

NOTICE TO ALL PERSONS LIABLE TO ASSESSMENT FOR THE CONSTRUCTION AND INSTALLATION OF A NEW WATER SYSTEM AND ALL NECESSARY APPURTENANCES FOR THE SUBDIVISION COMMONLY REFERRED TO AS INTERSTATE INDUSTRIAL PARK. THE GOVERNING BODY OF THE CITY OF GILLETTE, WYOMING, ON THE 15th DAY OF AUGUST, 2017, PASSED THE FOLLOWING RESOLUTION OF INTENTION.

RESOLUTION NO. 2629

A RESOLUTION DECLARING THE INTENTION OF THE GOVERNING BODY OF THE CITY OF GILLETTE, WYOMING, TO CREATE SPECIAL IMPROVEMENT DISTRICT NO. 52, WITHIN THE CITY OF GILLETTE, FOR THE CONSTRUCTION AND INSTALLATION OF A NEW WATER SYSTEM AND ALL NECESSARY APPURTENANCES FOR THE SUBDIVISION COMMONLY REFERRED TO AS INTERSTATE INDUSTRIAL PARK; TO PROVIDE FOR A HEARING ON THE CREATION OF THE DISTRICT AND PUBLICATION AND MAILING OF NOTICE OF SAID HEARING.

WHEREAS, the City of Gillette, Wyoming (the “City”) is an incorporated municipality in the State of Wyoming; and

WHEREAS, the governing body of the City (the “Governing Body”) has determined that it is necessary to create a special improvement district within the City (the “Improvement District”) for the purpose of construction and installation of a new water system and all necessary appurtenances for the Subdivision commonly referred to as Interstate Industrial Park (collectively, the “Water Improvements”), including the pro rata share of the cost for engineering design, rights-of-way, permitting, construction inspection, special services and legal, fiscal and administrative costs against the properties specifically benefitted by the Water Improvements and included within the proposed Improvement District; and

WHEREAS, the Governing Body has further determined that all costs for road replacement caused by the construction and installation of the Water Improvements within the proposed Improvement District will be paid by the City and will not be assessed against the properties within the proposed Improvement District;

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

SECTION 1. The Governing Body does hereby declare its intention to construct and install Water Improvements (as defined above) within the City, to create the proposed Improvement District for such purpose, and to assess the cost thereof, including the pro rata share of the cost for engineering design, rights-of-way, permitting, construction inspection, special services and legal, fiscal and administrative costs, against the property specially benefitted thereby and included within the proposed Improvement District. The Governing Body has determined and does hereby determine that the method of assessment hereafter designated will result in a distribution of the costs among the property owners in proportion to the special benefits conferred by the Water Improvements to be constructed or installed. The Governing Body hereby determines that the Water Improvements are lawful improvements and specially benefit the property proposed to be assessed for the cost thereof.

SECTION 2. The character, kind and extent of the Water Improvements to be constructed and installed shall be as follows:

Water system improvements will consist of the installation of

approximately 7,200 lineal feet of 12” PVC and 450 lineal feet of 6” PVC water mains; connections to the City’s existing water system in four separate locations; the installation of approximately 2,500 lineal feet of 4” water service line, with approximately 1,100 feet being installed by horizontal directional drilling; near the property line the 4” service line will be reduced to a 1” service line and connected to the existing service; installation of 44 meter pits, one for each lot; and the installation of 17 fire hydrants. The water system improvements will also include all incidental work, including, but not limited to, pipe bedding, utility crossings, and the installation of tees, reducers, elbows, gate valves, test stations, fire hydrant bollards, curb stops, pressure reducing valves, insulation board, and splash pans. The water system improvements will also include the abandonment and the removal of portions of the existing water system facilities, including, but not limited to, water mains, service lines, curb stops, valves, fittings, fire hydrants, the well, the pump station and the water storage tank.

The City of Gillette will reconstruct 2nd Street and Conestoga Drive outside the costs of the water system improvements and these expenses will not be included in the assessment for the local improvement district, however, there will be some minor surface restorations included with the water system improvements. This would include areas disturbed by water service installations, such as repairs to driveways and drainage ditches, grading and revegetation over the water main along Conestoga Drive (this water line is located outside the pavement for the street), rehabilitation to the various surfaces disturbed (mainly patching asphalt or concrete driveways) along Commerce Drive and Industrial Drive and would also include temporary asphalt patching of trenches if needed before the roadway is reconstructed.

Each property owner will also need to pay a Plant Investment Fee (\$1,287.50, for a 1” meter) and install a back flow preventer (estimated to be \$1,000) on their water service line. The costs will be incurred outside of the assessment and would be due from each property owner once the project is completed.

SECTION 3. The proposed Improvement District shall be comprised of 44 lots for commercial/industrial use, recorded as follows:

Lots 1, 2, and 3 of the Softail Subdivision as recorded in Book 9 of Plats, Page 64-65.

Lots 4A and 4B, Block 3, Interstate Industrial Park Subdivision as recorded in Book 7 of Plats, Page 224.

Lots 3A and 3B, Block 3, Interstate Industrial Park Subdivision as recorded in Book 7 of Plats, Page 173.

Lots 1C, 1D, 1E, 2A, 2B, 3D, 3E, 4D, 4E, 4F, and 4G, Block 2, Interstate Industrial Park Subdivision as recorded in Book 2 of Plats, Page 189.

Lots 7A, 7B, 8A, 8B, 8C, 8D, 9A, 9B, 9C, 9D, 10A, 10B, 10C, and 10D, Block 1; Lots 1B, 3B, 3C, and 4C, Block 2; Lots 2A, 2B, and 8, Block 3, Interstate Industrial Park Subdivision as recorded in Book 2 of Plats, Page 173.

The partial Lots 1, 2, and 3, Block 1, south of Conestoga Drive; Lots 5, 6, and 7, Block 3, Interstate Industrial Park Subdivision as recorded in Book 2 of Plats, Page 50.

The boundaries of the proposed Improvement District, all property to be located within the City limits, shall be as follows:

Located in a portion of the S1/2 SE1/4 of Section 24, T50N, R72W of the 6th P.M., Campbell County, Wyoming; and a portion of the N1/2 NE1/4 of Section 25, T50N, R72W of the 6th P.M., Campbell County, Wyoming;

Commencing at the Southeast corner of said Section 24;

Thence N 01°06'00" W, 562.95 feet;

Thence S 88°54'00" W, 33.00 feet to the point of beginning;

Thence S 88°50'25" W, 624.78 feet;

Thence S 01°06'25" E, 417.01 feet;

Thence S 88°47'48" W, 399.76 feet;

Thence S 01°10'40" E, 789.39 feet;

Thence N 80°46'21" W, 1586.19 feet;

Thence N 00°26'36" W, 478.83 feet;

Thence N 00°15'11" W, 1259.03 feet;

Thence along a curve to the right having a radius of 1825.43 feet, an

arc length of 276.79 feet, a chord bearing of N 79°53'20" E, and a chord length of 276.52 feet;

Thence along a curve to the right having a radius of 2705.12 feet, an arc length of 249.59 feet, a chord bearing of N 87°17'17" E, and a chord length of 249.50 feet;

Thence along a curve to the right having a radius of 10543.36 feet, an arc length of 322.69 feet, a chord bearing of S 87°51'53" E, and a chord length of 322.68 feet;

Thence S 87°03'32" E, 667.28 feet;

Thence S 61°25'38" E, 831.65 feet;

Thence S 87°08'28" E, 327.71 feet;

Thence S 01°06'00" E, 365.05 feet to the point of beginning.

Said described area contains 83.77 acres, more or less.

A map of the proposed district is on file and may be inspected at the office of the City Clerk, City Hall, Gillette, Wyoming 82716.

SECTION 4. The **estimate** of the cost of the Water Improvements to be constructed and installed by way of the proposed Improvement District is two million fifty thousand dollars (\$2,050,000.00) and the **estimate** of the contract price for said Water Improvements is one million seven hundred five thousand five hundred twelve dollars (\$1,705,512.00). The City of Gillette shall not accept bids or a combination of bids which exceed by more than ten percent (10%) the estimate of the contract price stated above unless the legal owners of record of all property in the proposed Improvement District waive this limitation.

METHOD OF ASSESSMENT FOR WATER IMPROVEMENTS

The entire proposed Improvement District shall constitute one assessment unit in an **estimated** amount of two million four hundred seventy-six thousand one hundred twelve dollars and fifty-four cents (\$2,476,112.54), which is dedicated to the costs of the Water Improvements identified, including the prorata share of the cost for engineering design, rights-of-way, permitting, construction inspection, special services and legal, fiscal and administrative costs. The Governing Body has determined that the property in the proposed Improvement District will be

similarly benefitted and therefor shall be assessed on an equal basis for the proposed Water Improvements.

Based upon an **estimated** assessment unit cost of two million four hundred seventy-six thousand one hundred twelve dollars and fifty-four cents (\$2,476,112.54), the City Engineer has **estimated** that the assessment per lot will be fifty-six thousand two hundred seventy-five dollars and twenty-nine cents (\$56,275.29) (i.e., \$2,476,112.54 divided by 44 lots).

SECTION 5. The construction and installation of the Water Improvements within the proposed Improvement District will result in the need for road replacement as follows:

The City of Gillette will reconstruct 2nd Street and Conestoga Drive outside the costs of the water system improvements and these expenses will not be included in the assessment for the local improvement district, however, there will be some minor surface restorations included with the water system improvements. This would include areas disturbed by water service installations, such as repairs to driveways and drainage ditches, grading and revegetation over the water main along Conestoga Drive (this water line is located outside the pavement for the street), rehabilitation to the various surfaces disturbed (mainly patching asphalt or concrete driveways) along Commerce Drive and Industrial Drive and would also include temporary asphalt patching of trenches if needed before the roadway is reconstructed (the “Road Improvements”).

The City Engineer anticipates that the cost for Road Improvements will be two million seven hundred seven thousand eight hundred fifty dollars (\$2,707,850.00).

The proposed sources of funds for the Water Improvements and the Road Improvements are as follows:

1. Water Improvements - Improvement District Assessments
2. Road Improvements - City of Gillette (optional 1% sales tax)

SECTION 6. The proposed Water Improvements will result in no significant change in street elevations or grades in and along the roads in the proposed Improvement District. The preliminary plans and profiles for said proposed Water Improvements and Road Improvements

prepared by the City Engineer are filed and of record in the Office of the City Clerk-Treasurer and are available for inspection during office hours. Said plans and profiles show elevations on such roads and intersections and the character and location of the improvements hereinbefore described.

SECTION 7. The City will pay for the costs of the Water Improvements and Road Improvements in the proposed Improvement District from monies identified in SECTION 5 above. The City will also pay, from grants received or from other sources, the amount of the assessments on property owned by it, if any, in the proposed Improvement District.

Except as provided in this SECTION, any assessment against property owned by the City may be paid out of the general fund, road fund or any other fund which may be lawfully available.

The maintenance of the proposed Water Improvements after their acceptance by the City shall not be included in the construction contract or contracts, and there shall be no charges for such maintenance included in the assessments for the proposed Water Improvements; provided, however, that nothing herein shall be construed to preclude provision in the contract or contracts relating to the guarantee of improvements made thereunder.

SECTION 8. More than one kind of improvement shall be combined in the proposed Improvement District, as the improvements described in this resolution can be combined together in an efficient and economical manner. Only the cost of the Water Improvements, however, shall be assessed against the property within the proposed Improvement District.

SECTION 9. The Governing Body of the City will meet at its Council Chambers at the City Hall located at 201 East 5th Street, Gillette, Wyoming, the 19th day of September, 2017, at 7:00 P.M. (or as quickly thereafter as the agenda will allow) for the purpose of considering any remonstrances and objections to the proposed Water Improvements. All remonstrances and objections must be filed, in writing, with the City Clerk-Treasurer on or before 5:00 P.M. on Friday, September 15, 2017, a time not less than fifteen (15) days after the publication of this resolution of intent to create the district.

SECTION 10. The City Clerk-Treasurer shall give at least fifteen (15) days notice to all legal owners of record of the property liable to assessment for the proposed Water Improvements by publishing this resolution in one issue of the News Record, a newspaper published in Gillette, Wyoming. In addition, a copy of this resolution shall be mailed, postage pre-paid at least fifteen (15) days prior to the date of hearing to each legal owner of record of property within the proposed Improvement District.

SECTION 11. Should any part or provision of this resolution ever be judicially determined to be invalid or unenforceable, such determination shall not affect the remaining parts and provisions hereof, the intention being that each part or provision of this resolution is severable.

PASSED, ADOPTED, SIGNED AND APPROVED this 15th day of August, 2017.

(S E A L)

CITY OF GILLETTE, WYOMING

ATTESTED:

Louise Carter-King, Mayor

Karlene Abelseth, City Clerk

Publish in: News Record
Publish on: August 18, 2017

AFFIDAVIT OF PUBLICATION OF RESOLUTION OF INTENT

CERTIFICATE OF MAILING

I, Karlene Abelseth, City Clerk of the City of Gillette, Wyoming, do hereby certify that on the 24th day of August, 2017, I mailed by first class mail, postage prepaid, Notice of Intention to Form Improvement District to the persons named and addresses shown on the attached page(s).

Dated this 24th day of August, 2017.

CITY OF GILLETTE, WYOMING

Karlene Abelseth, City Clerk

STATE OF WYOMING)
) ss.
COUNTY OF CAMPBELL)

The foregoing instrument was acknowledged before me by Karlene Abelseth, as City Clerk of the City of Gillette, Wyoming, this 24th day of August, 2017.

Notary Public

My Commission Expires: _____