



CITY OF GILLETTE

Development Services
Engineering Division
201 E. 5th Street • Gillette, Wyoming 82716
Phone 307.686.5265
www.gillettewy.gov

September 4, 2018

VIA US MAIL:

Marvin Roy Wineteer
PO Box 1044
Gillette, WY 82717-1044

RE: Informal 3rd Request for Easements

Dear Mr. Wineteer,

A twelve-inch sanitary sewer main has slipped due to some existing slope instabilities in the Collins Height Subdivision, in Gillette, Wyoming. It is in the public interest and necessity for the City of Gillette, Wyoming ("City") to properly replace and repair a portion of the sewer main. As such, the City must install a drainage system and regrade the slope. The City has planned the project in manner that will be most compatible with the greatest public good and the least private injury. However, due to this additional work required to stabilize the slope it is necessary for the City to obtain additional permanent and temporary construction easements for your property, Lot 77 Of Collins Heights Subdivision First Extension. For the above project, the City of Gillette is seeking several acquisitions.

PERMANENT ACCESS AND UTILITY EASEMENT NUMBER 1

A PERMANENT ACCESS AND UTILITY EASEMENT OVER A PORTION OF LOT 77 OF THE COLLINS HEIGHTS SUBDIVISION FIRST EXTENSION AS RECORDED IN BOOK 1, PAGE NUMBER 186, FOLDER 94 IN THE OFFICE OF THE RECORDER OF CAMPBELL COUNTY, WYOMING. BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT NUMBER 77 AND AN IRON PIPE, THENCE S 89°13'06" E ALONG THE NORTH LINE OF SAID LOT 151.82 FEET TO THE POINT OF BEGINNING, A POINT LYING ON SAID NORTH LINE AND ALSO BEING THE NORTHEAST CORNER OF AN EXISTING 20 FOOT WIDE ACCESS AND UTILITY ASEMENT; THENCE CONTINUING S 89° 13' 06" E ALONG SAID NORTH LINE 188.50 FEET MORE OR LESS, TO THE NORTHEAST CORNER OF SAID LOT; THENCE S 00° 50' 18" E, 20.01 FEET ALONG THE EAST LINE OF SAID LOT; THENCE N 89° 13' 06" W 56.99 FEET; THENCE S 08° 47' 24" W, 47.38 FEET; THENCE N 81° 36' 30" W, 133.57 FEET TO THE EAST SIDE OF SAID EXISTING EASEMENT; THENCE N 08° 47' 24" E ALONG SAID EASEMENT 49.69 FEET, MORE OR LESS, TO THE NORTH LINE OF SAID LOT AND THE POINT OF BEGINNING, CONTAINING 8,943 SQUARE FEET MORE OR LESS.

Productivity **Service With P.R.I.D.E.** Enthusiasm
Responsibility Integrity Dedication

PERMANENT ACCESS AND UTILITY EASEMENT NUMBER 2

A PERMANENT ACCESS AND UTILITY EASEMENT OVER A PORTION OF LOT 77 OF THE COLLINS HEIGHTS SUBDIVISION FIRST EXTENSION AS RECORDED IN BOOK 1, PAGE NUMBER 186, FOLDER 94 IN THE OFFICE OF THE RECORDER OF CAMPBELL COUNTY, WYOMING. BEING DESCRIBED AS FOLLOWS:

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TEMPORARY CONSTRUCTION EASEMENT NUMBER 1

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TEMPORARY CONSTRUCTION EASEMENT NUMBER 2

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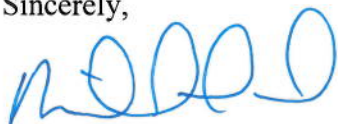
FEET; THENCE S 08° 47' 24" W, 86.29 FEET MORE OR LESS, TO THE POINT OF BEGINNING, CONTAINING 2,529 SQUARE FEET MORE OR LESS.

The City offers you the compensation explained on the attached "offer." The basis for the estimate of value is a review of appraisals and transactions in the Collins Heights Subdivision and in the Gillette area. If you agree with the City's offer, please sign the enclosed easements in front of a notary and return them to City Hall, City Attorney's Office. You may have the documents notarized, at no cost, at City Hall in Gillette. The City Attorney will take your easement before the City Council to obtain payment and return payment to you as soon as possible.

Please understand that you are under no obligation to accept the attached offer and the City will consider in good faith any counter offer in writing. Further, the City suggests that you seek the advice of a real estate appraiser, a realtor, or an attorney. The City would prefer to obtain the necessary easements from you through good faith informal negotiations. However, because this project is necessary, failure to come to an agreement may result in formal negotiations and possible action under the Wyoming Eminent Domain Act, WYO. STAT. §§1-26-501-516.

Please feel free to contact me with any questions or concerns.

Sincerely,



For: Steven L. Peterson, PE
Capital Projects Coordinator

Attachments:

Offer

Easement Exhibit A

Permanent Access and Utility Easement Number 1

Permanent Access and Utility Easement Number 2

Temporary Construction Easement Number 1

Temporary Construction Easement Number 2



CITY OF GILLETTE

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Marvin Roy Wineteer
Lot 77 Of Collins Heights Subdivision First Extension
3rd OFFER

The City of Gillette hereby extends a cash offer for the execution and delivery of the attached Permanent Access and Utility Easements & Temporary Construction Easements as follows:

(1) Permanent Access and Utility Easement	
8,943 sq. ft. @ \$.60 per sq. ft. =	<u>\$ 5,365.80</u>
(2) Permanent Access and Utility Easement	
1,353 sq. ft. @ \$.60 per sq. ft. =	<u>\$ 811.80</u>
(3) Temporary Construction Easement	
9,447 sq. ft. @ \$.32 per sq. ft. =	<u>\$ 3,023.04</u>
(4) Temporary Construction Easement	
2,529 sq. ft. @ \$.32 per sq. ft. =	<u>\$ 809.28</u>

TOTAL = \$10,009.92

The total above is the City's calculation of market value of the easement(s) requested. The payment can be made upon your return of the attached easements to City Hall and the final approval of the City Council.

Dated: 9-4-18
[Signature]

For: Steven L. Peterson
Capital Projects Coordinator

18EN06:18-037

Productivity **Service With P.R.I.D.E.** Enthusiasm
Responsibility Integrity Dedication

Permanent Access and Utility Easement Number 1
City of Gillette, Wyoming and
Marvin Roy Wineteer

Marvin Roy Wineteer, PO Box 1044, Gillette, WY 82717 ("Grantor"), for and in consideration of five thousand three hundred sixty five dollars and eighty cents (\$5,365.80) and other good and valuable consideration, the receipt and sufficiency of which is acknowledged, hereby grants and conveys to the City of Gillette, Wyoming, a municipal corporation and city of the first class ("Grantee"), their heirs, administrators, successors, executors, legal representatives, and assigns for perpetual use, in the following described tract(s) of land, a Permanent Access and Utility Easement; more particularly described as follows:

A PERMANENT ACCESS AND UTILITY EASEMENT OVER A
PORTION OF LOT 77 OF THE COLLINS HEIGHTS SUBDIVISION
FIRST EXTENSION AS RECORDED IN BOOK 1, PAGE NUMBER
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POINT OF BEGINNING, A POINT LYING ON SAID NORTH LINE
AND ALSO BEING THE NORTHEAST CORNER OF AN
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THENCE CONTINUING S 89° 13' 06" E ALONG SAID NORTH
LINE 188.50 FEET MORE OR LESS, TO THE NORTHEAST
CORNER OF SAID LOT; THENCE S 00° 50' 18" E, 20.01 FEET
ALONG THE EAST LINE OF SAID LOT; THENCE N 89° 13' 06"
W 56.99 FEET; THENCE S 08° 47' 24" W, 47.38 FEET; THENCE N
81° 36' 30" W, 133.57 FEET TO THE EAST SIDE OF SAID
EXISTING EASEMENT; THENCE N 08° 47' 24" E ALONG SAID
EASEMENT 49.69 FEET, MORE OR LESS, TO THE NORTH LINE
OF SAID LOT AND THE POINT OF BEGINNING, CONTAINING
8,943 SQUARE FEET MORE OR LESS.

See Exhibit A – Lot 77 Collins Height First Extension Temporary and Permanent Access and Utility Easements.

TO HAVE AND TO HOLD this Permanent Access and Utility Easement across the above-described land for the purpose of a Permanent Access and Utility Easement upon and within which to construct, maintain, service, reconstruct, operate, and locate at any time and from time to time any public utilities, including but not limited to water pipelines and sanitary sewer lines, storm water drains and sewers, electrical lines, natural gas lines, telephone lines, cable television and other communication lines and other utilities to be determined in the sole discretion of the Grantee, subject to the following conditions:

1. The rights granted herein shall forever be subject to the rights of the Grantor, its assigns or lessees to explore for, develop, and extract any and all minerals or other subsurface resources beneath this easement. If required for mineral exploration, development or extraction, the Grantee shall, upon written notice from the Grantor, remove or relocate at its own expense the above-described easement.
2. Upon abandonment or discontinuance of use of this easement for the purposes specified above, all of Grantee's rights under this grant of easement shall revert to the Grantor or its assigns, the same as if this grant had never been made. Should this easement be abandoned by the Grantee, the above-described tract of land shall be returned to a condition satisfactory to the Grantor.

Permanent Access and Utility Easement Number 2
City of Gillette, Wyoming and
Marvin Roy Wineteer

Marvin Roy Wineteer, PO Box 1044, Gillette, WY 82717 ("Grantor"), for and in consideration of eight hundred eleven dollars and eighty cents (\$811.80) and other good and valuable consideration, the receipt and sufficiency of which is acknowledged, hereby grants and conveys to the City of Gillette, Wyoming, a municipal corporation and city of the first class ("Grantee"), their heirs, administrators, successors, executors, legal representatives, and assigns for perpetual use, in the following described tract(s) of land, a Permanent Access and Utility Easement, more particularly described as follows:

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See Exhibit A – Lot 77 Collins Height First Extension Temporary and Permanent Access and Utility Easements.

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3. For record keeping purposes only, any transfer in ownership of the benefited property, or any change of name or mailing address of the owner of this easement, shall be reported to the City of Gillette, Wyoming within thirty days (30) of the transfer or change.

The City of Gillette does not waive its governmental immunity by entering into this agreement and specifically retains immunity and all defenses available to it pursuant to WYO. STAT. §§ 1-39-101-121 and all other applicable law(s).

IN TESTIMONY WHEREOF, the Gillette City Council has caused this instrument to be signed by its Mayor and by its Clerk, and its seal to be affixed on the 4 day of September, 2018.

Grantor:

Marvin Roy Wineteer
Marvin Roy Wineteer

STATE OF WYOMING)
) ss.
County of Campbell)

The above and foregoing instrument was acknowledged before me by Marvin Roy Wineteer, this 4th day of Sept., 2018.

Witness my hand and official seal.

My Commission Expires:

Grantee: City of Gillette



Louise Carter King, Mayor

(S E A L)
ATTEST:

Karlene Abelseth, City Clerk

STATE OF WYOMING)
) ss.
County of Campbell)

The above and foregoing instrument was acknowledged before me by Louise Carter King, Mayor, City of Gillette, this _____ day of _____, 2018.

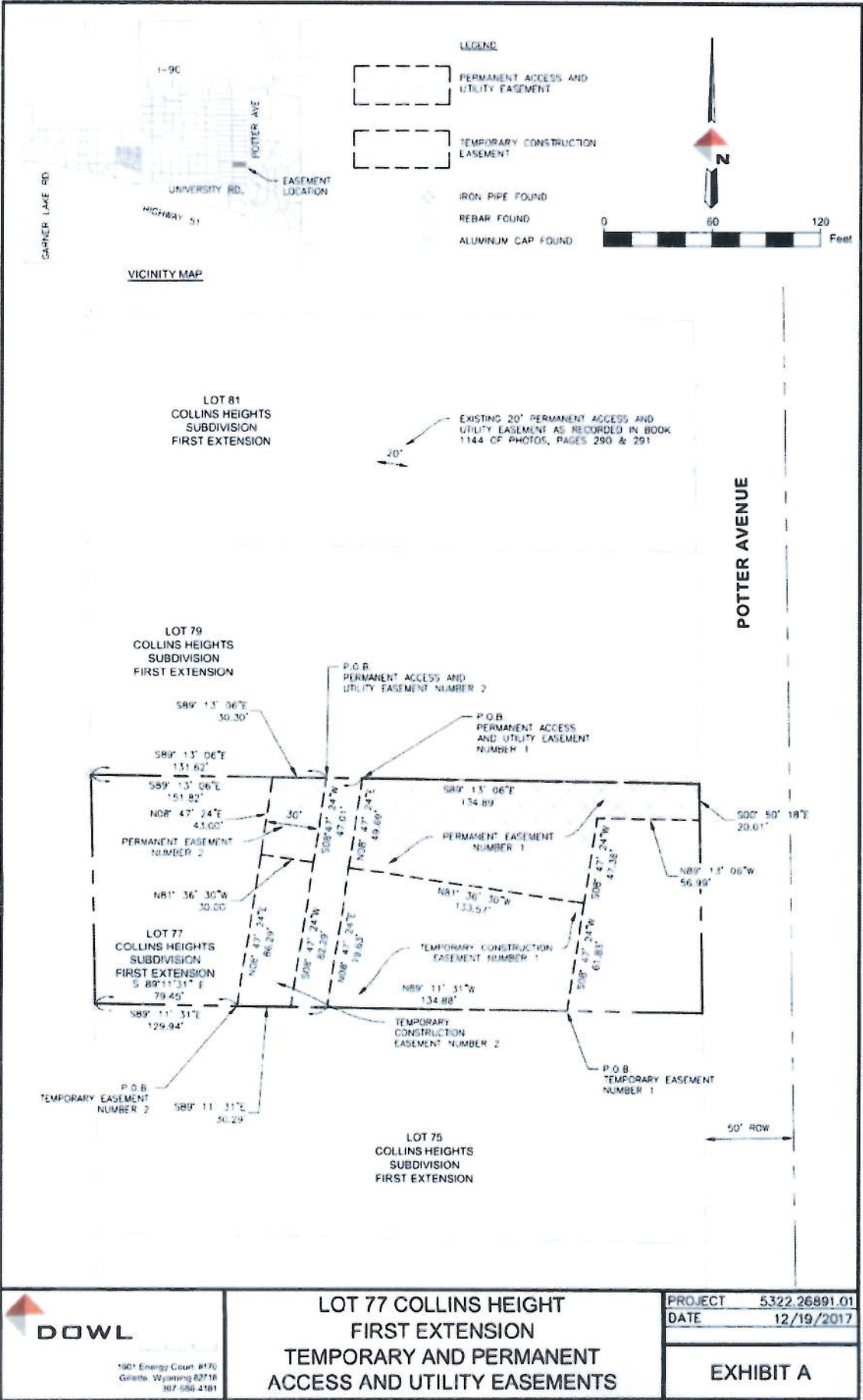
Witness my hand and official seal.

My Commission Expires:

Notary Public

City Attorney's Office Approval as to Form:

Anthony Reyes, City Attorney



DOWL

1901 Energy Court #170
Gillette, Wyoming 82718
307.586.4181

**LOT 77 COLLINS HEIGHT
FIRST EXTENSION
TEMPORARY AND PERMANENT
ACCESS AND UTILITY EASEMENTS**

PROJECT	5322.26891.01
DATE	12/19/2017
EXHIBIT A	

Temporary Construction Easement Number 1
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Marvin Roy Wineteer, PO Box 1044, Gillette, WY 82717 ("Grantor"), for and in consideration of three thousand twenty three dollars and four cents (\$3,023.04) and other good and valuable consideration, the receipt and sufficiency of which is acknowledged, hereby grants and conveys to the City of Gillette, Wyoming, a municipal corporation and city of the first class ("Grantee"), their heirs, administrators, successors, executors, legal representatives, and assigns for use, in the following described tract(s) of land, a Temporary Construction Easement, more particularly described as follows:

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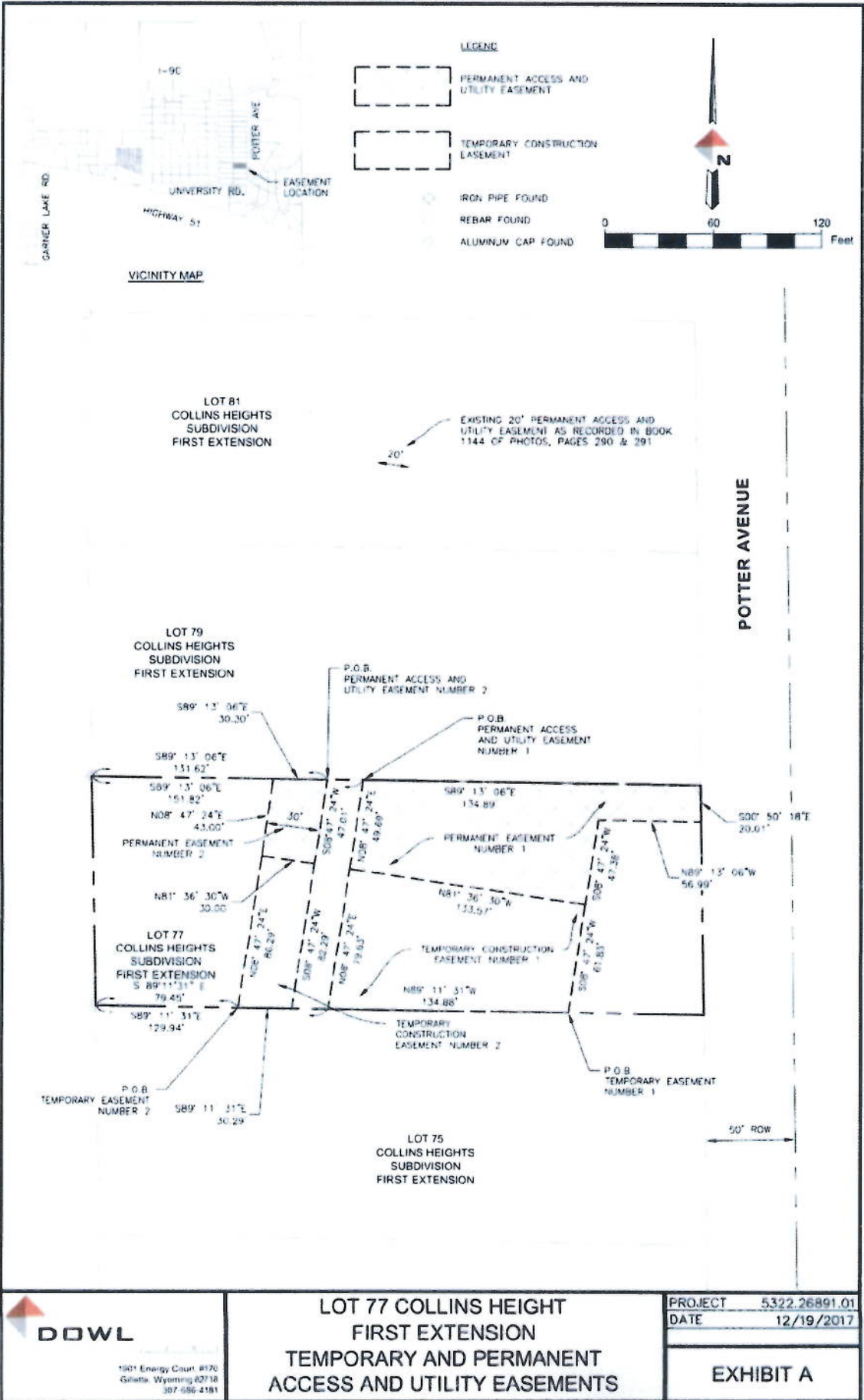
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See Exhibit A – Lot 77 Collins Height First Extension Temporary and Permanent Access and Utility Easements.

TO HAVE AND TO HOLD this Temporary Construction Easement across the above-described land for the purpose of a Temporary Construction Easement upon and within which to repair a twelve-inch sanitary sewer main, construct a drainage system, and regrade a slope on the above described tract(s) of land in the Collins Height Subdivision, Gillette, Wyoming ("Project"). Grantee, their heirs, administrators, successors, executors, legal representatives, and assigns, shall have the right of ingress and egress, and the right to temporarily operate, and park machinery upon the tract(s) of land described above during the Project. The easement includes an immediate right to use the tract(s) of land described above to survey, lay-out, prepare, construct, and complete the entire Project, subject to the following conditions:

1. The rights granted herein shall forever be subject to the rights of the Grantor, its assigns or lessees to explore for, develop, and extract any and all minerals or other subsurface resources beneath this easement. If required for mineral exploration, development or extraction, the Grantee shall, upon written notice from the Grantor, remove or relocate at its own expense the above-described easement.
2. Upon completion of the Project, all of Grantee's rights under this grant of Temporary Construction Easement shall revert to the Grantor or its assigns, the same as if this grant had never been made. Grantee shall restore the surface and any improvements damaged and any adjacent areas disturbed during the Project to a condition substantially equal to the condition of the disrobbed or damaged areas before the Project.
3. For record keeping purposes only, any transfer in ownership of the benefited property, or any change of name or mailing address of the owner of this easement, shall be reported to the City of Gillette, Wyoming within thirty days (30) of the transfer or change.

The City of Gillette does not waive its governmental immunity by entering into this agreement and specifically retains immunity and all defenses available to it pursuant to WYO. STAT. §§ 1-39-101-121 and all other applicable law(s).



Temporary Construction Easement Number 2
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Marvin Roy Wineteer, PO Box 1044, Gillette, WY 82717 ("Grantor"), for and in consideration of eight hundred nine dollars and twenty-eight cents (\$809.28) and other good and valuable consideration, the receipt and sufficiency of which is acknowledged, hereby grants and conveys to the City of Gillette, Wyoming, a municipal corporation and city of the first class ("Grantee"), their heirs, administrators, successors, executors, legal representatives, and assigns for use, in the following described tract(s) of land, a Temporary Construction Easement, more particularly described as follows:

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