RESOLUTION NO. 2564

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, KNOWN AS THE ASPEN HEIGHTS ANNEXATION AND ESTABLISHING A PUBLIC HEARING DATE OF AUGUST 2, 2016, TO CONSIDER THE PROPOSED ANNEXATION REQUEST

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 Annexation is more particularly described as follows:

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

R-2, SINGLE AND TWO FAMILY RESIDENTIAL DISTRICT REQUESTED ZONING

A tract of land being situated in the SE1/4 SE1/4 of Section 3, Township 49 North, Range 72 West of the Sixth Principal Meridian, Campbell County, Wyoming. Said tract of land being described more particularly as follows:

Commencing at the Southeast corner of said Section 3;
Thence S89°54'39"W along the South line of said Section 3 a distance of 503.36 feet;
Thence N27°33'16"W a distance of 345.69 feet;
Thence N04°19'11"W a distance of 129.91 feet;
Thence N05°20'25"E a distance of 234.04 feet;
Thence N00°10'27"E a distance of 507.46 feet to the TRUE POINT OF BEGINNING;
Thence N00°10'27"E a distance of 169.78 feet to the South line of the City of Gillette;
Thence S89°49'27"W along the said South line of the City of Gillette a distance of 128.19 feet;
Thence S00°10'27"W a distance of 169.91 feet;
Thence N89°48'19"E a distance of 128.19 feet to the TRUE POINT OF BEGINNING;

The above parcel contains an area of 0.50 acres, more or less.

I-1, LIGHT INDUSTRIAL DISTRICT REQUESTED ZONING

A tract of land being situated in the SE1/4 SE1/4 of Section 3, Township 49 North, Range 72 West of the Sixth Principal Meridian, Campbell County, Wyoming. Said tract of land being described more particularly as follows:

Commencing at the Southeast corner of said Section 3;
Thence S89°54'39"W along the South line of said Section 3 a distance of 503.36 feet;
Thence N27°33'16"W a distance of 345.69 feet;
Thence N04°19'11"W a distance of 129.91 feet;
Thence N05°20'25"E a distance of 234.04 feet the TRUE POINT OF BEGINNING;
Thence N00°10'27"E a distance of 677.24 feet to the South line of the City of Gillette;
Thence S89°49'27"W along the said South line of the City of Gillette a distance of

321.17 feet;
Thence S00°11'34"W a distance of 677.30 feet;
Thence N89°48'45"E a distance of 320.98 feet to the TRUE POINT OF BEGINNING;

EXCERPTING THEREFROM:

A tract of land being situated in the SE1/4 SE1/4 of Section 3, Township 49 North, Range 72 West of the Sixth Principal Meridian, Campbell County, Wyoming. Said tract of land being described more particularly as follows:

Commencing at the Southeast corner of said Section 3;
Thence S89°54'39"W along the South line of said Section 3 a distance of 503.36 feet;
Thence N27°33'16"W a distance of 345.69 feet;
Thence N04°19'11"W a distance of 129.91 feet;
Thence N05°20'25"E a distance of 234.04 feet;
Thence N00°10'27"E a distance of 507.46 feet to the TRUE POINT OF BEGINNING;
Thence N00°10'27"E a distance of 169.78 feet to the South line of the City of Gillette;
Thence S89°49'27"W along the said South line of the City of Gillette a distance of 128.19 feet;
Thence S00°10'27"W a distance of 169.91 feet;
Thence N89°48'19"E a distance of 128.19 feet to the TRUE POINT OF BEGINNING;

The above parcel contains an area of 4.49 acres, more or less.

A map of the Aspen Heights Annexation showing the land area is attached to this Resolution as Exhibit "A". The Landowner's Petition to Annex Territory to the City of Gillette, Campbell County, Wyoming is included as "Exhibit B". The Warranty Deed identifying the owner of the tract of land sought to be annexed and the owner's mailing address is listed in Exhibit "C" which is also attached. An annexation report explaining the terms and conditions of the annexation will be prepared and will distributed to the landowner in accordance with State Statutes.

2. The City Clerk has certified that the Petition complies 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 "D".

3. A public hearing in this matter shall be held on August 2, 2016, at 7:00 o'clock p.m., in the Second Floor Community Conference Room, 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 twice in the Gillette News Record, with the first notice published at least twenty (20) days prior to the date of the public hearing and by mailing a copy of the published notice to the owner of the tract sought to be annexed and those listed in the Adjacent Landowner List at the address used to mail County tax notices. Such notices shall contain the legal description of the area and the names of the person owning the property within the area.

PASSED, APPROVED, AND ADOPTED this 21st day of June, 2016.

Louise-Carter King, Mayor

(S E A L)

ATTEST:

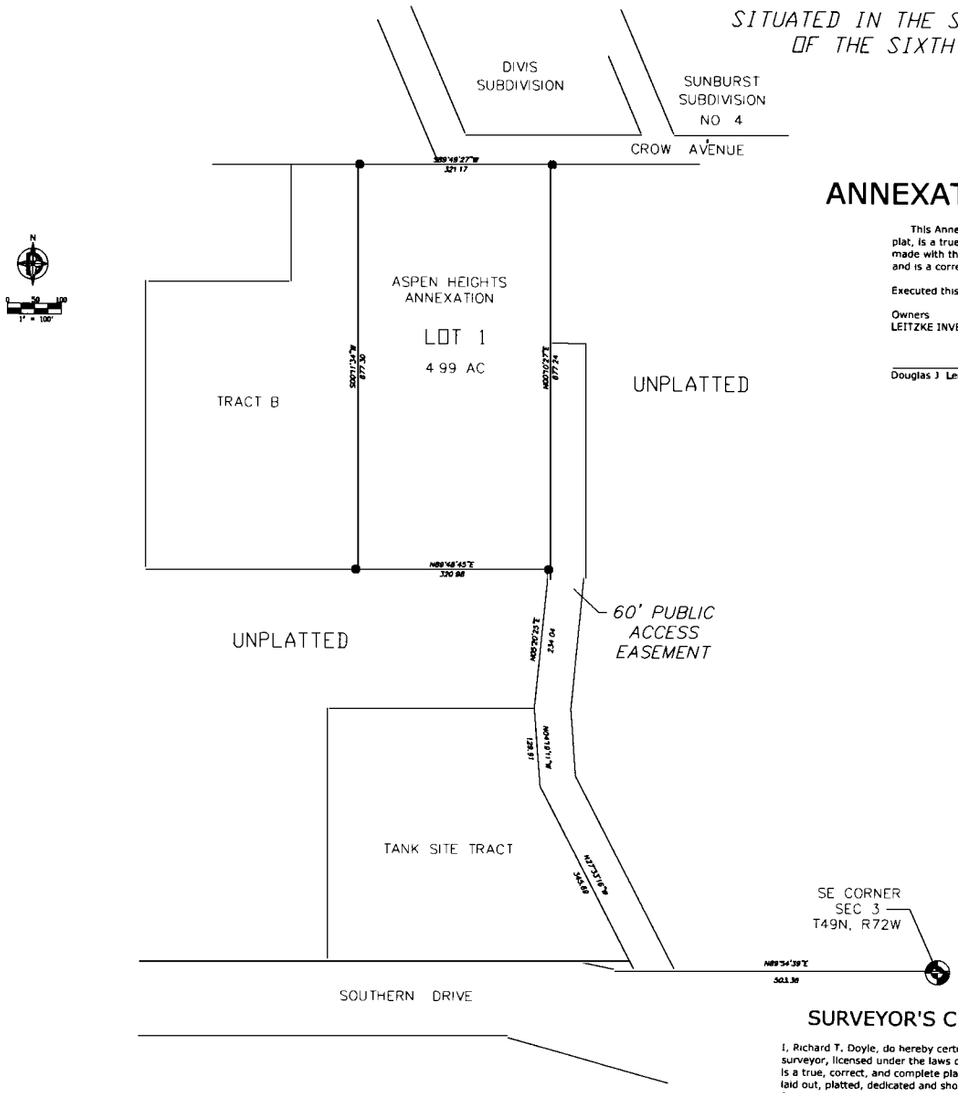
Karlene Abelseth, City Clerk

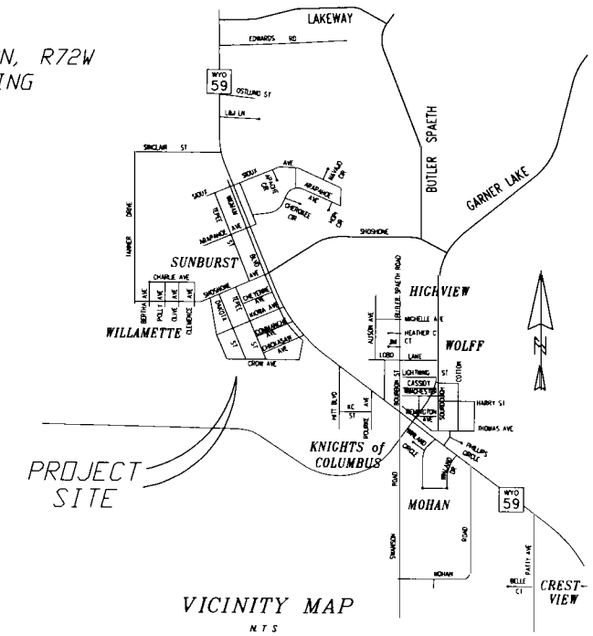
Exhibit A

ORDINANCE 2564A

ANNEXATION PLAT
ASPEN HEIGHTS ANNEXATION

SITUATED IN THE SE1/4 SE1/4 OF SECTION 3, T49N, R72W
OF THE SIXTH P. M., CAMPBELL COUNTY, WYOMING





VICINITY MAP
N T S

ANNEXATION CERTIFICATE

This Annexation Plat, as it is described and as it appears on this plat, is a true and correct map of the area to be annexed and is made with the desires of the undersigned owner and proprietors and is a correct plat of the area

Executed this ____ day of _____, A D , 20 _____ by

Owners
LEITZKE INVESTMENTS, LLC

_____
Douglas J Leitzke for LEITZKE INVESTMENTS, LLC

DESCRIPTION

A tract of land being part of the SE1/4 SE1/4 of Section 3, Township 49 North, Range 72 West of the Sixth Principal Meridian, Campbell County, Wyoming Said tract of land being described more particularly as follows

Commencing at the Southeast corner of said Section 3, Thence S89°54'39"W along the South line of said Section 3 a distance of 503 36 feet, Thence N27°33'16"W a distance of 345 69 feet, Thence N04°19'11"W a distance of 129 91 feet, Thence N05°20'25"E a distance of 234 04 feet to the TRUE POINT OF BEGINNING, Thence N00°10'27"E a distance of 677 24 feet to the South line of the City of Gillette, Thence S89°49'27"W along the said South line of the City of Gillette a distance of 321 17 feet, Thence S00°11'34"W a distance of 677 30 feet, Thence N89°48'45"E a distance of 320 98 feet to the TRUE POINT OF BEGINNING

APPROVALS

Data on this plat reviewed this _____day of _____, 20_____,A D , by the City Engineer of Gillette, Wyoming

_____
City Engineer

This plat approved by the City of Gillette Planning Commission this _____day of _____,20_____,A D

_____ Chairman _____ Secretary

Approved by the City Council of the City of Gillette, Wyoming this _____day of _____,20_____,A D

_____ Mayor _____ City Clerk

This plat filed for record in the office of the Clerk and Recorder at _____o'clock _____ m , _____, 20____, and is duly recorded in Book _____, Page No _____

_____
County Clerk

LEGEND

● FOUND CORNER

BENCHMARK LOCAL CONTROL

SUMMARY

AREA 4 99 AC

ZONING C-3, R-3

SURVEYOR'S CERTIFICATE

I, Richard T. Doyle, do hereby certify that I am a registered land surveyor, licensed under the laws of the State of Wyoming, that this plat is a true, correct, and complete plat of ASPEN HEIGHTS ANNEXATION, as laid out, platted, dedicated and shown hereon, that such plat was made from an accurate survey of said property by me and under my supervision and correctly shows the location and dimensions of the lots, easements, and streets of said subdivision as the same are staked upon the ground in compliance City of Gillette regulations governing the subdivision of the land

Professional Land Surveyor RICHARD T. DOYLE 3333 DATE WYOMING

STATE OF WYOMING)
) ss
COUNTY OF CAMPBELL)

The foregoing instument was acknowledged before me this ____day of _____,A D , 20___, by Douglas J Leitzke as Managing Member for LEITZKE INVESTMENTS, LLC as a fee and voluntary act and deed

Witness my hand and official seal.

_____
Notary Public

My Commission Expires _____

ANNEXATION PLAT

ASPEN HEIGHTS ANNEXATION
GILLETTE, WYOMING

Prepared for:	Prepared by:
DOUG LEITZKE 330 ELK VALLEY ROAD GILLETTE, WY 82718	DOYLE SURVEYING INC 801 E 4TH ST Suite 15 Gillette, WY 82716 PH (307)686-2410

Date of Preparation MAY, 2016 | SHT 1 OF 1

ORDINANCE 2564B

LANDOWNER'S PETITION TO ANNEX TERRITORY TO THE CITY OF GILLETTE, CAMPBELL COUNTY, WYOMING

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

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:

1. That the undersigned, Doug Leitzke Investments, LLC is the owner(s) of the land, which is contiguous to the City limits of the City of Gillette, which land is described as follows:

Said tract of land contains 4.99 acres, more or less.

2. That attached hereto and made a part hereof is a map showing territory sought to be annexed.

3. That Doug Leitzke, Investments, LLC being the owner(s) of the said land, respectfully request that said land be annexed to the City of Gillette, Campbell County, Wyoming.

DATED This 17 day of May, 2016.

Witness

Witness

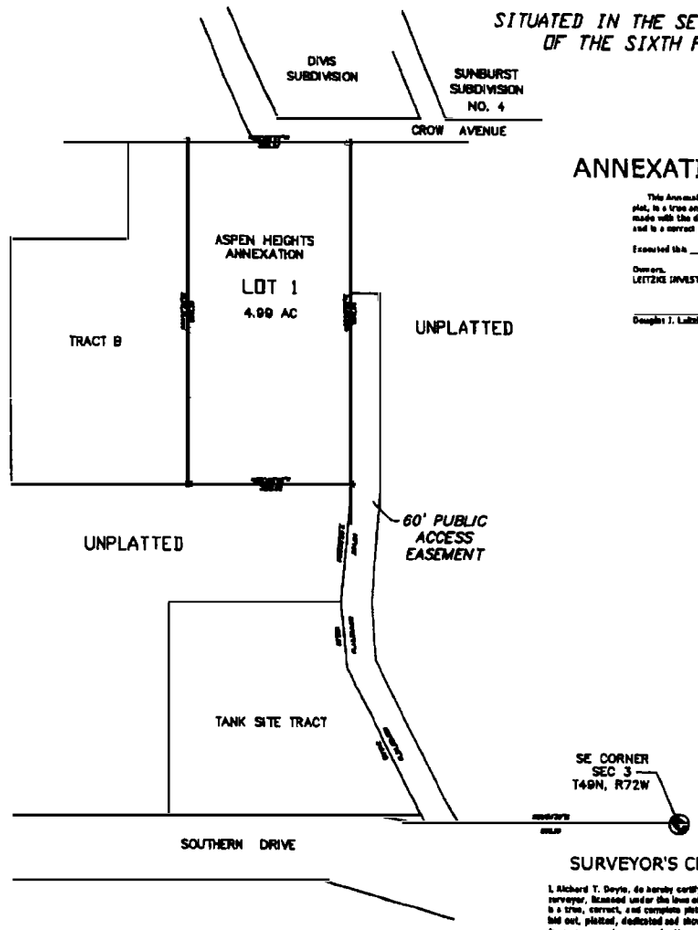
Witness

Forms:152
Modified: 02/2008

ANNEXATION PLAT ORDINANCE 2564B

ASPEN HEIGHTS ANNEXATION

SITUATED IN THE SE1/4 SE1/4 OF SECTION 3, T49N, R72W
OF THE SIXTH P.M., CAMPBELL COUNTY, WYOMING



ANNEXATION CERTIFICATE

This Annexation Plat, as it is described and as it appears on this plat, is a true and correct map of the area to be annexed and is made with the desires of the undersigned owner and proprietors and is a correct plat of the area

Executed this ____ day of _____, A.D., 20 ____ by:

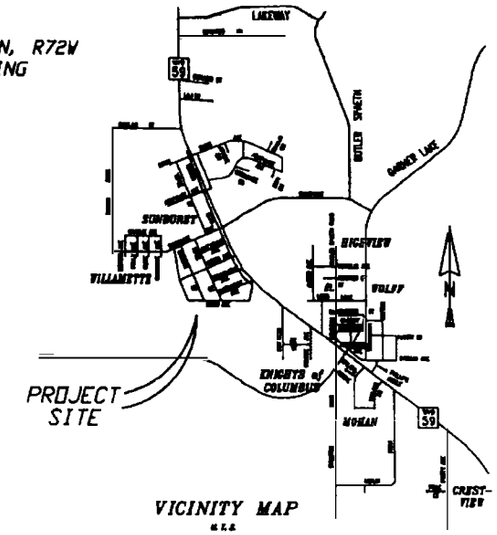
Owners,
LEITZKE INVESTMENTS, LLC

_____
Douglas J. Leitzke for LEITZKE INVESTMENTS, LLC

DESCRIPTION

A tract of land being part of the SE1/4 SE1/4 of Section 3, Township 49 North, Range 72 West of the Sixth Principal Meridian, Campbell County, Wyoming. Said tract of land being described more particularly as follows:

Commencing at the Southeast corner of said Section 3; Thence S89°54'20"W along the South line of said Section 3 a distance of 903.36 feet; Thence N27°33'15"W a distance of 345.59 feet; Thence N04°19'11"W a distance of 129.51 feet; Thence N05°20'25"E a distance of 234.84 feet to the TRUE POINT OF BEGINNING; Thence N00°10'27"E a distance of 677.24 feet to the South line of the City of Gillette; Thence S89°48'27"W along the said South line of the City of Gillette a distance of 321.17 feet; Thence S00°11'34"W a distance of 677.30 feet; Thence N89°48'45"E a distance of 320.90 feet to the TRUE POINT OF BEGINNING.



VICINITY MAP
N.T.S.

APPROVALS

Date on this plat reviewed this _____ day of _____, 20____ A.D., by the City Engineer of Gillette, Wyoming

_____
City Engineer

This plat approved by the City of Gillette Planning Commission this _____ day of _____, 20____ A.D.

_____ Chairman _____ Secretary

Approved by the City Council of the City of Gillette, Wyoming this _____ day of _____, 20____ A.D.

_____ Mayor _____ City Clerk

This plat filed for record in the office of the Clerk and Recorder at _____ o'clock ____ m., _____, 20____, and is duly recorded in Book _____, Page No. ____.

_____
County Clerk

SURVEYOR'S CERTIFICATE

I, Richard T. Doyle, do hereby certify that I am a registered land surveyor, licensed under the laws of the State of Wyoming, that this plat is a true, correct, and complete plat of ASPEN HEIGHTS ANNEXATION, as laid out, platted, dedicated and shown hereon, that such plat was made from an accurate survey of said property by me and under my supervision and correctly shows the location and dimensions of the lots, easements, and streets of said subdivision as the same are staked upon the ground in compliance City of Gillette regulations governing the subdivision of the land.

STATE OF WYOMING)
) ss.
COUNTY OF CAMPBELL)

The foregoing instrument was acknowledged before me this ____ day of _____ A.D., 20____, by Douglas J. Leitzke as Managing Member for LEITZKE INVESTMENTS, LLC as a free and voluntary act and deed

Witness my hand and official seal.

_____
Notary Public

My Commission Expires _____

LEGEND

- FOUND CORNER

BENCHMARK: LOCAL CONTROL

SUMMARY

AREA: 4.99 AC

ZONING: C-3, R-3

ANNEXATION PLAT

ASPEN HEIGHTS ANNEXATION
GILLETTE, WYOMING

Date of Preparation MAY, 2016 | SHT 1 OF 1

ORDINANCE 2564B

LANDOWNER'S PETITION TO ZONE TO THE
CITY OF GILLETTE, CAMPBELL COUNTY, WYOMING

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

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:

1. That the undersigned, Leitzke Investments, LLC is the owner(s) of land to be annexed to the City limits of the City of Gillette, which land is described in Exhibit A attached hereto.

2. That attached hereto and made a part hereof is a map showing territory sought to be annexed and zoned.

3. That Leitzke Investments, LLC, being the owner(s) of said land, request that said land be zoned _____.

DATED this 17 day of May, 2016, _____.

_____ Witness

_____ Witness

_____ Witness

Forms: 079a
Modified . 02/2008

ORDINANCE 2564B

LAND DESCRIPTION
I-1 ZONE

A tract of land being part of the SE1/4 SE1/4 of Section 3, Township 49 North, Range 72 West of the Sixth Principal Meridian, Campbell County, Wyoming. Said tract of land being described more particularly as follows:

Commencing at the Southeast corner of said Section 3;
Thence S89°54'39"W along the South line of said Section 3 a distance of 503.36 feet;
Thence N27°33'16"W a distance of 345.69 feet;
Thence N04°19'11"W a distance of 129.91 feet;
Thence N05°20'25"E a distance of 234.04 feet the TRUE POINT OF BEGINNING;
Thence N00°10'27"E a distance of 677.24 feet to the South line of the City of Gillette;
Thence S89°49'27"W along the said South line of the City of Gillette a distance of 321.17 feet;
Thence S00°11'34"W a distance of 677.30 feet;
Thence N89°48'45"E a distance of 320.98 feet to the TRUE POINT OF BEGINNING;

EXCEPTING THEREFROM:

A tract of land being part of the SE1/4 SE1/4 of Section 3, Township 49 North, Range 72 West of the Sixth Principal Meridian, Campbell County, Wyoming. Said tract of land being described more particularly as follows:

Commencing at the Southeast corner of said Section 3;
Thence S89°54'39"W along the South line of said Section 3 a distance of 503.36 feet;
Thence N27°33'16"W a distance of 345.69 feet;
Thence N04°19'11"W a distance of 129.91 feet;
Thence N05°20'25"E a distance of 234.04 feet;
Thence N00°10'27"E a distance of 507.46 feet to the TRUE POINT OF BEGINNING;
Thence N00°10'27"E a distance of 169.78 feet to the South line of the City of Gillette;
Thence S89°49'27"W along the said South line of the City of Gillette a distance of 128.19 feet;
Thence S00°10'27"W a distance of 169.91 feet;
Thence N89°48'19"E a distance of 128.19 feet to the TRUE POINT OF BEGINNING;

Said tract of land contain 4.49 acres, more or less, subject to all rights, restrictions, reservations and/or easements of sight and record.

ORDINANCE 2564B

MHC
6-14-2016

LAND DESCRIPTION
R-2 ~~R-3~~ ZONE

A tract of land being part of the SE1/4 SE1/4 of Section 3, Township 49 North, Range 72 West of the Sixth Principal Meridian, Campbell County, Wyoming. Said tract of land being described more particularly as follows:

Commencing at the Southeast corner of said Section 3;
Thence S89°54'39"W along the South line of said Section 3 a distance of 503.36 feet;
Thence N27°33'16"W a distance of 345.69 feet;
Thence N04°19'11"W a distance of 129.91 feet;
Thence N05°20'25"E a distance of 234.04 feet;
Thence N00°10'27"E a distance of 507.46 feet to the TRUE POINT OF BEGINNING;
Thence N00°10'27"E a distance of 169.78 feet to the South line of the City of Gillette;
Thence S89°49'27"W along the said South line of the City of Gillette a distance of 128.19 feet;
Thence S00°10'27"W a distance of 169.91 feet;
Thence N89°48'19"E a distance of 128.19 feet to the TRUE POINT OF BEGINNING;

Said tract of land contain 0.50 acres, more or less, subject to all rights, restrictions, reservations and/or easements of sight and record.

ORDINANCE 2564C

EXHIBIT C LIST OF LANDOWNERS FOR THE ASPEN HEIGHTS ANNEXATION:

Leitzke Investments, LLC.

333 Elk Valley Road

Gillette, WY 82718

ORDINANCE 2564C

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **580146GT (cae)**

JJB Enterprises, LLC, a Wyoming limited liability company, GRANTOR(S), for Ten Dollars ($10.00) and other good and valuable consideration in hand paid, receipt of which is hereby acknowledged, CONVEY(S) AND WARRANT(S) to

Leitzke Investments, LLC, a Wyoming limited liability company, GRANTEE(S),

whose mailing address is 333 Elk Valley Road Gillette WY 82718, the following described real estate, situated in the County of **Campbell**, State of **Wyoming**, hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Wyoming, to-wit:

Tract C, on the record of survey which was filed for record in the office of the County Clerk of Campbell County, Wyoming, on July 25, 1979 and is found in Plat Book #2 on page 194, which more particularly describes said Tract C as follows:

A tract of land situated in the SESE of Section 3, Township 49 North, Range 72 West, 6th P.M., Campbell County, Wyoming, being more particularly described as follows:

Commencing at the SE corner of said Section 3, said Corner being marked by a Brass Cap, L.S. 538; thence South 89°36' West along the South Boundary of said Section 3, 1330.7' to a 2" Iron pipe marking the SE corner of Tract M of "Lands of the Hitt Estate" as recorded in Book 155 of Photos, page 547; thence North 0°04'00" West along the East boundary of said Tract "M" 1348.28' to a #5 Rebar with Aluminum Cap, L.S. 538, said Rebar marking the NE corner of Tract M, and SE Corner of Tract K, "Lands of the Hitt Estate" as recorded in Book 155 of Photos, page 547; thence North 0°04'00" West along East Boundary of Tract K, 7.03' to a #5 rebar with aluminum cap, L.S. 538, said #5 rebar being 5.32' South 89°33'51" West of a 3/8" Rebar, marking the SW Boundary Corner of Sunburst Addition, thence from #5 Rebar with Aluminum Cap, L.S. 538, North 89°33'51" East 352.89' to a #5 Rebar with Aluminum Cap, L.S. 538, said rebar with Aluminum Cap being the true point of beginning; thence North 89°33'51" East, 321.20' to a #5 Rebar with Aluminum Cap, L.S. 538; thence South 0°04'27" East 677.86' to a #5 Rebar with Aluminum Cap, L.S. 538; thence South 89°34'08" West 321.21' to a #5 Rebar with Aluminum Cap, L.S. 538; thence North 0°04'24" West 677.84' to the true point of beginning.

EXCEPTING and reserving unto the Grantor all of the oil, gas and other minerals that they may own under the above described premises together with the right of ingress and egress to explore for, mine, develop and remove the same.

Including and together with all and singular the tenements, hereditaments, appurtenances and improvements thereon or thereunto belonging, but subject to taxes, reservations, covenants, encroachments, conditions, restrictions, rights-of-way and easements of record.

WITNESS the due execution and delivery of this Warranty Deed

this 24th day of May, 20 16.

ORDINANCE 2564C

Date: 05/24/2016 Warranty Deed - continued File No.: 580146GI (cae)

JJB Enterprises, LLC, a Wyoming limited liability company

By: _____
Name: Bruce L Hitt
Title: Member

By: _____
Name: Joe A Hitt
Title: Member

By: _____
Name: Janet M Cranston
Title: Member

State of Wyoming
County of Campbell

This instrument was acknowledged before me on this 24th day of May, 2016 by Bruce L Hitt, Joe A Hitt and Janet M Cranston as Members of JJB Enterprises, LLC.

Kylie Petterson - Notary Public
County of Campbell State of Wyoming
My Commission Expires 8-25-2018

Kylie Petterson
Notary Public
My Commission Expires: 8-25-18

RECEIVED MAY 24 2016 CAMPBELL COUNTY CLERK

RECORDED
ABSTRACTED
INDEXED
CHECKED

1022906 Recorded on 5/24/2016 at 4:24:00 Fee 15.00
Book 3024 of PHOTOS Pages 83 to 84
Susan F. Saunders, Campbell County Clerk by: A. CARTWRIGHT

ORDINANCE 2564D

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, Karlene Abelseth 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 May, 18, 2016, for the annexation of a tract of land known as the Aspen Heights Annexation, contiguous or adjacent to the City of Gillette.

2. The petition was signed by Doug Leitzke Investments, LLC on May 17, 2016.

3. The petition is 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 petition contains 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 on the petition is dated more than one hundred eighty (180) days prior to the date of filing the petition with the clerk.

6. The petition substantially complies with W.S. § 15-1-401 though 15-1-422 (LexusNexis 2003).

FURTHER THE AFFIANT SAYETH NAUGHT.

DATED this ___ day of _____, 2016.

Karlene Abelseth
Clerk of the City of Gillette, Wyoming

Karlene Abelseth, being first duly sworn, deposes and says that she is the Clerk-Treasurer 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.

Karlene Abelseth
Clerk of the City of Gillette, Wyoming

ORDINANCE 2564D (cont.)

STATE OF WYOMING)
) ss.
COUNTY of Campbell)

The foregoing instrument was acknowledged before me by Karlene Abelseth, Clerk of the City of Gillette, Wyoming, on this 25th day of May, 2016.

Witness my hand and official seal.

Cindy Staskiewicz - Notary Public
County of Campbell
State of Wyoming
My Commission Expires 8-18-2018

Cindy Staskiewicz
Notary Public