

ORIGINAL ORDINANCE NO.: 1775

INTRODUCED BY: Molvar

ENROLLED ORDINANCE NO.:1551

AN ORDINANCE APPROVING AND ENACTING THE OVERLAND HEIGHTS FIRST ADDITION TO THE CITY OF LARAMIE, WYOMING BY FINAL PLAT

Whereas, Wyo. Stat. § 15-1-415 authorizes the addition of the land to the City of Laramie, Wyoming (City) by final plat.

Whereas, on August 5, 2008, the City Council approved Enrolled Ordinance 1532 approving and enacting the Overland Heights Addition to the City of Laramie, Wyoming by final plat subject to the recording of the Overland Heights Addition to the City of Laramie, Wyoming final plat with the Albany County Clerk and Ex-Officio Recorder of Deeds;

Whereas, failure to timely record the Overland Heights Addition to the City of Laramie, Wyoming final plat Lots 1 -12, Block 1 and Lots 1-6, Block 2 as prepared by Johnson Engineering Associates has effectively rendered Enrolled Ordinance 1532 null and void;

Whereas, on January 26, 2009, Jerome C. Deveraux of Saddlehorn Unlimited Inc. filed a revised application for final plat and addition to the City for Lots 1-6, Block 1 of the Overland Heights Addition to the City of Laramie, Wyoming and more particularly described as follows:

A TRACT OF LAND IN THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 3, TOWNSHIP 15 NORTH, RANGE 73 WEST OF THE 6TH P.M., ALBANY COUNTY, WYOMING, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH ONE-QUARTER CORNER OF SAID SECTION 3, WHICH IS A SET, MARKED, RED SANDSTONE MONUMENT;

THENCE NORTH 22°27'05" EAST - 1814.82 FEET TO A POINT ON THE EXTENSION OF THE SOUTHEAST SIDE OF WHITMAN STREET, THE POINT OF BEGINNING;

THENCE NORTH 48°07'55" EAST ALONG SAID EXTENSION OF WHITMAN STREET - 110.04 FEET, TO A REBAR AND ALUMINUM CAP BY PELS 4822;

THENCE NORTH 41°49'01" WEST ALONG THE SOUTHWEST SIDE OF OVERLAND STREET - 560.00 FEET, TO REBAR AND ALUMINUM CAP BY PELS 4822

THENCE SOUTH 48°00'13" WEST ALONG THE EXTENSION OF THE SOUTHEAST SIDE OF BONNEVILLE STREET - 120.04 FEET,

THENCE SOUTH 41°49'01" EAST - 559.75 FEET TO A POINT ON THE EXTENSION OF THE SOUTHEAST SIDE OF WHITMAN STREET, THENCE NORTH 48°07'55" EAST - 10.00 FEET MORE OR LESS TO THE POINT OF BEGINNING ON THE EXTENSION OF THE SOUTHEAST SIDE OF WHITMAN STREET;

THE ABOVE DESCRIBED TRACT OF LAND CONTAINS AN AREA OF 1.543 ACRES, AND IS SUBJECT TO ANY EASEMENTS AND OR RIGHT OF WAY THAT HAVE BEEN LEGALLY ACQUIRED.

THE BASIS OF BEARING FOR THE ABOVE DESCRIBED TRACT IS:
NORTH 89°00'47" WEST FROM THE SOUTH LINE OF THE SE 1/4 OF SECTION 3.

Whereas, Lots 1-6, Block 1 of the Overland Heights First Addition to the City of Laramie, Wyoming represents a portion of the prior approved final plat;

Whereas, the City Clerk gave notice of a public hearing for the Overland Heights First Addition to the City of Laramie, Wyoming in compliance with Wyo. Stat. § 15-1-405 and published two notices in *the Laramie Boomerang* on March 29, 2009 and April 5, 2009;

Whereas, a public hearing was held on April 21, 2009, which first notice was given at least fifteen (15) business days prior to the hearing.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LARAMIE:

Section 1. That the foregoing recitals are incorporated in and made a part of this resolution by this reference.

Section 2. That Enrolled Ordinance 1532 is hereby rescinded and deemed no longer in effect.

Section 3. That the herein-described tract of land is contiguous to the City.

Section 4. That the final plat of Overland Heights First Addition Lots 1-6, Block 1 as prepared by Johnson Engineering Associates, signed by Michael C. Zancanella Registered Land Surveyor, Wyoming Registration LS 4276, is hereby approved for filing with the Albany County Clerk and Ex-Officio Recorder of Deeds.

Section 5. That upon the final plat of Overland Heights First Addition Lots 1-6, Block 1 being recorded with the Albany County Clerk and Ex-Officio Recorder of Deeds, the final plat shall be part of City for all purposes, and the inhabitants of the addition are entitled to all the rights and privileges and subject to all the laws, ordinances, rules and regulations of City.

Section 6. That all previous ordinances defining the boundaries of the City 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 5. That the municipal election precinct designated as follows shall be changed so as to include the Annexation Area within its boundaries:

Albany County Voting Precinct 61-2.

Section 7. City assumes no obligation, without the express consent of City Council, for construction of such improvements and facilities as may be required by City for the extension of franchise, sanitary, and utility services as are required to be extended pursuant to Wyo. Stat. § 15-1-410, or for the construction of streets, curb and gutter, sidewalk, storm sewer, or water mains.

Section 8. The Mayor and Clerk are authorized and directed to record partial releases with the Albany County Clerk against each lot with a recorded annexation agreement in the Overland Heights First Addition Lots 1-6, Block 1 once the annexation by final plat is effective and the appeal period has expired, or when the annexation by final plat ordinance is sustained after an appeal.

Passed and approved this 05th day of May, 2009.

Jodi Guerin Vice Mayor

Jodi Guerin, Mayor and President of the City Council

Attest:

Sue Morris-Jones
Sue Morris-Jones, CMC

City Clerk

First Reading: 3/24/2009

Public Hearing: 4/21/2009

Second Reading: 4/21/2009

Third Reading and Final Action: 5/5/2009

Duly published in the Laramie Boomerang this 13th day of May, 2009.