

TOWN OF ALPINE

271 ORDINANCE NO. 2019-08

TOWN BOUNDARIES

AN ORDINANCE ANNEXING CERTAIN LAND TO THE TOWN OF ALPINE AND APPROVING THE TIMBER VIEW ESTATES ANEXATION 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. § 15-1-402-15-2-406 (2017).

WHEREAS, WJW Holdings WY, LLC as the owner of the property described herein on Exhibit A have 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 tracts of land described in Exhibit A, attached and incorporated herein.

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: Upon the filing of the map of the annexed area with the Lincoln County Clerk, the Town of Alpine will accept responsibility for the maintenance, repair, up-keep, and plowing of Jordan Canyon Road within the area to be annexed.

Section 5: 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 home owners' or property owners' association fees levied by the home owners or property owner associations or entities of record.

Section 6: 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 7: This Ordinance shall become effective twenty (20) business days following the public hearing on December 4, 2019.

Section 8: This Ordinance passed and approved on the following dates:

Passed First Reading this 4th day of December, 2019

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

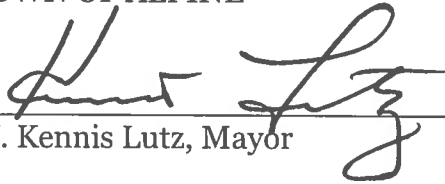
Passed Second Reading this 16th day of December, 2019

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

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 271 Ordinance No. 2019-08 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 Timber View Estates Subdivision to the Town of Alpine

To-wit: - -

Timber View Estates. The legal description for the Timber View Estates real property sought to be annexed is as follows:

All of Lot 6 and Lot 7 of Gibby Acres Second Filing, a subdivision of record in the Office of the Clerk of Lincoln County with Accession No. 1000243; and

The south thirty (30) feet of lots 58, 59 and 60 of Alpine Village Subdivision No. 1 Plat 3 Amended of record in the Office of the Clerk Lincoln County with Accession No. 578380; and

The north thirty (30) feet of lot 1 of Gibby Acres, a subdivision of record in said Office with Accession No. 927063; and

The north thirty (30) feet of that tract of record in said Office in Book 496 PR 613;

ENCOMPASSING an area of 8.28 acres, more or less.

**ANNEXATION REPORT
TIMBER VIEW ESTATES
TOWN OF ALPINE
OCTOBER 30, 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 Timber View Estates located within the W½NW¼ of Section 20, T37N R118W, Lincoln County, Wyoming.

15-1-402(c)(i) Maps of the areas 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 8.28 +/- acres. A legal description of the parcel 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 parcels proposed to be annexed are 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. These parcels are 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 Timber View Estates. 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 Timber View Estates. Roads within both subdivisions and Jordan Canyon Road 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 parcels. 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 447 Resolution No. 04-16-2019 which establishes the mill levy for the 2019-2020 fiscal year.

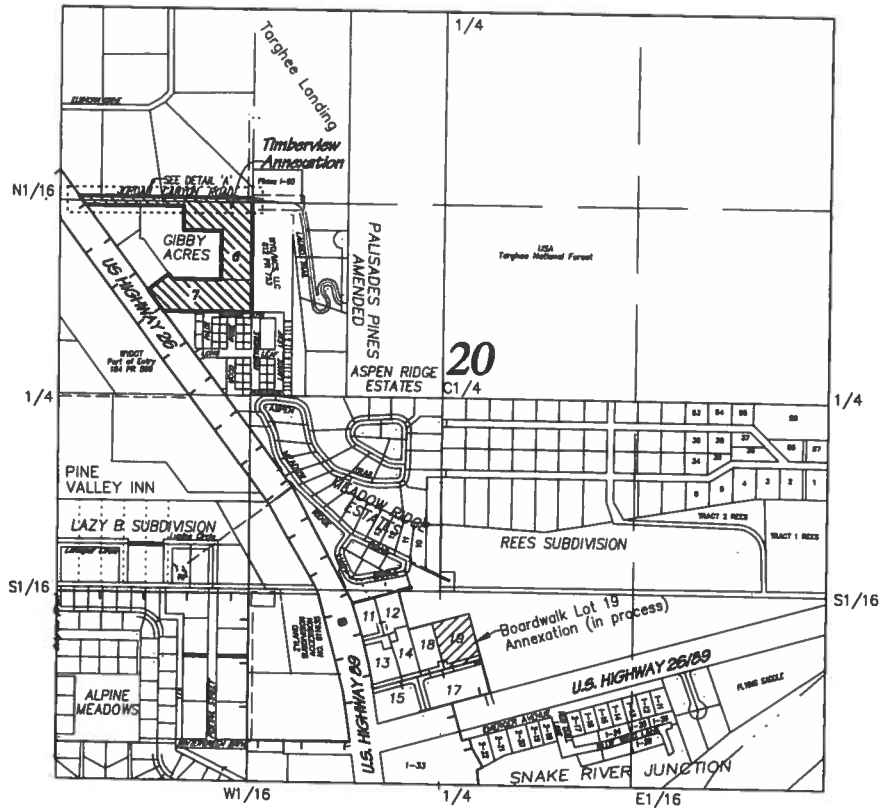
15-1-402(c)(vi) Cost of infrastructure improvements within existing boundaries of the town to accommodate the annexation. No immediate water and sewer infrastructure improvements will be required to accommodate this proposed annexation. All basic services are currently available as previously discussed.

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. The anticipated zoning for Timber View Estates annexation is Mixed Residential Commercial (MRC) and Light Industrial (LI). 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 Timber View Estates
 Exhibit 2: Legal Description of Timber View Estates
 447 Resolution No. 04-16-2019 Establishing Mill Levy for 2019-2020 Fiscal Year

EXHIBIT 1
TIMBER VIEW ESTATES

LOCATION MAP
T37N R118W



DETAIL 'A'



NOT TO SCALE

LEGEND

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



SCALE: 1" = 1000'

MAP TO ACCOMPANY PETITION
FOR
TIMBERVIEW ANNEXATION
TO THE
TOWN OF ALPINE, LINCOLN COUNTY, WYOMING

Revised: 26 July 2019

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DATE: 19 April 2019
DRAWN BY: Kimberly Williams
CALCULATED BY: Karl F. Scherbel
CATEGORY/PART: Exh/Timberview
FIELD BOOK: N/A
COMPUTER FILE: Timberview Annexation.pro



SURVEYOR SCHERBEL, LTD.
PROFESSIONAL LAND SURVEYORS

BOX 98 BIG PINEY-MARBLETON, WY TEL. 276-3347; BOX 725 AFTON, WY TEL. 885-9319;
ALPINE, WY TEL. 885-9319; JACKSON, WY TEL. 733-5903; MONTPELIER, ID TEL. 847-2800

EXHIBIT 2

LEGAL DESCRIPTION FOR TIMBERVIEW ESTATES ANNEXATION TO THE TOWN OF ALPINE

To-wit: - -

Timber View Estates. The legal description for the Timber View Estates real property sought to be annexed is as follows:

All of Lot 6 and Lot 7 of Gibby Acres Second Filing, a subdivision of record in the Office of the Clerk of Lincoln County with Accession No. 1000243;

AND

The south thirty (30) feet of lots 58, 59 and 60 of Alpine Village Subdivision No. 1 Plat 3 Amended of record in the Office of the Clerk Lincoln County with Accession No. 578380;

AND

The north thirty (30) feet of lot 1 of Gibby Acres, a subdivision of record in said Office with Accession No. 927063;

AND

The north thirty (30) feet of that tract of record in said Office in Book 496 PR 613;

ENCOMPASSING an area of 8.28 acres, more or less.



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