

TOWN OF ALPINE

280 ORDINANCE NO. 2021-03

TOWN BOUNDARIES

AN ORDINANCE ANNEXING CERTAIN LAND TO THE TOWN OF ALPINE AND APPROVING THE FLATS AT ALPINE JUNCTION a/k/a ALPINE FLATS ANNEXATION TO THE TOWN OF ALPINE

BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF ALPINE:

STATE LAW. For state law as to power of towns to annex territory see W.S. § 15-1-402-15-1-406 (2017).

WHEREAS, Shane A. Law and Kenneth R. Law, landowners and Sundance Properties, LLC, developer of the property described herein on Exhibits A and B has initiated proceedings for annexation into the Town of Alpine, Lincoln County, Wyoming pursuant to W.S. § 15-1-403.

Section 1. That the Town of Alpine hereby finds as follows:

(a) The Notice of Hearing on the proposed annexation was published in the Star Valley Independent not less than fifteen (15) days prior to the date of the public hearing; and

(b) That an accurate annexation map of said property accompanies this ordinance; and

(c) That the annexation of the area hereinafter described is for the protection of health, safety, and welfare of the persons residing in the area and the Town of Alpine; and

(d) That the area sought to be annexed will constitute a natural, geographical, economic and social part of the Town of Alpine; and

(e) That the area is a logical and feasible addition to the Town and that the extension of basic services continually available in the Town of Alpine can be furnished to the area sought to be annexed; and

(f) That the Governing Body is prepared to issue such franchises as are necessary to public electric utilities to serve the annexed area pursuant to W.S. § 15-1-410, and to authorize the designated utility to serve the entire annexed area.

1018212 6/16/2021 12:23 PM
LINCOLN COUNTY FEES: \$45.00 PAGE 1 OF 12
BOOK: 1025 PAGE: 312 ORDINANCE
APRIL BRUNSKI, LINCOLN COUNTY CLERK



Section 2: That all real property as described herein shall be, and the same hereby is, annexed into the Town of Alpine, Lincoln County, Wyoming, and the boundaries of the Town of Alpine corporate municipal limits are hereby extended and changed to include said tract of land described in Exhibits A and B, attached and incorporated herein. Upon adoption of this Ordinance, said real property shall be zoned as Mixed Residential Commercial (MRC) and such designation shall be shown upon the official zoning map of the Town of Alpine, Wyoming.

Section 3: In accordance with the requirements of W.S. § 15-1-406, the Alpine Town Clerk shall file with the Lincoln County Clerk a map of the area annexed hereunder together with a copy of this Ordinance approved by the Governing Body of the Town of Alpine so that the corporate municipal boundaries of the Town of Alpine can be extended and changed to include said land and the same shall be reflected in the official real property records of Lincoln County, Wyoming.

Section 4: Annexation of the real property as described herein shall not terminate any covenants, conditions or restrictions of record. The real property within the annexed area is still subject to any homeowners or property owners' association fees levied by the homeowners or property owner associations or entities of record.

Section 5: Sections, paragraphs, sentences, clauses and phrases of this ordinance are severable. If any phrase, clause, sentence, paragraph or section of this ordinance is declared illegal or unconstitutional, such illegality or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections.

Section 6: This Ordinance shall become effective twenty (20) business days following the public hearing on April 20, 2021.

Section 7: This ordinance passed and approved on the following dates:

Passed First Reading this 20th day of April 2021

VOTE: 5 YES, 0 NO, 0 ABSTAIN, 0 ABSENT

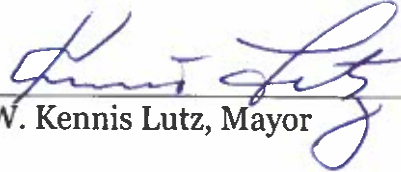
Passed Second Reading this 18th day of May 2021

VOTE: 5 YES, 0 NO, 0 ABSTAIN, 0 ABSENT

Passed on Third and Final Reading this 15th day of June, 2021

VOTE: 5 YES, 0 NO, 0 ABSTAIN, 0 ABSENT

TOWN OF ALPINE


W. Kennis Lutz, Mayor

ATTEST:




Sharon L. Backus, Clerk / Treasurer

ATTESTATION OF THE TOWN CLERK

STATE OF WYOMING)
COUNTY OF LINCOLN)
TOWN OF ALPINE)

I hereby certify that the forgoing 280 Ordinance No. 2021-03 shall be duly posted for ten (10) days in the Town Office.

I further certify that the foregoing Ordinance will be posted on the Town website in final form, upon its passing and approved by the Town Council as soon as is practicable.

I further certify that the forgoing Ordinance was duly recorded in the BOOK OF ORDINANCES VI, TOWN OF ALPINE; LINCOLN COUNTY, WYOMING.

ATTEST:





Sharon L. Backus, Clerk / Treasurer

EXHIBIT A

Legal Description for East Tract

To-wit:--

That part of the N1/2SW1/4 of Section 20, T37N R118W, Lincoln County, Wyoming, being part of that tract of record in the Office of the Clerk of Lincoln County in Book 595 of Photostatic Records on page 15, described as follows:

BEGINNING at a point on the north line of said N1/2SW1/4, N89°-55'-16"E, 373.21 feet, from the northwest corner of said N1/2SW1/4;

thence continuing N89°-55'-16"E, 521.36 feet, along said north line, to a brass cap on the southwesterly right-of-way line of U.S. Highway 26;

thence S36°-57'-10"E, 831.34 feet, along said southwesterly right-of-way line, to a point;

thence S89°-56'-15"W, 497.00 feet, to a point;

thence N37°-12'-54"W, 252.23 feet, to a point;

thence S89°-58'-50"W, 370.88 feet, to a point;

thence N00°-05'-08"W, 463.33 feet, to the **POINT OF BEGINNING**;

ENCOMPASSING an area of 9.70 acres, more or less;

the **BASE BEARING** for this survey is the west line of said N1/2SW1/4 being N00°-08'-00"W;

SUBJECT to a twenty (20) foot easement for ingress and egress and public utilities identical with the north twenty (20) feet of the above described tract;

each "corner" found as described in the Corner Record filed in the Office of the Clerk of Lincoln County;

each "point" marked by a 5/8" x 24" steel reinforcing rod with a 2" aluminum cap inscribed, "SURVEYOR SCHERBEL LTD BIG PINEY WY PLS 3889", with appropriate details;

each "brass cap" marked by a 2" galvanized steel pipe with brass cap inscribed, "PAUL N. SCHERBEL PLS 164 BIG PINEY WYOMING" or "MARLOWE A. SCHERBEL PLS 5368 AFTON WYOMING", with appropriate details;

all in accordance with the plat prepared to be filed in the Office of the Clerk of Lincoln County titled. "SHANE A. LAW, CREED LAW REVOCABLE TRUST, DATED 4 APRIL 1989 AND CLARENE LAW REVOCABLE TRUST, DATED 4 APRIL 1989 PLAT OF FAMILY EXEMPT TRACTS WITHIN N1/2SW1/4 SECTION 20 T37N R118W LINCOLN COUNTY, WYOMING", dated 14 October 2005, as revised.

EXHIBIT B

Legal Description for East Tract

To-wit: --

That part of the N1/2SW1/4 of Section 20, T37N R118W, Lincoln County, Wyoming, being part of that tract of record in the Office of the Clerk of Lincoln County in Book 595 of Photostatic Records on page 15, described as follows:

BEGINNING at the northwest corner of said N1/2SW1/4,

thence N89°-55'-16"E, 373.21 feet, along the north line of said N1/2SW1/4, to a point;

thence S00°-05'-08"E, 463.33 feet, to a point;

thence N89°-58'-50"E, 370.88 feet, to a point;

thence S37°-12'-54"E, 252.23 feet, to a point;

thence N89°-56'-15"E, 497.00 feet, to a point on the southwesterly right-of-way line of U.S. Highway 26;

thence S36°-57'-10"E, 75.02 feet, along said southwesterly right-of-way line, to a brass cap;

thence S89°-56'-15"W, 1437.75 feet, along the north line of the Lazy B Subdivision, of record in said Office as Plat No. 340, to a brass cap at the northwest corner of Lot 8 of said Subdivision;

thence N00°-08'-00"W, 724.64 feet, along the west line of said N1/2,SW1/4, to the **CORNER OF BEGINNING**;

ENCOMPASSING an area of 9.70 acres, more or less;

the **BASE BEARING** for this survey is the west line of said N1/2SW1/4, being N00°-08'-00"W;

SUBJECT to a twenty (20) foot easement for ingress and egress and public utilities identical with the north Twenty (20) feet of the above described tract:

each "corner" found as described in the Corner Record filed in the Office of the Clerk of Lincoln County;

each "point" marked by a 5/8" x 24" steel reinforcing rod with 2" aluminum cap inscribed, "SURVEYOR SCHERBEL LTD BIG PINEY WY PLS 3889", with appropriate details;

each "brass cap" marked by a 2" galvanized steel pipe with brass cap inscribed, "PAUL N. SCHERBEL PLS 164 BIG PINEY WYOMING" or "MARLOWE A. SCHERBEL PLS 5368 AFTON WYOMING", with appropriate details;

all in accordance with the plat prepared to be filed in the Office of the Clerk of Lincoln County titled, "SHANE A. LAW, CREED LAW REVOCABLE TRUST, DATED 4 APRIL 1989 AND CLARENE LAW REVOCABLE TRUST, DATED 4 APRIL 1989 PLAT OF FAMILY EXEMPT TRACTS WITHIN N1/2SW1/4 SECTION 20 T37N R118W LINCOLN COUNTY, WYOMING", dated 14 October 2005, as revised.

ANNEXATION REPORT

FOR

ALPINE FLATS

TOWN OF ALPINE, WYOMING

March 16, 2021

The following report is based upon the requirements of Wyoming Statue 15-1-402(c), governing the annexation of lands to an existing municipality and is prepared in support of the annexation of property described in Exhibits B and C attached hereto, encompassing an area of 19.4 acres, more or less.

15-1-402(c)(i) A map of the area proposed to be annexed showing identifiable landmarks and boundaries and the area which will, as a result of the annexation then be brought within one-half (1/2) mile of the new corporate limits of the city, if it has exercised the authority granted under W.S. 15-3-202(b)(ii) The parcel proposed to be annexed is shown on the attached map (Exhibit A) and comprises a total area of approximately 19.4 +/- acres. A legal description of the parcels is also included on the plat map and attached separately as Exhibits B and C.

15-1-402(c)(ii) Total estimated costs of infrastructure improvements required of all landowners related to the annexation. Potable water lines and sanitary sewer lines currently exist near the property. Elective extension costs of said lines would be paid for by the owners and developers of the lands associated with this proposed annexation. The approximate cost for extending sewer is less than \$100,000. The approximate cost of providing water to the property is less than \$10,000. The Town of Alpine will not assist or pay for the infrastructure improvements.

15-1-402(c)(iii) List of basic and other services customarily available to town residents and when they reasonably will be available to the area. The basic municipal services provided by the Town of Alpine, water and sewer, will be available to the Alpine Flats property upon extension of the water and sewer lines by the owners and developers estimated to be during the year 2021. Highway 26, a state/federal public highway, exists in the area to be annexed and provides access to the Alpine Flats property. Roads within the Alpine Flats property will be private roads, but their ownership and maintenance could be turned over to the Town of Alpine at some future point in time.

15-1-402(c)(iv) Projected annual expense for those services. Water Services are set by Town of Alpine ordinance on July 1st of each calendar year;

- a. The fee for a "base rate", charged for each platted lot regardless of whether or not an active connection is located on the lot, is currently \$288.00 per year, per connection, as of July 1, 2020. This fee can, and will most likely, increase each year as set by Town ordinance.
- b. The fee for a culinary water usage, in addition to the "base rate" as of July 1, 2020 is \$1.50 per 1,000 gallons metered. This fee can, and will most likely, increase each year as set by Town ordinance.
- c. Any party or landowner not already receiving potable water and not subject to any prior connection agreement shall pay subject to the following water connection fees as outlined in 245 Ordinance 2016-08:

Water connection fees:

¾ inch	\$2,500.00
1 inch	\$3,500.00
1 ½ inch	\$4,500.00
2 inch	\$7,000.00

The projected annual fee or service costs for sewer services shall be as follows:

- d. The sewer use fee is \$564.00 per year per residence, as of July 1, 2020. This fee can, and will most likely, increase each year as set by Town ordinance. However, any party or landowner not already receiving sewer services and not subject to a previous agreement for sewer connection fees shall pay subject to the following water connection fees as outlined in 245 Ordinance 2016-08:

Sewer connection fees:

The cost of a sewer connection shall be calculated pursuant to 245 Ordinance 2016-08, Section V, 1. A.–C. and shall be calculated as multiples of ERUs as outlined in the Exhibits contained in said ordinance, based on a residential ERU of 250/375 gpd average day/maximum day flow base fee of \$5,000.00.

15-1-402(c)(v) Current and projected property tax mill levies imposed by the town. Property taxes and mill levees will be the same as those charged to other properties within the existing Alpine city limits. Attached is a copy of the Town of Alpine Resolution 466 04-21-2020 which establishes the mill levy for the 2020-2021 fiscal year.

15-1-402(c)(vi) Cost of infrastructure improvements within existing boundaries of the town to accommodate the annexation. No immediate water and sewer infrastructure improvements will be required inside the existing Town boundaries in order to accommodate the annexation of these parcels.

15-1-404(a)(ii)(D) The foreseeable changes to zoning, animal control and other health and safety requirements requiring immediate compliance by the landowner or public utility at the time of annexation area. All existing land uses allowed by the current Lincoln County zoning will be acknowledged and permitted by the Town of Alpine either through existing zones or new zones created for this area. There are no known animal control, health or safety requirements necessary or requiring immediate compliance for the proposed annexation.

Attachments: Exhibit A: Draft Map to Accompany Annexation of Alpine Flats
Exhibit B: Legal Description East Tract of Alpine Flats
Exhibit C: Legal Description West Tract of Alpine Flats
466 Resolution No. 04-21-2021 Establishing Mill Levy for 2020-2021 Fiscal Year

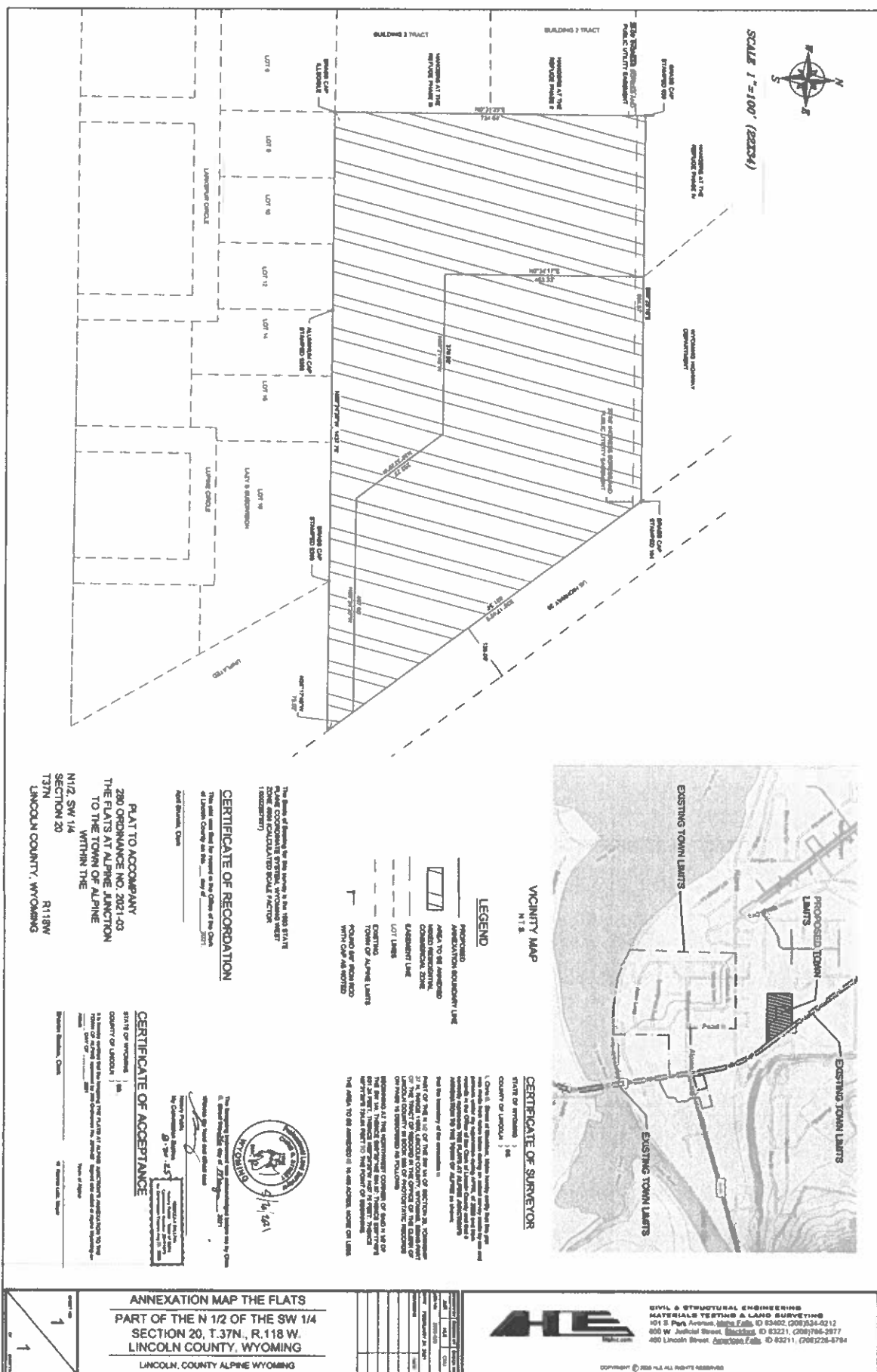


Exhibit B

East Tract

To-wit:--

That part of the N1/2SW1/4 of Section 20, T37N R118W, Lincoln County, Wyoming, being part of that tract of record in the Office of the Clerk of Lincoln County in Book 595 of Photostatic Records on page 15, described as follows:

BEGINNING at a point on the north line of said N1/2SW1/4, N89°-55'-16"E, 373.21 feet, from the northwest corner of said N1/2SW1/4;

thence continuing N89°-55'-16"E, 521.36 feet, along said north line, to a brass cap on the southwesterly right-of-way line of U.S. Highway 26;

thence S36°-57'-10"E, 831.34 feet, along said southwesterly right-of-way line, to a point;

thence S89°-56'-15"W, 497.00 feet, to a point;

thence N37°-12'-54"W, 252.23 feet, to a point;

thence S89°-58'-50"W, 370.88 feet, to a point;

thence N00°-05'-08"W, 463.33 feet, to the **POINT OF BEGINNING**;

ENCOMPASSING an area of 9.70 acres, more or less;

the **BASE BEARING** for this survey is the west line of said N1/2SW1/4 being N00°-08'-00"W;

SUBJECT to a twenty (20) foot easement for ingress and egress and public utilities identical with the north twenty (20) feet of the above described tract;

each "corner" found as described in the Corner Record filed in the Office of the Clerk of Lincoln County;

each "point" marked by a 5/8" x 24" steel reinforcing rod with a 2" aluminum cap inscribed, "SURVEYOR SCHERBEL LTD BIG PINEY WY PLS 3889", with appropriate details;

each "brass cap" marked by a 2" galvanized steel pipe with brass cap inscribed, "PAUL N. SCHERBEL PLS 164 BIG PINEY WYOMING" or "MARLOWE A. SCHERBEL PLS 5368 AFTON WYOMING", with appropriate details;

all in accordance with the plat prepared to be filed in the Office of the Clerk of Lincoln County titled. "SHANE A. LAW, CREED LAW REVOCABLE TRUST, DATED 4 APRIL 1989 AND CLARENE LAW REVOCABLE TRUST, DATED 4 APRIL 1989 PLAT OF FAMILY EXEMPT TRACTS WITHIN N1/2SW1/4 SECTION 20 T37N R118W LINCOLN COUNTY, WYOMING", dated 14 October 2005, as revised.

ENCOMPASSING an area of 9.70 acres, more or less.

Exhibit C

West Tract

To-wit: --

That part of the N1/2SW1/4 of Section 20, T37N R118W, Lincoln County, Wyoming, being part of that tract of record in the Office of the Clerk of Lincoln County in Book 595 of Photostatic Records on page 15, described as follows:

BEGINNING at the northwest corner of said N1/2SW1/4,

thence N89°-55'-16"E, 373.21 feet, along the north line of said N1/2SW1/4, to a point;

thence S00°-05'-08"E, 463.33 feet, to a point;

thence N89°-58'-50"E, 370.88 feet, to a point;

thence S37°-12'-54"E, 252.23 feet, to a point;

thence N89°-56'-15"E, 497.00 feet, to a point on the southwesterly right-of-way line of U.S. Highway 26;

thence S36°-57'-10"E, 75.02 feet, along said southwesterly right-of-way line, to a brass cap;

thence S89°-56'-15"W, 1437.75 feet, along the north line of the Lazy B Subdivision, of record in said Office as Plat No. 340, to a brass cap at the northwest corner of Lot 8 of said Subdivision;

thence N00°-08'-00"W, 724.64 feet, along the west line of said N1/2SW1/4, to the **CORNER OF BEGINNING**;

ENCOMPASSING an area of 9.70 acres, more or less;

the BASE BEARING for this survey is the west line of said N1/2SW1/4, being N00°-08'-00"W;

SUBJECT to a twenty (20) foot easement for ingress and egress and public utilities identical with the north Twenty (20) feet of the above described tract:

each "corner" found as described in the Corner Record filed in the Office of the Clerk of Lincoln County;

each "point" marked by a 5/8" x 24" steel reinforcing rod with 2" aluminum cap inscribed, "SURVEYOR SCHERBEL LTD BIG PINEY WY PLS 3889", with appropriate details;

each "brass cap" marked by a 2" galvanized steel pipe with brass cap inscribed, "PAUL N. SCHERBEL PLS 164 BIG PINEY WYOMING" or "MARLOWE A. SCHERBEL PLS 5368 AFTON WYOMING", with appropriate details;

all in accordance with the plat prepared to be filed in the Office of the Clerk of Lincoln County titled, "SHANE A. LAW, CREED LAW REVOCABLE TRUST, DATED 4 APRIL 1989 AND CLARENE LAW REVOCABLE TRUST, DATED 4 APRIL 1989 PLAT OF FAMILY EXEMPT TRACTS WITHIN N1/2SW1/4 SECTION 20 T37N R118W LINCOLN COUNTY, WYOMING", dated 14 October 2005, as revised.



Town of Alpine
466 RESOLUTION NO. 04-21-2020

**A RESOLUTION ADOPTING AND ACCEPTING THE MILL LEVY
TAX BASE OF FIVE (5) MILLS FOR THE FISCAL YEAR 2020/2021**

WHEREAS, as provided by Article 15, Section 6 of the Wyoming Constitution, municipal governments are authorized to levy a maximum of eight (8) mills on the real property and improvements located within their town boundaries; and

WHEREAS, it is the understanding of the Alpine Town Council that the Alpine Fire District will be requesting three (3) mills of the eight (8) mills available from the County, thereby reducing the total amount available to the Town of Alpine to five (5) mills.

WHEREAS, the Town of Alpine has determined that the maximum authorized mill levy of five (5) mills is necessary and required to assist the Town of Alpine in meeting its financial responsibilities and liabilities.

NOW THEREFORE BE IT RESOLVED, that the Town of Alpine shall hereinafter be imposed a tax levy of five (5) mills on each and every dollar of the assessed valuation of the land and real property within the town boundaries of the Town of Alpine for the 2020/2021 fiscal year.

BE IT FURTHER RESOLVED, that W. Kennis Lutz, Mayor of the Town of Alpine, is hereby authorized to sign this resolution and that it is hereby accepted in its entirety and will be effective immediately with the passage of this resolution.

This resolution passed and adopted on this **21st** day of **April 2020**.

Vote: 5 Yes, 0 No, 0 Absent, and 0 Abstain.



ATTEST


W. Kennis Lutz, Mayor


Sharon L. Backus, Town Clerk/Treasurer