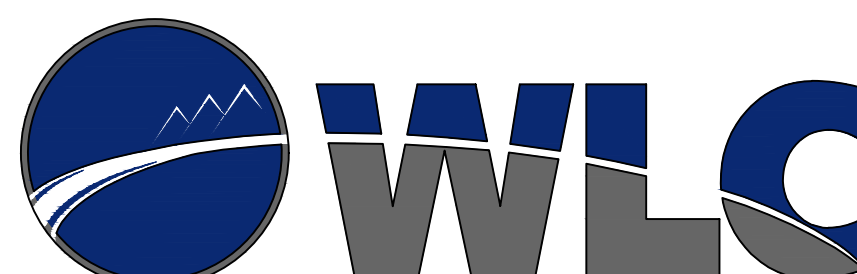
Approved by the City Council of the City of Mills, Wyoming by Ordinance No. _____ duly passed, adopted and approved this ____ day of _____, 20__.

Attest: _____
 City Clerk

Attest: _____
 Mayor

Inspected and approved this this ____ day of _____, 20__.

City Engineer _____



Public Hearing

The Mills Planning & Zoning Board will hold a public hearing on June 1, 2023 at 5:00 P.M. in the Conference Room at 704 Fourth St., Mills, WY and the Mills City Council will hold a public hearing on June 13, 2023, at 7:00 P.M. or as time allows, in the Council Chambers, 704 Fourth St., Mills, Wyoming, to consider the following: **A petition to vacate a portion of Cosllo Street (approximately 254 feet) located adjacent to Lots 0, 1 & 2, Cosllo's District, Mountain View Suburb, Town of Mills, Wyoming.**

Written comments will be accepted by the City Clerk until May 31, 2023, and interested parties can appear at the public hearing to present testimony.

Do not publish items below line
For publication May 26th & 28th



MINUTES OF THE 1st OF JUNE 2023 MILLS PLANNING & ZONING BOARD MEETING

Board Members Present: Pattie Gould, Bob Greenley, Ed Greenwood and Leon Norvell were all present for this P&Z Meeting. Dale Smith was absent.

Others in Attendance: Megan Nelms, City Planner, Kevin O’Hearn, Building Official, Paul Svenson, WLC Engineering and Joey Sullivan, applicant, were also in attendance.

Chairman Pattie Gould called the Meeting to order at 5:04 PM on June 1, 2023, as a quorum was present.

Chairman Pattie Gould asked board members if they had read the minutes of the April 6, 2023, P&Z Board meeting. Pattie noted one grammatical change to be made. Board Member Bob Greenley made a motion to approve the minutes. Board Member Leon Norvell seconded the motion. Chairman Pattie Gould called for a vote to pass the minutes of the 6th of April 2023 P&Z meeting. All ayes, motion passed.

Pattie asked Megan to present the first agenda item. Megan introduced case number 23.01 VAC, a petition to vacate a portion of South 5th Avenue.

Background:

The applicants have submitted a petition to vacate 158.30’ of South 5th Avenue, adjacent to Lot 1, Block 8, Evergreen Park No. 2 and Lot 1, Evergreen Park Subdivision.

Evergreen Park No. 2 was platted in 1959 and this portion of S. 5th Ave was dedicated as public right-of-way as a proposed extension street out of the subdivision to the north. The portion of the road has never been constructed since that time, and the adjacent properties have used the area as part of their properties for some time.

Albon Shaw has purchased Lots 1-3 and the Reservoir Tract of Evergreen Park Subdivision and is in the process of resubdividing the lots. As part of the resubdivision process, Mr. Shaw is working with the adjacent landowner to vacate this portion of S. 5th Avenue to clean up property boundaries and remove the un-utilized right-of-way.

Wyoming State Statute 15-4-305, regarding street vacations, states that “no vacation may be ordered except upon petition of a majority of the owners of the property abutting on the portion proposed to be vacated and extending three hundred (300) feet in either direction from the portion proposed to be vacated.” Signatures have been obtained from a majority of the property owners

MINUTES OF THE 1st OF JUNE 2023

MILLS PLANNING & ZONING BOARD MEETING

owning a majority of the property within three hundred (300) feet of the subject street parcel. Once vacated, ownership of the right-of-way will revert to the immediately adjacent property owners. The Shawville Addition subdivision plat will clean-up the parcels and divide up the vacated parcel proportionally, generally following how the owners have established property boundaries.

No utilities or infrastructure are located within the right-of-way proposed for vacation and no easements will need to be retained with the vacation.

A notice of public hearing was published in the Casper Star-Tribune advertising the June 1st Planning & Zoning Board and June 13th City Council public hearings.

There are no planning considerations, and no comments were received from external and internal staff reviews.

Staff Recommendation: Staff recommends the Planning and Zoning Board approve proposed vacation of a portion of S. 5th Avenue.

Chairman Gould thanked Megan and asked if there were any questions from the Board. The Chairman asked where the road was originally supposed to connect, if it was at Poison Spider Rd or elsewhere. Megan supplied an exhibit of the original plat which shows an odd configuration and connection back to S. 6th Ave. Member Greenley asked if there were any comments from surrounding property owners. Megan stated she received none.

Chairman Gould then asked if there was any further discussion. There was none so she called for a motion. Board Member Bob Greenley made a motion to provide the City Council with a “Do Pass” recommendation to vacate a portion of S. 5th Avenue. Board Member Leon Norvell seconded the motion. All voted in favor, motion carried.

Megan presented the next case, 23.02 VAC a petition to vacate a portion of Cosllo Street.

Background:

The applicant has submitted a petition to vacate approximately 464’ of Cosllo Street, adjacent to Lots 0, 1 and a portion of Lot 2, Cosllo’s District, Mountain View Suburb subdivision.

Cosllo’s District, Mountain View Suburb, was platted in 1972. Cosllo Street was dedicated to the public on said plat, but the street was never constructed or improved to City standards upon annexation. The easterly portion of the right-of-way is used to provide access to lots within the subdivision, has been constructed to a gravel standard and is currently maintained by the lot owners.

OS Investments, LLC owns Lots 0, 1, & a portion of Lot 2, Cosllo’s District. They have requested to resubdivide those three (3) lots into one, larger lot to accommodate future development and

MINUTES OF THE 1st OF JUNE 2023

MILLS PLANNING & ZONING BOARD MEETING

expansion of their business operations. As part of the resubdivision, they would like to vacate that portion of Cosllo Street adjacent to their lots. Cosllo Street, as platted, dead-ends at the western edge of the subdivision, on Lot 0. The topography in the area is not conducive to extension of the street further to west. OS Investments, LLC would like to utilize the additional lot area that would be provided with vacation of the street.

Wyoming State Statute 15-4-305, regarding street vacations, states that “no vacation may be ordered except upon petition of a majority of the owners of the property abutting on the portion proposed to be vacated and extending three hundred (300) feet in either direction from the portion proposed to be vacated.” Signatures have been obtained from a majority of the property owners owning a majority of the property within three hundred (300) feet of the subject street parcel. Once vacated, ownership of the right-of-way will revert to the immediately adjacent property owners.

For this vacation, OS Investments, LLC is the only adjacent property owner to the proposed right-of-way to be vacated. The forthcoming resubdivision plat for Lots 0, 1 & portion of Lot 2 will combine the parcels and include the area of vacated right-of-way in the new lot. A general utility easement will be provided on the plat for existing and future infrastructure and utilities within the existing right-of-way and a Fire Department approved turn-around will be included on the plat.

No comments were received from external and internal staff reviews. There are no planning considerations.

Staff Recommendation: Staff recommends the Planning and Zoning Board approve proposed vacation of a portion of Cosllo Street.

Chairman Gould thanked Megan and asked if there were any questions from the Board. Joey Sullivan of OS Investments was in attendance as representative and applicant. The Chairman asked what OS Investments was, what kind of business? Joey stated that OS Investments is a holding company and the business on site is Western Energy Fabrication. They are a welding and pipe shop. Commissioner Greenley asked why they were not vacating the entirety of Cosllo Street, back to Crescent Ave. Megan noted that there are at least two other properties to the east of Mr. Sullivan’s property, and one the specifically needs Cosllo Street to be used as access to their property. There was discussion about the North Mountain View Improvement District, maintenance of the existing Cosllo St. and what roads were paved with the Improvement District monies.

There was further discussion about the legal descriptions of each ownership and how the ownership does not follow the platted lots lines. Commissioner Greenley inquired about the ‘Lot 2’ label on the plat and stated it was confusing when viewing the plat when Lot 2 is supposed to be part of the subdivision. It was explained that OS Investments owns Lots 0 and 1 and a portion

MINUTES OF THE 1st OF JUNE 2023

MILLS PLANNING & ZONING BOARD MEETING

of Lot 2. The label shows the remaining area, not included in the resubdivision. Megan stated she will add a planning consideration to the plat to gray out or remove that reference and add language “not part of this subdivision.”

Chairman Gould then asked if there was any further discussion on the proposed vacation of Cosllo Street. There was none, so she called for a motion. Board Member Ed Greenwood made a motion to provide the City Council with a “Do Pass” recommendation to vacate a portion of Cosllo Street. Board Member Bob Greenley seconded the motion. All voted in favor, motion carried.

Megan presented then presented the final case, 23.04 FSP the final plat for OSI District.

Background:

The applicant is proposing to resubdivide four (4) lots within the Cosllo’s District Subdivision to create one (1) 3.9-acre lot for the purposes of future building expansion and business development. (Lot 5 is a 5’ x 694’ (.79-acres) lot platted on the original Cosllo’s District plat.)

Planning Considerations:

1. Submit a site plan of the property, specifically showing:
 - a. Location of the existing road/driveway access in relation to the platted right-of-way for Cosllo St.
 - b. Location of the business sign
 - c. Location of the access gate into the property
2. Provide a turnaround at the end of Cosllo Street approved by the Fire Department to provide adequate access for fire apparatus.
 - a. Language will need to be added to the dedication statement for the turn-around area for Cosllo Street.
3. Place a stop sign and street sign for Cosllo St. at the intersection of Crescent and Cosllo.
4. Discuss a change of address to accurately reflect access of Cosllo St. versus Crescent Dr.
5. Review the line legend on the plat face:
 - a. Appears the ¼ section line is labeled easement line
 - b. The easement line type is not shown in the legend
 - c. Recommend the subdivision boundary be a solid, black line
6. Do not show the vacated right-of-way area of Cosllo Street as an easement, unless a 54’ wide easement is intended to be shown.

MINUTES OF THE 1st OF JUNE 2023

MILLS PLANNING & ZONING BOARD MEETING

Staff Recommendation: Staff recommends the Planning and Zoning Board approve the final plat for the OSI District final plat, pending completion of all planning considerations.

Chairman Gould thanked Megan and asked if there were any questions from the Board. There was general discussion regarding the turnaround. The applicant has proposed the neighboring property owner to the east providing a public access easement that is large enough to accommodate emergency response vehicles and meet the turnaround requirements. The parcel would not be included on the plat, however, the access easements would be recorded by separate instrument and referenced on the plat.

Megan stated staff would be amenable to that proposed solution. She noted that staff was not requiring the applicants to improve the remainder of Cosllo Street at this time, and that the goal was to have the required turnaround area for the dead end street and set the area up for success for future development. Mr. Sullivan noted that he is the one who maintains the road now and gravels it, as they had previously received complaints about mud be tracked out onto Crescent Dr.

There was further discussion about other roads in the area, such as Glen Garden one block over, which does not have a turnaround. Mr. Sullivan noted that trucks go down that road inadvertently and have a hard time turning around to get back out. Mr. Sullivan stated that he is also planning on widening the approach at Cosllo & Cresecent St. He would like to open up the access, make it wider and improve the approach.

Chairman Gould then asked if there was any further discussion. There was none, so she called for a motion. Board Member Ed Greenwood made a motion to provide the City Council with a “Do Pass” recommendation for the final plat of OSI District, adding the planning consideration to allow a public access easement on the neighboring property for the required turnaround at the end of Cosllo Street. Board Member Bob Greenley seconded the motion. All voted in favor, motion carried.

Megan stated that if they can get the access easement recorded and the plat updated prior to the next Council meeting, the plat will be reviewed on that agenda. Otherwise, it will be reviewed at the June 27, 2023 meeting.

Kevin and Megan announced that it was Chairman Gould and Board Member Greenwood’s last meeting. They presented plaques to each and thanked them for their years of service to the Planning & Zoning Board.

With no further business, Chair Pattie Gould declared the meeting adjourned at 5:57 PM.

Pattie Gould, Chair

MINUTES OF THE 1st OF JUNE 2023 MILLS PLANNING & ZONING BOARD MEETING

Attested: Christine Trumbull