

ORDINANCE NO.

AN ORDINANCE PROVIDING FOR THE VACATION OF A PORTION OF A 50 FOOT WIDE GENERAL UTILITY EASEMENT LOCATED ON LOTS 1A, 1B, 1C AND 1D, BLOCK 9, ROLLING HILLS SUBDIVISION IN THE CITY OF GILLETTE, WYOMING, SUBJECT TO ALL PLANNING REQUIREMENTS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GILLETTE, WYOMING:

Section 1.

Pursuant to the petition of the owners of Lots 1A, 1B, 1C and 1D, Block 9, Rolling Hills Subdivision, and the authority of §15-6-104 and §34-12-106 through 108 W. S., the City Council finds that the partial vacation of the 50 foot wide General Utility Easement located on Lots 1A, 1B, 1C and 1D, Block 9, Rolling Hills Subdivision will not abridge or destroy any of the rights and privileges of other proprietors in the said plat of the Rolling Hills Subdivision and further finds that the vacation is in the best interest of the City of Gillette.

The vacation of the 50 foot General Utility Easement extending through Lots 1A, 1B, 1C and 1D, Block 9, Rolling Hills Subdivision is legally described as:

Parcel 1:

All that portion of the 50 foot wide General Utility Easement extending through Lots 1A, and 1B, Block 9, Rolling Hills Subdivision lying westerly of a line five feet westerly of the east boundary of said Lot 1B, Block 9, Rolling Hills Subdivision.

Parcel 2:

All that portion of the 50 foot wide General Utility Easement extending through Lots 1C and 1D, Block 9, Rolling Hills Subdivision lying easterly of a line 15 feet easterly of the west boundary of said Lot 1C, Block 9, Rolling Hills Subdivision.

For more particular legal description see the legal description of the area to be vacated on the attached Exhibit 'A'.

Section 2.

- (a) A portion of the 50 foot wide General Utility Easement is hereby vacated. The property owner of Lots 1A, 1B, 1C and 1D, Block 9, Rolling Hills Subdivision may enclose the 50 foot wide General Utility Easement which is vacated, provided, however, that there is reserved to the City of Gillette a 20 foot wide General Utility Easement in and to the land so vacated, in which to construct, maintain, service, reconstruct, repair, operate and locate any public utility and appurtenant structures and improvements, whether located on, below or above the surface of the land. The City shall have sole discretion as to any and all operations within or affecting the General Utility Easement. The owners of the land may use and enjoy the surface of the easement, subject to the superior right of the City to use the easement, free of any claim or demand for damages due to any action of the City within said easement.
- (b) The Clerk of Campbell County, in whose office the aforesaid plat is recorded, shall write in plain legible letters across that part of the plat so vacated, the word "VACATED" and also make a reference on the same to the volume and page in which the said instrument of Vacation is recorded.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2013.

Tom Murphy, Mayor

(S E A L)

ATTEST:

Karlene Abelseth, City Clerk

Publication Date:

STATE OF WYOMING)
)ss.
County of Campbell)

On this ____ day of _____, 20____, before me personally appeared Tom Murphy, to me personally known, who being by me duly sworn, did say that he is the Mayor of the City of Gillette, and that the seal affixed to said instrument is the Corporate Seal of said corporation, and that said instrument was signed and sealed on behalf of said corporation by authority of its City Council, and said Tom Murphy acknowledged said instrument to be a free act and deed of said corporation.

Witness my hand and official seal.

Notary Public

My Commission Expires: