



**CITY OF MILLS**  
EST. 1921

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

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

## Memorandum

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**TO:** Mills City Council

**FROM:** Megan Nelms, AICP, City Planner

**DATE:** June 8, 2023

**SUBJECT: Vacation of a portion of S. 5<sup>th</sup> Ave**

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**Case Number:** 23.01 VAC

**Summary:** A petition has been submitted to vacate 158.30' of South 5<sup>th</sup> 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. 5<sup>th</sup> Ave was dedicated as public right-of-way as a proposed extension street out of the subdivision to the north. This portion of the dedicated road has never been constructed, and the adjacent properties have used the area as part of their properties for several years.

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. 5<sup>th</sup> Avenue to clean up property boundaries and remove the unutilized right-of-way.

Wyoming §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 surrounding property owners and attached to the petition. Once vacated, ownership of the right-of-way will revert to the immediately adjacent property owners. The Shawville Addition resubdivision plat will clean-up



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the parcels and divide the vacated ROW proportionally, generally following how the owners have established property boundaries.

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

**Planning Considerations:**

There are no planning considerations.

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**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 4<sup>th</sup> Street  
P.O. Box 789  
Mills, Wyoming 82644

Date: 05/10/2023

Return by: 5-11-23  
For Meeting on: 6-1-23

**PLEASE PRINT**

Section 1.

**SINGLE POINT OF CONTACT IS: Albon Shaw**

**APPLICANT/OWNER(S) INFORMATION:**

Print Owner Name: Shaw Investments, LLC  
Owner Mailing Address: P.O. Box 695  
City, State, Zip: Casper, WY 82602  
Owner Phone: 307-251-2535  
Applicant Email: albonshaw@gmail.com

**AGENT INFORMATION:**

Print Agent Name: Same  
Agent Mailing Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Agent Phone: \_\_\_\_\_  
Agent Email: \_\_\_\_\_

**ATTACHMENT (REQUIRED):**

- **Proof of ownership:**  (such as deed, title certification, attorney's title opinion)

Section 2.

**PROPERTY INFORMATION:**

Physical Address of Property: \_\_\_\_\_

Or, if not available, provide a general location (Example: NW corner of A & 1<sup>st</sup> Streets): Unbuilt right-of-way adjacent to Lot 1, Block 8, Evergreen Park No. 2 and

Legal Description of Property: Lot: \_\_\_\_\_ Block: \_\_\_\_\_ PARCEL ID: \_\_\_\_\_

Subdivision: Evergreen Park & Evergreen Park No. 2

Or SECTION: 12 TOWNSHIP: 33N RANGE: 80W

Section 3.

**RIGHT-OF-WAY / EASEMENT INFORMATION:**

Right-of-Way / Easement Location: Adjacent to Lot 1, Block 8, Evergreen Park No 2  
(Example: along west property line, running north & south)

Width of Existing Right-of-Way / Easement: 50' Number of Feet to be Vacated: 158.30

Please indicate the purpose for which the Right-of-Way / Easement is to be vacated / Abandoned  
This is unbuilt right-of-way, as platted within Evergreen Park No. 2 Subdivision

**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:

OWNER Signature Albon Shaw

OWNER Signature \_\_\_\_\_

AGENT Signature Albon Shaw

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	<a href="mailto:eric.overlie@CenturyLink.com">eric.overlie@CenturyLink.com</a>	(307) 235-2408
Gas:	Lori Neibauer	Black Hills Corporation	<a href="mailto:lori.neibauer@blackhillscorp.com">lori.neibauer@blackhillscorp.com</a>	(307) 262-5714
Electric:	Greg Hansen	Rocky Mt. Power	<a href="mailto:greg.hansen@rockymountainpower.net">greg.hansen@rockymountainpower.net</a>	(307) 261-7066
Cable:	Robert Casados	Charter Communications	<a href="mailto:Robert.Casados@charter.com">Robert.Casados@charter.com</a>	(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?

City of Mills has requested the unbuilt portion of right-of-way for S 5th Ave. be vacated with the resubdivision plat.

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

It is not, it is unbuilt right of way.

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

No affect on access to surrounding properties

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

Area of right-of-way to be distributed between two adjacent lot owners and reconfigured during resubdivision.

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

N/A

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

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

Property Owner name(s): Shaw Investments, LLC alby  
Address: 472, 504, 532 S. 4th Ave  
Lot: 1 & 2 k7 Block: \_\_\_\_\_, Evergreen Park \_\_\_\_\_ Addition

Property Owner name(s): Kimberly Perez Kimberly Perez  
Address: 5150 Bamber Street  
Lot: 1 Block: 8, Evergreen Park No. 2 \_\_\_\_\_ Addition

Property Owner name(s): Shirley Austin Shirley J. Austin  
Address: 384 S 6th Ave  
Lot: 3 & 1 Block: 2, Austin Addition No. 2 \_\_\_\_\_ Addition

Property Owner name(s): Shaw Investments, LLC alby  
Address: 507 S. 5th Ave  
Lot: \_\_\_\_\_ Block: \_\_\_\_\_, Reservoir Tract, Evergreen Park \_\_\_\_\_ 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.

Section 7 (Continued). PROPERTIES ABUTTING THE PROPERTY TO BE VACATED/ABANDONED:

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

Property Owner name(s): Louis Arnold Louis Grunewald  
Address: 554 S. 4th Ave  
Lot: 4 Block: \_\_\_\_\_ Addition: Evergreen Park

Property Owner name(s): Jim Cain Lisa Crimm  
Address: 456 S. 4th Ave  
Lot: 4 Block: 2 Addition: Austin #2

Property Owner name(s): Homer A. Steddie  
Address: 573 So 4th Ave  
Lot: 19 Block: \_\_\_\_\_ Addition: Evergreen Park

Property Owner name(s): \_\_\_\_\_  
Address: \_\_\_\_\_  
Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Addition: \_\_\_\_\_

Property Owner name(s): \_\_\_\_\_  
Address: \_\_\_\_\_  
Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Addition: \_\_\_\_\_

Property Owner name(s): \_\_\_\_\_  
Address: \_\_\_\_\_  
Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Addition: \_\_\_\_\_














Property Owner name(s): \_\_\_\_\_  
Address: \_\_\_\_\_  
Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Addition: \_\_\_\_\_

Property Owner name(s): \_\_\_\_\_  
Address: \_\_\_\_\_  
Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Addition: \_\_\_\_\_

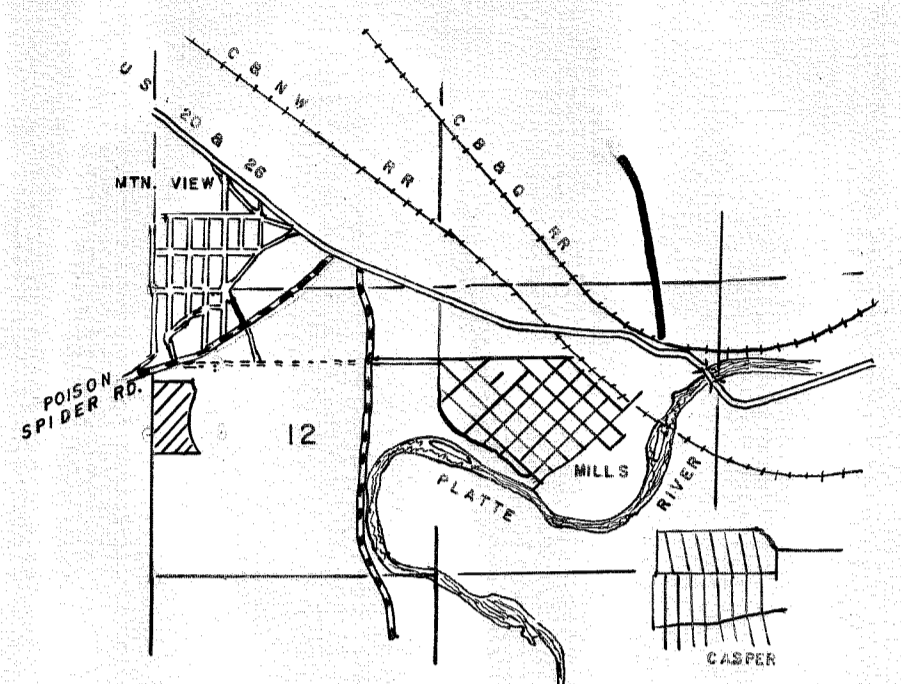
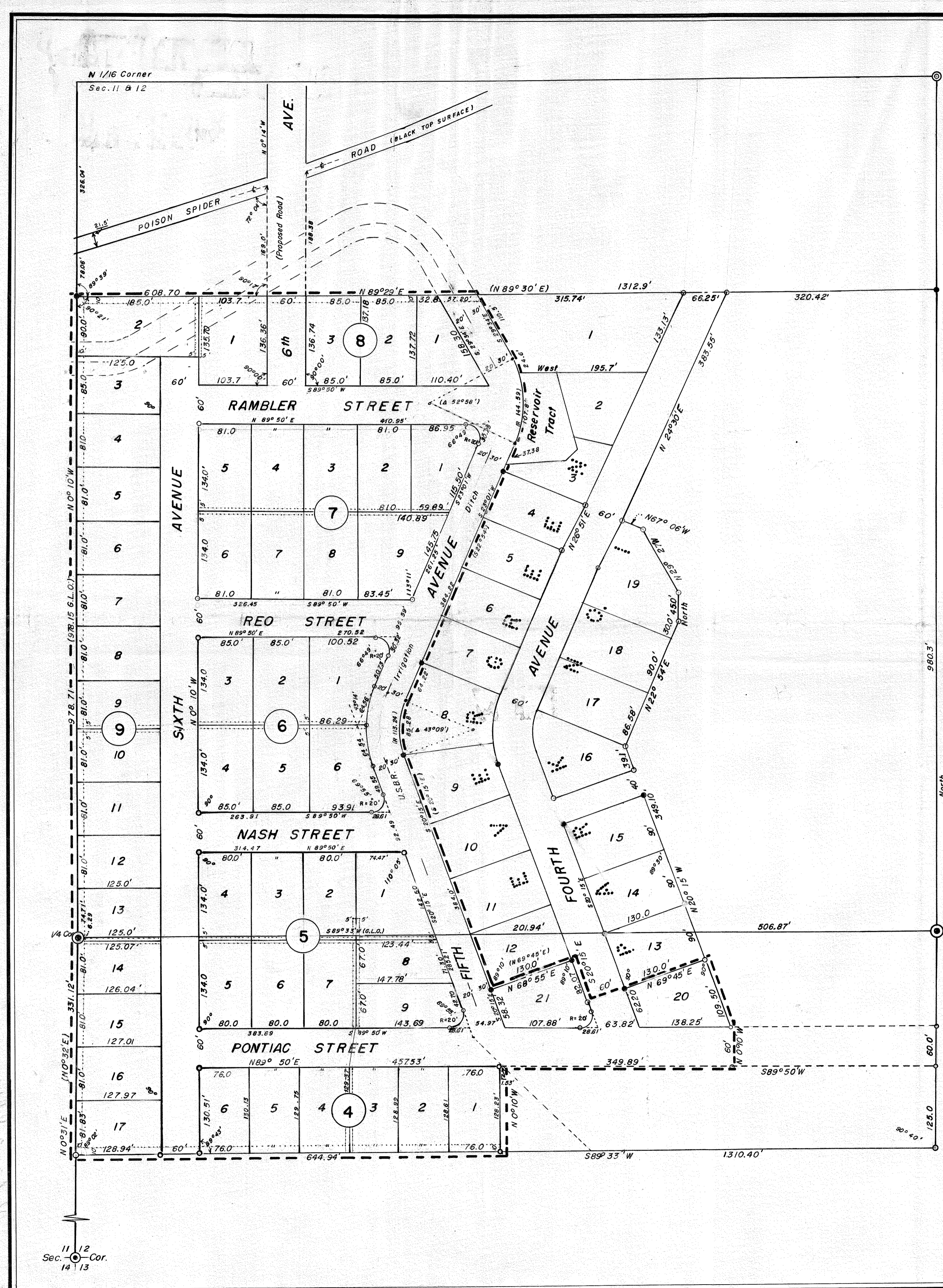
# Vacate ROW – A portion of South 5<sup>th</sup> Avenue



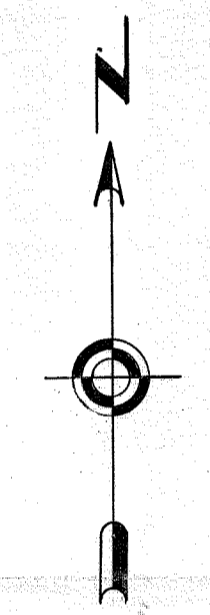
## Mills Zoning Districts

- |  |  |
|--|--|
|  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 Business    |  Mills, MU: Mixed Use                     |
|  Mills, EI: Established Industrial  |  Mills, UA: Urban Agriculture             |
|  |  Mills, UR: Urban Agriculture Residential |

K-116



VICINITY MAP  
(No Scale)



LEGEND:

- ⊙ Brass Cap monuments - General Land Office.
  - Location of monuments from previous surveys found in place as shown.
  - Pipe monuments established during this survey.
  - ( ) Record distance or bearing.
  - Subdivision boundary.
  - Utility Easement 110' wide
- Scales as noted.

810 EVERGREEN PARK #2  
Pocket 4  
Folder 5

MAP OF  
**EVERGREEN PARK NO. 2 SUBDIVISION**  
A SUBDIVISION OF PORTIONS OF THE  
SW 1/4 NW 1/4 & NW 1/4 SW 1/4 SECTION 12  
T. 33 N. R. 80 W., 6th P. M.  
NATRONA COUNTY, WYOMING  
SCALE: 1" = 100'

CERTIFICATE OF DEDICATION in Case 177 of Deeds on Page 605

STATE OF WYOMING  
County of Natrona

I, Archie A. Tillman, A single man do hereby certify:  
That the foregoing subdivision of that certain portion of the S 1/2 SW 1/4 NW 1/4, SW 1/2 NW 1/2 SW 1/4 NW 1/4, NW 1/2 NW 1/4 SW 1/4 of Section 12, Township 33 North, Range 80 West of the 6th Principal Meridian, Natrona County, Wyoming, as appears on this plat is with my free consent and in accordance with my desires, the undersigned owner and proprietor of said lands; that the name of said subdivision shall be EVERGREEN PARK No. 2, a Subdivision, Natrona County, Wyoming; and that the streets shown on this plat are hereby dedicated to public use.

The undersigned owner of said lands hereby waives and relinquishes all rights he may have under and by virtue of the homestead exemption laws of the State of Wyoming.

Dated at Casper, Wyoming 20th day of May, 1959

*Archie A. Tillman*  
Archie A. Tillman

STATE OF WYOMING  
County of Natrona

On this 20th day of May, 1959 before me appeared Archie A. Tillman, a single man, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed including the release and waiver of the right of homestead.

Given under my hand and notarial seal the day and year in this certificate first above written.

My commission expires June 15, 1959  
*Marianne Spencer*  
Notary Public

606  
STATE OF WYOMING  
County of Natrona

SURVEYOR'S CERTIFICATE

This is to certify that this subdivision designated EVERGREEN PARK NO. 2 SUBDIVISION, comprises parts of the SW 1/4 NW 1/4 & NW 1/4 SW 1/4 of Section 12, Township 33 North, Range 80 West of the 6th Principal Meridian, Natrona County, Wyoming; that this survey was made by me during April, 1959 at the request of Archie A. Tillman; that this plat shows the subdivision thereof into Blocks and Lots as numbered and shown; that lot corners are marked by iron pipes; that all bearings, angles and distances as shown on the plat are true to the best of my knowledge and belief.

Wyoming Registration No. 144

*Edwin H. Johnston*  
Surveyor

Subscribed in my presence and sworn to before me this 20th day of May, 1959  
My Commission Expires June 15, 1959  
*Marianne Spencer*  
Notary Public

APPROVED:

Council of Town of Mills, Wyoming by  
Ordinance No. \_\_\_\_\_, duly passed,  
adopted and approved on the \_\_\_\_\_ day  
of \_\_\_\_\_, 1959.

*George Sward*  
Mayor

Attest: *Marianne Spencer*  
Town Clerk

Dated: May 23, 1959

APPROVED:

Board of County Commissioners of  
Natrona County, Wyoming by Resolution  
duly passed on the 10 day of  
September, 1959.

*John B. Cunniff*  
Chairman of the Board

Attest: *Lawrence K. Munn*  
County Clerk

Dated: Sept. 10, 1959

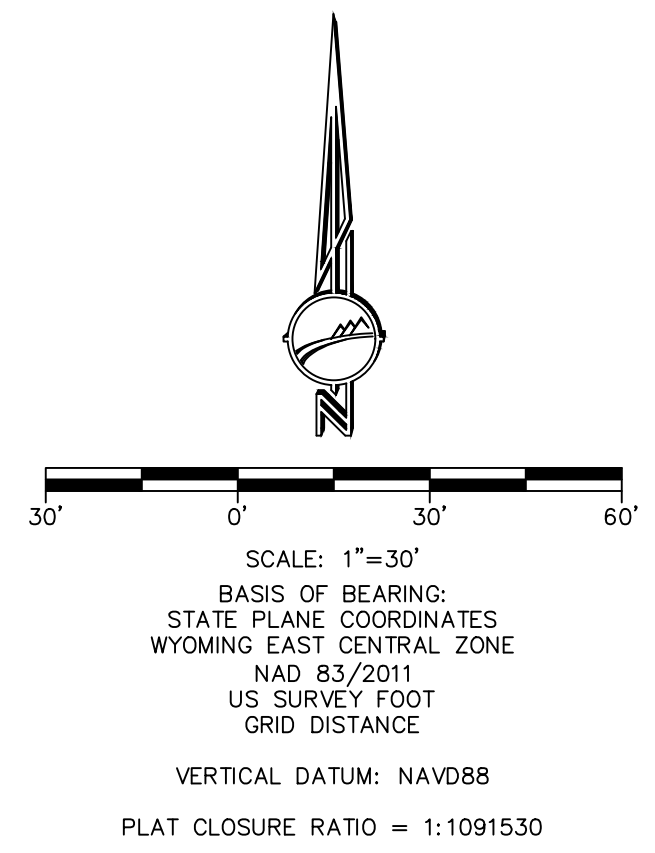
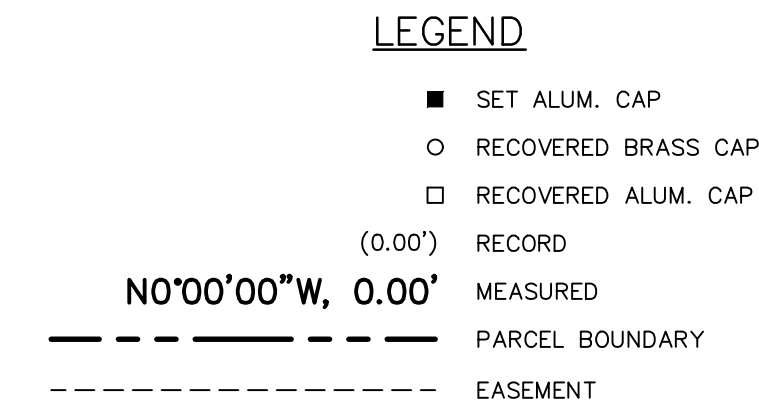
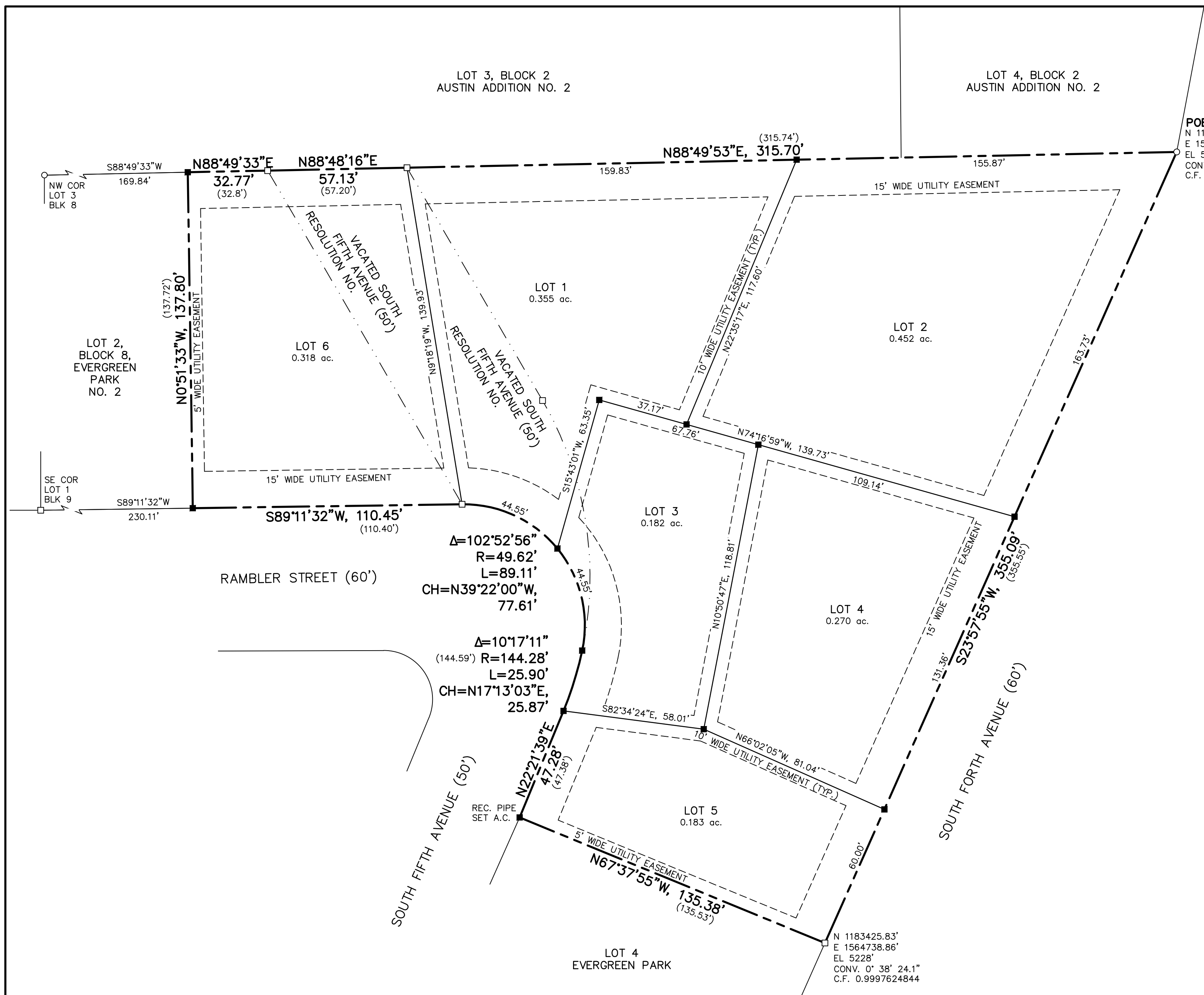
Inspected and approved: *Edwin H. Johnston*  
County Surveyor  
Aug. 13, 1959

K-116



PLAT OF  
**"SHAWVILLE ADDITION"**  
 TO THE CITY OF MILLS, WYOMING  
 A SUBDIVISION LOCATED IN AND BEING A PORTION OF THE  
 SW1/4NW1/4, SECTION 12, TOWNSHIP 33 NORTH, RANGE 80 WEST  
 OF THE SIXTH PRINCIPAL MERIDIAN, NATRONA COUNTY, WYOMING.

BEING A VACATION AND REPLAT OF LOTS 1, 2 AND 3 AND THE  
 RESERVOIR TRACT OF EVERGREEN PARK, A SUBDIVISION LOCATED IN  
 AND BEING A PORTION OF THE SW1/4NW1/4 & NW1/4SW1/4,  
 SECTION 12; AND LOT 1, BLOCK 8, EVERGREEN PARK NO.2  
 SUBDIVISION, A SUBDIVISION LOCATED IN AND BEING A PORTION OF  
 THE SW1/4NW1/4 & NW1/4SW1/4, SECTION 12;



**DEDICATION STATEMENT**

Shaw Investments, LLC, and Kimberly Perez do hereby certify that they are the owners and proprietors of the foregoing vacation and replat of Lots 1, 2 and 3 and the Reservoir Tract of Evergreen Park, a subdivision located in and being a portion of the SW1/4NW1/4 & NW1/4SW1/4, Section 12; and Lot 1, Block 8, Evergreen Park No.2 Subdivision, a subdivision located in and being a portion of the SW1/4NW1/4 & NW1/4SW1/4, Section 12; all being in 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 northeasterly corner of the Parcel being described and the southeasterly corner of Austin Addition No. 2 to the Town of Mills and a point in the westerly line of South Fourth Avenue; thence from said Point of Beginning and along the easterly line of the Parcel being described and the westerly line of said South Fourth Avenue, S23°57'55"W, 355.09 feet to the southeasterly corner of said Parcel and the northeasterly corner of Lot 4, Evergreen Park Subdivision; thence along the southerly line of the Parcel being described and the northerly line of said Lot 4, N67°37'55"W, 135.38 feet to the southwesterly corner of said Parcel and the northwesterly corner of said Lot 4 and a point in and an intersection with the easterly line of South Fifth Avenue; thence along the westerly line of the Parcel being described and the easterly line of said South Fifth Avenue, N22°21'39"E, 47.28 feet to the beginning of a curve; thence along the arc of a true curve to the left and having a radius of 144.28 feet, and the long chord of which bears N17°13'03"E, 25.87 feet, through a central angle of 101°17'11", 25.90 feet to the beginning of a tangential curve; thence along the arc of a true curve to the left and having a radius of 49.62 feet, and the long chord of which bears N39°22'00"W, 77.61 feet, through a central angle of 102°52'56", 89.11 feet to a point of intersection with a tangent line and a point in the northerly line of Rambler Street; thence along the northerly line of said Rambler Street, S89°11'32"W, 110.45 feet to the southeasterly corner of Lot 2, Block 8, Evergreen Park No. 2; thence along the easterly line of said Lot 2, Block 8, Evergreen Park No. 2, N0°51'33"W, 137.80 feet to the northwesterly corner of said Parcel and the northeasterly corner of said Lot 2, Block 8, Evergreen Park No. 2 and a point in and an intersection with the southerly line of said Austin Addition No. 2; thence along the northerly line of the Parcel being described and the southerly line of said Austin Addition No. 2, N88°49'33"E, 32.77 feet to a point; thence, N88°48'16"E, 57.13 feet to a point; thence, N88°49'53"E, 315.70 feet to said Point of Beginning and containing 1.761 acres, more or less.

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 owners and proprietors. The name of said subdivision shall be known as "SHAWVILLE ADDITION" 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.

SHAW INVESTMENTS, LLC  
 PO BOX 695  
 CASPER, WY 82602

KIMBERLY PEREZ  
 PO BOX 321  
 MILLS, WY 82644

SHAW INVESTMENTS, LLC }  
 COUNTY OF NATRONA }SS  
 ALBON SHAW, MANAGING MEMBER

The foregoing instrument was acknowledged before me by Albon Shaw, Managing Member this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

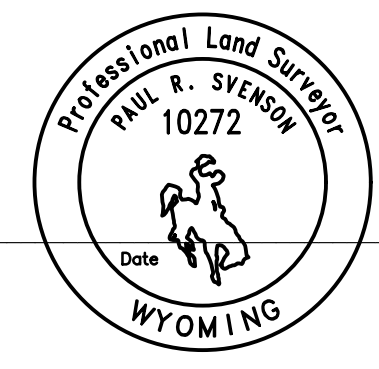
Witness my hand and official seal.  
 My commission expires: \_\_\_\_\_  
 NOTARY PUBLIC

KIMBERLY PEREZ }  
 COUNTY OF NATRONA }SS  
 The foregoing instrument was acknowledged before me by Kimberly Perez this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Witness my hand and official seal.  
 My commission expires: \_\_\_\_\_  
 NOTARY PUBLIC

**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 months of February & March, 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

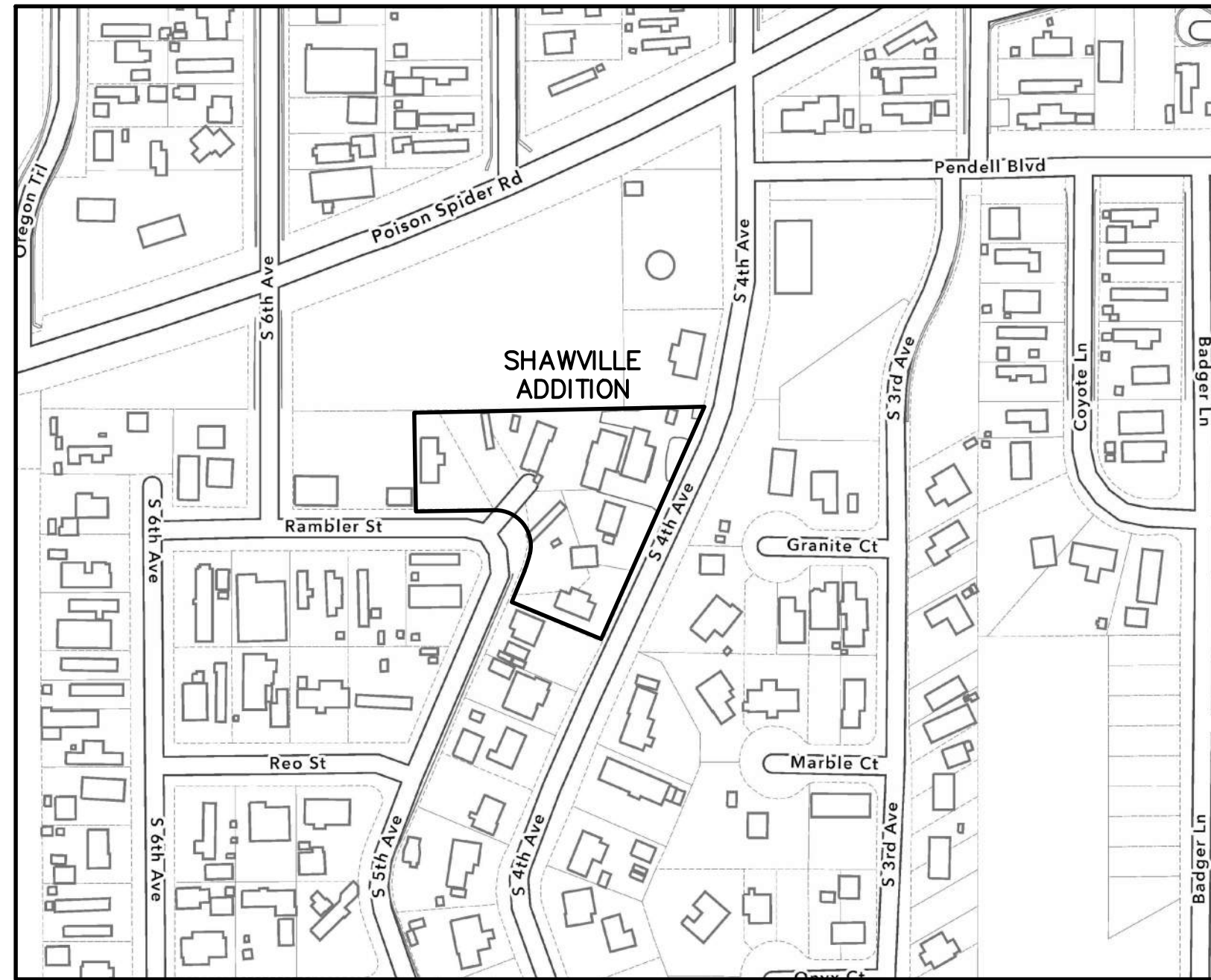
**APPROVALS**

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

Attest: \_\_\_\_\_ Attest: \_\_\_\_\_  
 City Clerk Mayor

Inspected and approved this this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

City Engineer



AL CLIENT: SHAW INVESTMENTS, LLC; SHAW INVESTMENTS - EVERGREEN; REPLAT SURVEY; WYOMING; SHAWVILLE ADDITION; DRAWN BY: JSB

## 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 South Fifth Avenue (approximately 159 feet) located adjacent to Lot 1, Evergreen Park and Lot 1, Block 8, Evergreen Park No. 2, 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.

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Do not publish items below line  
For publication May 26<sup>th</sup> & 28<sup>th</sup>



## MINUTES OF THE 1<sup>st</sup> 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 6<sup>th</sup> 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 5<sup>th</sup> Avenue.

### **Background:**

The applicants have submitted a petition to vacate 158.30’ of South 5<sup>th</sup> 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. 5<sup>th</sup> 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. 5<sup>th</sup> 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 1<sup>st</sup> 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 1<sup>st</sup> Planning & Zoning Board and June 13<sup>th</sup> 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. 5<sup>th</sup> 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. 6<sup>th</sup> 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. 5<sup>th</sup> 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

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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

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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.

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**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.

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Pattie Gould, Chair

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Attested: Christine Trumbull