

ORDINANCE NO.

AN ORDINANCE APPROVING AND AUTHORIZING THE EXTENSION OF THE BOUNDARIES OF THE CITY OF GILLETTE, WYOMING, AND ANNEXATION OF A TRACT OF LAND KNOWN AS THE SOUTHERN INDUSTRIAL ADDITION ANNEXATION CONTIGUOUS AND ADJOINING THE PRESENT BOUNDARIES AND ESTABLISHING A C-1, GENERAL COMMERCIAL ZONING DISTRICT, A C-3, BUSINESS/SERVICES ZONING DISTRICT, AN I-1, LIGHT INDUSTRIAL ZONING DISTRICT, AND AN I-2, HEAVY INDUSTRIAL ZONING DISTRICT SUBJECT TO ALL PLANNING REQUIREMENTS

ANNEXATION TRACT OF LAND SITUATED IN PORTIONS OF THE SE1/4SW1/4 AND SW1/4SE1/4 OF SECTION 2, PORTIONS OF SECTION 11 AND PORTIONS OF THE SW1/4NW1/4 AND NW1/4SW1/4 OF SECTION 12, ALL SITUATED IN T49N, R72W OF THE 6TH P.M., CAMPBELL COUNTY, WYOMING

WHEREAS, the majority of landowners owning a majority of the area sought to be annexed did petition the City of Gillette, Wyoming, to include said tract of land within the City boundaries; and

WHEREAS, the City Clerk has certified, pursuant to W.S. 15-1-403, that the petitions are signed and dated by a majority of the landowners owning a majority of the area sought to be annexed, excluding public streets and alleys and tax exempt property and that signature on the petition is dated not more than one hundred eighty (180) days prior to the date of filing the petition with the clerk. The petitions substantially comply with W.S. § 15-1-401 through 15-1-422.

WHEREAS, The City of Gillette began proceedings to annex the Southern Industrial Addition Annexation to the City of Gillette by adopting a Resolution at its regular meeting on October 7, 2014, finding that the requirements of Wyoming Statutes 15-1-402, would be satisfied; directing the publication of a notice, establishing a date for a public hearing at the hour of 7:00 o'clock p.m., on November 18, 2014, in the City Council Chambers, City Hall, Gillette, Wyoming and ordering that Notice be sent to the owners of the tracts described therein;

WHEREAS, a Notice of Hearing in compliance with Wyoming Statutes 15-1-405, was published in the Gillette News Record on October 17, 2014, and October 24, 2014; and copies of the notice were mailed to the owners of the tracts of land as required by law, by certified mail at least 20 business days prior to the public hearing along with a copy of the Annexation Report pursuant to Wyoming Statutes 15-1-402; the public hearing was held as advertised, on November 18, 2014, in the City Council Chambers, City Hall, Gillette, Wyoming, at which time no objections were filed and at which time the City Council did unanimously find that the requirements of Wyoming Statutes 15-1-402, were satisfied and that the area to be annexed is adjacent and contiguous to the corporate limits of the City of Gillette and that said areas should be annexed to the City.

WHEREAS, the City Council did find by Resolution dated October 7, 2014, that said petition was in full compliance with the statutory requirements; and that by the same Resolution, the said City Council did find the necessary tests enunciated by Wyoming Statutes 15-1-402 were satisfied, and that the majority of the owners owning a majority of the land did sign the Petition to Annex which complies with the terms of Wyoming Statutes 15-1-403; and that the said Governing Body has determined that the area should be included within the corporate limits of said City of Gillette, Wyoming.

WHEREAS, the City of Gillette Planning Commission by a majority vote of its members on November 12, 2014, reviewed the request and recommended that the request for Annexation be approved by the Gillette Governing Body and further recommended that the tract to be annexed be C-1, General Commercial Zoning District, a C-3, Business/Services Zoning District, an I-1, Light Industrial Zoning District, and an I-2, Heavy Industrial Zoning District.

WHEREAS, a Public Hearing was duly advertised and

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

Section 1. That pursuant to the petition filed with the City Council of the City of Gillette, Wyoming, there is hereby annexed to and included in the boundaries of the City of Gillette, Wyoming, the tract of land more fully described on Exhibit "A", attached hereto and incorporated herein by this reference.

Section 2. That all previous Ordinances defining the boundaries of the said City of Gillette, Wyoming, shall be and the same are hereby amended to include the area as herein described; and all Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed to the extent of any inconsistency.

Section 3. That an area of land known as the Southern Industrial Addition Annexation, as shown on the Annexation Plat, is known as Exhibit "A". The parcel of land for the Annexation is to be zoned C-1, General Commercial Zoning District, a C-3, Business/Services Zoning District, an I-1, Light Industrial Zoning District, and an I-2, Heavy Industrial Zoning District. The property to be zoned is legally described as follows:

The following property is to be zoned C-1, General Commercial District:

Legal Description

KC Subdivision (recorded in Book 2 of Plats, Page 183)

-Lot 1a

-Lot 2a

-Lot 3

-Lot 4

Hayes Subdivision (recorded in Book 6 of Plats, Page 145)

-Tract C-1

Parcel located in Section 12, T49N, R72W (original deed recorded Book 2383 Photos, Page 657;

excepting a portion as recorded in Book 2874 Photos, Page 482) Please note the following description

excludes the sold off portion.

A tract of land located in part of the SWNW of Section 12, T49N, R72W, of the the 6th P.M., Campbell

County Wyoming and also located on a plat in Book 3 of Plats, Page 189 and Folder 157 in the Office of

the Clerk, Campbell County, Wyoming being more particularly described as follows:

Beginning at a point on the west line of said Section 12 and also being the East Right of Way of Patty

Avenue marked by an aluminum cap; Said point being S00°15'05"E, 548.36 feet from the West ¼ corner of said Section 12.

Thence N00°15'05"W, 463.31 feet to a point on the Southwesterly Right of Way of Highway 59 marked

by a rebar;

Thence along said Southwesterly Right of Way of Highway 59 S53°55'30"E, 215.64 feet to a point;

Thence along said Southwesterly Right of Way of Highway 59 on a non-tangential curve turning to the

right with an arc length of 363.65', with a radius of 3734.72', with a chord bearing of S45°57'34"E, and a

chord length of 363.51' to a point marked by a 5/8" rebar;

Thence S46°45'19"W, 49.86 feet to a point marked by a 5/8" rebar;

Thence S00°18'54"E, 88.77 feet to a point marked by an aluminum cap;

Thence N84°21'25"W, 399.66 feet to the point of beginning.

The following property is to be zoned C-3, Business/Services District:

Legal Description

Rourke Subdivision (recorded in Book 1 of Plats, Page 131)

Parcel recorded in Book 2582 of Photos, Page 135

A tract of land located in the E1/2 of the Rourke Subdivision according to the official plat thereof recorded in Book 1 of Plats, page 131 of the records of Campbell County, Wyoming, being particularly described as follows: Commencing at the ½ iron rebar which marks the W 1/16 corner of Section 2 and Section 11, T49N, R72W, 6th P.M., Campbell County, Wyoming; thence N89°37'E, a distance of 301.2 feet to an iron pipe; thence N00°01'W, a distance of 181.6 feet to a point which is the true point of beginning; then continuing N89°37'E a distance of 300.6 feet; thence N00°04'26"W a distance of 181.6 feet; thence S89°36'00"W a distance of 299.8 feet to a point being the northwest corner of this description; thence S00°01'W, a distance of 181.6 feet to the true point of beginning.

Parcel recorded in Book 2336 of Photos, Page 306

A tract of land located in the E1/2 of the Rourke Subdivision according to the official plat thereof recorded in Book 1 of Plats, page 131 of the records of Campbell County, Wyoming, being particularly described as follows:

Commencing at the ½ iron rebar which marks the W 1/16 corner of Section 2 and Section 11, T49N, R72W, 6th P.M., Campbell County, Wyoming; thence N89°37'E, a distance of 301.2 feet to an iron pipe and the True Point of Beginning; thence continuing N89°37'E, a distance of 301.4 feet to an iron pipe; thence N00°04'26"W, a distance of 181.6 feet; thence S89°36'00"W, a distance of 300.6 feet to a point being the northwest corner of this description; thence S00°01'W, a distance of 181.6 feet to the True Point of Beginning.

Contractor Supply Subdivision (recorded in Book 7 of Plats, Page 29)

- Lot 1A
- Lot 2A
- Lot 3

Thomas Subdivision (recorded in Book 4 of Plats, Page 187)

- Tract A
- Tract B
- Tract C

The following property is to be zoned I-1, Light Industrial District:

Legal Description

Lysle Subdivision (recorded in Book 3 of Plats, Page 140)

- Lots 1-3
- Lots 4A & 6A (resubdivision recorded in Book 6 of Plats, Page 113)
- Lots 7-8

Rourke Subdivision (recorded in Book 1 of Plats, Page 131)

Parcel recorded in Book 2063 of Photos, Page 452

That portion of the SWSEW of Section 2, Township 49 North, Range 72 West of the 6th P.M., Campbell County, Wyoming, also a part of the Rourke Subdivision recorded March 7, 1974 in Book 1 of Plats, Page 131 of the records of Campbell County, Wyoming more particularly described as follows:

Beginning at the ½ inch rebar which marks the West 1/16 corner of Section 2/Section 11 of Section 2, Township 49 North, Range 72 West, of the 6th P.M., Campbell County, Wyoming; Thence N89°37'E, a distance of 30 feet to the true point of beginning; Thence N00°11'33"E, a distance of 363.2 feet to an iron pipe; Thence N89°36'00"E, a distance of 269.8 feet to an iron pipe; Thence S00°01'W, 363.2 feet to an iron pipe which lies on the South section line of Section 2; Thence S89°37'W, a distance of 271.2 feet to an iron pipe, the true point of beginning.

Southern Drive Industrial Park (recorded in Book 7 of Plats, Page 24)

- Lots 1-3, Block 1
- Lots 1-6, Block 2
- Lots 1-5, Block 3
- Lots 6A & 6B, Block 3 (resubdivision recorded in Book 9 of Plats, Page 237)
- Lots 1-4, Block 4
- Lots 1-3, Block 5

WCW Subdivision (recorded in Book 6 of Plats, Page 132)

- Tract A
- Tract B
- Lots 2, 4-5
- Lot 7A (resubdivision recorded in Book 6 of Plats, Page 183)
- Lots 9-11

Winland Industrial Park (recorded in Book 4 of Plats, Page 212)

- Lot 1, Block 1
- Lot 6, Block 1
- Lot 12 and Tank Site, Block 1
- Lots 13-16, Block 1
- Lot 17A, Block 1 (resubdivision recorded in Book 10 of Plats, Page 157)
- Lots 19-24, Block 1
- Lot 27B, Block 1 (resubdivision recorded in Book 7 of Plats, Page 167)
- Lots 1A & 2A, Block 2 (resubdivision recorded in Book 6 of Plats, Page 16)
- Lots 3-13, Block 2

The following property is to be zoned I-2, Heavy Industrial District:

Legal Description

Mohan Subdivision (recorded in Book 2 of Plats, Page 44)

- Lots 1-11, Block 1
- Lot 12A, Block 1 (resubdivision recorded in Book 10 of Plats, Page 45)
- Lots 15-18, Block 1
- Lots 1-12, Block 2
- Lots 1-11, Block 3

Oilfield Subdivision (recorded in Book 8 of Plats, Page 129)

- Lots 1-2

Robertson Industrial Park (recorded in Book 4 of Plats, Page 62)

- Lots 1-7
- Lot 8A (resubdivision recorded in Book 9 of Plats, Page 162)
- Lots 9-11
- Lots 13-16

Sharon Subdivision (recorded in Book 4 of Plats, Page 244)

- Lots 1-7

Southern Drive Industrial Park (recorded in Book 7 of Plats, Page 24)

- Lots 5-9, Block 4
- Lot 11, Block 4
- Lots 4-11, Block 5

Wyoming Machinery Subdivision (recorded in Book 7 of Plats, Page 90)

- Tract 1
- Tract 2

Parcel located in Section 12, T49N, R72W (recorded in Book 2874 Photos, Page 482)

A tract of land located in part of the SWNW of Section 12, T49N, R72W, of the 6th P.M., Campbell County

Wyoming and also located on a plat in Parcel "A" of Book 3 of Plats, Page 189 and Folder 157 in the

Office of the Clerk, Campbell County, Wyoming being more particularly described as follows;

Beginning at a point marked by a 2" aluminum cap stamped PELS 8663 and being on the West line of said Section 12; Said point being N00°15'05"W, 308.36 feet from the West ¼ corner of said Section 12;

Thence along the South line of said Parcel "A", N89°40'06"E, 397.77 feet to a point marked by an

aluminum cap stamped LS 2333;

Thence along the East line of said Parcel "A", N00°18'54"W, 198.40 feet to a point marked by a 2"

aluminum cap stamped PELS 8663;

Thence N84°21'25"W, 399.66 feet to a point on said West line of Section 12 marked by a 2" aluminum

cap stamped PELS 8663;

Thence along said West line of Section 12 $S00^{\circ}15'05''E$, 240.00 feet to the point of beginning.
Parcel located in Section 12, T49N, R72W (recorded in Book 1827 Photos, Page 491)
A tract of land situated in the SWNW of Section 12, Township 49 North, Range 72 West of the Sixth Principal Meridian, Campbell County, Wyoming.
Said tract of land being described more particularly as follows:
Beginning at the west one quarter section corner of said Section 12; thence $N00^{\circ}16'43''W$ along the west boundary of the said SWNW of Section 12 a distance of 308.57 feet; thence $N89^{\circ}43'17''E$ a distance of 397.60 feet; thence $N00^{\circ}16'43''W$ a distance of 287.28 feet; thence $N46^{\circ}49'50''E$ a distance of 50.00 feet to the southwesterly right of way of Highway 59; thence southeasterly along the said southwesterly right of way of Highway 59 along a curve to the right through a central angle of $9^{\circ}30'36''$ a radius of 3734.72 feet an arc distance of 619.88 feet and a chord that bears $S36^{\circ}26'10''E$ a chord distance of 619.17 feet; thence $S33^{\circ}32'23''E$ along the said southwesterly right of way of Highway 59 a distance of 146.19 feet to the south boundary of the said SWNW of Section 12; thence $S89^{\circ}13'07''W$ along the said south boundary of the SWNW of Section 12 a distance of 879.76 feet to the Point of Beginning.

Parcel located in Section 12, T49N, R72W (recorded in Book 1558 Photos, Page 86)
Section 12: NWSW, being more particularly described as follows:
Commencing at the W $\frac{1}{4}$ corner of said Section 12; thence North $88^{\circ}28'11''$ East along the North line of the NWSW of said Section 12 a distance of 879.76 feet to a point on the Westerly right-of-way line of Wyoming State Highway 59; thence South $33^{\circ}27'07''$ East along the West right-of-way line of Wyoming State Highway 59 a distance of 776.86 feet to a point on the East line of the NWSW of said Section 12; thence South $00^{\circ}37'08''$ West along the East line of the NWSW of said Section 12 a distance of 56.13 feet; thence South $88^{\circ}48'34''$ West a distance of 1319.90 feet to a point on the West line of said Section 12; thence North $01^{\circ}00'51''$ East along the West line of said Section 12 a distance of 708.34 feet to the W $\frac{1}{4}$ corner of said Section 12 said point being the true point of beginning.

Section 4. That the Annexation Plat of the Southern Industrial Addition Annexation, Campbell County, Wyoming as prepared by David L. Vliem of PCA Engineering, signed by Davis L. Vliem, Registered Land Surveyor, Wyoming Registration No. 6872, is made a part hereof and incorporated herein by this reference and is hereby approved for filing with the Campbell County Clerk and Ex-officio Recorder of Deeds.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2014.

CITY OF GILLETTE, WYOMING

John Opseth, Mayor

(S E A L)

ATTEST:

Karlene Abelseth, City Clerk

Publication Date:

State of Wyoming)
) ss.
County of Campbell)

On this ____ day of _____, 2014, before me personally appeared John Opseth, 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 John Opseth acknowledged said instrument to be a free act and deed of said corporation.

Witness my hand and official seal.

Notary Public

My Commission Expires:
