

TOWN OF ALPINE

270 ORDINANCE NO. 2019-07

TOWN BOUNDARIES

AN ORDINANCE ANNEXING CERTAIN LAND TO THE TOWN OF ALPINE AND APPROVING THE BOARDWALK II SUBDIVISION LOT 19 (ALPINE PARK APARTMENTS) 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, Gerald A. Haan, Managing Member of Alpine Park BBG, LLC and as Sole Member of B and G Group, LLC as owner of the property described herein on Exhibit A 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.

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 Exhibit A, 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 November 19, 2019.

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

Passed First Reading this 19th day of November, 2019

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

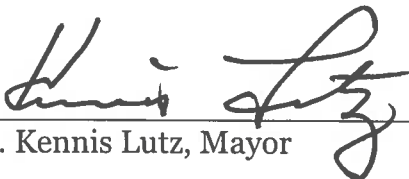
Passed Second Reading this 4th day of December, 2019

VOTE: 4 YES, 0 NO, 0 ABSTAIN, 1 ABSENT, (Lutz).

Passed on Third and Final Reading this 17th day of December, 2019

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 270 Ordinance No. 2019-07 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 Annexation of Boardwalk II Subdivision Lot 19 Annexation

To-wit: - -

All of Lot 19 of Boardwalk II Subdivision, of record in the Office of the Clerk of Lincoln County, Wyoming, with Accession No. 994633.

Parcel contains 1.93 acres, more or less.

ANNEXATION REPORT – BOARDWALK II LOT 19 (ALPINE PARK APARTMENTS)
ANNEXATION
TOWN OF ALPINE
October 15, 2019

The following report is based upon the requirements of Wyoming Statute 15-1-402(c), governing the annexation of lands to an existing municipality and is prepared in support of the annexation of property located at that part of the SE ¼ SW ¼ and the SW ¼ SE ¼ of Section 20, Township 37 North, Range 118 West, Lincoln County, Wyoming.

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 town, 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 draft plat map prepared by Surveyor Scherbel, LTD (Exhibit 1) and comprises a total area of approximately 1.92 acres, more or less. A legal description of the parcel is attached separately as Exhibit 2.

15-1-402(c)(ii) Total estimated costs of infrastructure improvements required of all landowners related to the annexation. No additional infrastructure improvements are anticipated at this time. The Town of Alpine will not be responsible for the relocation of any existing utilities within the described annexation lands that may conflict with future construction and that any utility relocation shall be the responsibility of the private land owner.

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 key municipal services provided by the Town of Alpine, water and sewer, are currently available to Alpine Park Apartment's Annexation. No public roads currently exist in the area to be annexed. Elective construction and maintenance of roads would be paid for by the owners and developers of the lands associated with this proposed annexation.

15-1-02(c)(iv) Projected annual expense for those services. Water Services are set by 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 \$264.00 per year, per connection, as of July 1, 2018. 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, 2018 is \$1.50 per 1,000 gallons metered. This fee can, and will most likely, increase each year as set by Town ordinance.
- c. With exception to the agreement between the Town of Alpine, Wyoming and those parties/landowners who were subject to a previous agreement for water

connection fees, any party or landowner not subject to said 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:

- a. The sewer use fee is \$540.00 per year per residence, as of July 1, 2018. This fee can, and will most likely, increase each year as set by Town ordinance.
- b. With exception to the agreement between the Town of Alpine, Wyoming and those parties/landowners who were subject to a previous agreement for sewer connection fees, any party or landowner not subject to said agreement 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. The current and projected property tax mill levies imposed by the Town is five (5.0) mills. Attached is a copy of Town of Alpine 477 Resolution No. 04-16-2019 which establishes the mill levy for the 2019-2020 fiscal year.

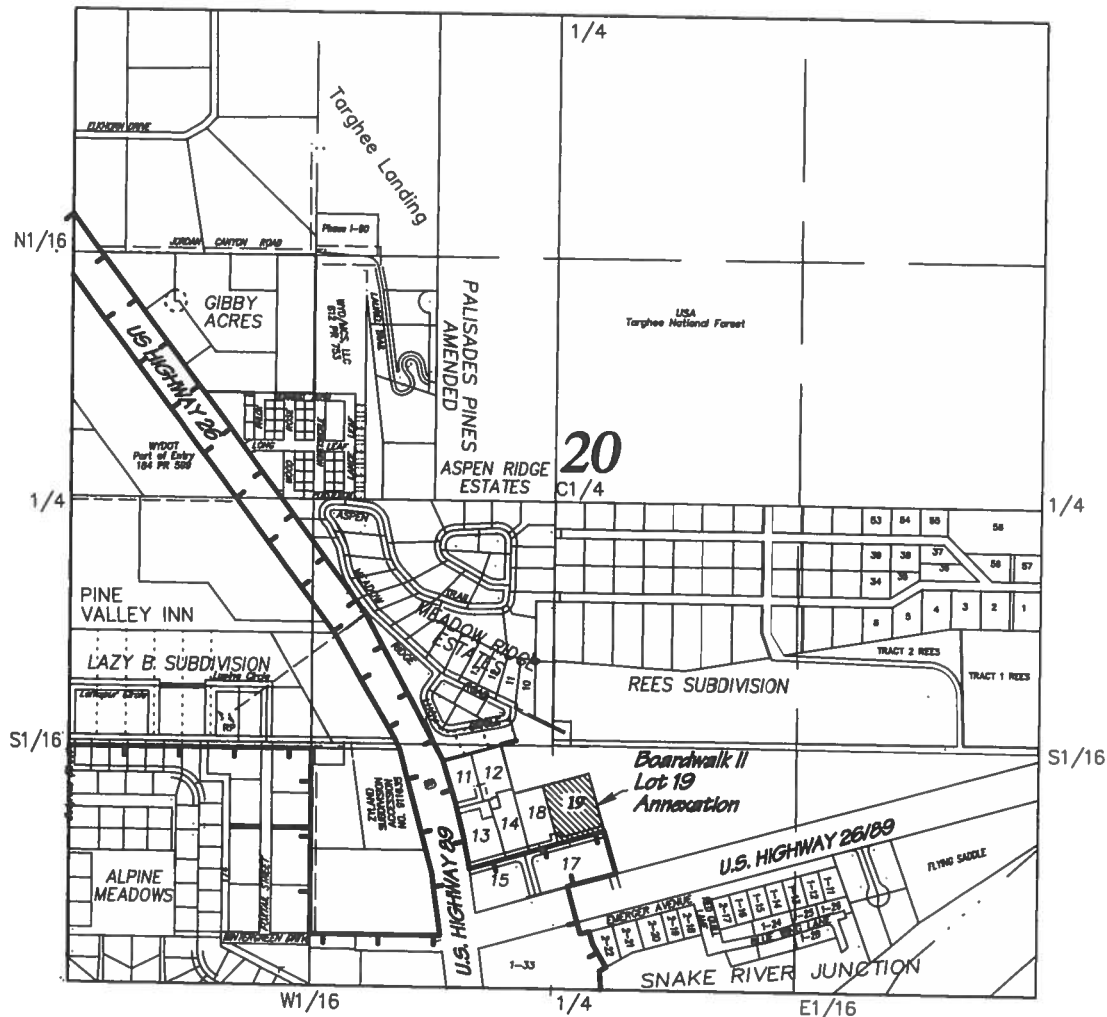
15-1-402(c)(vi) Cost of infrastructure improvements within existing boundaries of the town to accommodate the annexation. No immediate water and sewer infrastructure improvements will be required to accommodate the annexation of these parcels. All basic services are currently available as previously discussed.

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. The anticipated zoning is R2 Multi-Unit Residential. There are no known animal control, health or safety requirements necessary or requiring immediate compliance for the proposed annexation.

Attachments: Exhibit 1: Map to Accompany Annexation of Boardwalk II Subdivision Lot 19
Exhibit 2: Legal Description of Boardwalk II Subdivision Lot 19
447 Resolution No. 04-16-2019 Adopting and Accepting Mill Levy Tax Base of Five (5) Mills for the Fiscal Year 2019/2020

LOCATION MAP T37N R118W

Exhibit 1



LEGEND

[Town of Alpine]

Indicates the incorporated limits of the Town of Alpine prior to this annexation.



MAP TO ACCOMPANY PETITION FOR BOARDWALK II LOT 19 ANNEXATION TO THE TOWN OF ALPINE, LINCOLN COUNTY, WYOMING

SCALE: 1" = 1000'

Revision date: 16 September 2019

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DATE: 9 April 2019
DRAWN BY: Scott A. Scherbel
CALCULATED BY: Scott A. Scherbel
CATEGORY/PORT: EXH/BOARDWALK
FIELD BOOK: N/A
COMPUTER FILE: Boardwalk2 L19 Annex



SURVEYOR SCHERBEL, LTD.
PROFESSIONAL LAND SURVEYORS

BOX 96 BIG PINEY-MARBLETON, WY TEL.276-3347; BOX 725 AFTON, WY TEL.885-9319;
ALPINE, WY TEL.885-9319; JACKSON, WY TEL.733-5903; LAVA, ID TEL.776-5930

EXHIBIT 2

**LEGAL DESCRIPTION FOR BOARDWALK II LOT 19 {ALPINE PARK APARTMENTS}
ANNEXATION TO THE TOWN OF ALPINE**

To-wit: - -

All of Lot 19 of Boardwalk II Subdivision, of record in the Office of the Clerk of Lincoln County, Wyoming, with Accession No. 99633.



Town of Alpine

447- RESOLUTION NO. 04-16-2019

A RESOLUTION ADOPTING AND ACCEPTING THE MILL LEVY TAX BASE OF FIVE (5) MILLS FOR THE FISCAL YEAR 2019/2020

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 with 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 2019/2020 fiscal year.

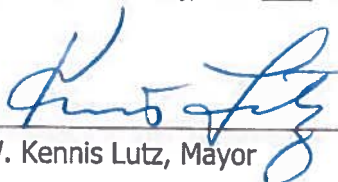
BE IT FURTHER RESOLVED, that W. Kennis Lutz, Mayor of the Town of Alpine, is hereby authorized to sign this resolution and that it is hereby accepted in its entirety and will be effective immediately with the passage of this resolution.

This resolution passed and adopted on this **16th**, day of **April, 2019**.

Vote: 4 Yes, 0 No, 1 Absent, (Farnsworth), and 0 Abstain.



ATTEST


W. Kennis Lutz, Mayor


Sharon L. Backus, Town Clerk/Treasurer