

ORDINANCE 572

AN ORDINANCE VACATING A PARCEL AND STRIP BEING 20 FEET IN WIDTH AND BEING A PORTION OF EAST HIGHWAY STREET AND LYING ADJACENT TO THE NORTHERLY LINE OF LOTS 1 AND 4, BAUER ADDITION, TOWN OF MILLS, NATRONA COUNTY, WYOMING

WHEREAS the Town of Mills is authorized, pursuant to Wyoming Statute 15-6-104, to vacate streets and alleys or portions thereof within the Town of Mills; and

WHEREAS the Town Council of the Town of Mills has determined that it is in the best interest of the Town to vacate a portion of East Highway Street being described as Parcel and Strip being 20 feet in width and being a portion of East Highway Street and lying adjacent to the northerly line of Lots 1 and 4, Bauer Addition and more particularly described in the attached Property Location Plat; and

WHEREAS the Town Council of the Town of Mills has determined that due to presence of utility infrastructure within the described property, and allowing the owner of the Bauer Addition to conform to existing fence boundaries on the southern portion of East Highway Street, the vacation of said portion will eliminate the Town's obligation to maintain the portions of the street so vacated; and

WHEREAS the continued existence of said portions of the street vacated herein is not necessary to provide access to any property and all property owners have alternative routes of access to their property;

NOW, THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF MILLS, WYOMING:

Section 1:

A Parcel and Strip being 20 feet in width and being a portion of East Highway Street and lying adjacent to the northerly line of Lots 1 and 4, Bauer Addition, more particularly described on Exhibit "A" attached hereto and by this reference made a part hereof, be and the same hereby is vacated by the Town of Mills, Natrona County, Wyoming.

Section 2:

Pursuant to Wyoming Statutes 34-12-109, the proprietors of the lots adjacent to the portions of the alley hereby vacated may enclose the portions of the former street in equal proportions,

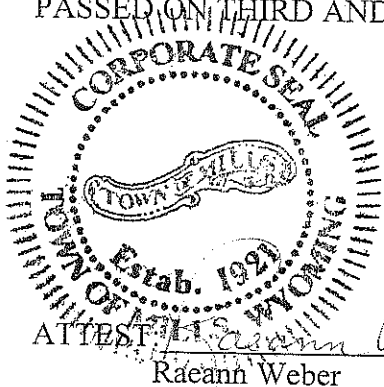
Section 3:

The vacation of said portion of East Highway Street within the Town of Mills shall become effective immediately upon passage of this Ordinance.

PASSED ON FIRST READING the 12 day of October, 2011

PASSED ON SECOND READING the 26 day of October, 2011

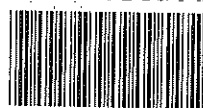
PASSED ON THIRD AND FINAL READING the 9 day of November, 2011



TOWN OF MILLS, WYOMING

By:

Tanise M. Lavering
Tanise Lavering, Mayor



918994

NATRONA COUNTY CLERK, WY
Renea Vitto Recorded: SR
Nov 30, 2011 10:03:41 AM
Pages: 2 Fee: \$11.00
TOWN OF MILLS

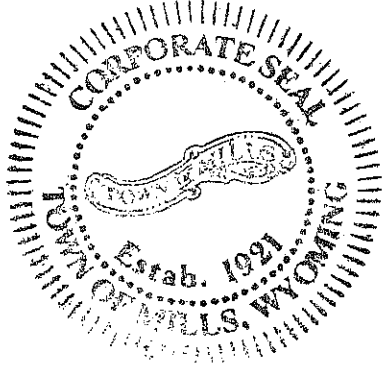
Town Clerk

I, Raeann Weber, Town Clerk of the Town of Mills, Wyoming, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 572, entitled " AN ORDINANCE VACATING A PARCEL AND STRIP BEING 20 FEET IN WIDTH AND BEING A PORTION OF EAST HIGHWAY STREET AND LYING ADJACENT TO THE NORTHERLY LINE OF LOTS 1 AND 4, BAUER ADDITION, TOWN OF MILLS, NATRONA COUNTY, WYOMING" passed on First Reading by the Town Council of the Town of Mills, Wyoming, at a regular meeting held by the Council Members on the 12 day of October, 2011.



Raeann Weber
Raeann Weber, Town Clerk

I, the regularly appointed, duly qualified and action Town Clerk of the Town of Mills, Wyoming do hereby certify that signed, attested, sealed, and certified copies of this Ordinance No. 572 approved and passed as certified above, and following its passage by the Town Council, was posted in the Town Clerk's Office and at the Mills Post Office for a period of ten (10) days as required by law; that it took effect and became in force as a legal ordinance of the Town of Mills, Wyoming on the 19 day of November, 2011.



Raeann Weber
Raeann Weber, Town Clerk

TOWN OF MILLS/ DAVID AND CHERYL BAUER
SITE PLAN AGREEMENT

THIS AGREEMENT made and entered into this 15 day of December, 2011, by and between the Town of Mills, Wyoming, a Municipal Corporation, 704 4th Street, Mills, Wyoming, 82644, hereinafter designated as "Town," and, Dave Bauer, Lot 4A, Bauer No. 2 Addition, Town of Mills, Wyoming, 82604, hereinafter designated as "Owner."

WITNESSETH

WHEREAS, Owner proposes to build a 304 square foot storage facility and a 70' foot monopole communication tower fenced within a 1,375 square foot easement area on Lot 4A, Bauer No. 2 Addition, Town of Mills; and,

WHEREAS, Owner was granted a Special Use Permit to allow an Wireless Communication Tower on the stated property by the Town of Mills on 8 December, 2011 as defined by Resolution 2011-26; and,

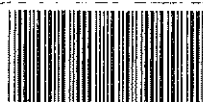
WHEREAS, per the Mills Zoning Ordinance, the Owner is required to submit a site plan prior to the construction of said structures, which must be reviewed and approved by the planning staff, Planning and Zoning Board, and the Town Council; and,

WHEREAS, a copy of said Site Plan, including the Landscaping Plan, is attached hereto as Exhibit "A," dated 19 October, 2011 titled "Verizon Wireless – CAS CUSTARD (ALT. 1); 70'-0" MONOPOLE STORAGE FACILITY / COMMUNICATION SITE" and is hereby incorporated by reference at this point as if fully set forth.

NOW, THEREFORE, the parties hereto agree as follows:

I. EXPLICIT CONDITIONS:

- A. The Owner agrees to, and follows recommendations provided by Rocky Mountain Power.
 1. Installation of a wireless tower must be a minimum distance of 20' from any existing RMP power lines.
 2. Any and all costs associated with the relocation of existing RMP infrastructure required to accommodate the construction of this tower will be borne by the developer/petitioner.
- B. The Owner shall submit a full set of building and tower plans (stamped for approval by a registered professional Wyoming engineer) prior to obtaining building permits for construction.
- C. The owner/agent shall conform to Chapter 15.23 of the Mills Zoning ordinance pertaining to Wireless Communication Services, particularly 15.32.030 *General Requirements* concerning liability insurance, abandonment/removal, hazards and other General Requirements for Wireless Telecommunication Services. All required documentation shall be submitted to the Town Clerk prior to construction.
- D. The Owner shall obtain a building permit prior to construction of the facility, shall construct the facility according to code requirements, and will follow all applicable local, state, and federal rules and regulations.
- E. The Owner shall comply with all the site plan process requirements of Mills Zoning Ordinance, including but not limited to parking, landscaping, surfacing, lighting, drainage, and setback requirements, and will be required to sign a Site Plan Agreement prior to any construction.



923279

NATRONA COUNTY CLERK, WY
Renea Vitto Recorded: TG
Feb 21, 2012 10:30:11 AM
Pages: 3 Fee: \$14.00
TOWN OF MILLS

II. OBLIGATIONS OF THE OWNER:

Upon written demand of the Council, the Owner, at its sole cost and expense, shall do, or cause to be done, the following:

- A. All signs on said site must be granted a permit and approved and shall meet the provisions of the Mills Zoning Ordinance.
- B. All street, alley, and parking surfaces shall be covered with concrete or asphalt concrete pavement materials and shall be approved by the Town Engineer.

III. OBLIGATIONS OF THE TOWN:

The Town shall issue a building permit pursuant to the Mills Municipal Code, under the terms of this Agreement and upon performance by the Owner of the conditions set forth above. All building permits will be issued by the Town Building Official in accordance with Mills' Municipal Code.

IV. REMEDIES:

In the event the Owner fails to do, or fails to cause to be done, any of the requirements set forth in this Agreement in an expeditious manner, the Town may, at its option, do any or all of the following:

- A. Refuse to issue a building permit or Certificate of Occupancy to the Owner, its successors, or assigns in interest.
- B. After written notice to Owner of those items which have not been completed or properly completed, and upon failure to cure the same by Owner within a reasonable period of time, the Town may complete any and all of the public improvements required by this Agreement, by itself, or by contracting with a third party to do the same. In the event the Town elects to complete said improvements or contracts with third party to do so, the Owner agrees to pay any and all costs resulting therefrom upon demand by the Town.
- C. The remedies provided in this section are in addition to any other remedies specifically provided for in this Agreement, the property lease agreement, or which the Town may otherwise have at law or in equity, and are not a limitation on the same. The Owner further agrees to pay all the Town's reasonable attorney's fees, court costs, and litigation costs in the event the Town is required to enforce the provisions of this Agreement in a court of law. This document, its interpretation, and enforcement shall be governed by the laws of the State of Wyoming.

V. CERTIFICATION OF AUTHORITY:

I, _____ the undersigned, Owner, hereby state and certify that I have full authority to bind and obligate said Owner to each and every term and provision of this Agreement.

VI. MISCELLANEOUS AGREEMENTS:

- A. This Agreement shall be binding upon and shall inure to the benefits of all parties hereto, their successors, and assigns.
- B. The Town does not waive any right or rights it may have pursuant to the Wyoming Governmental Claims Act, Wyoming Statute Sections 1-39-101, et seq. The Town specifically reserves the right to assert any and all immunities, rights, and defenses it may have pursuant to the Wyoming Governmental Claims Act.

C. Any litigation regarding this Agreement shall be resolved in a court of competent jurisdiction situated in Natrona County, Wyoming.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first written above.

APPROVED AS TO FORM:

TOWN OF MILLS, WYOMING
A Municipal Corporation

DAVID G. AND CHERYL A. BAUER
OWNERS

Rosalie Coleman
TANISE LAVERING, MAYOR
ROSALIE COLEMAN, MAYOR PRO TEM

David G. Bauer
DAVID G. BAUER
Cheryl A. Bauer
CHERYL A. BAUER

ATTEST:
Raeann Weber
RAEANN WEBER, TOWN CLERK

ACKNOWLEDGEMENT

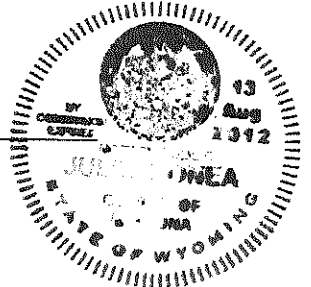
STATE OF WYOMING)
) ss.
COUNTY OF NATRONA)

The foregoing instrument was acknowledged before me by ~~Tanise Lavering, Mayor~~, Town of Mills, this 15th day of DECEMBER, 2011. Rosalie Coleman Mayor pro tem

WITNESS my hand and official seal.

My Commission Expires: 8-13-2012

Julie Honza
Notary Public



STATE OF WYOMING)
) ss.
COUNTY OF NATRONA)

The foregoing instrument was acknowledged before me by David G. and Cheryl A. Bauer, Application for Special Use Permit and Site Plan Applicant for the parcel of land which includes Lot 4A, Bauer No. 2 Addition, Town of Mills, Wyoming, this 24th day of January, 2011.
2012

WITNESS my hand and official seal.



My Commission Expires:

Sue Regennas
Notary Public