

704 Fourth Street
(307) 234-6679
PO Box 789
Mills, Wyoming



(307) 234-6528 Fax

South 5th Avenue

Vacate Right-of-Way

Planning Commission Meeting

June 1, 2023

City Council Meeting

June 13, 2023

Applicants: Shaw Investments, LLC, Albon Shaw

Case Number: 23.01 VAC

Agent: WLC Engineer & Surveying

Summary: The applicant has submitted a petition to vacate 158.30' of South 5th Avenue, adjacent to Lot 1, Block 8, Evergreen Park No. 2 and Lot 1, Evergreen Park Subdivision.

Evergreen Park No. 2 was platted in 1959 and this portion of S. 5th Ave was dedicated as public right-of-way as a proposed extension street out of the subdivision to the north. The portion of the road has never been constructed since that time, and the adjacent properties have used the area as part of their properties for some time.

Albon Shaw has purchased Lots 1-3 and the Reservoir Tract of Evergreen Park Subdivision and is in the process of resubdividing the lots. As part of the resubdivision process, Mr. Shaw is working with the adjacent landowner to vacate this portion of S. 5th Avenue to clean up property boundaries and remove the un-utilized right-of-way.

Wyoming State Statute 15-4-305, regarding street vacations, states that “no vacation may be ordered except upon petition of a majority of the owners of the property abutting on the portion proposed to be vacated and extending three hundred (300) feet in either direction from the portion proposed to be vacated.” Signatures have been obtained from a majority of the property owners owning a majority of the property within three hundred (300) feet of the subject street parcel. Once vacated, ownership of the right-of-way will revert to the immediately adjacent property owners. The Shawville Addition subdivision plat will clean-up the parcels and divide up the vacated parcel proportionally, generally following how the owners have established property boundaries.

No utilities or infrastructure is located within the right-of-way proposed for vacation and no easements will need to be retained with the vacation.

A notice of public hearing was published in the Casper Star-Tribune advertising the June 1st Planning & Zoning Board and June 13th City Council public hearings.

Planning Considerations:

There are no planning considerations.

Staff Recommendation:

Staff recommends APPROVAL of the request to vacate a portion of South 5th Avenue, located in the Evergreen No. 2 Subdivision.

Planning Commission Recommendation:

City Council Decision:



CITY OF MILLS
APPLICATION TO VACATE/ABANDON
PUBLIC RIGHT-OF-WAY OR EASEMENT
Pursuant to the Mills City Code



City of Mills, Wyoming
704 4th Street
P.O. Box 789
Mills, Wyoming 82644

Date: 05/10/2023

Return by: 5-11-23

For Meeting on: 6-1-23

PLEASE PRINT

Section 1.

SINGLE POINT OF CONTACT IS: Albon Shaw

APPLICANT/OWNER(S) INFORMATION:

Print Owner Name: Shaw Investments, LLC
Owner Mailing Address: P.O. Box 695
City, State, Zip: Casper, WY 82602
Owner Phone: 307-251-2535
Applicant Email: albonshaw@gmail.com

AGENT INFORMATION:

Print Agent Name: Same
Agent Mailing Address: _____
City, State, Zip: _____
Agent Phone: _____
Agent Email: _____

ATTACHMENT (REQUIRED):

- **Proof of ownership:** (such as deed, title certification, attorney's title opinion)

Section 2.

PROPERTY INFORMATION:

Physical Address of Property: _____

Or, if not available, provide a general location (Example: NW corner of A & 1st Streets): Unbuilt right-of-way adjacent to Lot 1, Block 8, Evergreen Park No. 2 and

Legal Description of Property: Lot: _____ Block: _____ PARCEL ID: _____

Subdivision: Evergreen Park & Evergreen Park No. 2

Or SECTION: 12 TOWNSHIP: 33N RANGE: 80W

Section 3.

RIGHT-OF-WAY / EASEMENT INFORMATION:

Right-of-Way / Easement Location: Adjacent to Lot 1, Block 8, Evergreen Park No 2
(Example: along west property line, running north & south)

Width of Existing Right-of-Way / Easement: 50' Number of Feet to be Vacated: 158.30

Please indicate the purpose for which the Right-of-Way / Easement is to be vacated / Abandoned

This is unbuilt right-of-way, as platted within Evergreen Park No. 2 Subdivision

Section 4. **SIGNATURES OF OWNERS (AND AGENT IF APPLICABLE):**

The following owner's signature signifies that all information on this application is accurate and correct to the best of the owner's knowledge; and that the owner has thoroughly read and understands all application information and requirements. [In addition to the owner's signature(s), if an agent of the owner is to be contacted for all communications relating to this application, please have the agent sign below.]

I (We) the undersigned owner(s) of the property described above do hereby make application to the City of Mills as follows:

OWNER Signature Albon Shaw

OWNER Signature _____

AGENT Signature Albon Shaw

FEE: A check in the amount of \$100 payable to the City of Mills, must accompany this application.

Section 5. **UTILITY PROVIDERS:**

Telephone:	Eric Overlie	CenturyLink	eric.overlie@CenturyLink.com	(307) 235-2408
Gas:	Lori Neibauer	Black Hills Corporation	lori.neibauer@blackhillscorp.com	(307) 262-5714
Electric:	Greg Hansen	Rocky Mt. Power	greg.hansen@rockymountainpower.net	(307) 261-7066
Cable:	Robert Casados	Charter Communications	Robert.Casados@charter.com	(307) 264-3136
Water/Sewer:	City of Mills			(307) 234-6679

Section 6. **REASONS FOR THIS REQUEST:**

a. Why does the property owner wish to vacate or request abandonment of this right-of-way/easement?

City of Mills has requested the unbuilt portion of right-of-way for S 5th Ave. be vacated with the resubdivision plat.

b. How is the right-of-way/easement being used?

It is not, it is unbuilt right of way.

c. How will the proposed vacation/abandonment affect access to adjacent property owners?

No affect on access to surrounding properties

d. How does the property owner propose to use right-of-way/easement if vacated/abandoned?

Area of right-of-way to be distributed between two adjacent lot owners and reconfigured during resubdivision.

e. Are there any public utilities or infrastructures currently located in the right-of-way/easement? If so, describe them:

N/A

Section 7. PROPERTIES ABUTTING THE PROPERTY TO BE VACATED/ABANDONED:

The following properties about the area to be vacated/abandoned:

Property Owner name(s): Shaw Investments, LLC alby
Address: 472, 504, 532 S. 4th Ave
Lot: 1 & 2 k7 Block: _____, Evergreen Park _____ Addition

Property Owner name(s): Kimberly Perez Kimberly Perez
Address: 5150 Bamber Street
Lot: 1 Block: 8, Evergreen Park No. 2 _____ Addition

Property Owner name(s): Shirley Austin Shirley J. Austin
Address: 384 S 6th Ave
Lot: 3 & 1 Block: 2, Austin Addition No. 2 _____ Addition

Property Owner name(s): Shaw Investments, LLC alby
Address: 507 S. 5th Ave
Lot: _____ Block: _____, Reservoir Tract, Evergreen Park _____ Addition

Section 8. ATTACHMENTS AND EXHIBITS:

Applications to vacate/abandon must be submitted to the city planner at least thirty (30) days prior to the City Council meeting in which this action shall be considered.

The following documents must be included when submitting the application package:

As to Section 1.

- A copy of the recorded deed or other legal instrument indicating proof of ownership.
- If an agent is listed, a notarized letter or statement of authorization from the property owner(s) authorizing the agent to represent the owner(s) in connection with this application, OR a recorded Power of Attorney, Personal Representative Deed, Trustee Agreement, etc., in the agent's name.

As to Section 2.

- If the property is not located within a platted subdivision, a metes and bounds description must be provided.

As to Section 3.

- A copy of a certified survey of the lot or parcel indicated in Section 1 showing the right-of-way or easement to be vacated or abandoned.

As to the Application.

- All areas must be filled in or marked N/A (Not applicable).
- Incomplete applications will be returned to the Applicant.

Section 7 (Continued). PROPERTIES ABUTTING THE PROPERTY TO BE VACATED/ABANDONED:

The following properties about the area to be vacated/abandoned:

Property Owner name(s): Louis Arnold Louis Grunewald
Address: 554 S. 4th Ave
Lot: 4 Block: _____ Addition: Evergreen Park

Property Owner name(s): Jim Crimm Lisa Crimm
Address: 456 S. 4th Ave
Lot: 4 Block: 2 Addition: Austin #2

Property Owner name(s): Homer A. Steddie
Address: 573 So 4th Ave
Lot: 19 Block: _____ Addition: Evergreen Park

Property Owner name(s): _____
Address: _____
Lot: _____ Block: _____ Addition: _____

Property Owner name(s): _____
Address: _____
Lot: _____ Block: _____ Addition: _____

Property Owner name(s): _____
Address: _____
Lot: _____ Block: _____ Addition: _____














Property Owner name(s): _____
Address: _____
Lot: _____ Block: _____ Addition: _____

Property Owner name(s): _____
Address: _____
Lot: _____ Block: _____ Addition: _____

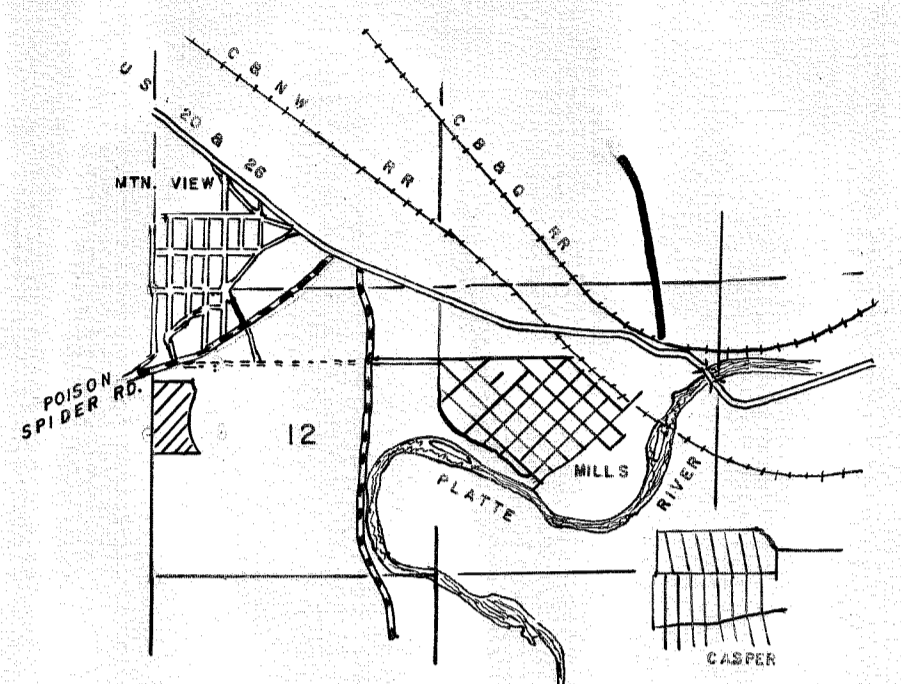
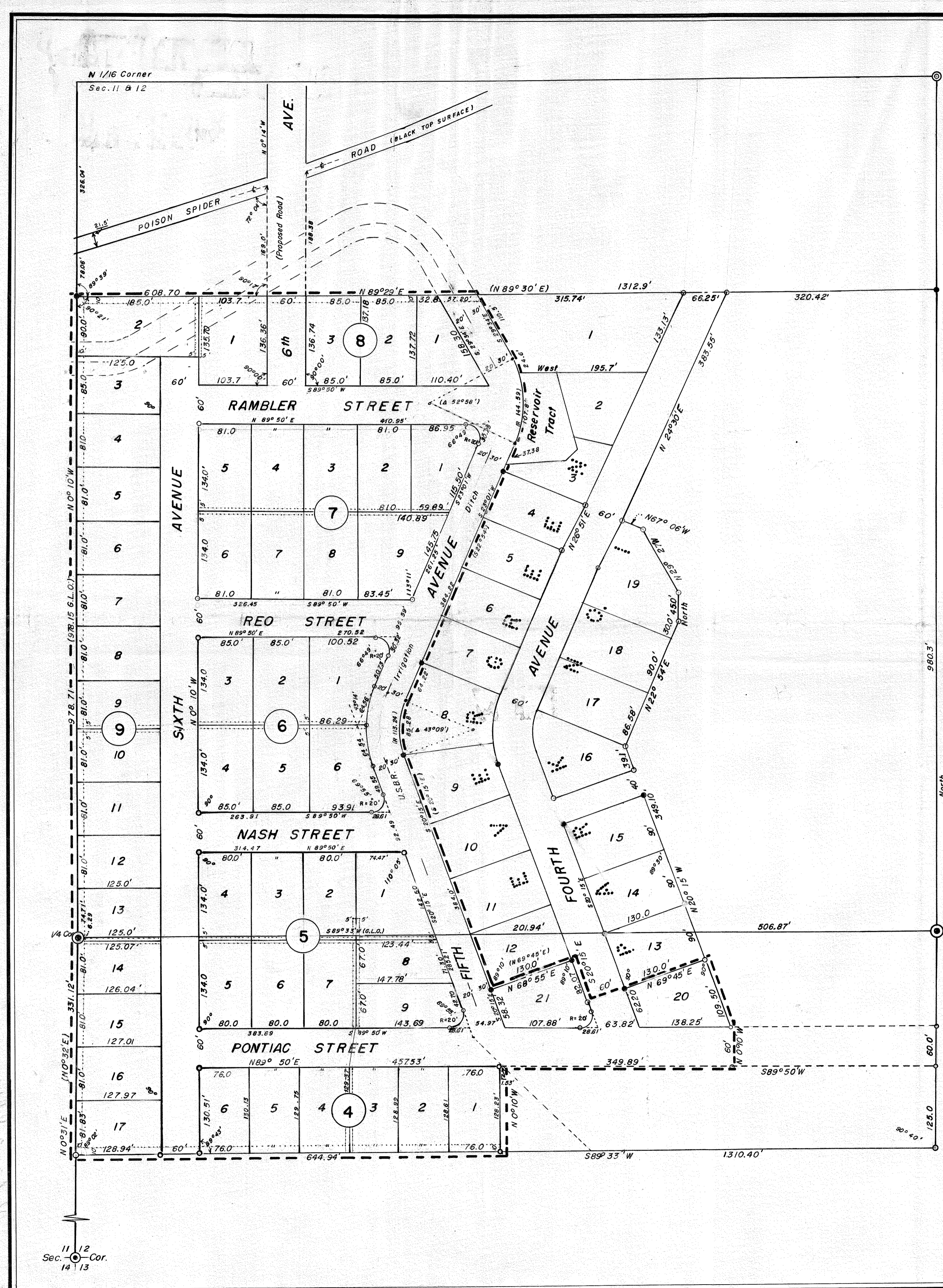
Vacate ROW – A portion of South 5th Avenue



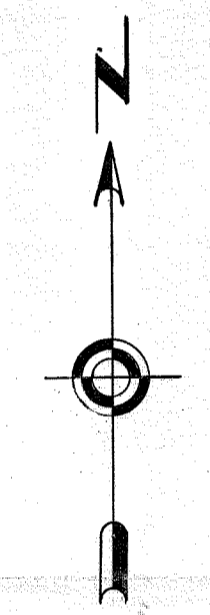
Mills Zoning Districts

- | | |
|--|--|
|  Mills, DB |  Mills, ER: Established Residential |
|  Mills, DI: Developing Industrial |  Mills, PLI: Public Land Institutions |
|  Mills, DMH: Developing Mobile Home |  Mills, PUD: Planned Urban Development |
|  Mills, DR: Developing Residential |  Mills, MSR: Mixed Sized Residential |
|  Mills, EB: Established Business |  Mills, MU: Mixed Use |
|  Mills, EI: Established Industrial |  Mills, UA: Urban Agriculture |
| |  Mills, UR: Urban Agriculture Residential |

K-116



VICINITY MAP (No Scale)



LEGEND:

- ⊙ Brass Cap monuments - General Land Office.
 - Location of monuments from previous surveys found in place as shown.
 - Pipe monuments established during this survey.
 - () Record distance or bearing.
 - Subdivision boundary.
 - Utility Easement 110' wide
- Scales as noted.

810 EVERGREEN PARK #2
 RECORDED IN BOOK 177 OF DEEDS PAGE 605
 COUNTY CLERK

MAP OF
EVERGREEN PARK NO. 2 SUBDIVISION
 A SUBDIVISION OF PORTIONS OF THE
 SW 1/4 NW 1/4 & NW 1/4 SW 1/4 SECTION 12
 T. 33 N. R. 80 W., 6th P. M.
 NATRONA COUNTY, WYOMING
 SCALE: 1" = 100'

CERTIFICATE OF DEDICATION in Case 177 of Deeds on Page 605

STATE OF WYOMING
 County of Natrona

I, Archie A. Tillman, A single man do hereby certify:
 That the foregoing subdivision of that certain portion of the S 1/2 SW 1/4 NW 1/4, SW 1/2 NW 1/2 SW 1/4 NW 1/4, NW 1/2 NW 1/4 SW 1/4 of Section 12, Township 33 North, Range 80 West of the 6th Principal Meridian, Natrona County, Wyoming, as appears on this plat is with my free consent and in accordance with my desires, the undersigned owner and proprietor of said lands; that the name of said subdivision shall be EVERGREEN PARK No. 2, a Subdivision, Natrona County, Wyoming; and that the streets shown on this plat are hereby dedicated to public use.

The undersigned owner of said lands hereby waives and relinquishes all rights he may have under and by virtue of the homestead exemption laws of the State of Wyoming.

Dated at Casper, Wyoming 20th day of May, 1959

Archie A. Tillman
 Archie A. Tillman

STATE OF WYOMING
 County of Natrona

On this 20th day of May, 1959 before me appeared Archie A. Tillman, a single man, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed including the release and waiver of the right of homestead.

Given under my hand and notarial seal the day and year in this certificate first above written.

My commission expires June 15, 1959

Marianne Spencer
 Notary Public

606 SURVEYOR'S CERTIFICATE

STATE OF WYOMING
 County of Natrona

This is to certify that this subdivision designated EVERGREEN PARK NO. 2 SUBDIVISION, comprises parts of the SW 1/4 NW 1/4 & NW 1/4 SW 1/4 of Section 12, Township 33 North, Range 80 West of the 6th Principal Meridian, Natrona County, Wyoming; that this survey was made by me during April, 1959 at the request of Archie A. Tillman; that this plat shows the subdivision thereof into Blocks and Lots as numbered and shown; that lot corners are marked by iron pipes; that all bearings, angles and distances as shown on the plat are true to the best of my knowledge and belief.

Wyoming Registration No. 144

Edwin H. Johnston
 Surveyor

Subscribed in my presence and sworn to before me this 20th day of May, 1959

My Commission Expires June 15, 1959

Marianne Spencer
 Notary Public

APPROVED:

Council of Town of Mills, Wyoming by Ordinance No. _____, duly passed, adopted and approved on the _____ day of _____, 1959.

George Sward
 Mayor

Attest: *Marianne Spencer*
 Town Clerk

Dated: May 23, 1959

APPROVED:

Board of County Commissioners of Natrona County, Wyoming by Resolution duly passed on the 10 day of September, 1959.

John B. Cunniff
 Chairman of the Board

Attest: *Lawrence K. Munn*
 County Clerk

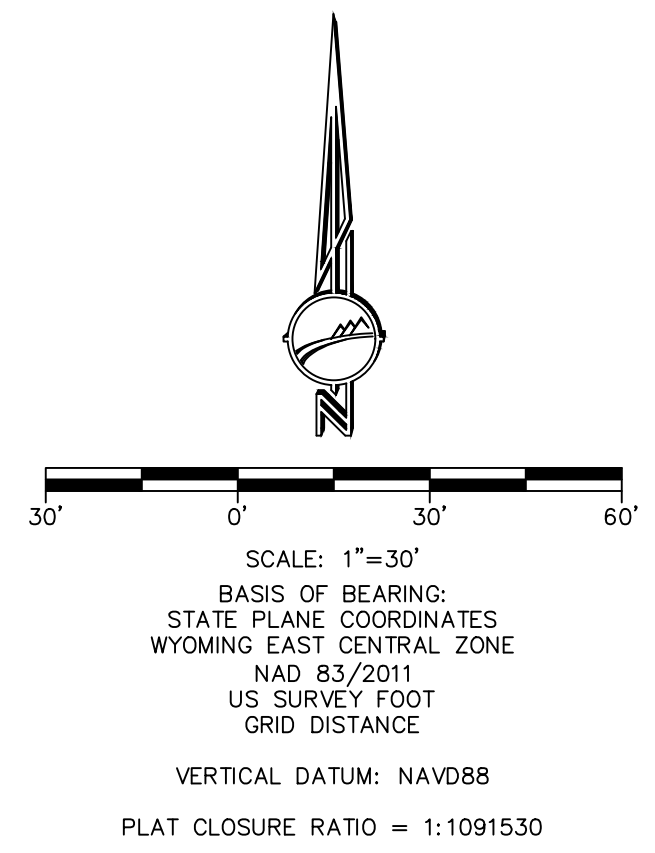
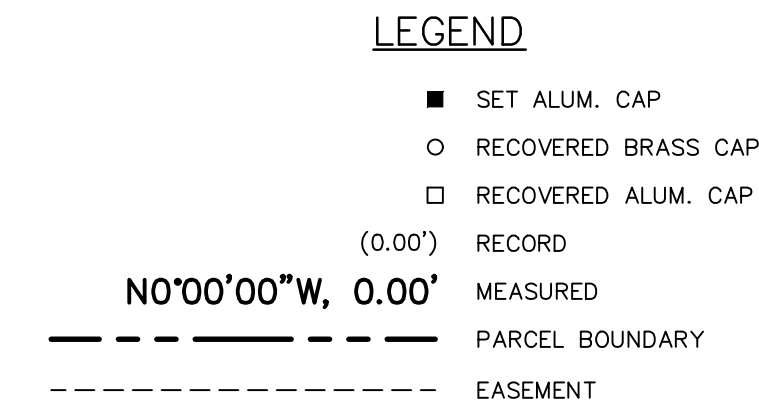
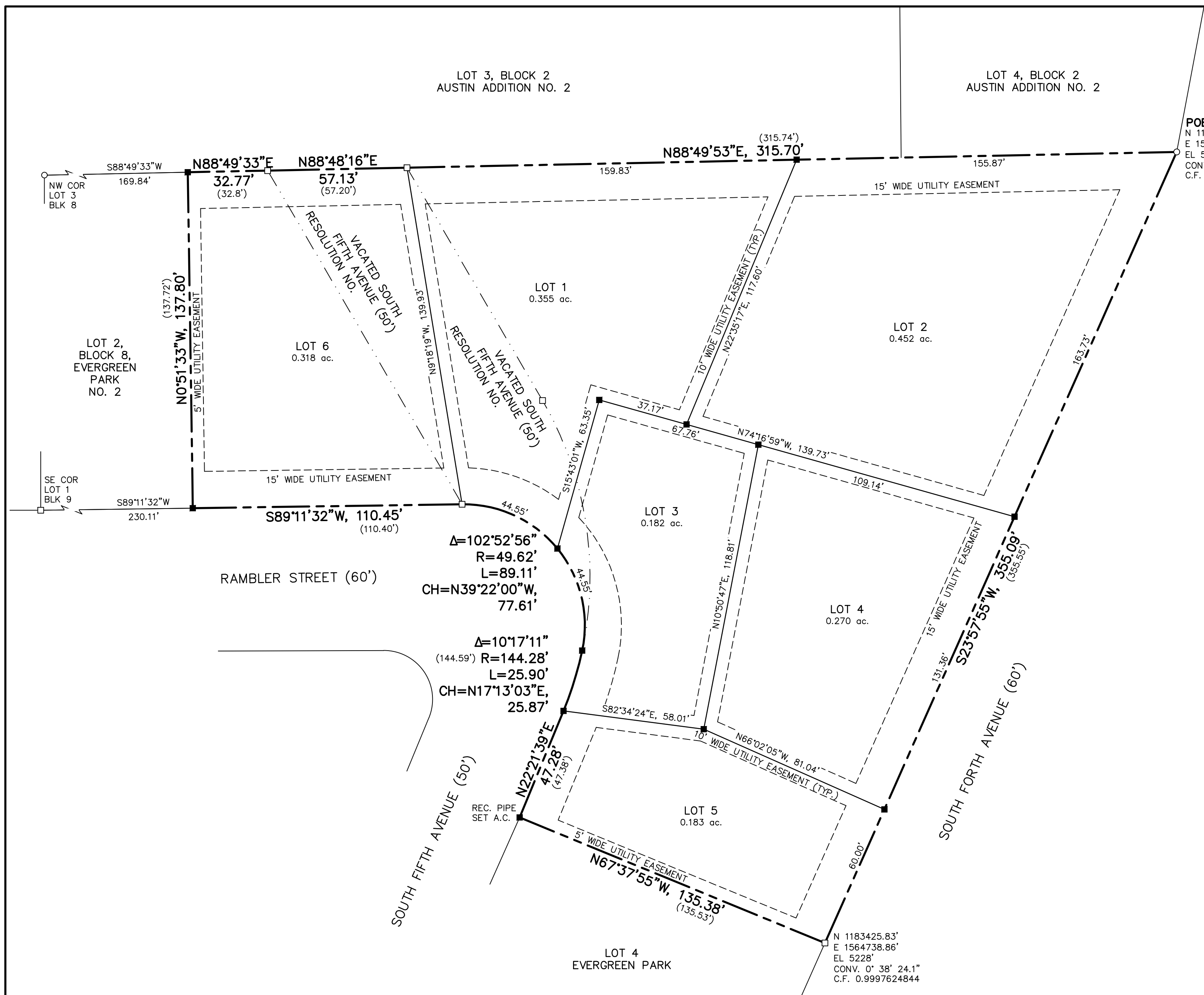
Dated: Sept. 10, 1959

Inspected and approved: *Edwin H. Johnston*
 County Surveyor
 Aug. 13, 1959

K-116

PLAT OF
"SHAWVILLE ADDITION"
 TO THE CITY OF MILLS, WYOMING
 A SUBDIVISION LOCATED IN AND BEING A PORTION OF THE
 SW1/4NW1/4, SECTION 12, TOWNSHIP 33 NORTH, RANGE 80 WEST
 OF THE SIXTH PRINCIPAL MERIDIAN, NATRONA COUNTY, WYOMING.

BEING A VACATION AND REPLAT OF LOTS 1, 2 AND 3 AND THE
 RESERVOIR TRACT OF EVERGREEN PARK, A SUBDIVISION LOCATED IN
 AND BEING A PORTION OF THE SW1/4NW1/4 & NW1/4SW1/4,
 SECTION 12; AND LOT 1, BLOCK 8, EVERGREEN PARK NO.2
 SUBDIVISION, A SUBDIVISION LOCATED IN AND BEING A PORTION OF
 THE SW1/4NW1/4 & NW1/4SW1/4, SECTION 12;



DEDICATION STATEMENT

Shaw Investments, LLC, and Kimberly Perez do hereby certify that they are the owners and proprietors of the foregoing vacation and replat of Lots 1, 2 and 3 and the Reservoir Tract of Evergreen Park, a subdivision located in and being a portion of the SW1/4NW1/4 & NW1/4SW1/4, Section 12; and Lot 1, Block 8, Evergreen Park No.2 Subdivision, a subdivision located in and being a portion of the SW1/4NW1/4 & NW1/4SW1/4, Section 12; all being in Township 33 North, Range 80 West of the Sixth Principal Meridian, Natrona County, Wyoming and being more particularly described by metes and bounds as follows:

Beginning at the northeasterly corner of the Parcel being described and the southeasterly corner of Austin Addition No. 2 to the Town of Mills and a point in the westerly line of South Fourth Avenue; thence from said Point of Beginning and along the easterly line of the Parcel being described and the westerly line of said South Fourth Avenue, S23°57'55"W, 355.09 feet to the southeasterly corner of said Parcel and the northeasterly corner of Lot 4, Evergreen Park Subdivision; thence along the southerly line of the Parcel being described and the northerly line of said Lot 4, N67°37'55"W, 135.38 feet to the southwesterly corner of said Parcel and the northwesterly corner of said Lot 4 and a point in and an intersection with the easterly line of South Fifth Avenue; thence along the westerly line of the Parcel being described and the easterly line of said South Fifth Avenue, N22°21'39"E, 47.28 feet to the beginning of a curve; thence along the arc of a true curve to the left and having a radius of 144.28 feet, and the long chord of which bears N17°13'03"E, 25.87 feet, through a central angle of 101°17'11", 25.90 feet to the beginning of a tangential curve; thence along the arc of a true curve to the left and having a radius of 49.62 feet, and the long chord of which bears N39°22'00"W, 77.61 feet, through a central angle of 102°52'56", 89.11 feet to a point of intersection with a tangent line and a point in the northerly line of Rambler Street; thence along the northerly line of said Rambler Street, S89°11'32"W, 110.45 feet to the southeasterly corner of Lot 2, Block 8, Evergreen Park No. 2; thence along the easterly line of said Lot 2, Block 8, Evergreen Park No. 2, N0°51'33"W, 137.80 feet to the northwesterly corner of said Parcel and the northeasterly corner of said Lot 2, Block 8, Evergreen Park No. 2 and a point in and an intersection with the southerly line of said Austin Addition No. 2; thence along the northerly line of the Parcel being described and the southerly line of said Austin Addition No. 2, N88°49'33"E, 32.77 feet to a point; thence, N88°48'16"E, 57.13 feet to a point; thence, N88°49'53"E, 315.70 feet to said Point of Beginning and containing 1.761 acres, more or less.

Said Parcel being subject to any and all reservations, easements and rights-of-way of record or as may otherwise exist.

The vacation, replat and subdivision of the foregoing described lands as appears on this plat is with the free consent, and in accordance with the desires of the undersigned owners and proprietors. The name of said subdivision shall be known as "SHAWVILLE ADDITION" to the City of Mills, Wyoming. All streets as shown hereon have previously been dedicated to the use of the public and easements as shown hereon are hereby dedicated to the use of public and private utility companies for purposes of construction, operation and maintenance of utility lines, conduits, ditches drainage and access.

SHAW INVESTMENTS, LLC
 PO BOX 695
 CASPER, WY 82602

KIMBERLY PEREZ
 PO BOX 321
 MILLS, WY 82644

SHAW INVESTMENTS, LLC }
 ALBON SHAW, MANAGING MEMBER

STATE OF WYOMING } SS
 COUNTY OF NATRONA }
 The foregoing instrument was acknowledged before me by Albon Shaw, Managing Member this _____ day of _____, 20____.

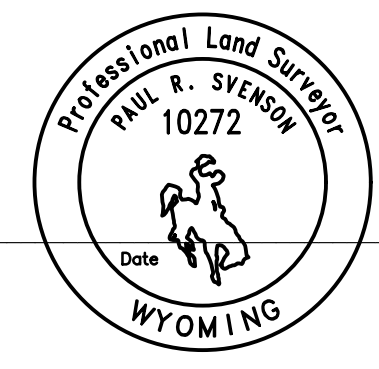
Witness my hand and official seal.
 My commission expires: _____
 NOTARY PUBLIC

KIMBERLY PEREZ }
 STATE OF WYOMING } SS
 COUNTY OF NATRONA }
 The foregoing instrument was acknowledged before me by Kimberly Perez this _____ day of _____, 20____.

Witness my hand and official seal.
 My commission expires: _____
 NOTARY PUBLIC

SURVEYORS CERTIFICATE

I, Paul R. Svenson, a Professional Land Surveyor, 10272, do hereby certify that this plat was made from notes taken during an actual survey made by me or under my direct supervision during the months of February & March, 2023 and that this plat, to the best of my knowledge and belief, correctly and accurately represents said survey.



STATE OF WYOMING } SS
 COUNTY OF NATRONA }
 The foregoing instrument was acknowledged before me by Paul R. Svenson this _____ day of _____, 20____.

Witness my hand and official seal.
 My commission expires: _____
 NOTARY PUBLIC

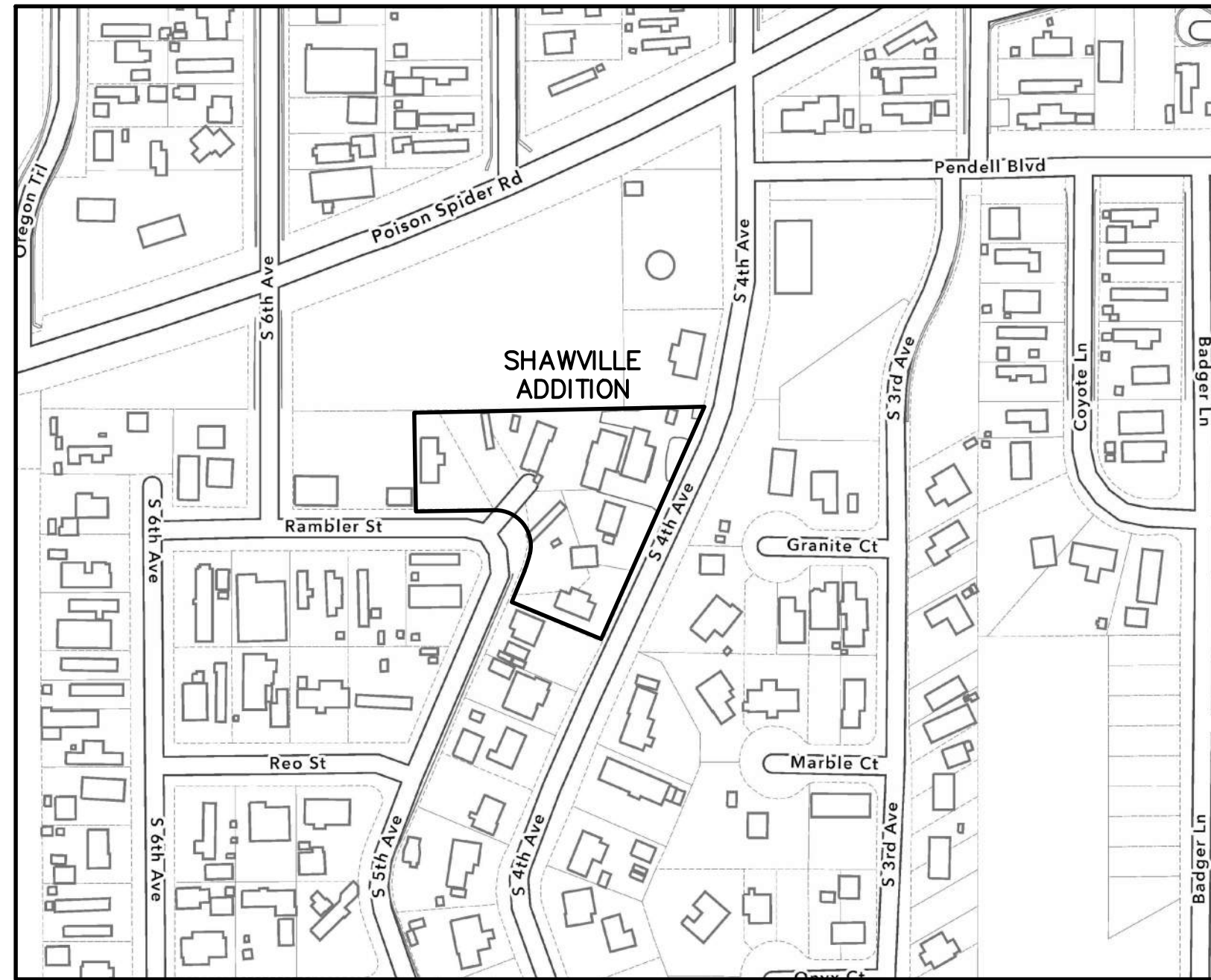
APPROVALS

Approved by the City Council of the City of Mills, Wyoming by Ordinance No. _____ duly passed, adopted and approved this _____ day of _____, 20____.

Attest: _____ Attest: _____
 City Clerk Mayor

Inspected and approved this this _____ day of _____, 20____.

City Engineer



AL CLIENT: SHAW INVESTMENTS, LLC; SHAW INVESTMENTS - EVERGREEN; REPLAT SURVEY OF SHAWVILLE ADDITION; DRAWN BY: JSB

Public Hearing

The Mills Planning & Zoning Board will hold a public hearing on June 1, 2023 at 5:00 P.M. in the Conference Room at 704 Fourth St., Mills, WY and the Mills City Council will hold a public hearing on June 13, 2023, at 7:00 P.M. or as time allows, in the Council Chambers, 704 Fourth St., Mills, Wyoming, to consider the following: **A petition to vacate a portion of South Fifth Avenue (approximately 159 feet) located adjacent to Lot 1, Evergreen Park and Lot 1, Block 8, Evergreen Park No. 2, Town of Mills, Wyoming.**

Written comments will be accepted by the City Clerk until May 31, 2023, and interested parties can appear at the public hearing to present testimony.

Do not publish items below line
For publication May 26th & 28th