

RESOLUTION NO. 2715

A RESOLUTION INITIATING ANNEXATION OF A TRACT OF LAND CONTIGUOUS TO THE CITY OF GILLETTE, WYOMING, PURSUANT TO W.S. 15-1-403 AND 15-1-405, GENERALLY KNOWN AS ASPEN HEIGHTS II, AND ESTABLISHING A PUBLIC HEARING DATE OF JANUARY 21, 2020 FOR THE ANNEXATION PUBLIC HEARING TO DETERMINE IF THE PROPOSED ANNEXATION COMPLIES WITH W.S. 15-1-402.

WHEREAS, a written petition for annexation has been filed with the Gillette City Clerk by the majority of the owners owning a majority of the area sought to be annexed, and;

WHEREAS, the City Council finds that it is in the best interest of the City that this tract of land, which is adjacent and contiguous to the boundaries of the City, should be annexed to the City, and that a Public Hearing shall be established pursuant to W.S. 15-1-405.

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

1. The area sought to be annexed known as the Aspen Heights II Annexation is more particularly described as follows:

**Legal Description for Annexation of Land
Into the City of Gillette, Wyoming**

Aspen Heights II

A tract of land being a part of the SE1/4 of Section 3, T49N, R72W of the Sixth Principal Meridian, Campbell County, Wyoming. Said tract of land being described more particularly as follows:

Beginning at the Southeast corner of said Section 3;

Thence S89°51'51" W along the South line of said Section 3 a distance of 531.56 feet to the North right of way of Southern Drive;

Thence N78°57'15" W along the said North right of way of Southern Drive a distance of 64.12 feet;

Thence S89°51'54" W along the said North right of way of Southern Drive a distance of 736.36 feet;

Thence N00°12'19" E a distance of 652.36 feet;

Thence N89°47'45" E a distance of 352.67 feet to the Southwest corner of Aspen Heights Addition;

Thence N89°48'45" E along the South line of said Aspen Heights Addition a distance of 321.39 feet to the Southeast corner of said Aspen Heights Addition;

Thence N00°10'27" E along the East line of said Aspen Heights Addition a distance of 677.24 feet to the South line of Sunburst Subdivision No. 4;

Thence N89°48'07" E along the said South line of Sunburst Subdivision No. 4 a distance of 657.80 feet to the East line of said Section 3;

Thence S00°13'50" W along the said East line of Section 3 a distance of 1343.48 feet to the POINT OF BEGINNING.

Said tract of land contains 30.339 Acres, more or less, subject to all rights, restrictions, reservations and/or easements of sight and record.

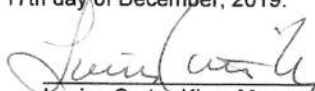
A map of the Aspen Heights II annexation showing the land area is attached to this Resolution as Exhibit "A". The owners of the tracts of land sought to be annexed and the owners' mailing addresses are listed in Exhibit "B", which is also attached. An annexation report explaining the terms and conditions of the annexation will be prepared and will be distributed to the landowners in accordance with State Statutes.

2. The City Clerk has certified that the Petitions comply with the requirements of W.S. 15-1-403 and shall follow the procedures outlined in W.S. 15-1-401 through 15-1-422. The Certificate of Determination is attached as Exhibit "C".

3. A public hearing in this matter shall be held on January 21, 2020 at 7:00 o'clock p.m. or as soon thereafter as the Council agenda allows, in the Council Chambers, City Hall, Gillette, Wyoming, to determine whether the proposed annexation complies with W.S. 15-1-402.

4. The City Clerk is directed to give notice of the public hearing by publishing a notice at least twice in the Gillette News Record, with the first notice published at least fifteen (15) business days prior to the date of the public hearing and by mailing a certified copy of the published notice to the owners of the tract sought to be annexed and those listed in the Adjacent Landowner List at the addresses used to mail County tax notices. Such notices shall contain the legal description and a map of the area to be annexed.

PASSED, APPROVED, AND ADOPTED this 17th day of December, 2019.


Louise Carter-King, Mayor

(SEAL)

ATTEST:


Cindy Staskiewicz, City Clerk

EXHIBIT "B"

Property Owners within Annexation

Leitzke Investments LLC
333 Elk Valley Rd
Gillette, WY 82718

City of Gillette
201 E 5th St.
Gillette, WY 82716

EXHIBIT "C"

**Certification of Determination
of Substantial Compliance of Annexation Petition**

STATE OF WYOMING)
) ss.
COUNTY of Campbell)

TO THE HONORABLE MAYOR AND CITY COUNCIL OF
GILLETTE, WYOMING:

Comes now the undersigned Gillette City Clerk, Cindy Staskiewicz and by affixing her name hereto respectfully shows and certifies to the City Council and Mayor of the City of Gillette, Campbell County, Wyoming, as follows:

1. A Petition to Annex was filed in the office of Gillette City Clerk on November 19, 2019, for a tract of land now part of the annexation area to be known as Aspen Heights II, contiguous or adjacent to the City of Gillette.

2. Petitions were signed by the Landowner(s) on Exhibit A, attached hereto.

3. 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.

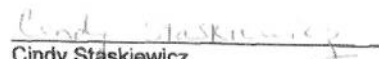
4. The petitions contain the following detailed information: a legal description of the area sought to be annexed; a request that the described territory be annexed; a statement that each signer is an owner of land and a description of his land within the area proposed to be annexed; and a map of the area.

5. No signature presently presented as a Petition for Annexation is dated more than one hundred eighty (180) days prior to the date of the filing of the Petition. With regard to any Annexation Agreement and Petition Non-Contiguous Property, not more than one hundred eighty (180) days has elapsed since the City has made a determination to file the Annexation Agreements with the Gillette City Clerk and fulfilling the requirements of those Annexation Agreements.

6. The petition substantially complies with W.S. § 15-1-401 through 15-1-422 (LexisNexis 2017).

FURTHER THE AFFIANT SAYETH NAUGHT.

DATED this 27th day of November, 2019.


Cindy Staskiewicz
Clerk of the City of Gillette, Wyoming

Cindy Staskiewicz, being first duly sworn, deposes and says that she is the Clerk for the City of Gillette, Wyoming, that she has read the foregoing Affidavit of Service, knows the contents thereof, and that the facts therein set forth are true.

Cindy Staskiewicz
Cindy Staskiewicz
Clerk of the City of Gillette, Wyoming

STATE OF WYOMING)
) ss.
COUNTY of Campbell)

The foregoing instrument was acknowledged before me by Cindy Staskiewicz, Clerk of the City of Gillette, Wyoming, on this 25th day of November, 2019.

Witness my hand and official seal.



[Signature]
Notary Public

My commission expires:
2/19/2020



CITY OF GILLETTE

Development Services
Planning Division
201 E. 5th Street • Gillette, Wyoming 82716
Phone 307.686.5281
www.gillettewy.gov

EXHIBIT "A" Annexation Plat

This application is for an annexation plat and the accompanying checklist is to be used by the applicant to ensure the application is correct and complete upon submittal. All supporting documentation is required at the time of submittal.

Please complete the application and address all items. If something is not applicable, check the N/A box and include any necessary explanation on a separate sheet. This checklist is required with the submittal. The checklist serves only as a guide and the details of the requirements are contained within the Wyoming State Statutes, City of Gillette Subdivision Regulations, Zoning Ordinance, Design Standards, and other city regulations.

All applications are required to be submitted through the city's ePlans system. Please submit all supplemental information along with two (2) 24"x36" and one (1) 11"x17" paper copies of the plat to the Planning Division prior to the submittal deadline. After submittal, you will receive an email inviting you to upload the plat into ePlans.

Should you have questions, please contact the Planning Division at (307) 686-5281.

Annexation Application:

Name of annexation: ASPEN HEIGHTS II ANNEXATION

Total area of the subdivision: 30.339 acres.

Total area of rights-of-way: N/A acres.

Existing zoning of the property in the county: AL

Proposed zoning of the property: C1

Owner:

Name Leitzke Investments LLC
Address 3333 Elk Valley Road
City Gillette State WY Zip 82718
Phone number 307-660-3684
Email address doug@outletgillette.com

Agent:

Name Richard T. Doyle
Company Doyle Surveying Inc.
Address 801 East Fourth St., Ste. 15
City Gillette State WY Zip 82716
Phone number 307-686-2410
Email address dls@vcn.com

Engineer:

Name _____
Company _____
Address _____
City _____ State _____ Zip _____
Phone number _____
Email address _____

Surveyor:

Name _____
Company _____
Address _____
City _____ State _____ Zip _____
Phone number _____
Email address _____

Narrative explanation of the annexation:
To facilitate development

Annexation Checklist:

1. Plat Requirements

INCLUDED	N/A	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	a. Title
<input checked="" type="checkbox"/>	<input type="checkbox"/>	b. Name of the annexation
<input checked="" type="checkbox"/>	<input type="checkbox"/>	c. Owner/developer, agent, and engineering/surveying firm information (contact information)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	d. Wyoming license number for surveyors
<input checked="" type="checkbox"/>	<input type="checkbox"/>	e. Label as annexation plat
<input checked="" type="checkbox"/>	<input type="checkbox"/>	f. Date of preparation
<input checked="" type="checkbox"/>	<input type="checkbox"/>	g. Required certifications
<input checked="" type="checkbox"/>	<input type="checkbox"/>	h. North arrow, scale (no smaller than 1" equals 200 ft.)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	i. Legend and summary table
<input checked="" type="checkbox"/>	<input type="checkbox"/>	j. Vicinity map
<input checked="" type="checkbox"/>	<input type="checkbox"/>	k. Description of boundaries, control monuments, benchmark, basis of bearing
<input checked="" type="checkbox"/>	<input type="checkbox"/>	l. Legal description of annexation
<input type="checkbox"/>	<input checked="" type="checkbox"/>	m. Floodplain areas (if applicable)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	n. Significant natural features or hazards
<input checked="" type="checkbox"/>	<input type="checkbox"/>	o. Any existing wells (water, methane, or oil)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	p. Show lots and blocks of all existing lots in greyscale
<input checked="" type="checkbox"/>	<input type="checkbox"/>	q. Fonts large enough to be readable, show annexation boundary as a thick line

Form 2 of 6 - Annexation Plat

Plat Requirements (Continued)

INCLUDED N/A

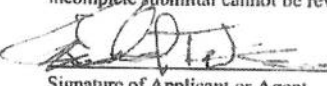
- ☒ ☐ r. Existing street shown and labeled
- ☒ ☐ s. Distances and bearings for all boundaries shown on plat
- ☒ ☐ t. Curve descriptions for all line arcs with chord bearings, lengths, and radii
- ☒ ☐ u. Certification language, dedications, approval statements and

2. Other Required Supplemental Information

INCLUDED N/A

- ☒ ☐ a. Total amount of annexation plat review fee - \$475.00
- ☒ ☐ b. Two (2) 24" x 36" and one (1) 11"x17" paper copy of the plat. Plat shall be prepared by a licensed Wyoming engineer, surveyor, or architect
- ☒ ☐ c. Title report (showing ownership and easements)
- ☒ ☐ d. Excel document (.xls/.xlsx) of surrounding property owner mailing list within 140 ft. from all boundaries not including rights-of-way or alleys for Planning Commission
- ☒ ☐ e. Excel document (.xls/.xlsx) of surrounding property owner mailing list of owners in the county that will be within 1/2-mile of the new city limit boundary for advertising
- ☒ ☐ f. Word document (.doc/.docx) of the metes and bounds legal description for outer boundary and each proposed zoning district
- ☒ ☐ g. Petition to Annex and Petition to Zone documents
- ☒ ☐ h. Plat uploaded into ePlans (after initial submittal)

This form has been completed under my supervision, and the annexation plat submittal is complete in conformance with the City of Gillette Subdivision Regulations and Design Standards. I understand that an incomplete submittal cannot be reviewed.


Signature of Applicant or Agent

11/19/19

Date

Form 4 of 6 - Annexation Plat

Comes now the undersigned and by affixing their names hereto, respectfully shows to the City Council and Mayor of the City of Gillette, Campbell County, Wyoming, as follows:

- DATED this 19 day of November, 20 19.

Printed Name _____

Printed Name _____

(Attach additional sheets of owners and witness signatures and printed names if necessary)

LEGAL DESCRIPTION

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Beginning at the Southeast corner of said Section 3;

Thence S89°51'51" W along the South line of said Section 3 a distance of 531.56 feet to the North right of way of Southern Drive;

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