

The Town of Alpine, Wyoming

264 ORDINANCE NO. 2019-01

AN ORDINANCE ANNEXING CERTAIN LAND TO THE TOWN OF ALPINE AND APPROVING THE TARGHEE PLACE ANNEXATION TO THE TOWN OF ALPINE

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

WHEREAS, WJW Holdings WY, 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. § 15-1-404.

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, economical 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.

Section 3: In accordance with the requirements of Wyoming Statute Section 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 home owners 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 February 19, 2019.

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

Passed First Reading this 19th day of February 19, 2019

VOTE: 3 YES, 0 NO, 0 ABSTAIN, 2 ABSENT, (Farnsworth, Larsen)

Passed Second Reading this 5th day of March, 2019

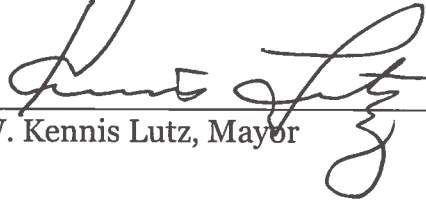
VOTE: 5 YES, 0 NO, 0 ABSTAIN, 0 ABSENT

Passed on Third and Final Reading this 19th day of March, 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 264 Ordinance No. 2019-01 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 V, TOWN OF ALPINE; LINCOLN COUNTY, WYOMING.



ATTEST:



Sharon L. Backus, CLERK/TREASURER

EXHIBIT A

Legal Description for Annexation of Targhee Place to the Town of Alpine

To-wit: - -

That part of the S1/2SE1/4 of Section 18, that part of the N1/2NE1/4 and the SE1/4NE1/4 of Section 19, that part of the W1/2NW1/4, the N1/2SW1/4, the SE1/4SW1/4 of Section 20, and that part of GLO Lots 3 and 6 of Section 29, T37N R118W, Lincoln County, Wyoming described as follows:

All of Targhee Place Subdivision of record in the Office of the Clerk of Lincoln County with Accession No. 1000753; AND

That part of US Highway 89 and US Highway 26, secondarily described as follows:

BEGINNING at the intersection of the east right-of-way line of said US Highway 89 with the Palisades Reservoir Take Line, identical with the north boundary of the Incorporated Limits of the Town of Alpine, S02°-30'-36"W, 2219.79 feet, from the north one-quarter (1/4) corner of said Section 29;

thence N69°-29'-23"W, 102.33 feet, along said Take Line, to a point;

thence S68°-07'-04"W, 109.99 feet, along said Take Line to an intersection with the westerly right-of-way line of said US Highway 89;

thence along the westerly right-of-way line of said US Highways 26 and 89 as follows:

northerly along a curve offset westerly 100 feet of the centerline spiral curve of said Highway 89 whose chord bears N04°-10'-27"W, 261.51 feet, to Station 2387+39.79 100'LT;

N07°-27'-34"W, 828.82 feet, to Station 2395+50.33 100'LT;

N07°-24'-19"W, 1790.67 feet, to Station PT 2413+59.78 AH 100'LT/1924+48.38 BK 100'RT, the beginning of a non-tangent circular curve to the left, whose radius bears S82°-35'-55"W;

northwesterly, 1393.65 feet, along the arc of said curve, through a central angle of 28°-52'-52", having a radius of 2764.80 feet and a chord bearing N21°-50'-31"W, 1378.94 feet, to Station PC 1910+04.21 100'RT;

thence northwesterly along said right-of-way line as follows:

N36°-16'-57"W, 778.48 feet, to Station 1903+55 100'RT;

N36°-18'-41"W, 1648.68 feet, to Station 1887+00 100'RT;

N36°-17'-44"W, 2437.08 feet, to an intersection with the westerly extension of the northerly right-of-way line of Elkhorn Drive, and leave said right-of-way line;

N54°-46'-40"E, 199.78 feet, along said westerly extension, to a point at the intersection of the northerly right-of-way line of Elkhorn Drive and the northeasterly right-of-way line of U.S. Highway 26;

thence N54°-46'-40"E, 555.56 feet, along said northerly right-of-way line, to a point;

thence S36°-16'-35"E, 60.00 feet, to a point on the southerly right-of-way line of said Elkhorn Drive;

thence S54°-46'-39"W, 46.53 feet, along said right-of-way line to the northernmost point of said Targhee Place Subdivision;

thence S45°-46'-58"E, 845.92 feet, along the northeasterly line of said Subdivision, to an east corner thereof;

thence S22°-50'-44"W, 125.96 feet, along the southeasterly line of said Subdivision, to a Surv-Kap;

thence S35°-10'-08"E, 181.43 feet, along the northeasterly line of said Subdivision, to a Surv-Kap on the south line of said Subdivision;

thence westerly along the south line of said Subdivision as follows:

N89°-20'-54"W, 476.98 feet, to a point;

S00°-17'-13"W, 26.34 feet, to a point;

N88°-56'-16"W, 20.16 feet, to a point;

N00°-42'-58"E, 26.13 feet, to a point;

N89°-20'-54"W, 174.98 feet, to a point on the easterly right-of-way line of U. S. Highway 26;

thence S36°-17'-54"E, 1690.37 feet, along said easterly right-of-way line, to Station 1887+00 100'LT;

thence S36°-18'-37"E, 1645.78 feet, along said easterly right-of-way line, to Station 1903+55 100'LT;

thence S36°-19'-52"E, 778.26 feet, along said easterly right-of-way line, to Station PC 1910+04.21 100'LT, the beginning of a non-tangent circular curve to the right whose radius bears S53°-45'-21"W;

thence southeasterly, 1494.50 feet, along the arc of said curve, through a central angle of $28^{\circ}-52'-54''$, with a radius of 2964.80 feet, and a chord bearing $S21^{\circ}-48'-11''E$, 1478.73 feet, more or less, to Station PT 1924+48.38 BK 100'LT/ 2413+59.78 AH 100'RT;

thence $S07^{\circ}-26'-06''E$, 1790.54 feet, along said easterly right-of-way line, to Station 2395+50.33 100'RT;

thence $S07^{\circ}-27'-26''E$, 828.92 feet, along said easterly right-of-way line, to Station 2387+39.79 100'RT;

thence southerly along a curve offset easterly 100 feet of the centerline spiral curve of said Highway 89 whose chord bears $S03^{\circ}-47'-17''E$, 281.92 feet, to the **POINT OF BEGINNING**;

the area to be annexed is 54.60 acres, more or less.

the BASE BEARING for this survey is the north line of the NE $\frac{1}{4}$ of Section 19, T37N R118W, being $S88^{\circ}-52'-21''E$.

ANNEXATION REPORT – TARGHEE PLACE ANNEXATION

TOWN OF ALPINE

JANUARY 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 within the S½SE¼ of Section 18, the N½NE¼ and SE¼NE¼ of Section 19, the W½NW¼, N½SW¼ and SE¼SW¼ of Section 20 and GLO Lots 3 and Lot 6 of Section 29, T37N R118W, 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 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 draft plat map prepared by Surveyor Scherbel, LTD (Exhibit 1) and comprises a total area of approximately 54.60 +/- acres. A legal description of the parcels is also included on the plat map and 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 parcel proposed to be annexed is served by an existing private culinary water system. This system may at some time in the future be connected to the Town of Alpine municipal water system and taken over for operation and maintenance by the Town of Alpine. This parcel is also served by private sanitary sewer lines that are connected to the Town of Alpine sewerage treatment system by means of a private sewer lift station and force main sewer that runs along the Wyoming 26 Highway right of way. The private sewer lines lift station and force main may at some time in the future be taken over by the Town of Alpine. Any elective or required relocation costs of said water and sewer lines would be paid for by the owners and developers of the lands associated with this proposed annexation.

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. Sewerage treatment is provided by the Town of Alpine regional wastewater treatment plant and is currently available to the Targhee Place Subdivision Annexation. The sewer lines, including the sewerage lift station and force main, are privately owned but may at some time in the future be turned over to the Town of Alpine. Water service is provided by a private culinary water system, which may in the future be connected to the Town municipal system and turned over to the Town of Alpine. Highway 26, a state/federal public highway, exists in the area to be annexed and provides access to the Targhee Place Subdivision. Roads within the Targhee Place Subdivision and Elkhorn Drive, which runs east-west along the northern boundary of Targhee Place, are private. However, the ownership and maintenance of the roads 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 service fees are currently determined by the owner of the private water system which serves the annexation parcel. In the future if this system is connected to the Town of Alpine, water fees 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 \$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. Water connection fees are outlined in 245 Ordinance 2016-08.

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

- a. The typical sewer use fee is \$540.00 per year per residence (ERU), as of July 1, 2018. 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.
- b. 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 432 Resolution No. 04-17-2018 which establishes the mill levy for the 2018-2019 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 this proposed annexation. 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. There are no known animal control, health or safety requirements necessary or requiring immediate compliance for the proposed annexation.

Attachments: Exhibit 1: Draft Plat Map to Accompany Annexation of Targhee Place Subdivision
 Exhibit 2: Legal Description of Targhee Place Subdivision
 432 Resolution No. 04-17-2018 Establishing Mill Levy for 2018-2018 Fiscal Year

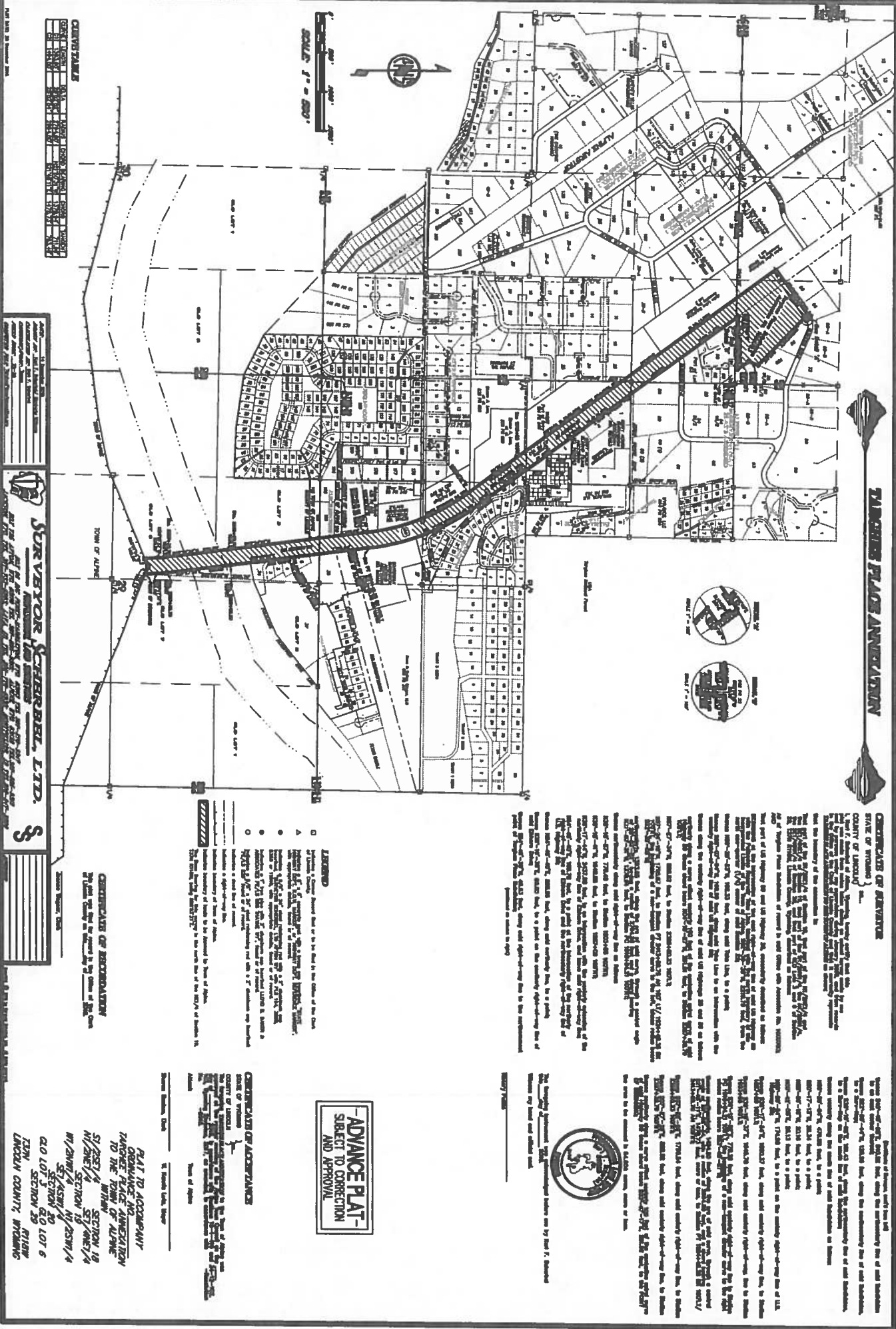


EXHIBIT 2

LEGAL DESCRIPTION FOR TARGHEE PLACE ANNEXATION TO THE TOWN OF ALPINE

To-wit: - -

That part of the S1/2SE1/4 of Section 18, that part of the N1/2NE1/4 and the SE1/4NE1/4 of Section 19, that part of the W1/2NW1/4, the N1/2SW1/4, the SE1/4SW1/4 of Section 20, and that part of GLO Lots 3 and 6 of Section 29, T37N R118W, Lincoln County, Wyoming described as follows:

All of Targhee Place Subdivision of record in the Office of the Clerk of Lincoln County with Accession No. 1000753;
AND

That part of US Highway 89 and US Highway 26, secondarily described as follows:

BEGINNING at the intersection of the east right-of-way line of said US Highway 89 with the Palisades Reservoir Take Line, identical with the north boundary of the Incorporated Limits of the Town of Alpine, S02°-30'-36"W, 2219.79 feet, from the north one-quarter (1/4) corner of said Section 29;

thence N69°-29'-23"W, 102.33 feet, along said Take Line, to a point;

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northerly along a curve offset westerly 100 feet of the centerline spiral curve of said Highway 89 whose chord bears N04°-10'-27"W, 261.51 feet, to Station 2387+39.79 100'LT;

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N36°-17'-44"W, 2437.08 feet, to an intersection with the westerly extension of the northerly right-of-way line of Elkhorn Drive, and leave said right-of-way line;

N54°-46'-40"E, 199.78 feet, along said westerly extension, to a point at the intersection of the northerly right-of-way line of Elkhorn Drive and the northeasterly right-of-way line of U.S. Highway 26;

thence N54°-46'-40"E, 555.56 feet, along said northerly right-of-way line, to a point;

thence S36°-16'-35"E, 60.00 feet, to a point on the southerly right-of-way line of said Elkhorn Drive;

thence S54°-46'-39"W, 46.53 feet, along said right-of-way line to the northernmost point of said Targhee Place Subdivision;

thence S45°-46'-58"E, 845.92 feet, along the northeasterly line of said Subdivision, to an east corner thereof;

thence S22°-50'-44"W, 125.96 feet, along the southeasterly line of said Subdivision, to a Surv-Kap;

thence S35°-10'-08"E, 181.43 feet, along the northeasterly line of said Subdivision, to a Surv-Kap on the south line of said Subdivision;

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the area to be annexed is 54.60 acres, more or less.

the BASE BEARING for this survey is the north line of the NE1/4 of Section 19, T37N R118W, being S88°-52'-21"E.

all in accordance with the plat prepared to be filed in the Office of the Clerk of Lincoln County titled, "PLAT TO ACCOMPANY 245 ORDINANCE NO. 2019-01 TARGHEE PLACE ANNEXATION TO THE TOWN OF ALPINE WITHIN S1/2SE1/4 SECTION 18 N1/2NE1/4 SE1/4NE1/4 SECTION 19 W1/2NW1/4 N1/2SW1/4 SE1/4SW1/4 SECTION 20 GLO LOT 3 GLO LOT 6 SECTION 29 T37N R118W LINCOLN COUNTY, WYOMING", dated 14 December 2018, as revised.



Town of Alpine

432- RESOLUTION NO. 04-17-2018

A RESOLUTION ADOPTING AND ACCEPTING THE MILL LEVY TAX BASE OF FIVE (5) MILLS FOR THE FISCAL YEAR 2018/2019

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 2018/2019 fiscal year.

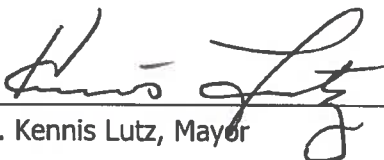
BE IT FURTHER RESOLVED, that W. Kennis Lutz, Mayor of the Town of Alpine, is hereby authorized to sign this resolution and that it is hereby accepted in its entirety and will be effective immediately with the passage of this resolution.

This resolution passed and adopted on this **17th**, day of **April, 2018**.

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



ATTEST:


W. Kennis Lutz, Mayor


Sharon L. Backus, Town Clerk/Treasurer