City of Cody City Council

AGENDA

Tuesday, May 5, 2020 – 7:00 p.m. (Pre-Meeting to begin at 6:45 p.m. in Council Chambers)
Meeting Place: City of Cody Council Chambers – 1338 Rumsey Avenue, Cody, WY

Meeting Called to Order
Pledge of Allegiance
Moment of Silence
Roll Call
Mayor's Recognitions and Announcements

Proclamation – National Police Week – Friday May 15th of Police Officers' Memorial Day

1. Consent Calendar

   All items under the consent calendar will be acted upon in one motion unless a Councilmember or member of the public requests that an individual item be taken up under Conduct of Business.

   a. Approval of Minutes: Regular Minutes from April 21, 2020.
   b. Approve Vouchers and payroll in the amount of $608,838.05.
   c. Authorize the Mayor and City Attorney to sign the Grant No. 3-56-0006-04-2020 for Yellowstone Regional Airport, referencing the CARES Act funds to cover airport operations & maintenance expenses for the next four years, noting approved by the Airport Joint Powers Board. Funds in the amount of $5,000,000

2. Public Comments: The City Council welcomes input from the public. In order for everyone to be heard, please limit your comments to five (5) minutes per person. The Guidelines for the Conduct of City Council Meetings do not allow action to be taken on public comments.

3. Public Hearing.

4. Conduct of Business

   a. Authorize an encroachment license with Pioneer Enterprises, Inc. (Ballard Funeral Home) for the proposed improvements within the public-right-of-way at 636-19th Street.
      Staff Reference: Todd Stowell, City Planner

   b. Approve the preliminary plan for the Legacy Estates Planned Unit Development, an 18-unit residential development, subject to conditions of approval.
      Staff Reference: Todd Stowell, City Planner

c. Approve the preliminary plat of the Shadow Mountain No. 2 Subdivision, a 32-lot subdivision by the Highbie Family Revocable Living Trust, with associated variances and conditions of approval.
   Staff Reference: Todd Stowell, City Planner

d. Ordinance 2020-03 Third and Final Reading
   An Ordinance relating to the Annexation to the City of Cody Wyoming of Lands owned by Harold Musser.
   Staff Reference: Todd Stowell. City Planner

5. Tabled Items

6. Matters from Staff Members

7. Matters from Council Members

8. Adjournment

Upcoming Meetings:
May 11, 12, & 13, 2020 – Tuesday – Work Session (Budget) – 5:00 p.m.
May 19, 2020– Tuesday -Regular Council Meeting – 7:00 p.m.

Proclamation for National Police Week 2020

To recognize National Police Week 2020 and to honor the service and sacrifice of those law enforcement officers killed in the line of duty while protecting our communities and safeguarding our democracy.

WHEREAS, Congress and the President of the United States designate May 15, 2020 as Peace Officers Memorial Day and the week in which May 15 falls as National Police Week; and

WHEREAS, there are more than 800,000 law enforcement officers serving in communities across the United States, including the dedicated men and women of the Cody Police Department that play an essential role in safeguarding the rights and freedoms of our citizens; and

WHEREAS, it is important that all citizens know and understand the duties, responsibilities, hazards and sacrifices law enforcement officers face every day, and that the members of our law enforcement agency recognize their duty to serve the Cody community with respect, dedication, integrity, community interest, restraint and leadership; and

WHEREAS it is important to recognize National Police Week 2020 and to honor the service and sacrifice of those law enforcement officers killed in the line of duty while protecting our communities and safeguarding our democracy;

NOW THEREFORE, I Matt Hall Mayor of the City of Cody proclaim the week of May 10-16, 2020, as NATIONAL POLICE WEEK and publicly salute the service of law enforcement officers in our community and in communities across the nation; and

BE IT FURTHER RESOLVED, that I call upon all citizens of the City of Cody to observe Friday May 15, 2020, as Peace Officers' Memorial Day in honor of those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice while protecting their fellow citizens and communities, and let us recognize and pay respect to the survivors of our fallen heroes.

Mayor:

ATTEST:

City of Cody
Council Proceedings
Tuesday, April 21, 2020

A regular meeting of the Cody City Council was held in the Council Chambers at City Hall in Cody, Wyoming on Tuesday, April 21, 2020 at 7:00 p.m.

Present: Mayor Matt Hall, Council Members, Diane Ballard, Glenn Nielson, Jerry Fritz, Landon Greer, Justin Baily and Heidi Rasmussen, City Administrator Barry Cook, City Attorney Scott Kolpitcke, and Administrative Services Officer, Cindy Baker. (Noting Council Member Ballard attending via phone conference)

Absent: None

Mayor Hall called the meeting to order at 7:00 p.m.

FBI Agent Charlie Johnson recognized – Officer Scott Burlingame

Council Member Greer made a motion seconded by Council Member Rasmussen to approve the Consent Calendar as amended, including approval of Minutes: Regular Minutes from April 7, 2020; approve Vouchers and payroll in the amount of 1,808,896.38, authorize the Mayor to sign a letter of support relating to the Cody Archery Club (CAC) – Building Project on BLM land located outside the City limits, noting MOU between City of Cody and BLM and City of Cody and CAC; appoint the following to the WAM-JPIC Board of Directors for a 3-year term- Kelley Millar, Clerk/Treasurer, Town of Upton; Judi Just, LGLP and Tony Cross, HR, Jackson Hole Airport; authorize the Mayor to sign an Acknowledgement of Conflict of Interest and Consent to Representation relating to the Northwest Rural Water District easement; authorize a 15-foot wide easement for Northwest Rural Water District to install a water line northeast of Beacon Hill Road on City of Cody property (airport land).

At 7:07 The Mayor entered into the first public hearing to determine if it is in the public interest to annex 13.4 acres of land at 137 Belfry Highway into the City of Cody. Todd Stowell, City Planner provided the Governing Body with background information relating to this annexation request. Then Citizens speaking included: J Darrah, L Gillette, J Tilden and K Hunt all had comments on this issue. After calling for comments three times and there being none the Mayor closed the first hearing and entered into a second hearing at 7:33p.m. which was a public hearing to determine if it is in the public interest to zone 13.4 acres located at 137 Belfry Highway to General Business (D-2) with an entry corridor overlay. After calling for comments three times and there being none, he closed the public hearing at 7:35 p.m.

Council Member Nielson made a motion seconded by Council Member Rasmussen to award Bid 2020-01- Beacon Hill Water Tank and Water Main Extension Project to Harris Trucking & Construction Company in the amount of $3,111,380.65 and authorize the Mayor to sign the Notice of Award, Construction Contract and all associated contract documents. Council Member Greer recused himself from the vote. Vote was unanimous from remaining Council Members.

Ordinance 2020-04 – First Reading
An Ordinance Rezoning Lot 70 in the East Terrace of Henson's Terrace Subdivision (Amended), Located within the City of Cody, Park County WY to Limited business (D-1). No motion was made, item for consideration failed.

Ordinance 2020-03 Second Reading
An Ordinance relating to the Annexation to the City of Cody Wyoming of Lands owned by Harold Musser. Council Member Rasmussen made a motion seconded by Council Member Baily to approve Ordinance 2020-03 on second reading. Vote was unanimous.

Ordinance 2020-02 Third and Final Reading
An Ordinance Rezoning a Portion of Lot 3 of the Beacon Hill Minor Subdivision, Located Within the City of Cody Park County, Wy to Medium-Low Density Residential (R-2). Council Member Fritz made a motion seconded by Council Member Greer to amend Ordinance 2020-02 to include the Effective date of the ordinance shall be after final passage and publication in the Cody Enterprise and upon filing of the final plate for Phase 1 of the Landing Subdivision. Council Member Fritz made a motion seconded by Council Member Baily to approve Ordinance 2020-02 as amended on Third and Final Reading. Vote was unanimous.

There being no further action Mayor Hall adjourned the meeting at 8:05 p.m.

Report Criteria:
Invoice Detail.Input date = 04/28/2020
Invoice.Batch = {NOT LIKE} "1"

Secondary Name	Invoice	Description	Invoice Date	Total Cost
ANIXTER INC (130622)				
	4572197-00	#6 COPPER GROUND WIRE	04/10/2020	625.42
Total :				625.42
Total ANIXTER INC (130622):				625.42
ARY, TRICIA (132127)				
OR ARY, TIM	15.9750.19	REFUND UTILITY DEPOSIT	04/14/2020	145.60
Total :				145.60
Total ARY, TRICIA (132127):				145.60
ATNIP, MARILEEN (132144)				
	2173	REC CENTER REFUND	04/17/2020	160.00
Total :				160.00
Total ATNIP, MARILEEN (132144):				160.00
CARDOSO, MELISSA (132145)				
	2174	REC CENTER REFUND	04/17/2020	110.00
Total :				110.00
Total CARDOSO, MELISSA (132145):				110.00
CENTURY LINK (10091)				
	41920	UTILITIES - CENTURY LINK	04/19/2020	41.01
Total :				41.01
Total CENTURY LINK (10091):				41.01
CITY OF CODY (2260)				
	043020	UTILITIES - CITY OF CODY	04/30/2020	2,839.44
	043020	UTILITIES - CITY OF CODY	04/30/2020	5,990.40
	043020	UTILITIES - CITY OF CODY	04/30/2020	131.57
	043020	UTILITIES - CITY OF CODY	04/30/2020	511.60
	043020	UTILITIES - CITY OF CODY	04/30/2020	613.65
	043020	UTILITIES - CITY OF CODY	04/30/2020	3,513.30
	043020	UTILITIES - CITY OF CODY	04/30/2020	9,413.14
	043020	UTILITIES - CITY OF CODY	04/30/2020	33.31
	043020	UTILITIES - CITY OF CODY	04/30/2020	4,725.89
	043020	UTILITIES - CITY OF CODY	04/30/2020	4,660.02
	043020	UTILITIES - CITY OF CODY	04/30/2020	46.77
	043020	UTILITIES - CITY OF CODY	04/30/2020	1,312.44
	043020	UTILITIES - CITY OF CODY	04/30/2020	1,310.83
	043020	UTILITIES - CITY OF CODY	04/30/2020	1,310.83
	043020	UTILITIES - CITY OF CODY	04/30/2020	522.39
	043020	UTILITIES - CITY OF CODY	04/30/2020	746.83
	043020	UTILITIES - CITY OF CODY	04/30/2020	39.00
	043020	UTILITIES - CITY OF CODY	04/30/2020	24.00

Secondary Name	Invoice	Description	Invoice Date	Total Cost
	043020	UTILITIES - CITY OF CODY	04/30/2020	824.99
Total :				38,570.40
Total CITY OF CODY (2260):				38,570.40
CODY TREE SURGERY (131773)				
	1177	TREE REMOVAL	04/07/2020	700.00
Total :				700.00
Total CODY TREE SURGERY (131773):				700.00
COTTONWARE, DEBBIE (132134)				
	2161	REC CENTER REFUND	04/17/2020	160.00
Total :				160.00
Total COTTONWARE, DEBBIE (132134):				160.00
DAAKE, BRANDON (132157)				
	2190	REC CENTER REFUND	04/23/2020	66.50
Total :				66.50
Total DAAKE, BRANDON (132157):				66.50
DALLMAN, DANIEL (132141)				
	2169	REC CENTER REFUND	04/17/2020	160.00
Total :				160.00
Total DALLMAN, DANIEL (132141):				160.00
DAVIS, CHAD (132138)				
	2166	REC CENTER REFUND	04/17/2020	160.00
Total :				160.00
Total DAVIS, CHAD (132138):				160.00
DEPT OF FAMILY SERVICES (125899)				
ATTN: CENTRAL REGISTRY	0233-MAR2020	BACKGROUND CHECKS - REC CENTER/YOUTH PROGRAMS	04/02/2020	60.00
Total :				60.00
Total DEPT OF FAMILY SERVICES (125899):				60.00
DEWEY, AUGUST (132140)				
	2168	REC CENTER REFUND	04/17/2020	160.00
Total :				160.00
Total DEWEY, AUGUST (132140):				160.00
DRAKE, ASHTIN LASHAE (132128)				
	10.0460.33	REFUND UTILITY DEPOSIT	04/17/2020	46.97

Secondary Name	Invoice	Description	Invoice Date	Total Cost
Total :				46.97
Total DRAKE, ASHTIN LASHAE (132128):				46.97
DUPREE-COOLEY, LORRIE (132146)				
	2175	REC CENTER REFUND	04/17/2020	57.50
Total :				57.50
Total DUPREE-COOLEY, LORRIE (132146):				57.50
EAGLE RECOVERY, LLC (126679)				
	16622	VEHICLE PURSUIT - CASE # 20-243	03/21/2020	175.00
	16622	VEHICLE PURSUIT - CASE # 20-243	03/21/2020	332.00
Total :				507.00
Total EAGLE RECOVERY, LLC (126679):				507.00
EASTSIDE ELEMENTARY SCHOOL (123410)				
	2139	REC CENTER REFUND	04/13/2020	1,030.00
Total :				1,030.00
Total EASTSIDE ELEMENTARY SCHOOL (123410):				1,030.00
ENNIS PAINT, INC (4145)				
	391124	PAINT	04/08/2020	19,291.25
Total :				19,291.25
Total ENNIS PAINT, INC (4145):				19,291.25
ENNIST III, ROBERT F (131798)				
BIG HORN FOOD SERVICES	39740	CAN LINERS	04/07/2020	76.38
Total :				76.38
Total ENNIST III, ROBERT F (131798):				76.38
FILENER, LAURISSA (131500)				
	2176	REC CENTER REFUND	04/17/2020	67.50
	2189	REC CENTER REFUND	04/23/2020	37.35
Total :				104.85
Total FILENER, LAURISSA (131500):				104.85
GARBUSH, SHIRLEY V (132154)				
	2184	REC CENTER REFUND	04/17/2020	14.50
Total :				14.50
Total GARBUSH, SHIRLEY V (132154):				14.50
GREENWOOD, MICHAEL (132158)				
	2191	REC CENTER REFUND	04/23/2020	66.50

Secondary Name	Invoice	Description	Invoice Date	Total Cost
Total :				66.50
Total GREENWOOD, MICHAEL (132158):				66.50
H B I INSURANCE (12306)				
	2918	NOTARY BOND -C22	04/14/2020	50.00
Total :				50.00
Total H B I INSURANCE (12306):				50.00
HAMAN, DAN (132155)				
	2185	REC CENTER REFUND	04/17/2020	13.05
Total :				13.05
Total HAMAN, DAN (132155):				13.05
HARRIS TRUCKING AND CONSTRUCTION CO. (4780)				
	WWTF2 PAY APP 7	WASTEWATER TREATMENT FACILITY PHASE 2	04/20/2020	95,210.89
	WWTF2 PAY APP 7	WASTEWATER TREATMENT FACILITY PHASE 2	04/20/2020	29,092.22
	WWTF2 PAY APP 7	WASTEWATER TREATMENT FACILITY PHASE 2	04/20/2020	7,934.24
	WWTF2 PAY APP 7	WASTEWATER TREATMENT FACILITY PHASE 2	04/20/2020	132,237.35
	WWTF2 RET 7	WASTEWATER TREATMENT FACILITY PHASE 2	04/20/2020	10,578.99
	WWTF2 RET 7	WASTEWATER TREATMENT FACILITY PHASE 2	04/20/2020	3,232.47
	WWTF2 RET 7	WASTEWATER TREATMENT FACILITY PHASE 2	04/20/2020	881.58
	WWTF2 RET 7	WASTEWATER TREATMENT FACILITY PHASE 2	04/20/2020	14,693.04
Total :				293,860.78
Total HARRIS TRUCKING AND CONSTRUCTION CO. (4780):				293,860.78
HARRISON, JANNICA (132147)				
	2177	REC CENTER REFUND	04/17/2020	75.00
Total :				75.00
Total HARRISON, JANNICA (132147):				75.00
HAYS, CRISTY (132136)				
	2164	REC CENTER REFUND	04/17/2020	160.00
Total :				160.00
Total HAYS, CRISTY (132136):				160.00
HEBRLEE, TRENT STEVEN (131832)				
HOTLINE ELECTRICAL SALES & SERV	28407	Meter F2S 1ph 240v C320 W Demand	01/22/2020	1,440.00
Total :				1,440.00
Total HEBRLEE, TRENT STEVEN (131832):				1,440.00
HEESSEL, FRAN (130788)				
	2186	REC CENTER REFUND	04/17/2020	14.50

Secondary Name	Invoice	Description	Invoice Date	Total Cost
Total :				14.50
Total HEESSEL, FRAN (130788):				14.50
HENDRICH, TOM (132131)				
	2158	REC CENTER REFUND	04/17/2020	160.00
Total :				160.00
Total HENDRICH, TOM (132131):				160.00
HOLLATZ, CRYSTAL (132129)				
	2156	REC CENTER REFUND	04/17/2020	160.00
Total :				160.00
Total HOLLATZ, CRYSTAL (132129):				160.00
HOPKIN, LUKE (132148)				
	2178	REC CENTER REFUND	04/17/2020	75.00
Total :				75.00
Total HOPKIN, LUKE (132148):				75.00
INDUSTRIAL COMM. & ELECTRONICS (127115)				
	21734	RADIO NARROWBAND PROGRAMMING	03/18/2020	642.65
Total :				642.65
Total INDUSTRIAL COMM. & ELECTRONICS (127115):				642.65
JOHNSON, BECKY (132149)				
	2179	REC CENTER REFUND	04/17/2020	35.00
Total :				35.00
Total JOHNSON, BECKY (132149):				35.00
KARTER, THERESA (132107)				
	2187	REC CENTER REFUND	04/17/2020	58.00
Total :				58.00
Total KARTER, THERESA (132107):				58.00
KELLERBY, ANITA (132156)				
	2188	REC CENTER REFUND	04/17/2020	14.50
Total :				14.50
Total KELLERBY, ANITA (132156):				14.50
KINCHELOE PLUMBING AND HEATING (5750)				
	151606	REPAIR LEAK MAIN WATER LINE	03/17/2020	240.94

Secondary Name	Invoice	Description	Invoice Date	Total Cost
Total :				240.94
Total KINCHELOE PLUMBING AND HEATING (5750):				240.94
KOLTES, SASHA (131729)				
	2162	REC CENTER REFUND	04/17/2020	160.00
Total :				160.00
Total KOLTES, SASHA (131729):				160.00
LAZARI, TATIANA (132150)				
	2180	REC CENTER REFUND	04/17/2020	35.00
Total :				35.00
Total LAZARI, TATIANA (132150):				35.00
LEISURE IN MONTANA INC (131545)				
	SAL11610-1	CHEMICALS FOR POOL	03/30/2020	538.20
	SAL11610-1	CHEMICALS FOR POOL	03/30/2020	538.20
	SAL11610-1	PARTS FOR REPAIRS TO EQUIPMENT	03/30/2020	125.67
Total :				1,202.07
Total LEISURE IN MONTANA INC (131545):				1,202.07
LIFE-ASSIST LLC (132126)				
	990828	VIRAL WIPES	04/03/2020	156.62
Total :				156.62
Total LIFE-ASSIST LLC (132126):				156.62
MALLAMO, PETER (132189)				
	4062020	REFUND PYMT RECEIVED THROUGH XBP WITHOUT CLARIFICATON OF WHERE IT GOES	04/29/2020	1,350.00
Total :				1,350.00
Total MALLAMO, PETER (132189):				1,350.00
MARTIN, KELLY (126237)				
	2155	REC CENTER REFUND	04/17/2020	160.00
Total :				160.00
Total MARTIN, KELLY (126237):				160.00
MCCARTEN, ASHLEY (132159)				
	2192	REC CENTER REFUND	04/23/2020	66.50
Total :				66.50
Total MCCARTEN, ASHLEY (132159):				66.50
MYRICK, JACLYN (132135)				
	2163	REC CENTER REFUND	04/17/2020	160.00

Secondary Name	Invoice	Description	Invoice Date	Total Cost
Total :				160.00
Total MYRICK, JACLYN (132135):				160.00
NELSON, KLAY (132130)				
	2157	REC CENTER REFUND	04/17/2020	160.00
Total :				160.00
Total NELSON, KLAY (132130):				160.00
NIETERS, LINDSAY (132143)				
	2171	REC CENTER REFUND	04/17/2020	160.00
Total :				160.00
Total NIETERS, LINDSAY (132143):				160.00
NORTHWEST PIPE (7400)				
	7300703	4" Megalug for DIP, w/acc	04/13/2020	86.32
	7300703	4" Megalug for PVC, w/acc.	04/13/2020	197.80
	7300703	4" x 12" MJ solid sleeve	04/13/2020	110.34
	7300703	4" MJ x MJ gate valve	04/13/2020	594.59
Total :				989.05
Total NORTHWEST PIPE (7400):				989.05
OLSON, AMOS (132187)				
	2129	REC CENTER REFUND	04/07/2020	30.00
Total :				30.00
Total OLSON, AMOS (132187):				30.00
PARSONS, ANN (132172)				
	2137	REC CENTER REFUND	04/09/2020	2.00
Total :				2.00
Total PARSONS, ANN (132172):				2.00
PEDERSEN, ERIN (132165)				
	2128	REC CENTER REFUND	04/07/2020	10.00
Total :				10.00
Total PEDERSEN, ERIN (132165):				10.00
PEDERSON, RACHELLE (132161)				
	2122	REC CENTER REFUND	04/07/2020	160.00
Total :				160.00
Total PEDERSON, RACHELLE (132161):				160.00

Secondary Name	Invoice	Description	Invoice Date	Total Cost
POND, JOHN (132139)				
	2167	REC CENTER REFUND	04/17/2020	160.00
Total :				160.00
Total POND, JOHN (132139):				160.00
PORTER, SHERON (132168)				
	2133	REC CENTER REFUND	04/09/2020	1.00
Total :				1.00
Total PORTER, SHERON (132168):				1.00
POSEY, ALLYSON (132166)				
	2131	REC CENTER REFUND	04/07/2020	10.00
Total :				10.00
Total POSEY, ALLYSON (132166):				10.00
QUICK, ANDY (132162)				
	2123	REC CENTER REFUND	04/07/2020	26.50
Total :				26.50
Total QUICK, ANDY (132162):				26.50
REED, DARLENE K (125560)				
	2125	REC CENTER REFUND	04/07/2020	84.50
Total :				84.50
Total REED, DARLENE K (125560):				84.50
REINKER, JAIME (132170)				
	2135	REC CENTER REFUND	04/09/2020	5.00
Total :				5.00
Total REINKER, JAIME (132170):				5.00
RICE, CANDELA (132151)				
	2181	REC CENTER REFUND	04/17/2020	75.00
Total :				75.00
Total RICE, CANDELA (132151):				75.00
ROCKY MOUNTAIN POWER (7570)				
	041720	UTILITIES - ROCKY MOUNTAIN POWER	04/17/2020	28.64
	041720	UTILITIES - ROCKY MOUNTAIN POWER	04/17/2020	246.63
Total :				275.27
Total ROCKY MOUNTAIN POWER (7570):				275.27

Secondary Name	Invoice	Description	Invoice Date	Total Cost
SABIN, TRISHA A (132163)				
	2124	REC CENTER REFUND	04/07/2020	60.00
Total :				60.00
Total SABIN, TRISHA A (132163):				60.00
SCHWARZ, KACIE (132133)				
	2130	REC CENTER REFUND	04/07/2020	25.00
	2160	REC CENTER REFUND	04/17/2020	160.00
Total :				185.00
Total SCHWARZ, KACIE (132133):				185.00
SECHRIST, DAVID J (129937)				
	2126	REC CENTER REFUND	04/07/2020	80.00
Total :				80.00
Total SECHRIST, DAVID J (129937):				80.00
SHERMAN & REILLY INC (123816)				
	37831	DUCT DOG REPAIR PARTS	04/23/2020	276.60
Total :				276.60
Total SHERMAN & REILLY INC (123816):				276.60
SIEBERT, FRED (126203)				
	2172	REC CENTER REFUND	04/17/2020	160.00
Total :				160.00
Total SIEBERT, FRED (126203):				160.00
SIMENSON, JONTELLE (132171)				
	2136	REC CENTER REFUND	04/09/2020	5.00
Total :				5.00
Total SIMENSON, JONTELLE (132171):				5.00
SKEEN, JACOB R (132164)				
	2127	REC CENTER REFUND	04/07/2020	45.00
Total :				45.00
Total SKEEN, JACOB R (132164):				45.00
SKEEN, RILEY (132169)				
	2134	REC CENTER REFUND	04/09/2020	2.30
Total :				2.30
Total SKEEN, RILEY (132169):				2.30

Secondary Name	Invoice	Description	Invoice Date	Total Cost
SMITH, MATT (132175)				
	2141	REC CENTER REFUND	04/13/2020	230.00
Total :				230.00
Total SMITH, MATT (132175):				230.00
SNYDER, LELANI (132178)				
	2144	REC CENTER REFUND	04/13/2020	5.00
Total :				5.00
Total SNYDER, LELANI (132178):				5.00
SPITZENBERGER, CASSIDI (132173)				
	2138	REC CENTER REFUND	04/13/2020	2.00
Total :				2.00
Total SPITZENBERGER, CASSIDI (132173):				2.00
SPOMER, REUBEN (132137)				
	2165	REC CENTER REFUND	04/17/2020	160.00
Total :				160.00
Total SPOMER, REUBEN (132137):				160.00
SPRADLIN, SHANE (132180)				
	2146	REC CENTER REFUND	04/13/2020	60.00
Total :				60.00
Total SPRADLIN, SHANE (132180):				60.00
STALICK, JOHN PAUL (132152)				
	2182	REC CENTER REFUND	04/17/2020	175.00
Total :				175.00
Total STALICK, JOHN PAUL (132152):				175.00
STANGER, HAYLIE (132176)				
	2142	REC CENTER REFUND	04/13/2020	7.00
Total :				7.00
Total STANGER, HAYLIE (132176):				7.00
STELLA-JONES CORPORATION (6480)				
	UMI-0161030	BH-POLE, CLASS 3 45'	04/15/2020	1,644.00
	UMI-0161030	BH-POLE, CLASS 3 45'	04/15/2020	5,754.00
	UMI-0161030	BH-POLE, CLASS 3 45'	04/15/2020	822.00
Total :				8,220.00
Total STELLA-JONES CORPORATION (6480):				8,220.00

Secondary Name	Invoice	Description	Invoice Date	Total Cost
STEWART, GREGORY (132179)				
	2145	REC CENTER REFUND	04/13/2020	120.00
Total :				120.00
Total STEWART, GREGORY (132179):				120.00
STICKA, AIMEE (132174)				
	2140	REC CENTER REFUND	04/13/2020	35.00
Total :				35.00
Total STICKA, AIMEE (132174):				35.00
STOWELL, DEBRA (132177)				
	2143	REC CENTER REFUND	04/13/2020	5.00
Total :				5.00
Total STOWELL, DEBRA (132177):				5.00
SYSTEMS GRAPHICS INC (129162)				
ADVANCED INFO SYSTEMS	15111	OUTSOURCE BILLS	04/15/2020	15.72
ADVANCED INFO SYSTEMS	15111	OUTSOURCE BILLS	04/15/2020	97.13
ADVANCED INFO SYSTEMS	15111	OUTSOURCE BILLS	04/15/2020	88.94
ADVANCED INFO SYSTEMS	15111	OUTSOURCE BILLS	04/15/2020	88.34
ADVANCED INFO SYSTEMS	15111	OUTSOURCE BILLS	04/15/2020	109.76
ADVANCED INFO SYSTEMS	15112	OUTSOURCE BILLS	04/22/2020	6.60
ADVANCED INFO SYSTEMS	15112	OUTSOURCE BILLS	04/22/2020	40.78
ADVANCED INFO SYSTEMS	15112	OUTSOURCE BILLS	04/22/2020	37.33
ADVANCED INFO SYSTEMS	15112	OUTSOURCE BILLS	04/22/2020	37.08
ADVANCED INFO SYSTEMS	15112	OUTSOURCE BILLS	04/22/2020	46.08
Total :				567.76
Total SYSTEMS GRAPHICS INC (129162):				567.76
TAYLOR, MARILYN (132181)				
	2147	REC CENTER REFUND	04/14/2020	8.00
Total :				8.00
Total TAYLOR, MARILYN (132181):				8.00
TITRUD, HOWARD (132160)				
	2193	REC CENTER REFUND	04/23/2020	66.50
Total :				66.50
Total TITRUD, HOWARD (132160):				66.50
TORCZON, CHARLA (132182)				
	2148	REC CENTER REFUND	04/14/2020	92.00
Total :				92.00
Total TORCZON, CHARLA (132182):				92.00

Secondary Name	Invoice	Description	Invoice Date	Total Cost
VAUGHN, SCOTT (132188)				
	2149	REC CENTER REFUND	04/14/2020	2.00
Total :				2.00
Total VAUGHN, SCOTT (132188):				2.00
WALSH, JENNIFER (132183)				
	2150	REC CENTER REFUND	04/14/2020	25.00
Total :				25.00
Total WALSH, JENNIFER (132183):				25.00
WERNER, KENNY (131031)				
	13.2910.15	REFUND UTILITY DEPOSIT	04/10/2020	82.02
Total :				82.02
Total WERNER, KENNY (131031):				82.02
WESCO RECEIVABLES CORP (131137)				
WESCO DBA:WESCO/KVA/MODERN	463289	WIRE STORAGE RACK	04/10/2020	522.00
Total :				522.00
Total WESCO RECEIVABLES CORP (131137):				522.00
WESTERN UNITED ELECTRIC SUPPLY (10605)				
	6007943	SHIPPING	04/15/2020	65.35
	6007943	Vault, 1 phase transf	04/15/2020	913.35
	6007944	STAPLES	04/15/2020	160.00
	6007944	Cutout, non-loadbreak 100 amp 15KV	04/15/2020	88.86
	6007944	CABLE PULLING LUBE	04/15/2020	323.31
	6007944	FREIGHT	04/15/2020	65.35
Total :				1,616.22
Total WESTERN UNITED ELECTRIC SUPPLY (10605):				1,616.22
WEVER, COURTNEY (132132)				
	2159	REC CENTER REFUND	04/17/2020	160.00
Total :				160.00
Total WEVER, COURTNEY (132132):				160.00
WHALEN, DARRIN (132184)				
	2151	REC CENTER REFUND	04/14/2020	50.00
Total :				50.00
Total WHALEN, DARRIN (132184):				50.00
WHALLEY, CRISS (132185)				
	2152	REC CENTER REFUND	04/14/2020	20.00

Secondary Name	Invoice	Description	Invoice Date	Total Cost
Total :				20.00
Total WHALLEY, CRISS (132185):				20.00
WILLIAMS, KATE (132142)				
	2170	REC CENTER REFUND	04/17/2020	160.00
Total :				160.00
Total WILLIAMS, KATE (132142):				160.00
WILLIAMS, LAUREN (132153)				
	2183	REC CENTER REFUND	04/17/2020	31.50
Total :				31.50
Total WILLIAMS, LAUREN (132153):				31.50
WYOMING CHILD SUPPORT (132047)				
	42020	Garnishment	04/20/2020	225.23
Total :				225.23
Total WYOMING CHILD SUPPORT (132047):				225.23
WYOMING DEPARTMENT OF TRANSPORTATION (130279)				
WYDOT FINANCIAL SERVICES	116180	COST SHARE - IMPROVEMENTS ALONG BIG HORN AVE	04/01/2020	18.15
Total :				18.15
Total WYOMING DEPARTMENT OF TRANSPORTATION (130279):				18.15
YOUNG LIFE (132167)				
	2132	REC CENTER REFUND	04/09/2020	100.00
Total :				100.00
Total YOUNG LIFE (132167):				100.00
YOUNG, LEXI (131793)				
	2153	REC CENTER REFUND	04/14/2020	5.00
Total :				5.00
Total YOUNG, LEXI (131793):				5.00
ZEBILL, JON (132186)				
	2154	REC CENTER REFUND	04/14/2020	4.00
Total :				4.00
Total ZEBILL, JON (132186):				4.00
Grand Totals:				378,340.09

GL Period	Amount

GL Period	Amount
04/20	378,340.09
Grand Totals:	378,340.09

Vendor number hash:	12041646
Vendor number hash - split:	13619221
Total number of invoices:	103
Total number of transactions:	148

Terms Description	Invoice Amount	Discount Amount	Net Invoice Amount
Open Terms	378,340.09	.00	378,340.09
Grand Totals:	378,340.09	.00	378,340.09
		Payroll 04/29/20	230,497.96

			608,838.05

Report Criteria:
Invoice Detail.Input date = 04/28/2020
Invoice.Batch = {NOT LIKE} "1"

U.S. Department
of Transportation
**Federal Aviation
Administration**

Northwest Mountain Region
Colorado · Idaho · Montana · Oregon ·
Utah Washington · Wyoming

Denver Airports District Office
26805 E. 68th Ave., Suite 224
Denver, CO 80249

The Honorable Matt Hall, Mayor
City of Cody
1338 Rumsey Avenue
Cody, WY 82414

Mr. Thomas "Bucky" Hall, Chairman
Yellowstone Regional Airport Joint Powers Board
2010 Roger Sedam Drive
Cody, WY 82414

Dear Mayor Hall and Mr. Hall:

Please find the following electronic CARES Act Grant Offer, Grant No. 3-56-0006-041-2020 for Yellowstone Regional Airport. This letter outlines expectations for success. Please read and follow the instructions carefully.

To properly enter into this agreement, you must do the following:

a. The governing body must provide authority to execute the grant to the individual signing the grant; i.e. the sponsor's authorized representative.

b. The sponsor's authorized representative must execute the grant, followed by the attorney's certification, **no later than May 29, 2020,** in order for the grant to be valid.

c. You may not make any modification to the text, terms or conditions of the grant offer.

d. The grant offer must be digitally signed by the sponsor's legal signatory authority and then the grant offer will be routed via email to the sponsor's attorney. Once the attorney has digitally attested to the grant, an email with the executed grant will be sent to all parties.

Subject to the requirements in 2 CFR §200.305, each payment request for reimbursement under this grant must be made electronically via the Delphi eInvoicing System. Please see the attached Grant Agreement for more information regarding the use of this System. The terms and conditions of this agreement require you drawdown and expend these funds within four years.

An airport sponsor may use these funds for any purpose for which airport revenues may be lawfully used. CARES grant recipients should follow the FAA's Policy and Procedures Concerning the Use of Airport Revenues ("Revenue Use Policy"), 64 Federal Register 7696 (64

FR 7696), as amended by 78 Federal Register 55330 (78 FR 55330). The Revenue Use Policy defines permitted uses of airport revenue. In addition to the detailed guidance in the Revenue Use Policy, the CARES Act states the funds may not be used for any purpose not related to the airport.

With each payment request you are required to upload directly to Delphi:

- An invoice summary, even if you only paid a single invoice and
- The documentation in support of each invoice covered in the payment request.

For the final payment request, in addition to the requirement listed above for all payment requests, you are required to upload directly to Delphi:

- A final financial report summarizing all of the costs incurred and reimbursed, and
- An SF-425, and
- A narrative report.

The narrative report will summarize the expenses covered by the CARES Act funds and state that all expenses were in accordance with the FAA's Policy and Procedures Concerning the Use of Airport Revenues and incurred after January 20, 2020.

As a condition of receiving Federal assistance under this award, you must comply with audit requirements as established under 2 CFR part 200. Subpart F requires non-Federal entities that expend $750,000 or more in Federal awards to conduct a single or program specific audit for that year. Note that this includes Federal expenditures made under other Federal-assistance programs. Please take appropriate and necessary action to assure your organization will comply with applicable audit requirements and standards.

Once you have drawn down all funds and uploaded the required documents to Delphi, notify Rebecca Wersal by email (rebecca.wersal@faa.gov) that the grant is administratively and financially closed. We are readily available to assist you and your designated representative with the requirements stated herein. If you have additional questions, please contact Rebecca at (303) 342-1257. We sincerely value your cooperation in these efforts.

U.S. Department
of Transportation
Federal Aviation
Administration

CARES ACT AIRPORT GRANT AGREEMENT

PART I – OFFER

Federal Award Offer Date		
Airport/Planning Area	Yellowstone Regional Airport	
CARES Grant Number	3-56-0006-041-2020	(Contract No. DOT-FA20NM-K1044)
Unique Entity Identifier	18-277-8746	

TO: City of Cody, Wyoming and the Yellowstone Regional Airport Joint Powers Board
(herein called the "Sponsor") (For Co-Sponsors, list all Co-Sponsor names. The word "Sponsor" in this Grant Agreement also applies to a Co-Sponsor.)

FROM: **The United States of America** (acting through the Federal Aviation Administration, herein called the "FAA")

WHEREAS, the Sponsor has submitted to the FAA a Coronavirus Aid, Relief, and Economic Security Act (CARES Act or "the Act") Airports Grants Application (herein called the "Grant") dated April 24, 2020, for a grant of Federal funds at or associated with the Yellowstone Regional Airport, which is included as part of this Grant Agreement; and

WHEREAS, the Sponsor has accepted the terms of FAA's Grant offer;

WHEREAS, in consideration of the promises, representations and assurances provided by the Sponsor, the FAA has approved the Grant Application for the Yellowstone Regional Airport (herein called the "Grant") consisting of the following:

This Grant is provided in accordance with the CARES Act, as described below, to provide eligible Sponsors with funding to help offset a decline in revenues arising from diminished airport operations and activities as a result of the COVID-19 Public Health Emergency. CARES Act Airport Grants amounts to specific airports are derived by legislative formula.

The purpose of this Grant is to maintain safe and efficient airport operations. Funds provided under this Grant Agreement must only be used for purposes directly related to the airport. Such purposes can include the reimbursement of an airport's operational and maintenance expenses or debt service payments. CARES Act Airport Grants may be used to reimburse airport operational and maintenance expenses directly related to Yellowstone Regional Airport incurred no earlier than January 20, 2020. CARES Act Airport Grants also may be used to reimburse a Sponsor's payment of debt service where such payments occur on or after April 14, 2020. Funds provided under the Grant will be governed by the same principles that govern "airport revenue." New airport development projects may not be funded

with this Grant, unless and until the Grant Agreement is amended or superseded by a subsequent agreement that addresses and authorizes the use of funds for the airport development project.

NOW THEREFORE, in accordance with the applicable provisions of the CARES Act, Public Law Number 116-136, the representations contained in the Grant Application, and in consideration of, (a) the Sponsor's acceptance of this Offer; and, (b) the benefits to accrue to the United States and the public from the accomplishment of the Grant and in compliance with the conditions as herein provided,

THE FEDERAL AVIATION ADMINISTRATION, FOR AND ON BEHALF OF THE UNITED STATES, HEREBY OFFERS AND AGREES to pay 100% percent of the allowable costs incurred as a result of and in accordance with this Grant Agreement.

Assistance Listings Number (Formerly CFDA Number): 20.106

This Offer is made on and **SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS**:

CONDITIONS

1. **Maximum Obligation.** The maximum obligation of the United States payable under this Offer is $5,000,000.

2. **Period of Performance.** The period of performance shall commence on the date the Sponsor formally accepts this agreement. The end date of the period of performance is 4 years (1,460 calendar days) from the date of acceptance.

   The Sponsor may only charge allowable costs for obligations incurred prior to the end date of the period of performance (2 CFR § 200.309). Unless the FAA authorizes a written extension, the Sponsor must submit all Grant closeout documentation and liquidate (pay-off) all obligations incurred under this award no later than 90 calendar days after the end date of the period of performance (2 CFR § 200.343).

   The period of performance end date shall not affect, relieve or reduce Sponsor obligations and assurances that extend beyond the closeout of this Grant Agreement.

3. **Unallowable Costs.** The Sponsor shall not seek reimbursement for any costs that the FAA has determined to be unallowable under the CARES Act.

4. **Indirect Costs - Sponsor.** The Sponsor may charge indirect costs under this award by applying the indirect cost rate identified in the Grant Application as accepted by the FAA, to allowable costs for Sponsor direct salaries and wages only.

5. **Final Federal Share of Costs.** The United States' share of allowable Grant costs is 100%.

6. **Completing the Grant without Delay and in Conformance with Requirements.** The Sponsor must carry out and complete the Grant without undue delays and in accordance with this Grant Agreement, the CARES Act, and the regulations, policies, standards and procedures of the Secretary of Transportation ("Secretary"). Pursuant to 2 CFR § 200.308, the Sponsor agrees to report to the FAA any disengagement from funding eligible expenses under the Grant that exceeds three months and request prior approval from FAA. The report must include a reason for the stoppage. The Sponsor agrees to comply with the attached assurances, which are part of this agreement and any addendum that may be attached hereto at a later date by mutual consent.

7. **Amendments or Withdrawals before Grant Acceptance.** The FAA reserves the right to amend or withdraw this offer at any time prior to its acceptance by the Sponsor.

8. **Offer Expiration Date.** This offer will expire and the United States will not be obligated to pay any part of the costs unless this offer has been accepted by the Sponsor on or before May 29, 2020, or such subsequent date as may be prescribed in writing by the FAA.

9. **Improper Use of Federal Funds.** The Sponsor must take all steps, including litigation if necessary, to recover Federal funds spent fraudulently, wastefully, or in violation of Federal antitrust statutes, or misused in any other manner, including uses that violate this Grant Agreement, the CARES Act or other provision of applicable law. For the purposes of this Grant Agreement, the term "Federal funds" means funds however used or dispersed by the Sponsor, that were originally paid pursuant to this or any other Federal grant agreement(s). The Sponsor must return the recovered Federal share, including funds recovered by settlement, order, or judgment, to the Secretary. The Sponsor must furnish to the Secretary, upon request, all documents and records pertaining to the determination of the amount of the Federal share or to any settlement, litigation, negotiation, or other efforts taken to recover such funds. All settlements or other final positions of the Sponsor, in court or otherwise, involving the recovery of such Federal share require advance approval by the Secretary.

10. **United States Not Liable for Damage or Injury.** The United States is not responsible or liable for damage to property or injury to persons which may arise from, or relate to this Grant Agreement, including, but not limited to, any action taken by a Sponsor related to or arising from, directly or indirectly, this Grant Agreement.

11. **System for Award Management (SAM) Registration And Universal Identifier** Unless the Sponsor is exempted from this requirement under 2 CFR § 25.110, the Sponsor must maintain the currency of its information in the SAM until the Sponsor submits the final financial report required under this Grant, or receives the final payment, whichever is later. This requires that the Sponsor review and update the information at least annually after the initial registration and more frequently if required by changes in information or another award term. Additional information about registration procedures may be found at the SAM website (currently at http://www.sam.gov).

12. **Electronic Grant Payment(s).** Unless otherwise directed by the FAA, the Sponsor must make each payment request under this agreement electronically via the Delphi eInvoicing System for Department of Transportation (DOT) Financial Assistance Awardees.

13. **Financial Reporting and Payment Requirements.** The Sponsor will comply with all Federal financial reporting requirements and payment requirements, including submittal of timely and accurate reports.

14. **Buy American.** Unless otherwise approved in advance by the FAA, the Sponsor will not acquire or permit any contractor or subcontractor to acquire any steel or manufactured products produced outside the United States to be used for any expense which funds are provided under this Grant. The Sponsor will include a provision implementing applicable Buy American statutory and regulatory requirements in all contracts related to this Grant Agreement.

15. **Audits for Public Sponsors.** The Sponsor must provide for a Single Audit or program-specific audit in accordance with 2 CFR Part 200. The Sponsor must submit the audit reporting package to the Federal Audit Clearinghouse on the Federal Audit Clearinghouse's Internet Data Entry System at http://harvester.census.gov/facweb/. Upon request of the FAA, the Sponsor shall provide one copy of the completed audit to the FAA.

16. **Suspension or Debarment.** When entering into a "covered transaction" as defined by 2 CFR § 180.200, the Sponsor must:

    A. Verify the non-federal entity is eligible to participate in this Federal program by:

        1. Checking the excluded parties list system (EPLS) as maintained within the System for Award

Management (SAM) to determine if the non-federal entity is excluded or disqualified; or

2. Collecting a certification statement from the non-federal entity attesting the entity is not excluded or disqualified from participating; or
3. Adding a clause or condition to covered transactions attesting the individual or firm is not excluded or disqualified from participating.

B. Require prime contractors to comply with 2 CFR § 180.330 when entering into lower-tier transactions (e.g. sub-contracts).

C. Immediately disclose to the FAA whenever the Sponsor (1) learns the Sponsor has entered into a covered transaction with an ineligible entity, or (2) suspends or debars a contractor, person, or entity.

17. <u>Ban on Texting While Driving</u>.

A. In accordance with Executive Order 13513, Federal Leadership on Reducing Text Messaging While Driving, October 1, 2009, and DOT Order 3902.10, Text Messaging While Driving, December 30, 2009, the Sponsor is encouraged to:

1. Adopt and enforce workplace safety policies to decrease crashes caused by distracted drivers including policies to ban text messaging while driving when performing any work for, or on behalf of, the Federal government, including work relating to this Grant or subgrant.
2. Conduct workplace safety initiatives in a manner commensurate with the size of the business, such as:
   a. Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and
   b. Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

B. The Sponsor must insert the substance of this clause on banning texting while driving in all subgrants, contracts and subcontracts.

18. <u>Employee Protection from Reprisal</u>.

A. Prohibition of Reprisals –

1. In accordance with 41 U.S.C. § 4712, an employee of a grantee or subgrantee may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to a person or body described in sub-paragraph (A)(2), information that the employee reasonably believes is evidence of:
   a. Gross mismanagement of a Federal grant;
   b. Gross waste of Federal funds;
   c. An abuse of authority relating to implementation or use of Federal funds;
   d. A substantial and specific danger to public health or safety; or
   e. A violation of law, rule, or regulation related to a Federal grant.
2. Persons and bodies covered: The persons and bodies to which a disclosure by an employee is covered are as follows:
   a. A member of Congress or a representative of a committee of Congress;

b. An Inspector General;

c. The Government Accountability Office;

d. A Federal office or employee responsible for oversight of a grant program;

e. A court or grand jury;

f. A management office of the grantee or subgrantee; or

g. A Federal or State regulatory enforcement agency.

3. Submission of Complaint – A person who believes that they have been subjected to a reprisal prohibited by paragraph A of this grant term may submit a complaint regarding the reprisal to the Office of Inspector General (OIG) for the U.S. Department of Transportation.

4. Time Limitation for Submittal of a Complaint - A complaint may not be brought under this subsection more than three years after the date on which the alleged reprisal took place.

5. Required Actions of the Inspector General – Actions, limitations, and exceptions of the Inspector General's office are established under 41 U.S.C. § 4712(b).

6. Assumption of Rights to Civil Remedy - Upon receipt of an explanation of a decision not to conduct or continue an investigation by the Office of Inspector General, the person submitting a complaint assumes the right to a civil remedy under 41 U.S.C. § 4712(c).

19. **Co-Sponsor.** Co-Sponsors understand and agree that they jointly and severally adopt and ratify the representations and assurances contained herein and that the word "Sponsor" as used in the application and other assurances is deemed to include all co-sponsors.

20. **Limitations.** Nothing provided herein shall be construed to limit, cancel, annul, or modify the terms of any Federal grant agreement(s), including all terms and assurances related thereto, that have been entered into by the Sponsor and the FAA prior to the date of this Grant Agreement.

SPECIAL CONDITIONS

1. **ARFF and SRE Equipment and Vehicles.** The Sponsor agrees that it will:

A. House and maintain the equipment in a state of operational readiness on and for the airport;

B. Provide the necessary staffing and training to maintain and operate the vehicle and equipment;

C. Restrict the vehicle to on-airport use only;

D. Restrict the vehicle to the use for which it was intended; and

E. Amend the Airport Emergency Plan and/or Snow and Ice Control Plan to reflect the acquisition of a vehicle and equipment.

2. **Equipment or Vehicle Replacement.** The Sponsor agrees that it will treat the proceeds from the trade-in or sale of equipment being replaced with these funds as airport revenue.

3. **Off-Airport Storage of ARFF Vehicle.** The Sponsor agrees that it will:

A. House and maintain the vehicle in a state of operational readiness for the airport;

B. Provide the necessary staffing and training to maintain and operate the vehicle;

C. Restrict the vehicle to airport use only;

D. Amend the Airport Emergency Plan to reflect the acquisition of the vehicle;

E. Within 60 days, execute an agreement with local government including the above provisions and a provision that violation of said agreement could require repayment of Grant funding; and

F. Submit a copy of the executed agreement to the FAA.

4. **Equipment Acquisition.** The Sponsor agrees that it will maintain Sponsor-owned and -operated equipment and use for purposes directly related to the airport.

5. **Utilities Proration.** For purposes of computing the United States' share of the allowable airport operations and maintenance costs, the allowable cost of utilities incurred by the Sponsor to operate and maintain airport(s) included in the Grant must not exceed the percent attributable to the capital or operating costs of the airport.

6. **Utility Relocation in Grant.** The Sponsor understands and agrees that:

   A. The United States will not participate in the cost of any utility relocation unless and until the Sponsor has submitted evidence satisfactory to the FAA that the Sponsor is legally responsible for payment of such costs;

   B. FAA participation is limited to those utilities located on-airport or off-airport only where the Sponsor has an easement for the utility; and

   C. The utilities must serve a purpose directly related to the Airport.

The Sponsor's acceptance of this Offer and ratification and adoption of the Grant Application incorporated herein shall be evidenced by execution of this instrument by the Sponsor, as hereinafter provided, and this Offer and Acceptance shall comprise a Grant Agreement, as provided by the CARES Act, constituting the contractual obligations and rights of the United States and the Sponsor with respect to the accomplishment of the Grant and compliance with the assurances and conditions as provided herein. Such Grant Agreement shall become effective upon the Sponsor's acceptance of this Offer.

Please read the following information: By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

UNITED STATES OF AMERICA
FEDERAL AVIATION ADMINISTRATION

_____
(Signature)

John P. Bauer
(Typed Name)

Manager, Denver Airports District Office
(Title of FAA Official)

PART II - ACCEPTANCE

The Sponsor does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the Grant Application and incorporated materials referred to in the foregoing Offer under Part II of this Agreement, and does hereby accept this Offer and by such acceptance agrees to comply with all of the terms and conditions in this Offer and in the Grant Application.

Please read the following information: By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

I declare under penalty of perjury that the foregoing is true and correct.

Dated _____

CITY OF CODY, WYOMING

(Name of Sponsor)

_____

(Signature of Sponsor's Authorized Official)

By: _____

(Typed Name of Sponsor's Authorized Official)

Title: _____

(Title of Sponsor's Authorized Official)

CERTIFICATE OF SPONSOR'S ATTORNEY

I, , acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the State of Wyoming. Further, I have examined the foregoing Grant Agreement and the actions taken by said Sponsor and Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said State and the CARES Act. The Sponsor understands funding made available under this Grant Agreement may only be used to reimburse for airport operational and maintenance expenses, and debt service payments. The Sponsor further understands it may submit a separate request to use funds for new airport/project development purposes, subject to additional terms, conditions, and assurances. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Please read the following information: By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

Dated _____

By: _____
(Signature of Sponsor's Attorney)

The Sponsor does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the Grant Application and incorporated materials referred to in the foregoing Offer under Part II of this Agreement, and does hereby accept this Offer and by such acceptance agrees to comply with all of the terms and conditions in this Offer and in the Grant Application.

Please read the following information: By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

I declare under penalty of perjury that the foregoing is true and correct.

Dated _____

YELLOWSTONE REGIONAL AIRPORT JOINT POWERS BOARD

(Name of Sponsor)

_____

(Signature of Sponsor's Authorized Official)

By: _____

(Typed Name of Sponsor's Authorized Official)

Title: _____

(Title of Sponsor's Authorized Official)

CERTIFICATE OF SPONSOR'S ATTORNEY

I, , acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the State of Wyoming. Further, I have examined the foregoing Grant Agreement and the actions taken by said Sponsor and Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said State and the CARES Act. The Sponsor understands funding made available under this Grant Agreement may only be used to reimburse for airport operational and maintenance expenses, and debt service payments. The Sponsor further understands it may submit a separate request to use funds for new airport/project development purposes, subject to additional terms, conditions, and assurances. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Please read the following information: By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

Dated _____

By: _____
(Signature of Sponsor's Attorney)

CARES ACT ASSURANCES

AIRPORT SPONSORS

A. General.

1. These assurances are required to be submitted as part of the application by sponsors requesting funds under the provisions of the Coronavirus Aid, Relief, and Economic Security Act of 2020 (CARES Act or "the Act"), Public Law Number, Public Law 116-136. As used herein, the term "public agency sponsor" means a public agency with control of a public-use airport; the term "private sponsor" means a private owner of a public-use airport; and the term "sponsor" includes both public agency sponsors and private sponsors.

2. Upon acceptance of this Grant offer by the sponsor, these assurances are incorporated into and become part of this Grant Agreement.

B. Sponsor Certification.

The sponsor hereby assures and certifies, with respect to this Grant that:

It will comply with all applicable Federal laws, regulations, executive orders, policies, guidelines, and requirements as they relate to the application, acceptance, and use of Federal funds for this Grant including but not limited to the following:

FEDERAL LEGISLATION

a. Federal Fair Labor Standards Act - 29 U.S.C. 201, et seq.

b. Hatch Act – 5 U.S.C. 1501, et seq.

c. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 Title 42 U.S.C. 4601, et seq.

d. National Historic Preservation Act of 1966 - Section 106 - 16 U.S.C. 470(f).

e. Archeological and Historic Preservation Act of 1974 - 16 U.S.C. 469 through 469c.

f. Native Americans Grave Repatriation Act - 25 U.S.C. Section 3001, et seq.

g. Clean Air Act, P.L. 90-148, as amended.

h. Coastal Zone Management Act, P.L. 93-205, as amended.

i. Flood Disaster Protection Act of 1973 - Section 102(a) - 42 U.S.C. 4012a.

j. Title 49, U.S.C., Section 303, (formerly known as Section 4(f)).

k. Rehabilitation Act of 1973 - 29 U.S.C. 794.

l. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252) (prohibits discrimination on the basis of race, color, national origin).

m. Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 et seq.), prohibits discrimination on the basis of disability).

n. Age Discrimination Act of 1975 - 42 U.S.C. 6101, et seq.

o. American Indian Religious Freedom Act, P.L. 95-341, as amended.

p. Architectural Barriers Act of 1968 -42 U.S.C. 4151, et seq.

q. Power plant and Industrial Fuel Use Act of 1978 - Section 403- 2 U.S.C. 8373.

r. Contract Work Hours and Safety Standards Act - 40 U.S.C. 327, et seq.

s. Copeland Anti-kickback Act - 18 U.S.C. 874.1.

t. National Environmental Policy Act of 1969 - 42 U.S.C. 4321, et seq.

u. Wild and Scenic Rivers Act, P.L. 90-542, as amended.

v. Single Audit Act of 1984 - 31 U.S.C. 7501, et seq.

w. Drug-Free Workplace Act of 1988 - 41 U.S.C. 702 through 706.

x. The Federal Funding Accountability and Transparency Act of 2006, as amended (Pub. L. 109-282, as amended by section 6202 of Pub. L. 110-252).

EXECUTIVE ORDERS

a. Executive Order 11246 - Equal Employment Opportunity

b. Executive Order 11990 - Protection of Wetlands

c. Executive Order 11998 – Flood Plain Management

d. Executive Order 12372 - Intergovernmental Review of Federal Programs

e. Executive Order 12699 - Seismic Safety of Federal and Federally Assisted New Building Construction

f. Executive Order 12898 - Environmental Justice

g. Executive Order 13788 - Buy American and Hire American

h. Executive Order 13858 - Strengthening Buy-American Preferences for Infrastructure Projects

FEDERAL REGULATIONS

a. 2 CFR Part 180 - OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement).

b. 2 CFR Part 200 - Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.

c. 2 CFR Part 1200 - Nonprocurement Suspension and Debarment.

d. 28 CFR Part 35 - Discrimination on the Basis of Disability in State and Local Government Services.

e. 28 CFR § 50.3 - U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964.

f. 29 CFR Part 1 - Procedures for predetermination of wage rates.

g. 29 CFR Part 3 - Contractors and subcontractors on public building or public work financed in whole or part by loans or grants from the United States.

h. 29 CFR Part 5 - Labor standards provisions applicable to contracts covering Federally financed and assisted construction (also labor standards provisions applicable to non-construction contracts subject to the Contract Work Hours and Safety Standards Act).

i. 41 CFR Part 60 - Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor (Federal and Federally assisted contracting requirements).

j. 49 CFR Part 20 - New restrictions on lobbying.

k. 49 CFR Part 21 - Nondiscrimination in Federally-assisted programs of the Department of Transportation - effectuation of Title VI of the Civil Rights Act of 1964.

l. 49 CFR Part 26 - Participation by Disadvantaged Business Enterprises in Department of Transportation Program .49 CFR Part 27 – Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance.

m. 49 CFR Part 28 - Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities conducted by the Department of Transportation.

n. 49 CFR Part 30 - Denial of public works contracts to suppliers of goods and services of countries that deny procurement market access to U.S. contractors.

o. 49 CFR Part 32 - Government-wide Requirements for Drug-Free Workplace (Financial Assistance).

p. 49 CFR Part 37 - Transportation Services for Individuals with Disabilities (ADA).

q. 49 CFR Part 41 - Seismic safety of Federal and Federally assisted or regulated new building construction.

SPECIFIC ASSURANCES

Specific assurances required to be included in grant agreements by any of the above laws, regulations, or circulars are incorporated by reference in this Grant Agreement.

1. **Purpose Directly Related to the Airport**

   It certifies that the reimbursement sought is for a purpose directly related to the airport.

2. **Responsibility and Authority of the Sponsor.**

   a. Public Agency Sponsor:

      It has legal authority to apply for this Grant, and to finance and carry out the proposed grant; that an official decision has been made by the applicant's governing body authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

   b. Private Sponsor:

      It has legal authority to apply for this Grant and to finance and carry out the proposed Grant and comply with all terms, conditions, and assurances of this Grant Agreement. It shall designate an official representative and shall in writing direct and authorize that person to file this application, including all understandings and assurances contained therein; to act in

connection with this application; and to provide such additional information as may be required.

3. **Good Title.**

   It, a public agency or the Federal government, holds good title, satisfactory to the Secretary, to the landing area of the airport or site thereof, or will give assurance satisfactory to the Secretary that good title will be acquired.

4. **Preserving Rights and Powers.**

   a. It will not take or permit any action which would operate to deprive it of any of the rights and powers necessary to perform any or all of the terms, conditions, and assurances in this Grant Agreement without the written approval of the Secretary, and will act promptly to acquire, extinguish, or modify any outstanding rights or claims of right of others which would interfere with such performance by the sponsor. This shall be done in a manner acceptable to the Secretary.

   b. If the sponsor is a private sponsor, it will take steps satisfactory to the Secretary to ensure that the airport will continue to function as a public-use airport in accordance with this Grant Agreement.

   c. If an arrangement is made for management and operation of the airport by any agency or person other than the sponsor or an employee of the sponsor, the sponsor will reserve sufficient rights and authority to insure that the airport will be operated and maintained in accordance Title 49, United States Code, the regulations, and the terms and conditions of this Grant Agreement.

5. **Accounting System, Audit, and Record Keeping Requirements.**

   a. It shall keep all Grant accounts and records which fully disclose the amount and disposition by the recipient of the proceeds of this Grant, the total cost of the Grant in connection with which this Grant is given or used, and the amount or nature of that portion of the cost of the Grant supplied by other sources, and such other financial records pertinent to the Grant. The accounts and records shall be kept in accordance with an accounting system that will facilitate an effective audit in accordance with the Single Audit Act of 1984.

   b. It shall make available to the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, for the purpose of audit and examination, any books, documents, papers, and records of the recipient that are pertinent to this Grant. The Secretary may require that an appropriate audit be conducted by a recipient. In any case in which an independent audit is made of the accounts of a sponsor relating to the disposition of the proceeds of a Grant or relating to the Grant in connection with which this Grant was given or used, it shall file a certified copy of such audit with the Comptroller General of the United States not later than six (6) months following the close of the fiscal year for which the audit was made.

6. **Exclusive Rights.**

   The sponsor shall not grant an exclusive right to use an air navigation facility on which this Grant has been expended. However, providing services at an airport by only one fixed-based operator is not an exclusive right if—

a. it is unreasonably costly, burdensome, or impractical for more than one fixed-based operator to provide the services; and

b. allowing more than one fixed-based operator to provide the services requires a reduction in space leased under an agreement existing on September 3, 1982, between the operator and the airport.

7. **Airport Revenues.**

This Grant shall be available for any purpose for which airport revenues may lawfully be used. CARES Act Grant funds provided under this Grant Agreement will only be expended for the capital or operating costs of the airport; the local airport system; or other local facilities which are owned or operated by the owner or operator of the airport(s) subject to this agreement and all applicable addendums.

8. **Reports and Inspections.**

It will:

a. submit to the Secretary such annual or special financial and operations reports as the Secretary may reasonably request and make such reports available to the public; make available to the public at reasonable times and places a report of the airport budget in a format prescribed by the Secretary;

b. in a format and time prescribed by the Secretary, provide to the Secretary and make available to the public following each of its fiscal years, an annual report listing in detail:
    1. all amounts paid by the airport to any other unit of government and the purposes for which each such payment was made; and
    2. all services and property provided by the airport to other units of government and the amount of compensation received for provision of each such service and property.

9. **Civil Rights.**

It will promptly take any measures necessary to ensure that no person in the United States shall, on the grounds of race, creed, color, national origin, sex, age, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in any activity conducted with, or benefiting from, funds received from this Grant.

a. Using the definitions of activity, facility, and program as found and defined in §§ 21.23 (b) and 21.23 (e) of 49 CFR Part 21, the sponsor will facilitate all programs, operate all facilities, or conduct all programs in compliance with all non-discrimination requirements imposed by or pursuant to these assurances.

b. Applicability

    1. Programs and Activities. If the sponsor has received a grant (or other Federal assistance) for any of the sponsor's program or activities, these requirements extend to all of the sponsor's programs and activities.

    2. Facilities. Where it receives a grant or other Federal financial assistance to construct, expand, renovate, remodel, alter, or acquire a facility, or part of a

facility, the assurance extends to the entire facility and facilities operated in connection therewith.

3. Real Property. Where the sponsor receives a grant or other Federal financial assistance in the form of, or for the acquisition of, real property or an interest in real property, the assurance will extend to rights to space on, over, or under such property.

c. Duration.

The sponsor agrees that it is obligated to this assurance for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the assurance obligates the sponsor, or any transferee for the longer of the following periods:

1. So long as the airport is used as an airport, or for another purpose involving the provision of similar services or benefits; or
2. So long as the sponsor retains ownership or possession of the property.

Required Solicitation Language. It will include the following notification in all solicitations for bids, Requests for Proposals for work, or material under this Grant and in all proposals for agreements, including airport concessions, regardless of funding source:

"The **(Name of Sponsor)**, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that for any contract entered into pursuant to this advertisement, disadvantaged business enterprises and airport concession disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

d. Required Contract Provisions.

1. It will insert the non-discrimination contract clauses requiring compliance with the acts and regulations relative to non-discrimination in Federally-assisted programs of the DOT, and incorporating the acts and regulations into the contracts by reference in every contract or agreement subject to the non-discrimination in Federally-assisted programs of the DOT acts and regulations.

2. It will include a list of the pertinent non-discrimination authorities in every contract that is subject to the non-discrimination acts and regulations.

3. It will insert non-discrimination contract clauses as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a sponsor.

4. It will insert non-discrimination contract clauses prohibiting discrimination on the basis of race, color, national origin, creed, sex, age, or handicap as a

covenant running with the land, in any future deeds, leases, license, permits, or similar instruments entered into by the sponsor with other parties:

a. For the subsequent transfer of real property acquired or improved under the applicable activity, grant, or program; and

b. For the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, grant, or program.

e. It will provide for such methods of administration for the program as are found by the Secretary to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the acts, the regulations, and this assurance.

f. It agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the acts, the regulations, and this assurance.

10. **Foreign Market Restrictions.**

It will not allow funds provided under this Grant to be used to fund any activity that uses any product or service of a foreign country during the period in which such foreign country is listed by the United States Trade Representative as denying fair and equitable market opportunities for products and suppliers of the United States in procurement and construction.

11. **Acquisition Thresholds.**

The FAA deems equipment to mean tangible personal property having a useful life greater than one year and a per-unit acquisition cost equal to or greater than $5,000. Procurements by micro-purchase means the acquisition of goods or services for which the aggregate dollar amount does not exceed $10,000. Procurement by small purchase procedures means those relatively simple and informal procurement methods for securing goods or services that do not exceed the $250,000 threshold for simplified acquisitions.

MEETING DATE:	MAY 5, 2020
DEPARTMENT:	COMMUNITY DEVELOPMENT
PREPARED BY:	TODD STOWELL, AICP
CITY ADM. APPROVAL:	_____
PRESENTED BY:	TODD STOWELL

AGENDA ITEM SUMMARY REPORT

ENCROACHMENT LICENSE WITH PIONEER ENTERPRISES, INC (BALLARD FUNERAL HOME) FOR IMPROVEMENTS WITHIN THE PUBLIC RIGHT OF WAY AT 636 19TH STREET

ACTION:
Authorize an encroachment license with Pioneer Enterprises, Inc. (Ballard Funeral Home) for proposed improvements within the public right-of-way at 636 19th Street.

SUMMARY:
Ballard Funeral Home is conducting an exterior remodel of the building at 636 19th Street. The improvements have been reviewed and authorized by the Planning and Zoning Board, subject to City Council authorizing an encroachment license for the proposed front entry.

The front entry (plans attached) would extend into the 19th Street right of way about 3'9" including eave, or 2 ½ feet to the support posts. The front entry, measured from the front eave, would be approximately 11 feet from the sidewalk along 19th Street. The width of the proposed front entry is approximately 12'2" (including eaves). There are no city utilities under or next to the proposed encroachment—it is clear from the building to the sidewalk.

Planning and Public Works staff are agreeable to the encroachment request, subject to the standard requirement that if the structure is in the way of any future project, the City retains the right to request its removal.

The Encroachment License process is used to assure that maintenance and liability issues are covered, and that reasonable compensation is made for private use of the public right-of-way.

Based on a land value of $5.13 per square foot (assessed value of adjacent Pioneer Enterprises, Inc. land), and an encroachment area of 46.6 square feet, at a standard rate of 5% per year, compensation in the amount of $11.95 per year would be the standard amount required. However, to account for processing costs, the amount of $15.00 per year is recommended.

FISCAL IMPACT
No immediate direct costs. Revenue in the amount of $15 per year.

ALTERNATIVES
Authorize or don't authorize the Mayor to sign an Encroachment License for Pioneer Enterprises, Inc.

RECOMMENDATION
Authorize the Mayor to sign an Agreement for Encroachment License with Pioneer Enterprises, Inc. to authorize the front entry encroachment into the 19th Street public right-of-way. The license would require the owner to pay an annual fee in the amount of $15.00.

AGENDA ITEM NO. _____

ATTACHMENTS
Plans for front entry
Agreement for Encroachment License

AGENDA & SUMMARY REPORT TO:
Cody Gortmaker, Ballard Funeral Home

AGENDA ITEM NO. _____

AGREEMENT FOR ENCROACHMENT LICENSE

The parties to this agreement are the City of Cody, Wyoming, (hereinafter CITY), a municipal corporation in Park County, Wyoming, and Pioneer Enterprise, Inc. (hereinafter OWNER). This Agreement for Encroachment License is made and entered into as of the date last signed by the parties to this agreement.

WITNESSETH:

WHEREAS, Owner is the owner of certain real property located at 636 19th Street, Cody, Wyoming 82414, described as Lots 1, 2, and 3 of Block 1, Hall Addition to the City of Cody, Park County, Wyoming; and,

WHEREAS, a portion of a proposed front entry (depicted in Exhibit A) on the west side of the building will be located in the 19th Street right-of-way, which improvement will constitute an encroachment on public rights-of-way owned by the City.

NOW, THEREFORE, in consideration of the mutual covenants and promises described herein, the parties agree as follows:

1. City hereby grants to Owner a revocable encroachment license for the portion of the proposed front entry on the west side of the building, to encroach on the 19th Street right-of-way.

2. Owner shall pay to the City the sum of $15.00 per year. The fee is for the use of the public right-of-way for the aforementioned improvements. Such fee shall be paid to the City on or before May 31, 2020.

3. The term of this agreement shall be June 1, 2020 through May 31, 2021. This license shall be renewable for successive one-year periods. Neither party needs to take any action to renew this agreement for another year. In the event a party wishes to not renew all or part of this agreement, that party shall notify the other party in writing at least sixty (60) days prior to the expiration of the then-current term. Payment from Owner to the City for each year shall be due on or before May 31.

4. Notwithstanding the term outlined above, the license for encroachment is given as a matter of convenience and the same may be revoked by the City at any time for any reason whatsoever, upon sixty (60) days written notice given by the CITY. Upon the expiration of the 60-day written notice, Owner shall have an additional sixty (60) days to remove the encroachment from the city right-of-way to the satisfaction of the CITY, at the sole cost and expense of Owner.

5. In the event that the City or other utility provider is required to install, repair, modify, replace, upgrade, add to, or otherwise access utilities near or beneath the improvements noted herein, the City or other utility provider performing the work shall

not be responsible for removal or replacement costs of the encroachments. Owner shall be solely responsible for all expenses of such removal and/or replacement, and Owner accepts the risk associated with having the encroachments on the public right of way. The City, or other utility provider, as applicable to the party performing the work, shall be responsible for restoring any trench areas to the original ground surface and assuring proper compaction. In the event that the City or other utility provider installs, repairs or modifies utilities beneath or near the aforementioned improvements, the City will endeavor to minimize the disruption to the existing improvements.

6. Owner assumes all liability for themselves, their lessees, agents, representatives, employees, guests, and invitees, and shall indemnify and hold harmless CITY, its agents, representatives, employees, officers, council members and agents from any and all claims, actions, lawsuits, disputes and controversies regarding use of the public right-of-way pursuant to this agreement. This indemnification shall include but not be limited to claims and actions for personal injury, property damage, economic loss, death and all other liabilities and losses to the extent arising under this agreement or from the use of the public right-of-way by Owner, their lessees, agents, representatives, employees or officers. This indemnification shall include reasonable attorney's fees incurred by CITY in defense of any action brought by any party against CITY to the extent arising out of this agreement or Owner's use of the public right-of-way. Nothing in this indemnification shall be construed to extend the CITY's governmental liability established under Wyo. Stat. Ann. § 1-39-118.

7. By entering into this agreement, CITY does not waive its sovereign immunity or governmental immunity, or any of the immunities, defenses or limitations available to it under the Wyoming Constitution and Wyoming law.

8. No provision of this agreement is intended or shall be construed to confer upon or give to any person or entity other than the signatories to this agreement any rights, remedies or other benefits under or by reason of this agreement.

9. This agreement contains the entire understanding of the parties and there are no other promises, covenants or understanding beyond the scope of this written agreement pertaining to these items. This agreement can only be amended in writing, approved and signed by both parties.

CITY OF CODY, WYOMING:

By:_____
Matt Hall, Mayor

Attest: _____
Cynthia D. Baker, Administrative Services Officer

PIONEER ENTERPRISES, INC.

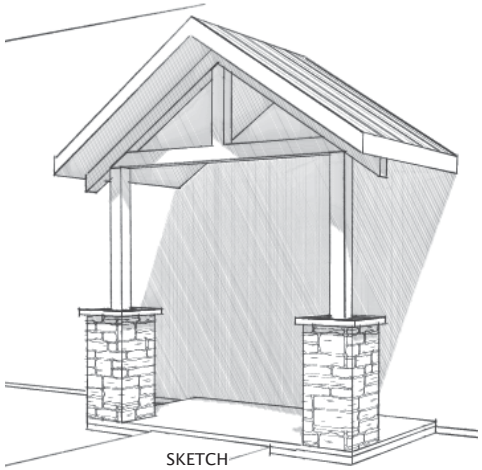
By: _____
Name:
Title:

STATE OF WYOMING)
) SS.
COUNTY OF Park)

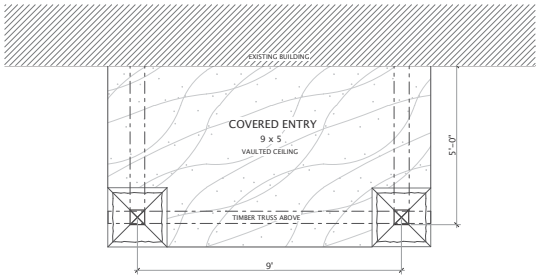
The foregoing instrument was acknowledged before me this _____ day of _____, 2020, by_____as _____ of Pioneer Enterprises, Inc.

WITNESS my hand and official seal.

_____
Notary Public
My commission expires_____

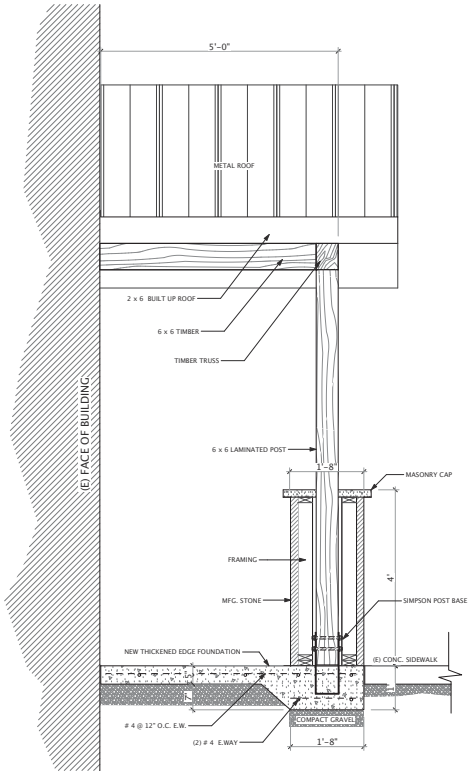


SKETCH
N.T.S.

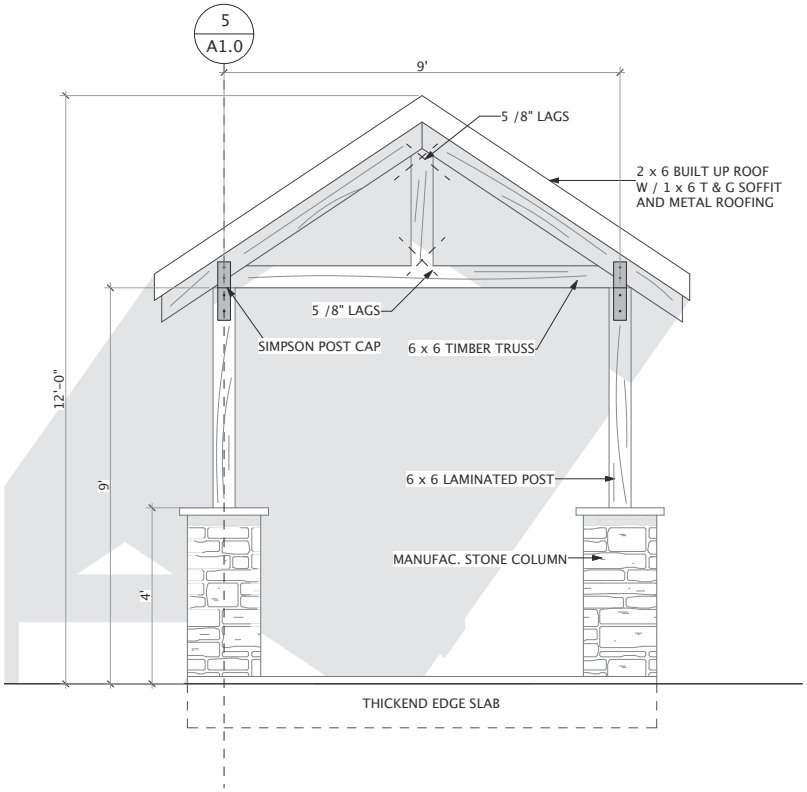


1 / A1.0 **PLAN VIEW**
SCALE: 1/2" = 1'-0"

N



5 / A1.0 **SECTION DETAIL**
SCALE: 3/4" = 1'-0"



3 / A1.0 **FRONT ELEVATION**
SCALE: 3/4" = 1'-0"

PRECISION PLAN AND DESIGN INC.

A CUSTOM PLAN SERVICE

930 12TH STREET
CODY, WYOMING 82414

307.587.6227 | 307.272.5709

@: PRECISIONPLANANDDESIGN@GMAIL.COM

MEMBER ILBA no. 1271

PROJECT LOCATION
CODY, WY

BALLARD FUNERAL HOME

RICK HENDRICH
CODY, WYOMING 82414
P: 307.899.8148
@: hendrichbuilding@outlook.com

NOTE:
ALTHOUGH GREAT CARE AND EFFORT HAVE GONE INTO THIS PLAN TO CREATE A PRECISE INTERPRETATION OF THE FINISHED PROJECT, IT IS IMPOSSIBLE TO GUARANTEE THAT THIS PLAN IS WITHOUT IMPERFECTIONS. THEREFORE PRECISION PLAN AND DESIGN INC AND/OR ASSOCIATES ASSUMES NO LIABILITY FOR ANY PROJECT CONSTRUCTED FROM THIS PLAN. THE BUILDER/OWNER MUST VERIFY ALL DIMENSIONS. THIS PLAN IS SUBJECT TO CHANGE PER ENGINEER AND/OR LOCAL CODES AND STANDARDS.

DATE: 04.16.2020
REVISION: -

PROJECT NO.
1806

SHEET #
A1.0
MAIN FLOOR

MEETING DATE:	MAY 5, 2020
DEPARTMENT:	COMMUNITY DEVELOPMENT
PREPARED BY:	TODD STOWELL
CITY ADM. APPROVAL:	_____
PRESENTED BY:	TODD STOWELL

AGENDA ITEM SUMMARY REPORT
The Preliminary Plan of The Legacy Estates Planned Unit Development

ACTIONS TO BE TAKEN

Approve the preliminary plan for the Legacy Estates Planned Unit Development, an 18-unit residential development, subject to conditions of approval.

SUMMARY

Bryan Edwards of the Cody Legacy Inn, LLC has submitted a Preliminary Plan for an 18-unit Planned Unit Development identified as Legacy Estates. The 1.9-acre property is currently vacant and located in the R-3 residential zoning district.

While staff is supportive of the project, there were some design-related concerns related to excessively short parking spaces, narrow interior street width, and future access to utilities and associated repair costs. The concerns were discussed to some extent at the Planning and Zoning Board meeting, but not resolved until a follow-up meeting with city staff and the applicant and his engineers. At this point, agreement on those items has been reached. There are still some edits needed to the PUD plan, but it is understood that those edits, which are outlined in the report to the Planning and Zoning Board, will be made in the Final Plan documents. The Planning and Zoning Board recommended approval of the Preliminary PUD plan, subject to all recommendations in the staff report, except they took no position on the street width and associated utility plan. Again, those items have been resolved in that the proposed parking spaces have been lengthened, the underground utilities shifted as Public Works preferred, and the street width in the area is widened to 22 feet (halfway between applicant's 20' preference and staff's original 24' preference). The street width of the entry area remains proposed as a 20-foot asphalt width, so that sufficient common area can be provided to meet the PUD requirements.

Additional detail is provided in the report to the Planning and Zoning Board, which is attached and has been updated to show the status of each condition (yellow highlights).

It is also noted that Public Works and the applicant are willing to cost-share on a project to extend City raw water through the property. While the standard line size is 6", Public Works is asking for 8" and is willing to pay 50% of the actual costs to make that happen (paid out of the water fund). The extension will bring the raw water system from the west end of the property to 29th Street.

AGENDA ITEM NO. _____

RECOMMENDATION:

Approve the Preliminary Plan for the Legacy Estates Planned Unit Development, as modified by Sheet EX-A and the letter from Morrison-Maierle dated April 28, 2020, subject to the conditions noted in the staff report to the Planning and Zoning Board; Provided, the conditions are adjusted to permit the road width and utility layout shown on Sheet EX-A.

ATTACHMENTS:

Morrison-Maierle letter dated April 28, 2020
Sheet EX-A (Preliminary Plan Requested Edits)
Planning & Zoning Board Staff Report, with original Preliminary Plan, neighbor objections, and other attachments.
Also available, but not attached: Updated Drainage Report, title report.

H:\PLANNING DEPARTMENT\FILE REVIEWS\PUD\2019\PUD2019-01 EDWARDS PUD\AGENDA SUMMARY LEGACY ESTATES PUD PRELIM PLAN.DOCX

AGENDA ITEM NO. _____

Morrison Maierle
engineers ▪ surveyors ▪ planners ▪ scientists

1402 STAMPEDE AVENUE • CODY, WY 82414
307.587.6281 • www.m-m.net

April 28, 2020

Mr. Todd Stowell, AICP
Community Development Director
1338 Rumsey Avenue
Cody, WY 82414

Dear Mr. Stowell,

This letter is in response to the Staff Report for the Public Hearing and Review of the Preliminary Plan for the Legacy Estates Planned Unit Development and the comments from the City of Cody Planning and Zoning Board meeting held on 04/14/2020. The Owner and Engineers have reviewedyour comments of the Planned Unit Development (PUD) and created the following response and changes to the PUD submittal.

Site Layout and Utilities

Due to the narrow nature of the lot being developed, the Owner did not want to agree to a full 24-foot travel lane. A meeting was held on 04/17/2020 at the Morrison Maierle office to discuss the road width. Todd Stowell, Phillip Bowman, Bryan Edwards, Frank Page, and Austin Reed were present at the meeting. An agreeable solution was developed that provided the City with the requested parking stall length, utility section, and backing distances while maintain less than 24 feet of asphalt.

The changes discussed at the meeting are listed below and shown on Exhibit A.

1) A 2-foot shift of the duplex building footprints towards the south increased the parking stalls in front of the duplexes to 20 feet. This shift reduced the rear setback of the duplexes to around 8 feet.
    a. The City was agreeable to a rear setback of less than 10 feet.
    b. The shift created a total parking stall and backing distance of 49.5 feet for the duplex lots.

2) 2 feet of additional asphalt was added on the north side of the driving lane in front of the fourplexes. This increased the asphalt width to 22 feet total.
    a. The increased asphalt allows for the desired utility section under asphalt. The section can be seen in detail (Utility Dimensions Between Buildings) on Exhibit A.
    b. The increased asphalt width reduces the parking stalls on the fourplexes to 23’
    c. The shift does not affect the total parking stall and backing distance for the fourplexes of 45 feet.
    d. The “Hammer Head” fire turn around geometry was unchanged in this shift.

3) The asphalt width for the Access Road along the eastern half of the lot between the landscaped area and detention pond remained 20 feet in width.
    a. 20 feet of road width allows for the treated water and raw water to remain totally in the asphalt section.
    b. The sanitary sewer will be placed in the landscape area and does not need to fit under the asphalt section.

   c. Increasing the access road width would reduce the total percentage of landscape and common areas.
4) The utility locations were moved to allow treated water, raw water, and sanity sewer to be placed under the asphalt section in the western portion of the access road and allow for 5 feet of clearance from the edge of asphalt.
   a. It is assumed a variance from the Wyoming DEQ will be granted to allow treated water to be placed 6 feet from raw water, per DEQ and City discussions.
   b. The sanitary sewer crosses the landscaped portion of the lot, 10 feet south of the property line on the east end of the lot. This will allow 20+ feet of width for trees to be planted along the access road
   c. A variance in the easement granted to the City will be noted on the Final Plat to allow for planting of trees in the landscaped area but not closer than 10 feet to the sewer line.

Drainage Report

The following edits have been made to the drainage report based on City comments and discussion during the 04/17/2020 meeting. The revisions include the following and are shown in the attached revised drainage report, Exhibit b

1) The pre-development and post development basins have been updated to include three sub-basins. Analysis now includes the three sub-basin areas suggested. Basins are labeled A-C for pre-development and 1-3 for post development.

2) Revised time of concentration values have been used incorporating updated flow lengths.

3) Pre-development off-site peak flows total 0.51 cfs and 0.84 cfs during the 10-year and 100-year events, respectively. Post-development off-site peak flows combine to 0.41 cfs and 0.58 cfs for the same frequency/duration.

Other Comments and Changes

1) The access road name has been changed to “Legacy Lane”.
2) Coordination with the City of Cody Public Works department will determine which treated water line is tied into for the development.
3) The Home Owners Association will have two taps for the raw water line to service all irrigation needs in the development. Due to their small side, each lot will not have their own raw water tap.
4) The new sanitary sewer alignment moves the sewer main from under the trees in the landscaped area.
5) The electrical information will be amended to meet the verbiage provided by the city as follows: “Electrical line installation to be coordinated with the City of Cody, with costs shared per City policy”
6) Final utility easements will be will be updated and shown on the final plat.
7) A building set back table will be included on the final plat to reflect lot changes.

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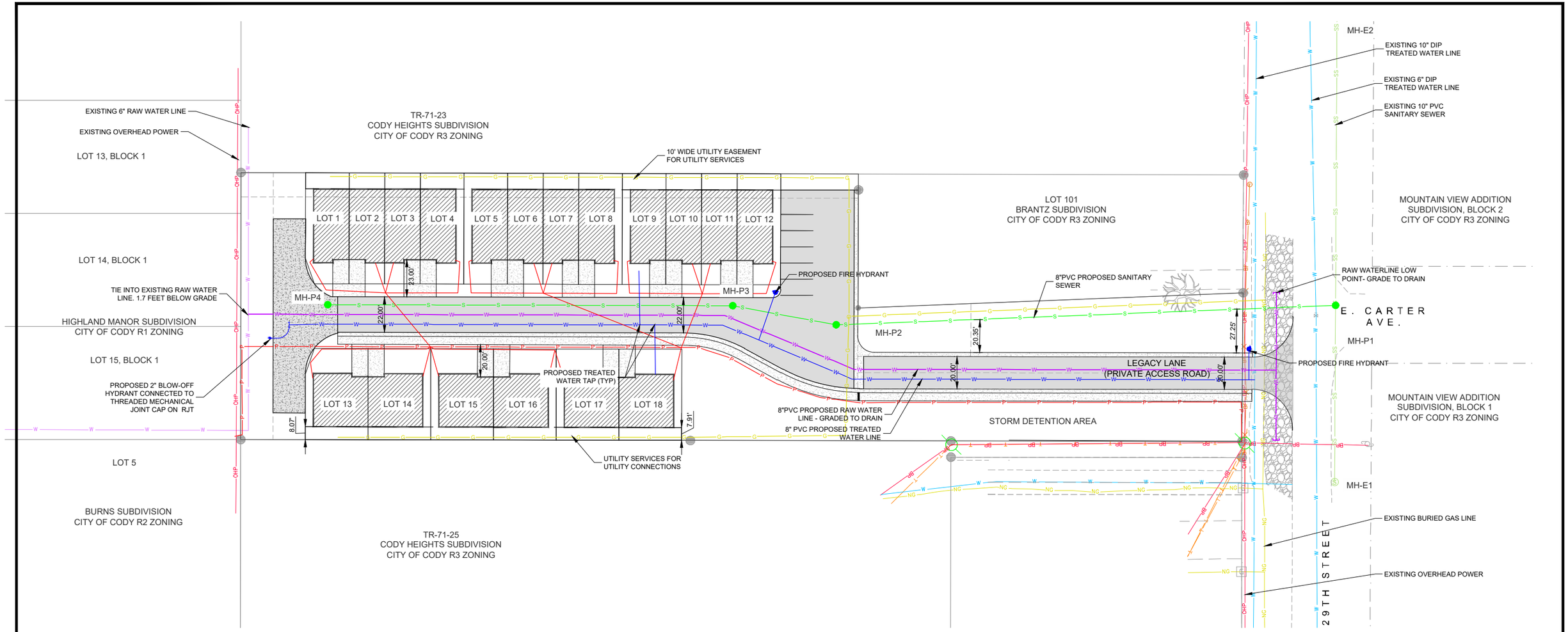
The Planning and Zoning board was agreeable to recommend the PUD to City Council except for the road width in the development. We feel these changes meet the City's requests and propose that the Legacy Estates Planned Unit Development Preliminary Plan be approved and forwarded to City Council. Please let us know when the Preliminary Plan will be scheduled on the Council's Agenda

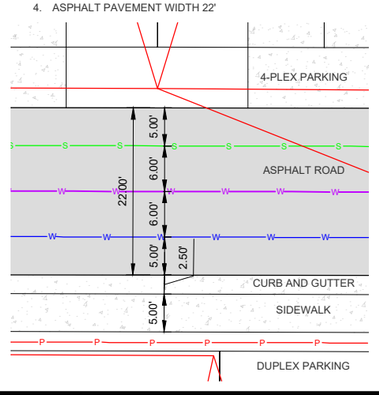
Thank you for your review, input and coordination with this project.

Austin Reed EI, LSI
Project Engineer
(307) 250-8491
areed@m-m.net



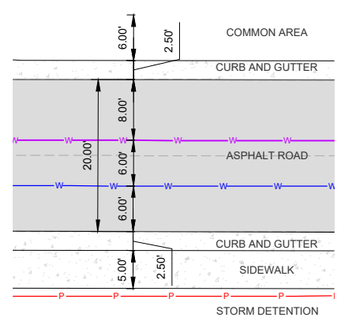
UTILITY DIMENSIONS BETWEEN BUILDINGS

1. MINIMUM SEWER AND RAW WATER SPACING 6'
2. MINIMUM RAW WATER AND TREATED WATER SEPARATION 6'
3. MINIMUM TREATED WATER AND CURB SEPARATION 6'
4. ASPHALT PAVEMENT WIDTH 22'



ACCESS ROAD UTILITY DIMENSIONS

1. MINIMUM BACK OF CURB AND SEWER SEPARATION 6'
2. MINIMUM RAW WATER AND TREATED WATER SEPARATION 6'
3. MINIMUM TREATED WATER AND LIP OF CURB 6'
4. ASPHALT WIDTH 20'



NOTED EDITS FROM PRELIMINARY PLAN SUBMITTAL

1. UTILITY EDITS HAVE BEEN MADE TO REFLECT THE AGREEMENT MADE BETWEEN THE DEVELOPER AND THE CITY. SEE UTILITY DIMENSION DETAILS FOR SPACING BETWEEN UTILITIES AND WHERE THEY FALL IN THE ROAD SECTION.
2. THE ASPHALT ROAD WIDTH IN FRONT OF THE BUILDINGS HAS BEEN WIDENED TO 22 FEET. THIS REDUCES THE PARKING STALLS FOR THE 4-PLEXS TO 23 FEET IN LENGTH.
3. PARKING PADS FOR THE 4-PLEXS HAVE BEEN CHANGED FROM ASPHALT TO CONCRETE.
4. THE ASPHALT ACCESS ROAD PORTION ON THE EAST SIDE OF THE LOT REMAINS 20 FEET IN WIDTH.
5. THE DUPLEX LOTS HAVE BEEN SHIFTED 2 FEET SOUTH TO INCREASE THE PARKING STALL LENGTH FOR THE DUPLEXES TO 20 FEET . THIS REDUCES THE REAR SETBACKS FOR THE DUPLEXES TO AROUND 8 FEET.
6. THE GAS LINE HAS BE SHIFTED TO 5 FEET OFF OF THE NORTH PROPERTY LINE ON THE ON THE EAST END OF THE LOT.
7. THE SANITARY SEWER HAS BEEN SHIFTED TO 10 FEET OFF OF THE NORTH PROPERTY LINE ON THE EAST END OF THE LOT.
8. TREES NORTH OF THE ACCESS ROAD ON THE EAST END OF THE LOT WILL BE PLANTED BETWEEN THE SANITARY SEWER LINE AND CURB AND GUTTER.
9. THE LOT CORNERS ON THE WEST END OF THE DEVELOPMENT HAVE BEEN TRIMED TO KEEP THE LOTS OUT OF THE HAMMER HEAD TURN AROUND. THE HAMMERHEAD CONFIGURATION WAS NOT CHANGED.

PROPOSED UTILITY LEGEND

- PROPOSED SEWER LINE
- PROPOSED MANHOLE
- PROPOSED TREATED WATER LINE
- PROPOSED FIRE HYDRANT
- PROPOSED 2" BLOW-OFF HYDRANT
- PROPOSED A5 POWER
- PROPOSED SECONDARY LINE
- PROPOSED RAW WATER LINE
- PROPOSED GAS LINE

N

30 15 0 30 60

SCALE IN FEET

PRELIMINARY PLAN

APRIL 2020

VERIFY SCALE!

THESE PRINTS MAY BE REDUCED. LINE BELOW MEASURES ONE INCH ON ORIGINAL DRAWING.

MODIFY SCALE ACCORDINGLY!

REVISIONS

NO.	DESCRIPTION	BY	DATE

J:\6357 BRYAN EDWARDS\00201 EDWARDS 29TH STREET DEVELOPMENT\ACAD\SHEETS\CIVIL\002.01-C3-UTILIES PRELIM UPDATED.DWG PLOTTED BY:AUSTIN REED ON April 7, 2020

Morrison Maierle
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DRAWN BY: ARR
DSGN. BY: ARR
APPR. BY: FMP
DATE: 04/2020

Q.C. REVIEW
BY: _____
DATE: _____

BRYAN EDWARDS
CODY LEGACY ESTATES

CODY WYOMING

PRELIMINARY PLAN
REQUESTED EDITS

PROJECT NUMBER
6357.002.01

SHEET NUMBER

DRAWING NUMBER
EX-A

EXHIBIT B

DRAINAGE STUDY AND SITE DETENTION PLAN
FOR
CODY LEGACY ESTATES
APPENDIX 5

INTRODUCTION

This proposed Plan Unit Development is located entirely within lot 102 of the Boundary Line Adjustment for Brantz Subdivision, and is located on the West side of 29th Street just south of the intersection with East Carter Avenue. The lot is currently vacant and zoned R3.

CRITERIA

This report was prepared in conformance with the City of Cody Storm Water Management Policy (SWMP) dated March 2003. The Rational Method was used to estimate peak runoff and the Modified Rational Method was used to estimate storm water runoff.

PRE-DEVELOPMENT ANALYSIS

Overall, the existing project area falls within three drainage basins. The layout of each basin is displayed on the Pre-Development Drainage Basin Delineation Map (Figure 1). The three basins for the site are listed as Basin A, B, and C. Each basin is vacant pasture land and they are separated generally by a high point and discharge locations only. This development is located within floodplain Zone X which is an area of minimal flood hazard, according to the 2010 Flood Insurance Rate Map (FIRM) for the City of Cody (Figure 5).

Basin A includes ±1.05 acres of land primarily occupied by undeveloped pasture land and travels overland in a north direction across the basin.

Basin B includes ±0.83 acres of land primarily occupied by undeveloped pasture land and travels overland in an eastern direction across the basin.

Basin C includes ±0.12 acres of land primarily occupied by undeveloped pasture land and travels overland north across the basin.

PRE-DEVELOPMENT PEAK RUNOFF CALCULATIONS

The pre-development peak runoff calculations for the overall basin are summarized below in Table 1. Refer to the Pre-Development Drainage Basin Delineation Map (Figure 1) for the basin locations and areas. The complete peak runoff calculations are provided in Figure 3, attached.

Table 1. Pre-Development Peak Runoff Calculation Summary

DRAINAGE BASIN	AREA (acres)	10-YEAR STORM PEAK RUNOFF (ft^3/sec)	100-YEAR STORM PEAK RUNOFF (ft^3/sec)
A	1.05	0.27	0.44
B	0.83	0.21	0.35

C	0.12	0.03	0.05
TOTAL		**0.51**	**0.84**

The above storm water runoff quantities were calculated using the SCS Curve Number (CN) loss method of hydrology. The pre-development discharge rates are based upon the following assumptions:

- Rainfall intensity/duration/frequency curve data from the City of Cody SWMP dated March 2003.
- Utilized hydrologic so-il group information from the NRCS Web Soil Survey (http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx). Refer to the NRCS soil report provided in Figure 4
- Design Storm Frequencies of 10- year, and 100-year, 2-hour intervals provided to satisfy the SWMP

The existing basins were defined from topographic survey data collected prior to the project design. Autodesk Storm and Sanitary Analysis (SAS) software was utilized to calculate peak runoff rates. SAS output documents are provided in Figure 3 for detailed Pre-Development basin information. The reports contain soil type, runoff coefficients, flow type, hydraulic length, and average slope for each basin.

Post-Development Analysis

The anticipated drainage basins for the post-development calculations include the main paved parking lot, access road, driveways, sidewalks, and buildings (Basin 1), a minor off-site flow basin to the north and west (Basin 2) and a minor off-site flow basin to the north (Basin 3). The drainage routing for the newly developed area will include a curb/sidewalk chase drain to a detention swale with off-site flow discharge locations, reducing pre-development discharge rates.

Basin 1 direct flows over buildings, driveways, and parking area in a southwest direction to the storm detention area. Basin 2 continues to the north and west, while Basin 3 flows north, both similar to existing flow patterns.

The post-development peak runoff calculations for the entire basin post-development are summarized below in Table 2. The complete peak runoff calculations are provided in Figure 3 along with the Post-Development Drainage Basin Delineation Map (Figure 2).

Table 2. Post-Development Peak Runoff Calculation Summary

DRAINAGE BASIN	AREA (acres)	10-YEAR STORM PEAK RUNOFF (ft^3/sec)	100-YEAR STORM PEAK RUNOFF (ft^3/sec)
1	1.78	0.33	0.43
2	0.13	0.06	0.11
3	0.09	0.02	0.04
TOTAL		**0.41**	**0.58**

The above storm water runoff quantities were calculated using the same procedures and documents as indicated in Section 3.1 of the City of Cody storm water management policy.

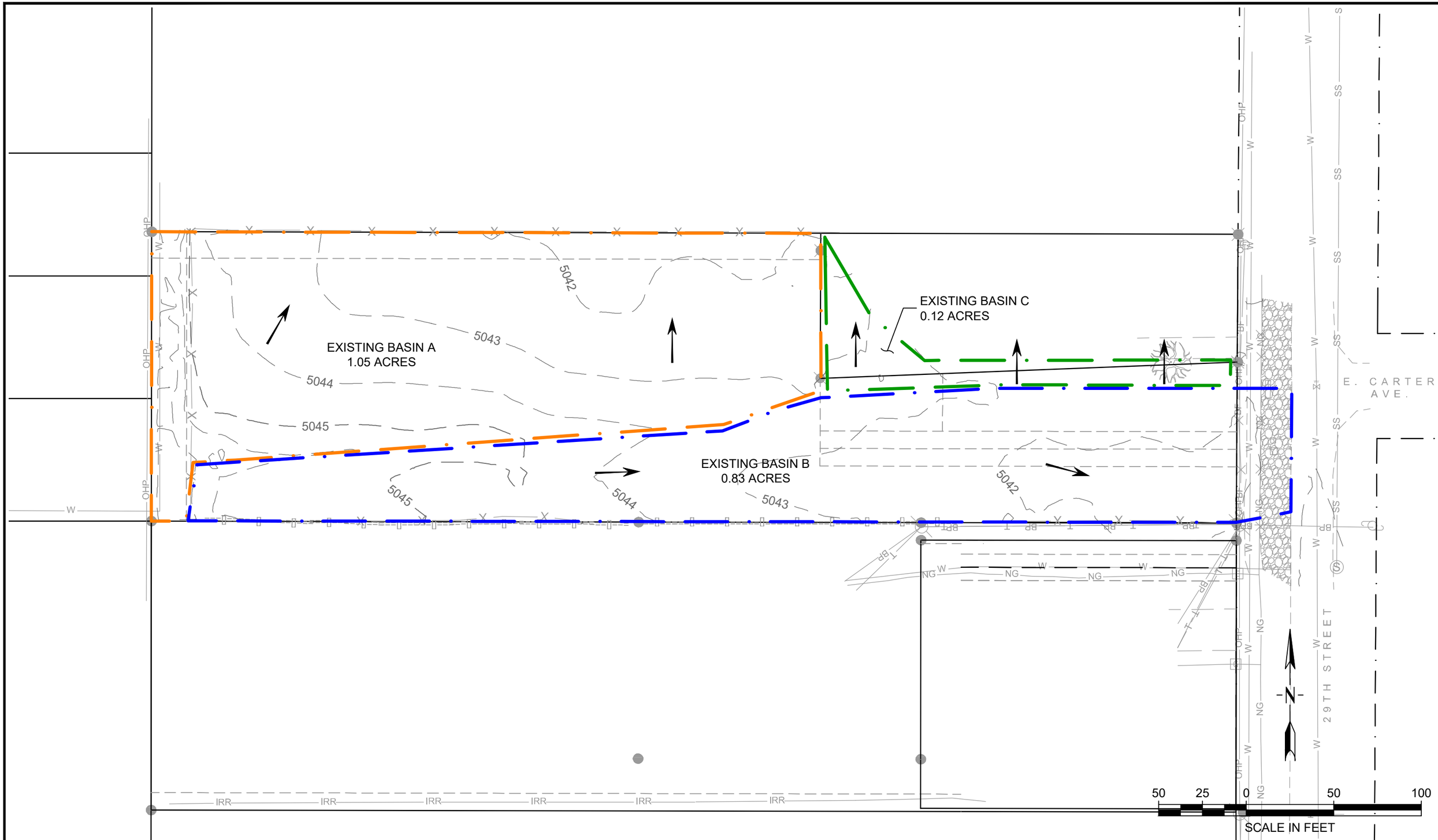
Proposed Drainage Control Features

Drainage control features include directing surface flow to a concentrated location and storm detention swale, with a weir structure to detain off-site storm water runoff. All sized in accordance with City of Cody SWMP Criteria, March 2003.

The anticipated layout of the drainage control features and storm detention swale are shown on the enclosed Drainage and Grading Plans located in Figure 2. The proposed storm detention swale is approximately 250 feet in length, 24 feet wide at the top, three feet wide on the bottom, and has a detention volume of 2357 cubic feet (0.054 AC. FT).

ATTACHED FIGURES

FIGURE 1 – Pre-development drainage analysis map
FIGURE 2 – Post-development drainage analysis map
FIGURE 3 – Storm flow and runoff calculations
FIGURE 4 – NRCS soil report
FIGURE 5 – Firm Map



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DSGN. BY: TEM
APPR. BY: FP
DATE: 10/2019

LEGACY ESTATES
CODY WYOMING

PRE-DEVELOPMENT DRAINAGE ANALYSIS

PROJECT NO. 6357.00201

FIGURE NUMBER
FIG - 1

J:\6357 Bryan Edwards\00201 Edwards 29th Street Development\ACAD\Exhibits\Pre-Dev-Drainage.dwg Plotted by tyson markham on Apr/21/2020

PROPOSED BASIN 2
0.13 ACRES

PROPOSED BASIN 1
1.78 ACRES

PROPOSED BASIN 3
0.09 ACRES

ROAD LOW PT.

ROAD HIGH PT.

5044 5043 5042 5041 5040 5045

SIDEWALK CHASE DRAIN LOCATION

STORM DETENTION SWALE 1

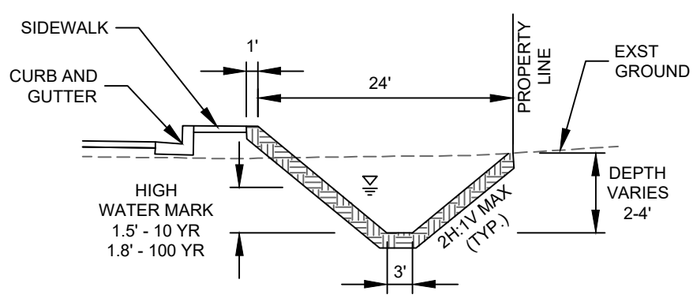
V-NOTCH WEIR, INV. EL 5038.6 TOP EL: 5039.1

E. CARTER AVE.

29TH STREET

N

50 25 0 50 100
SCALE IN FEET



DETENTION SWALE CROSS-SECTION 1
SCALE: NTS

NOTES:
1. APPROXIMATE SWALE LENGTH = 250 FT
2. TOTAL SWALE VOLUME = 2357 CF (0.054 AC.FT.)

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DATE: 10/2019

J:\6357 Bryan Edwards\00201 Edwards 29th Street Development\ACAD\Exhibits\Post-Dev-Drainage.dwg Plotted by tyson markham on Apr/22/2020

LEGACY ESTATES
CODY WYOMING

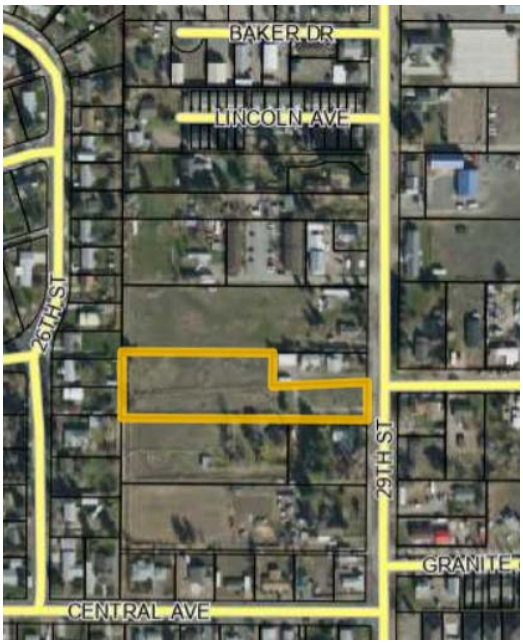
POST-DEVELOPMENT DRAINAGE ANALYSIS

PROJECT NO. 6357.00201

FIGURE NUMBER
FIG - 2

CITY OF CODY PLANNING, ZONING AND ADJUSTMENT BOARD STAFF REPORT			
MEETING DATE:	APRIL 14, 2020	***TYPE OF ACTION NEEDED***	
AGENDA ITEM:		P&Z BOARD APPROVAL:	
SUBJECT:	PUBLIC HEARING AND REVIEW OF A PRELIMINARY PLAN FOR THE CODY LEGACY ESTATES PLANNED UNIT DEVELOPMENT—AN 18-UNIT PUD. PUD 2019-01	RECOMMENDATION TO COUNCIL:	X
PREPARED BY:	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

PROJECT OVERVIEW



We have received an application from Bryan Edward of the Cody Legacy Inn, LLC for a planned unit development. The Board reviewed the conceptual plan for the development last September. The Preliminary Plan is the subject of the current review.

The 1.9-acre property is located on the west side of 29th Street, just south of the East Carter Avenue intersection. It is currently vacant, located in the R-3 Residential zoning district and proposed to be developed with three 4-plexes and three duplexes, with each unit on an individual lot.

The Planned Unit Development (PUD) is a designation that allows the developer to propose their own development standards and density. The P&Z Board and City Council reviews the PUD proposal and determines if the development plan is acceptable, based on the review criteria in the ordinance. The PUD ordinance is found in Title 11, Chapter 7 of the City code.

Notice of the public hearing for the Preliminary Plan has been provided by mail to owners of property within 140 feet (sent March 23 to 14 property owners), and by publication in the Cody Enterprise on March 31, 2020. As of the time of this staff report, we have received four written response, all objecting to the project. Copies are attached. The primary concern noted is objection to the types of buildings and the density. The proposed density is within the amount allowed by the underlying zoning,

and the type of building (townhouse) is an authorized type of structure. The density and type of buildings permitted is already set and cannot be revisited. Other items, such as standards that are not being met, appropriate road width, setbacks, lighting, general layout, and other design elements of the PUD are open for discussion.

View from 29th Street:

Looking east along south fence line:

McMillan irrig. pipeline west end of property:

This staff report format will follow the application packet. Only items that need correction or warrant discussion will be noted.

<u>Page 1 of 9:</u>

a. The interior road is identified as “Louisa Lane”. That name was not authorized by the road name committee due to conflicts with similar names. The applicant’s option of “Legacy Lane” was authorized. Update throughout. Status: Noted in Morrison-Maierle (M-M) letter. Change to Preliminary Plan document is pending (Pending).
b. The form of the turnaround at the end of the street is a “hammerhead”. While not listed as an option in the subdivision ordinance, it is in the adopted fire code

and the fire marshal is agreeable to the configuration. The hammerhead layout has been used in the Lincoln Estates development and has not worked well there because it did not have the radii required in the fire code. However, this development proposal would provide the 28' radii needed. No action needed.

c. The "Parking Code Requirements" section does not address dimensional standards or lighting of the overflow parking area. It is recommended that a light be provided for the overflow parking area. In addition, the parking spaces in front of the "duplexes" do not provide the minimum 20-foot long parking stall specified by the parking ordinance. Here is a photo from Marlisa Lane that shows what happens when the 20-foot length is not provided (18-foot length means pickups extend into street or sidewalk). Status: Parking spaces lengthened to 20 feet. Lighting of the overflow parking area still needs addressed.

Page 2 of 9:

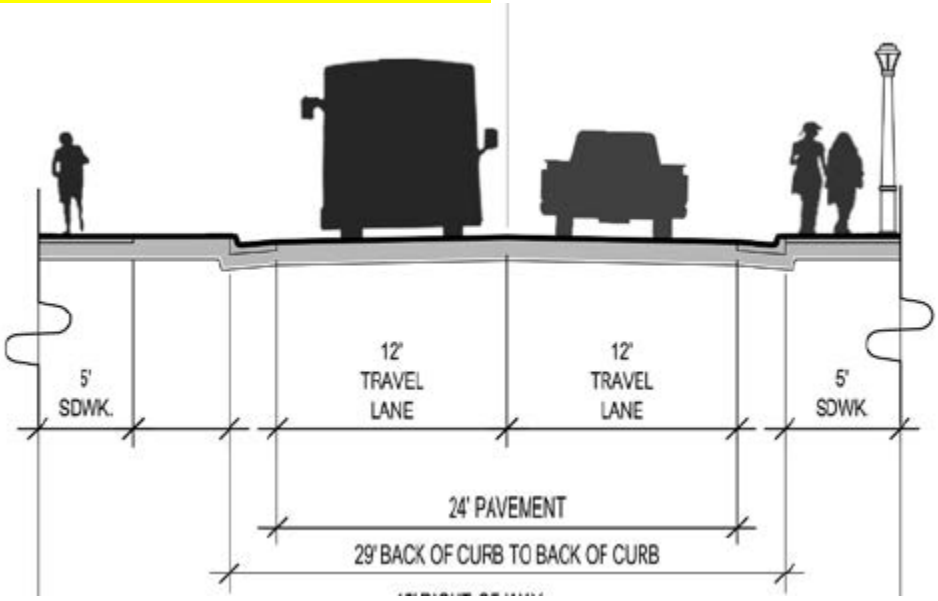
a. Under "Building Setbacks", it notes 10-foot rear setbacks. In order to provide the 20-foot parking stalls just noted, either the depth of the south units or the rear setback for those units would need to be reduced at least 2 feet. If the setback is reduced it would go from 10 feet to 8 feet. For comparison, the rear setbacks at Lincoln Estates are 8-9 feet, and the rear setbacks at Marlisa Lane are 8 feet. Status: Setback reduced from 10 feet to 8 feet along south property line, as recommended.

   In addition, there is currently a 15-foot irrigation easement along the north property line that would need to be reduced or abandoned in order to allow less than 15 feet for a rear setback. The easement reduction/vacation must occur prior to or in conjunction with the final plat. Status: Pending.

b. The 3rd paragraph of "Approximate Size and Number of Lots" indicates that the lots will extend to the centerline of the interior street, yet the plat shows otherwise. Coordinate at needed. Either option is likely fine—Lots extend to centerline with easements granted to HOA, lot owners, and City, or keep in common area and grant easements to City for utilities and access. If the street is placed in common area, the radii of the turnaround should be excluded from the lots. Status: Pending.

Page 3 of 9:

a. The section titled "New Streets" should identify the road section to be used. Currently the site plan shows a 20-foot wide strip of asphalt, with rolled curb and gutter along the entryway and along the south side in the area of the dwellings. For the interior street, staff strongly requests use of the "Minor Residential Access Street", as shown below, although we are open to having sidewalk on only one side in this case, and are not necessarily opposed to eliminating the curb and gutter along the townhouse on the north side, as shown. The 20-foot width on the north-south section of the hammerhead is also acceptable. Status: This requirement is modified to reflect the street cross sections shown on Sheet EX-A.



Page 4 of 9:

a. It is mentioned that treated water will connect to a 6" main. There are two water mains in 29th Street, and Public Works is thinking they want the new line to tie into the other line—a 10" line. Discuss with P.W. and modify as needed. Status: Pending.
b. It is mentioned that a third flushing hydrant will be placed at the west end of the water main. Update to reflect the "blow off" shown on the utility plan. Status: Modified on Sheet EX-A, but missing required valve. Pending.
c. The "Electric" description is not accurate. Update it to reflect what is shown on the utility plan. Status: Noted in M-M letter. Pending.

Page 5 of 9:

a. Under "Raw Water", Public Works is proposing to upsize the line from 6" to 8" and is offering to pay 50% of the raw water installation and materials costs. Status: Now shown on Sheet EX-A as 8".
b. It is not identified whether the lots will have individual raw water taps, or if all irrigation will be by the HOA because all yards are common area land.

The entire concept of whether the front and/or back yards of the individual lots are privately owned and maintained, or if they are in common area and maintained by the HOA, needs to be clearly identified. If individual yards are privately owned and maintained, an individual raw water tap should be provided to each lot. If yards are placed in the common area, individual raw water taps would not be needed, and all common areas could be served by only a few raw water taps. Status: Pending.

c. Although not noted here, the elimination of the irrigation easement along the north property line is apparently tied to a commitment to provide the lot using that line with a replacement raw water tap from the new line. Coordinate location with the adjacent owner and public works. Noted on Plans—Pending.

Page 8 of 9:

a. The landscaping plan referenced in Appendix 3 conflicts with modifications that were made to the utility plan after the initial conceptual review—the trees are shown over the new sewer line location. The trees need to be located outside of all utility easements, based on their mature size. Rather than eliminate the trees, move the sewer line, as will be detailed later in the report. Status: Corrected, per M-M letter. Change to Preliminary Plan Pending.
b. Indicate in what phase the west 4-plex is proposed (currently not mentioned). Status: Pending.
c. Under "Proposed Phasing Plan" correct spelling to "constructed", not constricted. Status: Pending.

Site Plan:

a. Make the modifications already referenced:
   i. Use the staff-recommended street cross section, with waiver of curb and gutter where presently left out, except continue curb and gutter around radii of the hammerhead turnaround. Per the cross section, provide 24' pavement width along entire street, except on the north-south section of turnaround. Status: Modified to reflect street cross section shown on Sheet EX-A. However, still need to add curb and gutter around radii of hammerhead turnaround.
   ii. Provide minimum 20-foot long parking spaces, outside of the street and sidewalk; and reduce depth of "duplex" units, or their rear setback to accommodate (approx. 8' setback). Status: Shown on Sheet EX-A. Modify other sheets.
   iii. Show striping of additional parking spaces. Status: Shown on Sheet EX-A.
   iv. Use 11-foot wide parking spaces in front of the dwellings, as noted on the architectural plans. It is anticipated that these will be constructed with the dwellings, not the street, and be constructed of concrete. Clarify as needed. Status: Concrete pad now shown on Sheet EX-A. Width not dimensioned.

Landscape and Common Area Plan:

a. Identify that the common area shown on this plan is for purposes of demonstrating compliance with the 20% common area requirement of City of Cody Code 11-7-5 and is not necessarily what will be designated a common area for ownership and HOA maintenance purposes. (e.g. the interior street and storm water detention area will also be common area for ownership and maintenance purposes.) Status: Pending.
b. Add an irrigation plan to the landscaping plan. Status: Pending.
c. Identify tree sizes at time of planting. Status: Pending.
d. Modify to reflect elements of the site plan (changes to street width, etc.) Status: Noted in M-M letter. Pending.

Master Utility Plan:

a. Reconfigure the sewer, water, and raw water mains, so that they are located under the asphalt of the street. Staff has two options for layout, based on what DEQ accepts for separation, both of which fit within a 24-foot wide asphalt width (but not less). Status: Shown on Sheet EX-A.
b. Upsize the raw water line to 8". Status: Shown on Sheet EX-A.
c. Modify the leg of the water main at the west end as discussed with Public Works. Public Works is willing to cover the cost of a "T" and valve, so that the water main can be extended to the north or south in the future. Status: Shown on Sheet EX-A, except missing valve.
d. Fix note 8 to reflect water meter placement occurring within buildings. Status: Pending.
e. Add the Cody Canal (McMillan ditch) pipeline along the west end of the development. Status: Pending.
f. Note 2 under "Electrical Information" is not entirely accurate. Technically:
   All conduit shall be provided and installed by the developer to meet City specification. All pedestals, transformer box pads, sectionalizing cabinet ground sleeves, ground rods and streetlight bases that are provided to the developer shall be installed by the developer's contractor. The developer's equipment and labor costs to install material and equipment noted above shall be traded for the City's labor and equipment costs to install transformers, cabinets, streetlights, cable and terminations.
   I would recommend replacing the note with something like: Electrical line installation to be coordinated with the City of Cody, with costs shared per City policy. Status: Noted in M-M letter. Pending.

Drainage Study and Site Detention Basin:

a. While Public Works believes the drainage plan overall is well done, they do question a couple of numbers. Public Works will discuss with the engineer. It is likely that the detention basin may need to be a little deeper. Status: An updated drainage plan has been submitted and is under review.

Architectural Plans:

a. Note that the site plan shown here is superseded by the Civil engineer' site plan. Status: Pending.

Other:

a. The PUD plan must address land use and development standards. If no land use plan is developed, simply note that any proposed land use not specified hereon (e.g. home businesses, short term rentals, day care) shall be regulated by the underlying zoning of the property (R-3 at time of development), and that standards for development on the lots shall be according to the standards of the PUD plan for setbacks, lot size, lot coverage, lot width, and building height. Status: Pending.
b. Final utility easement dimensions and locations will be determined with the final plan. It is expected that the utility easements will extend into the individual lots. Status: Pending.
c. Grading is roughly indicated in the drainage plan and site plan. For purpose of the final plan design, Public Works is recommending a minimum 1 percent slope for the gutter flow.
d. Topography suggests that a retaining wall will be needed at the west end of the turnaround. Alternatively, if a 3:1 vegetated slope can be provided, that is an option—it may not be possible due to the McMillan irrigation pipe. Status: Pending.
e. The title report identifies an easement for an oil and gas pipeline across the property (location not identified). While the title report seems to indicate that the easement appears abandoned, we do not know if the pipeline was ever physically removed from this property. If a pipeline is found during construction, it must be further addressed at that time. We will continue to research in the meantime. Status: Pending. If the line is still there, a lender and/or DEQ may require removal.
f. The applicant indicates that they are willing to transfer the surface water rights from the property to the City, as required by 11-3-3(B)(1). The paperwork is to be filed within one year of final plat approval. Status: Noted.
g. Street signage plans will need to be provided with the final plan. Due to the street width, no on-street parking can be permitted on the interior street. Status: Noted.

RECOMMENDATION/POTENTIAL MOTION:

If the applicant is willing to make the changes noted in the staff report, it is recommended that the Board require those changes to be made before the application is presented to the City Council. The changes could be verified by staff, without bringing the application back to the Board. Once made, the application would be forwarded to the City Council with a Board recommendation of "approval".

ATTACHMENTS:

Preliminary PUD Plan (application), Comment letters

A public hearing to consider the request will be held by the City of Cody Planning & Zoning Board at their regularly scheduled meeting on Tuesday, April 14, 2020 at 12:00 p.m. (noon) in the City Hall Council Chambers, at 1338 Rumsey Ave. If you would like a copy of the application materials you may request them in electronic form from todds@cityofcody.com or call (307) 527-3472.

Due to COVID-19 concerns, written email responses are the preferred method to comment, followed by returning this form. Attending the public hearing is still allowed, but discouraged due to health concerns.

Response Letter from Owners of Neighboring Properties within 140 Feet of Subject Property:
(Responses may be submitted in any written format. The following form is provided for your convenience.)

Dear Planning and Zoning Board Members:
I am familiar with the Planned Unit Development proposal by Cody Legacy Inn, LLC described above.

☐ I have NO OBJECTION to the Planned Unit Development request.
Name:
Address:
Comments:

****

☒ I OBJECT to the Planned Unit Development:
Name: GERALD NOLAN
Address: 1608 - 26th ST
Reason for Objection: See attached

If you would like to receive a copy of the Planning and Zoning Board agenda materials for this

(1) object to town houses - we have apartments across the street and it is not a quiet location.

(2) I would suggest all being semi-detached dwellings

(3) Install an 8 to 10 ft fence plus a row of trees on West side.

****

☒ I OBJECT to the Planned Unit Development:

Name: James & Jeanette McMahill

Address: 1602 26th.

Reason for Objection: We do not care for the apartments. A glass sun room is part of our living space. We like our privacy and not looked in on. Single family homes would be better. Apts in this area don't seem to do well. We have some across the street and its a magnet for police calls. We've been in our home for 30 some years, let us enjoy it - Think about a fence and trees!

If you would like to receive a copy of the Planning and Zoning Board agenda materials for this

****

☑ I OBJECT to the Planned Unit Development:

Name: Anthony & Janette Jarpaushas

Address: 1507 S 29th St, Cody, WY 82414

Reason for Objection: Too many people - One or two 4plex ok

If you would like to receive a copy of the Planning and Zoning Board agenda materials for this

Address:

Comments:

request, please provide your email address: E-mail address: pattisSmith427@gmail.com

☒ I OBJECT to the Planned Unit Development:

Name: Patti D. Smith

Address: 1544 26th Street, Cody, WY 82414

Reason for Objection: This would be in my backyard! I wouldn't mind single resident homes, but I object to townhouses, condos, HOA's, etc. I've lived in an HOA off of 29th - sold - worst experience ever!

If you would like to receive a copy of the Planning and Zoning Board agenda materials for this

MARCH 2020

CODY LEGACY ESTATES
PLANNED UNIT DEVELOPMENT APPLICATION

Prepared by:

MORRISON-MAIERLE, INC.

Owner:

BRYAN EDWARDS, CODY LEGACY INN LLC

Morrison Maierle

engineers ▪ surveyors ▪ planners ▪ scientists

CODY LEGACY ESTATES
PLANNED UNIT DEVELOPMENT APPLICATION

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PLANNED UNIT DEVELOPMENT APPLICATION

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CITY OF CODY
WYOMING

PLANNING, ZONING AND ADJUSTMENT BOARD
PLANNED UNIT DEVELOPMENT APPLICATION

STAFF USE
File: PUD2019_____
P&Z Invoice:_____

Owner or Applicant's Name: Bryan Edwards - Cody Legacy Inn LLC

Mailing Address: PO Box 2035, Cody, WY Zip: 82414

Phone: _____ Cell: 307.250.2253 Fax: _____ Email: bryanedwards71@yahoo.com

Project Address: West side of 29th Street at Carter Ave. Zone: R3

Legal Description: BRANTZ SUB. LOT 2 (EX. A SMALL PARC. ALONG THE S. LINE OF LOT 1) - (ALSO SHOWN AS LOT 102 ON BOUNDARY LINE ADJUSTMENT PLAT K-35) (1.92 AC.)

Description of Proposal and Proposed Use of Project: Develop vacant residential land. PUD application for Multi-family

Estimated Construction Start Date: Spring 2020

Representative Attending P&Z Meeting: Owner Bryan Edwards and Engineer Frank Page, PE, Morrison-Maierle

Signature of Property Owner: _____
Signature *Date*

REMEMBER: **Submit a total of twelve (12) copies of the application, plans, and any other information noted.**
One (1) full size (24"x36") scalable set of plans for staff review and
Eleven (11) reduced size (11"x17") to be distributed to the Planning and Zoning Board
Submit a digital file containing PDFs of each document submitted.
The deadline for submitting the application is by 4:00 PM.
Please see attached meeting, submittal date and fee schedule.

A. The Conceptual Plan should include:
A description of the proposed PUD must be submitted and shall contain:

- ☐ A written explanation of the objectives to be achieved by the PUD.
- ☐ A written statement of the scope of the proposed development to include:
  - ☐ Architectural theme.
  - ☐ Uses of single-family and multi-family dwellings, townhouses, condominiums, commercial structures, and other proposed uses.
  - ☐ Approximate size and number of lots.
  - ☐ Availability of adequate or provision of adequate utilities, including raw water.
  - ☐ Availability of adequate or provision of adequate new streets.
  - ☐ Statement of compatibility of proposed PUD with adjacent land uses.
  - ☐ A graphic Conceptual plan describing the land uses to be permitted with each area.
  - ☐ A common area landscaping concept graphically illustrating the location and character of common area, recreational amenities, pathways, and other proposed site improvements.
  - ☐ A proposed phasing plan.

B. The Preliminary Plan should include: (Included with this phase is a Public Hearing)

- ☑ A list of abutting landowners of record and their addresses from the county assessor's office
- ☑ A description of uses and activities proposed within each area, including the following:
  - ☑ The type, sizes, and mixture of dwelling units.
  - ☑ The acreage or square footage of each use, including parking, roadways, easements, rights-of-way, and recreational areas.
  - ☑ The number of off-street parking spaces.

- ☑ Any other applicable restrictions such as building setbacks, structural height limits, access, grades, or widths of roads.
- ☑ The overall density for the entire PUD, as well as the ratio of common area in areas to be developed, stated on a percentage basis, including the number of square feet.
- ☑ A written statement by a registered professional engineer, which shall describe the following:
  - ☑ The proposed method and arrangement for connection to the municipal water system, and the projected usage and needs.
  - ☑ The proposed method and arrangement for connecting to the municipal sewer system, and the projected usage and needs.
  - ☑ The soil, geological, and ground water conditions of the site and the manner in which storm drainage will be handled.
  - ☑ The manner in which raw water or irrigation water will be provided.
- ☑ If the PUD is to be developed in phases, a description of each phase and an estimated date of completion for each phase. Any substantial change or alteration in the design of the PUD or completion schedule will require the owner to submit an amended plan in compliance with the most current rules and regulations adopted by the City of Cody.
- ☑ The applicant shall provide an estimate of water consumption and amount of sanitary sewer discharge based on the proposed land use plan.
- ☑ Appendices: **Appendix 1 (Site Plans Check List) See Attached**
  Appendix 2 (Traffic Impact Analysis Check List) See Attached
  Appendix 3 (Landscape and Common Area Plan Check List) See Attached
  Appendix 4 (Master Utility plan Check List) See Attached
  Appendix 5 (Drainage Study and Site Detention Plan Check List) See Attached
  Appendix 6 (Common Area Maintenance Plan Check List) See Attached
  Appendix 7 (PUD Design Objectives Review Forms) See Attached
- ☑ Primary Contact.
- ☑ Scale not less than 1" = 100' and shown on plans.
- ☑ 24" x 36" reproducible.
- ☑ Name of PUD.
- ☑ Location/Boundaries tied to official government survey.
- ☑ Names and address of subdivider, designer of PUD, licensed PE or LS.
- ☑ Date of preparation.
- ☑ North Arrow.
- ☑ Exact bearings/distance dimensions.
- ☑ Total acreage.
- ☑ All proposed subdivided lands.
- ☑ All lands and owners adjacent to proposed lands within 200ft.
- ☑ Location/dimensions and names of proposed streets, typical cross-sections, alleys, easements, lot lines.
- ☑ Contour lines.
- ☑ Designated flood areas.
- ☑ Lot designated/lot size.
- ☑ Names of adjacent subdivisions.
- ☑ Existing Utilities including: location within subdivision, size, grade, type of material, approx. depth of bury, service locations.
- ☑ Existing Utilities including: location adjacent to subdivision, size grade, type of material, approx. bury depth.
- ☑ Proposed Utilities (conforming to city master plan) including: location within PUD, size, grade, type of material, approx. depth of bury, service locations.

☑ Drainage plan.
☑ Proposed Street and Traffic Signs.

Supplemental Materials

- ☐ Warranty Deed
- ☐ Copies of easements/rights of ways.
- ☐ Written requests for variances to regulations.
- ☐ Proposed Utilities systems.
- ☐ Water line design.
- ☐ Surface improvements.
- ☐ Any additional preliminary information pertaining to utility systems.
- ☐ Agreement for transfer of water rights to the city.
- ☐ Common Area
- ☐ CD containing digital files of all maps and drawings submitted for this application.
- ☐ Application fees due upon submittal to City of Cody.

C. The Final Plan/Plat should include:

- ☐ Scale of not less than 1"=100' and shown on plans.
- ☐ 24" x 36" reproducible.
- ☐ Name of PUD.
- ☐ Date of preparation.
- ☐ North arrow.
- ☐ Legal description of property to be divided.
- ☐ Primary control points.
- ☐ Tract boundary lines, right-of-ways lines (streets & easements), lot lines with accurate dimensions, bearings or angles.
- ☐ Curve data (spirals not permitted).
- ☐ Right-of-way widths for each street, alley or other right-of-way.

Supplemental Materials

- ☐ Statement from the state engineers office regarding water rights.
- ☐ Utility company statements.
- ☐ Covenants.
- ☐ Three sets of approved plans and specifications for improvements to be installed with appropriate signatures of federal agencies, local agencies and companies affected by development (ie. **DEQ Approval**).
- ☐ Deed for open space land to city or cash in lieu of open space received.
- ☐ Special requirements by P&Z or Council.
- ☐ Utility fees paid.
- ☐ Application fees due upon submittal to City of Cody.

After Final Plat Approval by P&Z & Council

- ☐ 2 Mylar copies of signed/sealed and filed final plat.
- ☐ Electronic copy of subdivision providing the following data:
  Prior to recordation of the Final Plat, electronic media shall be provided in AutoCad.dwg or AutoCad.dxf format, which contains the physical features of the survey for this development. The drawings shall be referenced to a known coordinate system. A Project (PRJ) file should be submitted. If not, include a text file with all the parameters describing the datum, projection and coordinate system used for the project. The drawings shall include either a data dictionary to explain the layers, or a self-explanatory layering system.

Appendix 1. (Site Plans)

A. Submittal Requirements

The site plan is a plot plan of the entire area to be developed, which shows location and size of buildings, the size and area of the land under consideration, street names and widths, parking area size, and all other items required on the following site plan checklist. A site plan is required for all PUDs, and must be prepared by an architect, a civil engineer, a land surveyor, or a planner and must comply with the standards and requirements set forth in this Appendix. A complete site plan application consists of:

- ☑ The site plan application form.
- ☑ Vicinity map (8 ½"x 11" or if less than one acre, a scale of 1":200')
- ☑ 12 copies of a site plan and site plan checklist.
- ☑ Drainage Study and Site Detention Plan, see appendix number 5.
- ☑ Traffic Impact Analysis; see appendix number 2.
- ☑ Master Utility Plan, see appendix number 4.
- ☑ Landscape Common Area Common area Plan; see appendix number 3.

Objectives:

- ☐ To insure compliance with Subdivision Regulations, and all drainage, safety, utilities, natural hazard, traffic, and easement provisions required by City rules, regulations, and plans.
- ☐ To provide a smooth transition between adjoining properties.
- ☐ To facilitate the review of new developments by appropriate departments of the City.
- ☐ To streamline the development application, review, and approval process.

B. Site plan check list

All items on the following checklist must be addressed on a site plan. All proposed items addressed on the checklist must be included in the finished physical development as designated on the approved site plan.

- ☑ Legal description and common address of the proposed site.
- ☑ Title block stating names of project, name, address, and telephone number of owner and designer.
- ☑ Names and addresses of all abutting property owners and assessor's parcel number.
- ☑ Surrounding land uses and zoning on all abutting sides, including those lands separated from the site by a street, alley, or other roadway.
- ☑ Current zoning of the land under consideration and proposed zoning, if applicable.
- ☑ North arrow, scale of site plan to be 1"=10' or a multiple thereof, date site plan was prepared.
- ☑ Land area dimensions.
- ☑ Dimensions of all setbacks and heights of all proposed structures.
- ☑ Location and dimensions of all proposed off-street loading dock areas, including street access and traffic flow to these areas.
- ☑ Location of all trash receptacles.
- ☑ Dimensions and locations of all advertising signs and fences.
- ☑ Location of existing and proposed exterior lighting, heights of poles, and size and number of fixtures.
- ☑ Names and widths of all adjacent streets; dimensions and locations of all public and private roadways, streets, or driveways, both paved and unpaved, including rights-of-way, pavement width, and proposed uses of rights-of-way.
- ☑ Location and dimensions of existing and proposed curb cuts and sidewalks.
- ☑ Off-street parking spaces, locations and dimensions, layout, traffic control, compact and handicapped parking spaces, including all surface markings such as directional arrows.
- ☑ Types of ground or yard surfacing throughout, grass, paving, gravel, etc.
- ☑ Existing and proposed easements.
- ☑ Vicinity map at a scale of 1"=600' clearly indicating the location of the site.

General notes that summarize:

- ☑ Total land area in acres or square feet.
- ☑ Total building area in square feet (building footprint and total floor area).
- ☑ Percentage of land covered by buildings.
- ☑ Number and type (single family, duplex, etc.) of housing units.
- ☑ Structure height(s).
- ☑ Number of stories and square footage per story of leasable space.
- ☑ Total number of parking spaces.
- ☑ Square footage of parking area(s).
- ☑ Square footage of all landscaped areas and common areas.
- ☑ Percentage of site covered by landscaping.
- ☑ Existing and proposed contours in intervals acceptable to the City Engineer.
- ☑ Finish Floor Elevations and Architectural Elevations of the buildings(s) to be constructed (front, rear, side).
- ☑ Surface drainage plan for all sites.
- ☑ Pavement design report for parking areas.
- N/A ☐ Traffic study, as required by City Engineer.

Appendix 2. (Traffic Impact Analysis)

TRAFFIC IMPACT ANALYSIS DEEMED UNNECCESARY BY CITY IN MEETING HELD ON 08/23/19

A. The traffic impact analysis shall include:

- ☐ Land Use and Trip Generation
  - ☐ A table of each type of land use, the number of units or square footage, as appropriate.
  - ☐ Trip rates used (daily and peak hour) and resulting trip generation.
- ☐ Traffic graphics showing AM and PM peak and total site generated traffic.
- ☐ AM and PM Capacity Analysis
  - ☐ An AM and PM peak hour capacity analysis shall be provided for all major drive accesses that intersect collector or arterial streets and all arterial-arterial, collector-collector, and arterial-collector intersections within one mile of the site, or as directed by the Public Works Director.
- ☐ Location of approaches
- ☐ Circulation and channelization patterns
- ☐ Location and type of traffic-control devices
- ☐ Pedestrian systems
- ☐ Bicycle systems
- ☐ Projected turning movements
- ☐ Impact on surrounding existing street intersections
- ☐ Proposed actions to mitigate traffic impacts related to the proposed development.

B. Report format shall be:

- ☐ Trip Generation – using Institute of Transportation Engineers Trip Generation Manual.
- ☐ Trip Distribution
- ☐ Traffic Assignment
- ☐ Capacity Analysis
- ☐ Evaluation
- ☐ Recommended Access Plan, including access points, modifications and any mitigation techniques.

C. Summary Analysis explaining:

- ☐ The proposed access points for the project, their location, and the rationale for their placement in terms of circulation.
- ☐ Future off-site road improvements for the access, which roads they will be, the projected time frame for their

completion and who is responsible for their completion.

- ☐ ADT and level of service changes to all streets.
- ☐ How the PUD will minimize traffic impacts to existing streets.
- ☐ Describe bicycle and pedestrian pathways within the development, if used.

Appendix 3. (Landscape and Commons Area Plan)
Landscape and Common area Plan Check List

All items on the following checklist must be addressed on a landscape and commons area plan. All proposed items addressed on the checklist must be included in the finished physical development as designated on the approved landscape and commons area plan.

- ☑ Scale: ¼" = 1'-0" to 1" = 40'
- ☑ Property lines, easements, and public rights-of-way, including clear vision triangles.
- ☑ All existing and proposed buildings or structures.
- ☑ Drive approaches, parking spaces, light standards, circulation and pedestrian walkways.
- ☑ Location and spacing of proposed plant materials.
- ☑ Location of existing trees or landscaping to be preserved or eliminated.
- ☑ Types and locations of new vegetation identified by botanical and common names and listed on a plant schedule.
- ☑ Size of materials to be used.
- ☑ Quantity of each planting material to be used.
- ☑ Types and location of inorganic landscaping material.
- ☑ Locations of walls, fences, and refuse storage areas.
- ☑ Methods of protecting the landscaped areas.
- ☑ Proposed treatment of all ground surfaces (concrete or asphalt paving, pavers, turf or gravel).
- ☑ For areas requiring watering or irrigation, specify the means this is to be accomplished, i.e., automatic lawn sprinkler system, and source of water.
- ☑ A performance bond or letter of credit for one hundred fifty (150) percent of the landscaping materials and labor cost shall be posted with the City of Cody to ensure complete and timely installation of the specified landscaping.

Appendix 4 (Master Utility Plan)

A. The utility plan shall include:

- ☑ Title of development.
- ☑ Label "Master Utility Plan".
- ☑ Plans must be prepared in a format to drafting standards approved by the Planning Department at a scale between 1"=20' and 1"=50'.
- ☑ Existing and proposed street names labeled.
- ☑ Location of all proposed and existing lot lines.
- ☑ "Ties" to control points shall be indicated with the township, section and range indicated.
- ☑ Block and lot numbers.
- ☑ City of Cody Datum and Benchmark.
- ☑ Vicinity map (8 ½" x 11") indicating site and adjacent streets. If site is less than one acre, map must be drawn at a minimum of 1": 200'.
- ☑ Location of all proposed and existing easements and/or rights-of-way appropriately dimensioned.
- ☑ Topography indicated using 2-foot vertical contour lines on City of Cody datum.
- ☑ Scale and north arrow.
- ☑ Existing and proposed utilities (separation between utilities must be indicated).

- ☑ Pipe material, size, and class for all existing and proposed lines.
- ☑ Existing and proposed service lines (each proposed unit is to have separate sewer and water service).
- ☑ Location of service meters for water, gas, and electric.
- ☑ Angles at alignment changes.
- ☑ Test hole locations when applicable.

B. Sewer System Plan Components

- ☑ Locate and number all existing and proposed manholes.
- ☑ Dimensioned distances between manholes.
- ☑ Flowline elevations at all manholes.
- ☑ Field verification of all existing sanitary sewer service lines.

C. Water System Plan Components

- ☑ Show looping system or prove looping requirements not applicable.
- ☑ Existing and proposed fire hydrant locations.
- ☑ Dimensioned distances of all main line runs.
- ☑ Locate proposed new water taps.
- ☑ Raw water system, if applicable.

Appendix 5. (Drainage Study and Site Detention Plan)

For all sites, within a PUD, a drainage study and site detention plan shall be submitted to the Public Works Director. These documents shall comply with the City's Master Storm Drainage Plan and provide for surface drainage and present the effect surface drainage will have on the area under consideration and all abutting areas.

Appendix 6 (Common Area Maintenance Plan)

The developer shall submit a legal instrument to the Community Development Department setting forth a plan providing for the permanent care and maintenance of common areas, recreational areas, private streets, communally owned facilities, and parking lots. The City of Cody will submit same to the City Attorney and it shall not be accepted by the City of Cody until approved as to legal form and effect.

If the common area is deeded to a landowner's association, the applicant shall file the proposed documents governing the association. Such documents shall meet the following requirements:

- ☑ The landowners' association must be established before any residences are sold.
- ☑ Membership in the association must be mandatory for each owner.
- ☑ Common area restrictions must be permanent and not for a period of years.
- ☑ The landowners' association must be made responsible for liability insurance, taxes, and maintenance of recreational and other facilities.
- ☑ The association must have the power to levy assessments that can become a lien on individual premises for the purpose of paying the cost of operating and maintaining common facilities.
- ☑ The governing board of any such association shall consist of at least five (5) members who shall be owners of property in the PUD.

Appendix 7 (PUD Design Objective Review Forms - FILL OUT)

- ☑ **Form 1 – All Development**
- ☑ **Form 2 – Residential Development**
- ☑ **Form 3 – Commercial Development**
- ☑ **Form 4 – Industrial Development**

CODY LEGACY ESTATES - 29TH STREET PUD APPLICATION

CODY LEGACY ESTATES
PLANNED UNIT DEVELOPMENT APPLICATION

INTRODUCTION

This proposed Plan Unit Development is located entirely within lot 102 of the Boundary Line Adjustment for Brantz Subdivision, and is located on the West side of 29th Street just south of the intersection with East Carter Avenue. The lot is currently vacant and zoned R3. Access, treated water, and sewer will be accessed from the east end of the lot off of the 29th Street right-of-way. The development will allow the City to increase looping in their electrical distribution system by providing a connection from the East end of the lot to the West and will allow for expansion of the raw water system by extending the raw water line east to 29th street.

Initially, the development will provide eight residential family units in the form of two fourplex buildings along the Northwest portion of the lot, See Appendix 1: Site pan. The second phase will consist of the construction of a third fourplex. After the fourplexes are constructed, the development will have room for the construction of three duplexes that would provide an additional six residential family units for a total of 18 single family residences

USES

The proposed development includes, an initial three fourplex multi-family buildings on the northwest portion of the property. The fourplexes will consist of 4-bedrooms, 3.5-baths, a single car garage, and an unfinished basement. After the fourplexes are constructed and sold, three additional duplex multi-family units, with 2-bedrooms, 2- baths and a single car garage may be constructed.

Access to the development will be off of 29th Street using a proposed private access road named Louisa Lane. A turn-around will be constructed on the west end of the parcel being developed in the form of a “hammer head” that meets City turn-around requirements.

A storm water detention facility will be located south of the access road on the eastern portion of the parcel between the side walk and the southern property line. Common areas will be located north of the access road, west of the detention facility and west of the proposed lots in the development excluding the truck turn-around area.

PARKING CODE REQUIREMENTS

Phase 1 – Two Fourplexes

Code requirement for 3 & 4 Bedroom Units is 2 ½ spaces per unit. For the two 2 - Fourplex’s

8 Units at 2 ½ spaces per unit =	20 spaces	- Required
Garage space	8 spaces	- Provided
Drive way space	8 spaces	- Provided
Additional spaces required	4 spaces	

Phase 2 – One Fourplex

Code requirement 3 & 4 Bedroom Units is 2 ½ spaces per unit. For one - Fourplex

4 Units at 2 ½ spaces per unit =	10 spaces	- Required
Garage space	4 spaces	- Provided
Drive way space	4 spaces	- Provided
Additional spaces required	2 spaces	

Phase 3 – Two duplexes

Code requirement 1 & 2 Bedroom Units is 2 spaces per unit. For two - Duplexes

4 Units at 2 spaces per unit =	8 spaces	- Required
Garage space	4 spaces	- Provided
Drive way space	4 spaces	- Provided
Additional spaces required	0 spaces	

An additional six parking spaces required for the ultimate development will be located and the east end of phase 1 as indicated on Exhibit B Sheet C-1.

A sidewalk will be provided along the south side of the access road for pedestrian access from the residential area to 29th Street.

Multifamily dwellings will be exclusively used on this location. Fourplex's will be utilized on the Northside of the access road and will be built first. Duplexes will be built on the south side of the road and will be constructed at some point in the future after the completion of the fourplexes.

APPROXIMATE SIZE AND NUMBER OF LOTS

A total of eighteen lots will be created in this PUD. Twelve of the lots will be designated for the fourplex townhomes. All of the townhome lots will be approximately 88.65 feet in in depth. Lots for the townhomes will vary between 22 feet in width for interior-building lots, the end-of-building lots will be 27 feet in width to allow for proper setback between buildings. Interior building lots will be 1950 square feet while end of building lots will be 2394 square feet.

All duplex lots will be south of the access road and will be 38.81 feet in width. Duplex lots will vary in depth from 76.51 feet to 76.36 feet and have areas from 2970 square feet to 2964 square feet.

All lots except lots 11 and 12 will extend to the center line of Louisa Lane which is an easement access road to benefit the PUD. An access and utility easement will be offset 17.5 feet in each direction from the center line of Louisa Lane and allow for a 35 foot wide access and public utilities to be run though the PUD.

BUILDING SET BACKS

Garage entrance setbacks shall be 25 feet from the arterial access drive. Side yard setbacks shall be 5 feet from the lot line on building ends. The common wall and lot line are coincident on interior lots. Rear yard setbacks will be 10 feet.

CODY LEGACY ESTATES - 29TH STREET PUD APPLICATION

NEW STREETS

The City has indicated that traffic volume and existing level of service on 29th Street is adequate to handle the additional traffic from the proposed development. A formal traffic study has not been requested due to traffic volumes, location and the number of lots.

The proposed access road will not line up with Carter Avenue to the east of the site due to existing site constraints, and property ownership. While the offset intersection is not preferred, the traffic volume, 30 MPH residential speed limit, and adequate and clear sight distance along 29th Street, and installation of an MUTCD compliant Stop sign will provide for an adequate and safe street access point.

Proposed Street names have been submitted to the City/County Street Naming committee for consideration. The street name Louisa Lane was approved.

DENSITIES AND COMMON AREA

The densities for developable acreage per dwelling meet the R3 zoning regulation of not less than 4000 square feet per dwelling (10.89 dwellings per acre). Due to the shape of the "flag pole" lot being developed, the dwellings will be on the west side of the lot west of from 29th street.

Planned Unit Development Density Calculations	
Total Dwellings	18 Units
Total Acres	1.92 Acres
Dwellings per Acre	**9.38 (4,840 SF/Dwelling)**

Common areas will be provided though out that PUD that meet the city development definition of common area (11-7-5-B). The storm water detention facility has also been removed from the common area calculation at the request of the City. See Appendix 3: Landscape and Common Area Plan common area layout.

Planned Unit Development Common Area Calculations	
Total Common Area	17,785.77 SF
Total Development area	83699.42 SF
Percent Common Area	**21.25%**

ARCHITECTURAL THEME

The proposed architectural theme for the initial phase will be two story craftsman style town homes with single car garages, and full unfinished basements featuring front porches with river rock accented columns. As shown in Appendix 8 the facade will include vertical and horizontal siding with rustic accented using earth tone colors.

DEVELOPMENT MASTER UTILITY PLAN

Proposed utilities are shown on Appendix 4; Master utility plan

Water - Treated water is available from a 6" treated water line in 29th street. A new 8" water line will run along the south side of the access road though the subdivision ending south of the "hammer head" turn around at the property line. The water line will be available for future developments to tie into and create a loop for improved water quality. The new 8" water line will have to cross an existing second 10" water main, a 6-inch gas main and communication lines located in the 29th Street right-of- way.

The closest, existing fire hydrant is located at the corner intersection of 29th Street and Central Avenue approximately 495 feet south of the proposed access road to the development.

Two new hydrants are proposed and will be connected to the new water line to provide adequate fire suppression for the structures. One hydrant will be placed along the west side of the 29th Street right-of-way. A second fire hydrant will be located on the northside of the access road, prior to the first new residential structure, near the middle of the development. A third flushing hydrant will be placed at the south end of the "Hammer Head" turn around to provide a flushing point for the dead in line.

The Developer's contractor will coordinate with the City for the residential unit connection. The Developer's contractor will provide all labor, materials and equipment for the individual residential water service connections.

Sewer- Sanitary sewer is available on the east side of 29th street running from south to north. The existing sanitary sewer line is a 12 inch main. The new 8" sanitary sewer line will run along the north side of the access road into the subdivision.

The Developer's contractor will coordinate with the City for the residential unit connection. The Developer's contractor will provide all labor, materials and equipment for the individual residential sewer service connections.

Electric – City of Cody electric power is available at two locations on the site from two different power loops in the City's electrical grid. The City has identified this as an opportunity to connect the two separate power loops together. A primary underground power line will run from an existing pad mounted transformer located near the south west corner of the lot to be subdivided, along the south side of the access road, to an existing power pole in the near the south east corner of the lot. Secondary power lines will branch from pedestals to the services on the homes.

The City electric crew will has provided a proposed electric layout (Appendix 9) and cost estimate for the underground electric system. The City will provide electrical wire and equipment to the developer at City cost. The City install the infrastructure to the City system and the Developer will reimburse the City, for the City's costs.

The Developer's electrical contractor will coordinate with the City for the residential unit connection. The Developer's electrical contractor will provide all labor, materials and equipment for the individual residential electric service connections.

Raw Water – An existing 6" City raw water line is located along the west edge of the property and is available for connecting to the City's raw water system. A new 6" line will run along the southern edge of the access road and extend into the right of way on 29th street. The raw water line will be graded to drain and have a valve allowing the line to be drained into an infiltration manhole located in the right of way on 29th street.

The Developer's contractor will coordinate with the City for the residential raw water connection. The Developer's contractor will provide all labor, materials and equipment for the individual residential raw water service connections.

Water rights discussions have been initiated with the state engineer's office. It is anticipated that a change of use petition will be filed to transfer the adjudicated water rights to the City of Cody and change the use from irrigation to miscellaneous. The City code requires the water right be placed in municipal use however the state engineer's office has indicated this is not an acceptable classification for water that may be used to irrigation and other raw water need and the petition must be filled for miscellaneous use.

Communications – Private fiber optic lines run along the western edge of the 29th street right-of-way and are available to provide communication to the development. Extending the fiber optics and communication lines to the individual residential units will be coordinated during construction of the public improvements.

Natural Gas – An existing 6-inch Black Hills Energy line runs along the western edge of 29th street. Black Hills Energy has been contacted to coordinate the connection to this line.

Extending the gas lines to the individual residential units will be coordinated with Black Hills Energy. It preferred that the gas meters be installed on the rear of the home for the fourplexes. The location of the gas meters for the duplexes will be coordinated with the gas company at the time the buildings are designed and construction is planned.

Storm Water – The City has no storm sewer infrastructure located in the area of the site. All of the storm water from the site will be routed via surface flow towards the southeast corner of the site where it will be collected in a detention pond Exhibit "B" of the drainage study and site detention plan (Appendix 5). A formal drainage report has be prepared in compliance with the City of Cody Storm water Management Plan, latest edition and is attached to this document as Exhibit "A".

Water and Sanitary Sewer Load

A load of 120 gallons per bedroom per day is used to derive water consumption based on the ASCE recommendation of 50 to 265 gallons per person per day. Sanitary sewer discharges are assumed to be equal to treated water use.

Water and Sewer Load– Three Fourplexes

Water Consumption = (120 Gal/Bedroom/Day) X (4 Bedrooms) X (12 Units) = 5,760 Gal/Day

Sanitary Sewer Discharge = (120 GAL/Bedroom/Day) X (4 Bedrooms) X (12 Units) = 5,760 Gal/Day

Water and Sewer Load – Three Duplexes

Water Consumption = (120 GAL/Bedroom/Day) X (2 Bedrooms) X (6 Units) = 1,400 Gal/Day

Sanitary Sewer Discharge = (120 GAL/Bedroom/Day) X (2 Bedrooms) X (6 Units) = 1,400 Gal/Day

Water and Sewer Load –Total Development

Total Development Water Consumption = 7,200 Gallons/Day

Total Development Sanitary Sewer Discharge = 7,200 Gallons/Day

COMPATIBILITY OF PROPOSED PUD WITH ADJACENT LAND USES.

The existing parcel is in City Zoning R-3 Medium-High Density Residential. The adjacent land uses as indicated in Figure 1 below. The adjacent uses are:

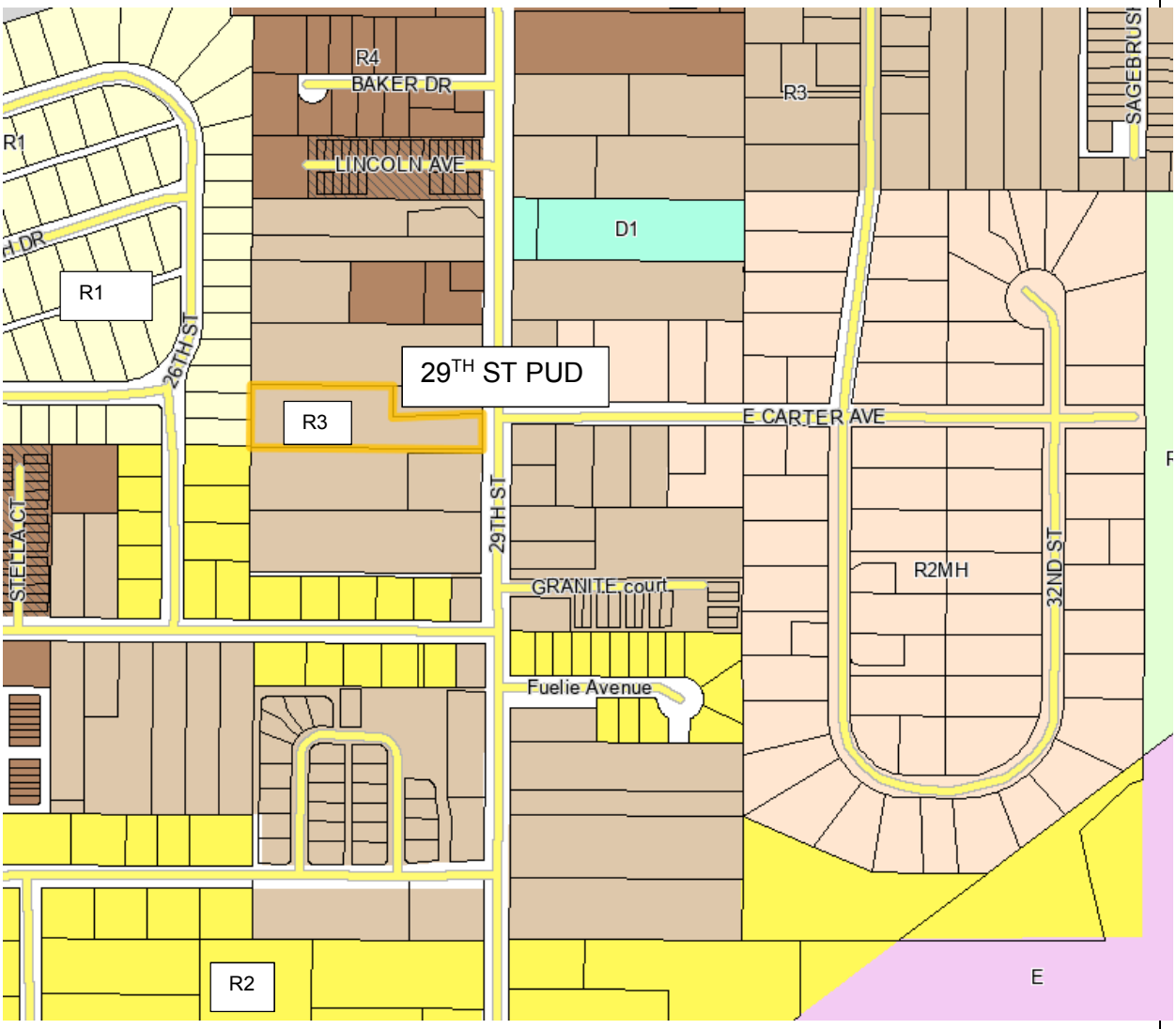
- North R3 Medium-High Density Residential
- East R3 Medium-High Density Residential
- South R3 Medium-High Density Residential
- West R1 Single Family Residential

Further away from the immediate area include R1-Single Family, R2-Medium-Low Density Residential, R4–High Density Residential, D1-Limited Business and E- Industrial (Airport property)

The adjacent zoning and land uses are all residential low to medium-high density. There are several high density residential developments in in the area including Central Estates and the 26th Central Townhouses to the west, Marlisa Lane Planned unit development to the south, and The Porter Addition subdivision (Lincoln Estates) to the North. The proposed Planned Unit Development will be compatible with the uses in the area and will comply with most of the R3 zoning regulations. Several Variances to R3 regulations have been requested to allow for development of this infill lot.

CODY LEGACY ESTATES - 29TH STREET PUD APPLICATION

FIGURE 1 – ADJACENT LAND USES



LEGEND

R1	Single Family Residential		
R2	Medium-Low Density Residential	D1	Limited Business
R3	Medium-High Density Residential	E	Industrial
R4	High Density Residential		

Source: Park County Mapper

LANDSCAPING PLAN

See Appendix 3: Landscape and Common Area Plan, for owner provided landscape layout.

Phase One:

Utility Infrastructure, Road, Gutter, Sidewalk (to South Eastern Lot Line), Retention Area, Center and East Four-Plex Buildings.

Landscaping will include Rock and Trees in the Retention Area: Sod and Trees in the entrance Park area North of the Road; Area around the first two constructed buildings including rock, sod, shrubs, and trees; Fencing on the south property line, North of the Park, along the West border on lot 1, along the North property line as far as the first two constructed buildings.

Phase Two:

South Duplex buildings including appropriate landscaping and fencing.
Unconstructed lots will have no completed landscape, however, will be mowed as needed. All completed landscaping will be according to the map provided.

PROPOSED PHASING PLAN

The required public improvements, utilities and site grading will be constricted as soon as all necessary approvals and permits are in place. This includes the following key facilities:

1. Water System, including residential service stub-outs
2. Sanitary Sewer System, including residential service stub-outs
3. Raw Water services
4. Site Grading and Drainage Facilities
5. Gas, Electric and Communication Facilities, including residential service stub-outs

Concurrent with the public infrastructure construction, and once building permits are obtained, the first two fourplexes on the northern side will be constructed. Then the third fourplex.

After the fourplexes are constructed and sold, the three (3) additional, duplex multi-family units, on the southwest portion of the property will be constructed. There is currently no timeline or building plans for the duplexes.

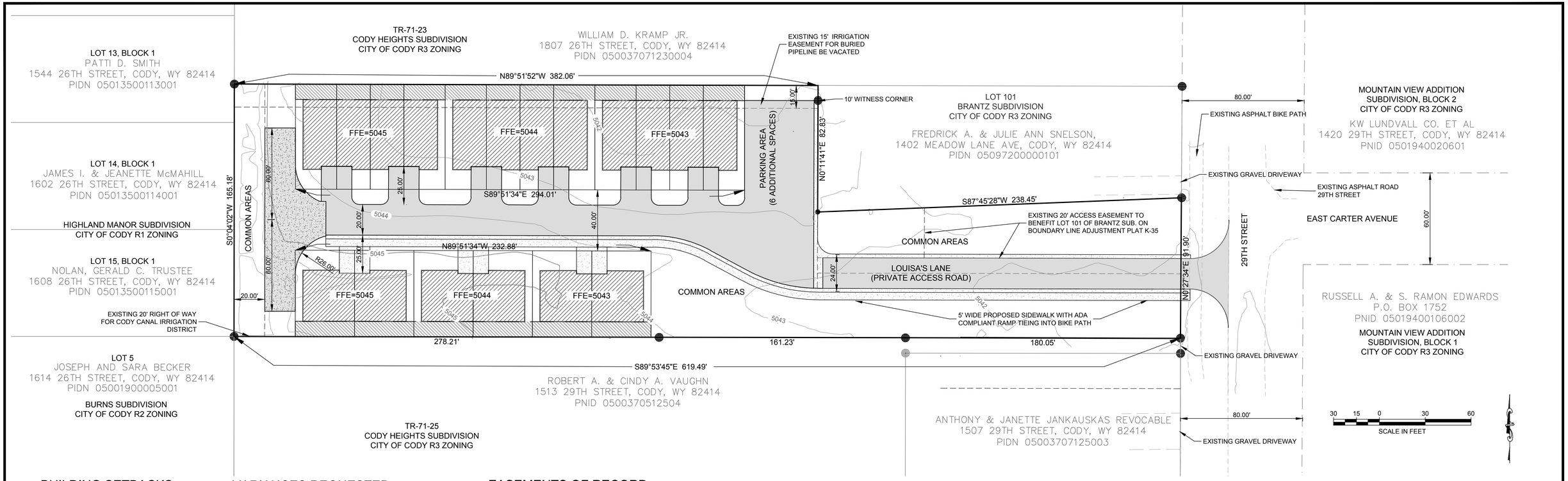
Requests for Variances
At this point the following variance to standards have been identified:

1. Rear Setbacks - Rear setbacks on all buildings will be 10 feet to allow for road and driveway widths. R3 code requires 15 feet.

2. Front Setbacks near Turn around – The proposed layout of the "hammer head" turn around places the building corners closer the road than required by R3 zoning to allow for turning radius. The driveway setbacks are not affected by these radii.

3. No Alleys – The proposed utility access with be from the front the lots in the access and utility easement. The small infill nature of the development is not conducive to alleys. Trash receptacles will be roll outs to Louisa lane and utilities will have dedicate easements making alleys unnecessary.

4. Lot Width and Frontage– Lot width of 22 and 27 feet are requested to allow for the townhomes in the fourplexes to have individual saleable lots and 38.81 feet for duplex lots. These widths will be the same as the lot frontage on Louisa Lane. City code requires 30 feet for interior lots and 40 feet for corner lots.



BUILDING SETBACKS

FRONT SETBACKS = 25' MINIMUM FROM DRIVING LANE OF ROAD
SIDE SETBACKS = 5' FROM LOT LINE OR 0' AT COMMON WALLS
REAR SETBACKS = 10 ' FROM LOT LINE
BUILDING HEIGHT NOT TO EXCEED TWO STORIES WITH BASEMENT ±30'

VARIANCES REQUESTED

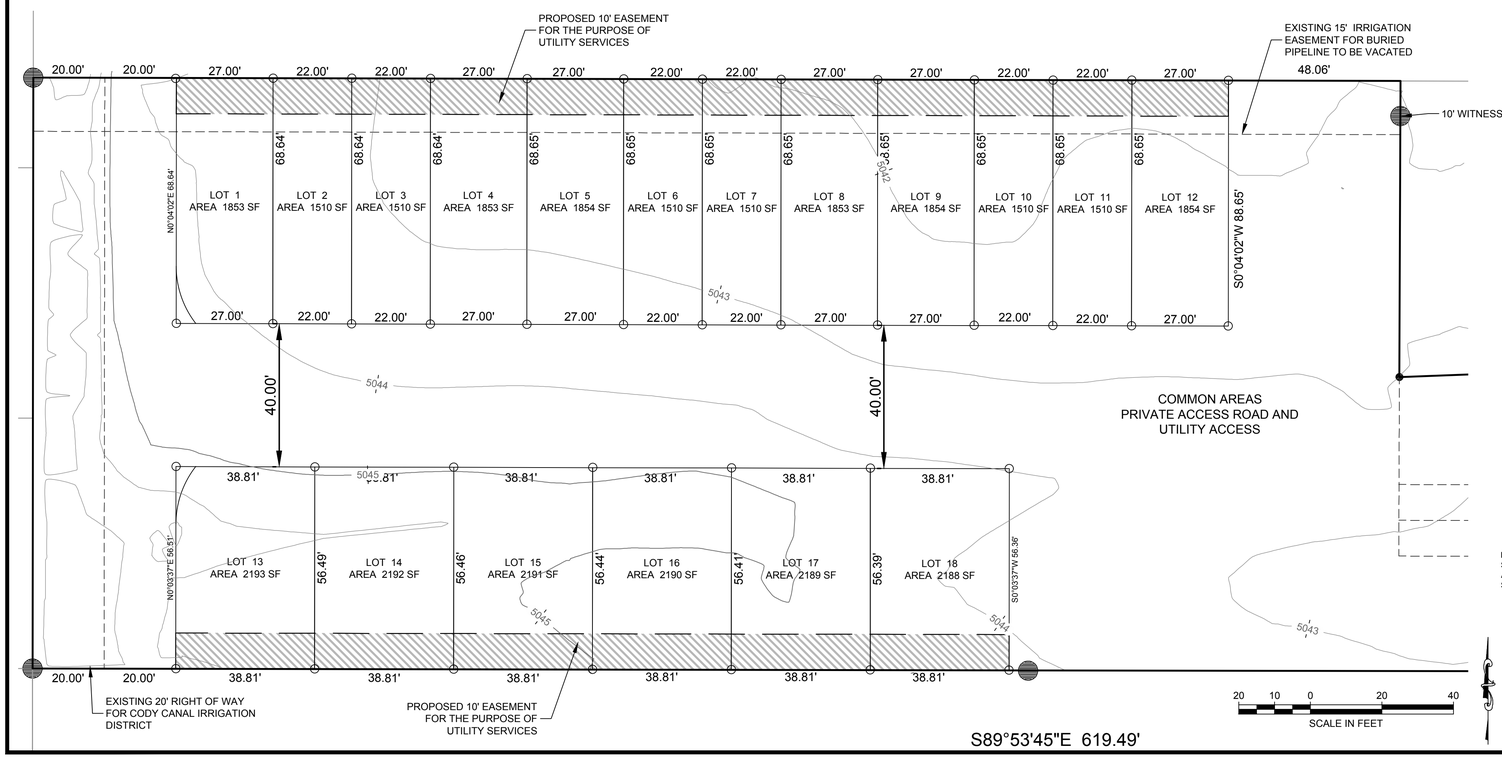
1) VARIANCE FOR 10' REAR SET BACKS ON ALL BUILDINGS
2) VARIANCE TO ALLOW FOR LESS THAN REQUIRED FRONT SET BACKS IN AREA OF RADIUS OF "HAMMERHEAD" TURN AROUND
3) VARIANCE TO ALLOW FOR NO ALLEY WAY IN PLANNED UNIT DEVELOPMENT
4) VARIANCE TO ALLOW FOR LOTS NARROWER THAN R3 CODE

EASEMENTS OF RECORD

1) RIGHT OF WAY OVER IRRIGATION LATERAL ARE AS ESTABLISHED BY THE FEDERAL RESERVATIONS FOR DITCHES ACT OF AUGUST 30, 1890 AND WYOMING STATE STATUTE 41-9-201.
2) MUTUAL ACCESS AND IRRIGATION EASEMENT FOR A BURIED PIPELINE FOR THE USE AND BENEFIT OF LOT 101 AND 102 OF BRANTZ SUBDIVISION AS RECORDED ON MAY 6, 2019, DOCUMENT #2019-2173 TO BE VACATED AFTER WITH FINAL PLAT.
3) OTHER PRIOR EASEMENTS ON THIS PROPERTY HAVE BEEN VACATED AND ARE NOT SHOWN ON THIS PLAT.

LEGEND

- BUILDING FOOTPRINT
- CONCRETE SIDEWALK/ CURB AND GUTTER/TURN AROUND
- ASPHALT PAVEMENT
- PROPOSED UTILITY EASEMENT
- EXISTING EASEMENT LINE
- FOUND ALUMINUM CAP ON REBAR
- PROPOSED CORNER TO BE SET



NOTES

1) BEARINGS ARE BASED ON THE CITY OF CODY DATUM.
2) AREA TO BE DEVELOPED IS ZONED R3 WITHIN THE CITY OF CODY
3) THE TOTAL ACREAGE OF THE LEGACY ESTATES PLANNED UNIT DEVELOPMENT IS ±1.92 ACRES (±83699 SQUARE FEET)
4) THE TOTAL BUILDING FOOT PRINT AREA IS APPROXIMATELY 18,745 SF. THE DESIGN FOR THE DUPLEXES IS NOT COMPLETED AT THIS POINT AND MAY CHANGE SLIGHTLY.
5) THE TOTAL FLOOR AREA OF ALL BUILDINGS IS APPROXIMATELY 35,960.THE DESIGN FOR THE DUPLEXES IS NOT COMPLETED AT THIS POINT AND MAY CHANGE SLIGHTLY.
6) THREE FOURPLEXES WILL PROVIDED 12 SINGLE FAMILY SALEABLE UNITS. THREE DUPLEXES WILL PROVIDE 6 SINGLE FAMILY SALEABLE UNITS FOR A TOTAL OF 18 SINGLE FAMILY UNITS IN THE DEVELOPMENT.
7) THE FOURPLEX UNITS WILL BE APPROXIMATELY 26 FEET TALL CONSISTING OF A TWO STORY BUILDING WITH BASEMENTS. THE DESIGN FOR THE DUPLEXES IS NOT COMPLETED AT THIS POINT.
8) FOURPLEX SQUARE FOOTAGE PER FLOOR:
   BASEMENT - 670 SF
   FIRST FLOOR - 670 SF (FINISHED) + 210 SF (GARAGE)
   SECOND FLOOR - 897 SF
9) EACH UNIT HAS TWO PARKING SPACES. ONE IS IN THE GARAGE AND THE OTHER IN THE DRIVEWAY. 6 ADDITIONAL PARKING SPACE HAVE BEEN PROVIDED FOR THE DEVELOPMENT TO MEET THE CITY OF CODY DEVELOPMENT CODE.
   GARAGE PARKING SPACE - 20' X10' = 200 SF
   DRIVEWAY PARKING SPACE - 22.5X10 = 225 SF
   ADDITIONAL PARKING AREA - 6 SPACES = 3800 SF
10) TRASH RECEPTACLES TO BE INDIVIDUAL ROLL-OUT CANS
11) THERE ARE NO DESIGNATED FLOOD AREAS ON THE PROPOSED SITE
12) THERE ARE NO OFF-STREET LOADING DOCK AREAS IN THIS DEVELOPMENT
13) THERE ARE NO PROPOSED EXTERIOR LIGHTING FIXTURES IN THE DEVELOPMENT
14) A FORMAL TRAFFIC STUDY WAS DEEMED UNNECESSARY BY THE CITY OF CODY DUE TO THE SIZE AND LOCATION OF THE DEVELOPMENT.
15) SEE LANDSCAPE AND COMMON AREAS PLAN FOR GROUND AND YARD SURFACING AREAS.
16) SEE DRAINAGE REPORT FOR SURFACE DRAINAGE PLAN

LEGAL DESCRIPTION

LOT 102, BRANTZ SUBDIVISION, ACCORDING TO THE BOUNDARY LINE ADJUSTMENT SURVEY FOR BRANTZ SUBDIVISION, AS LOCATED IN BOOK "K" OF PLATS, PAGE 35, ACCORDING TO THE RECORDS OF THE COUNTY CLERK AND RECORDER OF PARK COUNTY, STATE OF WYOMING.

CONTACT INFORMATION

OWNER : BRYAN EDWARDS - CODY LEGACY INN LLC.
P.O. BOX 2035
CODY, WY 82414
(307)250-2253
ENGINEER: MORRISON MAIERLE
1402 STAMPEDE AVE.
CODY, WY 82414
(307)587-6281

PROJECT LOCATION

VICINITY MAP

1" = 600'

LEGACY ESTATES
PLANNED UNIT DEVELOPMENT
SITE PLAN
APPENDIX 1

A PLANNED UNIT DEVELOPMENT WITH IN LOT 102 OF THE BRANTZ SUBDIVISION BOUNDARY LINE ADJUSTMENT,TOWNSHIP 53 NORTH, RANGE 101 WEST, 6TH P.M.. (RESURVEY), WITHIN THE CITY OF CODY, PARK COUNTY, WYOMING

Morrison Maierle
engineers • surveyors • planners • scientists
1402 Stampede Avenue Cody, WY 82414
Phone: 307.587.6281
www.mi-m-.net
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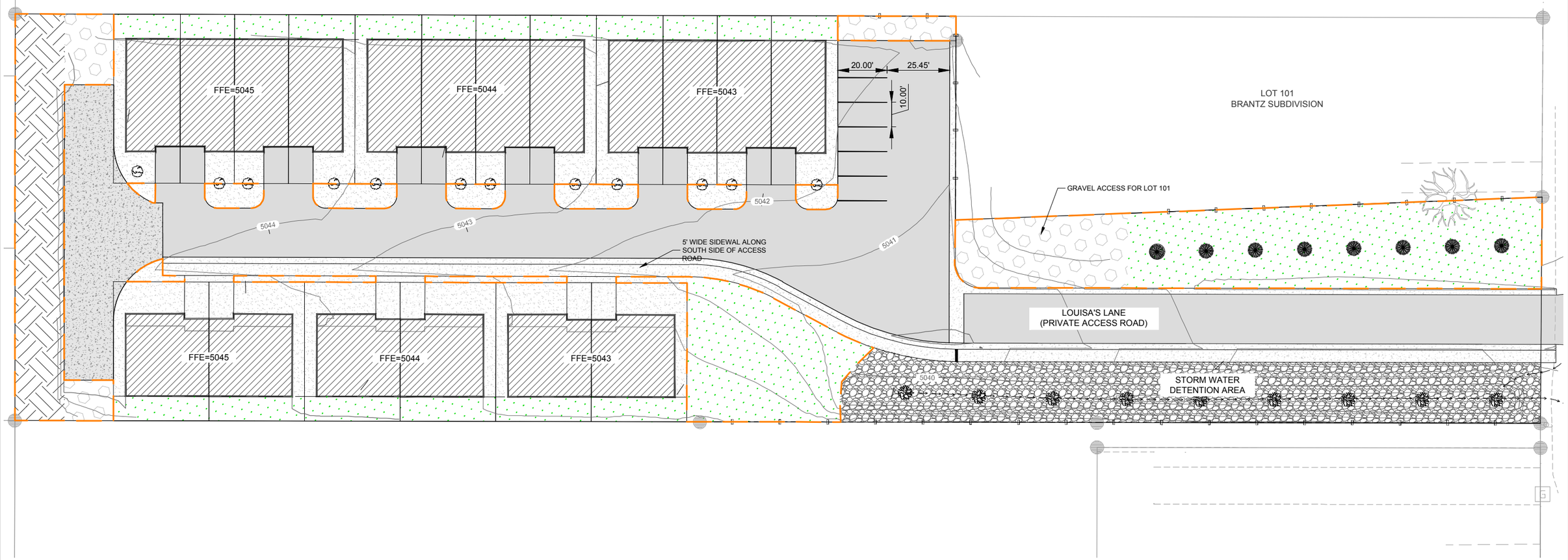
1/4 SEC.	SECTION	TOWNSHIP	RANGE
		53	101

6TH PRINCIPAL MERIDIAN
PARK COUNTY, WYOMING

FIELD WORK: ARR
DRAWN BY: ARR
CHECKED BY: RBB
DATE: 12/31/2019
SCALE: VARIES
PROJ. #: 6357.00201
PLOTTED DATE: Jan/02/2020
PLOTTED BY: austin reed
CLIENT: CODY LEGACY INN, LLC
SHEET ____ OF ____

DRAWING NAME: J:\6357 Bryan Edwards\00201 Edwards 29th Street Development\ACAD\Sheets\Civil\002.01-Plat.dwg



COMMON AREA CALCULATION	SF	ACRES
Total Common Area	17785.77	0.41
Total Devlopment Area	83699.42	1.92
Percent Common Area	**21.25%**	

DESCRIPTION	SF	ACRES
BUILDING FOOTPRINT	18500	0.42
GRAVEL	3367	0.08
IRRIGATED GRASS	14264	0.33
RIVER ROCK ± 4"	7248	0.17
LANDSCAPE ROCK ± 2"	8850	0.20
EXISTING GROUND/ NATIVE	3250	0.07
ASPHALT PAVEMENT	18869	0.43
CONCRETE	9352	0.21
TOTAL AREA	**83699**	**1.92**

GENERAL NOTES

1. FFE = FINISH FLOOR ELEVATION
2. GRASS AREAS TO BE IRRIGATED BY CITY OF CODY RAW WATER VIA AN AUTOMATIC SPRINKLER SYSTEM MAINTAINED BY THE HOME OWNERS ASSOCIATION.
3. COMMON AREAS SHALL CONSIST OF ALL AREA THAT ARE NOT ROADWAYS OR PARKING AREAS OUTSIDE OF THE PROPOSED LOTS AS DESCRIBED IN CHAPTER 11-7-5-B OF THE CITY OF CODY SUBDIVISION REGULATIONS.
4. STORM WATER DETENTION AREAS ARE EXCLUDED FROM THE COMMON AREA CALCULATION
5. LANDSCAPE DESIGN AND LAYOUT BY BRYAN EDWARDS

LEGEND

- BUILDING FOOTPRINT
- GRAVEL
- GRASS
- RIVER ROCK ±4"
- LANDSCAPE ROCK ±2"
- EXISTING GROUND
- PAVEMENT
- CONCRETE SIDEWALK / CURB CUTTER/DRIVEWAY
- COMMON AREA
- WOOD FENCE
- ASPEN TREE (POPULUS TREMULOIDES)
- BLUE SPRUCE (PICEA PUNGENS)
- CRAB APPLE TREES (MALUS SYVESTRIS)

N

20 10 0 20 40

SCALE IN FEET

PRELIMINARY PLAN

DECEMBER 2019

VERIFY SCALE!

THESE PRINTS MAY BE REDUCED. LINE BELOW MEASURES ONE INCH ON ORIGINAL DRAWING.

MODIFY SCALE ACCORDINGLY!

REVISIONS

NO.	DESCRIPTION	BY	DATE

J:\6357 BRYAN EDWARDS\00201 EDWARDS 29TH STREET DEVELOPMENT\ACAD\SHEETS\CIVIL\002.01-C1 LANDSCAPE.DWG PLOTTED BY:AUSTIN REED ON Jan/02/2020

Morrison Maierle
engineers ▪ surveyors ▪ planners ▪ scientists
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Cody, WY 82414
307.587.6281
www.m-m.net

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DRAWN BY: _____
DSGN. BY: _____
APPR. BY: _____
DATE: _____

Q.C. REVIEW
BY: _____
DATE: _____

BRYAN EDWARDS
CODY LEGACY ESTATES

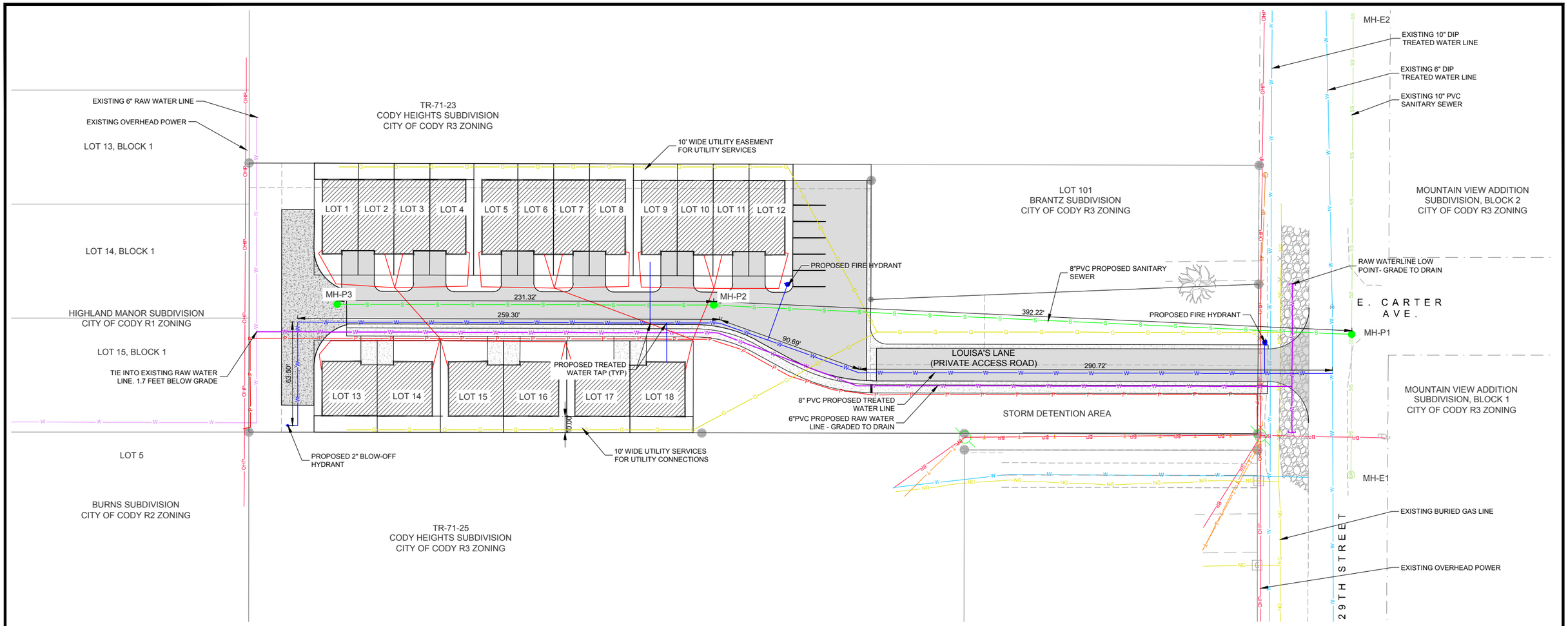
CODY WYOMING

APPENDIX 3:
LANDSCAPE AND COMMON AREA PLAN

PROJECT NUMBER
6357.002.01

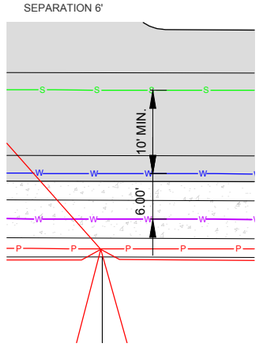
SHEET NUMBER

DRAWING NUMBER
L-1



SANITARY SEWER INFORMATION

1. MINIMUM TREATED WATER AND SANITARY SEWER SEPARATION 10'
2. MINIMUM RAW WATER AND TREATED WATER SEPARATION 6'



SANITARY SEWER INFORMATION

1. ALL ELEVATIONS ARE BASED ON CITY OF CODY DATUM
2. ALL NEW SANITARY SEWER LINE TO BE 8" PVC
3. TOTAL LENGTH OF PROPOSED SANITARY SEWER LINE = 623.54 FEET
4. EACH PROPOSED UNIT TO HAVE SEPARATE SANITARY SEWER CONNECTION

Manhole Information			
Manhole	Rim Elevation	Flow Line Elevation	MH Depth (FT)
E1	5043.15	5034.93	8.22
E2	5041.23	5033.54	7.69
P1	5042.71	5034.66	8.05
P2	5041.78	5036.28	5.50
P3	5044.94	5037.26	7.68

Pipe Run		Length	Slope
Upstream Manhole	Downstream Manhole	Feet	%
E1	E2	449.1	0.31%
E1	P1	86.21	0.31%
P2	P1	392.22	0.40%
P3	P2	231.32	0.40%

TREATED WATER INFORMATION

1. ALL ELEVATIONS ARE BASED ON CITY OF CODY DATUM
2. TREATED WATER WILL BE CONNECTED TO THE 6" DIP LINE IN 29TH STREET
3. ALL PROPOSED TREATED WATER MAIN LINES TO BE 8" PVC TO ACCOMMODATE FIRE FLOWS
4. LOOPING OF THE WATER LINE IS NOT PRACTICAL WITH THE LOT LAY OUT. A LINE WILL BE RUN TO THE SOUTH OF THE HAMMER HEAD FOR FUTURE LOOPING OPPORTUNITIES
5. A FLUSHING HYDRANT WILL BE PROVIDED ON THE END OF THE DEAD END LINE
6. TWO NEW FIRE HYDRANTS ARE PROPOSED
7. TOTAL LENGTH OF LINE PROPOSED WATER LINE = 704.21 FEET
8. EACH PROPOSED UNIT TO HAVE SEPARATE TREATED WATER SERVICES WITH METERS ON FRONT PORTION OF BUILDING

RAW WATER INFORMATION

1. ALL RAW WATER LINES TO BE 6" PVC GRADED TO DRAIN
2. THE RAW WATER LINE WILL HAVE THREE TAPS OWNED AN OPERATED BY THE HOME OWNERS ASSOCIATION TO SERVICE IRRIGATION NEEDS OF THE DEVELOPMENT.
3. EACH INDIVIDUAL LOT WILL NOT HAVE A DEDICATED RAW WATER TAP
4. THE RAW WATER LINE WILL TERMINATE IN THE 29TH STREET RIGHT OF WAY
5. AN INFILTRATION DRAIN WILL BE PLACED IN THE 29TH STREET RIGHT OF WAY TO DRAIN THE WATER
6. TOTAL RAW WATER LINE LENGTH 733.08'.
7. 641.87' THROUGH DEVELOPMENT. 91.21' IN 29TH STREET R.O.W.

ELECTRICAL INFORMATION

1. ELECTRICAL LAYOUT PROVIDED BY THE CITY OF CODY 09/06/2019
2. ELECTRICAL LINE INSTALLATION WILL BE COMPLETED BY THE CITY OF CODY AT THE OWNERS EXPENSE
3. EACH LOT WILL HAVE ITS OWN ELECTRIC METER LOCATED ON TEH FRONT PORTION OF THE BUILDING

PROPOSED UTILITY LEGEND

- PROPOSED SEWER LINE
- PROPOSED MANHOLE
- PROPOSED TREATED WATER LINE
- PROPOSED FIRE HYDRANT
- PROPOSED 2" BLOW-OFF HYDRANT
- PROPOSED A5 POWER
- PROPOSED SECONDARY LINE
- PROPOSED RAW WATER LINE
- PROPOSED GAS LINE

GENERAL NOTES

1. BASIS OF BEARING AND ELEVATION IS CITY OF DATUM
2. GAS LOCATIONS MAY CHANGE WITH INPUT FROM BLACK HILLS ENERGY, IT IS DESIRED THAT THE GAS ENTERS THE BUILDINGS FROM THE REAR.
3. COMMUNICATIONS AVAILABLE ON 29TH STREET

N

30 15 0 30 60
SCALE IN FEET

PRELIMINARY PLAN
DECEMBER 2019

VERIFY SCALE!
THESE PRINTS MAY BE REDUCED. LINE BELOW MEASURES ONE INCH ON ORIGINAL DRAWING.
MODIFY SCALE ACCORDINGLY!

REVISIONS

NO.	DESCRIPTION	BY	DATE

J:\6357 BRYAN EDWARDS\00201 EDWARDS 29TH STREET DEVELOPMENT\ACAD\SHEETS\CIVIL\002.01-C3-MASTER UTILITIES.DWG PLOTTED BY:AUSTIN REED ON Jan/02/2020

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DRAWN BY: KRL
DSGN. BY: JMK
APPR. BY: FP
DATE: 12/2019
Q.C. REVIEW
BY:
DATE:

BRYAN EDWARDS
CODY LEGACY ESTATES
CODY WYOMING

APPENDIX 4:
MASTER UTILITY PLAN

PROJECT NUMBER 6357.002.01
SHEET NUMBER
DRAWING NUMBER U-1

APPENDIX 5
DRAINAGE STUDY AND SITE DETENTION PLAN

DRAINAGE STUDY AND SITE DETENTION PLAN
FOR
CODY LEGACY ESTATES
APPENDIX 5

INTRODUCTION

This proposed Plan Unit Development is located entirely within lot 102 of the Boundary Line Adjustment for Brantz Subdivision, and is located on the West side of 29th Street just south of the intersection with East Carter Avenue. The lot is currently vacant and zoned R3.

CRITERIA

This report was prepared in conformance with the City of Cody Storm Water Management Policy (SWMP) dated March 2003. The Rational Method was used to estimate peak runoff and the Modified Rational Method was used to estimate storm water runoff.

PRE-DEVELOPMENT ANALYSIS

Overall, the existing project area falls within two drainage basins. The layout of each basin is displayed on the Pre-Development Drainage Basin Delineation Map (Figure 1). The two basins for the site are listed as Basin A and B. Each basin is vacant pasture land and they are separated generally by a high point and discharge locations only. This development is located within floodplain Zone X which is an area of minimal flood hazard, according to the 2010 Flood Insurance Rate Map (FIRM) for the City of Cody. Figure 5 Attached.

Basin A includes ±1.0 acres of land primarily occupied by undeveloped pasture land and travels overland in a north direction across the basin.

Basin B includes ±0.98 acres of land primarily occupied by undeveloped pasture land and travels overland in an eastern direction across the basin.

PRE-DEVELOPMENT PEAK RUNOFF CALCULATIONS

The pre-development peak runoff calculations for the overall basin are summarized below in Table 1. Refer to the Pre-Development Drainage Basin Delineation Map (Figure 1) for the basin locations and areas. The complete peak runoff calculations are provided in Figure 3, attached.

Table 1. Pre-Development Peak Runoff Calculation Summary

DRAINAGE BASIN	AREA (acres)	10-YEAR STORM PEAK RUNOFF (ft^3/sec)	100-YEAR STORM PEAK RUNOFF (ft^3/sec)
A	1.00	0.25	0.42
B	0.98	0.25	0.41
TOTAL		**0.50**	**0.83**

The above storm water runoff quantities were calculated using the SCS Curve Number (CN) loss method of hydrology. The pre-development discharge rates are based upon the following assumptions:

- Rainfall intensity/duration/frequency curve data from the City of Cody SWMP dated March 2003.
- Utilized hydrologic soil group information from the NRCS Web Soil Survey (http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx). Refer to the NRCS soil report provided in Figure 4
- Design Storm Frequencies of 10- year, and 100-year, 2-hour intervals provided to satisfy the SWMP

The existing basins were defined from topographic survey data collected prior to the project design. Autodesk Storm and Sanitary Analysis (SAS) software was utilized to calculate peak runoff rates. SAS output documents are provided in Figure 3 for detailed Pre-Development basin information. The reports contain soil type, runoff coefficients, flow type, hydraulic length, and average slope for each basin.

Post-Development Analysis

The anticipated drainage basins for the post-development calculations include the main paved parking lot, access road, driveways, sidewalks, and buildings (Basin 1), and a minor off-site flow basin to the north and west (Basin 2). The drainage routing for the newly developed area will include a curb/sidewalk chase drain to a detention swale with off-site flow discharge locations, reducing pre-development discharge rates.

Basin 1 direct flows over buildings, driveways, and parking area in a southwest direction to the storm detention area. Basin 2 continues to the north and west similar to existing flow patterns.

The post-development peak runoff calculations for the entire basin post-development are summarized below in Table 2. The complete peak runoff calculations are provided in Figure 3 along with the Post-Development Drainage Basin Delineation Map (Figure 2).

Table 2. Post-Development Peak Runoff Calculation Summary

DRAINAGE BASIN	AREA (acres)	10-YEAR STORM PEAK RUNOFF (ft^3/sec)	100-YEAR STORM PEAK RUNOFF (ft^3/sec)
1	1.72	0.40	0.47
2	0.26	0.07	0.13
TOTAL		**0.47**	**0.60**

The above storm water runoff quantities were calculated using the same procedures and documents as indicated in Section 3.1 of the City of Cody storm water management policy.

Proposed Drainage Control Features

Drainage control features include directing surface flow to a concentrated location and storm detention swale, with a weir structure to detain off-site storm water. All sized in accordance with City of Cody SWMP Criteria, March 2003.

The anticipated layout of the drainage control features and storm detention swale are shown on the enclosed Drainage and Grading Plans located in Figure 2. The proposed storm detention swale is approximately 250 feet in length, 24 feet wide at the top, three feet wide on the bottom, and has a detention volume of 2357 cubic feet (0.054 AC. FT).

ATTACHED FIGURES

FIGURE 1 – Pre-development drainage analysis map
FIGURE 2 – Post-development drainage analysis map
FIGURE 3 – Storm flow and runoff calculations
FIGURE 4 – NRCS soil report
FIGURE 5 – Firm Map

PROPOSED BASIN 2
0.26 ACRES

PROPOSED BASIN 1
1.72 ACRES

5044
5043
5042
5041
5040
5045

ROAD LOW PT.

ROAD HIGH PT.

SIDEWALK CHASE DRAIN LOCATION

STORM DETENTION SWALE

1

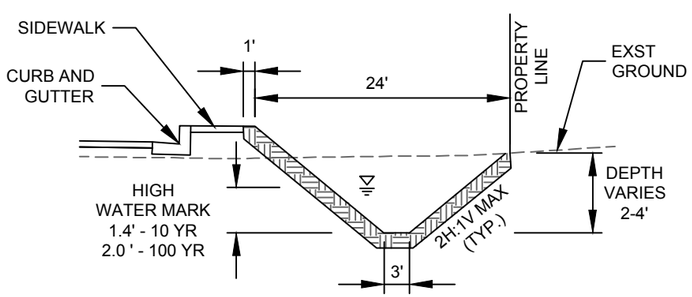
V-NOTCH WEIR,
INV. EL 5038.5
TOP EL: 5039

E. CARTER AVE.

29TH STREET

N

50 25 0 50 100
SCALE IN FEET



DETENTION SWALE CROSS-SECTION 1
SCALE: NTS

NOTES:
1. APPROXIMATE SWALE LENGTH = 250 FT
2. TOTAL SWALE VOLUME = 2357 CF (0.054 AC.FT.)

Morrison Maierle
engineers ▪ surveyors ▪ planners ▪ scientists

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Cody, WY 82414
307.587.6281
www.m-m.net

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DRAWN BY: TEM
DSGN. BY: TEM
APPR. BY: FP
DATE: 10/2019

J:\6357 Bryan Edwards\00201 Edwards 29th Street Development\ACAD\Exhibits\Post-Dev-Drainage.dwg Plotted by austin reed on Jan/2/2020

LEGACY ESTATES
CODY WYOMING

POST-DEVELOPMENT DRAINAGE ANALYSIS

PROJECT NO.
6357.00201

FIGURE NUMBER
FIG - 2

APPENDIX 6
COMMON AREA MAINTENANCE PLAN
(BY OWNER)

EDWARDS 29TH STREET
PLANNED UNIT DEVELOPMENT APPLICATION
COMMON AREA PLAN

COMMON AREA PLAN

The common area maintenance plan and covenants are currently being created by the developer and their attorney. There are several unsettled discussions about the raw water line between the City and the developer that need to be determined before the maintenance plan and covenants can be finalized.

The developer acknowledges that home owner's association must be established before any residences can be sold and that membership to the association will be mandatory for all property owners. The common area restrictions will be permanent in nature and will not expire. The home owners association will be responsible for liability insurance, taxes, and maintenance of all common areas. The association will have the power to levy assessments that can become a lien on individual premises for the purpose of paying the cost of operating man maintaining common facilities. The governing board of the association will consist of at least five members who are also owners in the planned unit development.

APPENDIX 7
P.U.D. DESIGN OBJECTIVE REVIEW FORM

7a CODY PUD REVIEW – ALL DEVELOPMENT

Application
All land uses within a proposed Planned Unit Development shall be reviewed against, and comply with, the applicable objectives and criteria of the mandatory "All Development" group. If answers are other than "yes" or "no," provide supporting information.

REQUIRED CRITERIA:

NEIGHBORHOOD COMPATIBILITY	YES	NO	N/A
1. Is the development compatible with, and sensitive to the immediate environment of the site and the adjacent neighborhoods relative to building bulk and height, neighborhood identity, landscaping, historical character, orientation of buildings on the site and visual character?	✓		
2. Is the project designed so that additional traffic generation beyond what may be approved for underlying permitted uses does not have a significant adverse impact on adjacent and surrounding development?	✓		
3. Is the development in accordance with the adopted elements of the Cody Master Plan?	✓		

PUBLIC FACILITIES, SERVICES AND TRANSPORTATION	YES	NO	N/A
1. Does the development comply with all City design standards, requirements and specifications for the following services? Cable Television Electricity Fire Protection Flood Hazard Areas Natural Gas Sanitary Supply Raw Water Storm Drainage Streets Telephone Trails/Walks/Bikeways Water Supply Solid Waste Collection	✓		
2. Will the sewage generated by the development exceed the sanitary sewer system line and treatment capacity?		✓	
3. Will an adequate water supply exist to serve the development?	✓		
4. Will and adequate electrical power supply exist to serve the development?	✓		
5. Will the City street system be capable of handling the development's traffic generation?	✓		
6. Does the development provide adequate access for emergency service?	✓		
7. Are all vehicular use areas and exterior building areas provided with adequate security lighting?	✓		

NATURAL RESOURCES	YES	NO	N/A
1. Have precautions been taken to minimize hazards to life or property due to any natural resources or conditions?			✓
2. Have known areas of natural or geological hazard (e.g. unstable or potentially unstable slopes, faulting, landslides, rockfalls, flood and wildfire, etc.) or soil conditions unfavorable to urban development had special engineering precautions taken to overcome natural constraints, or have these areas been set aside from development?			✓
3. Does the project preserve or replace existing natural vegetation?	✓		
4. Have special precautions been taken to preserve existing wildlife habitats, natural wildlife food sources, or are these areas being preserved?			✓
5. If the proposed project is located within a locally designated Historical District or includes a locally designated landmark structure, is the project in conformance with the applicable regulations and/or ordinances?			✓

ENVIRONMENTAL STANDARDS	YES	NO	N/A
1. Will the project conform to applicable local, state and federal air quality standards, including, but not limited to: odor, dust, fumes or gases which are noxious, toxic or corrosive, suspended solid or liquid particles, or any air contaminant which may obscure an observer's vision or impair breathing?	✓		
2. Will the project conform to applicable local, state and federal water quality standards, including, but not limited to: erosion and sedimentation, runoff control, discharge of solid wastes, and discharge of hazardous substances?	✓		
3. Can the proposed land uses and activities be conducted so that noise generated shall not disrupt neighboring land uses? Detailed plans for the elimination of objectionable noises are required before the issuance of a building permit.	✓		
4. If the proposed activities produce glare or heat, whether direct or reflected, is the operation conducted within an enclosed building or with other effective screening in such a manner as to make such glare or heat completely imperceptible from any point along the property line? Detailed plans for the elimination of glare or heat are required before issuance of a building permit.			✓
5. Is the exterior lighting, except for warning, emergency or traffic signals, installed in such a manger than the light source is shielded to prevent excessive glare on public streets and walkways or into any residential area? The installation or erection of any lighting, which may be confused with warning signals or traffic signals, shall not be permitted.	✓		
6. Will all sewerage and industrial wastes be treated and disposed of in such a manner as to comply with applicable local, state and federal standards? Detailed plans for waste disposal are required before issuance of a building permit.	✓		

SITE DESIGN	**YES**	**NO**	**N/A**
1. Are the elements of the site plan (e.g. buildings, circulation open space and landscaping, etc.) arranged on the site so that the activities are integrated with the organizational scheme of the community and neighborhood?	✓		
2. Are the elements of the site plan (e.g. buildings, circulation, open space and landscaping, etc.) designed and arranged to produce an efficient functionally organized and cohesive Planned Unit Development?	✓		
3. Is the design and arrangement of elements of the site plan (e.g. buildings, circulation, open space and landscaping, etc.) in harmony with the existing natural topography, natural water bodies and watercourses, existing vegetation, and other related factors?	✓		
4. Does the design and arrangement of elements of the site plan (e.g. building construction, orientation and placement, transportation networks, selection and placement of landscape materials) contribute to the overall reduction of energy use by the project?			✓
5. Are the elements of the site plan (e.g. buildings, circulation, common area and landscaping, etc.) designed and arranged to maximize the privacy by the residents of the project?	✓		
6. Does the design and arrangement of buildings, streets, signs and common areas contribute to the overall aesthetic quality of the site configuration, and provide the required minimum common area?	✓		
7. Does the street and parking system provide for the smooth, safe and convenient movement of vehicles both on and off the site?	✓		
8. Does the development satisfy the parking capacity requirements of the City of Cody and provide adequate space suited to the loading and unloading of persons, materials and goods from vehicles?	✓		
9. Is the active recreational area suitably located and accessible to the residential units it is intended to serve and is adequate screening provided to ensure privacy and quiet for neighboring residential uses?	✓		
10. Is the pedestrian circulation system designed to assure that pedestrians can move safely and easily both within the site and between properties and activities within the neighborhood?	✓		
11. Is the development being properly integrated into development and circulation patterns of adjacent and nearby neighborhoods?	✓		
12. Does the pedestrian circulation system incorporate design features to enhance convenience, safety and amenity across parking lots and streets, including, but not limited to, paving patterns, grade differences, landscaping and lighting?	✓		
13. Does the pedestrian and bicycle trail system adequately connect to the systems in adjacent developments?			✓

14. Does the landscape plan enhance the appearance of vehicular use, open space and pedestrian areas which contribute to their usage and visual appearance?	✓		
15. Does the landscaping plan enhance the appearance of the buildings?	✓		
16. Does the landscape plan screen utility boxes, parking areas, loading areas, trash containers, outside storage areas, blank walls or fences and other areas of low visual interest from roadways, pedestrian areas and public view?	✓		
17. If the development is adjacent to an existing or approved public park or public open space area, have provisions been made in the site plan to avoid interfering with public access to that area?			✓
18. Will all signs in the project be in compliance with the provisions of the City of Cody sign code?	✓		
19. Will all signs in the project be compatible in scale and character to neighboring development?	✓		

7b CODY PUD REVIEW – RESIDENTIAL DEVELOPMENT

Application
Planned Unit Developments in residential areas may include a variety of housing types, designed to enhance the natural environment, conserve energy, recognize and, to the extent possible, preserve and promote the unique character of neighborhoods with provisions for a mix of limited commercial development. Commercial development must be sited and designed such that the activities present will not detrimentally affect the adjacent residential neighborhood.

REQUIRED CRITERIA:	YES	NO	N/A
1. On a gross acreage basis, is the average density in the project at least three (3) dwelling units per acre (calculated for residential portion of the site only)?	✓		
2. Does the project provide for outdoor areas (e.g. private yards, patios and balconies, etc.) for use by the residents of the project, which are sufficient in size and have adequate light, sun, ventilation, privacy and convenient access to the household unit they are intended to serve?	✓		
3. Does the project provide for outdoor areas for use by the residents as recreational, active or passive, activities?	✓		
4. Does the project encourage a mix of land uses?			✓
5. Is the project within one (1) miles of an existing or approved public school, child care center, major employment center, or public neighborhood or community park?	✓		
6. Is the project within two (2) miles of an existing or approved community/shopping center?	✓		
7. Is the project within one-half (1/2) mile of an existing collector or arterial street?	✓		
8. If offices or commercial development are proposed within the project, is less than twenty percent (20%) of the PUD designated to be used for offices or commercial activities?			✓
9. If the project contains commercial development, is the project located at the intersection of arterial streets or arterial and collector streets?			✓
10. In a mixed-use project containing commercial development, has the project been sited and designed such that the commercial activities present will not negatively affect the adjacent on-site residential uses and has the commercial area been developed at a scale compatible with residential development?	✓		

7c CODY PUD REVIEW – COMMERCIAL DEVELOPMENT

Application

Planned Unit Developments in commercial areas may include commercial and/or multi-family development, however, adequate but controlled access to arterial streets is essential. Activities would include a broad range of retail and service establishments designed to serve consumer demands to the City of Cody and adjacent areas.

REQUIRED CRITERIA	**YES**	**NO**	**N/A**
1. Are all refuse storage facilities planned to take place within an enclosed structure or completely screened from off-site view?			✓
2. Is the project contiguous to an arterial street?			✓
3. Does the project contain at least one acre of land?			✓
4. Does the project contain two or more significant uses (for instance, retail, office, residential, hotel/motel and recreation?			✓
5. Is there direct vehicular and pedestrian access to on-site parking areas?			✓
6. Does the project encourage infill with at least ¼ of its property boundary contiguous to existing development?			✓
7. If the project includes residential development, have exceptional or unique design methods been incorporated to mitigate the impacts of conflicting land uses (i.e. landscape and architectural design, extensive open space, recreation center(s), maximum traffic efficiency, screening of residential parking)?			✓

7d CODY PUD REVIEW – INDUSTRIAL DEVELOPMENT

APPLICATION

Planned Unit Developments in industrial areas may include employment, wholesaling, manufacturing and utility centers for the community, the particular type of uses will be determined based upon its potential impact upon adjacent land uses and the intensity of development.

REQUIRED CRITERIA:	YES	NO	N/A
Each of the following criteria must be answered "yes" and implemented within the development plan.			✓
1. Have all the necessary precautions been taken to prevent all lubricants, hazardous materials and fuel oil substances, which are stored on the site, from leaking or draining into the groundwater system, steams, creeks, or other water bodies?			✓
2. Are all repair, painting and body work activities, including the storage of refused and vehicular parts planned to take place within an enclosed structure or completely screened from off-site view?			✓
3. Is the project located adjacent to an arterial or collector street that provides adequate access to the site?			✓
4. Is the project developed such that the least intense uses will be located along arterial streets, where visibility to the public is likely; and more intense uses such as heavy industrial uses and warehousing activities will be located away from the arterial streets, buffered by the other uses?			✓
5. Does the project utilize a landscaping theme that will tie adjacent uses or projects together?			✓
6. Is the project visually compatible with neighboring uses?			✓

APPENDIX 8
ARCHITECTURAL PLANS

APPENDIX 8
ARCHITECTURAL PLANS

FRONT PERSEPCTIVE
NOT TO SCALE

THE EDWARDS FOUR PLEX

BY PRECISION PLAN AND DESIGN INC.

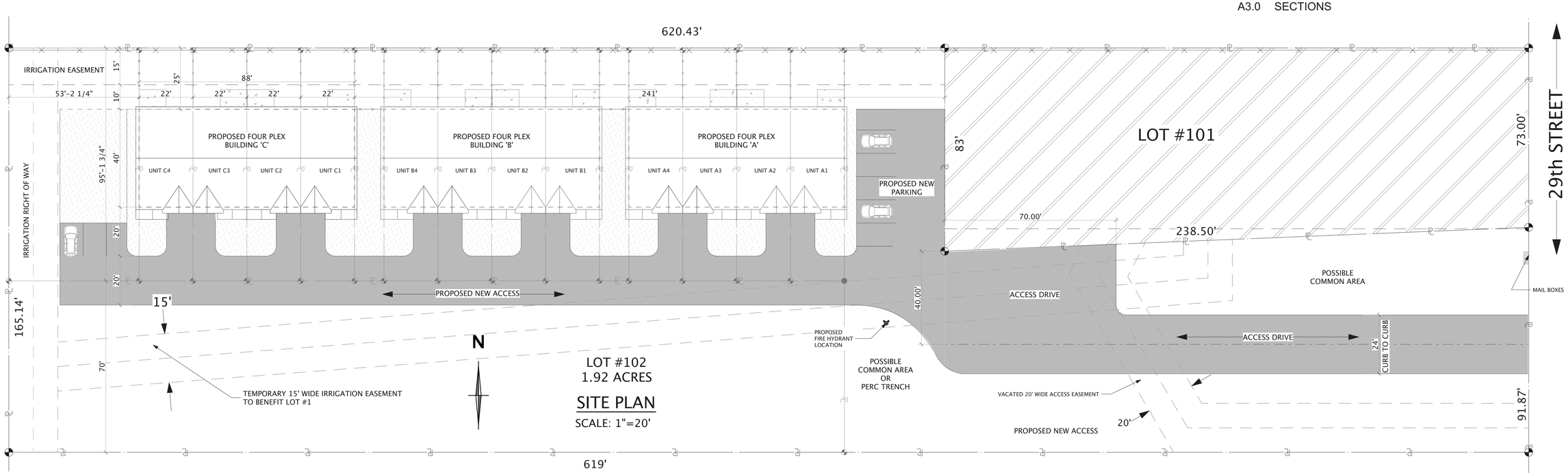
OWNER INFORMATION

OWNERS:	BRYAN EDWARDS
MAILING ADDRESS:	1331 ARIZONA PL. CODY, WYOMING 82414
PHONE:	307.250.2253
EMAIL:	bryanedwards71@yahoo.com
BUILDER:	CLINT CAMPBELL
PHONE:	307.899.9646
EMAIL:	clintcampbellconstruction@gmail.com

SHEET INDEX

T1.0 TITLE SHEET
A1.0 MAIN FLOOR PLAN
A1.1 BASEMENT FLOOR PLAN
A1.2 2ND FLOOR PLAN
A2.0 EXTERIOR ELEVATIONS
A2.1 EXTERIOR ELEVATIONS
A3.0 SECTIONS
S1.0 FOUNDATION PLAN
E1.0 MAIN FLOOR ELEC.
E1.1 BASEMENT ELEC.
E1.2 2ND FLOOR ELEC.

NOTE:
CONTRACTOR MUST VERIFY ALL SIZES AND DIMENSIONS. PLANS ARE NOT ENGINEERED. FOR BEAM AND ALL STRUCTURAL MEMBER SIZES PLEASE CONSULT A STRUCTURAL ENGINEER. ALL SIZES SUBJECT TO CHANGER PER STRUCTURAL ENGINEER. ALL CONSTRUCTION METHODS TO MEET LOCAL CODES AND STANDARDS.



PRECISION PLAN AND DESIGN INC.
A CUSTOM PLAN SERVICE
930 12TH STREET
CODY, WYOMING 82414
307.587.6227 | 307.272.5709
@: PRECISIONPLANANDDESIGN@GMAIL.COM
MEMBER ILBA no. 1271

PROJECT LOCATION
CODY, WY

BRYAN EDWARDS, 4- PLEX
BRYAN EDWARDS
P: 1307.250.2253
@: bryanedwards71@yahoo.com

REVISED BID SET
08.12.2019

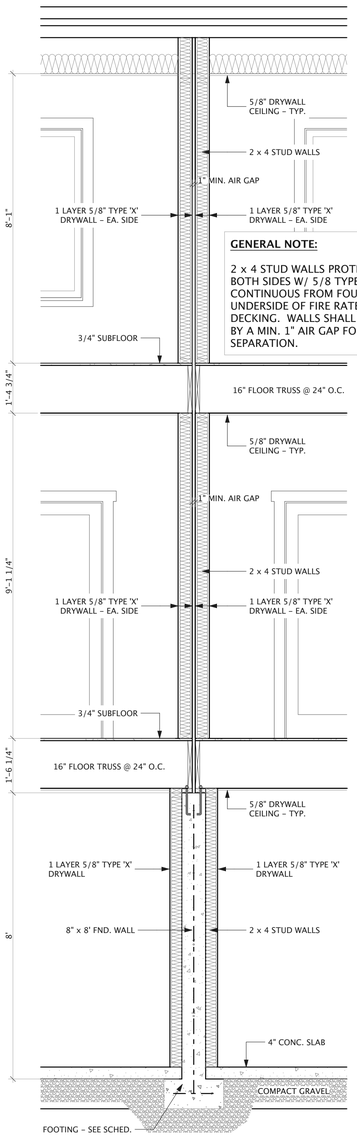
NOTE:
ALTHOUGH GREAT CARE AND EFFORT HAVE GONE INTO THIS PLAN TO CREATE A PRECISE INTERPRETATION OF THE FINISHED PROJECT, IT IS IMPOSSIBLE TO GUARANTEE THAT THIS PLAN IS WITHOUT IMPERFECTIONS. THEREFORE PRECISION PLAN AND DESIGN INC AND/OR ASSOCIATES ASSUMES NO LIABILITY FOR ANY PROJECT CONSTRUCTED FROM THIS PLAN. THE BUILDER/OWNER MUST VERIFY ALL DIMENSIONS: THIS PLAN IS SUBJECT TO CHANGE PER ENGINEER AND/OR LOCAL CODES AND STANDARDS.

DATE: 08.12.2019
REVISION: 4

PROJECT NO.
1632

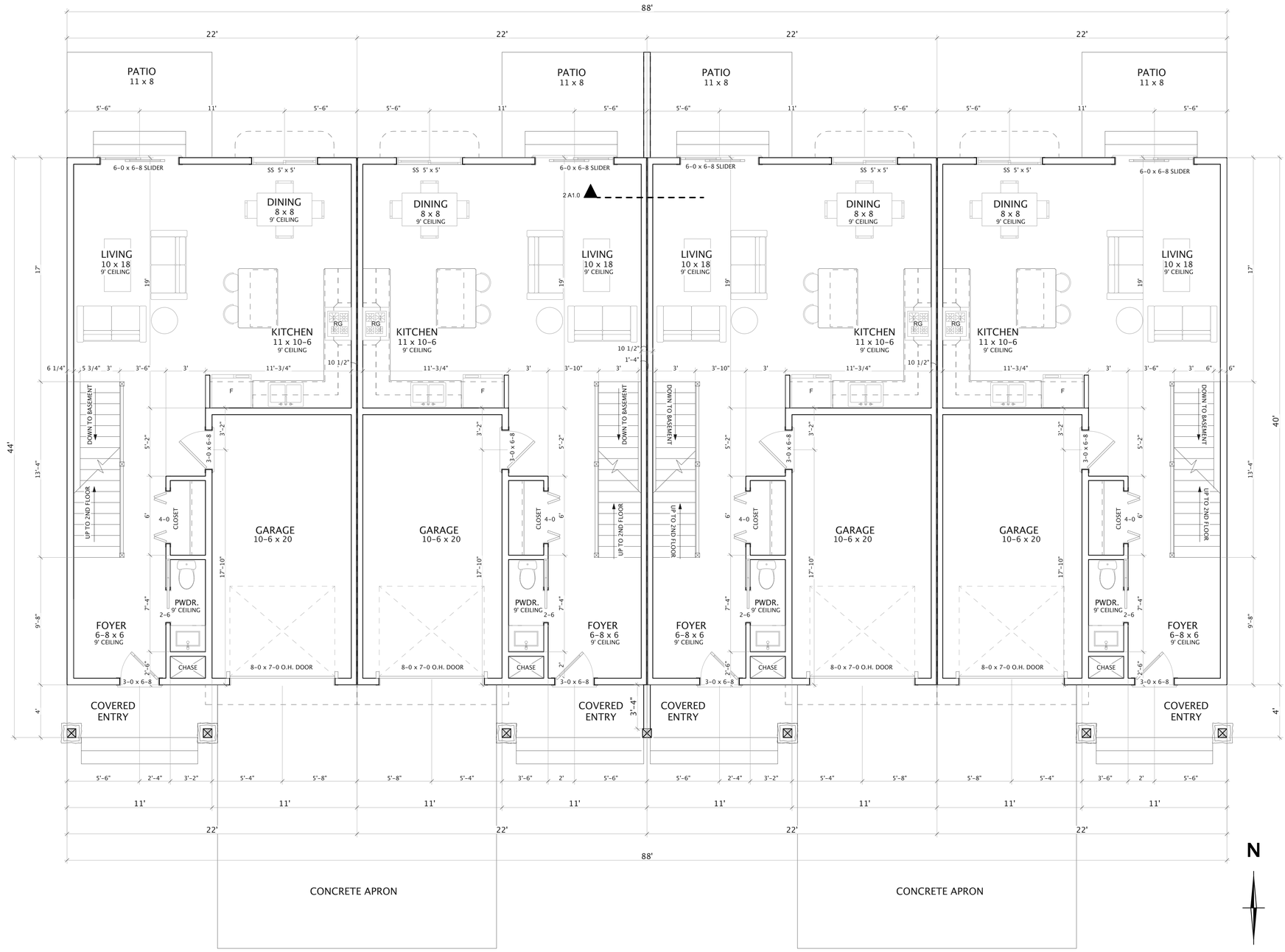
SHEET #
T1.0
TITLE SHEET

APPENDIX 8
ARCHITECTURAL PLANS



GENERAL NOTE:

2 x 4 STUD WALLS PROTECTED FROM BOTH SIDES W/ 5/8 TYPE 'X' DRYWALL. CONTINUOUS FROM FOUNDATION TO UNDERSIDE OF FIRE RATED ROOF DECKING. WALLS SHALL BE SEPARATED BY A MIN. 1" AIR GAP FOR LOT LINE SEPARATION.



2 A1.0 **COMMON WALL SECTION**
SCALE: 1/2" = 1'-0"

1 A1.0 **MAIN FLOOR= 654 SF EA.**
SCALE: 1/4" = 1'-0"

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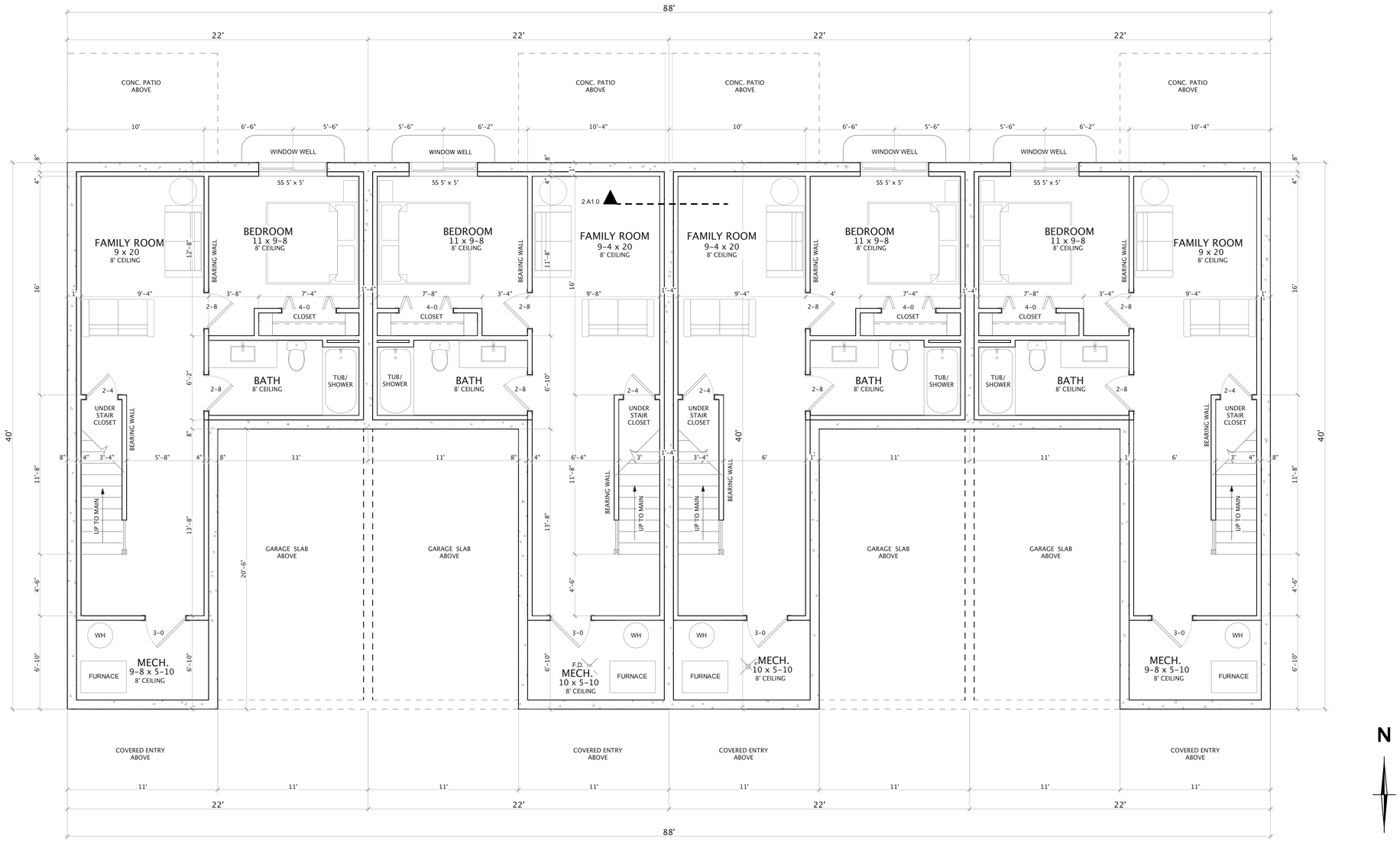
REVISION: 4

PROJECT NO.
1632

SHEET #
A1.0
MAIN FLOOR

APPENDIX 8
ARCHITECTURAL PLANS



1
A1.1

BASEMENT PLAN= 654 SF EA.

SCALE: 1/4" = 1'-0"

0 2' 4' 8'

PRECISION PLAN AND DESIGN INC.

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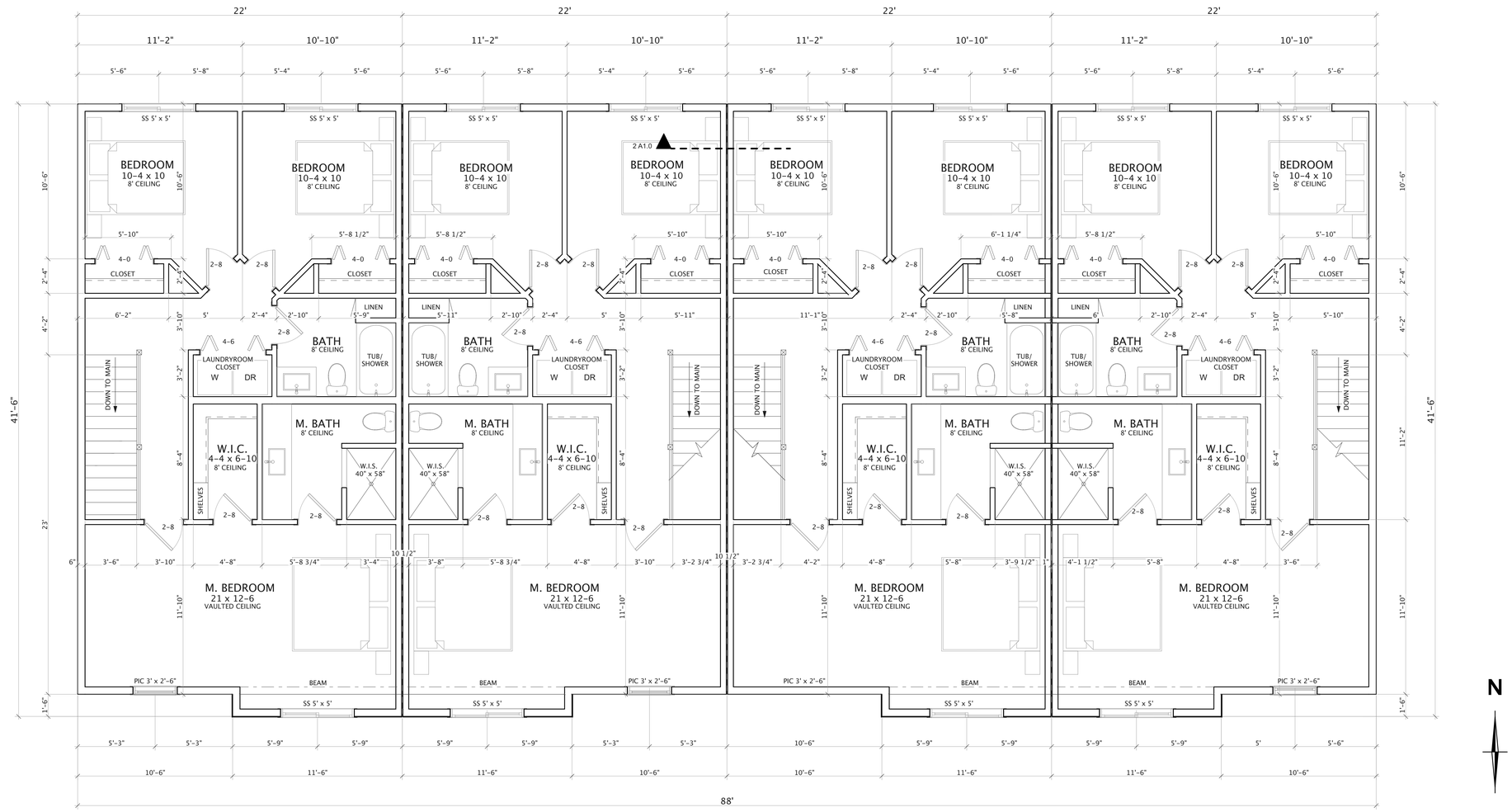
REVISION: 4

PROJECT NO.
1632

SHEET #
A1.1
BASEMENT

APPENDIX 8
ARCHITECTURAL PLANS



1
A1.2

2ND FLOOR PLAN= 880 SF EA.

SCALE: 1/4" = 1'-0"

0 2' 4' 8'

N

PRECISION PLAN AND DESIGN INC.

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PROJECT LOCATION

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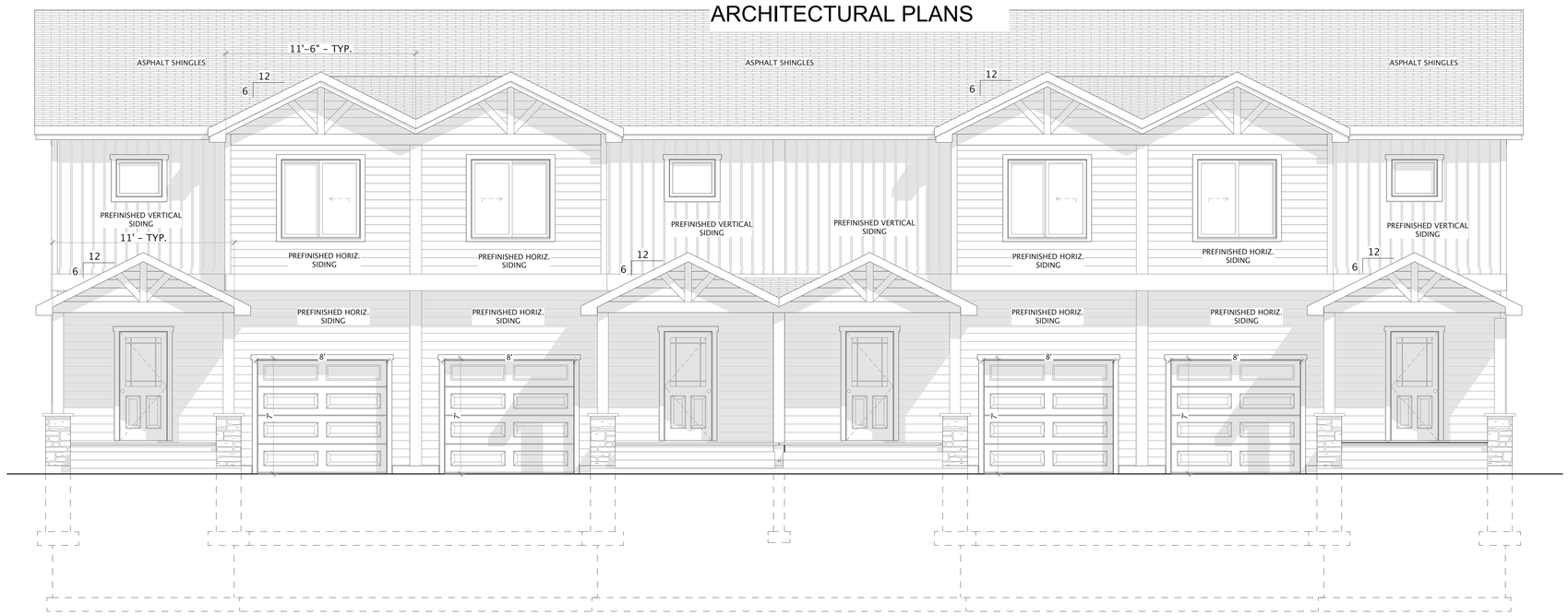
DATE: 08.12.2019
REVISION: 4

PROJECT NO.
1632

SHEET #
A1.2
2ND FLOOR

APPENDIX 8
ARCHITECTURAL PLANS

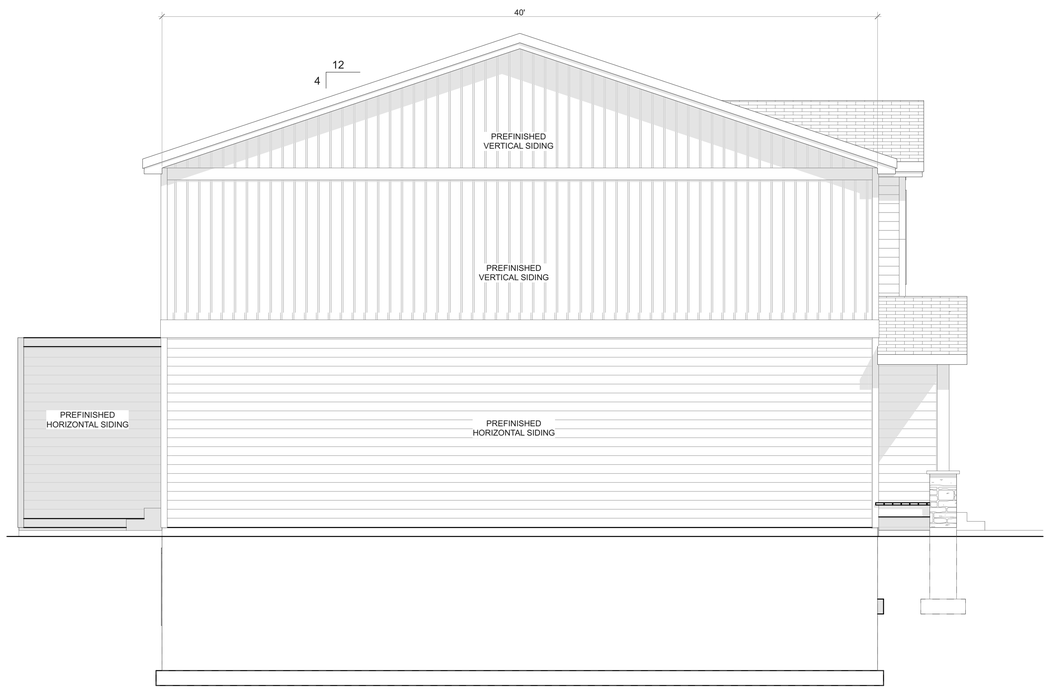


1
A2.0

SOUTH ELEVATION

SCALE: 1/4" = 1'-0"

0 2' 4' 8'



2
A2.0

WEST ELEVATION

SCALE: 1/4" = 1'-0"

0 2' 4' 8'

PRECISION PLAN AND DESIGN INC.

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307.587.6227 | 307.272.5709

@: PRECISIONPLANANDDESIGN@GMAIL.COM

MEMBER ILBA no. 1271

PROJECT LOCATION

CODY, WY

BRYAN EDWARDS, 4- PLEX

BRYAN EDWARDS
P: 1307.250.2253
@: bryanedwards71@yahoo.com

REVISED BID SET 08.12.2019

NOTE:
ALTHOUGH GREAT CARE AND EFFORT HAVE GONE INTO THIS PLAN TO CREATE A PRECISE INTERPRETATION OF THE FINISHED PROJECT, IT IS IMPOSSIBLE TO GUARANTEE THAT THIS PLAN IS WITHOUT IMPERFECTIONS. THEREFORE PRECISION PLAN AND DESIGN INC AND/OR ASSOCIATES ASSUMES NO LIABILITY FOR ANY PROJECT CONSTRUCTED FROM THIS PLAN. THE BUILDER/OWNER MUST VERIFY ALL DIMENSIONS: THIS PLAN IS SUBJECT TO CHANGE PER ENGINEER AND/OR LOCAL CODES AND STANDARDS.

DATE: 08.12.2019
REVISION: 4

PROJECT NO.
1632

SHEET #
A2.0
EXT. ELEVS.

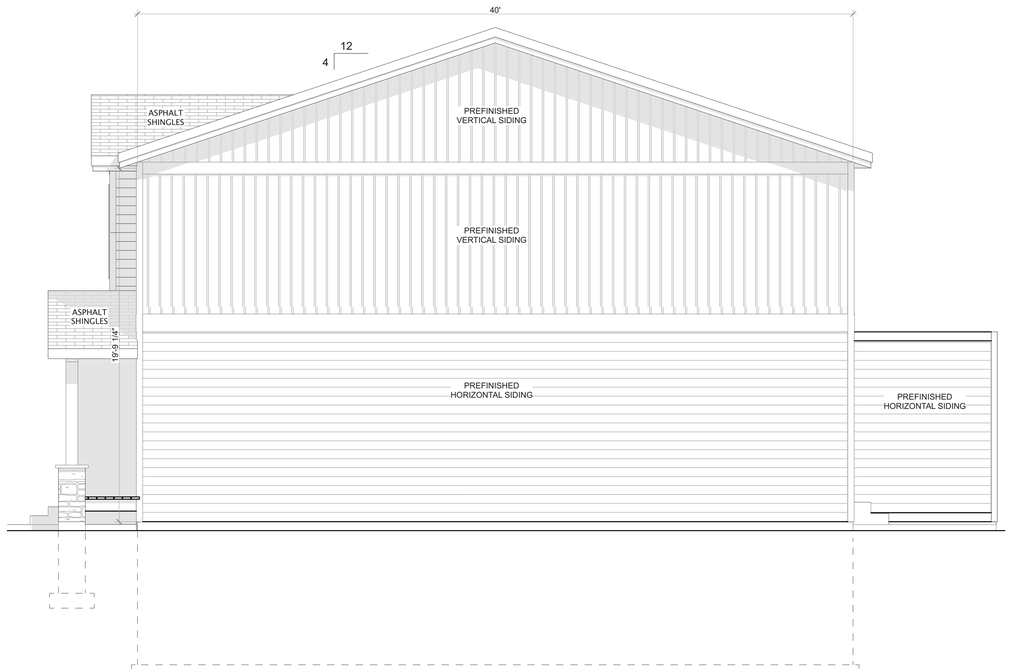
APPENDIX 8
ARCHITECTURAL PLANS

1
A2.1

NORTH ELEVATION

SCALE: 1/4" = 1'-0"

0 2' 4' 8'



2
A2.1

EAST ELEVATION

SCALE: 1/4" = 1'-0"

0 2' 4' 8'

PRECISION PLAN AND DESIGN INC.

A CUSTOM PLAN SERVICE

930 12TH STREET
CODY, WYOMING 82414

307.587.6227 | 307.272.5709

@: PRECISIONPLANANDDESIGN@GMAIL.COM

MEMBER ILBA no. 1271

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A2.1
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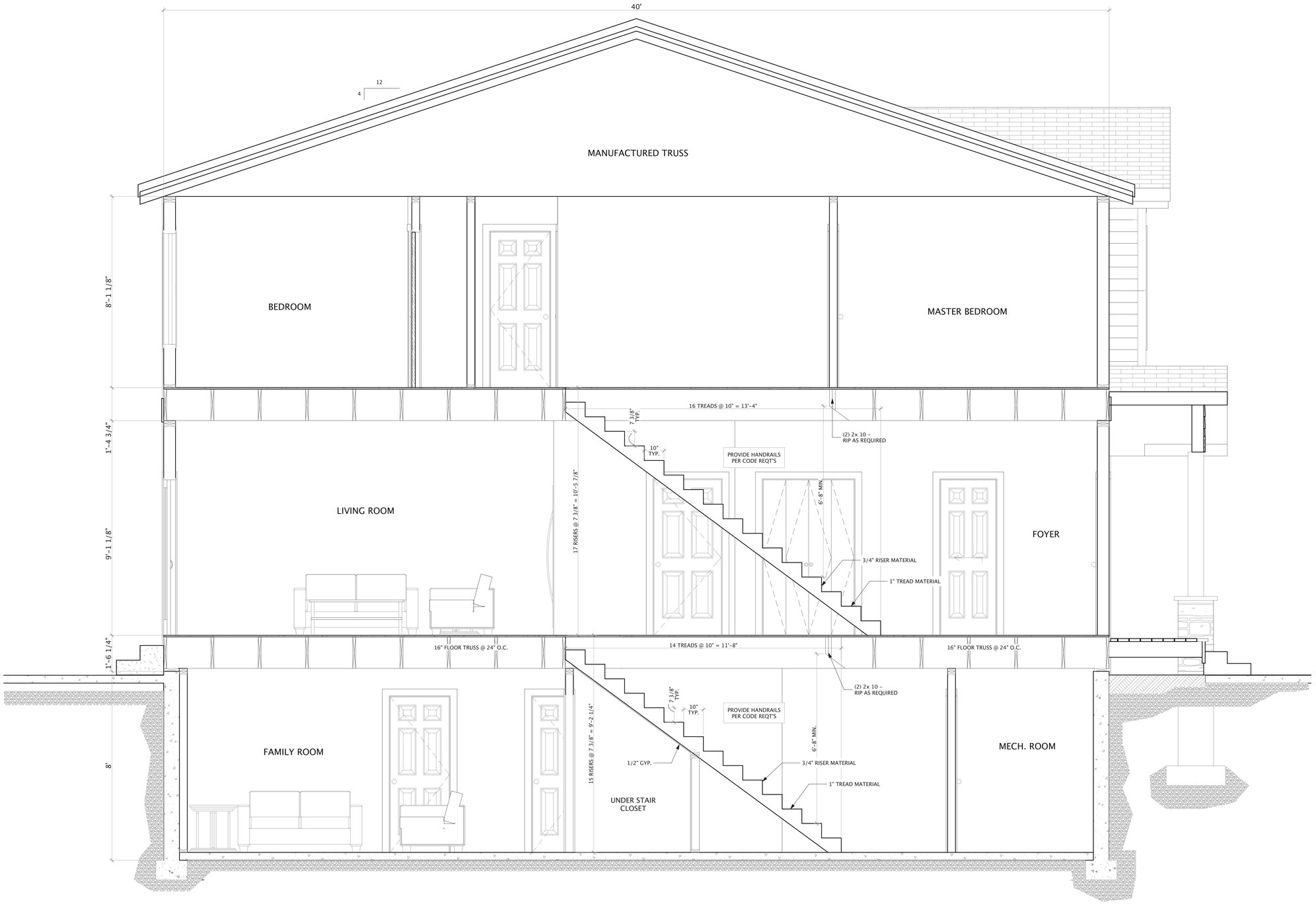
APPENDIX 8
ARCHITECTURAL PLANS



1
A3.0

BUILDING SECTION

SCALE: 1/2" = 1'-0"

0 1' 2' 4'

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CODY, WYOMING 82414

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DATE: 08.12.2019
REVISION: 4

PROJECT NO.
1632

SHEET #
A3.0
EXT. ELEVS.

APPENDIX 9
LIST OF ABUTTING LAND OWNERS

EDWARDS 29TH STREET
PLANNED UNIT DEVELOPMENT APPLICATION
APPENDIX 9
LIST OF ABUTTING LAND OWNERS

- William D. Kramp, JR.
  1807 26th Street
  Cody WY 82414
  Park County Document 2013 QNCS 5341
  PIDN 050037071230004

- Fredrick A. & Julie Ann Snelson
  1402 Meadow Lane Ave
  Cody WY 82414
  Park County Document 2019 WDNS 2846
  PIDN 05097200000101

- Anthony & Janette Jankauskas Trust
  1507 29th Street
  Cody WY 82414
  Park County Document 2005-3474
  PIDN 05003707125003

- Robert A. & Cindy A. Vaughn
  1513 29th Street
  Cody WY 82414
  Park County Document 2017 WD 3674
  PNID 0500370512504

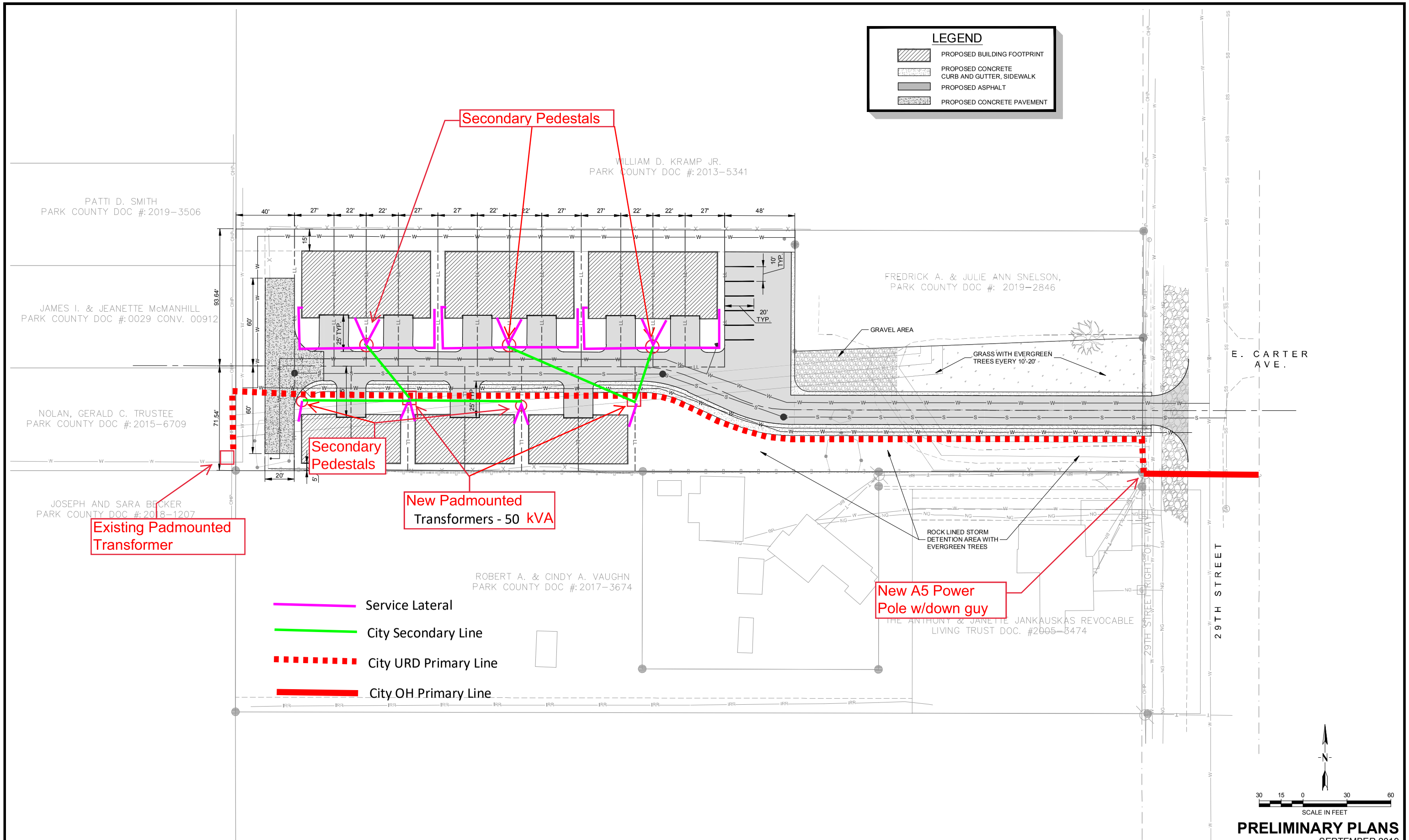
- Joseph & Sara Becker
  1614 26th Street
  Cody WY 82414
  Park County Document 2018 WD 1207
  PIDN 05001900005001

- Gerald C. Nolan, Trustee
  1608 26th Street
  Cody WY 82414
  Park County Document 2015 QNCS 6790
  PIDN 05013500115001

- James & Jeanette McMahill
  1602 26th Street
  Cody WY 82414
  Park County Document 0029 CONV 00912
  PIDN 05013500114001

- Patti D. Smith
  1544 26th Street
  Cody WY 82414
  Park County Document 2019 WD 3506
  PIDN 05013500113001

APPENDIX 10
CITY OF CODY PROVIDED ELECTRICAL LAY OUT



PRELIMINARY PLANS
SEPTEMBER 2019

VERIFY SCALE!
THESE PRINTS MAY BE REDUCED. LINE BELOW MEASURES ONE INCH ON ORIGINAL DRAWING.
MODIFY SCALE ACCORDINGLY!

REVISIONS

NO.	DESCRIPTION	BY	DATE

J:\6357 BRYAN EDWARDS\00201 EDWARDS 29TH STREET DEVELOPMENT\ACAD\SHEETS\CIVIL\002.01-C1-SITE PLAN.DWG PLOTTED BY:AUSTIN REED ON Sep/12/2019

Morrison Maierle
engineers ▪ surveyors ▪ planners ▪ scientists
1402 Stampede Avenue
Cody, WY 82414
307.587.6281
www.m-m.net

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DRAWN BY: KRL
DSGN. BY: JMK
APPR. BY: FP
DATE: 09/2019
Q.C. REVIEW
BY:
DATE:

BRYAN EDWARDS
CODY LEGACY ESTATES
CODY WYOMING

SITE PLAN

PROJECT NUMBER 6357.002.01
SHEET NUMBER 1
DRAWING NUMBER C-1

SUPPLEMENTAL MATERIALS

19020801 (1)

WARRANTY DEED

GRACE ENTERPRISES, LLC,
a Wyoming limited liability company,

Grantor, of the County of Park, State of Wyoming, for and in consideration of Ten Dollars Ten Dollars ($10.00) and other good and valuable consideration in hand paid, receipt whereof is hereby acknowledged, conveys and warrants to:

CODY LEGACY INN, LLC,
a Wyoming limited liability company,

Grantee, whose address is _____, the following-described real estate, situate in Park County, State of Wyoming, hereby releasing and waiving all rights under and by virtue of the homestead exemption laws of the State of Wyoming:

> Lot 102, BRANTZ SUBDIVISION, according to the Boundary Line Adjustment Survey for Brantz Subdivision, as located in Book "K" of plats, Page 35, according to the records of the County Clerk and Recorder of Park County, State of Wyoming.
>
> EXCEPTING ANY PORTION OF SUBJECT PROPERTY that may be contained within 29th Street.
>
> Grantee agrees to promote and participate in an improvement district for curb, gutter and sidewalk on 29th Street when deemed necessary by the City of Cody. This agreement shall be contained in each and all conveyances of record.
>
> SUBJECT to all patents, easements, rights-of-way, reservations, zoning restrictions, covenants and any other matter of public record or otherwise established; all assessments and subsequently assessed taxes.

WITNESS my hand this 2nd day of May, 2019.

GRACE ENTERPRISES, LLC

By: Tye H. Whitlock, Member
TYE H. WHITLOCK, Member

ACKNOWLEDGED:

CODY LEGACY INN, LLC

By: _____ Member
BRYAN EDWARDS, Member

_____
KELLIE EDWARDS, Member

Pg: 1 of 2
2019-2172 Park County WY 5/6/2019 2:15 PM Fees: $15.00

STATE OF WYOMING)
) ss.
COUNTY OF PARK)

On the 2nd day of May, 2019, before me, the undersigned, a Notary Public, State of Wyoming, duly commissioned and sworn, personally appeared Tye H. Whitlock, personally known to me (or proved to me on the basis of satisfactory evidence) to be a Member of Grace Enterprises, LLC; that said *Warranty Deed* was acknowledged on behalf of said limited liability company by authority of its Members; and that said Members acknowledged said instrument to be the free act and deed of said limited liability company.

WITNESS my hand and official seal.

TRACY A. LAFOLLETTE NOTARY PUBLIC
COUNTY OF PARK
STATE OF WYOMING
MY COMMISSION EXPIRES JANUARY 12, 2023

Tracy A. LaFollette
Notary Public
My commission expires: 1/12/2023

MCB/jr
\\MCB-QNAP\mcb-data\UserData\TRANSACTIONAL\Real Estate Transactions\04 - April\Grace Enterprises to Cody Legacy - Deed - Revised.docx

Pg: 2 of 2
2019-2172 Park County WY 5/6/2019 2:15 PM Fees: $15.00

SCHEDULE A

Name and Address of Title Insurance Company: Stewart Title Guaranty Company
P.O. Box 2029, Houston, TX 77252

File No.: 19020801

Policy No.: O-0000-682746148

Address Reference: Vacant Land, Cody, WY 82414
(For Company Reference Purposes Only)

Amount of Insurance: $89,500.00

Premium: $550.00

Date of Policy: May 06, 2019 at 2:17 PM

1. **Name of Insured:**

   Cody Legacy Inn, LLC, a Wyoming limited liability company

2. **The estate or interest in the Land that is insured by this policy is:**

   Fee Simple

3. **Title is vested in:**

   Cody Legacy Inn, LLC, a Wyoming limited liability company

4. **The Land referred to in this policy is described as follows:**

   Lot 102, BRANTZ SUBDIVISION, according to the Boundary Line Adjustment Survey for Brantz Subdivision, as located in Book "K" of plats, Page 35, according to the records of the County Clerk and Recorder of Park County, State of Wyoming.

   EXCEPTING ANY PORTION OF SUBJECT PROPERTY that may be contained within 29th Street.

Joni Belle Morris
Authorized Countersignature

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SCHEDULE B

File No.: 19020801 **Policy No.: O-0000-682746148**

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) that arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.

2. Any facts, rights, interests, or claims which are not shown by the Public Records, but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.

3. Easements, liens, or encumbrances, or claims thereof, which are not shown by the Public Records.

4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.

5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims, or title to water; (d) any right, title or interest in any sand and gravel and/or minerals including access to and from to extract minerals, mineral rights, or related matters, including, but not limited to oil, gas, coal and other hydrocarbons, whether or not the matters excepted under (a), (b), (c) or (d) are shown by the Public Records.

6. Any lien or right to a lien for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.

SPECIAL EXCEPTIONS

7. **TAXES FOR THE YEAR 2019 and subsequent years, not yet due and payable.**

8. **SUBJECT PROPERTY IS LOCATED within the boundaries of the following Irrigation District and is subject to liability for future assessments by the Irrigation District.**
   Irrigation District: Cody Canal
   TAXES FOR THE YEAR 2019 and subsequent years, not yet due and payable.

9. **CANAL, NAVIGABLE RIVER, OR STREAM CROSSES OR ABUTS THE LAND:**
   a) All right, title or claim or any character by the United States, state, local government, or by the public generally in and to any portion of the land lying within the current or former bed, or below the ordinary high water mark, or between the cut banks of a stream navigable in fact or in law.
   b) Rights of riparian water right owners to the use and flow of the water.
   c) The consequence of any past or future change in the location of the bed.

   ANY LANDS LYING WITHIN THE BOUNDARY OF THE CODY CANAL.

   THE TITLE POLICY DOES NOT INSURE AGAINST ANY LOSS OR DAMAGE as a result of land gained or lost due to the changing of the course of any canal, river or stream.

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SCHEDULE B

10. **RESTRICTIONS, CONDITIONS AND COVENANTS, EASEMENTS AND/OR ITEMS SET FORTH, but deleting restrictions, if any, based on race, color, religion or national origin, and the terms and conditions thereof:**
    Imposed by instrument: Plat
    Book "K" Page 12

11. **RESTRICTIONS, CONDITIONS AND COVENANTS, EASEMENTS AND/OR ITEMS SET FORTH, but deleting restrictions, if any, based on race, color, religion or national origin, and the terms and conditions thereof:**
    Imposed by instrument: Boundary Line Adjustment Survey
    Book "K" Page 35

12. **SUBJECT TO TERMS AND CONDITIONS AS CONTAINED IN PATENT recorded October 10, 1903 in Big Horn Book 1, Page 622.**

13. **SUBJECT TO TERMS AND CONDITIONS AS CONTAINED IN WARRANTY DEED, recorded May 6, 2019 as Doc #2019-2172.**

14. **EASEMENT, including the terms, covenants and provisions as may be contained therein, as granted/ reserved by instrument:**
    Granted to: Illinois Pipe Line Company *
    Recorded: August 6, 1927
    Book 67 Page 560

    ***This easement has been assigned to various entities in the following instruments:**
    Book 111, Page 616; Book 244, Page 56; Book 254, Page 109; Book 321, Page 359; Doc #2000-4972

    ***QUITCLAIM AND RELEASE OF RIGHT-OF-WAY AGREEMENT recorded July 6, 1982 in Book MF 73, Page 665**

15. **EASEMENT, including the terms, covenants and provisions as may be contained therein, as granted/ reserved by instrument: Mutual Access and Irrigation Easement**
    Recorded: May 6, 2019
    Doc #2019-2173

16. **OWNERSHIP OR TITLE TO MINERAL INTERESTS, and the effect on the surface of the exercise or mineral rights. FURTHER, no examination of the title to minerals has been made herein, and no insurance nor responsibility therefore is implied or assumed.**

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MEETING DATE:	MAY 5, 2020
DEPARTMENT:	COMMUNITY DEVELOPMENT
PREPARED BY:	TODD STOWELL
CITY ADM. APPROVAL:	_____
PRESENTED BY:	TODD STOWELL

AGENDA ITEM SUMMARY REPORT
The Preliminary Plat of the Shadow Mountain No. 2 Subdivision

ACTIONS TO BE TAKEN

Approve the preliminary plat of the Shadow Mountain No. 2 Subdivision, a 32-lot subdivision by the Higbie Family Revocable Living Trust, with associated variances and conditions of approval.

SUMMARY

The Higbie Family Revocable Living Trust has submitted a preliminary plat application for a 32-lot subdivision identified as Shadow Mountain Subdivision No. 2. The property is zoned R-2 and is currently undeveloped. All proposed lots are intended for single-family residences. The east end of the property is not proposed for development at this time. In addition, a strip of land along the south end of the property is not proposed for development, due to groundwater concerns.

This is a complex subdivision review due to issues ranging from whether a raw water system should be installed in the subdivision, to dealing with an abandoned oil/gas line, high water table, mapped wetland, and geotechnical recommendations for the housing due to fill dirt. Please reference the attached report to the Planning and Zoning Board for details. The Planning and Zoning Board supported the full staff report, but did not come to a conclusion on the topic of installation of the raw water system (Condition 1) or whether the ditch along the west property line should be piped (Condition 10). In addition, the applicant is asking permission to run storm water across the west end of Ted Ebert Park (City land). Those items will need to be determined by the Council after discussion with the applicant.

RECOMMENDATION:

The Planning and Zoning Board recommends that the City Council approve the preliminary plat for the Shadow Mountain No. 2 Subdivision, with the following variances, subject to the listed conditions.

Subdivision Variances:

1. Allow 50-foot right-of-way width with 10' utility easements to each side, rather than 60-foot right-of-way.
2. No alleys are required.
3. Improvements for the "Future Shadow Mountain Subdivision #3" are postponed until further development of that land.

AGENDA ITEM NO. _____

Conditions:

1. After discussion with P&Z and Council, determine if a raw water system will be installed in the subdivision.
2. Resolve the property ownership situation—the property must all be under one ownership.
3. Include the "Future Shadow Mountain Subdivision #3" in the plat boundary.
4. Provide the missing documentation from USACE or WY DEQ regarding the wetland. The wetland issue must be resolved to the satisfaction of the City attorney and City Council, showing that no liability pertaining to the elimination of the wetland remains, before any construction occurs in that area and before any land is given or granted to the City.
5. At least two monitoring wells (pipes in the ground) must be installed as soon as possible and groundwater levels monitored and documented as soon as possible through construction of the subdivision, so that seasonal fluctuations are identified before the houses are built.
6. The abandoned oil/gas pipeline must be properly removed and the land deemed "clean" by appropriate agencies before the land is transferred to the City (when the final plat is recorded).
7. Use of Ted Ebert Park for the proposed drainage swale requires City Council authorization. If allowed, the swale must be designed so that it does not harm the root systems of the trees, while being very gradual in slope. The disturbed area must be re-sodded (and watered) to return to the existing park appearance.
8. The location of the infiltration basin is to be installed as far south as reasonably possible.
9. A maintenance agreement and/or homeowner's association shall be established for maintenance of the storm water infiltration basin. Submit the proposed agreement with the final plat. Also include an explanatory note referencing such on the final plat.
10. (Placeholder: Any requirement pertaining to piping of ditch along west side of subdivision, or any Cody Canal requirements.)
11. The material (dirt) that has been removed from the canal that is laying in the portion of the alley within this subdivision, and along the west side of Lot 232, must be removed.
12. The trail connections at the south ends of the three cul-de-sacs must be provided with a surface that meets the intent of a usable trail—crusher fines over a base course, or other materials approved by the City.
13. Provide dust control during subdivision development as needed to prevent dust impacts to neighboring properties.
14. As noted in the staff report under "Other":
    a) The applicant will need to contact the post office for mail box location.
    b) Identify the 15-foot electric easement along the west property line on the plat.
    c) Clarify who/what properties are the beneficiaries of the 40' irrigation and access easement along the west side of the subdivision (if existing reference document number).
    d) Some street signs will be needed, at least in the area of the West Avenue transition. Coordinate with Public Works.
    e) Discuss sizing of the infiltration basin with Public Works. What is the design storm? (25-year, 100 year?)
    f) Include a clear notation on the final plat that construction on the lots must follow the recommendations of the geotechnical report, and consider groundwater levels documented in the monitoring wells.
    g) Do not use the word "addition" in the name of the subdivision. (An addition is a method of annexation by subdivision in state statute, and this property is already in the City of Cody.)

AGENDA ITEM NO. _____

h) To avoid provide protection from increased groundwater impacts from utility trenching, design the utility tranches to include strategically placed impermeable plugs (at a minimum, one near the north end of each cul-de-sac, and one at south end of alley.)
i) When designing the West Avenue connection, the curb, gutter, and sidewalk need not extend completely to the west boundary of the subdivision, so as to leave room for tapering the street width down to 30 feet. Coordinate with Public Works.
j) Modify the note about not showing all rights of way, easement, etc., as those statements are in direct opposition of what the subdivision ordinance requires.

15. The final plat application and construction documents shall otherwise comply with the City subdivision ordinance.

ATTACHMENTS:

Application narrative
Preliminary Plat
Preliminary utility plan
Preliminary drainage map
Geotechnical Engineering Report
Title Report
Site Photos

H:\PLANNING DEPARTMENT\FILE REVIEWS\MAJOR-MINOR SUBDIVISION\2020\SUB2020-03 SHADOW MOUNTAIN PHASE 2\STAFF REPORTS\AGENDA SUMMARY SHADOW MTN NO 2 PRELIMINARY PLAT.DOCX

AGENDA ITEM NO. _____

CITY OF CODY PLANNING, ZONING AND ADJUSTMENT BOARD STAFF REPORT			
MEETING DATE:	APRIL 28, 2020	***TYPE OF ACTION NEEDED***	
AGENDA ITEM:		P&Z BOARD APPROVAL:	
SUBJECT:	PRELIMINARY PLAT OF THE SHADOW MOUNTAIN SUBDIVISION— A 32-LOT SUBDIVISION. SUB 2020-023	RECOMMENDATION TO COUNCIL:	X
PREPARED BY:	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

PROJECT OVERVIEW

The Higbie Family Revocable Living Trust has submitted a preliminary plat application for a 32-lot subdivision identified as Shadow Mountain Subdivision No. 2. The property is zoned R-2 and is currently undeveloped. All proposed lots are intended for single-family residences. The east end of the property is not proposed for development at this time. In addition, a strip of land along the south end of the property is not proposed for development, due to groundwater concerns. Before addressing the specific subdivision standards, there are a few general topics to note.

Irrigation

The property does not currently have any surface water rights (irrigation). The water rights were transferred at the time of the original Shadow Mountain Subdivision. However, Public Works has identified this property as on the route for a future extension of the City raw water system. The City, through a consultant, is updating their water master plan over this next year, which update will look at both domestic water and raw water. Once completed we will have more assurance as to what routes and sizes of pipes are needed for extension of the City raw water system. Public Works is willing to make this route a priority if the developer is willing to commit to installing an internal irrigation system for the subdivision. Due to the schedule for the water master plan and construction timelines, the City extension will likely not be available

when development of the subdivision commences, but Public Works anticipates they could have it there well before the subdivision is filled with houses.

The benefits and potential requirements for installation of a raw water system should be considered.

Property Ownership

A review of the property documents found that the property is in split ownership—part in the Higbie Family Revocable Living Trust and part in the ownership of Edwin and Carol Higbie individually. This occurred when the property was transferred into the trust and apparently those involved forgot that that there was a boundary line adjustment which shifted the boundaries of Ted Ebert Park that affected the legal description. The mistake will need to be corrected before the final plat is recorded.

Area of Future Subdivision

The plat identifies the east end of the property as outside of the subdivision, and for "Future Shadow Mountain Subdivision Addition #3". Technically, it needs to be within the subdivision boundaries. However, since it is identified as "Future", it would be appropriate to postpone any development improvements for that area it until it is further developed.

Wetland Situation

The National Wetland Inventory Map shows a wetland on the property—the green shape on this map. The applicant believes he has paperwork verifying that the wetland was non-jurisdictional and was authorized to be eliminated. Any wetland that was there is no longer. He has found the attached letter from a wetland consultant, but has not yet found paperwork from the Army Corps of Engineers, or WY DEQ. It is likely that the wetland was mapped when the property was irrigated as it follows the route of the former ditch. The wetland would likely be considered non-jurisdictional under current wetland interpretation, yet we need written confirmation from an agency with authority to make that determination—either the Army Corps of Engineers, or WY DEQ. The mapped wetland affects area within the lots as well as the tract (Lot 232) that the applicant proposes to give to the City. City staff believes that there is an overall benefit to accepting the open space tract, but we need to ensure that there are no liability issues pertaining to the wetland.

It is noted that the disclaimer on the wetland maps includes: "The wetland information displayed at this site show wetland type and extent using a biological definition of wetlands. **There is no attempt to define the limits of proprietary jurisdiction of**

ay Federal, state, or local government, or to establish the geographical scope of the regulatory programs of government agencies."

Groundwater/Soils/Fill

The area of the lots has had fill material brought in to elevate the subdivision improvements and proposed building pads above historical levels. A geotechnical report has been completed, which identifies construction recommendations to address the soil type and potential for loose fill. Those recommendations will need to be followed by future homebuilders as well. The report also identifies groundwater levels, which vary from 5 to 7 feet below existing grade in the area of the proposed lots. Readings were from August 2019. The report recommends continued monitoring.

As future houses will need to be constructed sufficiently above groundwater, or face special construction requirements recommended by the geotechnical report, it is recommended that a couple of monitoring wells (pipes in ground) be installed and groundwater levels begin to be monitored as soon as possible, through construction of the subdivision, so that seasonal fluctuations are identified before the houses are built.

Abandoned oil/gas pipeline

The title report documents that the right-of-way for the oil/gas pipeline that runs along the west side of the property has apparently been abandoned. However, it appears that the line is physically still there (pipe to right of irrigation valve in photo). The line is located in the area that the developer proposes to give to the City. Due to liability concerns, the pipeline should be properly removed and the land deemed "clean" by appropriate agencies before the land is transferred to the City.

SUBDIVISION REGULATIONS

The subdivision ordinance requirements are as follows. Overall, this phase of the subdivision has been well designed. Staff comments follow each requirement. When a variance from the standard is involved, it is noted.

11-4-2: STREETS, ALLEYS AND EASEMENTS:

A. Alignment: All proposed streets, alleys and easements shall align horizontally and vertically with existing streets, alleys and easements adjacent to or lying near the subdivision.

Comment: The proposed streets will tie into Shadow Street and West Avenue. The proposed width of Shadow Street is less than the existing street section by about nine feet. The curb line along the west side of the street should be held in the current alignment.

West Avenue is not paved for 400 feet west of the proposed subdivision and only has a 30-foot wide right-of-way. The centerlines of the two streets sections (existing and proposed) are matched. To match horizontally and make a suitable driving surface, it is expected that some work will need to be done to the existing section of West Avenue, and that utility adjustments would also need be made to match the new surface (e.g. raise manhole lid and water valve cover).

B. Conform to Master Street Plan: All streets shall conform to the city master street plan for size and approximate alignment.
Comment: The streets reflect the "local access" street profile of the street master plan, with the exception that 4-foot wide sidewalks, rather than 5-foot wide sidewalks are shown. In addition, the street master plan shows a barrier type curb. While rolled curbing is acceptable, it does add a few inches (about 5 inches to each curb), causing the sidewalk to be just .09 feet behind the sidewalk. That is a little tight for margin of error and installation of survey markers. If needed, either the survey markers can be offset, if noted such on the final plat, or, widen the right-of-way to 52 feet (adjacent utility easement could be reduced accordingly).

5-foot sidewalks are the current standard. Staff does not support the 4-foot sidewalk request. For background, the required asphalt widths for local residential streets was reduced from 42'8" to 34' with the 2014 street plan update, and in turn, the sidewalk width increased to 5 feet. The current street profile uses much less room and costs much less than the previous standard.

C. Jogs Prohibited: Street jogs shall be prohibited unless, because of very unusual conditions, the commission and council determine that the offset is justified.
Comment: There are no internal street jogs.

D. Topography: Streets shall have a logical relationship to the topography.
Comment: The street design adequately considers the topography of the site.

E. Intersections: Intersections shall be at or near right angles whenever possible.
Comment: Met.

F. Local Streets: Local streets will be designed to discourage through traffic.
Comment: Met. There are multiple 90-degree turns/intersections to discourage through traffic.

G. Cul-De-Sacs: Cul-de-sacs shall be permitted, providing they are no longer than five hundred feet (500'), including the area at the end of said cul-de-sac; and further providing, that the property line to property line diameter of the cul-de-sac be at least one hundred feet (100'). Design specifications for curb, gutter, sidewalk and distance from property line to sidewalk shall be in accordance with the typical section of a "residential street", as defined by the master street plan. Surface drainage shall be towards the intersecting streets whenever possible, but may be out of the cul-de-sac through a drainage easement as a last alternative.

Comment: Met. It is noted that staff is used to seeing return radii where the bulb area starts. That can be considered in the construction plans and final plat.

H. Dead End Streets, Alleys: Dead end streets and alleys (with the exception of cul-de-sacs) shall be prohibited, unless they are designed to connect with future streets or alleys on adjacent lands that have not been platted. If a dead end street or alley is allowed, for the above reasons, a temporary turnaround shall be constructed for public use until the street or alley is extended.
Comment: Met.

I. Half Streets: Half streets will be prohibited...
Comment: Not applicable.

J. Reverse Curves: Reverse curves on...residential and marginal streets and alleys shall have at least one hundred feet (100') of tangent length between reverse curves

Comment: None proposed.

K. Widths and Grades: Street, alley and easement/right of way widths and grades shall be as follows:

	Minimum Right Of Way Width	*Minimum Grade*	*Maximum Grade*
Residential street	*60 feet*	*0.3 percent*	*7.0 percent*

Comment: The subdivision ordinance has not been updated to reflect the street profiles of the street master plan, so a variance is requested to the right-of-way width. The proposal would provide a 50-foot wide right-of-way as shown in the street master plan, plus a 10-foot utility easement to each side of the right-of-way, which is adequate to accommodate the street design. Grades will be verified in the construction plans.

L. Vertical Curve Length: The minimum length of vertical curves shall be as follows... Arterial, collector and residential streets: 15 times the algebraic difference in the rate of grade

Comment: No street curves are proposed.

M. Visibility: Clear visibility, measured along the centerline of the street shall be as follows...Residential street 200 feet
Comment: This standard appears to be applicable to curves, rather than intersections.

N. Curvature Radius: The minimum radius of curvature on the centerline of a street shall be as follows...Residential street 200 feet
Comment: No street curves are proposed.

O. Streets with Interior Angles: ...For street intersections with an interior angle greater than seventy degrees (70°), the curb shall be rounded by a radius of nine and one-half feet ($9^1/_2$').
Comment: Met.

P. Alleys: Alleys shall be required in all subdivisions with the minimum width being twenty feet (20'), unless extreme conditions preclude the feasibility of alleys... Alleys shall be constructed with a minimum of six inches (6") of crushed aggregate base course for the finished surface. The specification for the gradation of the crushed aggregate base course may be obtained from the city engineer.

Comment: A variance to the alley requirement is requested. As all utilities will be in and along the streets and garbage collection will be with roll-out containers, there is no need for alleys, other than to continue the alley east of Outlook Court, as proposed. Staff supports the variance request.

Q. Curb, Gutter, Sidewalk, Paved Streets: Curb, gutter, sidewalk and paved streets shall be required in all proposed subdivisions unless waived in accordance with criteria set out in subsection 11-5-2B of this title by the planning, zoning and adjustment board, and the city council. All waivers of curb, gutter and sidewalks shall require acknowledgment by the developer on the final plat that future improvement districts for the development of curb, gutter and sidewalks shall be supported by future owners of the lots and be so noted on the final plat. The developer shall be responsible for demonstrating to the city that the grades and location of the proposed improvements shall be compatible with all future development in the area.

Comment: All new streets serving the lots in the subdivision will be constructed with curb, gutter, sidewalk and streetlights, per the development agreement and City standards. A waiver for improvement of Cougar Avenue would be appropriate at this time. The requirement for improvement of Cougar Avenue upon further development

of the east tract, or formation of an improvement district for Cougar Avenue, should be noted on the final plat.

R. Street Cross Section: The minimum typical street cross section for each type of street shall be as shown on the master street plan. Details of the city standards for typical paving, curb, gutter, sidewalk, alley aprons and valley gutter sections may be obtained from the city engineer.
Comment: See "B" above. Modify the proposed section to show 5-foot sidewalks.

S. Valley Gutters: The use of valley gutters in areas where storm sewer facilities exist or are proposed will be discouraged.
Comment: No storm sewer facilities exist in the area, or are proposed.

T. Drainage: The area to be subdivided shall be designed to provide proper and sufficient drainage. Runoff and storm sewer systems shall be designed to adequately drain the subdivision and adjacent area that will drain into the subdivision. All stormwater systems shall be designed to achieve zero increase in runoff and shall be in compliance with the city stormwater management policy, as amended. They shall be designed and constructed to allow runoff and stormwater to flow by gravity from the subdivision to an adequate outlet. When an existing storm sewer trunk line is available, the proposed system shall be designed to connect to it. When an existing storm sewer trunk line is not available, a drainage plan must be developed that is acceptable to the city.
Comment: A preliminary drainage design has been provided (see attached). The concept appears workable, with possible slight modification. The current plan shows overland flow of the stormwater across the west end of Ted Ebert Park. City Council would need to authorize use of City property for that purpose. However, there is a tree line only 15 feet from the west side of the park boundary, and due to root zone limitations and the amount of water the swale will need to pass, it is likely that any swale will need to extend into the lots to the west—meaning a drainage easement would be needed across those lots.

The swale should be very gentle and planted in sod (could cut existing sod and just replace it after the swale is graded in and suitable topsoil verified), so that it is still usable as play area.

To the south of the swale, the infiltration basin is proposed. In order to allow potential expansion of the Ted Ebert park improvements, the infiltration basin should be installed as far south as possible.

In recent history, the city typically requires drainage facilities that serve only the subdivision to be maintained by the lot owners. While the applicant would like the City to accept ownership and maintenance responsibility of the detention basin, staff's recommendation is to only accept ownership of the land, and have maintenance of the retention basin be the responsibility of the homeowners—at least for now. While the WY State legislature recently passed a bill that will allow municipalities to create a storm water utility (charge customers for storm water facility construction and maintenance), the City has not taken action to do so. If a stormwater utility is created in the City of Cody, it is anticipated that the City would take over maintenance of some existing storm water facilities, but until that happens, it is simply staff speculation. Placing the tract of land in ownership of the City alleviates the necessity of the homeowners carrying liability insurance on the tract.

A maintenance agreement or homeowner's association outlining the maintenance of the detention basin will be needed. The agreement will need to include a provision that the City can enforce the agreement.

U. Lot Requirements: All lots within a proposed subdivision will meet the following requirements:
1. Lots shall be sized to meet the requirements of the appropriate zoning.
Comment: All lots meet minimum size requirements (5,500 square feet for R-2 zoning).
2. Every lot shall abut upon or have access to an approved street or an approved cul-de-sac.
Comment: As proposed.
3. Side lot lines shall be at approximate right angles to the street line on which the lot faces.
Comment: Met.
4. Strip lots established with the intent of restricting access to streets or alleys will be prohibited.
Comment: Met.

V. Blocks: Blocks shall be at least three hundred feet (300') long, normally, not to exceed six hundred sixty feet (660') long. All blocks shall normally be of sufficient width to allow for two (2) tiers of lots of approximately equal width and an alley.
Comment: Met to the extent possible at this time.

Section 11-5-1, DEVELOPMENT AND IMPROVEMENT also includes standards for construction. Most of those items are simply verified in the construction plans and/or as part of the final plat review. Those that warrant discussion at this point are noted below.

Items 'C' through *'I'* can be met and will be reflected in the construction plans. (Includes street design, street signs, sewer services for each lot, storm water plan, new water main and services, and fire hydrants.) There are a few minor edits need to the utility plan (e.g. missing water for Lot 210, shift a few services, two sewer services shown for Lot 212), which can be addressed in the plans.

J. Open Drains, Irrigation Ditches: All open drains and irrigation ditches shall be buried or, if possible, eliminated.
Comment: As of the time of the staff report, we have been unable to consult with Cody Canal on this matter. We hope to have information at the meeting. Due to other recent developments, we know that Cody Canal does not expect developers to pipe the Watkins lateral, which runs along the south end of the property.

There is a private ditch that runs along the west side of the property, fed from a 12" valve off the Watkins lateral. Due to cleaning activities on that ditch, the city's alley to the north (in the original Shadow Mountain Subdivision), has become impassable. We have questions for Cody Canal regarding maintenance responsibility of this ditch if left open, or if piped.

N. Public Use Areas: There shall be conveyed to the city an area or areas of land or the cash equivalent thereof, on the basis of one acre per fifty (50) prospective dwelling units, to provide for parks, fire stations, recreational areas and other public uses. … This open space requirement shall be waived if the proposed subdivision is located in an area that has been previously subdivided and the above requirement was satisfied at that time.
Comment: The previous Shadow Mountain subdivision dedicated the land for Ted Ebert Park. That land is 1.8 acres in size, which equates to 90 lots/dwellings. With this subdivision, there will be 80 total lots/dwellings. No additional land is required.

However, the property owner is proposing to give Lot 232 (should be renamed as a tract, as services are not being provided to it) to the City. Staff believes that the City should accept the land, but with a few caveats. First, the oil/gas line and any liability pertaining thereto should be removed. Second, the wetland situation must be resolved, so that no liability exists to the City pertaining thereto. Third, maintenance of the storm water infiltration basin will remain with the homeowners (unless later accepted by the City once a stormwater utility is in place). Fourth, the material (dirt) removed from the canal that is laying in the portion of the alley within this subdivision, and along the west side of Lot 232, be removed. Fifth, the trail connections at the south ends of the three cul-de-sacs should be provided with a surface that meets the intent of a usable trail—crusher fines over a base course would be preferred. This would minimize weed growth as well.

OTHER:

1. The applicant will need to contact the post office for mail box location.
2. Identify the 15-foot electric easement along the west property line.
3. Clarify who/what properties are the beneficiaries of the 40' irrigation and access easement along the west side of the subdivision (if existing reference document number).
4. Some street signs will be needed, at least in the area of the West Avenue transition. Coordinate with Public Works.
5. Discuss sizing of the infiltration basin with Public Works. What is the design storm? (25-year, 100 year?)
6. Include a clear notation on the final plat that construction on the lots must follow the recommendations of the geotechnical report, and consider groundwater levels documented in the monitoring wells.
7. Do not use the word "addition" in the name of the subdivision. (An addition is a method of annexation by subdivision in state statute, and this property is already in the City of Cody.)
8. To avoid provide protection from increased groundwater impacts from utility trenching, design the utility tranches to include strategically placed impermeable plugs (at a minimum, one near the north end of each cul-de-sac, and one at south end of alley.)
9. When designing the West Avenue connection, the curb, gutter, and sidewalk need not extend completely to the west boundary of the subdivision, so as to leave room for tapering the street width down to 30 feet. Coordinate with Public Works.
10. Modify the note about not showing all rights of way, easements, etc., as some of those statements are in direct opposition of what the subdivision ordinance requires.

VARIANCES:

The variances noted are to be reviewed under the following standard of 11-5-2(B):

If during the approval process of a proposed subdivision it can be shown that strict compliance with the requirements of this title will result in extraordinary hardship to the subdivider due to unusual topography or other similar land conditions, or where the subdivider can show that variances will make a greater contribution to the intent and purpose of this title, the commission and council may, upon written request and proper justification, grant a variance to this title so that substantial justice may be done and the public interest secured; provided, that any such variance will not have the effect of nullifying the intent and purpose of this title.

Staff would recommend approval the variances for waiving the alley requirement, using the street profile of the master plan, and postponing any improvements within or bordering the "Future Shadow Mountain Subdivision addition #3". We believe those variances "*make a greater contribution to the intent and purpose of this title" than* if those improvements were required at this time.

We do not recommend a variance to sidewalk width, as there is no reason why 5-foot sidewalks cannot be installed, and five feet is the current standard.

POTENTIAL MOTION:

If the applicant is agreeable to the recommendations of this staff report, recommend that the City Council approve the preliminary plat for the Shadow Mountain Subdivision No. 2, subject to the listed conditions:

Subdivision Variances:

1. Allow 50-foot right-of-way width with 10' utility easements to each side, rather than 60-foot right-of-way.
2. No alleys are required.
3. Improvements for the "Future Shadow Mountain Subdivision #3" are postponed until further development of that land.

Conditions:

1. After discussion with P&Z and Council, determine if a raw water system will be installed in the subdivision.
2. Resolve the property ownership situation—the property must all be under one ownership.
3. Include the "Future Shadow Mountain Subdivision #3" in the plat boundary.
4. Provide the missing documentation from USACE or WY DEQ regarding the wetland. The wetland issue must be resolved to the satisfaction of the City attorney and City Council, showing that no liability pertaining to the elimination of the wetland remains, before any construction occurs in that area and before any land is given or granted to the City.
5. At least two monitoring wells (pipes in the ground) must be installed as soon as possible and groundwater levels monitored and documented as soon as possible through construction of the subdivision, so that seasonal fluctuations are identified before the houses are built.
6. The abandoned oil/gas pipeline must be properly removed and the land deemed "clean" by appropriate agencies before the land is transferred to the City (when the final plat is recorded).

7. Use of Ted Ebert Park for the proposed drainage swale requires City Council authorization. If allowed, the swale must be designed so that it does not harm the root systems of the trees, while being very gradual in slope. The disturbed area must be re-sodded (and watered) to return to the existing park appearance.
8. The location of the infiltration basin is to be installed as far south as reasonably possible.
9. A maintenance agreement and/or homeowner's association shall be established for maintenance of the storm water infiltration basin. Submit the proposed agreement with the final plat. Also include an explanatory note referencing such on the final plat.
10. (Placeholder: Any requirement pertaining to piping of ditch along west side of subdivision, or any Cody Canal requirements.)
11. The material (dirt) that has been removed from the canal that is laying in the portion of the alley within this subdivision, and along the west side of Lot 232, must be removed.
12. The trail connections at the south ends of the three cul-de-sacs must be provided with a surface that meets the intent of a usable trail—crusher fines over a base course, or other materials approved by the City.
13. Provide dust control during subdivision development as needed to prevent dust impacts to neighboring properties.
14. As noted in the staff report under "Other":
    a) The applicant will need to contact the post office for mail box location.
    b) Identify the 15-foot electric easement along the west property line on the plat.
    c) Clarify who/what properties are the beneficiaries of the 40' irrigation and access easement along the west side of the subdivision (if existing reference document number).
    d) Some street signs will be needed, at least in the area of the West Avenue transition. Coordinate with Public Works.
    e) Discuss sizing of the infiltration basin with Public Works. What is the design storm? (25-year, 100 year?)
    f) Include a clear notation on the final plat that construction on the lots must follow the recommendations of the geotechnical report, and consider groundwater levels documented in the monitoring wells.
    g) Do not use the word "addition" in the name of the subdivision. (An addition is a method of annexation by subdivision in state statute, and this property is already in the City of Cody.)
    h) To avoid provide protection from increased groundwater impacts from utility trenching, design the utility tranches to include strategically placed impermeable

plugs (at a minimum, one near the north end of each cul-de-sac, and one at south end of alley.)

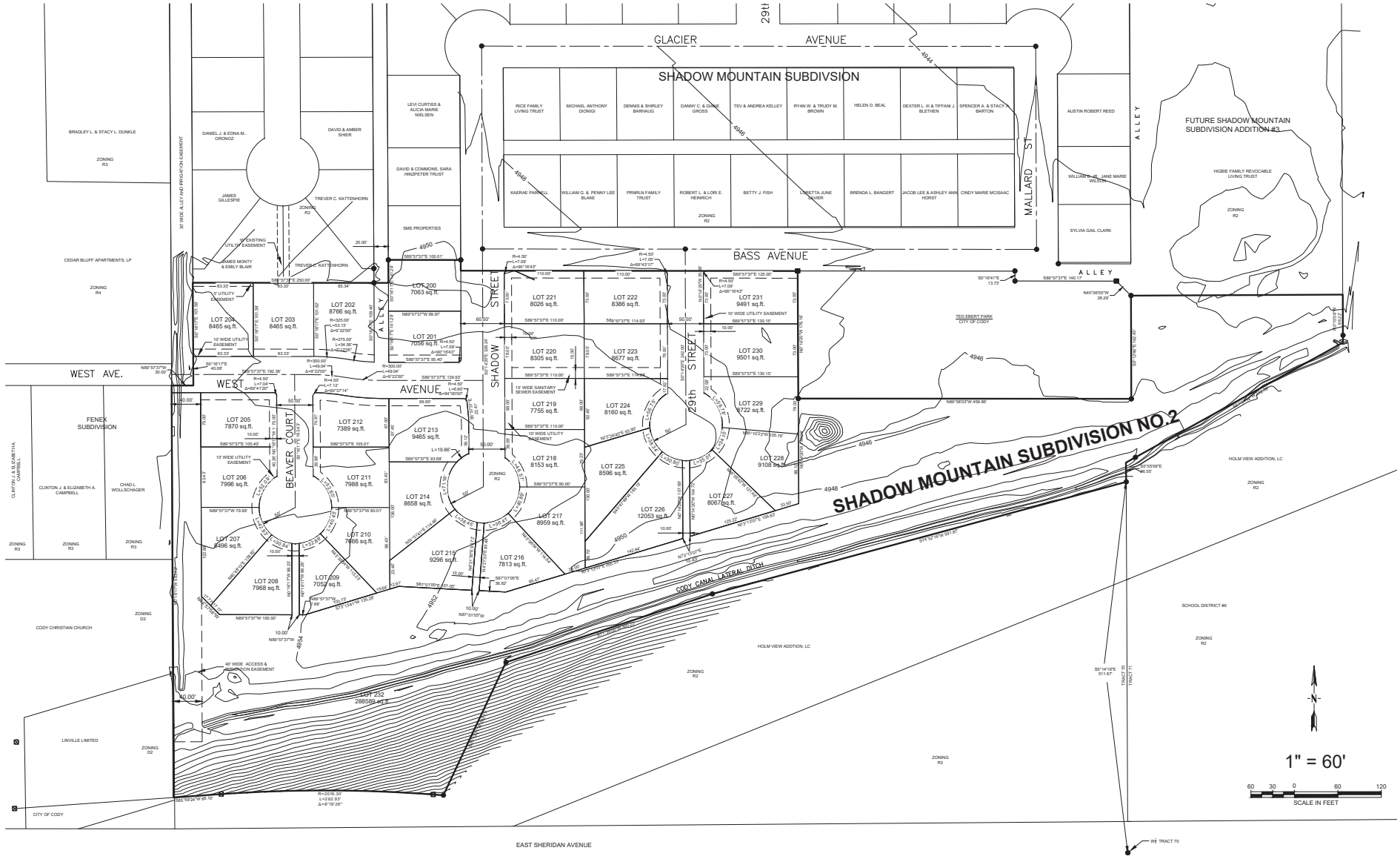
i) When designing the West Avenue connection, the curb, gutter, and sidewalk need not extend completely to the west boundary of the subdivision, so as to leave room for tapering the street width down to 30 feet. Coordinate with Public Works.

j) Modify the note about not showing all rights of way, easement, etc., as those statements are in direct opposition of what the subdivision ordinance requires.

15. The final plat application and construction documents shall otherwise comply with the City subdivision ordinance.

ATTACHMENTS:

Application narrative
Preliminary Plat
Preliminary utility plan
Preliminary drainage map
Geotechnical Engineering Report
Title Report



LEGEND

- 5/8" REBAR WITH 2 1/2" CAP SET
- REBAR & ALUM. CAP FOUND
- 2" IRON PIPE
- 3" IRON PIPE
- 1 1/2" IRON PIPE
- BRASS CAP FOUND
- HIGHWAY MONUMENT FND.

NOTE:
THIS DRAWING IS NOT INTENDED TO SHOW ALL RIGHTS OF WAY, EASEMENTS, PUBLIC OR PRIVATE UTILITIES, IRRIGATION, IMPROVEMENTS, OR OTHER FEATURES OF CODY PLANNING AS UPON THE PARCELS OF PRINCELS DELINEATED HEREON. THIS SURVEYOR DID NOT CONDUCT A COMPLETE TITLE SEARCH, ABSTRACT STUDY OR HAZARD INQUIRY FOR THE LANDS SHOWN HEREON.

BASIS OF BEARINGS IS WYOMING STATE PLANE, WEST CENTRAL ZONE.

Total Subdivision Acres = 14.48

DEVELOPER: HIGBIE FAMILY REVOCABLE LIVING TRUST
213 NORTH 44TH STREET
CODY, WYOMING 82414

CERTIFICATE OF SURVEYOR
STATE OF WYOMING }
COUNTY OF PARK } SS
I, EDWARD REED ON BEHALF OF MORRISON MAIERLE OF CODY, WYOMING DO HEREBY CERTIFY THAT THIS MAP WAS PREPARED FROM FIELD NOTES TAKEN DURING AN ACTUAL SURVEY MADE BY ME ON FEBRUARY 16, 2018, THAT THIS MAP CORRECTLY SHOWS THE RESULTS OF SAID SURVEY AND THAT THE MONUMENTS FOUND OR SET ARE AS SHOWN TO THE BEST OF MY KNOWLEDGE AND BELIEF.

WYOMING L.S. REGISTRATION NO. 14635
MORRISON MAIERLE
BY: EDWARD REED (AGENT)

Professional Land Surveyor
EDWARD REED
14635
WYOMING

Morrison Maierle
engineers surveyors planners scientists
1402 Stampede Avenue
Cody, WY 82414
Phone: 307.587.6281
www.m-m.net
COMPANY CERTIFICATE OF AUTHORIZATION NO. 2007

FIELD WORK: JJM
DRAWN BY: ECR
CHECKED BY: TAG
DATE: 03/11/2020
SCALE: 1"=60'
PROJ. #: 6343.001

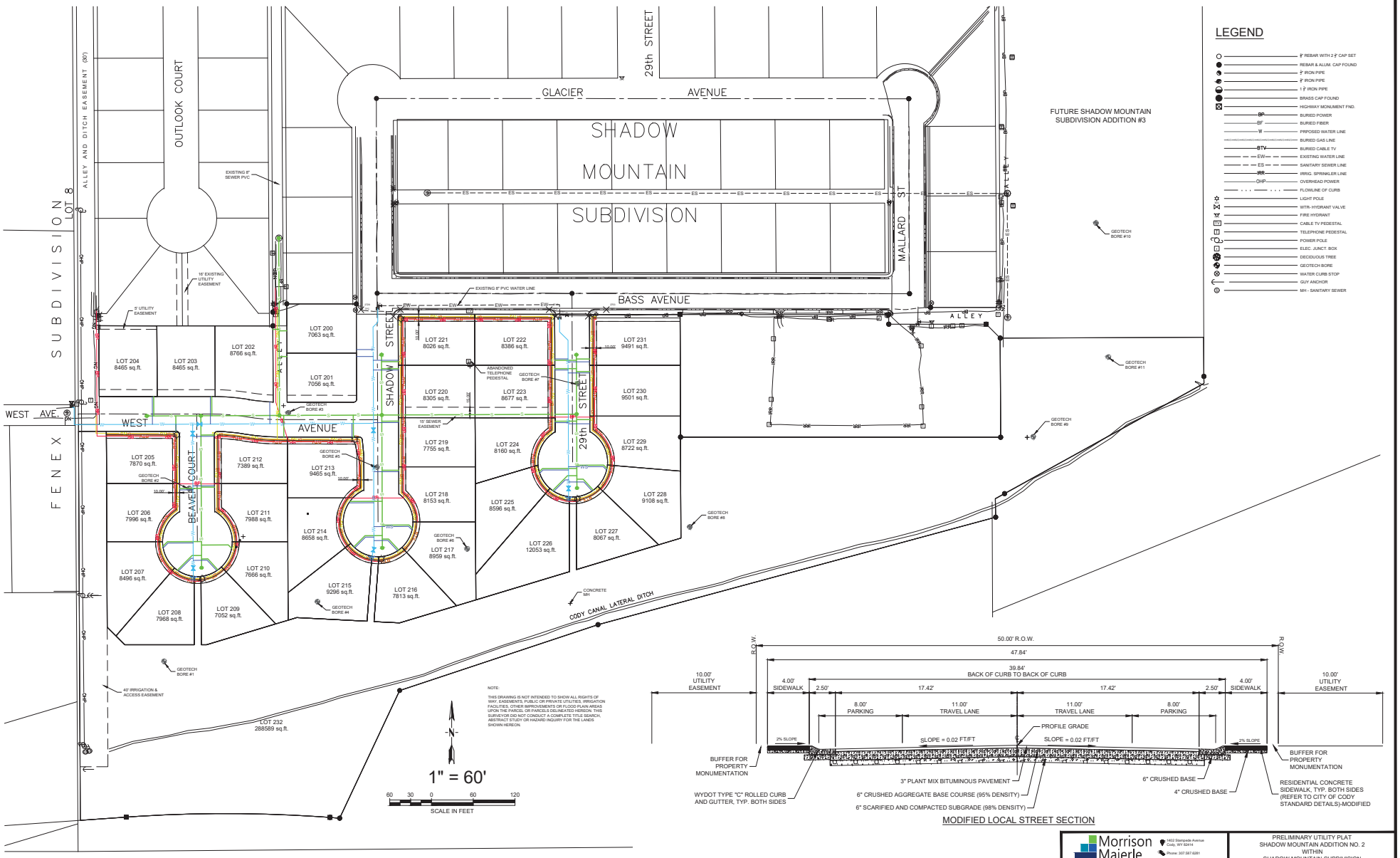
PRELIMINARY PLAT
SHADOW MOUNTAIN ADDITION NO. 2
WITHIN
SHADOW MOUNTAIN SUBDIVISION
CITY OF CODY
PARK COUNTY, WYOMING

CLIENT: HIGBIE FAMILY TRUST SHEET 1 OF 3

DRAWING NAME: J:\6343 Higbie Family Trust\001 Shadow Mtn Subd No 2\ACAD\Sheets\Survey\6343001 Prelim Plat.dwg

SHADOW MOUNTAIN SUBDIVISION N0. 2

TRACTS 70 & 71, T.53N., R. 101W., 6TH P.M. (RESURVEY)



MODIFIED LOCAL STREET SECTION

Morrison Maierle
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Phone: 307.587.6281
www.m-m.net
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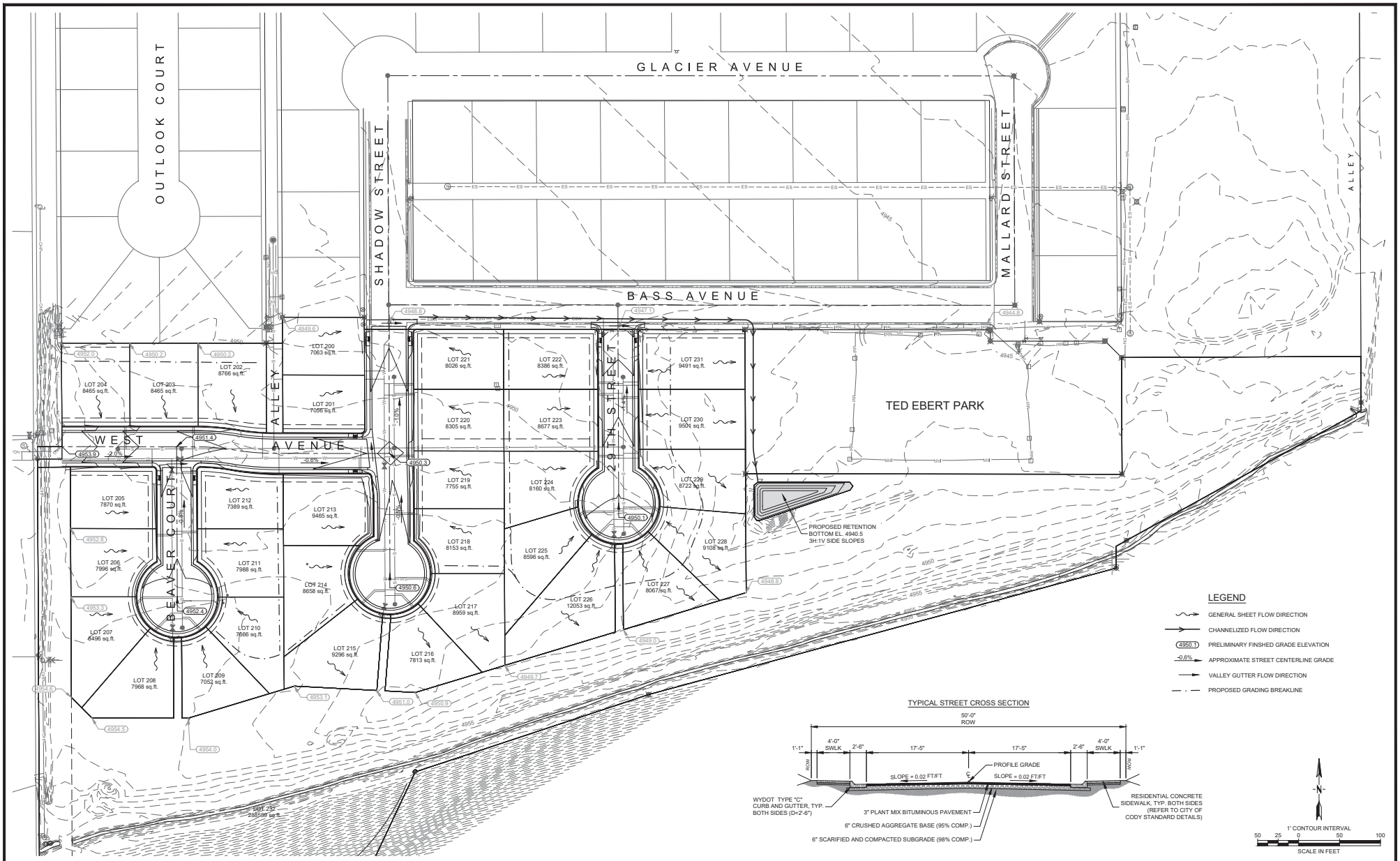
FIELD WORK: ECR	DATE: 03/13/2020
DRAWN BY: ECR	SCALE: 1"=60'
CHECKED BY: TAG	PROJ. #: 6343.001

PRELIMINARY UTILITY PLAT
SHADOW MOUNTAIN ADDITION NO. 2
WITHIN
SHADOW MOUNTAIN SUBDIVISION
CITY OF CODY
PARK COUNTY, WYOMING

CLIENT: HIGBIE FAMILY TRUST SHEET 2 OF 3

DRAWING NAME: J:\6343 Higbie Family Trust\001 Shadow Mtn Subd No 2\ACAD\Sheets\Survey\6343001 UTILITY PLAN.dwg



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PRELIMINARY DRAINAGE PLAN
SHADOW MOUNTAIN ADDITION NO. 2
WITHIN
SHADOW MOUNTAIN SUBDIVISION
CITY OF CODY
PARK COUNTY, WYOMING

FIELD WORK: --	DATE: 03/26/2020
DRAWN BY: TEM	SCALE: 1"=50'
CHECKED BY: TAG	PROJ. #: 6343.001

CLIENT: HIGBIE FAMILY TRUST SHEET 3 OF 3

DRAWING NAME: J:\6343 Higbie Family Trust\001 Shadow Mtn Subd No 2\ACAD\Exhibits\001-PrelimGradDrainage.dwg

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1402 STAMPEDE AVENUE • CODY, WY 82414
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April 1, 2020

Todd Stowell
Planning and Zoning Commission
City of Cody
PO Box 2200
Cody, WY 82414

Subject: **Shadow Mountain Subdivision No. 2 – Preliminary Plat**

Dear Todd and Planning and Zoning Commissioners:

Thank you for our previous meetings and assistance in laying out the proposed Shadow Mountain Subdivision No. 2. The developer for this project is Ed Higbie. This cover letter will provide some additional information about the subdivision to expedite and assist your review of the plat. Our submittal includes three drawings – the Preliminary Plat, Utility Plan, and Preliminary Grading and Drainage Plan.

General Background

This will be the second phase of this subdivision, which was originally platted in 1993 and the majority of this section to be replatted was vacated in 2003. The proposed date of construction in the summer of 2020 and will be constructed by Nicholson Construction.

The proposed subdivision will have 32 lots, with lot sizes averaging 8,420 square feet. Lot 232 is proposed to be dedicated to the City as open space for a future trail system with access points to the streets and possible drainage swales. The remainder of Lot 232 is the hillside and Cody Canal/ditch easement areas which are undevelopable. This area is zoned Medium Low Residential R-2. The area to the east will be developed at a later date as Shadow Mountain Subdivision No. 3.

Street Section

We are proposing to have a typical street section use the Option B side of the 50' modified Local Street Cross Section, with a 50' right-of-way, with two 11' travel lanes and two 8' parking lanes, with 2.5' curb and gutter sections, 4' sidewalks and 10' wide utility easements as shown on the attached utility plan. All existing sidewalks in the area are 4' wide, so we are matching the existing conditions in the area. We are proposing a curb and gutter section that is similar to the existing section and can be constructed with the equipment that the local contractors use. No alleys are proposed for the subdivision. We do plan to provide a connection to West Avenue for safety and access.

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Utilities

We have met with the City about the locations for water, sewer, and power. We have 10' wide utility easements on the lots to accommodate power, Spectrum (cable television), and TCT (fiberoptic/telephone) running generally in one trench with Energy West (gas) at least 3' away. Each has specific separation requirements, which will be complied with during construction. In addition, a Wyoming DEQ permit will be obtained for the water and sewer lines.

Irrigation and Raw Water

We will meet with the irrigators using the private lateral along the west side of the property to address their irrigation needs for conveyance. We will plan to design a siphon or install a culvert so that the water can travel under our road connection to West Avenue.

The property currently does not have any water rights, so we will size the treated water system to accommodate irrigate flows to the houses. If the City is able to provide a raw water pipe to the subdivision before construction begins, we might consider adding raw water lines to the subdivision if the timing is appropriate.

Wetlands and Flood Plains

This area is outside the FEMA flood plain zone A. There are no wetlands in the area. Cody Canal's Watkins Lateral runs along the south side of the property.

Drainage

A full drainage report will be completed before the final plat is submitted. A preliminary grading and drainage plan is included with the submittal for your review. Currently, we are proposing to place a retention pond and/or include an additional drainage devices in Ted Ebert Park on the west side of the large trees. The retention pond shown is sized for a 10-year 2-hour storm. We need to survey the existing trees to more accurately determine exactly the size of the swales or ditches that could be located in the park.

A geotechnical report has been completed for the property and a copy is included for your reference.

Street and Traffic Signs

We do not anticipate any regulatory traffic signs be needs. We will install street signs in appropriate locations after construction.

Supplemental Materials

1. A copy of the title repot is included, which includes all easements and rights-of-way of record.
2. Warranty deed
3. Below are the variances we are requesting:
    a. No alleys are proposed.
    b. Four-foot sidewalks are proposed to match existing sidewalks in the area. They are located along both sides of the street, and generally along cul-de-sacs. Also requesting a 4" crushed base section under the sidewalks.
    c. Some of the streets are less than 60' residential street width.

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   d. The proposed street section in a modified version of the Cody Street Master Plan's "Local" section with a 10' wide utility corridor.
4. Raw water – addressed above.
5. Public use: The dedication of Lot 232 with approximately 6.6 acres for future trailway system and public use is planned to be conveyed to the City. Ten-foot corridors through the ends of each cul-de-sac are provided for access through the subdivision.
6. Geotechnical Report by Rimrock Engineering, Inc.

An electronic copy is included for your use. Please let us know when this will be scheduled for the City Planning and Zoning Commission meeting. Thank you.

Sincerely,
Morrison-Maierle

Theresa Gunn, PE
Project Manager

Encl: Preliminary Plat Application
Preliminary Plat
Utility Plan
Grading and Drainage Plan

cc: Ed Higbie
6343 Preliminary Plat

j:\6343 higbie family trust\001 shadow mtn subd no 2\04 design\platting\conceptual plat\p&z transmittal letter.docx

Current Photos (April 2020)

Looking South on Shadow Street:

Looking east on Bass Avenue, west side of Shadow St:

West boundary of Ted Ebert Park:

Looking SW at boundary of Ted Ebert Park:

Infiltration Trench just below Watkins Lateral:

Same, looking east:

Manhole of infiltration trench:

Maintenance road of Watkins Lateral:

Area of Mapped wetland in SW corner of property:

Location of Historic ditch entering property near SW corner:

Ditch along west Property line:

Oil/Gas pipline in Watkins Lateral (near SW corner):

Same, looking North:

Private ditch along west property line (4 photos), to point where meets Cougar Avenue:

Area of West Avenue Connection:

Manhole in West Avenue (adjust height to finished surface):

Curb Stop (Adjust to finished grade of West Avenue):

Sheridan Avenue Storm Water Facility to Southwest of development:

Historic Photos from 2001:

Wetland in SW portion of property:

Seepage surfacing just below Watkins lateral:

"Exit Trench facing north"

"Depth of exit trench"

“Ponding Area and stream flowing north”

Wetland Assessment, Higbie Family Revocable Living Trust Property, Cody, WY

The Higbie Family Revocable Living Trust property is located in Park County, Wyoming, within the limits of the city of Cody. The overall parcel is 17.61 acres in size, and the specific area of concern is the northeast block adjacent to and east of the existing Shadow Mountain residential subdivision, about 3.5 acres in size (see area map). This piece is scheduled for development of Phase 2 of the subdivision, the first phase of which was constructed over 20 years ago. The National Wetlands Inventory (NWI) map shows two pre-emergent marsh wetland delineations (PEMC) that cut through the northwest corner and the south edge of the subject property. Together, these pieces total about 0.18 acre. The landowner requested review of these delineations as they occur on his property.

Contractor visited the site in the afternoon of Saturday, November 8, 2014, a cool, partly cloudy and breezy day, and was accompanied by Emmett Phelan, biologist with Park County Weed and Pest Control District. The property is situated on a gravelly stream terrace near the base of a higher terrace, at an elevation of 4960 feet. Subject property is dry vacant land bounded on the west and north by gravel roads, and a small field ditch crosses the southeast corner above the PEMC delineation. A lateral of the Cody Canal is further south at the base of the upper terrace and is separated from subject property by a dirt road. The field ditch does not appear to be in use as prior year aerial photography (1994-2012) does not show irrigation.

Six data points were selected within, on the margins and outside of the NWI delineation. No dominance or prevalence of wetland species was encountered at any of the sites. In fact, the vegetation at site 6 was the only location that included a FAC species (*Elymus repens*); all other species at this and the other sites were FACU or UPL. Redox features (soft masses or mottles) were noted in soils at sites 1, 2 and 6, but the soil matrix chroma was too high to be considered hydric. Most of the subject property is mapped as Naturita fine sandy loam, which is not a hydric soil. The southernmost portion of the property (sample site 6) is mapped as Fluvaquents, which are considered hydric soils. However, the map unit delineation appears to be too far north. Since there is no live water on or adjacent to the property and the Cody Canal lateral is blocked on the north edge by a road, the chance of seasonal flooding in this area (and on the subject property in particular) is unlikely. Aerial photography from the past 20 years does not show any evidence of flooding or irrigation, and no wetland hydrology indicators were noted on the property.

It is my conclusion that no jurisdictional wetland or other aquatic resources exist on the subject property, and that the NWI PEMC delineation on this property is in error. Should you have any questions, please contact me at the phone or e-mail below.

Sincerely,

Thomas E. Flack

November 11, 2014

w/o Attachments: Data sheets, area map, soils map, sample site photos, NWI map with sample locations

Thomas E. Flack, Natural Resources Consultant
P.O. Box 2532, 23 Goshawk Drive, Cody WY 82414 307.250.3157 tom@mesaocho.com

RIMROCK
ENGINEERING, INC.

GEOTECHNICAL ENGINEERING REPORT

Shadow Mountain Subdivision
Bass Avenue
Cody, Wyoming

August 27, 2019
Project No. G19078

Prepared for:

Mr. Ed Higbie
213 North 44th Street
Cody, Wyoming 82414

Prepared by:

Rimrock Engineering, Inc.
5440 Holiday Avenue
Billings, Montana 59101

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August 27, 2019

Mr. Ed Higbie
213 North 44th Street
Cody, Wyoming 82414

Re: Geotechnical Engineering Report
Shadow Mountain Subdivision
Bass Avenue
Cody, Wyoming

Dear Mr. Higbie:

Rimrock Engineering, Inc. has completed the geotechnical engineering services for the referenced project. The attached report presents the results of our findings. Our work consisted of subsurface exploration, laboratory testing, engineering analyses, and preparation of this report.

We appreciate this opportunity to be of service to you and are prepared to provide construction materials testing services during the construction phase of the project. If you have any questions regarding this report or need additional information or services, please contact us.

Sincerely,
RIMROCK ENGINEERING, INC.

Professional Engineer (Geotechnical)
MATTHEW GEERING
12761
Date
WYOMING

Matt Geering, P.E.
Principal/Vice President

Wade Reynolds
Principal/President

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APPENDICES

Appendix A Vicinity/Site Map, Logs, USCS Description/Log Key
Appendix B Laboratory Test Results

EXECUTIVE SUMMARY

Rimrock Engineering has completed the geotechnical engineering services for the Shadow Mountain Subdivision along Bass Avenue in Cody, Wyoming. As requested, eleven (11) borings were drilled to approximate depths ranging from 8 to 16 feet below existing grades at the project site.

Based on the results of our geotechnical investigation, the site can be developed for the proposed project consistent with the recommendations provided in this report. The following geotechnical conditions and considerations were identified:

- Based on materials encountered in our borings, underlying a vegetative layer, the subsurface profile generally consists of about 1 to 5.5 feet of loose to medium dense silty and/or clayey sand soils overlying dense to very dense poorly and well graded gravels. Practical auger refusal was encountered within the majority of the borings. Groundwater was encountered at depths ranging from about 5 to 8 feet below existing grades.

- Sand and gravel soils were encountered at or near anticipated foundation and floor slab depths. The sand and gravel soils generally are dense to very dense in relative density and will likely be disturbed by the construction excavation process. Some of the overburden sand soils are loose and potentially compressible. Therefore, we recommend supporting structures using spread footings established on reconditioned native sand and gravel soils or on granular imported structural fill or engineering fill (site sand and gravel soils placed in a controlled manner) extending to the native dense to very dense sand and gravels. Performance of this system is directly related to the proper treatment and re-compaction of the native soils.

- Depending on depth of excavation and seasonal conditions, groundwater may be encountered. Basement construction may not be feasible unless lower level slabs can be kept a minimum of 2 feet above groundwater levels. Additional groundwater monitoring should be considered to help establish high groundwater elevations and fluctuations. Rimrock Engineering can assist in provided these services if desired.

- To reduce the potential for movement related distress to concrete slabs, we recommend that interior floor slabs bear on reconditioned site sand and gravel soils or a minimum of 8 inches of structural or engineered fill.

It should be noted that specific project details were not fully developed or included in this section. The information provided in this executive summary should be used in conjunction with the entire report for design purposes.

GEOTECHNICAL ENGINEERING REPORT

Shadow Mountain Subdivision
Bass Avenue
Cody, Wyoming

1.0 INTRODUCTION AND SCOPE

1.1 Project Description

The project consists of the Shadow Mountain Subdivision Addition No. 2 located south of the existing subdivision in Cody, Wyoming. The project will include 32 new residential lots, new streets, and associated utilities. The project may also include 12 additional lots to the east of the subdivision and a retention pond.

At this time, we have not been provided with anticipated structural loads. Based upon previous experience with similar projects, we estimate relatively light loadings for structures of this type. Therefore, we have assumed that wall loads will be less than 2 kips per lineal foot. Additionally, we estimate that floor slab loads will be less than 150 pounds per square foot. Please notify us if these assumptions are not valid so that we may re-evaluate and, if necessary, revise our geotechnical recommendations.

1.2 Purpose and Scope of Work

The purpose of this study is to evaluate the feasibility of the proposed development with respect to the observed subsurface conditions and to provide information, opinions, and geotechnical engineering recommendations relative to:

- General soil and groundwater conditions
- Site and subgrade preparation
- Recommended foundation type(s) and design parameters
- Estimated settlement of foundations
- Corrosion of concrete and cement type
- Pavement thickness design
- Utility trench construction
- General earthwork and site drainage
- Infiltration rate of soils (optional)

Our scope of services consisted of background review, site reconnaissance, field exploration, laboratory testing, engineering analyses, and preparation of this report.

2.0 INVESTIGATION

2.1 Field Exploration

The subsurface exploration consisted of drilling eleven (11) borings on August 9, 2019 to approximate depths ranging from 8 to 16 feet below existing grades. Practical auger refusal was encountered in the majority of the borings. The borings were drilled using our truck mounted drill rig equipped with solid flight augers. Groundwater levels were measured during drilling operations, if encountered. Upon completion of drilling and/or groundwater measurements, the borings were backfilled with drill cuttings and compacted with the equipment at hand.

Logs of the borings along with a Vicinity/Site Map are included in Appendix A. The borings were located in the field by Morrison-Maierle. Estimated ground surface elevations were set at 100 for purposes of this investigation. The locations and elevations of the borings should be considered accurate only to the degree implied by the means and methods used to define them.

Rimrock Engineering personnel logged the soil conditions encountered in the borings. At selected intervals, samples of the subsurface materials were taken by driving split-spoon samplers, pushing Shelby tube samplers, and collecting auger cuttings. Penetration resistance measurements were obtained by driving the samplers into the subsurface materials with a 140-pound automatic hammer falling 30 inches. The penetration resistance value is a useful index in estimating the relative density, or consistency, of the materials encountered. The samples were tagged for identification, sealed to reduce moisture loss, and taken to our laboratory for further examination, testing, and classification.

2.2 Laboratory Testing

The purpose of the laboratory testing is to assess the physical and engineering properties of the soil samples collected in the field to be used in our geotechnical evaluations and analyses. Laboratory testing was performed on selected soil samples to assess the following:

- Visual classification (USCS)
- Moisture content
- Moisture density relationship
- Water soluble sulfate
- Atterberg limits
- Sieve analysis
- California Bearing Ratio

The soil descriptions presented on the boring logs are in accordance with the Unified Soil Classification System (USCS). Individual laboratory test results can be found in Appendix B at the end of this report.

3.0 SITE & SUBSURFACE CONDITIONS

3.1 Site Conditions

The project site is situated just south and east of the existing Shadow Mountain Subdivision in Cody, Wyoming. The site is located to the north of a relatively steep sloped bench. The site is undeveloped and vegetated with native grasses and weeds. There is an existing park between the two areas of proposed development or just southeast of the existing subdivision. The site is relatively flat with slight drainage to the north and east.

3.2 Subsurface Soil Conditions

Based on materials encountered in our borings, underlying a vegetative layer, the subsurface profile generally consists of about 1 to 5.5 feet of loose to medium dense silty and/or clayey sand soils overlying dense to very dense poorly and well graded gravels. Practical auger refusal was encountered within the majority of the borings. Cobbles were encountered throughout the gravel stratum as well.

The coarse grained soils had Standard Penetration Test (SPT) N-values in the range of 5 to 50+ blows per foot with values usually greater than 29 which indicates the soils generally to be dense to very dense in relative density, low in compressibility, and high shear strength characteristics. Some of the sand soils near the surface are loose in relative density. For a more detailed description of the subsurface conditions, please refer to the logs provided in Appendix A.

3.3 Groundwater Conditions

The borings were observed while drilling and after completion for the presence and level of groundwater. Groundwater was encountered at depths ranging from about 5 to 8 feet below existing grades. These observations represent groundwater conditions at the time of the field exploration and may not be indicative of other times, or at other locations. Groundwater can be expected to fluctuate with varying seasonal, weather and irrigation conditions. Evaluation of the factors that affect groundwater fluctuations is beyond the scope of this report.

3.4 Laboratory Test Results

The site soils were tested for grain size distribution (sieve analysis) and Atterberg Limits. Atterberg limits are a basic measure of the critical water contents of a fine-grained soils. The clayey soils encountered in the borings generally have medium plasticity. Results are summarized below:

Location	Depth (ft)	USCS	Liquid Limit (%)	Plastic Limit (%)	Plasticity Index (%)	Gravel (%)	Sand (%)	Clay/Silt (%)
B-1	2.5	GC	28	16	12	50.1	32.6	17.2
B-3	4.5	GW-GM	NP	NP	NP	51.7	40.1	8.3
B-3	7.0	GM	NP	NP	NP	52.3	34.6	13.1

Location	Depth (ft)	USCS	Liquid Limit (%)	Plastic Limit (%)	Plasticity Index (%)	Gravel (%)	Sand (%)	Clay/Silt (%)
B-6	0.0	SM	NP	NP	NP	12.5	56.6	30.8
B-7	2.5	GP-GM	NP	NP	NP	47.9	45.1	7.0
B-8	0.0	SM	NP	NP	NP	5.8	54.5	39.6
B-9	2.5	SM	NP	NP	NP	6.8	50.2	42.9
B-10	2.5	SC	28	18	10	9.1	45.5	45.4
B-11	2.5	GW-GM	NP	NP	NP	52.2	41.3	6.5
B-11	4.5	GW-GM	NP	NP	NP	57.0	35.3	7.7

A representative sample of the near surface soils was collected for Moisture-Density Relationship (Standard M/D) and California Bearing Ratio (CBR) testing. The results are summarized in the following table:

Location	Depth (ft)	Material	Maximum Dry Density (pcf)	Optimum Moisture Content (%)	CBR (%)
B-31 to B-11	1-2.5	SC/SM/GC	124.6	9.3	6.8

3.5 Infiltration Test Results

Infiltration testing was performed at or near the proposed infiltration pond location. The test procedure consists of recording changes in head (water column height) at selected time intervals until a constant rate of infiltration is obtained. Based on the field test results, an average infiltration rate of 4.3 in/hr was recorded.

The infiltration rate above does not include a factor of safety. A minimum setback of 15 feet away from adjacent structures is recommended for infiltration basins. If this is not achievable, an impermeable liner should be installed between infiltration basins and structure and should extend below adjacent footing and/or foundation bearing material elevations. Additional geotechnical analysis and input may be required for such designs.

4.0 RECOMMENDATIONS

4.1 Geotechnical Concerns/Considerations

Sand and gravel soils were encountered at or near anticipated foundation and floor slab depths. The sand and gravel soils generally are dense to very dense in relative density and will likely be disturbed by the construction excavation process. Some of the overburden sand soils are loose and potentially compressible. Therefore, we recommend supporting structures using spread footings established on reconditioned native sand and gravel soils or on granular imported structural fill or engineering fill (site sand and gravel soils placed in a controlled manner) extending

to the native dense to very dense sand and gravels. Performance of this system is directly related to the proper treatment and re-compaction of the native soils.

As previously stated, groundwater was encountered at depths of about 5 to 8 feet below existing grades during this investigation. Depending on depth of excavation and seasonal conditions, groundwater may be encountered. Basement construction may not be feasible unless lower level slabs can be kept a minimum of 2 feet above groundwater levels. Additional groundwater monitoring should be considered to help establish high groundwater elevations and fluctuations. Rimrock Engineering can assist in provided these services if desired.

Since subsurface conditions may vary from one location to another and the structural characteristics may also vary from one structure to another, contractors or home owners should consider performing site specific geotechnical investigations.

4.2 Earthwork

The following sections present recommendations for site and subgrade preparation and placement of fill materials on the project. Earthwork on the project should be observed and tested by Rimrock Engineering.

4.2.1 Site and Subgrade Preparation

Vegetation, topsoil, existing utilities (if present), and other unsuitable materials (e.g. debris, desiccated soil, frozen soil, etc.) should be removed from the proposed construction area. It is anticipated that general excavations for the proposed construction can be accomplished with conventional earthmoving equipment such as tractor mounted backhoes and tracked excavators. The excavated site soils, cleaned of all organic/deleterious material, and any construction debris, may be stockpiled on-site for possible re-use as wall/trench backfill or for landscaping purposes.

In order to mitigate construction disturbance and improve uniformity of subgrade support, prior to placement of foundations and slabs, subgrade soils should be scarified a minimum of 12 inches and compacted in accordance with Section 4.2.4. If cobbles are encountered, they should be removed and replaced with suitable site sand and gravel soils or imported structural fill to reduce potential for point loading. Rimrock Engineering should be contacted to observe the subgrade surface to ascertain integrity consistent with the design assumptions.

Excavations below floor slabs also should allow for placement of at least 8 inches of structural or engineered fill. Over-excavation for structural fill placement below footings should extend laterally beyond all edges of the footings at least 12 inches per foot of over-excavation depth below footing base elevation.

4.2.2 Utility Trench Excavation and Construction

Excavations along the utility alignments will generally encounter loose to medium dense sand soils over dense to very dense sand and gravel soils. Depending on excavation depths and time of year construction takes place, groundwater may be encountered and dewatering may be required. It is anticipated that excavations for the proposed construction can be accomplished with conventional earthmoving equipment such as tractor mounted backhoes and tracked excavators.

Excavations are anticipated to encounter relatively stable conditions. However, there is potential for unfavorable subsurface conditions including soft/loose, unstable soils. Typically, sand soils are susceptible to caving especially in the presence of groundwater. If unstable subgrade soils are encountered, remediation may be required to create a working platform prior to utility placement.

The soil classifications shown on the logs are based solely on the materials encountered in the borings. The contractor should verify that similar conditions exist throughout the proposed area of excavation. If different subsurface conditions are encountered during construction, the actual conditions should be evaluated by the contractor's competent person to determine any excavation modifications necessary to maintain safe conditions.

As a minimum, all temporary excavations should be sloped or braced as required by Occupational Health and Safety Administration (OSHA) regulations to provide stability and safe working conditions. The grading contractor, by his contract, is usually responsible for designing and constructing stable, temporary excavations and should shore, slope or bench the sides of the excavations, as required, to maintain stability of both the excavation sides and bottom. All excavations should comply with applicable local, state and federal safety regulations, including the current OSHA Excavation and Trench Safety Standards.

Depending on the depths of excavations and subsurface soil and groundwater conditions, the use of temporary shoring and/or trench boxes will likely be required. Shoring design should be conducted by a registered engineer based on the available subsurface information verified by observation of actual excavation conditions. The following equivalent fluid pressure values are recommended for preliminary planning purposes.

Soil Type	Equivalent Fluid Pressure (psf/ft)
Silty/Clayey Sand (SM/SC)	50
Gravels (GW/GP/GM)	35

We anticipate the trench bottoms to be relatively stable if construction disturbance is minimized and groundwater is absent or properly controlled. Design and construction of the utilities should conform to the specifications as set forth in Wyoming Standard Specifications. Enough separation geotextile should be placed so that the geotextile can be wrapped around the bedding material

prior to placing backfill or backfilling above the utilities. Only light weight compaction equipment should be used to compact the first foot of bedding and/or backfill above the trench bottom.

The excavated materials will generally be suitable for use as trench backfill above the pipe bedding. However, the consistency and the natural moisture content of the soils will likely vary across the project. It is likely that some areas will require the addition of moisture, while others, especially those excavated from near or below the groundwater level, will be too wet for re-use unless extensively processed to reduce the moisture content to near optimum. In this instance, it may be more practical and economical to replace these materials. If granular backfill material is used for the project, the use of impermeable trench plugs to prevent the migration of groundwater along the trench may be used. The trench plugs may be constructed using select on-site clay soils, using a soil/bentonite mixture, or a lean flowable concrete fill. The recommended spacing between trench plugs is 300 to 500 feet.

As a safety measure, vehicles and stockpiles should be kept away from the excavation crest a distance at least equal to the slope height. Surface drainage should be directed away from the excavation.

4.2.3 Material Requirements

It is anticipated that excavated materials will be used to the extent practical as wall and trench backfill. The material suitability should be evaluated by the geotechnical engineer prior to use. Moisture conditioning and processing of on-site soils will likely be required. Structural fill, if required, should meet the criteria outlined below:

Gradation	Percent finer by weight (ASTM C136)
3"	100
No. 4 Sieve	30-75
No. 200 Sieve	15 (max)
Liquid Limit	25 (max)
Plasticity Index	6 (max)

4.2.4 Compaction Requirements

Fill materials should be placed and compacted in loose lift thicknesses of 8 inches or less when heavy, self-propelled compaction equipment is used. When hand-guided equipment such as jumping jack or plate compactor is used, loose lift thicknesses should be on the order of 4 to 6 inches.

The following table lists the compaction requirements for the different types of fill recommended in this report.

Item	Description
Compaction Requirement (ASTM D698)	**Scarified Subgrade:** 98% beneath footings, 95% beneath slabs **Structural/Engineered Fill:** 98% **Aggregate Base (beneath slabs and pavements):** 95% **Wall Backfill:** 95% **Trench Backfill:** 97% beneath pavements, 95% elsewhere
Moisture Content (ASTM D698)	±3 % of optimum

The Contractor shall provide and use sufficient equipment of a type and weight suitable for the conditions encountered in the field. The equipment shall be capable of obtaining the required compaction in all areas, including those that are inaccessible to ordinary rolling equipment.

4.2.5 Site Drainage

Positive drainage should be provided during construction and maintained throughout the life of the proposed project. Infiltration of water into utility or foundation excavations must be prevented during construction. All grades must provide effective drainage away from the structures during and after construction. Water permitted to pond next to the structures can result in greater soil movements than those discussed in this report. Estimated movements described in this report are based on effective drainage for the life of the structures and cannot be relied upon if effective drainage is not maintained.

In areas where sidewalks or paving do not immediately adjoin the structures, we recommend that protective slopes be provided with a minimum grade of approximately 10 percent for at least 10 feet from perimeter walls. Backfill against footings, exterior walls, and in utility and sprinkler line trenches should be well compacted and free of all construction debris to reduce the possibility of moisture infiltration.

Downspouts, roof drains or scuppers should be extended and discharged beyond the backfill zone when the ground surface beneath such features is not protected by exterior slabs or paving. Sprinkler systems should not be installed within 10 feet of foundation walls. Landscaped irrigation adjacent to the foundation system should be minimized, eliminated, or regulated.

4.2.6 Construction Considerations

Although the exposed subgrade soils are anticipated to be relatively stable upon initial exposure, unstable subgrade conditions could develop during general construction operations, particularly if the soils are wetted and/or subjected to repetitive construction traffic. The use of light, rubber-tracked construction equipment would aid in reducing subgrade disturbance. Should unstable subgrade conditions develop, our geotechnical engineer should review conditions and provide recommendations for stabilization.

The site should be graded to prevent ponding of surface water on, or direction of runoff toward, the prepared subgrades or excavations. If the subgrade should become frozen, desiccated, saturated, or disturbed, the affected material should be removed.

Rimrock Engineering should be retained during the construction phase of the project to observe earthwork and to perform necessary tests and observations during foundation preparation, compaction of backfill, and final preparation for construction of the structure.

4.3 Foundation System

In our opinion, the proposed structures can be supported by a shallow spread footing foundation system bearing on reconditioned native sand and gravels or on structural or engineered fill extending to the native dense sand and gravels. The spread footing foundation system constructed as described above, may be designed for a maximum allowable bearing pressure of 2,500 pounds per square foot (psf). The design bearing pressure applies to dead load plus design live load conditions. The design bearing pressure may be increased by one-third when considering total loads that include wind or seismic conditions. A coefficient of friction value of 0.45 can be used for footings bearing on native gravels and granular fill.

Provided the structure is properly constructed, the total movement resulting from the anticipated structural loads is estimated to be on the order of 1 inch or less. Additional foundation movements could occur if water from any source infiltrates the foundation soils; therefore, proper drainage should be provided in the final design, during construction and for the life of the project.

Exterior foundations should be embedded a minimum of 4 feet below lowest adjacent exterior finish grade for frost protection and confinement. Interior footings should be bottomed at least 12 inches below lowest adjacent finish grade for confinement. Wall foundation dimensions should satisfy the requirements listed in the latest edition of the International Building Code. Reinforcing steel requirements for foundations should be provided by the design engineer.

The base of all foundation excavations should be free of water and loose material prior to placing concrete. Concrete should be placed soon after subgrade preparation to reduce the potential for bearing surface disturbance. Should the soil bearing levels become excessively dry, disturbed, saturated, or frozen, the affected material should be removed and replaced with suitable material prior to placing concrete. It is recommended that our geotechnical engineer be retained to observe and approve the foundation materials and their preparation for compliance with our recommendations and design assumptions.

4.4 Concrete Slabs

To reduce the potential for movement related distress to concrete slabs, we recommend that interior floor slabs bear on reconditioned site sand and gravel soils or a minimum of 8 inches of structural or engineered fill. A leveling course, typically 4 to 6 inches of sand/gravel, should also be provided below the concrete slabs, and can be considered part of the zone of fill.

Additional floor slab design and construction recommendations are as follows:

- Positive separations and/or isolation joints should be provided between slabs and all foundations, columns or utility lines to allow independent movement
- Contraction joints should be provided in slabs to control the location and extent of cracking
- Floor slabs should be structurally independent of any building footings or walls to reduce the possibility of floor slab cracking caused by differential movements between slab and foundation
- The use of a vapor retarder should be considered beneath concrete slabs-on-grade that will be covered with wood, tile, carpet or other moisture sensitive or impervious coverings, or when the slab will support equipment sensitive to moisture. When conditions warrant the use of a vapor retarder, the slab designer and slab contractor should refer to ACI 302 for procedures and cautions regarding the use and placement of a vapor retarder
- Floor slabs should not be constructed on frozen subgrade
- Other design and construction considerations, as outlined in Section 302.1R of the ACI Design Manual, are recommended

Exterior slabs-on-grade founded on the site soils may experience some movement due to the volume change of the near surface materials through moisture variation or freeze-thaw cycles. This movement may lead to loss of positive drainage away from the buildings and could present a tripping hazard where slab sections move independently. Potential movement could be reduced by:

- Performing regular joint-sealing maintenance
- Minimizing moisture variations in the subgrade
- Minimizing moisture introduction to slab surfaces
- Controlling moisture-density during placement
- Placing effective control joints on relatively close centers
- Using designs which allow vertical movement between the exterior features and adjoining structural elements

4.5 Basement and Crawlspace Construction

Groundwater was encountered at depths ranging from about 5 to 8 feet within the borings drilled across the site. To reduce the potential for surface water and/or groundwater infiltration into residential basements and crawlspaces, installation of a perimeter drainage system should be considered when slabs are expected near groundwater elevations. If used, the drainage system should be constructed around the exterior perimeter of the foundation, and sloped at a minimum 1/8 inch per foot to a suitable outlet such as a sump and pump system or day-lighted.

The exterior drainage system should consist of a properly sized perforated pipe (typically 4-inch pipe), embedded in free-draining gravel, placed in a trench at least 12-inches in width. The crown

of the drain should be placed 12 inches below the top of the floor elevation. Gravel should extend a minimum of 3-inches beneath the bottom of the pipe, and at least 1 foot above the bottom of the foundation wall/grade beam. The gravel should be wrapped with geotextile fabric such as Mirafi 140N.

To reduce the potential for groundwater fluctuation to impact foundation bearing soils and/or enter the residential basements, installation of an interior dewatering system, in addition to the exterior perimeter system, should be considered when slabs are placed within 3 feet of the estimated groundwater levels. In our opinion, slabs should not be placed closer than 2 vertical feet to the groundwater contact. The interior dewatering system should, at a minimum, include an underslab gravel drainage layer sloped to an interior perimeter drainage system.

The interior drainage system should consist of a properly sized perforated pipe, embedded in free-draining gravel, placed in a trench at least 12 inches in width. The trench should be inset from the interior edge of the nearest foundation a minimum of 12 inches. In addition, the trench should be located such that an imaginary line extending downward at a 45-degree angle from the foundation does not intersect the nearest edge of the trench. Gravel should extend a minimum of 3 inches beneath the bottom of the pipe. The drainage system should be sloped at a minimum 1/8 inch per foot to a suitable outlet, such as a sump and pump system.

The underslab drainage layer should consist of a minimum 8-inch thickness of free-draining gravel. Cross-connecting drainage pipes should be provided beneath the slab at 10-foot intervals, and should discharge to the perimeter drainage system. In addition, a water stop is recommended at the junction of basement slabs and foundation walls, or at other locations where groundwater could enter the basement should it rise above the present level.

4.6 Lateral Earth Pressures

The basement walls will be subject to lateral earth pressure from the backfill. Basement walls are normally designed for the “at-rest” earth pressure condition, because the walls are restrained from rotating. Assuming the site gravel soils will be re-used as backfill material, a value of 45 psf/ft should be used for the at-rest lateral earth pressure against the basement walls. The lateral earth pressure does not include any factor of safety and is not applicable for submerged conditions or hydrostatic loading.

Compaction of each lift of backfill adjacent to the basement walls should be accomplished with hand-operated tampers or other lightweight compactors. Over-compaction may cause excessive lateral earth pressures which could result in wall damage.

4.7 Corrosion Protection

A representative soil sample was submitted for water soluble sulfate testing. The results are summarized in the following table:

Boring	Depth (ft)	Material	Water Soluble Sulfate Content (%)
B-1	7.0	GW-GM	0.01

Water soluble sulfate values between 0.00 and 0.10 are considered to have negligible attack on normal concrete. As a result, Type I-II Portland cement can be specified for all project concrete. However, if additional protection in this regard is desired, Type V cement should be specified. Foundation concrete should be designed in accordance with the provisions of the ACI Design Manual, Section 318, Chapter 4.

4.8 Pavements

Pavement section alternatives for this project were designed based on the procedures outlined in the 1993 Guideline for Design of Pavement Structures by the American Association of State Highway and Transportation Officials (AASHTO).

For purposes of this design analysis, a terminal serviceability index of 2.0, an inherent reliability of 85 percent, and a subgrade drainage coefficient of 0.9 were used. It is anticipated that pavement subgrade soils will consist of sand soils which are typically considered fair materials for pavement support. A California Bearing Ratio (CBR) value of 6.8 was used in the pavement design analysis. Please note that this CBR value and the pavement section alternatives provided assume that the site soils will be re-compacted and left in-place within the pavement areas. If this is not the case, Rimrock Engineering should be notified to provide additional pavement design recommendations based on the subgrade soils which will be present below the pavement sections.

Specific traffic data was not provided for this project. Therefore, we have assumed an equivalent 18-kip single axle load (ESAL) of 90,000 to represent the design traffic intensity for the proposed parking and access drives over a 20-year design period. Please notify us if any of the parameters used in the pavement design do not adequately define the anticipated conditions. Select from the following pavement alternative, or an approved equivalent.

Asphalt Pavement Section (inches)			
Traffic Area	Asphalt Concrete	Base Course	Total
Residential Sub-Collector	3	6	9

Asphalt concrete should be composed of a mixture of aggregate, filler and additives (if required), and approved bituminous material. The asphalt concrete should conform to approved mix designs which include volumetrics, Marshall properties, optimum asphalt cement content, job mix formula, and recommended mixing and placing temperatures. The asphalt concrete should be consistent with an approved mix design conforming to Wyoming DOT or City of Cody Specifications. Mix

designs should be submitted prior to construction to verify their adequacy. Aggregate used in the asphalt should meet City of Cody or Wyoming DOT specifications for quality and gradation.

Asphalt material should be placed in maximum 3-inch lifts (compacted thickness) and should be compacted to the minimum standards outlined in the Wyoming DOT or City of Cody specifications. Aggregate base course should consist of a blend of sand and gravel which meets Wyoming DOT or City of Cody specifications for quality and gradation. Aggregate base course should be compacted to a minimum of 95 percent of the maximum dry density, as determined by ASTM D 698.

Each pavement alternative should be evaluated with respect to current material availability and economic conditions. The pavement sections presented herein are based on design parameters selected by Rimrock Engineering based on experience with similar projects and soil conditions. Design parameters may vary with the specific project and material source. Variation of these parameters may change the thickness of the pavement sections presented. Rimrock Engineering is prepared to discuss the details of these parameters and their effects on pavement design and reevaluate pavement design as appropriate.

Pavements should be sloped to provide rapid drainage of surface water. Water allowed to pond on or adjacent to the pavements could saturate the subgrade and contribute to premature pavement deterioration. In addition, the pavement subgrade should be graded to provide positive drainage within the granular base section. If heavy construction traffic is allowed on unfinished pavement sections or sections not designed for such traffic, premature rutting and/or failure may occur.

The pavement sections provided in this report represent minimum recommended thicknesses and, as such, periodic maintenance should be anticipated. Therefore, preventive maintenance should be planned and provided for through an on-going pavement management program. Preventive maintenance activities are intended to slow the rate of pavement deterioration and to preserve the pavement investment. Preventive maintenance consists of both localized maintenance (e.g. crack and joint sealing and patching) and global maintenance (e.g. surface sealing). Preventive maintenance is usually the first priority when implementing a planned pavement maintenance program and provides the highest return on investment for pavements. Prior to implementing any maintenance program, additional engineering input is recommended to determine the type and extent of preventive maintenance appropriate. Even with periodic maintenance, some movements and related cracking may still occur and repairs may be required.

5.0 ADDITIONAL SERVICES

5.1 Project Bid Documents

It has been our experience during the bidding process, that contractors often contact us to discuss the geotechnical aspects of the project. Informal contacts between Rimrock Engineering and an individual contractor could result in incorrect or incomplete information being provided to the

contractor. Therefore, we recommend a pre-bid meeting be held to answer any questions about the report prior to submittal of bids. If this is not possible, questions or clarifications regarding this report should be directed to the project Owner or his designated representative. After consultation with Rimrock Engineering, the project Owner (or his representative) should provide clarifications or additional information to all contractors bidding the job.

5.2 Construction Observation/Testing and Plan Review

The recommendations made in this report are based on the assumption that an adequate program of tests and observations will be made during construction to verify compliance with these recommendations. We recommend that project plans and specifications be reviewed by Rimrock Engineering to verify compatibility with our findings and recommendations. Additional information concerning the scope and cost of these services can be obtained from our office.

The review of plans and specifications and the field observation and testing by Rimrock Engineering are an integral part of the conclusions and recommendations made in this report. If we are not retained for these services, the Client agrees to assume Rimrock Engineering's responsibility for any potential claims that may arise during construction.

6.0 LIMITATIONS

Recommendations contained in this report are based on our field explorations, laboratory tests, and our understanding of the proposed construction. The study was performed using a mutually agreed upon scope of work. It is our opinion that this study was a cost-effective method to evaluate the subject site and evaluate some of the potential geotechnical concerns. Site specific investigations are more detailed, focused, and/or thorough and can be conducted upon request. Further studies will tend to increase the level of assurance; however, such efforts will result in increased costs. If the Client wishes to reduce the uncertainties beyond the level associated with this study, Rimrock Engineering should be contacted for additional consultation.

The soils data used in the preparation of this report were obtained from borings made for this investigation. It is possible that variations in soils exist between the points explored. The nature and extent of soil variations may not be evident until construction occurs. If any soil conditions are encountered at this site which is different from those described in this report, our firm should be immediately notified so that we may make any necessary revisions to our recommendations. In addition, if the scope of the proposed project changes, our firm should be notified. This report has been prepared for design purposes for specific application to this project in accordance with the generally accepted standards of practice at the time the report was written. No warranty, express or implied, is made.

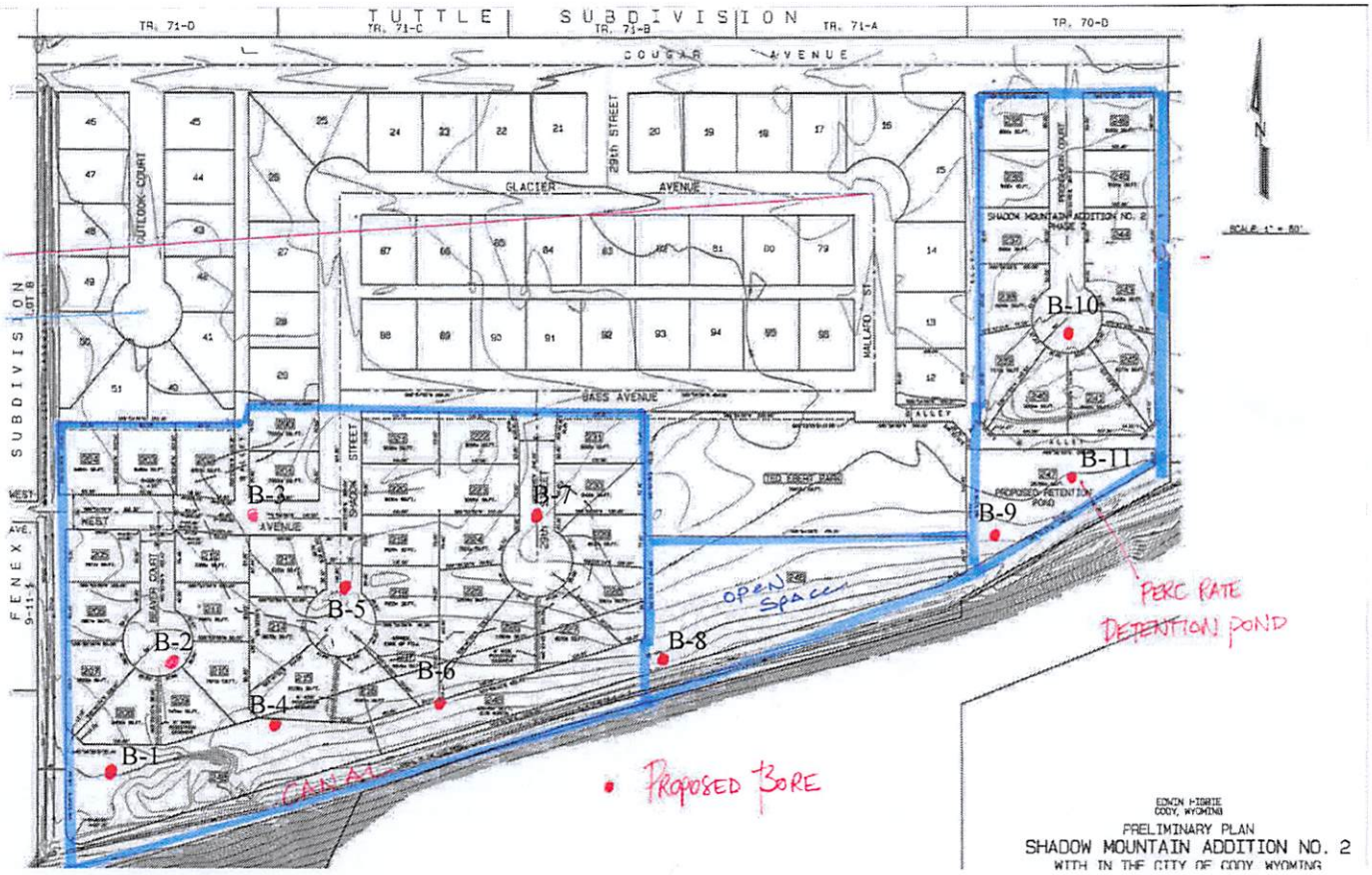
Other standards or documents referenced in any given standard cited in this report, or otherwise relied upon by the authors of this report, are only mentioned in the given standard; they are not incorporated into it or "included by reference," as that latter term is used relative to contracts or other matters of law.

This report may be used only by the Client and for the purposes stated, within a reasonable time from its issuance. Land use, site conditions (both on- and off-site), or other factors including advances in man's understanding of applied science may change over time and could materially affect our findings. Therefore, this report should not be relied upon after 36 months from its issue. Rimrock Engineering should be notified if the project is delayed by more than 24 months from the date of this report so that a review of site conditions can be made, and recommendations revised if appropriate.

It is the Client's responsibility to see that all parties to the project including the designer, contractor, subcontractors, etc., are made aware of this report in its entirety. The use of information contained in this report for bidding purposes should be done at the Contractor's option and risk. Any party other than the Client who wishes to use this report shall notify Rimrock Engineering of such intended use. Based on the intended use of the report, Rimrock Engineering may require that additional work be performed and that an updated report be issued. Non-compliance with any of these requirements by the Client or anyone else will release Rimrock Engineering from any liability resulting from the use of this report by any unauthorized party.

APPENDIX A

Field Exploration



Rimrock Engineering, Inc.
5440 Holiday Avenue
Billings, MT 59101 Tel. (406) 294-8400

PROJECT NO. G19078

VICINITY/SITE MAP

SHADOW MOUNTAIN SUBDIVISION NO. 2
Bass Avenue
Cody, Wyoming

N

BORING NUMBER B-1

RIMROCK ENGINEERING, INC.
5440 Holiday Avenue
Billings, Montana 59101

CLIENT Mr. Ed Higbie
PROJECT NAME Shadow Mountain Subdivision
PROJECT NUMBER G19078
PROJECT LOCATION Bass Avenue - Cody, WY
DATE STARTED 8/9/19 **COMPLETED** 8/9/19
GROUND ELEVATION 100 ft **HOLE SIZE** 5 inches
DRILLING CONTRACTOR Rimrock Engineering, Inc.
GROUND WATER LEVELS:
DRILLING METHOD Solid Stem Auger
∇ **AT TIME OF DRILLING** 5.50 ft / Elev 94.50 ft
LOGGED BY C.B. **CHECKED BY** M.G.
AT END OF DRILLING ---
NOTES
AFTER DRILLING ---

DEPTH (ft)	GRAPHIC LOG	MATERIAL DESCRIPTION	SAMPLE TYPE NUMBER	RECOVERY % (RQD)	BLOW COUNTS (N VALUE)	POCKET PEN. (tsf)	DRY UNIT WT. (pcf)	MOISTURE CONTENT (%)	ATTERBERG LIMITS: LIQUID LIMIT	ATTERBERG LIMITS: PLASTIC LIMIT	ATTERBERG LIMITS: PLASTICITY INDEX	FINES CONTENT (%)
0		(GC) CLAYEY GRAVEL with SAND Brown, medium dense, medium plasticity.	SPT	100	3-7-6 (13)			4				
			SPT	100	6-7-12 (19)			11	28	16	12	17
5		(GW-GM) WELL-GRADED GRAVEL with SILT and SAND Gray/brown, dense to very dense, cobbles present, non-plastic. ∇	SPT	100	15-41-24 (65)			9				
			SPT	100	21-18-35 (53)			10				
10			SPT	100	11-26-24 (50)			10				
15		(GM) SILTY GRAVEL with SAND Brown/gray, dense, non-plastic.	SPT	100	8-15-20 (35)			15				

Bottom of borehole at 16.0 feet.

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BORING NUMBER B-2

RIMROCK ENGINEERING, INC.
5440 Holiday Avenue
Billings, Montana 59101

CLIENT Mr. Ed Higbie
PROJECT NAME Shadow Mountain Subdivision
PROJECT NUMBER G19078
PROJECT LOCATION Bass Avenue - Cody, WY
DATE STARTED 8/9/19 **COMPLETED** 8/9/19
GROUND ELEVATION 100 ft **HOLE SIZE** 5 inches
DRILLING CONTRACTOR Rimrock Engineering, Inc.
GROUND WATER LEVELS:
DRILLING METHOD Solid Stem Auger
∇ **AT TIME OF DRILLING** 6.00 ft / Elev 94.00 ft
LOGGED BY C.B. **CHECKED BY** M.G.
AT END OF DRILLING —
NOTES
AFTER DRILLING —

DEPTH (ft)	GRAPHIC LOG	MATERIAL DESCRIPTION	SAMPLE TYPE NUMBER	RECOVERY % (RQD)	BLOW COUNTS (N VALUE)	POCKET PEN. (tsf)	DRY UNIT WT. (pcf)	MOISTURE CONTENT (%)	ATTERBERG LIMITS: LIQUID LIMIT	ATTERBERG LIMITS: PLASTIC LIMIT	ATTERBERG LIMITS: PLASTICITY INDEX	FINES CONTENT (%)
0		VEGETATION										
		(SM) SILTY SAND Brown/gray, loose to medium dense.	SPT	33	10-11-10 (21)			14				
			SPT	67	2-2-3 (5)			19				
5		(GW-GM) WELL-GRADED GRAVEL with SILT and SAND Gray/brown, dense to very dense, cobbles present, non-plastic.	SPT	67	10-21-30 (51)			4				
			AU	100				13				
10												

Refusal at 10.0 feet.
Bottom of borehole at 10.0 feet.

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BORING NUMBER B-3

RIMROCK ENGINEERING, INC.
5440 Holiday Avenue
Billings, Montana 59101

CLIENT Mr. Ed Higbie
PROJECT NAME Shadow Mountain Subdivision
PROJECT NUMBER G19078
PROJECT LOCATION Bass Avenue - Cody, WY
DATE STARTED 8/9/19 **COMPLETED** 8/9/19
GROUND ELEVATION 100 ft **HOLE SIZE** 5 inches
DRILLING CONTRACTOR Rimrock Engineering, Inc.
GROUND WATER LEVELS:
DRILLING METHOD Solid Stem Auger
∇ **AT TIME OF DRILLING** 7.00 ft / Elev 93.00 ft
LOGGED BY C.B. **CHECKED BY** M.G.
AT END OF DRILLING ---
NOTES
AFTER DRILLING ---

DEPTH (ft)	GRAPHIC LOG	MATERIAL DESCRIPTION	SAMPLE TYPE NUMBER	RECOVERY % (RQD)	BLOW COUNTS (N VALUE)	POCKET PEN. (tsf)	DRY UNIT WT. (pcf)	MOISTURE CONTENT (%)	ATTERBERG LIMITS: LIQUID LIMIT	ATTERBERG LIMITS: PLASTIC LIMIT	ATTERBERG LIMITS: PLASTICITY INDEX	FINES CONTENT (%)
0		VEGETATION										
		(SM) SILTY SAND Brown/gray, loose to medium dense.	SPT	33	3-3-8 (11)			2				
		(GW-GM) WELL-GRADED GRAVEL with SILT and SAND Gray/brown, dense to very dense, cobbles present, non-plastic.										
			SPT	67	19-33-32 (65)			3				
5			SPT	100	29-50			3	NP	NP	NP	8
		(GM) SILTY GRAVEL Brown, dense to very dense.	AU	100				3	NP	NP	NP	13

Refusal at 8.0 feet.
Bottom of borehole at 8.0 feet.

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BORING NUMBER B-4

RIMROCK ENGINEERING, INC.
5440 Holiday Avenue
Billings, Montana 59101

CLIENT Mr. Ed Higbie
PROJECT NAME Shadow Mountain Subdivision
PROJECT NUMBER G19078
PROJECT LOCATION Bass Avenue - Cody, WY
DATE STARTED 8/9/19 **COMPLETED** 8/9/19
GROUND ELEVATION 100 ft **HOLE SIZE** 5 inches
DRILLING CONTRACTOR Rimrock Engineering, Inc.
GROUND WATER LEVELS:
DRILLING METHOD Solid Stem Auger
∇ **AT TIME OF DRILLING** 5.00 ft / Elev 95.00 ft
LOGGED BY C.B. **CHECKED BY** M.G.
AT END OF DRILLING ---
NOTES
AFTER DRILLING ---

DEPTH (ft)	GRAPHIC LOG	MATERIAL DESCRIPTION	SAMPLE TYPE NUMBER	RECOVERY % (RQD)	BLOW COUNTS (N VALUE)	POCKET PEN. (tsf)	DRY UNIT WT. (pcf)	MOISTURE CONTENT (%)	ATTERBERG LIMITS: LIQUID LIMIT	ATTERBERG LIMITS: PLASTIC LIMIT	ATTERBERG LIMITS: PLASTICITY INDEX	FINES CONTENT (%)
0		VEGETATION										
		(SM) SILTY SAND Brown/gray, dense.	SPT	100	2-2-6 (8)			3				
		(GW-GM) WELL-GRADED GRAVEL with SILT and SAND Gray/brown, dense to very dense, cobbles present, non-plastic.	SPT	100	6-12-18 (30)			4				
5	∇		SPT	100	15-13-38 (51)			7				
			AU	100				5				
10												

Refusal at 10.0 feet.
Bottom of borehole at 10.0 feet.

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BORING NUMBER B-5

RIMROCK ENGINEERING, INC.
5440 Holiday Avenue
Billings, Montana 59101

CLIENT Mr. Ed Higbie
PROJECT NAME Shadow Mountain Subdivision
PROJECT NUMBER G19078
PROJECT LOCATION Bass Avenue - Cody, WY
DATE STARTED 8/9/19 **COMPLETED** 8/9/19
GROUND ELEVATION 100 ft **HOLE SIZE** 5 inches
DRILLING CONTRACTOR Rimrock Engineering, Inc.
GROUND WATER LEVELS:
DRILLING METHOD Solid Stem Auger
∇ **AT TIME OF DRILLING** 6.00 ft / Elev 94.00 ft
LOGGED BY C.B. **CHECKED BY** M.G.
AT END OF DRILLING ---
NOTES
AFTER DRILLING ---

DEPTH (ft)	GRAPHIC LOG	MATERIAL DESCRIPTION	SAMPLE TYPE NUMBER	RECOVERY % (RQD)	BLOW COUNTS (N VALUE)	POCKET PEN. (tsf)	DRY UNIT WT. (pcf)	MOISTURE CONTENT (%)	ATTERBERG LIMITS: LIQUID LIMIT	ATTERBERG LIMITS: PLASTIC LIMIT	ATTERBERG LIMITS: PLASTICITY INDEX	FINES CONTENT (%)
0		VEGETATION										
		(SM) SILTY SAND Brown/gray, medium dense.	SPT	67	5-6-10 (16)			3				
		(GW-GM) WELL-GRADED GRAVEL with SILT and SAND Gray/brown, dense to very dense, cobbles present, non-plastic.										
			SPT	67	8-24-32 (56)			4				
5			AU	100				6				
10												

Refusal at 10.0 feet.
Bottom of borehole at 10.0 feet.

BORING NUMBER B-6

RIMROCK ENGINEERING, INC.
5440 Holiday Avenue
Billings, Montana 59101

CLIENT Mr. Ed Higbie
PROJECT NAME Shadow Mountain Subdivision
PROJECT NUMBER G19078
PROJECT LOCATION Bass Avenue - Cody, WY
DATE STARTED 8/9/19 **COMPLETED** 8/9/19
GROUND ELEVATION 100 ft **HOLE SIZE** 5 inches
DRILLING CONTRACTOR Rimrock Engineering, Inc.
GROUND WATER LEVELS:
DRILLING METHOD Solid Stem Auger
∇ **AT TIME OF DRILLING** 6.50 ft / Elev 93.50 ft
LOGGED BY C.B. **CHECKED BY** M.G.
AT END OF DRILLING —
NOTES
AFTER DRILLING —

DEPTH (ft)	GRAPHIC LOG	MATERIAL DESCRIPTION	SAMPLE TYPE NUMBER	RECOVERY % (RQD)	BLOW COUNTS (N VALUE)	POCKET PEN. (tsf)	DRY UNIT WT. (pcf)	MOISTURE CONTENT (%)	ATTERBERG LIMITS: LIQUID LIMIT	ATTERBERG LIMITS: PLASTIC LIMIT	ATTERBERG LIMITS: PLASTICITY INDEX	FINES CONTENT (%)
0		VEGETATION										
		(SM) SILTY SAND Brown/gray, medium dense.	SPT	100	5-5-6 (11)			7	NP	NP	NP	31
		(GW-GM) WELL-GRADED GRAVEL with SILT and SAND Gray/brown, dense to very dense, cobbles present, non-plastic.	SPT	100	14-22-36 (58)			4				
5			SPT	100	50			5				
	∇		AU	100				4				

Refusal at 8.0 feet.
Bottom of borehole at 8.0 feet.

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BORING NUMBER B-7

RIMROCK ENGINEERING, INC.
5440 Holiday Avenue
Billings, Montana 59101

CLIENT Mr. Ed Higbie
PROJECT NAME Shadow Mountain Subdivision
PROJECT NUMBER G19078
PROJECT LOCATION Bass Avenue - Cody, WY
DATE STARTED 8/9/19 **COMPLETED** 8/9/19
GROUND ELEVATION 100 ft **HOLE SIZE** 5 inches
DRILLING CONTRACTOR Rimrock Engineering, Inc.
GROUND WATER LEVELS:
DRILLING METHOD Solid Stem Auger
∇ **AT TIME OF DRILLING** 7.00 ft / Elev 93.00 ft
LOGGED BY C.B. **CHECKED BY** M.G.
AT END OF DRILLING ---
NOTES
AFTER DRILLING ---

DEPTH (ft)	GRAPHIC LOG	MATERIAL DESCRIPTION	SAMPLE TYPE NUMBER	RECOVERY % (RQD)	BLOW COUNTS (N VALUE)	POCKET PEN. (tsf)	DRY UNIT WT. (pcf)	MOISTURE CONTENT (%)	ATTERBERG LIMITS: LIQUID LIMIT	ATTERBERG LIMITS: PLASTIC LIMIT	ATTERBERG LIMITS: PLASTICITY INDEX	FINES CONTENT (%)
0		VEGETATION										
		(SM) SILTY SAND Brown/gray, dense.	SPT	100	6-12-18 (30)			3				
		(GP-GM) POORLY GRADED GRAVEL with SILT and SAND Gray/brown, dense to very dense, cobbles present, non-plastic.	SPT	100	11-22-45 (67)			3	NP	NP	NP	7
5			SPT	100	21-40-47 (87)							
	∇		AU	100				3				

Refusal at 8.0 feet.
Bottom of borehole at 8.0 feet.

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BORING NUMBER B-8

RIMROCK ENGINEERING, INC.
5440 Holiday Avenue
Billings, Montana 59101

CLIENT Mr. Ed Higbie
PROJECT NAME Shadow Mountain Subdivision
PROJECT NUMBER G19078
PROJECT LOCATION Bass Avenue - Cody, WY
DATE STARTED 8/9/19 **COMPLETED** 8/9/19
GROUND ELEVATION 100 ft **HOLE SIZE** 5 inches
DRILLING CONTRACTOR Rimrock Engineering, Inc.
GROUND WATER LEVELS:
DRILLING METHOD Solid Stem Auger
∇ **AT TIME OF DRILLING** 5.00 ft / Elev 95.00 ft
LOGGED BY C.B. **CHECKED BY** M.G.
AT END OF DRILLING ---
NOTES
AFTER DRILLING ---

DEPTH (ft)	GRAPHIC LOG	MATERIAL DESCRIPTION	SAMPLE TYPE NUMBER	RECOVERY % (RQD)	BLOW COUNTS (N VALUE)	POCKET PEN. (tsf)	DRY UNIT WT. (pcf)	MOISTURE CONTENT (%)	ATTERBERG LIMITS: LIQUID LIMIT	ATTERBERG LIMITS: PLASTIC LIMIT	ATTERBERG LIMITS: PLASTICITY INDEX	FINES CONTENT (%)
0		VEGETATION										
		(SM) SILTY SAND Brown/gray, loose to medium dense.	SPT	100	2-4-4 (8)			7	NP	NP	NP	40
			SPT	100	1-10-8 (18)			21				
5		∇	SPT	100	33-35-33 (68)			8				
		(GW-GM) WELL-GRADED GRAVEL with SILT and SAND Gray/brown, dense to very dense, cobbles present, non-plastic.										
			AU	100				19				

Refusal at 8.0 feet.
Bottom of borehole at 8.0 feet.

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BORING NUMBER B-9

RIMROCK ENGINEERING, INC.
5440 Holiday Avenue
Billings, Montana 59101

CLIENT Mr. Ed Higbie
PROJECT NAME Shadow Mountain Subdivision
PROJECT NUMBER G19078
PROJECT LOCATION Bass Avenue - Cody, WY
DATE STARTED 8/9/19 **COMPLETED** 8/9/19
GROUND ELEVATION 100 ft **HOLE SIZE** 5 inches
DRILLING CONTRACTOR Rimrock Engineering, Inc.
GROUND WATER LEVELS:
DRILLING METHOD Solid Stem Auger
AT TIME OF DRILLING ---
LOGGED BY C.B. **CHECKED BY** M.G.
AT END OF DRILLING ---
NOTES
AFTER DRILLING ---

DEPTH (ft)	GRAPHIC LOG	MATERIAL DESCRIPTION	SAMPLE TYPE NUMBER	RECOVERY % (RQD)	BLOW COUNTS (N VALUE)	POCKET PEN. (tsf)	DRY UNIT WT. (pcf)	MOISTURE CONTENT (%)	ATTERBERG LIMITS: LIQUID LIMIT	ATTERBERG LIMITS: PLASTIC LIMIT	ATTERBERG LIMITS: PLASTICITY INDEX	FINES CONTENT (%)
0		VEGETATION										
		(SM) SILTY SAND Brown/gray, medium dense.	SPT	100	4-6-4 (10)			6				
			SPT	100	3-4-8 (12)			10	NP	NP	NP	43
		(GW-GM) WELL-GRADED GRAVEL with SILT and SAND Gray/brown, dense to very dense, cobbles present, non-plastic.										
5			SPT	67	2-14-37 (51)			3				
			AU	100				4				

Refusal at 8.0 feet.
Bottom of borehole at 8.0 feet.

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BORING NUMBER B-10

RIMROCK ENGINEERING, INC.
5440 Holiday Avenue
Billings, Montana 59101

CLIENT Mr. Ed Higbie
PROJECT NAME Shadow Mountain Subdivision
PROJECT NUMBER G19078
PROJECT LOCATION Bass Avenue - Cody, WY
DATE STARTED 8/9/19 **COMPLETED** 8/9/19
GROUND ELEVATION 100 ft **HOLE SIZE** 5 inches
DRILLING CONTRACTOR Rimrock Engineering, Inc.
GROUND WATER LEVELS:
DRILLING METHOD Solid Stem Auger
AT TIME OF DRILLING ---
LOGGED BY C.B. **CHECKED BY** M.G.
AT END OF DRILLING ---
NOTES
AFTER DRILLING ---

DEPTH (ft)	GRAPHIC LOG	MATERIAL DESCRIPTION	SAMPLE TYPE NUMBER	RECOVERY % (RQD)	BLOW COUNTS (N VALUE)	POCKET PEN. (tsf)	DRY UNIT WT. (pcf)	MOISTURE CONTENT (%)	ATTERBERG LIMITS: LIQUID LIMIT	ATTERBERG LIMITS: PLASTIC LIMIT	ATTERBERG LIMITS: PLASTICITY INDEX	FINES CONTENT (%)
0		VEGETATION										
		(SC) CLAYEY SAND Brown/gray, loose to medium dense, medium plasticity.	SPT	67	4-3-6 (9)			7				
			SPT	67	18-28-33 (61)			8	28	18	10	45
		(GW-GM) WELL-GRADED GRAVEL with SILT and SAND Gray/brown, dense to very dense, cobbles present, non-plastic.										
5			SPT	67	33-29-33 (62)			2				
			AU	100				7				

Refusal at 8.0 feet.
Bottom of borehole at 8.0 feet.

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BORING NUMBER B-11

RIMROCK ENGINEERING, INC.
5440 Holiday Avenue
Billings, Montana 59101

CLIENT Mr. Ed Higbie
PROJECT NAME Shadow Mountain Subdivision
PROJECT NUMBER G19078
PROJECT LOCATION Bass Avenue - Cody, WY
DATE STARTED 8/9/19 **COMPLETED** 8/9/19
GROUND ELEVATION 100 ft **HOLE SIZE** 5 inches
DRILLING CONTRACTOR Rimrock Engineering, Inc.
GROUND WATER LEVELS:
DRILLING METHOD Solid Stem Auger
∇ **AT TIME OF DRILLING** 8.00 ft / Elev 92.00 ft
LOGGED BY C.B. **CHECKED BY** M.G.
AT END OF DRILLING ---
NOTES
AFTER DRILLING ---

DEPTH (ft)	GRAPHIC LOG	MATERIAL DESCRIPTION	SAMPLE TYPE NUMBER	RECOVERY % (RQD)	BLOW COUNTS (N VALUE)	POCKET PEN. (tsf)	DRY UNIT WT. (pcf)	MOISTURE CONTENT (%)	ATTERBERG LIMITS: LIQUID LIMIT	ATTERBERG LIMITS: PLASTIC LIMIT	ATTERBERG LIMITS: PLASTICITY INDEX	FINES CONTENT (%)
0		VEGETATION										
		(GC) CLAYEY GRAVEL with SAND Brown, medium dense, medium plasticity.	SPT	100	3-4-10 (14)			6				
		(GW-GM) WELL-GRADED GRAVEL with SILT and SAND Gray/brown, dense to very dense, cobbles present, non-plastic.	SPT	100	27-21-29 (50)			2	NP	NP	NP	6
5			SPT	50	41-50			2	NP	NP	NP	8
		∇	SPT	100	50			10				
10			SPT	100	22-32			10				

Refusal at 11.0 feet.
Bottom of borehole at 11.0 feet.

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KEY TO SYMBOLS

RIMROCK ENGINEERING, INC.
5440 Holiday Avenue
Billings, Montana 59101

CLIENT Mr. Ed Higbie
PROJECT NAME Shadow Mountain Subdivision
PROJECT NUMBER G19078
PROJECT LOCATION Bass Avenue - Cody, WY

LITHOLOGIC SYMBOLS
(Unified Soil Classification System)

- GC: USCS Clayey Gravel
- GM: USCS Silty Gravel
- GP-GM: USCS Poorly-graded Gravel with Silt
- GW-GM: USCS Well-graded Gravel with Silt
- SC: USCS Clayey Sand
- SM: USCS Silty Sand
- TOPSOIL: Topsoil

SAMPLER SYMBOLS

- Auger Cuttings
- Standard Penetration Test

WELL CONSTRUCTION SYMBOLS

ABBREVIATIONS

LL - LIQUID LIMIT (%)
PI - PLASTIC INDEX (%)
W - MOISTURE CONTENT (%)
DD - DRY DENSITY (PCF)
NP - NON PLASTIC
-200 - PERCENT PASSING NO. 200 SIEVE
PP - POCKET PENETROMETER (TSF)

TV - TORVANE
PID - PHOTOIONIZATION DETECTOR
UC - UNCONFINED COMPRESSION
ppm - PARTS PER MILLION
Water Level at Time Drilling, or as Shown
Water Level at End of Drilling, or as Shown
Water Level After 24 Hours, or as Shown

APPENDIX B

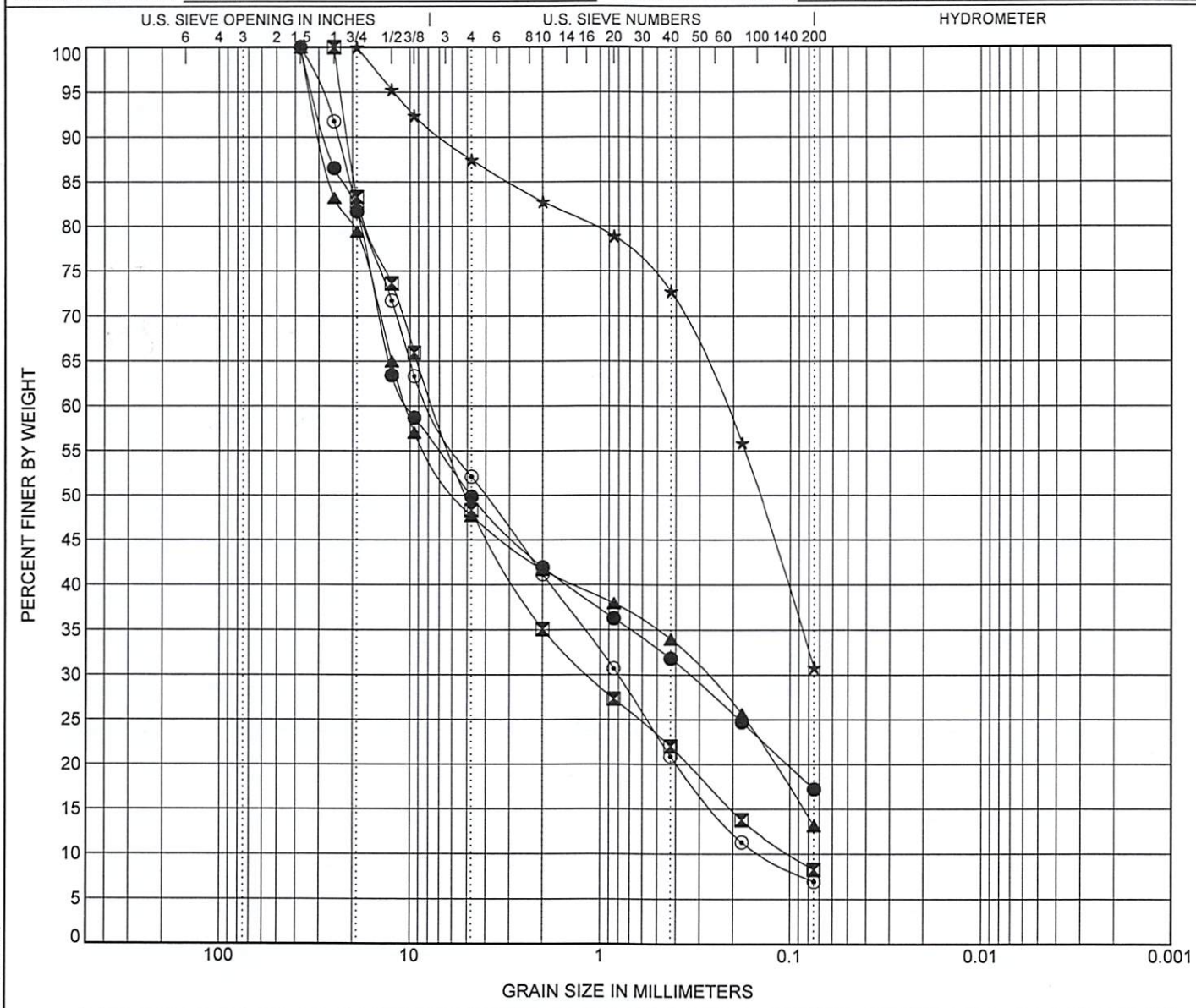
Laboratory Test Results

GRAIN SIZE DISTRIBUTION

RIMROCK ENGINEERING, INC.
5440 Holiday Avenue
Billings, Montana 59101

CLIENT Mr. Ed Higbie **PROJECT NAME** Shadow Mountain Subdivision

PROJECT NUMBER G19078 **PROJECT LOCATION** Bass Avenue - Cody, WY



COBBLES	GRAVEL		SAND			SILT OR CLAY
	coarse	fine	coarse	medium	fine	

	BOREHOLE	DEPTH	Classification	LL	PL	PI	Cc	Cu
●	B-1	2.5	CLAYEY GRAVEL with SAND(GC)	28	16	12		
⊠	B-3	4.5	WELL-GRADED GRAVEL with SILT and SAND(GW-GM)	NP	NP	NP	1.75	76.17
▲	B-3	7.0	SILTY GRAVEL with SAND(GM)	NP	NP	NP		
★	B-6	0.0	SILTY SAND(SM)	NP	NP	NP		
⊙	B-7	2.5	POORLY GRADED GRAVEL with SILT and SAND(GP-GM)	NP	NP	NP	0.61	55.98

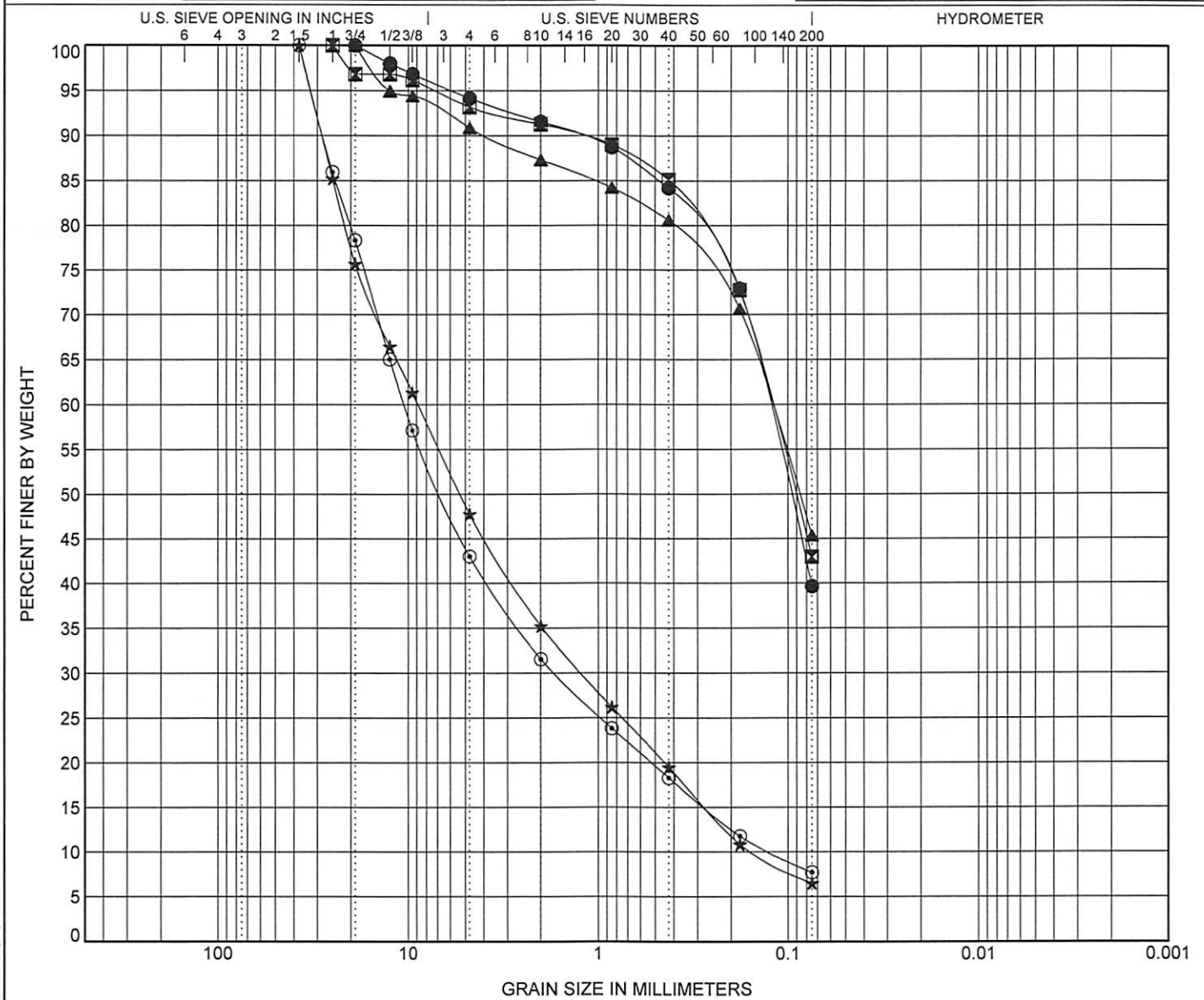
	BOREHOLE	DEPTH	D100	D60	D30	D10	%Gravel	%Sand	%Silt	%Clay
●	B-1	2.5	37.5	10.24	0.34		50.1	32.6	17.2	
⊠	B-3	4.5	25	7.518	1.14	0.099	51.7	40.1	8.3	
▲	B-3	7.0	37.5	10.516	0.282		52.3	34.6	13.1	
★	B-6	0.0	19	0.222			12.5	56.6	30.8	
⊙	B-7	2.5	37.5	7.733	0.808	0.138	47.9	45.1	7.0	

GRAIN SIZE DISTRIBUTION

RIMROCK ENGINEERING, INC.
5440 Holiday Avenue
Billings, Montana 59101

CLIENT Mr. Ed Higbie **PROJECT NAME** Shadow Mountain Subdivision

PROJECT NUMBER G19078 **PROJECT LOCATION** Bass Avenue - Cody, WY



COBBLES	GRAVEL		SAND			SILT OR CLAY
	coarse	fine	coarse	medium	fine	

	BOREHOLE	DEPTH	Classification	LL	PL	PI	Cc	Cu
●	B-8	0.0	SILTY SAND(SM)	NP	NP	NP		
⊠	B-9	2.5	SILTY SAND(SM)	NP	NP	NP		
▲	B-10	2.5	CLAYEY SAND(SC)	28	18	10		
★	B-11	2.5	WELL-GRADED GRAVEL with SILT and SAND(GW-GM)	NP	NP	NP	1.10	58.44
⊙	B-11	4.5	WELL-GRADED GRAVEL with SILT and SAND(GW-GM)	NP	NP	NP	2.20	85.44

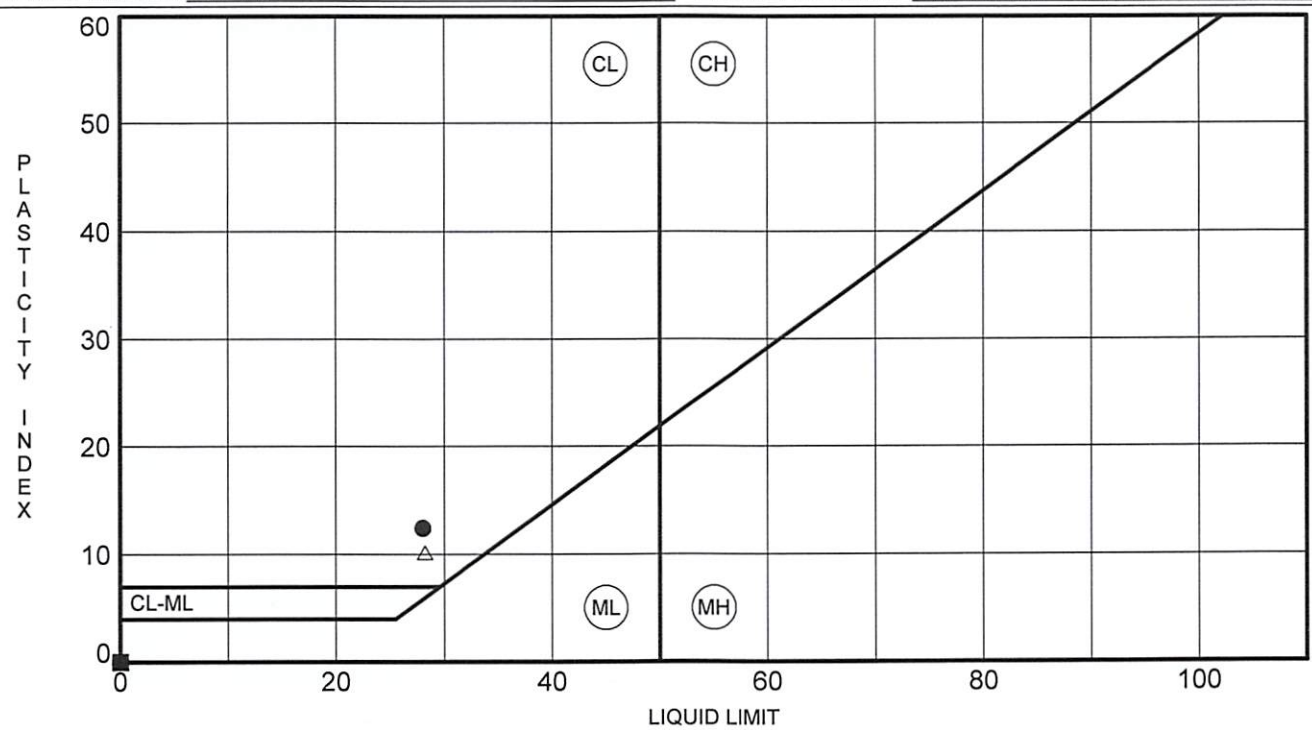
	BOREHOLE	DEPTH	D100	D60	D30	D10	%Gravel	%Sand	%Silt	%Clay
●	B-8	0.0	19	0.128			5.8	54.5	39.6	
⊠	B-9	2.5	25	0.124			6.8	50.2	42.9	
▲	B-10	2.5	19	0.125			9.1	45.5	45.4	
★	B-11	2.5	37.5	8.866	1.219	0.152	52.2	41.3	6.5	
⊙	B-11	4.5	37.5	10.493	1.684	0.123	57.0	35.3	7.7	

ATTERBERG LIMITS' RESULTS

RIMROCK ENGINEERING, INC.
5440 Holiday Avenue
Billings, Montana 59101

CLIENT Mr. Ed Higbie **PROJECT NAME** Shadow Mountain Subdivision

PROJECT NUMBER G19078 **PROJECT LOCATION** Bass Avenue - Cody, WY



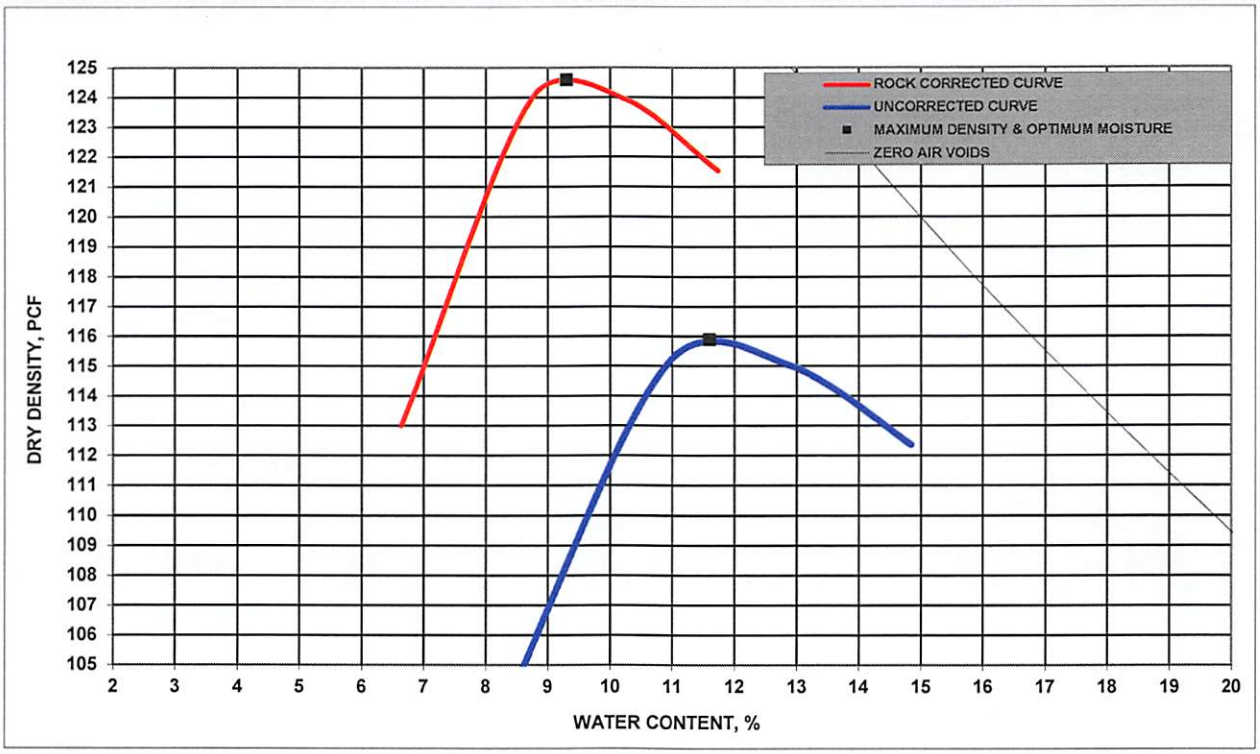
	BOREHOLE	DEPTH	LL	PL	PI	Fines	Classification
●	B-1	2.5	28	16	12	17	CLAYEY GRAVEL with SAND(GC)
⊠	B-3	4.5	NP	NP	NP	8	WELL-GRADED GRAVEL with SILT and SAND(GW-GM)
▲	B-3	7.0	NP	NP	NP	13	SILTY GRAVEL with SAND(GM)
★	B-6	0.0	NP	NP	NP	31	SILTY SAND(SM)
⊙	B-7	2.5	NP	NP	NP	7	POORLY GRADED GRAVEL with SILT and SAND(GP-GM)
✿	B-8	0.0	NP	NP	NP	40	SILTY SAND(SM)
○	B-9	2.5	NP	NP	NP	43	SILTY SAND(SM)
△	B-10	2.5	28	18	10	45	CLAYEY SAND(SC)
⊗	B-11	2.5	NP	NP	NP	6	WELL-GRADED GRAVEL with SILT and SAND(GW-GM)
⊕	B-11	4.5	NP	NP	NP	8	WELL-GRADED GRAVEL with SILT and SAND(GW-GM)

RIMROCK ENGINEERING, INC.

PHYSICAL PROPERTIES OF SOIL/AGGREGATE

Client Name:	Mr. Ed Higbie	**Project No:**	G19078
Address:	213 North 44th Street Cody, Wyoming 82414	**Date of Report:**	08/26/19
Project Name:	Shadow Mountain Subdivision	**Sample Location:**	B-1 to B-11
Project Location:	Cody, Wyoming	**Sample Depth:**	1'-2.5'
Sampled By:	Rimrock Engineering, Inc.	**Classification:**	SC/SM/GC
Submitted By:	Rimrock Engineering, Inc.	**Date Sampled:**	8/9/2019

MOISTURE-DENSITY RELATIONSHIP



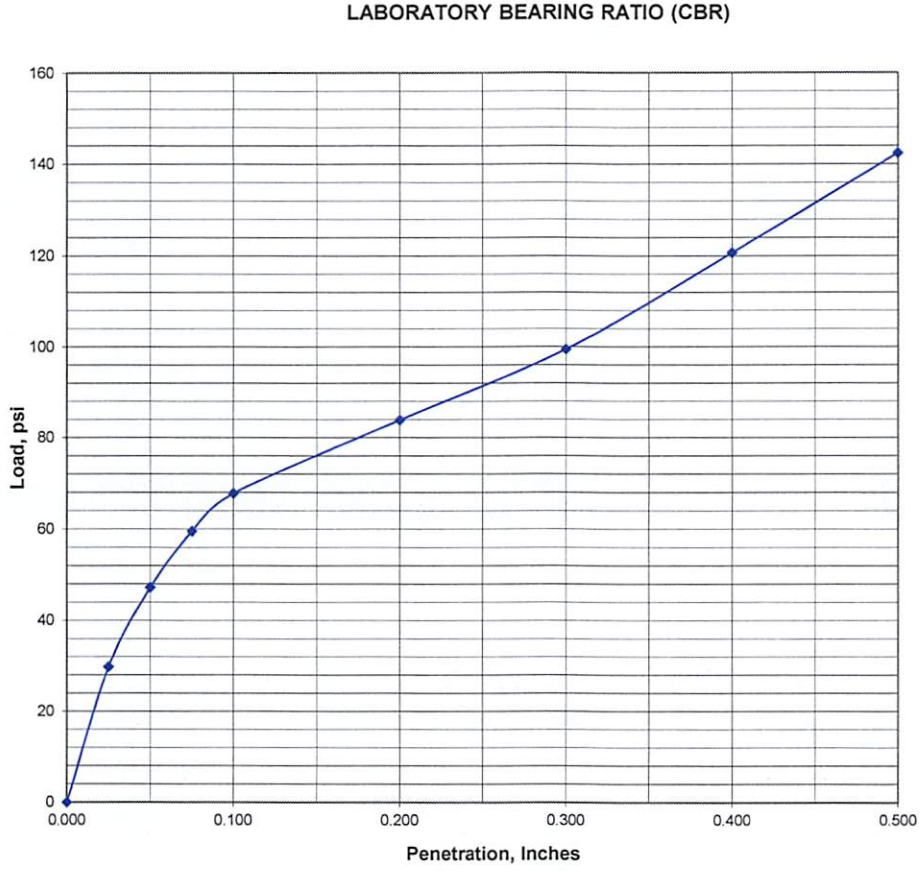
	Uncorrected	Corrected
Maximum Density, PCF:	115.9	124.6
Optimum Moisture, %:	11.6	9.3
Test Method:	ASTM D698	
Visual Classification:	SC/SM/GC	

RIMROCK ENGINEERING, INC.

PHYSICAL PROPERTIES OF SOIL/AGGREGATE

Client Name:	Mr. Ed Higbie	**Project No:**	G19078
Address:	213 North 44th Street Cody, Wyoming 82414	**Date of Report:**	08/26/19
Project Name:	Shadow Mountain Subdivision	**Sample Location:**	B-1 to B-11
Project Location:	Cody, Wyoming	**Sample Depth:**	1'-2.5'
Sampled By:	Rimrock Engineering, Inc.	**Classification:**	SC/SM/GC
Submitted By:	Rimrock Engineering, Inc.	**Date Sampled:**	8/9/2019

CALIFORNIA BEARING RATIO



% CBR @ 0.1" **6.8**

COMMITMENT FOR TITLE INSURANCE
SCHEDULE A

File No. 19122609

1. Effective Date: **January 13, 2020** at **4:52 PM**

2. Policy or Policies To Be Issued: Amount of Insurance

(a) A.L.T.A. Owner's	2006 (Standard)	Amount Premium	
(b) A.L.T.A. Loan	2006 (Standard)	Amount Premium	

3. The estate or interest in the land described or referred to in this Commitment and covered herein is:

   Fee Simple

4. Title to the said estate or interest in said land is at the effective date hereof vested in:

   Edwin E. Higbie and Carol L. Higbie, as joint Trustees of the Higbie Family Revocable Living Trust, dated June 10, 1998 AND Edwin E. Higbie and Carol L. Higbie, husband and wife as tenants by the entirety (as to a portion)

5. The land referred to in this Commitment is described as follows:

   SEE EXHIBIT "A" ATTACHED HERETO

   For information purposes only, the property address is purported to be:
   Vacant Land, Cody, WY 82414

JoniBelle Morris
Authorized Countersignature

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EXHIBIT A
LEGAL DESCRIPTION

A portion of Tract A, Lots 1-11, 30-39, 52-78, 97-103, in now vacated portion of Shadow Mountain Subdivision, as located in Book "G" of plats, Page 151, according to the records of the County Clerk and Recorder of Park County, State of Wyoming, now described by metes and bounds as follows:

A parcel of land in Tract 70 & 71, R.S. (Sections, 33 & 34 O.S.) Township 53 North, Range 101 West, 6th P.M., Park County, Wyoming, beginning as a Point 300' E. and 80' S. of the NW Corner of the SW¼NW¼ of Section 34, O.S. also described as:

BEGINNING at the northeast corner of said Shadow Mountain Subdivision; thence S. 0°22'10" E. along the east line of said Subdivision, a distance of 548.58 feet to the southeast corner thereof; thence S. 60°53'17" W. along the south line of said Subdivision, a distance of 342.33 feet to an angle point on the south boundary thereof; thence S. 00°57'24" E. along the south line of said Subdivision a distance of 26.35 feet to an angle point on the south line thereof; thence S. 74°43'10" W. along the south line of said Subdivision a distance of 591.98 feet to an angle point on the south line thereof; thence S. 71°26'57" W. along the south line of said subdivision a distance of 300.12 feet to the northeast corner of Tract A of said Subdivision; thence S. 25°06'50" W. along the east line of said Tract A, a distance of 202.35 feet to a point on the east line thereof; thence N. 85°51'57" W. along the north boundary of a parcel of land, being a portion of Tract A, conveyed to the City of Cody by Quitclaim Deed recorded as Document 2000-3554 in the Park County Clerk's office, a distance of 14.34 feet to the beginning of a curve tangent to said line, thence westerly along said curve and north boundary having a radius of 2016.30 feet and a central angle of 8°19'11" a distance of 292.78, thence along said north boundary S. 85°48'52" W. tangent to said curve a distance of 66.31 feet to a point on the west line of said Tract A; thence N. 00°23'05" W. along the west line of said Tract A and said Subdivision a distance of 568.79 feet to a point on the south line of West Avenue; thence N. 89°54'00" E. along the south line of said West Avenue produced easterly a distance of 30.00 feet to a point on the west line of said Lot 53; thence N. 00°23'05" W. along the west line thereof a distance of 141.53 feet to the northwest corner of said Lot 52; thence N. 89°54'00" E. along the north line of said Lots 52 and 39 and the extension thereof a distance of 270.00 feet to a point on the west line of said Lot 30; thence N. 00°23'05" W. along the west line thereof a distance of 31.70 feet to the northwest corner of said Lot 30; thence N. 89°54'00" E. along the north line of said Lot 30 a distance of 100.00 feet to the northeast corner thereof; thence S. 0°23'05" E. along the east line of said Lot 30 a distance of 14.85 feet to a point on the east line thereof; thence N. 89°54'00" E. along the south line of Bass Avenue produced westerly a distance of 340.00 feet to the northwest corner of Ted Ebert Park; thence S. 0°23'05" E. along the west line of said Ted Ebert Park a distance of 217.18 feet to the beginning of a curve tangent to said line; thence southerly, southeasterly, and easterly along said curve having a radius of 20.00 feet and central angle of 106°32'00" a distance of 37.19 feet; thence N. 73°04'42" E. tangent to said curve and along the south line of said Ted Ebert Park , for a distance of 416.52 feet to the southeast corner thereof; thence N. 0°23'05" W. along east line of said Ted Ebert Park a distance of 115.68 feet to the northeast corner thereof; thence N. 89°54'00" E. along the south line of Bass Avenue produced easterly for a distance of 60.00 feet to a point on the west line of said Lot 11; thence N. 00°23'07" W. along the west line thereof a distance of 10.15 feet to the northwest corner thereof; thence N. 89°54'00" E. along the north line of said Lot 11 and said line produced easterly a distance of 120.00 feet to a point on the west line of said Lot 6; thence N. 0°23'05" W. along the west line of said Lots 6, 7, 8, 9 and 10, for a distance of 439.87 feet to the northwest corner of said Lot 10; thence N. 89°52'23" E. along the south line of Cougar Avenue, for a distance of 272.43 feet, more or less, to the POINT OF BEGINNING.

AND

A parcel of land being a portion of the Ted Ebert Park, of the Shadow Mountain Subdivision within the City of Cody, as recorded in Plat Book F at page 84 of the plat records on file in the office of the Clerk and Recorder of Park County, Wyoming; said parcel being graphically illustrated as Parcel A on the Boundary Adjustment Survey recorded February 3, 2004 in Plat Book H at page 93 and being more particularly described as follows:

BEGINNING at the northwest corner of said Ted Ebert Park; thence N. 89°54'00" E. along the north line of said Ted Ebert Park, a distance of 125.00 feet; thence S. 00°23'05" E. parallel to the east line of 29th Street of said Shadow Mountain Subdivision, a distance of 176.30 feet; thence N. 89°54'00" E. parallel with the north line of

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said Ted Ebert Park, a distance of 99.20 feet to the south line of said Ted Ebert Park; thence S. 73°04'42" W. along the south line of said Ted Ebert Park, a distance of 207.07 feet to the beginning of a curve tangent to said line; thence westerly, northwesterly and northerly a distance of 37.19 feet along the curve concave to the northeast, having a radius of 20.00 feet and a central angle of 106°32'18"; thence N. 00°23'05" W. tangent to said curve along west line of said Ted Ebert Park, a distance of 217.18 feet, more or less, to the POINT OF BEGINNING.

EXCEPTING THEREFROM

A parcel of land being a portion of the Vacated Portion of Shadow Mountain Subdivision as recorded in Document 2003-12227 of the plat records on file in the office of the Clerk and Recorder of Park County, Wyoming; said parcel being graphically illustrated as Parcel B on the Boundary Adjustment Survey recorded February 3, 2004 in Book H at Page 93 and being more particularly described as follows:

BEGINNING at a point on the east line of Ted Ebert Park within the Shadow Mountain Subdivision, said Subdivision is recorded in Book F at Page 84 in the Park County Clerk's Office; which bears S. 00°23'05" E. a distance of 13.85 feet from the northeast corner of said Ted Ebert Park; thence N. 89°54'00" E. parallel to the south line of Bass Avenue of said Shadow Mountain Subdivision, a distance of 140.00 feet; thence S. 45°15'20" E., a distance of 28.35 feet to the east line of Lot 11 of said Subdivision; thence S. 00°23'05" E. along the east line of said Lot 11 and said east line extended, a distance of 142.45 feet; thence S. 89°54'00" W. parallel with the south line of said Bass Avenue, a distance of 360.79 feet to the south line of said Ted Ebert Park; thence N. 73° 04'43" E. along the south line of said Ted Ebert Park, a distance of 209.45 feet to the southeast corner of said Ted Ebert Park; thence N. 00°23'05" W. along the east line of said Ted Ebert Park, a distance of 101.83 feet more or less, to the POINT OF BEGINNING.

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COMMITMENT FOR TITLE INSURANCE
SCHEDULE B
PART I

File No. 19122609

The following are the requirements to be complied with:

1. Pay the agreed amounts for the interest in the land and/or the mortgage to be insured.
2. Pay us the premiums, fees, and charges for the Policy.
3. Documents satisfactory to us creating the interest in the land and/or the mortgage to be insured must be signed, delivered, and recorded.
4. YOU MUST TELL US IN WRITING the name of anyone not referred to in this Commitment who will get an interest in the land or who will make a loan on the land. Title Company may then make additional requirements or exceptions.
5. **ATTENTION! THIS IS NOT INTENDED TO BE AN OBLIGATION TO INSURE. Although there may be requirements listed at this time, *NOTE THE REQUIREMENT TO CONTACT THE TITLE COMPANY when a transaction is determined as additional or alternate requirements and/or exceptions may be reflected and the title insurance premium will be collected.* *This report is issued for informational purposes only.***
6. **WARRANTY DEED:**
   Grantor: Edwin E. Higbie and Carol L. Higbie, as joint Trustees of the Higbie Family Revocable Living Trust, dated June 10, 1998 AND Edwin E. Higbie and Carol L. Higbie, husband and wife as tenants by the entirety
   Grantee: TO BE DETERMINED, to be recorded in the Public Records of Park County, Wyoming
   NOTE: Pursuant to Wyoming Statutes 34-1-142 through 34-1-144 no instrument evidencing transfer of real property may be accepted for recording by the County Clerk unless accompanied by a sworn statement of consideration.
7. **FURNISH TITLE COMPANY with the appropriate Seller/Borrower Affidavit as to debts, liens and possession *(to be signed at closing).***
8. **FURNISH TITLE COMPANY with any amendments to the Higbie Family Revocable Living Trust, dated June 10, 1998, or an affidavit stating there have been none.**

   (Upon review, Title Company may make additional requirements or exceptions)
9. **FURNISH TITLE COMPANY with proof that all assessments have been paid, as set forth in Declaration of Restrictions, Conditions and Covenants recorded August 19, 1993 in Book MF 231, Page 736, or an affidavit stating that there are none.**
10. **NOTICE TO APPLICANT: The land described in this Title Report may be serviced by services provided by cities, towns, public utility companies and other firms providing municipal type services which do not constitute liens upon the land and for which no notice of the existence of such service charges are in evidence in the Public Records. The Applicant should directly contact all entities providing such services and make the necessary arrangements to insure payment for such services and continuation of services to the land.**
    NOTE: If said property is not within an assessed improvement district, check with Water Commissioner for possible water or sewer line charges.

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COMMITMENT FOR TITLE INSURANCE
SCHEDULE B
PART II

File No. 19122609

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the Effective Date but prior to the date the proposed Insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.

2. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.

3. Rights or claims of parties in possession or claiming to be in possession not shown by the public records.

4. Easements, liens, or encumbrances, or claims thereof, which are not shown by the public records.

5. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the public records.

6. (a) Unpatented mining claims; (b) reservations or exceptions in Patents or in Acts authorizing the issuance thereof; (c) water rights, claims, or title to water; (d) any right, title, or interest in any sand and gravel and/or minerals including access to and from to extract minerals, mineral rights, or related matters, including, but not limited to oil, gas, coal and other hydrocarbons, whether or not the matters excepted under (a), (b), (c) or (d) are shown by the public records.

7. Any lien or right to a lien for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.

8. Any service installation or connection charges for sewer, water or electricity.

9. Any adverse claim based upon the assertion that: (a) some portion of the land forms the bed or bank of a navigable river or lake, or lies below the mean high water mark thereof; (b) the boundary of the land has been affected by a change in the course or water level of a navigable river or lake; (c) the land is subject to water rights, claims, or title to water, and to any law or governmental regulation pertaining to wetlands.

SPECIAL EXCEPTIONS

10. **GENERAL TAXES APPEAR TO HAVE BEEN PAID FOR:**
    Year: 2019
    Total amount billed: $906.30
    Tax I.D.: #11-05530107114002
    Parcel: #R0009933

    NOTE: The first installment (half) is due and payable September 1 and delinquent November 10. The second installment (half) is due and payable March 1 of the following year and delinquent May 10.

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File No. 19122609

11. **ANY ASSESSMENTS DUE as set forth in Declaration of Restrictions, Conditions and Covenants recorded August 19, 1993 in Book MF 231, Page 736 .**

12. **RESTRICTIONS, CONDITIONS AND COVENANTS, EASEMENTS AND/OR ITEMS SET FORTH, but deleting restrictions, if any, based on race, color, religion or national origin, and the terms and conditions thereof:**
    Imposed by instrument: Plat
    Book "F" Page 84
    Book "G" Page 151

13. **RESTRICTIONS, CONDITIONS AND COVENANTS, EASEMENTS AND/OR ITEMS SET FORTH, but deleting restrictions, if any, based on race, color, religion or national origin, and the terms and conditions thereof:**
    Imposed by instrument: Record of Survey
    Book "H" Page 93

14. **RESTRICTIONS, CONDITIONS AND COVENANTS, but deleting restrictions, if any, based on race, color, religion or national origin, and the terms and conditions thereof:**
    Imposed by instrument:
    Recorded: August 19, 1993
    Book MF 231 Page 736

15. **CANAL, NAVIGABLE RIVER, OR STREAM CROSSES OR ABUTS THE LAND:**
    a) **All right, title or claim or any character by the United States, state, local government, or by the public generally in and to any portion of the land lying within the current or former bed, or below the ordinary high water mark, or between the cut banks of a stream navigable in fact or in law.**
    b) **Rights of riparian water right owners to the use and flow of the water.**
    c) **The consequence of any past or future change in the location of the bed.**
    d) **Amended Bylaws of the Cody Canal Irrigation District recorded December 15, 2015 as Doc #2015-6750.**

    ANY LANDS LYING WITHIN THE BOUNDARY OF THE CODY CANAL.

    THE TITLE POLICY DOES NOT INSURE AGAINST ANY LOSS OR DAMAGE as a result of land gained or lost due to the changing of the course of any canal, river or stream.

16. **RIGHT, TITLE AND INTEREST TO any and all fences appurtenant to or encroaching upon said land, whose exact location is not disclosed by any survey of record, and to the ownership of said fences and the maintenance thereof.**

17. **SUBJECT TO TERMS AND CONDITIONS AS CONTAINED IN PATENT recorded October 10, 1903 in Big Horn Book 1, Page 622.**

18. **SUBJECT TO TERMS AND CONDITIONS AS CONTAINED IN QUITCLAIM DEED recorded February 3, 2004 as Doc #2004-740.**

19. **EASEMENT, including the terms, covenants and provisions as may be contained therein, as granted/reserved by instrument:**
    Granted to: Illinois Pipe Line Company *
    Recorded: August 6, 1927
    Book 67 Page 561

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COMMITMENT FOR TITLE INSURANCE
SCHEDULE B
PART II

File No. 19122609

***THIS EASEMENT HAS BEEN ASSIGNED TO VARIOUS ENTITIES in the following instruments: Book 111, Page 616; Book 244, Page 56; Book 254, Page 109; Book 321, Page 359; Doc #2000-4972**

***QUITCLAIM AND RELEASE OF RIGHT-OF-WAY AGREEMENT recorded July 6, 1982 in Book MF 73, Page 665**

20. **EASEMENT, including the terms, covenants and provisions as may be contained therein, as granted/ reserved by instrument:**
    Granted to: Pacific Power & Light Company
    Recorded: June 22, 1984
    Book MF 101 Page 101

21. **OWNERSHIP OR TITLE TO MINERAL INTERESTS, and the effect on the surface of the exercise or mineral rights. FURTHER, no examination of the title to minerals has been made herein, and no insurance nor responsibility therefore is implied or assumed.**

22. **THIS TITLE REPORT AND POLICY TO BE ISSUED ONLY PERTAINS TO Vacant Land.**

END OF SCHEDULE B II

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Park County Title
Privacy Policy Notice

PURPOSE OF THIS NOTICE

Title V of the Gramm-Leach-Bliley Act (GLBA) generally prohibits any financial institution, directly or through its affiliates, from sharing nonpublic personal information about you with a nonaffiliated third party unless the institution provides you with a notice of its privacy policies and practices, such as the type of information that it collects about you and the categories of persons or entities to whom it may be disclosed. In compliance with the GLBA, we are providing you with this document, which notifies you of the privacy policies and practices of Park County Title.

We may collect nonpublic personal information about you from the following sources:

- Information we receive from you, such as on applications or other forms.
- Information about your transactions we secure from our files, or from our affiliates or others.
- Information we receive from a consumer reporting agency.
- Information that we receive from others involved in your transaction, such as the real estate agent or lender.

Unless it is specifically stated otherwise in an amended Privacy Policy Notice, no additional nonpublic personal information will be collected about you.

We may disclose any of the above information that we collect about our customers or former customers to our affiliates or to nonaffiliated third parties as permitted by law.

We also may disclose this information about our customers or former customers to the following types of nonaffiliated companies that perform marketing services on our behalf or with whom we have joint marketing agreements:

- Financial service providers such as companies engaged in banking, consumer finance, securities and insurance.
- Non-financial companies such as envelope stuffers and other fulfillment service providers.

WE DO NOT DISCLOSE ANY NONPUBLIC PERSONAL INFORMATION ABOUT YOU WITH ANYONE FOR ANY PURPOSE THAT IS NOT SPECIFICALLY PERMITTED BY LAW.

We restrict access to nonpublic personal information about you to those employees who need to know that information in order to provide products or services to you. We maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

Rev. 08/28/01

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STATEMENT OF CONSIDERATION
ATTACHED
CD
County Clerk's Office

QUITCLAIM DEED

Edwin E. Higbie and **Carol L. Higbie,** husband and wife, Grantors, for and in consideration of the sum of $10.00 and other good and valuable consideration in hand paid, the receipt whereof is hereby acknowledged, conveys and warrants to **Edwin E. Higbie and Carol L. Higbie, as joint Trustees of the Higbie Family Revocable Living Trust, dated June 10, 1998,** Grantee, whose address is 213 North 44th Street, Cody, WY. 82414, the following described real estate, situate in Park County, State of Wyoming, hereby releasing and waiving all rights under and by virtue of the homestead exemption laws of the State, to-wit:

SEE ATTACHED EXHIBIT A

TOGETHER WITH all improvements situate thereon and appurtenances thereunto belonging;

SUBJECT TO all easements, reservations, covenants and restrictions or any other matter of record or otherwise established; all assessments and subsequently assessed taxes.

WITNESS their hands this 17 day of April, 2014.

GRANTORS:

Edwin E. Higbie
Edwin E. Higbie

Carol L. Higbie
Carol L. Higbie

Husband and Wife

STATE OF WYOMING)
) ss.
County of Park)

Subscribed and sworn to before me this 17th day of April, 2014, by Edwin E. Higbie and Carol L. Higbie, husband and wife.

Witness my hand and official seal.

Notary Public

LITA M. FOOR NOTARY PUBLIC
COUNTY OF PARK STATE OF WYOMING
MY COMMISSION EXPIRES 6-28-17

My Commission expires

2014-1767 Park County WY 4/22/2014 8:05 AM Fees $15.00

Exhibit A

A parcel of land in Tract 70 & 71 R.S. (Sections, 33 & 34 O. S.) T53N R101W 6th P.M. beginning at a Point 300' E. and 80'S. of the NW Corner of the NW/4NW/4 of Section 34, O. S. also known as

THE NORTHEAST CORNER OF SAID SHADOW MOUNTAIN SUBDIVISION THENCE S. 0°22'10" E. ALONG THE EAST LINE OF SAID SUBDIVISION, A DISTANCE OF 548.58 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE S. 60°53'17" W. ALONG THE SOUTH LINE OF SAID SUBDIVISION, A DISTANCE OF 342.33 FEET TO AN ANGLE POINT ON THE SOUTH BOUNDARY THEREOF; THENCE S. 00°57'24" E. ALONG THE SOUTH LINE OF SAID SUBDIVISION A DISTANCE OF 26.35 FEET TO AN ANGLE POINT ON THE SOUTH LINE THEREOF; THENCE S. 74°43'10" W. ALONG THE SOUTH LINE OF SAID SUBDIVISION A DISTANCE OF 591.98 FEET TO AN ANGLE POINT ON THE SOUTH LINE THEREOF; THENCE S. 71°26'57" W. ALONG THE SOUTH LINE OF SAID SUBDIVISION A DISTANCE OF 300.12 FEET TO THE NORTHEAST CORNER OF TRACT A OF SAID SUBDIVISION; THENCE S. 25°06'50" W. ALONG THE EAST LINE OF SAID TRACT A, A DISTANCE OF 202.35 FEET TO A PONT ON THE EAST LINE THEREOF; THENCE S.85°51'57" E. ALONG THE NORTH BOUNDARY OF A PARCEL OF LAND, BEING A PORTION OF TRACT A, CONVEYED TO THE CITY OF CODY BY QUITCLAIM DEED RECORDED AS DOCUMENT 2000-3534 IN THE PARK COUNTY CLERK'S OFFICE, A DISTANCE OF 14.34 FEET TO THE BEGINNING OF A CURVE TANGENT TO SAID LINE, THENCE WESTERLY ALONG SAID CURVE AND NORTH BOUNDARY HAVING A RADIUS OF 2016.30 FEET AND A CENTRAL ANGLE OF 8°19'11" A DISTANCE OF 298.78 FEET, THENCE ALONG SAID NORTH BOUNDARY S85°48'52"W TANGENT TO SAID CURVE A DISTANCE OF 66.31 FEET TO A POINT ON THE WEST LINE OF SAID TRACT A, THENCE N00°23'05"W ALONG THE WEST LINE OF SAID TRACT A AND SAID SUBDIVISION A DISTANCE OF 568.79 FEET TO A POINT ON THE SOUTH LINE OF WEST AVENUE; THENCE N. 89°54' 00" E. ALONG THE SOUTH LINE OF SAID WEST AVENUE PRODUCED EASTERLY A DISTANCE OF 30.00 FEET TO A POINT ON THE WEST LINE OF SAID LOT 53; THENCE N.00°23'05" W ALONG THE WESTLINE THEREOF A DISTANCE OF 141.53 FEET TO THE NORTHWEST CORNER OF SAID LOT 52; THENCE N. 89°54'00" E ALONG THE NORTH LINE OF SAID LOTS 52 AND 39 AND THE EXTENSION THEREOF A DISTANCE OF 270.00 FEET TO A POINT ON THE WEST LINE OF SAID LOT 30; THENCE N.00°23'05" W. ALONG THE WESTLINE THEREOF A DISTANCE OF 31.70 FEET TO THE NORTHWEST CORNER OF SAID LOT 30; THENCE N. 89°54'00" E. ALONG THE NORTHLINE OF SAID LOT 30 A DISTANCE OF 100.00 FEET TO THE NORTHEAST CORNER THEREOF; THENCE S.0°23'05" E. ALONG THE EASTLINE OF SAID LOT 30 A DISTANCE OF 14.85 FEET TO A POINT ON THE EAST LINE THEREOF; THENCE N.89°54'00" E. ALONG THE SOUTH LINE OF BASS AVENUE PRODUCED WESTERLY A DISTANCE OF 340.00 FEET TO THE NORTHWEST CORNER OF TED EBERT PARK; THENCE S.0°23'05" E. ALONG THE WEST LINE OF SAID TED EBERT PARK A DISTANCE OF 217.18 FEET TO THE BEGINNING OF A CURVE TANGENT TO SAID LINE; THENCE SOUTHERLY, SOUTHEASTERLY, AND EASTERLY ALONG SAID CURVE HAVING A RADIUS OF 20.00 FEET AND A CENTRAL ANGLE OF 106° 32' 00" A DISTANCE OF 37.19 FEET; THENCE N.73°04'42" E. TANGENT TO SAID CURVE AND ALONG THE SOUTH LINE OF SAID TED EBERT PARK, FOR A DISTANCE OF 416.52 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE N. 0°23'05" W. ALONG EAST LINE OF SAID TED EBERT PARK A DISTANCE OF 115.68 FEET TO THE NORTHEAST CORNER THEREOF; THENCE N.89°54'00"E. ALONG THE SOUTH LINE OF BASS AVENUE PRODUCED EASTERLY FOR A DISTANCE OF 60.00 FEET TO A POINT ON THE WEST LINEOF SAID LOT 11; THENCE N.00°23'07W. ALONG THE WEST LINE THEREOF A DISTANCE OF 10.15 FEET TO THE NORTHWEST CORNER THEREOF; THENCE N.89°54'00"E. ALONG THE NORTH LINE OF SAID LOT 11 AND SAID LINE PRODUCED EASTERLY A DISTANCE OF 120.00 FEET TO A POINT ON THE WEST LINE OF SAID LOT 6; THENCE N. 0°23'05" W. ALONG THE WEST LINE OF SAID LOTS 6, 7, 8, 9 AND 10, FOR A DISTANCE OF 439.87 FEET TO THE NORTHWEST CORNER OF SAID LOT 10; THENCE N. 89°52'23" E. ALONG THE SOUTH LINE OF COUGAR AVENUE, FOR A DISTANCE OF 272.43 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, CONTAINING 17.66 ACRES, MORE OR LESS, AND BEING SUBJECT TO ANY AND ALL RIGHTS OF WAY AND/OR EASEMENTS THAT LEGALLY EXIST.

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CORRECTED SEVENTH AMENDED BYLAWS
OF
THE CODY CANAL IRRIGATION DISTRICT

ARTICLE I
NAME

Section 1. **Name**. The name of this irrigation district shall be The Cody Canal Irrigation District, hereinafter the "District".

Section 2. **Control**. The District shall be managed and controlled by a board of three commissioners elected as provided by statutes of the State of Wyoming. Said Board of Commissioners, hereinafter the "Board," shall serve as the governing body and shall exercise the functions conferred upon it by law.

ARTICLE II

Section 1. **Annual Meetings**. The annual meeting of the District for the purpose of electing commissioners and for the transaction of such other business which may legally come before said meeting shall be held in the manner provided by statutes of the State of Wyoming.

Section 2. **Elections**. The District shall hold district elections on a fiscal year basis as provided by statutes of the State of Wyoming.

Section 3. **Notice**. Notice of said meeting shall be given as provided by the statutes of the State of Wyoming to the landowners listed on the last annual assessment roll.

Section 4. **Special Meetings**. Special meetings of the District may be called by the president of the Board for the purposes and at the time and place as shall be specified in the notice thereof.

Section 5. **Order of Business**. The order of business at the annual meeting shall be as follows:

1. Meeting called to order by the chairman;
2. Reading, correcting, and approval of minutes of the previous meeting;
3. Reports of the manager;
4. Reports of officers and commissioners;
5. Unfinished business;
6. New business; and

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7. Election of commissioner.

Section 6. **Nomination of Candidates for Commissioner**. At the annual meeting, nominates for commissioner may be made by every landowner, situated within and being a part of any commissioner District in which an election for a commissioner is being held, and upon which land no assessment for operation and maintenance, or repairs, is delinquent for more than four (4) years. The nominee shall only be eligible if he or she is a landowner of 20 acres or more within the commissioner District in which the election for a commissioner is being held. A "landowner" for the purposes of these Bylaws shall be defined as the person who has the responsibility for management of, and an ownership interest in, land, including the managing member of an LLC, a shareholder with management responsibility of a corporation, managing or general partner of a partnership or limited partnership, sole proprietor, tenant by the entirety, joint tenant or trustee of a trust.

Section 7. **Manner of Voting**. The manner of voting shall be determined by the applicable statute and any amendment thereto. Said statute currently provides that every person or corporation owning or entitled by virtue of public land filing to the possession of land situated within and being a part of any commissioner district in which an election for commissioner is being held, and upon which land no assessment for operation, maintenance, or repairs is delinquent for more than four (4) years, shall be entitled to cast, for the commissioner to be elected, for the commissioner district wherein such land is situated, one (1) vote for each irrigable acre of such land assessed upon the last annual assessment of said District. The last annual assessment roll is defined to mean the assessment roll approved by the Park County Commissioners in the same calendar year as the election. No person shall be declared elected as a commissioner who shall not be a landowner of 20 acres of land in said commissioner district, and who shall not have received a majority of all votes cast by the qualified voters of said commissioner district

ARTICLE III
COMMISSIONERS

Section 1. **Election and Tenure**. One commissioner shall be elected from each subdivision of the District. All commissioners shall be elected for a term as provided in the statutes of the State of Wyoming. Division #1 includes all irrigated acreage West of Sulphur Creek, Division #2 includes all irrigated acreage East of Sulphur Creek and North of Sheridan Avenue, and Division #3 includes all irrigated acreage East of Sulphur Creek and South of Sheridan Avenue. The point at which Sheridan Avenue terminates is the boundary between Division #1 and Division #2 and shall be defined as the mid-section line between sections 33, 34 and 35 of Township 53, Range 101, Original Survey, Park County, Wyoming.

Section 2. **Removal and Vacancies**. In the event of any vacancy in the office of the commissioner, the office shall be filled as provided by the statutes of the State of Wyoming.

Section 3. **Meetings**. Regular monthly meetings of the Board of Commissioners shall

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be held at a site selected by the commissioners on or before the second Thursday of each and every month, or at such times as may from time to time be designated by the Board.

Section 4. **Special Meetings**. Special meetings may be called at any time by the president of the Board, by giving notice thereof to each member, either by mail, by phone, or in person. Such notice shall be given either by the president of the Board or by the secretary.

Section 5. **Quorum**. A quorum for the transaction of business shall be as stated in the statutes of the State of Wyoming. A less number than a quorum may adjourn from time to time until a quorum is obtained. The attendance of all commissioners at a meeting shall be taken as a waiver of any and all notice thereof.

Section 6. **Order of Business**. The regular order of business at all meetings of the Board of Commissioners shall be as follows:

1. Roll call;
2. Reading and approving of minutes of meetings;
3. Auditing and payment of accounts and bills;
4. Report of manager;
5. Unfinished business; and
6. New business.

Section 7. **Manner of Voting**. The manner of voting shall be decided by the president, provided, however, that a roll call vote shall be taken and recorded in the minutes upon the request of any commissioner.

ARTICLE IV
OFFICERS

Section 1. **Number**. The officers of the Board shall consist of a president, vice president, treasurer and a secretary. The secretary may or may not be a member of the Board.

Section 2. **Election and Tenure**. The president, vice president and treasurer shall be elected annually at the first or organizational meeting held by the members of the newly-elected Board following its election. Each of said officers shall hold his office for a period of one year and until his successor is qualified and elected. The secretary shall be appointed by the Board to hold office at its pleasure.

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Section 3. **Removal**. Any officer shall be subject to removal by a two-thirds vote of the membership of the Board for any misconduct or neglect of duty.

Section 4. **Vacancy**. In the event of the removal, or the vacancy in any of said offices, the vacancy shall be filled as provided by the statutes of the State of Wyoming.

Section 5. **Duties of President**. The president shall preside at all meetings of the Board, shall sign all contracts authorized by the Board, and shall perform all other duties incident to the office of president.

Section 6. **Duties of Vice President**. In the absence of the president, the vice president shall perform the duties of the president.

Section 7. **Duties of Treasurer**. It shall be the duty of the treasurer to keep all money belonging to the District and to disburse the same only upon vouchers drawn upon the same, signed by authorized personnel, to insure that full and complete books and records of all receipts and disbursements are kept, and to give bond in such amount as shall be required by the Board. The books of the treasurer shall be open for inspection by the Board at any and all times, and said books shall be kept in such form as may from time to time be prescribed by the Board.

Section 8. **Duties of Secretary**. It shall be the duty of the secretary to keep a record of all the minutes and proceedings of the Board, to carry on all the correspondence of said District, to keep and preserve all records and correspondence of said District, to keep the official record of the District, to attest, sign and affix the corporate seal of the District to all contracts authorized by the Board, and to do any and all things necessary to the secretarial work of the Board.

ARTICLE V
CORPORATE SEAL

The corporate seal of the District shall be circular in form with the words "Cody Canal Irrigation District."

ARTICLE VI
AMENDMENTS

Section 1. **Amendments**. These Bylaws may be altered or amended at any regular meeting of the Board by an affirmative vote of at least two members of the Board, provided that notice of the proposed amendment or amendments shall in all cases be given at a meeting of the Board at least ten (10) days prior to the time that final action is taken, and all other provisions of applicable Wyoming law are followed.

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ARTICLE VII
POLICIES

Section 1. **Ditch Responsibility**. The District shall maintain ditches down to the last solid 40 acres of irrigated land or to the boundary of a farmstead. All other maintenance shall be the responsibility of the individual land owners.

Section 2. **Rights-of-Way** All rights-of-ways for maintenance of canals, laterals, tributaries and drains of all types shall be operative under conditions defined by the Board. Encroachments shall not be permitted, and if encroachment occurs, the Board shall reestablish the right-of-way at the expense of the landowner.

Section 3. **Fence Regulations**. Cross fences will have three gates; one on each side of the ditch and a center gate across the ditch. These gates shall open on each side of the post next to the ditch and shall be constructed of pipe so that the gates may be removed completely for ditch maintenance. No other gate or fence installation shall be permitted.

Section 4. **Subdivision Water Turnouts**. No additional turnouts will be allowed without prior approval of the Board. The Board, at their discretion, may give consideration to a water turnout request where the property is divided in parcels of not less than 40 acres. If approval is given for an additional turnout, the landowner requesting the turnout must pay all costs for a control structure, turnout and measuring device. The District thereafter will maintain the structure.

Section 5. **Subdivision Rights-of-Way**. The necessary rights-of-way for conveyance of water to all subdivisions of a farm or property are the responsibility of the landowner, seller, and purchaser, and is not a District responsibility.

Section 6. **Measuring Devices**. Measuring devices shall be placed in each ditch by individual landowners. Cipolletti, rectangular and Parshall flumes are the standard measuring devices acceptable to the District. Unless conditions otherwise determine, the above measuring devices shall be used to avoid supply and administrative problems. If individual landowners do not provide a measuring device, the landowner is subject to the discretion of the ditch riders regarding regulation of the ditch.

Section 7. **Waste Ditch**.

(a) A waste ditch shall be defined as a shallow surface drain whose primary purpose is to remove surface water from irrigated property. The landowner shall have the responsibility for maintenance of a waste ditch from his irrigated property to the point where it enters a natural drain. This responsibility is the same whether it is a single or multiple property waste ditch. On a multiple property waste ditch, it is the responsibility of all landowners to maintain the entire length of the waste ditch to the point where it enters a natural drain.

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(b) Failure of landowners to maintain the waste ditch or structures shall be basis for the Board to withhold delivery of water until the waste ditch is properly maintained.

Section 8. **Open Drains**. No maintenance of private drains will be performed by the District without prior approval of the Board. The Board may agree to assist on a mutual program of maintenance on an annual basis only by prior request of the landowner to the Board.

Section 9. **Natural Drains**. The District is not responsible for weed control along the natural drains. The landowners must take care of their own weeds along these drains.

Section 10. **Operation and Maintenance Roads**.

(a) Maintenance of roads is the responsibility of the District.

(b) O&M roads are not public roads and any unauthorized persons using the roads are traveling at their own risk.

(c) Each canal, lateral, and open drain shall have a right-of-way sufficient to maintain an O&M road. Where convenient and practical, county roads will be used as O&M roads.

Section 11. **Water Records**. The District shall maintain a water recording device at the main headgate.

Section 12. **Crossings**.

(a) All bridges, pipe crossings, etc. into property shall be the responsibility of the landowner to maintain.

(b) Access crossings, when permitted by the Board, shall be constructed and maintained by the landowner according to specifications approved by the District.

(c) Any crossing used by the District in performance of O&M work may be maintained jointly with the landowner.

Section 13. **Payment of Assessments**.

(a) All assessments levied by the District for operation, maintenance and repayment of capital construction costs shall be in accordance with state statutes set forth governing collection of county taxes. The District shall be reimbursed by the landowner for any legal fees required in the collection of the assessments.

(b) No water shall be delivered to any landowner, renter or operator of any land

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when payments are delinquent.

Section 14. **O&M Acreage Abandonment, Detachment and Movement of Water Rights**.

(a) Any acreage removed from the annual assessment roll due to an abandonment or elimination of an adjudicated water right shall result in a one-time fee for the acreage removed, in the following amounts:

(i) For any adjudicated water rights with a priority date prior to 1900, including the following permit numbers: Territorial 7435D, 55E, 1042D and 188E, the fee shall be Five Thousand Dollars ($5,000.00) per acre, plus a fractional acreage charge for all acreage less than one acre. Therefore, if less than one (1) acre is requested to be abandoned or eliminated, the fee would be calculated by multiplying the fractional acreage by five thousand. If 5.35 acres are requested to be abandoned or eliminated the fee would be calculated as follows: $5000/acre x 5 acres = $25,000. $5,000/acre x .35 acres= $1750. $25,000 + $1750 = $26,750.00 total fee.

(ii) For any adjudicated water rights with a priority date between 1901, but prior to 1945, including the following permit numbers: 1322E, 2880E, 3194E, 3813E, 4037E, 4038E, 4105E and 4633E, the fee shall be One Thousand Dollars ($1,000.00) per acre, plus a fractional acreage charge for all acreage less than one acre. Therefore, if less than one (1) acre is requested to be abandoned or eliminated, the fee would be calculated by multiplying the fractional acreage by one thousand.

(iii) For other adjudicated water rights with a priority date of and after 1945, abandonment or elimination fees shall be addressed by the Board on a case-by-case basis.

(b) Any acreage consolidated so as to eliminate minimum assessments in the annual assessment roll shall be charged a one-time fee of 300% of the annual assessment for the year of consolidation, for each parcel consolidated. The fee shall be assessed and be payable by the landowner at the time of the consolidation. No annual assessments for operation, maintenance, and construction shall be charged to the City of Cody until the entry of an Interlocutory Decree or Order approving the Petition by the Wyoming State Board of Control, or any applicable Court.

(c) Any water rights moved within the boundaries of the irrigation district, or any water rights detached from land within the boundaries of the irrigation district shall result in a one-time fee. The fee shall be assessed at the time of the detachment, or at the time of the transfer or relocation of the water right, if there had been no prior detachment. The fee shall be assessed to and payable by the applicant, or party who seeks consent from the irrigation district for the detachment or for the consent to transfer or change the place of use of the

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water. The fee shall be calculated to be two (2) times the standard acreage operation and maintenance assessment for the year of the transfer or the change of place of use or detachment (i.e., the standard acreage operation and maintenance assessment for the year 2007 is $18.00 per acre. The fee for any time during that current assessment year would be two times $18.00.). There shall be one fee assessed for each parcel of land from which water rights are detached or moved. The District shall not consent to a water rights petition moving water until the fee is paid in full.

(d) Upon approval by the Wyoming State Board of Control, or any applicable Court, of a water rights detachment, or of the granting of a petition to change use or place of use, the District shall then, for the following assessment year, assess the party receiving the detached water rights or the party receiving the water by change of place of use or change of use if no prior detachment was approved by the Wyoming State Board of Control.

(e) In the event that the grantee of a detachment of water rights fails to pursue a petition for change of use or place of use and an abandonment or elimination of water results, the fees set forth in Section 14(a) shall be assessed.

(f) A landowner and the Board of Commissioners may enter into an agreement to allow irrigation of lands within the boundaries of the Cody Canal Irrigation District without a permit only in the following circumstances:

(i) A signed agreement between the Cody Canal Irrigation District and the landowner with the following terms:

(A) The landowner agrees to pay assessments pursuant to the assessment approved by the District Court for each year of the agreement

(B) The agreement shall be limited to a term of no more than five (5) years, but may be renewed with similar terms, at the Board of Commissioners discretion; and

(C) The landowner must agree to actively seek to gather additional water rights which other landowners are seeking to detach or change the place of use for, within the Cody Canal Irrigation District boundaries, and agree to pay any and all engineering fees necessary to complete the required petition work, in order to prevent the abandonment of a detached water right or elimination of an adjudicated water right.

Section 15. **Utilities on District Rights-of-Way**.

(a) All utility crossings of District rights-of-way must have written consent of the Board.

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(b) All utility crossings shall be clearly marked by the entity responsible for the crossing. The entity shall be responsible for the crossing facility, shall maintain the facility and shall maintain the ditch in the vicinity of the crossing facility.

Section 16. **Subdivisions**.

(a) Distribution within the subdivision, beyond the original headgate, shall be implemented and controlled by a subdivision water users' association. This association (its representatives as authorized in its bylaws) shall be the sole entity to conduct business with the District. No water deliveries shall be made by the District until all ditches within the subdivision have been cleaned to District standards.

(b) The rights-of-way appurtenant to the District's irrigation facilities shall be clearly defined on the subdivision plat. Protective covenants to run with all lands shall protect such rights-of-way from encroachment by any permanent structures, in perpetuity. Planting of larger shrubs and trees shall be considered as permanent structures and shall not be permitted within said rights-of-way.

(c) Roads and other structures constructed and maintained by the District for the express purpose of operating and maintaining its facilities shall not be used by any individuals except the landowner and those specifically granted such right by the District.

(d) The District shall not be held liable for any damages done to structures or other property as the result of encroachment on the District's right-of-way by landowners when such damage is the result of work required for the reasonable and prudent operation and maintenance of the District's facilities.

(e) Disputes which arise within the subdivision concerning water matters that cannot be resolved by the association shall be referred to the Wyoming State Engineer's local representative. The District shall not become involved in the internal affairs of the association.

Section 17. **Stock Water**. Use of canals, laterals, distribution systems or drains as a source of stock water after the water is turned out of the system shall be permitted. This policy does not affect the normal running water in open drains, but is set forth to prohibit diverting water into a system which would not normally run water during the off irrigation season. All stock watering during the irrigation season out of the District irrigation and drainage system must meet District requirements. Canal banks damaged by livestock shall be repaired by the landowner to District standards.

Section 18. **Diversion of Water on Irrigable Lands**.

(a) Each farm unit or parcel of land shall share on a pro rata basis in delivery of

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water. The rate of delivery shall be computed on the following factors:

1. District canal capacity;

2. Appropriated water rights;

3. Flow availability;

4. Distribution losses;

5. Relationship of total irrigable area owned by landowner as it bears to the total irrigable acreage of the system;

6. Safe operating practices.

(b) Grouping of irrigation heads will be permitted under the following conditions:

1. Lands must be under same ownership unless a rotation is mutually agreed upon by the District and landowners;

2. That the rate of delivery for grouping of heads does not exceed the amount the individual farms or parcels would be entitled to under individual operation.

Section 19. **Cost Sharing with Landowners**. In cases where the landowner proposes to share in the cost of rehabilitating or relocating a lateral, drain, canal or other facility serving the District, the Board of Commissioners shall review each proposal on a case-by-case basis. The Board shall consider the benefits to the District and landowner. If the proposal is approved by the Board of Commissioners, the Board shall set the minimum contribution by the landowner, based on the portioning of benefits to the landowner and the District. There shall be a written agreement executed by both parties before construction begins.

Section 20. **Pumping Permits**. Within the boundaries of the Cody Canal Irrigation District, individuals may apply for domestic, special applications, referred to herein as "Pumping Permits." The applicant shall file with the office of the State Engineer the required Domestic, Special Application and the use shall be limited to a diversion of up to twenty-five (25) gallons per minute, or 0.056 cfs. The application must be accepted and approved by the State Engineer's office prior to use. The Pumping Permit shall only be used for a domestic diversion from the Cody Canal for use in and around a single-family dwelling for diversion up to twenty-five (25) gallons per minute, or 0.056 cfs. A domestic use is considered to be water for both watering lawns and gardens. Once granted, the landowner shall be added to the assessment roll and charged a minimum assessment as any other irrigator, irrigating five (5) acres or less.

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ARTICLE VIII
ENACTING CLAUSE

Section 1. **Amendment**. All previous Bylaws are hereby amended to read as herein provided and all Bylaws, rules and regulations in conflict herewith are hereby repealed.

Section 2. **Effective Date**. These Bylaws shall take effect and be in force after their adoption by the Board of Commissioners as of May 14, 2015.

PASSED AND ADOPTED this 14th day of May, 2015.

A corrected version is signed this 8th day of December, 2015.

Dennis Reed, President

ATTEST:

Mary Helen Reed, Secretary

STATE OF WYOMING)
) ss.
COUNTY OF PARK)

The foregoing instrument was acknowledged before me this 8 day of December, 2015, by DENNIS REED, President of CODY CANAL IRRIGATION DISTRICT, on behalf of the District.

WITNESS my hand and official seal.

Notary Public

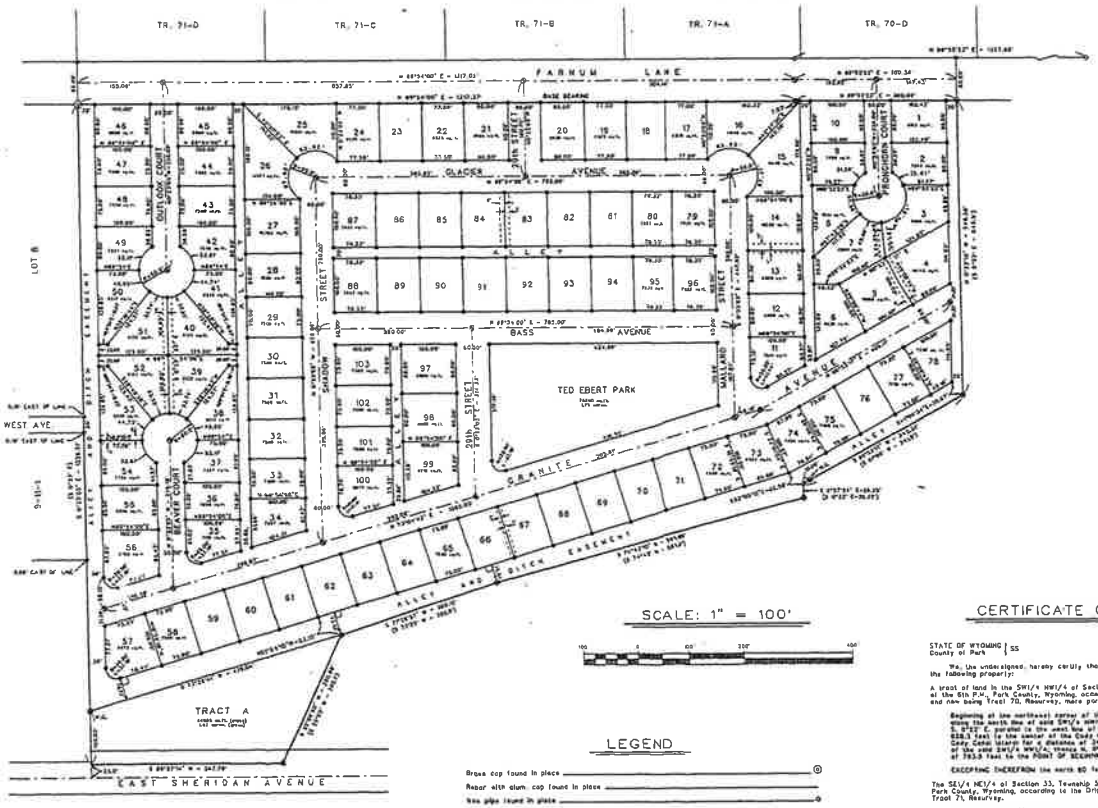
My commission expires: 5/2/2019

DIANA JOHNSTON NOTARY PUBLIC
COUNTY OF PARK STATE OF WYOMING
MY COMMISSION EXPIRES MAY 2, 2019

Pg: 11 of 11
2015-6750 Park County WY 12/15/2015 11:57 AM Fees: $42.00

TUTTLE SUBDIVISION

FENEX SUBDIVISION



SCALE: 1" = 100'

LEGEND

Brass cap found in place
Rebar with alum. cap found in place
New pipe found in place
3" C.I.P. street monument found in place
5/8" x 24" rebar with alum. cap set
3" x 30" S.I.P. with brass cap set
3" x 30" C.I.P. set in concrete when streets are constructed
Dimensions of record shown thus
Dimensions obtained this survey shown thus
Utility easement shown thus

APPROVALS

CITY PLANNING AND ZONING BOARD

Approved this 23rd day of July, 1993 by the City Planning and Zoning Board, Cody, Wyoming.

BY CHAIRMAN: Larry Jackson

APPROVAL

Approved this 3rd day of August, 1993 by the City Council of Cody, Wyoming.

BY: Jack T. Skokos, Mayor

ATTEST: James S. Smiley, City Clerk

STATE OF WYOMING | SS
County of Park

The foregoing approval was acknowledged before me by Jack T. Skokos, Mayor and James S. Smiley, City Clerk, this 11th day of August, 1993.

Witness my hand and official seal.

Notary Public

My commission expires: 11-24-94

COUNTY CLERK'S CERTIFICATE

This plat was filed for the public record in the Office of the Clerk, Park County, Wyoming, at 8:45 o'clock A.M. on the 6th day of August, 1993 A.D., and is duly recorded in Book 5, Page Number 70.

#318570

Marie Fontinos
Park County Clerk

By: Deborah Upton
Deputy

CERTIFICATE OF DEDICATION

STATE OF WYOMING | SS
County of Park

We, the undersigned, hereby certify that we are the Owners and Proprietors of the following property:

A tract of land in the SW1/4 NW1/4 of Section 34, Township 53 North, Range 101 West of the 6th P.M., Park County, Wyoming, according to the Original Government Survey, and now being Tract 70, Resurvey, more particularly described as follows:

Beginning at the northeast corner of the said SW1/4 NW1/4; thence N. 89°53' E. along the north line of said SW1/4 NW1/4 for a distance of 200 feet; thence S. 0°22' E. parallel to the west line of said SW1/4 NW1/4 for a distance of 528.3 feet to the center of the Cody Canal lateral; thence S. 81°0' W. along the Cody Canal lateral for a distance of 215.8 feet, more or less, to the west line of the said SW1/4 NW1/4; thence N. 0°22' W. along this west line for a distance of 793.3 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM the north 60 feet.

The SE1/4 NE1/4 of Section 33, Township 53 North, Range 101 West of the 6th P.M., Park County, Wyoming, according to the Original Government Survey and now being in Tract 71, Resurvey.

EXCEPTING THEREFROM a parcel described as follows:

BEGINNING at a point on the east line of said SE1/4 NE1/4 and 23 feet north of the southeast corner of said SE1/4 NE1/4; thence N. 0°22' W. for a distance of 493.6 feet; thence S. 74°42' W. for a distance of 281.8 feet; thence S. 71° 33' W. for a distance of 208.0 feet; thence S. 23°03' W. for a distance of 280.1 feet, more or less, to a point 53 feet north of the south line of said SE1/4 NE1/4; thence N. 89°33' E. for a distance of 816.4 feet to the POINT OF BEGINNING.

AND FURTHER EXCEPTING the north 60 feet.

That we have caused said described land to be surveyed and platted as shown hereon as the Shadow Mountain Subdivision; that the subdivision as shown on this plat is with the free consent and in accordance with the desires of the undersigned Owners and Proprietors; and that we hereby dedicate and set apart the streets and alleys shown hereon to the use of the general public forever. We hereby release and relinquish all rights of homestead.

In witness whereof we have hereunto set our hand this 6 day of August, 1993.

SHADOW MOUNTAIN, INC.
Cody, Wyoming

By: John P. Hauser, President

By: Eugene Stringari, Eugene Stringari, Secretary

STATE OF WYOMING | SS
County of Park

The foregoing Certificate of Dedication was acknowledged before me by John P. Hauser, President and Eugene Stringari, Secretary of Shadow Mountain, Inc. this 12th day of August, 1993.

Witness my hand and official seal.

Notary Public

My commission expires: 11-24-94

CERTIFICATE OF SURVEYOR

STATE OF WYOMING | SS
County of Park

I, Paul A. Blough, a Professional Registered Land Surveyor registered in the State of Wyoming by Registration Number 2333 hereby certify:

That between November, 1992 and June, 1993 the Shadow Mountain Subdivision, shown hereon was surveyed under my direction;

That the field surveys is correctly described in the owner's Certificate of Dedication, and this plat accurately shows the correct location and dimensions of the lots, easements, streets and alleys of said subdivision;

That the requirements of W.S. 34-11-101 through 34-11-110 were complied with and monuments and lot corners shown and described hereon were actually set;

That all distances of the survey close to an accuracy of one part in five thousand or better and dimensions of lots are given in feet and decimals of a foot, any surface deficiency is distributed uniformly in proportion to the measurements shown on the plat;

That the south line of the Tuttle Subdivision (recorded in Plat Book E at page 33 in the Park County Clerk's office) bearing N. 89°53' E. was used as the bearing base for all bearings surveyed and shown on this plat.

In witness whereof I have set my hand and seal this 6 day of August, 1993 A.D.

Paul A. Blough
Wyoming Registration No. L.S. 2333

STATE OF WYOMING | SS
County of Park

The foregoing certificate was acknowledged before me this 9th day of August, 1993 A.D.

Witness my hand and official seal.

Notary Public

My commission expires: September 26, 1996

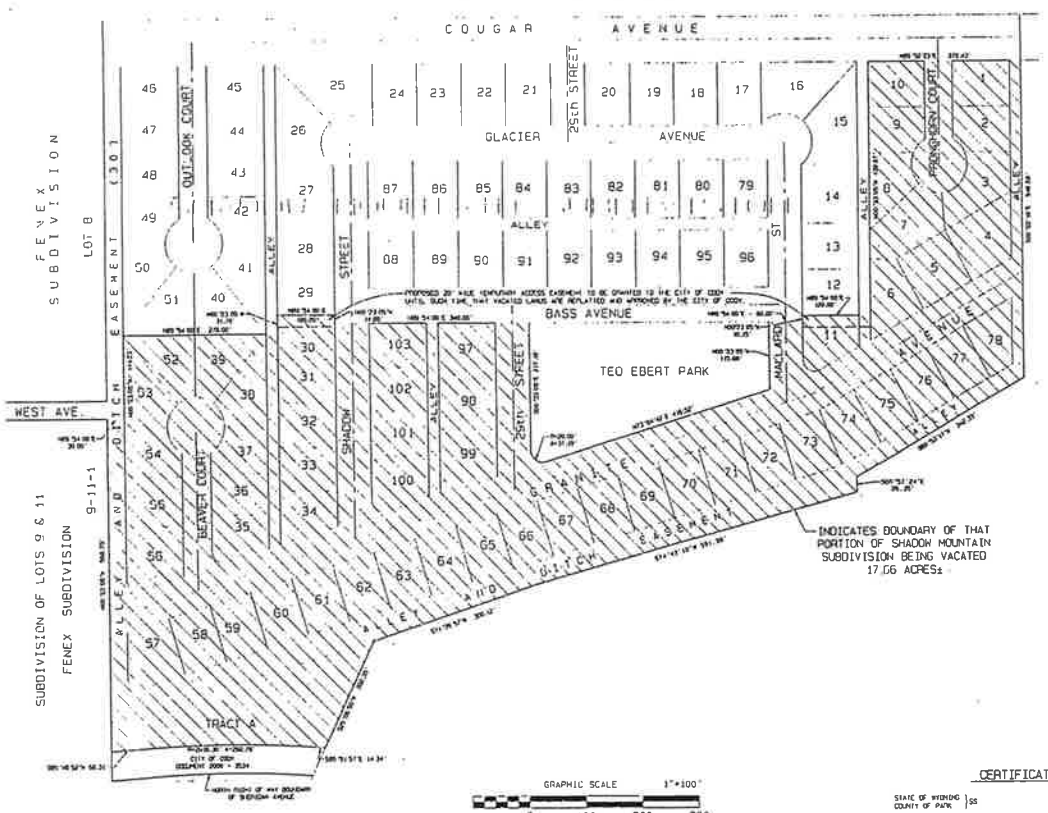
—— PLAT SHOWING ——

SHADOW MOUNTAIN SUBDIVISION

BEING PART OF THE SE1/4 NE1/4 SECTION 33
AND THE SW1/4 NW1/4 SECTION 34, T.53 N.,R.101 W.
(ORIGINAL SURVEY)
NOW BEING PART OF TRACTS 70 AND 71
T.53 N.,R.101 W., 6th P.M. RESURVEY
CITY OF CODY, PARK COUNTY, WYOMING

HOLM BLOUGH AND CO. — CONSULTING ENGINEERS & LAND SURVEYORS
CODY, WYOMING — JUNE, 1993

F-84



CERTIFICATE OF VACATION

STATE OF WYOMING }SS
COUNTY OF PARK

WE THE UNDERSIGNED, HEREBY CERTIFY THAT WE ARE VACATING THE FOLLOWING DESCRIBED PORTION OF THE SHADOW MOUNTAIN SUBDIVISION FINAL PLAT AS RECORDED IN BOOK F, PAGE NUMBER 84 IN THE PARK COUNTY CLERK'S OFFICE

A PORTION OF TRACT A, LOTS 1-11, 30-39, 52-76, 97-103, GRANITE AVENUE, BEAVER COURT, FRONTIER COURT, AND A PORTION OF MACLAFFO STREET, 25TH STREET, AND SHADOW STREET OF SAID SUBDIVISION, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SHADOW MOUNTAIN SUBDIVISION; THENCE S. 0°22'10" E. ALONG THE EAST LINE OF SAID SUBDIVISION, A DISTANCE OF 548.58 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE S. 60°53'17" W. ALONG THE SOUTH LINE OF SAID SUBDIVISION, A DISTANCE OF 342.33 FEET TO AN ANGLE POINT ON THE SOUTH BOUNDARY THEREOF; THENCE S. 00°51'24" E. ALONG THE SOUTH LINE OF SAID SUBDIVISION, A DISTANCE OF 25.25 FEET TO AN ANGLE POINT ON THE SOUTH LINE THEREOF; THENCE S. 74°43'10" W. ALONG THE SOUTH LINE OF SAID SUBDIVISION, A DISTANCE OF 591.88 FEET TO AN ANGLE POINT ON THE SOUTH LINE THEREOF; THENCE S. 71°06'57" W. ALONG THE SOUTH LINE OF SAID SUBDIVISION, A DISTANCE OF 300.12 FEET TO THE NORTHEAST CORNER OF TRACT A OF SAID SUBDIVISION; THENCE S. 25°06'50" W. ALONG THE EAST LINE OF SAID TRACT A, A DISTANCE OF 242.22 FEET TO A POINT ON THE EAST LINE THEREOF; THENCE S.89°51'57" E. ALONG THE NORTH BOUNDARY OF A PARCEL OF LAND, BEING A PORTION OF TRACT A, CONVEYED TO THE CITY OF CODY BY QUITCLAIM DEED RECORDED AS DOCUMENT 2002-2534 IN THE PARK COUNTY CLERK'S OFFICE, A DISTANCE OF 14.34 FEET TO THE BEGINNING OF A CURVE TANGENT TO SAID LINE; THENCE WESTERLY ALONG SAID CURVE AND NORTH BOUNDARY HAVING A RADIUS OF 2016.20 FEET AND A CENTRAL ANGLE OF 6°18'11" A DISTANCE OF 208.78 FEET; THENCE ALONG SAID NORTH BOUNDARY S85°48'52"W TANGENT TO SAID CURVE A DISTANCE OF 56.31 FEET TO A POINT ON THE WEST LINE OF SAID TRACT A; THENCE N0°23'05"W ALONG THE WEST LINE OF SAID TRACT A AND SAID SUBDIVISION, A DISTANCE OF 568.75 FEET TO A POINT ON THE SOUTH LINE OF WEST AVENUE; THENCE N. 89°54'00" E. ALONG THE SOUTH LINE OF SAID WEST AVENUE PRODUCED EASTERLY, A DISTANCE OF 30.00 FEET TO A POINT ON THE WEST LINE OF SAID LOT 30; THENCE N0°23'05" W. ALONG THE WESTLINE THEREOF, A DISTANCE OF 141.33 FEET TO THE NORTHWEST CORNER OF SAID LOT 30; THENCE N. 89°54'00" E. ALONG THE NORTH LINE OF SAID LOTS 30 AND 29 AND THE EXTENSION THEREOF, A DISTANCE OF 270.00 FEET TO A POINT ON THE WEST LINE OF SAID LOT 30; THENCE N0°23'05" W. ALONG THE WESTLINE THEREOF, A DISTANCE OF 31.70 FEET TO THE NORTHWEST CORNER OF SAID LOT 30; THENCE N. 89°54'00" E. ALONG THE NORTHLINE OF SAID LOT 30, A DISTANCE OF 100.00 FEET TO THE NORTHEAST CORNER THEREOF; THENCE S0°23'05" E. ALONG THE EASTLINE OF SAID LOT 30, A DISTANCE OF 14.85 FEET TO A POINT ON THE EAST LINE THEREOF; THENCE N.89°54.00" E. ALONG THE SOUTH LINE OF BASS AVENUE PRODUCED WESTERLY, A DISTANCE OF 340.00 FEET TO THE NORTHWEST CORNER OF TEO EBERT PARK; THENCE S0°23.05" E. ALONG THE WEST LINE OF SAID TEO EBERT PARK, A DISTANCE OF 217.18 FEET TO THE BEGINNING OF A CURVE TANGENT TO SAID LINE; THENCE SOUTHERLY, SOUTHEASTERLY, AND EASTERLY ALONG SAID CURVE HAVING A RADIUS OF 200.00 FEET AND A CENTRAL ANGLE OF 106°32'00" A DISTANCE OF 371.93 FEET, THENCE N.73°04'42" E. TANGENT TO SAID CURVE AND ALONG THE SOUTH LINE OF SAID TEO EBERT PARK, FOR A DISTANCE OF 418.52 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE N 0°22'05" W ALONG EAST LINE OF SAID TEO EBERT PARK A DISTANCE OF 115.68 FEET TO THE NORTHEAST CORNER THEREOF; THENCE N.89°54.00 E. ALONG THE SOUTH LINE OF BASS AVENUE PRODUCED EASTERLY FOR A DISTANCE OF 50.00 FEET TO A POINT ON THE WEST LINE OF SAID LOT 11; THENCE N.0°23'05" W. ALONG THE WEST LINE THEREOF A DISTANCE OF 60.45 FEET TO THE NORTHWEST CORNER THEREOF; THENCE N.89°54'00" E. ALONG THE NORTH LINE OF SAID LOT 11 AND SAID LINE PRODUCED EASTERLY A DISTANCE OF 100.00 FEET TO A POINT ON THE WEST LINE OF SAID LOT 8; THENCE N. 0°23'05" W. ALONG THE WEST LINE OF SAID LOTS 8, 7 & 9 AND 10 FOR A DISTANCE OF 429.27 FEET TO THE NORTHWEST CORNER OF SAID LOT 10; THENCE N. 89°54'23" E. ALONG THE SOUTH LINE OF COUGAR AVENUE, FOR A DISTANCE OF 272.43 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, CONTAINING 17.06 ACRES, MORE OR LESS, AND BEING SUBJECT TO ANY AND ALL RIGHTS OF WAY AND/OR EASEMENTS THAT LEGALLY EXIST.

THAT WE HAVE CAUSED SAID PROPERTIES TO BE VACATED FROM THE SHADOW MOUNTAIN SUBDIVISION PLAT, THAT THE VACATED LANDS ARE LOCATED WITHIN THE CITY OF CODY; THAT THE VACATION AS APPEARS ON THIS PLAT IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS AND PROPRIETORS; THAT SAID VACATION HAS BEEN APPROVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF CODY; AND THAT OWNERSHIP OF SAID PROPERTIES IS MAINTAINED BY EDWIN E. AND CAROL L. HIGBIE.

IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HAND THIS 30 DAY OF DECEMBER 2003

BY: Edwin E. Higbie
EDWIN E. HIGBIE, OWNER/PROPRIETOR

BY: Carol L. Higbie
CAROL L. HIGBIE, OWNER/PROPRIETOR

BY: Ken Stockwell
KEN STOCKWELL, MAYOR

STATE OF WYOMING }SS
COUNTY OF PARK

THE FOREGOING CERTIFICATE OF VACATION WAS ACKNOWLEDGED BEFORE ME BY EDWIN E. HIGBIE AND CAROL L. HIGBIE, OWNERS AND PROPRIETORS, THIS 30 DAY OF DECEMBER 2003. WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC

MY COMMISSION EXPIRES
October 14, 2007

NOTARY PUBLIC COUNTY OF PARK STATE OF WYOMING
MY COMMISSION EXPIRES OCTOBER 14, 2007

STATE OF WYOMING }SS
COUNTY OF PARK

THE FOREGOING CERTIFICATE OF VACATION WAS ACKNOWLEDGED BEFORE ME BY KEN STOCKWELL, MAYOR OF THE CITY OF CODY, WYOMING THIS 30 DAY OF DECEMBER 2003 WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC

MY COMMISSION EXPIRES:
October 14, 2007

NOTARY PUBLIC COUNTY OF PARK STATE OF WYOMING
MY COMMISSION EXPIRES OCTOBER 14, 2007

CERTIFICATE OF SURVEYOR

STATE OF WYOMING }SS
COUNTY OF PARK

I, ROY A. HOLM, A PROFESSIONAL ENGINEER AND LAND SURVEYOR REGISTERED IN THE STATE OF WYOMING BY REGISTRATION NUMBER PE & LS 2699 HEREBY CERTIFY:

THAT THE "SHADOW MOUNTAIN" SUBDIVISION, SHOWN HEREON WAS SURVEYED, PLATTED AND RECORDED ON AUGUST 11, 1993 IN PLAT BOOK F AT PAGE 84 IN THE PARK COUNTY CLERK AND RECORDERS OFFICE;

THAT THE LAND TO BE VACATED FROM SAID SUBDIVISION IS CORRECTLY DESCRIBED IN THE CERTIFICATE OF VACATION, AND THIS PLAT ACCURATELY SHOWS THE CORRECT LOCATION AND DIMENSIONS OF SAID SUBDIVISION VACATION.

IN WITNESS WHEREOF I HAVE SET MY HAND AND SEAL, THIS 30TH DAY OF DECEMBER, 2003 A.D.

Roy A. Holm
HOLM, BLOUGH AND COMPANY
BY: ROY A. HOLM (AGENT)
WYOMING REGISTRATION NO. P.E. & L.S. 2699

ROY A. HOLM PROFESSIONAL ENGINEER AND LAND SURVEYOR 2699 WYOMING 12/30/2003

STATE OF WYOMING }SS
COUNTY OF PARK

THE FOREGOING CERTIFICATE WAS ACKNOWLEDGED BEFORE ME THIS 30TH DAY OF DECEMBER, 2003 A.D.
WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC

MY COMMISSION EXPIRES:
Sept. 26, 2004

NOTARY PUBLIC COUNTY OF PARK STATE OF WYOMING

APPROVALS

CITY PLANNING AND ZONING BOARD

APPROVED THIS 30 DAY OF December, 2003 BY THE CITY PLANNING AND ZONING BOARD, CODY, WYOMING.

CHAIRMAN - JON WANNAMAN

APPROVAL

THE DIGITAL VACATION OF SHADOW MOUNTAIN SUBDIVISION SHOWN HEREON WAS APPROVED ON THIS 30TH DAY OF December, 2003 BY THE CITY COUNCIL OF CODY, WYOMING.

MAYOR - KEN STOCKWELL

ATTEST: Kelly Jensen
CITY CLERK - KELLY JENSEN

STATE OF WYOMING }SS
COUNTY OF PARK

THE FOREGOING APPROVAL WAS ACKNOWLEDGED BEFORE ME BY KEN STOCKWELL, MAYOR AND KELLY JENSEN, CITY CLERK, THIS 30 DAY OF DECEMBER, 2003

WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC

MY COMMISSION EXPIRES:
October 14, 2007

NOTARY PUBLIC COUNTY OF PARK STATE OF WYOMING

RECORDER'S ACCEPTANCE

THIS PLAT WAS FILED FOR THE PUBLIC RECORD IN THE OFFICE OF THE CLERK, PARK COUNTY, WYOMING, AT 3:25 O'CLOCK P. M., ON THE 31 DAY OF December 2003 A.D., AND IS DULY RECORDED IN BOOK G PAGE NUMBER 151
Doc # 2003-12227

KAREN CARTER
PARK COUNTY CLERK

BY: B. Atkinson
DEPUTY

EDWIN E. AND CAROL L. HIGBIE
CODY, WYOMING
-PLAT SHOWING-
THAT PORTION OF THE SHADOW MOUNTAIN SUBDIVISION PLAT THAT HAS BEEN VACATED
SHADOW MOUNTAIN SUBDIVISION WITHIN THE CITY OF CODY, PARK COUNTY, WYOMING.

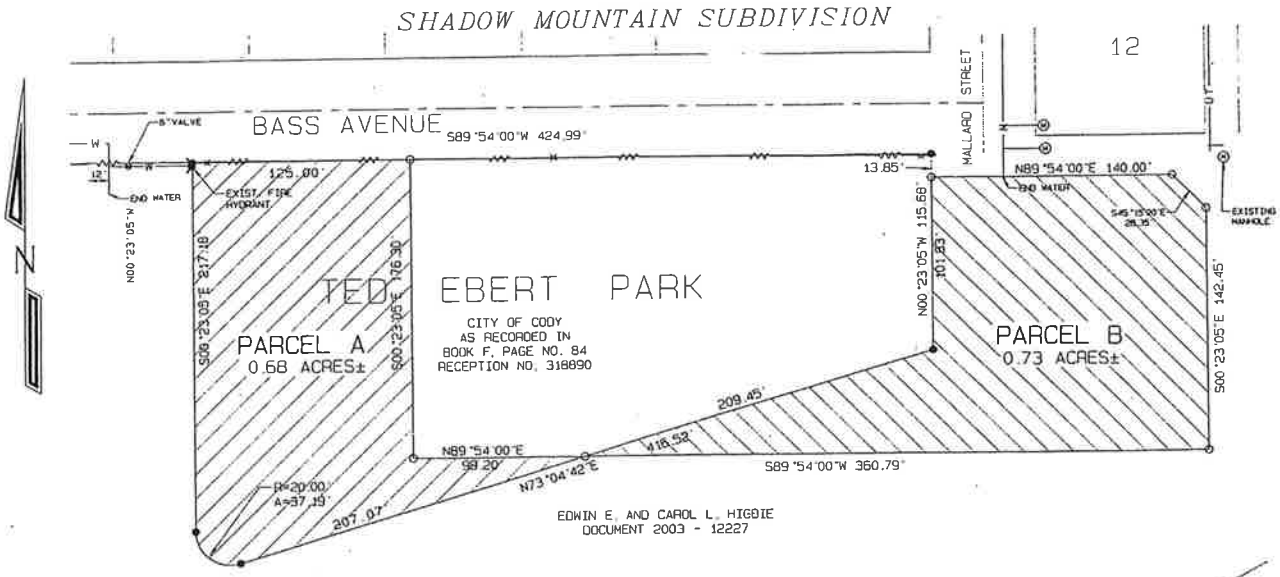
HB HOLM, BLOUGH AND COMPANY
Consulting Engineers & Land Surveyors
1452 Sheridan Ave.
Cody, Wyoming 82414

DECEMBER 2003

G-151

BOUNDARY ADJUSTMENT SURVEY

SHADOW MOUNTAIN SUBDIVISION



LEGEND

INDICATES REBAR WITH 2" ALUM. CAP SET	INDICATES TREATED WATER LINE —W—W—
INDICATES REBAR WITH ALUM. CAP FOUND	INDICATES NATURAL GAS LINE —G—G—
RECORD DIMENSIONS SHOWN THUS ( )	INDICATES SANITARY SEWER —S—S—
INDICATES WATER VALVE	INDICATES TELEPHONE CABLE —UG—P—T—
SEWER MANHOLE	INDICATES BURIED ELECTRIC CABLE
CURB STOP	INDICATES CURB, GUTTER AND SIDEWALK
FIRE HYDRANT	INDICATES LIGHTPOLE

PARCEL A TO BE MERGED WITH PARCEL OWNED BY EDWIN E. AND CAROL L. HIGBIE, AND SHALL NOT CONSTITUTE A SEPERATE PARCEL OF LAND.

PARCEL B TO BE MERGED WITH THE REMAINDER OF TED EBERT PARK AND SHALL NOT CONSTITUTE A SEPERATE PARCEL OF LAND.

CERTIFICATE OF OWNER

THE UNDERSIGNED DO HEREBY CERTIFY THAT WE ARE THE OWNERS AND PROPRIETERS OF THE FOLLOWING DESCRIBED PROPERTIES:

THE VACATED PORTION OF SHADOW MOUNTAIN SUBDIVISION AS RECORDED IN BOOK G, PAGE NUMBER 151, DOCUMENT NUMBER 2003 - 12227, WITHIN THE CITY OF CODY, PARK COUNTY, WYOMING.

WE HEREBY CERTIFY: THAT WE ACKNOWLEDGE AND AGREE TO THE BOUNDARY ADJUSTMENT SURVEY AS SHOWN HEREON; THAT THE BOUNDARY ADJUSTMENT IS TO COMBINE PARCEL "A" AS SHOWN HEREON WITH THE SAID VACATED PORTION OF SHADOW MOUNTAIN SUBDIVISION TO BECOME ONE UNIT OF LAND; THAT PARCEL "A" IS DESCRIBED IN THE ACCOMPANYING LEGAL DESCRIPTION; AND TO COMBINE PARCEL "B" AS SHOWN HEREON WITH THE REMAINING PORTION OF TED EBERT PARK TO BECOME ONE UNIT OF LAND; THAT PARCEL "B" IS DESCRIBED IN THE ACCOMPANYING LEGAL DESCRIPTION; THAT AT NO TIME SHALL (UNLESS APPROVED BY THE CITY OF CODY) PARCEL "A" OR PARCEL "B" BE OFFERED FOR SALE AS AS A SEPERATE UNIT OF LAND AND THAT BY THIS BOUNDARY ADJUSTMENT NO SUBSTANDARD SIZE PARCEL IS BEING CREATED.

BY: Edwin E. Higbie
EDWIN E. HIGBIE, OWNER, PROPRIETOR

BY: Carol L. Higbie
CAROL L. HIGBIE, OWNER, PROPRIETOR

STATE OF WYOMING)
COUNTY OF PARK) SS

THE FOREGOING CERTIFICATE OF OWNER WAS ACKNOWLEDGED BEFORE ME BY EDWIN E. AND CAROL L. HIGBIE, OWNERS AND PROPRIETORS, THIS 28 DAY OF JANUARY, 2004.

WITNESS MY HAND AND OFFICIAL SEAL.
Vera A. Beerline
NOTARY PUBLIC

MY COMMISSION EXPIRES:
June 19, 2004

VERAG BEERLINE - NOTARY PUBLIC
COUNTY OF PARK STATE OF WYOMING
My Commission Expires June 19, 2004

CERTIFICATE OF OWNER

THE UNDERSIGNED DO HEREBY CERTIFY THAT WE ARE THE OWNERS AND PROPRIETERS OF THE FOLLOWING DESCRIBED PROPERTIES:

TED EBERT PARK WITHIN THE SHADOW MOUNTAIN SUBDIVISION RECORDED IN BOOK F, PAGE NUMBER 84, RECEPTION NUMBER 318890, WITHIN THE CITY OF CODY, PARK COUNTY, WYOMING.

WE HEREBY CERTIFY: THAT WE ACKNOWLEDGE AND AGREE TO THE BOUNDARY ADJUSTMENT SURVEY AS SHOWN HEREON; THAT THE BOUNDARY ADJUSTMENT IS TO COMBINE PARCEL "A" AS SHOWN HEREON WITH THE VACATED PORTION OF SHADOW MOUNTAIN SUBDIVISION TO BECOME ONE UNIT OF LAND; THAT PARCEL "A" IS DESCRIBED IN THE ACCOMPANYING LEGAL DESCRIPTION; AND TO COMBINE PARCEL "B" AS SHOWN HEREON WITH THE REMAINING PORTION OF TED EBERT PARK TO BECOME ONE UNIT OF LAND; THAT PARCEL "B" IS DESCRIBED IN THE ACCOMPANYING LEGAL DESCRIPTION; THAT AT NO TIME SHALL (UNLESS APPROVED BY THE CITY OF CODY) PARCEL "A" OR PARCEL "B" BE OFFERED FOR SALE AS AS A SEPERATE UNIT OF LAND AND THAT BY THIS BOUNDARY ADJUSTMENT NO SUBSTANDARD SIZE PARCEL IS BEING CREATED.

BY: Ken Stockwell
KEN STOCKWELL - MAYOR
CITY OF CODY

STATE OF WYOMING)
COUNTY OF PARK) SS

THE FOREGOING CERTIFICATE OF OWNER WAS ACKNOWLEDGED BEFORE ME BY KEN STOCKWELL, MAYOR OF THE CITY OF CODY, WYOMING, THIS 23rd DAY OF JANUARY, 2004.

WITNESS MY HAND AND OFFICIAL SEAL.
Wendy Jo Corn
NOTARY PUBLIC

MY COMMISSION EXPIRES:
October 14, 2007

WENDY JO CORN - NOTARY PUBLIC
COUNTY OF PARK STATE OF WYOMING
MY COMMISSION EXPIRES OCTOBER 14, 2007

CERTIFICATE OF SURVEYOR

STATE OF WYOMING)
COUNTY OF PARK) SS

I, ROY R. HOLM, A PROFESSIONAL ENGINEER AND LAND SURVEYOR REGISTERED IN THE STATE OF WYOMING BY REGISTRATION NUMBER PE & LS 2099, AND ON BEHALF OF HOLM, BLOUGH AND COMPANY OF CODY, WYOMING DO HEREBY CERTIFY THAT THIS MAP WAS PREPARED FROM FIELD NOTES TAKEN DURING AN ACTUAL SURVEY MADE UNDER MY DIRECTION ON JANUARY 16, 2004, THAT THIS MAP CORRECTLY SHOWS THE RESULTS OF SAID SURVEY AND THAT THE MONUMENTS FOUND OR SET ARE AS SHOWN TO THE BEST OF MY KNOWLEDGE AND BELIEF.

WYOMING PE & L.S. REGISTRATION NO. 2099
Roy R. Holm
HOLM, BLOUGH AND COMPANY
BY: ROY R. HOLM (AGENT)

Professional Engineer and Land Surveyor
Roy R. Holm
2099
Wyoming
Date: 1/23/2004

CITY ENGINEER'S APPROVAL

THIS DRAWING SHOWING THE BOUNDARY LINE ADJUSTMENT SURVEY WAS APPROVED BY THE CITY ENGINEER OF CODY, WYOMING ON THE 26th DAY OF January 2004

BY: Stephen W. Payne
STEPHEN W. PAYNE, P.E., CITY ENGINEER AND PUBLIC WORKS DIRECTOR

ATTEST: Kelly Jensen
KELLY JENSEN, ADMINISTRATIVE SERVICES DIRECTOR

CLERK AND RECORDER'S ACCEPTANCE

THIS DRAWING SHOWING THE RECORD OF SURVEY WAS ACCEPTED IN THE OFFICE OF THE CLERK AND RECORDER, PARK COUNTY, WYOMING, AT 11:32 O CLOCK A.M. ON THIS 3rd DAY OF February 2004, FILED FOR RECORDING IN BOOK OR PLAT CABINET H AT PAGE 93 AND RECORDED AS COMPUTER RECORD DOCUMENT NUMBER 2004-742

Karen Carter
KAREN CARTER - PARK COUNTY CLERK

BY: Chris Eck
DEPUTY

NOTE
THIS SURVEYOR DID NOT CONDUCT A COMPLETE TITLE SEARCH, ABSTRACT STUDY OR HAZARD INQUIRY FOR THE LANDS SHOWN HEREON. UTILITIES SHOWN ARE AS MARKED BY THE VARIOUS UTILITY PROVIDERS OR AS OBSERVED ON THE GROUND.

EDWIN E. AND CAROL L. HIGBIE
CODY, WYOMING

RECORD OF SURVEY SHOWING

BOUNDARY ADJUSTMENT SURVEY

-WITHIN-

THE VACATED PORTION OF SHADOW MOUNTAIN SUBDIVISION AND TED EBERT PARK
CITY OF CODY, PARK COUNTY, WYOMING

HOLM, BLOUGH AND COMPANY
Consulting Engineers & Land Surveyors
1402 Sleepeye Ave
Cody, Wyoming 82414

JANUARY, 2004 BOOK 420 JOB S:\JOBS\2001\01-039\BOUNDARY LINE ADJ.DWG

To Have and To Hold the said tracts with the appurtenances thereof, unto the said State of Wyoming, for the purposes as aforesaid upon the conditions, restrictions and limitations as hereinbefore specified with the said exclusion and exception and with power to convey the same in fee simple in accordance with the provisions of the said acts.

In Testimony Whereof, I, William, McKinley , President of the United States of America, have caused these letters to be made patent and the seal of the General Land Office to be hereunto affixed. Given under my hand at the City of Washington the fifteenth day of January in the year of our Lord one thousand nine hundred and one and of the Independence of the United States the one hundred and twenty fifth. By the President, William McKinley. (SEAL).

F.M.McKean, Secretary.
C.H.Brush Recorder of the General Land Office

Recorded Vol 1, Pages 4 to 6 inclusive.
State of Wyoming, County of Big Horn, ss. Filed for record October 10th, 1903 , at 9 o'clock A.M. F.I.Rue, Register. By R.R.Heron, Deputy. Recorded in Book 5 of Deeds at Page 331.

B.H. 1-622

No.11098 PATENT. THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS, By Section four of the Act of Congress approved August 18,1894, as found on Page 422 of Volume 28 of the Statutes at Large, and by the Act of Congress approved June 11,1896, as found on Page 434 of Volume 29 of the Statutes at Large, provisions is made for a grant of desert lands not exceeding one million acres to each of certain states therein designated, and

WHEREAS, The State of Wyoming, one of the beneficiaries under the grant aforesaid has duly complied with all the conditions and requirements of said acts of Congress and with the regulations made and prescribed thereunder as to certain tracts, the same being a portion of the one million acres of land granted as aforesaid; and

WHEREAS, the said tracts have been found to be desert lands by an examination in the field and of the records of the General Land Office the same being more particularly described as follows, towit:

North of base line and west of sixth principal meridian, State of Wyoming. Township fifty three range one hundred one, the southeast quarter of the southwest quarter and the southeast quarter of section twenty two containing two hundred acres, all of section twenty seven containing six hundred and forty acres, The South east quarter of the northeast quarter and the south half of Section twenty eight containing three hundred and sixty acres, The Southeast quarter of Section twenty nine containing one hundred and sixty acres, The Lot numbered four, the South East quarter of the South West quarter, and the South East Quarter of Section Thirty one containing two hundred and forty acres and nine hundredths of an acre, All of Section thirty two, containing six hundred and forty acres, all of section thirty three containing six hundred and forty acres, all of section thirty four containing six hundred and forty acres. The said tracts of land as described in the foregoing make an aggregate area of three thousand five hundred and twenty acres, and nine hundredths of an acre (3,520.09)

Now, Know Ye, that the United States of Amerion, in consideration of the premises and pursuant to the said Acts of Congress, have given and granted, and by these presents do give and grant unto the said State of Wyoming and to its assigns the tracts of land, as aforesaid and described in the foregoing for the purposes specified in said acts and subject to all the conditions, restrictions and limitations therein prescribed; yet excluding and excepting from the transfer of these presents all mineral lands, should any such be found to exist in the tracts aforesaid.

To Have and To Hold the said tracts with the appurtenances thereof, unto the said State of Wyoming, for the purposes aforesaid, upon the conditions, restrictions and limitations as hereinfore specified, with the said exclusion and exception, and with power to convey the same in fee simple in accordance with the provisions of the said acts.

In Testimony Whereof, I, William McKinley, President of the United States of America, have caused these letters to be made patent, and the seal of the General Land Office to be hereunto affixed.

Given under my hand at the City of Washington, this the thirteenth day of April in the year of our Lord, one thousand nine hundred and one and of the Independence of the United States the one hundred and twenty fifth.

By the President, William McKinley
F.M.McKean, Secretary
C.H.Brush, Recorder of the General Land Office

(SEAL)
Recorded in Vol 1 Page 7 to 8 inclusive.
State of Wyoming, County of Big Horn, ss. Filed for Record October 10th, 1903 at 9 o'clock A.M. F.I.Rue, Register, by R.R.Heron, Deputy. Recorded in Book 5 of Deeds at Page 334.

No.11111 WARRANTY DEED -- File No. 17072 and 17179--Deed No. 15476.

In consideration of the payment of two hundred twenty five (225) dollars, The Lincoln Land Company, a corporation duly organized and existing under the laws of the State of Nebraska, hereby sell and convey to H.J.Thompson, the following described real estate, situate in the County of Big Horn and State of Wyoming, towit:

Lots numbered Three (3) and Four(4) in Block Numbered Seven (7) in the original [illegible] to the recorded plat thereof. And the Lincoln Land Company [illegible] said premises

DECLARATION OF RESTRICTIONS, CONDITIONS AND COVENANTS OF THE SHADOW MOUNTAIN SUBDIVISION, PARK COUNTY, STATE OF WYOMING

This Declaration made this 19th day of August, 1993, by Shadow Mountain, Inc., a Wyoming corporation, hereinafter referred to as "Declarant", as owner of the following described property in Park County, Wyoming, to-wit:

> Shadow Mountain Subdivision, within the City of Cody, Park County, Wyoming, as set forth on that certain survey in Park County, Wyoming, to-wit:
>
> > Lots 1 through 103, Shadow Mountain Subdivision, within the City of Cody, Park County, Wyoming.
>
> said Plat having been recorded in the Office of the Recorder of Deeds of Park County, Wyoming.

WHEREAS, it is the desire and intention of the Declarant to sell the above described real property and to impose upon it mutual and beneficial restrictions, conditions, easements, and covenants under a general plan or scheme of improvement for the benefit of all the said lands sold by Declarant and the future owners of said lands,

NOW, THEREFORE, said owners hereby declare that all of the property described above is held and shall be held, conveyed, hypothecated or encumbered, leased, rented, used, occupied, and improved subject to the following limitations, restrictions, and covenants, all of which are declared and agreed to be in furtherance of a plan for the subdivision, improvement, and sale of the lands; and are established and agreed upon for the purposes of enhancing and protecting the value, desirability, and attractiveness of the lands and every part thereof, and all of which shall run with the land and shall be binding on all parties having or acquiring any right, title or interest in the described lands or any part thereof.

I
DECLARANT

Whenever the term "Declarant" appears herein, it shall include the Declarant herein, its successors or assigns.

II
DURATION OF RESTRICTIONS

All of the conditions, covenants, and reservations set forth in this Declaration of Restrictions shall continue and remain in force and effect at all times against said property and the owners thereof, subject to the right of change or modification provided for herein, until twenty-five (25) years, and shall as then in force be continued for a period of twenty (20) years, each without limitation, unless a written agreement is executed by the then record owners of more than three-fourths in area of said property with one vote per lot and not owner, exclusive of streets, parks, and open spaces, be placed on record in the Office of the County Recorder of Park County, by the terms of which agreement of any of said conditions or covenants are changed, modified or extinguished in whole or in part as to all or any part of the property originally subject thereto, in the manner and to the extent therein provided.

III
MUTUALITY OF BENEFIT & ENFORCEMENT

All of said restrictions, conditions, easements, covenants, provisions, agreements, liens and charges set forth herein are made for the mutual and reciprocal benefit of each and every lot shown on said map and are intended to create mutual, equitable servitudes upon each of said lots in favor of each and all other lots shown on said map; to create reciprocal rights between the respective owners of all the lots shown on said map to ensure privacy in a quality residential environment; to create a privity of contract and estate between the grantees of said lots, and their heirs, successors and assigns; and shall as to the owner of each lot in said subdivision, his heirs, successors or assigns, operate as covenants running with the land for the benefit of each and all other lots in said subdivision and their respective owners.

Right to Enforce: The provisions contained in this Declaration shall bind and inure to the benefits of and be enforceable by Declarant, by the owner or owners of any portion of said property, their and each of their legal representatives, heirs, successors and assigns, and failure by Declarant, or any property owner, or their legal representative, heirs, successors or assigns to enforce any of said restrictions, conditions, covenants, or reservations shall in no event be deemed a waiver of the right to do so thereafter.

IV
LAND USE

All lots, tracts, and parcels of the subdivision shall be used only as herein set forth and such designated usage can be changed only by the approval of the Architectural Control Committee as provided for herein. All lots of the subdivision shall be used only for single family residence, except those lots whose use is specifically indicated for purposes other than single family as set forth herein, except that nothing contained in this Declaration shall be construed to prevent Declarant from erecting and maintaining or authorizing the erection and maintenance of structures and signs for the development and sale of the subdivision while the same or any part thereof is owned by Declarant.

Unless otherwise provided herein no building shall be erected, altered, placed or permitted to remain on any lot, other than one single family dwelling and a private garage. The garage shall not be required to be attached to said single family dwelling. "Family" is defined to mean persons related by blood or marriage or by legal adoption.

V
APPROVAL TO BUILD - ARCHITECTURAL CONTROL COMMITTEE (ACC)

A. Three (3) sets of plans and specifications shall be submitted to the ACC for any residence or addition there to and other structures whatsoever to be erected on any lot, the roofs and exterior color schemes thereof, any later changes or additions thereto after initial approval thereof, exterior remodeling, reconstruction, alterations or additions to any building or other structures on any lot shall be subject to and shall require the approval, in writing, of the Architectural Control Committee, as the same is from time to time composed, before any such excavation, constructions, remodeling or addition work is begun.

B. The Architectural Control Committee shall approve or disapprove plans, specifications, and details within ten (10) days from the receipt thereof. Two (2) sets of said plans and specifications and details with the approval, or disapproval, endorsed thereon shall be returned to the person submitting them and the other copy thereof shall be retained by the Architectural Control Committee.

C. The Architectural Control Committee shall have the right to disapprove any plans, specifications or details submitted to it as aforesaid in the event such plans, specifications, and details are not in accordance with all of the provisions of this Declaration, if the design or color schemes of the proposed building or other

structure is not in harmony with the general surroundings of such lot or with the adjacent buildings or structures, if the plans and specifications or details, or any part thereof, are contrary to the interests, welfare or rights of all or any part of the real property subject hereto, or the owners thereof, all in the sole discretion of the Architectural Control Committee. The decisions of the Architectural Control Committee shall be final.

D. Neither the Declarant, the Architectural Control Committee nor any architect or agent thereof or of Declarant shall be responsible in any way for any defects in any plans or specifications submitted, revised or approved in accordance with the foregoing, nor for any structural or other defects in any work done according to such plans and specifications.

E. The Architectural Control Committee shall be composed of five members appointed by Declarant until 75% of all lots in said subdivision are sold.

When 75% of all of the lots in said subdivision have been sold by Declarant, the owners of all of the lots, each lot having a deed of record evidencing ownership being entitled to one vote, shall vote for the election, by a majority of those casting votes, of the filling of five positions on the Architectural Control Committee, each position to be held by a lot owner. Vacancies thereafter shall be filled by a majority vote of the owners of all lots, each lot having a deed of record evidencing ownership being entitled to one vote.

VI
LOT AREA

No lot shall be subdivided, or its boundary lines changed, except with the written consent of the Declarant. However, Declarant hereby expressly reserves the right to replat any two (2) or more lots shown on the plat of said subdivision prior to their sale in order to create a modified building lot or lots. The provisions hereof shall apply to each such lot so created.

VII
BUILDING LOCATION

A. All buildings shall be erected in compliance with the zoning ordinances and City Building Code of Cody, Wyoming.

VIII
NUISANCES

No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

IX
EASEMENTS

Perpetual easements are reserved over and across the lots in the subdivision for the purpose of installing, repairing, and maintaining, or conveying to proper parties so that they may install, repair, and maintain electric power, water, sewerage, gas, telephone, and similar utility facilities and services, for all the lots and properties in the subdivision as follows: All easements shown on the recorded plat of the subdivision are adopted as part of these restrictions; and in instances in which surrounding terrain may necessitate the location of lines outstanding outside the precise areas designated as easement areas, access may be had at all reasonable times thereto, for maintenance, repair, and replacement purposes, without the lot owner being entitled to any compensation or redress by reason of the fact that such maintenance, repair or replacement work has proceeded. The easements reserved and dedicated under the terms and provisions hereof shall be for the general benefit of the subdivision as herein defined and any other land owned or acquired by Developer in the vicinity thereof, and shall also inure to the benefit of and may be used by any public or private utility company entering into and upon said property for the purposes aforesaid, without the necessity of any further grant of such easement rights to such utility companies.

X
TEMPORARY STRUCTURES

No structures of a temporary nature, trailer, basement house, modular home, mobile home, tent, shack, garage, barn or other outbuildings shall be used at any time as a residence either temporarily or permanently. No old or secondhand structures shall be moved onto any of said lots, it being the intention hereof that all dwellings and other buildings to be erected on said lots, or within said subdivisions, shall be new construction of good quality workmanship and materials.

A structure for the storage of lawn mower, garden supplies, etc. may be allowed if said structure matches style of residence and by the Architectural Control Committee.

XI
SIGNS

Except for the Shadow Mountain Subdivision sign, no billboard of any character shall be erected, posted, painted or displayed upon or about any of said property. No sign, except "For Sale" or "For Lease" signs of customary and reasonable dimensions and design, shall be erected or displayed upon or about said property unless and until the form, dimensions, and design of said sign has been submitted to and approved by the Architectural Control Committee. The Architectural Control Committee shall have authority to remove "For Sale" and "For Lease" signs determined by it to be contrary to customary and reasonable dimensions and/or design.

XII
MINING

No oil drilling, oil development operations, oil refining, quarrying or mining operations of any kind shall be permitted upon or in any lot. No derrick or other structure designed for use in boring for oil or natural gas shall be erected, maintained or permitted upon any lot.

XIII
ANIMALS

No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot except that dogs, cats or other household pets may be kept provided that they are not kept, bred or maintained for any commercial purpose. Such animals as are permitted shall be strictly controlled and kept pursuant to city and county ordinances.

XIV
GARBAGE & REFUSE DISPOSAL

No lot shall be used or maintained as a dumping ground for rubbish, trash, garbage or other waste. Such trash, rubbish, garbage or other waste shall not be kept except in sanitary containers. No rubbish, trash, papers, junk or debris shall be burned upon any lot except that trash may be burned inside homes that are properly equipped with inside incinerator units. Any owner of a lot which is not served by a public alley directly to the rear of said lot shall be required to place its garbage cans near the street for collection on days as prescribed by the garbage service. Under no circumstances shall any type of garbage container be left exposed on the front of a lot for a period of time in excess of twelve (12) hours after collection, and no

container shall be placed near the street for collection more than twelve (12) hours prior to the designated collection time.

In the event garbage and refuse remain on any lot in view of other lot owners for more than 15 consecutive days, any other lot owner may deliver the owner of the offending lot a certified letter at the address designated with the county assessor of Park County, Wyoming, and notify said offending lot owner that such garbage and refuse shall be removed and disposed of within 5 days of said notice if such offending lot owner fails to remove it himself. Any costs of removing said garbage or refuse shall be billed to the offending lot owner and shall operate as a lien on his property.

XV
WATER SUPPLY

All lots shall tap into City of Cody domestic water lines and no individual domestic water supply system shall be used or permitted to be used on any lot or group of lots.

XVI
VEHICLES

A. Other than automobiles and pick-up trucks, no vehicle of any kind, including but not limited to automobiles, trucks, tractors, busses, trailers, camping vehicles, boats, boat trailers, snowmobiles, mobile homes, two and three-wheeled motor vehicles, or other wheeled vehicles shall be permitted to be parked on any public street within the subdivision.

XVII
STRUCTURES

A. Lots 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 42, 43, 44, 45, 46, 47, 48, 49, 50, 79, 80, 81, 82, 83, 84, 85, 86 and 87 shall be restricted to single family residences with no more than one single floor above ground.

B. Lots 12, 13, 14, 15, 26, 27, 28, 29, 88, 89, 90, 91, 92, 93, 94, 95 and 96 shall be restricted to single family residences with no more than one and one-half (1½) floors above ground.

C. No one story dwelling shall be erected or permitted to remain on any lot having a floor area of less than 1,180 square feet (when measured to exterior walls exclusive of basements, attics, garages, and porches), plus a garage area of less than 350 square feet (when measured to exterior walls).

D. If any dwelling contains less than 1,180 square feet on the main living level, it must have a total floor area of no less than 1,500 square feet (when measured to exterior walls exclusive of basements, attics, garages, and porches), with a minimum of 1,000 square feet being on the first floor of said dwelling, plus a garage area of less than 350 square feet (when measured to exterior walls). No dwelling over two (2) stories shall be permitted.

XVIII
FENCES

All fences constructed in the subdivision must be built in accordance with all other articles of these Covenants.

No wall, coping or fence exceeding six (6) feet in height measured from ground surface may be erected or maintained on any lot except as approved by the Architectural Control Committee.

No wall, fence or boundary planting on any lot may be constructed, grown or maintained in such a manner as to interfere with the vision of drivers at any intersection of streets or roads.

No fences or walls of chain link, or wire mesh, shall be allowed, except for two chain link kennels placed on a cement pad meeting all other restrictions.

No fence shall extend into front yard beyond the front of any residence.

XIX
CONSTRUCTION & LANDSCAPING

The construction of improvements shall be substantially completed not later than twelve (12) months from the date upon which excavation was begun.

Within twelve (12) months after completion of the exterior of any structure, the landscaping of the lot must be substantially completed. Such landscaping shall include, but not be limited to, the preparation for and planting of lawn, grass or other appropriate ground cover and appropriate shrubbery.

Upon approval and/or completion of the landscaping plan pursuant to this section, no healthy tree shall be removed nor other major change be made without approval of the Architectural Control Committee. However, notwithstanding this section, all diseased trees must be removed by the homeowner within a reasonable time after the diseased condition is discovered.

XX
SIDEWALKS

All lot owners shall place sidewalks on the front of all lots (and sides of corner lots) to City specifications within one (1) year of lot purchase from Declarant.

XXI
APPEARANCE OF LOTS

A. Each lot, at all times, shall be kept in a clean, sightly, and wholesome condition. No trash, litter, junk, boxes, containers, bottles, cans, implements, machinery, lumber or other building materials shall be permitted to remain exposed upon any lot so they are visible from any neighboring lot or road, except as necessary during a period of construction.

B. No lot shall be used in whole or in part for the storage of any property or thing that will cause such a lot to appear in an unclean, disorderly or untidy condition or that will be otherwise obnoxious. No obnoxious or offensive activity shall be carried on upon any lot nor shall anything be done, placed or stored thereon which may be or become an annoyance or nuisance to the neighborhood or occasion any noise or odor which will, or might, disturb the peace, quiet, comfort or serenity of the occupants of nearby lots.

C. Each purchaser shall be responsible for the maintenance of all property between his side yard lot lines and from his rear lot line to the alley and street abutting his lot, whether that property is owned by him or by any governmental unit.

D. In the event garbage and refuse remain on any lot in view of other lot owners for more than 15 consecutive days, any other lot owner may deliver the owner of the offending lot a certified letter at the address designated with the county assessor of Park County, Wyoming, and notify said offending lot owner that such garbage and refuse shall be removed and disposed of within 5 days of said notice if such offending lot owner fails to remove it himself. Any costs of removing said garbage or refuse shall be billed to the offending lot owner and shall operate as a lien on his property.

XXII
ASSESSMENTS FOR MAINTENANCE OF ENTRYWAY

A. Declarant covenants for each lot sold by the Declarant within the subdivision, and each owner of a lot is deemed to covenant by acceptance of such owner's Deed for such lot, whether or not it shall be so expressed in the Deed, to pay to Shadow Mountain, Inc., until seventy-five percent (75%) of all lots in the

subdivision are sold, and thereafter to the architectural control committee of the subdivision, special assessments for structure, signage, landscaping and maintenance of improvements on the street entry into the subdivision off of Farnum Lane. All special assessments shall be used to maintain and improve the entryway in a manner to preserve the integrity and nice appearance of the entryway into the subdivision. All special assessments, together with such interest thereon and costs of collection as provided below, shall be a continuing lien on the property affected and shall also be a personal obligation of the owner of such property on the date when the assessment is due.

By a majority vote of the members of the Board of Directors of Shadow Mountain, Inc., declarant may levy special assessments in any calendar year applicable to that year only, for the purpose of defraying in all or in part the cost of improving, repairing or replacing any improvement, structure, and sign at the entryway to the subdivision, including fixtures and personal property related thereto. After seventy-five percent (75%) of the lots in the subdivision have been sold, any special assessments must be approved by a majority vote of all of the lots having a deed or record with each lot being entitled to one vote.

After seventy-five percent (75%) of the lots are sold, it shall be the duty of the Architectural Control Committee to notify all owners or contract purchasers of lots within the subdivision, whose addresses shall be supplied to the Architectural Control Committee, by sending written notice to each of such owners within ten days after the date on which the assessment has been fixed and levied, giving the amount of the charge or assessment for the current year, when the same shall be due, and the amount due for each lot or partial lot owned by each such owner. Failure to deliver or levy an assessment due to a lack of an address for the owner of any particular lot within the subdivision shall not discharge the obligation of any such owner from paying any such assessment, and it shall be the obligation of any such owner to notify the Architectural Control Committee of such owner's current address. Any special assessments levied as set forth in this declaration shall become a lien on the affected real estate as soon as such assessment is due and payable as set forth above. In the event any owner fails to pay the assessments when due, then the assessments shall bear interest at the maximum legal rate permitted by the State of Wyoming from the date when such assessment is due until it is paid in full.

Thirty (30) days after the date any special assessment has been fixed and levied, the special assessment, if not paid, shall become delinquent and the payment of both principal and interest may be enforced as in the case of a materialman's lien on the

affected real estate, and a notice of such assessment may be filed with the Park County Clerk, and venue shall be laid in Small Claims Court, State of Wyoming. It shall be the duty of the Architectural Control Committee to bring actions to enforce such liens before they expire.

In the event legal proceedings are commenced to collect any special assessments, or if the services of an attorney are retained in connection therewith, the non-paying owner or owners shall be obligated to pay all costs incurred, plus reasonable attorney's fees, which costs and fees shall become a portion of the special assessment and may be foreclosed on in the same manner as the special assessments as provided above.

XXIII
MAILBOX

All lot owners shall comply with the U. S. Postal Authority's requirements for mailboxes, which may include the requirement that mailboxes be clustered within the subdivision.

XXIV
VARIANCES

A. The Architectural Control Committee shall have power to and may allow reasonable variances and adjustments of these conditions and restrictions in order to overcome practical difficulties and prevent unnecessary hardships in the application of the regulations contained herein; provided, however, that such is done in conformity to the intent and purposes hereof; and, provided also that in every instance such variance or adjustment will not be materially detrimental or injurious to other property or improvements in the neighborhood. Variances and adjustments of height, size, and setback requirements may be granted hereunder, but shall also be subject to the requirements of the City of Cody.

B. In the event there shall be governmental regulations which conflict with or prevent works of construction or improvements in the manner as required by the within regulations, these circumstances shall be deemed to constitute practical difficulties, justifying allowances of variances and adjustments of said regulations in order to prevent unnecessary hardship; provided, however, that in every instance the variance or adjustment shall not be materially detrimental or injurious to property or improvements in the neighborhood.

XXV
ACCEPTANCE OF DECLARATION AND ACKNOWLEDGMENT

Each purchaser and grantee of any of the properties subject to this Declaration, by acceptance of a deed conveying title thereto, shall accept such title upon and subject to each and all of the provisions, restrictions, conditions, easements, covenants, agreements, liens, and charges herein contained, and also the jurisdiction, rights, and powers of this Declarant, and by such acceptance, shall for themselves, their heirs, personal representatives, successors and assigns, covenant, consent, and agree to and with the Declarant, and to and with the grantees and subsequent owners of each of said lots within the subdivision to keep, observe, comply with and perform said provisions, restrictions, conditions, easements, covenants, agreements, liens and charges and each thereof.

Each purchaser and grantee of any of the properties subject to this Declaration understands and acknowledges that there are seasonal groundwater fluctuations in the Subdivision that may adversely affect basement construction.

XXVI
NO RIGHTS WAIVED BY DELAY

No delay or omission on the part of the Declarant or the owner or owners of any lot or lots in said property, in exercising any right, power or remedy herein provided for in the event of any breach of any of the provisions, restrictions, conditions, easements, covenants, agreements, liens, and charges herein contained shall be construed as a waiver thereof or acquiescence therein, and no right of action shall accrue, nor shall any action be brought or maintained by anyone whomsoever against Declarant for or on account of their failure or neglect to exercise any right, power or remedy herein provided for in the event of any such breach or for imposing herein provisions, restrictions, conditions, easements, covenants, agreements, liens, and charges which may be unenforceable.

XXVII
PARTIAL INVALIDITY

In the event that any one or more of the provisions, restrictions, conditions, easements, covenants, agreements, liens, and charges herein set forth shall be held by any court of competent jurisdiction to be null and void, all remaining provisions, restrictions, conditions, easements, covenants, agreements, liens, and charges herein set forth shall continue unimpaired and in full force and effect.

XXVIII
AMENDMENTS

Any or all of the provisions of this Declaration of Restrictions, Conditions, Easements, Covenants, Agreements, Liens, and Charges may be annulled, amended or modified at any time by the filing in the Park County, Wyoming, Recorder's Office of an instrument setting forth such annulment, amendment or modification, executed by the owner or owners of record (as shown by the land records of Park County, Wyoming, at the time of the filing of such instrument of seventy-five (75%) percent of the property (computed by number of lots) encompassed within the Shadow Mountain Subdivision. The property encompassed within the Shadow Mountain Subdivision is defined, for the purpose of this paragraph only, as the lots described in the herein referred to map or plat.

XXIX
CAPTIONS

The captions of the various paragraphs of this Declaration are for convenience only and are not a part of the Declaration, and do not in any way limit or amplify the terms or provisions thereof.

XXX
ASSIGNMENT OF POWERS

Any and all rights and powers of the Grantor herein contained may be delegated, transferred or assigned. Wherever the term "Grantor" is used herein, it includes assigns or successors in interest of the Grantor.

IN WITNESS WHEREOF, we have hereunto set our hands the 19TH day of AUGUST, 1993.

State of Wyoming } ss.
County of PARK }
The foregoing instrument was acknowledged before me by John P. Hauser this 19th day of August, 1993.
Witness my hand and official seal
Commission Expires 7/6/96
Notary Public

SHADOW MOUNTAIN, INC.

By John P. Hauser

Its PRES.

ATTEST:

Eugene J. Stringari
Secretary

Received by lot purchaser_____; Dated _____, __, 199_.

319185

INST# 319185 BOOK 0231 PAGE 0736
RECORDED 08/19/93 AT 11:30
BY: GERRI PATTERSON , DEPUTY
FEES: 30.00
MARIE FONTAINE, PARK COUNTY CLERK

STATEMENT OF CONSIDERATION
ATTACHED

SD

COUNTY CLERK'S OFFICE

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS THAT the City of Cody, a Wyoming municipal corporation, Grantor, of Cody, Park County, Wyoming, for and in consideration of the sum of $10.00 and other good and valuable consideration in hand paid, the receipt whereof is hereby acknowledged, conveys and quitclaims to Edwin E. Higbie and Carol L. Higbie, husband and wife as tenants by the entirety, Grantees, whose address is 213 North 44th Street, Cody, Wyoming 82414, all of Grantor's interest in the following described property:

See Exhibit "A" attached hereto and made a part hereof;

This deed conveys a 0.68 acre parcel, and is a boundary line adjustment between the parcel being conveyed and adjoining land owned by Edwin E. Higbie and Carol L. Higbie. It is intended that the 0.68 acre of land affected by the boundary line adjustment shall be "merged" with the adjoining land of Edwin E. Higbie and Carol L. Higbie and shall not constitute a separate parcel of land. This boundary line adjustment does not constitute a subdivision of land.

WITNESS its hand this 28th day of January, 2004.

CITY OF CODY, a Wyoming municipal corporation

By: Ken Stockwell, Mayor

STATE OF WYOMING)
) ss.
COUNTY OF PARK)

On this 28th day of January, 2004, before me personally appeared Ken Stockwell, to me personally known, who being by me duly sworn did say that he is Mayor of the City of Cody, a Wyoming municipal corporation, and that said instrument was signed and sealed on behalf of the City of Cody by authority of its City Council, and said Mayor, Ken Stockwell, acknowledged said instrument to be the free act and deed of the City of Cody.

WITNESS my hand and official seal.

COUNTY OF PARK STATE OF WYOMING My Commission Expires June 19, 2004

Vera G. Berline
Notary Public

My Commission expires: June 19, 2004

PARK COUNTY, CODY, WY REC $8.00 02/03/2004 #2004-740
KAREN CARTER, COUNTY CLERK 11:30:00AM 1 OF 2

Exhibit A

HOLM, BLOUGH and COMPANY

CONSULTING ENGINEERS AND LAND SURVEYORS
1402 Stampede Ave. Cody, WY 82414
(307) 587-6281
Fax 587-6282

Roy Holm, PE & LS
Paul Blough, LS

January 20, 2004

Job No. 01-039

LEGAL DESCRIPTION OF A PORTION OF
TED EBERT PARK IN THE SHADOW MOUNTAIN SUBDIVISION
WITHIN THE CITY OF CODY
(CITY OF CODY TO HIGBIE)

A parcel of land being a portion of the Ted Ebert Park, of the Shadow Mountain Subdivision within the City of Cody, as recorded in Plat Book F at page 84 of the plat records on file in the office of the Clerk and Recorder of Park County, Wyoming; said parcel being graphically illustrated as Parcel A on the Boundary Adjustment Survey attached hereto and by this mention made a part hereof and being more particularly described as follows:

Beginning at the northwest corner of said Ted Ebert Park; thence North 89°54'00" East along the north line of said Ted Ebert Park, a distance of 125.00 feet; thence South 00°23'05" East parallel to the east line of 29th Street of said Shadow Mountain Subdivision, a distance of 176.30 feet; thence North 89°54'00" East parallel with the north line of said Ted Ebert Park, a distance of 99.20 feet to the south line of said Ted Ebert Park; thence South 73°04'42" West along the south line of said Ted Ebert Park, a distance of 207.07 feet to the beginning of a curve tangent to said line; thence westerly, northwesterly and northerly a distance of 37.19 feet along the curve concave to the northeast, having a radius of 20.00 feet and a central angle of 106°32'18"; thence North 00°23'05" West tangent to said curve along west line of said Ted Ebert Park, a distance of 217.18 feet, more or less, to the Point of Beginning containing 0.68 acres, more or less, and being subject to all rights of way and/or easements that legally exist.

Said "Parcel A" to be merged with the vacated portion of Shadow Mountain Subdivision as recorded in Document 2003-12227 in the records of the Park County Clerk and Recorder, and shall not constitute a separate parcel of land and may not be conveyed separately.

Modification in any way of the foregoing legal description terminates all liability of the surveyor who prepared that description.

fully apprised of her right and the effect of signing and acknowledging the said instrument.

Given under my hand and official seal, this 22nd day of July, A. D., 1927.

Mabel Ward

(SEAL) Notary Public.

My Commission expires March 25th, 1930.

Recorded on the 6 day of August 1927 at 10:15 A. M.

Bertha M. Rousseau, Register of Deeds.

Reception No. 25771.

67-561

RIGHT OF WAY

FOR AND IN CONSIDERATION OF Twenty and 50/100 Dollars to me in hand paid, the receipt of which is hereby acknowledged, I, Hattie Calfee, of Lincoln, Nebraska do hereby for myself, my heirs, executors, administrators, successors and assigns, grant and release to THE ILLINOIS PIPE LINE COMPANY, its successors and assigns, the right of way to lay, maintain, operate and remove pipe lines, and erect, maintain and operate telegraph or telephone lines, if the same shall be thought necessary by said grantee, over and through my lands in Township 53 North, Range 101 West, County of Park, State of Wyoming bounded and described as follows:

Southeast Quarter of the Northeast Quarter (SE¼ NE¼) in Section 33 (Now of Tract #71)

including the waiver and release of right of homestead, and with the right of ingress and egress to and from the same. The said Grantor to fully use and enjoy the said premises, except for the purpose hereinbefore granted to the said THE ILLINOIS PIPE LINE COMPANY, which hereby agrees to pay any damages which may arise for any cause from the laying, erecting, maintaining, operating or removing of said pipe, telegraph and telephone lines; said damages if not mutually agreed upon, to be ascertained and determined by three disinterested persons, one thereof to be appointed by the said Grantor heirs or assigns; one by the said THE ILLINOIS PIPE LINE COMPANY, its successors or assigns, and the third by the two so appointed as aforesaid, and the award of such three persons, or any two of them, shall be final and conclusive. Should more than one pipe line be laid under this grant at any time, a like consideration shall be paid for each line so laid in addition to the damages above provided for

Telephone line to be constructed near the fence line and so as not to interfere with the working of the land. Any crop damages, either present or future, to be paid to the owner or tenant in possession.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 23rd day of June, 1927.

Signed, Sealed and Delivered in the presence of: Hattie Calfee (SEAL)

S. C. Parks, Jr.

STATE OF NEBRASKA)

Recorded on the 6 day of August 1927 at 10:20 A. M.

Bertha M. Rousseau, Register of Deeds.

Reception No. 25772.

RIGHT OF WAY

FOR AND IN CONSIDERATION OF Twenty and 50/100 Dollars to me in hand paid, the receipt of which is hereby acknowledged, I, Arella I. Myers, of St. Paul, Minnesota, do hereby for myself, my heirs, executors, administrators, successors and assigns, grant and release to THE ILLINOIS PIPE LINE COMPANY, its successors and assigns, the right of way to lay, maintain, operate and remove pipe lines, and erect, maintain and operate telegraph or telephone lines, if the same shall be thought necessary by said grantee, over and through my lands in Township 53 North, Range 101 West, County of Park, State of Wyoming bounded and described as follows:

Northeast Quarter of the Northeast Quarter (NE¼ NE¼) of Section 33, (Now of Tract #71)

including the waiver and release of right of homestead, and with the right of ingress and egress to and from the same. The said Grantor to fully use and enjoy the said premises, except for the purpose hereinbefore granted to the said THE ILLINOIS PIPE LINE COMPANY, which hereby agrees to pay any damages which may arise to crops or fences from the laying, erecting, maintaining, operating or removing of said pipe, telegraph and telephone lines; said damages if not mutually agreed upon, to be ascertained and determined by three disinterested persons, one thereof to be appointed by the said Grantor heirs or assigns; one by the said THE ILLINOIS PIPE LINE COMPANY, its successors or assigns, and the third by the two so appointed as aforesaid, and the award of such three persons, or any two of them, shall be final and conclusive. Should more than one pipe line be laid under this grant at any time, a like consideration shall be paid for each line so laid in addition to the damages above provided for.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 18th day of June, 1927.

Signed, Sealed and Delivered in the presence of:

Phyllis Reilly

H. W. Phillips

Arella I. Myers (SEAL)

STATE OF MINNESOTA)
COUNTY OF RAMSEY) ss.

On this 18th day of June, 1927, before me personally appeared Arella I. Myers, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that she executed the same as her free act and deed, including the release and waiver of the right of homestead, said Arella I. Myers having been by me fully apprised of her right and the effect of signing and acknowledging the said instrument.

Given under my hand and official seal, this 18th day of June, A. D. 1927.

Hermon W. Phillips
Notary Public, Ramsey County, Minnesota.

(SEAL)

My Commission expires September 11, 1927.

Recorded on the 6 day of August 1927 at 10:20 A. M.

Bertha M. Rousseau, Register of Deeds.

Reception No. 25772.

corporation, and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors and said W. F. Wilkerson acknowledged said instrument to be the free act and deed of said corporation.

Given under my hand and notarial seal this 11th day of January, A. D. 1943.

K. S. Barber
Notary Public.

(SEAL)

My commission expires on the 4th day of February A. D. 1946.

Recorded on the 18 day of January, 1943 at 3:00 P. M.

Eva E. Larson, County Clerk and Ex-Officio Register of Deeds, By Hilda K. Ratliff, Deputy.

Reception No. 51500.

111-6016

##

ASSIGNMENT OF RIGHTS OF WAY

KNOW ALL MEN BY THESE PRESENTS: WHEREAS, The Illinois Pipe Line Company, an Ohio corporation, has dissolved and discontinued business December 16, 1942, pursuant to the statutes of the State of Ohio in such cases made and provided;

NOW, THEREFORE, in consequence of its dissolution, and in liquidation thereof, has granted, conveyed, transferred, assigned and set over, and does hereby grant, convey, transfer, assign and set over unto The Ohio Oil Company, an Ohio corporation, of Findlay, Ohio, and sole stockholder of The Illinois Pipe Line Company at the time of dissolution, all of its right, title and interest in and to the following pipe line rights of way in Park County, Wyoming, for a full description of which reference is hereby made to the book and page where said rights of way grants are recorded, as below, to-wit:

BX 22					
NO.	GRANTOR	GRANTEE	DATE OF INSTRUMENT	RECORDED BOOK	PAGE
10	Paul Richter	The Illinois Pipe Line Co.	11/14/17	33	546
11	James W. McCollum	The Midwest Refining Co.	1/22/16	23	471
12	Daniel J. McCollum	The Midwest Refining Co.	1/22/16	23	477
13	Albert M. Ormston	The Midwest Refining Co.	1/22/16	23	478
15	George Tomres	The Illinois Pipe Line Co.	4/29/16	23	476
17	Robert L. Owens	The Midwest Refining Co.	1/22/16	23	475
23	Graybull Refg. Co.	The Illinois Pipe Line Co.	3/1/16	23	472
24	Board of Commissioners	The Illinois Pipe Line Co.	10/ 3/17	Not recorded	
BX 27					
66A	Chas. E. Cooley et ux	The Illinois Pipe Line Co.	12/27/20	50	67
80	Hugh W. Marshall	The Illinois Pipe Line Co.	10/3 /17	33	499

82	Orin Lynn	The Illinois Pipe Line Co.	10/ 2/17	33	498
82A	Evan H. Cox et ux	The Illinois Pipe Line Co.	10/ 2/17	33	496
82B	N. A. Strickland et ux	The Illinois Pipe Line Co.	1/ 8/21	50	72
82C	Ira W. Garrett	The Illinois Pipe Line Co.	4/ 1/21	50	151
83B	H. F. Kruger	The Illinois Pipe Line Co.	3/29/21	50	71
83D	George W. Collins	The Illinois Pipe Line Co.	2/15/21	50	150
83E	George Hamby	The Illinois Pipe Line Co.	1/ 6/21	50	70
84	A. A. Tucker	The Illinois Pipe Line Co.	12/16/20	50	69
85A	William E. Mumby et ux	The Illinois Pipe Line Co.	12/27/20	50	68
85B	Edwin G. Lindsay	The Illinois Pipe Line Co.	1/14/21	50	66
90	E. L. Ehrstein et ux	The Illinois Pipe Line Co.	9/28/17	33	497
72-78	State Board of School Land Commissioners	The Illinois Pipe Line Co.	7/14/19	37	406
BK 67					
3-4-5-6-6A-9-11A	Robert S. Trumbull et ux	The Illinois Pipe Line Co.	6/16/27	67	555
3-4-5-6-6A-9-11A	Robert S. Trumbull et ux	The Illinois Pipe Line Co.	9/27/28	75	437
13-15-17	Henry Griffin et ux	The Illinois Pipe Line Co.	6/18/27	67	556
14	O. L. Webster et ux	The Illinois Pipe Line Co.	7/27/27	67	552
26	E. W. Lindsay et ux	The Illinois Pipe Line Co.	6/ 6/27	67	554
28	O. A. Holm et ux	The Illinois Pipe Line Co.	6/11/27	67	553
30-30A	E. E. Newton et ux	The Illinois Pipe Line Co.	6/21/27	67	557
31	F. A. Ingraham et al	The Illinois Pipe Line Co.	6/21/27	67	558
31A	Louisa M. Cody Estate	The Illinois Pipe Line Co.	7/28/27	67	560
32	Hattie Calfee	The Illinois Pipe Line Co.	6/23/27	67	561 *
33	Arella I. Myers	The Illinois Pipe Line Co.	6/18/27	67	562
34	O. F. Noble et ux	The Illinois Pipe Line Co.	6/18/27	67	551
35	A. J. Noble	The Illinois Pipe Line Co.	6/ 8/27	67	559

Park County, Wyoming

BK 67

NO.	GRANTOR	GRANTEE	DATE OF INSTRUMENT	RECORDED BOOK	RECORDED PAGE
35A	A. J. Noble Estate	The Illinois Pipe Line Co.	6/ 6/33	87	610
35B	Oscar V. Howe et ux	"	5/24/33	87	609
35C	Town of Cody	"	6/30/33	87	610
35D	Cody Realty and Finance Co.	"	5/26/33	87	606
35E	Shoshone Electric Light & Power Company	"	5/25/33	87	607
27A-32B-34A	Cody Canal Irrigation Dist.	"	7/ 9/27	67	563
BK 22					
4-6-8-10-14-19-21	North. Pacific R. R. Co.	"	8/30/16	50	388
BK 27					
91	Northern Pacific R. R. Co.	"	3/22/19	38	536
88	do	"	11/30/17	33	564

It is the intention of The Illinois Pipe Line Company, a dissolved corporation, to

by it in said county and state, whether or not same are specifically set forth and referred to above.

The Illinois Pipe Line Company hereby warrants the title of all of the foregoing rights of way.

TO HAVE AND TO HOLD unto the said The Ohio Oil Company, an Ohio corporation, its successors or assigns forever, together with any and all agreements and/or instruments in any wise modifying, extending or affecting any of the above described rights of way, and together with all personal property used or obtained in connection therewith, subject, however, to all of the terms and conditions set forth in said rights of way grants.

IN WITNESS WHEREOF, The Illinois Pipe Line Company has caused these presents to be duly executed by its proper officers thereunto duly authorized, and its corporate seal to be hereunto affixed, duly attested, on this 21 day of December, 1942.

(CORPORATE SEAL)

THE ILLINOIS PIPE LINE COMPANY
By O. F. Moore
Vice-President

WITNESS:

C. E. Rhead

W. W. Sesthorn

ATTEST: H. W. Taylor
Assistant Secretary

ACKNOWLEDGMENT

STATE OF OHIO)
) SS.
County of Hancock)

Before me, F. M. Carpenter, a Notary Public, duly commissioned, qualified and acting in and for the county and state aforesaid, on this day personally appeared O. F. MOORE, to me personally known and known to me to be the identical person whose name is subscribed to the foregoing instrument as Vice-President of The Illinois Pipe Line Company, the corporation which executed the same, who, being by me duly sworn, did say that he is Vice President of the said corporation, that he subscribed the name of the said corporation to the foregoing instrument as the maker thereof, affixed the corporate seal of said corporation thereto, subscribed his name to said instrument as Vice President of said corporation, and that the said instrument was so signed and sealed for and on behalf of said corporation by authority of its Board of Directors; and he did acknowledge the same to be his free and voluntary act and deed in the capacity therein stated, and the free and voluntary corporate act and deed of said corporation, for the uses, purposes and consideration in said instrument set forth and expressed.

Given under my hand and seal of office this 21 day of December, A. D., 1942.

(SEAL).

F. M. Carpenter
Notary Public, Hancock
County, Ohio
Residing at Findlay, Ohio.

My commission expires May 15, 1944.

Recorded on the 20 day of January, 1943 at 9:00 A. M.

Eva E. Larson, Register of Deeds.

Reception No. 51572.

ASSIGNMENT OF RIGHTS OF WAY

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, under date of November 19, 1959, The Ohio Oil Company, an Ohio corporation (Assignor), entered into a written contract with Marathon Pipe Line Company, a Delaware corporation (Assignee), providing for the transfer, assignment and conveyance of all of Assignor's pipe line assets wherever located, including all right of way grants, to Assignee upon the terms and provisions contained in said contract;

NOW THEREFORE, in consideration of the foregoing, Assignor does hereby assign, transfer and convey to Assignee, its successors and assigns, effective January 1, 1960, all of Assignor's right, title and interest in and to the following right of way grants located in the County of Park, State of Wyoming, for a full description of which reference is hereby made to the respective book and page of the records of said county where said right of way grants are recorded, to wit:

Park County, Wyoming

BX 1

NO.	GRANTOR	GRANTEE	DATE OF INSTRUMENT	RECORDED BOOK	RECORDED PAGE
6066	C. A. Lewis, et ux	The Ohio Oil Company	4/8/43	113	89
7508	David J. Evert, et al	"	8/29/53	184	527
6350	Stanolind Oil & Gas Co.	"	10/26/46	128	523
BX 22					
3	State Board of School Land Commissioners of Wyoming	The Illinois Pipe Line Co.	10/14/16	23	509
3	Board of Land Commissioners of Wyoming	The Ohio Oil Company	3/3/44	117	153
10	Paul Richter	The Illinois Pipe Line Co.	11/14/17	33	546
11	James W. McCollum	The Midwest Refining Co.	1/22/16	23	471
12	Daniel J. McCollum	"	1/22/16	23	477
13	Albert E. Ormston	"	1/22/16	23	478
15	George Tomres	The Illinois Pipe Line Co.	4/29/16	23	476
17	Robert L. Owens	The Midwest Refining Co.	1/22/16	23	475
BX 27					
66A	Chas S. Cooley, et ux	The Illinois Pipe Line Co.	12/27/20	50	67
1C	Hugh W. Marshall	"	10/3/17	33	499
2	Orin Lynn	"	10/3/17	33	498
82A	Ivan H. Cox, et ux	"	10/2/17	33	496
82B	R. A. Strickland, et ux	"	1/8/21	50	72
82C	Ira W. Garrett	"	4/1/21	50	151
83B	H. F. Kruger	"	1/29/21	50	71
83D	George W. Collins	"	2/15/21	50	150
83E	George Hamby	"	1/6/21	50	70
84	A. A. Tucker	"	12/16/20	50	69
85A	Nellie Schain Mumby, et con	"	12/27/20	50	68
85B	Edwin G. Lindsay	"	1/14/21	50	66
86	Daniel J. Danker	"	11/30/17	33	564
90	E. L. Ekstein, et ux	"	9/28/17	33	497
91	Northern Pacific Railway Co.	"	3/22/19	38	536
~~27~~ 1	The State of Wyoming	"	12/5/30	85	403
BX 67					
3-4-5-6-6A-9-11A-11	Robert S. Trumbull, et ux	The Illinois Pipe Line Co.	6/16/27	67	555
3-4-5-6-6A-9-11A	Robert S. Trumbull, et ux	"	9/27/28	75	437
13-15-17	Henry Griffin, et ux	The Illinois Pipe Line Co.	6/18/27	67	556
14	C. L. Webster, et ux	"	7/27/27	67	552
26	S. W. Lindsay, et ux	"	6/6/27	67	554
27A-32B-34A	Cody Canal Irrigation District of Park Co., Wyoming	"	7/9/27	67	563
28	G. A. Holm, et ux	"	6/11/27	67	553
30-30A	A. E. Newton, et ux	"	6/21/27	67	557
31	F. A. Ingraham, et ux	"	6/21/27	67	558
31A	Samuel C. Parks, Jr., et al Executor of Est Louisa M. Cody	"	7/22/27	67	560
31B	Lewis S. Reynolds, et ux	The Ohio Oil Company	5/22/58	228	2
32	Hattie Calfee	The Illinois Pipe Line Co.	6/23/27	67	561 *
BX 27					
34, 72 & 78	State Board of School Land Commissioners of Wy.	The Illinois Pipe Line Co.	7/14/19	37	406

Assignee agrees to assume all of the obligations of the Grantee named in said right of way grants and to save and hold Assignor harmless from and against any and all claims which may arise out of its ownership or use of said grants from and after January 1, 1960, the effective date of this Assignment.

IN WITNESS WHEREOF, The Ohio Oil Company has caused this instrument to be executed by its duly authorized officers and its corporate seal to be hereunto affixed, on this 16th day of December, 1959.

THE OHIO OIL COMPANY

By J. R. Donnell
Vice President
J. R. DONNELL

Attest: R. H. Brown
Assistant Secretary
R. H. BROWN

ACKNOWLEDGMENT

State of Ohio)
County of Hancock) ss.

On the 16th day of December, 1959, before me appeared J. R. Donnell and R. H. Brown to me personally known, who, being by me duly sworn, did say that they are Vice President and Assistant Secretary, respectively, of The Ohio Oil Company, an Ohio corporation, and that the seal affixed to said instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors, and said J. R. DONNELL and R. H. BROWN acknowledged said instrument to be the free act and deed of said corporation.

Given under my hand and official seal this 16th day of December, A.D., 1959.

Robert A. Brown
Notary Public

My commission expires on the _____ day of _____, A.D., 19____.

ROBERT A. BROWN, NOTARY PUBLIC
STATE OF OHIO
MY COMMISSION EXPIRES APRIL 3, 1962

State of Wyoming }
County of Park } ss.

This instrument was filed for record on the 23 day of February A.D. 19 60 at 9:25 o'clock A.M., and duly recorded in Book 244 Page 56

Eva E. Larson
Register of Deeds
By Gladys Rickman
Deputy
No. 981537 Fee, $6.65

PARTIAL ASSIGNMENT OF RIGHTS OF WAY

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, under date of December 23, 1960, Marathon Pipe Line Company, a Delaware corporation (ASSIGNOR), entered into a written contract with Nielson Enterprises Inc., a Delaware corporation, with its principal office at Cody, Wyoming (ASSIGNEE), providing for the sale to Assignee of a certain crude oil pipe line and certain oil tankage and delivery facilities all located in Park County, Wyoming, and of all easements and right of way grants pertaining thereto, upon the terms and conditions contained in said contract;

NOW THEREFORE, in consideration of the foregoing, Assignor, to the extent of its right so to do, does hereby assign, transfer and convey to Assignee, its successors and assigns, effective December 30, 1960, all of Assignor's right, title and interest in and to the following right of way grants, insofar as the same pertain to pipe lines, located in the County of Park, State of Wyoming, for a full description of which reference is hereby made to the respective book and page of the records of said county where said right of way grants are recorded, to wit:

Park County, Wyoming

BX 67

NO.	GRANTOR	GRANTEE	DATE OF INSTRUMENT	RECORDED BOOK	RECORDED PAGE
13, 15, & 17	Henry Griffin, et ux	The Illinois Pipe Line Company	6/18/27	67	556
14	C. L. Webster, et ux	"	7/27/27	67	552
26	E. W. Lindsay, et ux	"	6/6/27	67	554
27A, 32B & 34A	Cody Canal Irrigation District of Park County, Wyoming	"	7/9/27	67	563
28	G. A. Holm, et ux	"	6/11/27	67	553
30 & 30A	E. E. Newton, et ux	"	6/21/27	67	557
31	F. A. Ingraham, et ux	"	6/21/27	67	558
31A	Samuel C. Parks, Jr., et al Exc. of Est. of Louisa M. Cody	"	7/22/27	67	560
32	Hattie Calfee	"	6/23/27	67	561 *
33	Arella I. Myers	"	6/18/27	67	562
34	Charles F. Noble, et ux	"	6/18/27	67	551
35	A. J. Noble	"	6/8/27	67	559
31B	Lewis S. Reynolds, et ux	The Ohio Oil Co.	5/22/58	228	2

Assignee agrees to assume all of the obligations of the Grantee named in said right of way grants pertaining to pipe lines or arising from, incident to, or growing out of the exercise by Assignee of the rights therein granted pertaining to pipe lines, and, further, to save and hold Assignor harmless from and against any and all claims which may arise out of its ownership or use of said grants from and after December 30, 1960, the effective date of this assignment.

Assignor reserves unto itself and excepts from this assignment the above-listed right of way grants insofar as the same pertain to telegraph or telephone lines and the right of ingress and egress to and from the properties subject of said grants to erect, maintain, operate and remove such telegraph or telephone lines.

IN WITNESS WHEREOF, Marathon Pipe Line Company has caused this instrument to be executed by its duly authorized officers and its corporate seal to be hereunto affixed, this 18th day of January, 1961.

MARATHON PIPE LINE COMPANY

By Jack H. Rice
President

Attest: R. H. Brown
Secretary

APPROVED AS TO FORM

ACKNOWLEDGMENT

State of Ohio }
County of Hancock } ss.

On the 18th day of January, 1961, before me appeared Jack H. Rice and R. H. Brown, to me personally known, who, being by me duly sworn, did say that they are President and Secretary, respectively, of Marathon Pipe Line Company, a Delaware corporation, and that the seal affixed to said instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors, and said Jack H. Rice and R. H. Brown acknowledged said instrument to be the free act and deed of said corporation.

Given under my hand and official seal this 18th day of January, A.D., 1961.

Catherine J. Dennison
Notary Public

My commission expires on the 30th day of April, 1962.

CATHERINE J. DENNISON, Notary Public
HANCOCK COUNTY, OHIO
My Commission Expires April 30, 1962

Recorded Jan. 31, 1961 at 2:10 P.M.
In Book 254 Page 109 Park County, Wyo.
No. 101307 Eva E. Larson, County Clerk

ASSIGNMENT

FOR VALUE RECEIVED, the receipt and sufficiency of which are hereby acknowledged, HUSKY OIL COMPANY hereby assigns, transfers, conveys, and gets over unto HUSKY PIPELINE COMPANY all of its right, title, and interest in and to the attached assignment of listed rights-of-way in Park County, Wyoming.

IN WITNESS WHEREOF, this Assignment is executed this 2nd day of October, 1967.

HUSKY OIL COMPANY

By [signature]
Vice President

[signature]
Assistant Secretary

STATE OF WYOMING)
) ss.
COUNTY OF PARK)

The foregoing instrument was acknowledged before me this 2nd day of October, 1967.

Witness my hand and official seal.

[signature]
Notary Public

Commission expires:
[illegible] 6, 1970

PARTIAL ASSIGNMENT OF RIGHTS-OF-WAY
(Oregon Basin-Cody)

WHEREAS, under date of September 25, 1967, NIELSON ENTERPRISES INC., a Delaware corporation ("Assignor"), entered into a written contract with HUSKY OIL COMPANY, a Delaware corporation with its principal office at Cody, Wyoming ("Assignee"), providing for the transfer to Assignee of a certain crude oil pipeline and certain oil tankage and delivery facilities all located in Park County, Wyoming, and of all easements and right-of-way grants pertaining thereto, upon the terms and conditions contained in said contract;

NOW, THEREFORE, in consideration of the foregoing, Assignor, to the extent of its right so to do, does hereby assign, transfer, and convey to Assignee, its successors and assigns, effective October 1, 1967, all of Assignor's right, title, and interest in and to the following right-of-way grants insofar as the same pertain to pipelines, located in the County of Park, State of Wyoming, for a full description of which reference is hereby made to the respective book and page of the records of said county where said right-of-way grants are recorded, to-wit:

Park County, Wyoming

NX 67

NO.	GRANTOR	GRANTEE	DATE OF INSTRUMENT	RECORDED BOOK	RECORDED PAGE
13, 15 & 17	Henry Griffin, et ux.	The Illinois Pipe Line Company	6/18/27	67	556
14	C. L. Webster, et ux.	"	7/27/27	67	552
26	E. W. Lindsay, et ux.	"	6/6/27	67	554
27A, 32B, & 34A	Cody Canal Irrigation District of Park County, Wyoming	"	7/9/27	67	563
28	G. A. Holm, et ux.	"	6/11/27	67	553
30 & 30A	E. E. Newton, et ux.	"	6/21/27	67	557
31	F. A. Ingraham, et ux.	"	6/21/27	67	558
31A	Samuel C. Parks, Jr., et al., Exe. of Est. of Louisa M. Cody	"	7/22/27	67	560
32	Hattie Calfee	"	6/23/27	67	561
33	Arella L. Myers	"	6/18/27	67	562
34	Charles F. Noble, et ux.	"	6/28/27	67	551
35	A. J. Noble	"	6/8/27	67	559
31B	Lewis S. Reynolds, et ux.	The Ohio Oil Co.	5/22/58	228	2

IN WITNESS WHEREOF, Nielson Enterprises Inc. has caused this instrument to be executed by its duly authorized officers and its corporate seal to be hereunto affixed this 29th day of September, 1967.

NIELSON ENTERPRISES INC.

By Edward Larson
Vice President

Secretary

STATE OF WYOMING)
) SS
COUNTY OF PARK)

The foregoing instrument was acknowledged before me this 29th day of September, 1967.

Witness my hand and official seal.

Jean Larson
Notary Public

My commission expires: May 16, 1970

State of Wyoming, }
County of Park, } ss.
This instrument was filed for record on the 20 day of October 1967 at 1:30 o'clock P.M., and duly recorded in Book 321 records on page 359
Eva E. Larson
Register of Deeds
By Elizabeth Eckhardt
Deputy
No. 124574 Fees, $6.00

(17)

ASSIGNMENT OF RIGHTS-OF-WAY AND EASEMENTS

Marathon Ashland Pipe Line LLC (successor in interest to Marathon Pipe Line Company), a Delaware limited liability company, whose address is 539 South Main Street, Findlay, Ohio 45840 ("Assignor"), for good and valuable consideration to it paid by Red Butte Pipe Line Company, a Delaware corporation, whose address is 5555 San Felipe, Houston, Texas 77056 ("Assignee"), the receipt of which is hereby acknowledged, does hereby grant, assign, transfer, and convey to Assignee all of its right, title, and interest in, to and under those certain easements, rights-of-way, permits and licenses, situate in PARK COUNTY, State of Wyoming, set forth on Exhibit A attached.

This Assignment will be governed by the terms and conditions of the Purchase and Sale Agreement between Assignor and Assignee dated April 5, 2000.

This Assignment shall be construed under and in accordance with the laws of the State of Wyoming.

IN WITNESS WHEREOF, the parties hereto have set their hands as of the 27 day of July, 2000.

ASSIGNOR:
Marathon Ashland Pipe Line LLC,
A Delaware limited liability company

By: [signature]

Name: Daragh Porter

Its: President

ASSIGNEE:
Red Butte Pipe Line Company,
A Delaware corporation

By: Randy B. Bath

Name: Randy B. Bath

Its: President

(121196.DOC)

FILE DATE: 08/28/2000 FILE TIME: 08:10
PARK COUNTY, WY. KAREN CARTER - COUNTY CLERK

PAGE #: 0001 OF 0025
DOC #: 2000 4972 **

2000 4972 0001 0000 0000

Exhibit A

PARK County, State of **WYOMING**

File No.	Grantor	Land Description	Date	Instrument Recorded Book	Instrument Recorded Page
11-459-067-000026-	EVERT, DAVID J AND OTHERS	SECTION 33, T53N-R101W LOT 11, SW4NE4	8/29/53	184	527
11-459-067-000028-	CALFEE, HATTIE	SECTION 33, T53N-R101W SE4NE4 (NOW TRACT 71)	6/23/27	67	561 *
11-459-067-000028-A	REYNOLDS, LEWIS S AND OTHERS	SECTION 33, T53N-R101W A 40' WIDE STRIP IN SE4SW4NE4 (TRACT 71)	5/22/58	228	2
11-459-067-000029-	MYERS, ARELLA I	SECTION 33, T53N-R101W NE4NE4 (NOW TRACT 71)	6/18/27	67	562
11-459-067-000031-	NOBLE, CHARLES F AND OTHERS	SECTION 28, T53N-R101W W2SE4 (NOW PART OF TRACT 40)	6/18/27	67	551
11-459-067-000032-	NOBLE, A J	SECTION 28, T53N-R101W SW4NE4 & SE4NW4 (NOW TRACT 65)	6/8/27	67	559
11-459-067-000032-A	NOBLE ESTATE, ARTHUR J	SECTION 28, T53N-R101W SW4NE4 & SE4NW4 (NOW PART OF TRACT 40)	6/6/33	87	610
11-459-067-000032-B	HOWE, OSCAR V AND OTHERS	SECTION 28, T53N-R101W E2NW4NE4SW4 & NE4NE4SW4 (NOW PART OF TRACT 40)	5/24/33	87	609
11-459-067-000032-C	CODY, CITY OF	SECTION 28, T53N-R101W W2W2NE4SW4 (NOW PART OF TRACT 40)	6/30/33	87	610
11-459-067-000032-D	CODY REALTY & FINANCE CO	SECTION 28, T53N-R101W NW4SW4 (NOW PART OF TRACT 40)	5/26/33	87	606

BOOK 101 PAGE 101

File No. 567-2712
ER/WO No. 31-708-567
10726

RIGHT-OF-WAY EASEMENT
(Individual)

For value received the undersigned, hereinafter referred to as Grantors, (whether singular or plural), do hereby grant to PACIFIC POWER & LIGHT COMPANY, a corporation, its successors and assigns, the Grantee, an easement or right-of-way 15 feet in width for an electric transmission and distribution line of one or more wires and all necessary or desirable appurtenances (including telephone and telegraph wires, towers, poles, props, guys, anchors and other supports and the right to place all or any part of such line underground and the right to place such guys and anchors outside of said right-of-way), the centerline of which is at or near the location and along the general course now located and staked out by the Grantee over, across and upon the following described real property in Park County, State of Wyoming, to wit:

A 15 foot wide strip adjacent to the east property line of the Fenex Subdivision, beginning at the south line of the Tuttle Subdivision and extending S. 0° 25' E. a distance of 651 feet more or less. This Right-of-Way is situated in the NW¼ and the SW¼ of Section 33, T.53N., R.101W., 6th P.M.

The location and course of said Right-of-Way are approximately as shown on the sketch attached as Exhibit A and by this reference made a part hereof.

Including the right to clear said right-of-way and keep the same clear of brush, trees, timber and structures, and the right to top, trim, clear or cut away all trees outside of said right-of-way which might endanger such line.

Together with the right of ingress and egress over the adjacent lands of the Grantors for the purpose of constructing, reconstructing, string new wires on, maintaining and removing such line and appurtenances, and exercising other rights hereby granted.

At no time shall any building or anything flammable be erected, permitted or placed within the boundaries of said right-of-way, nor shall any material or equipment of any kind or nature which exceeds _____ feet in height be used thereon by Grantors, or by Grantors' heirs or assigns.

Grantors reserve the right to use said right-of-way for roads, agricultural crops or other purposes not inconsistent with the easement granted hereby, but in using or operating any irrigation pipes, motorized vehicles or other equipment, or in any other such use of said right-of-way, Grantors and Grantors' heirs or assigns, shall conform strictly to the provisions of any then applicable safety code or regulation pertaining to required clearances from the wires or conductors of such line.

All rights hereunder shall cease if and when such line shall have been abandoned.

Dated this 12 day of June, 19 84

F. Theodore Ebert (SEAL) Florence M. Ebert (SEAL)

(SEAL) (SEAL)

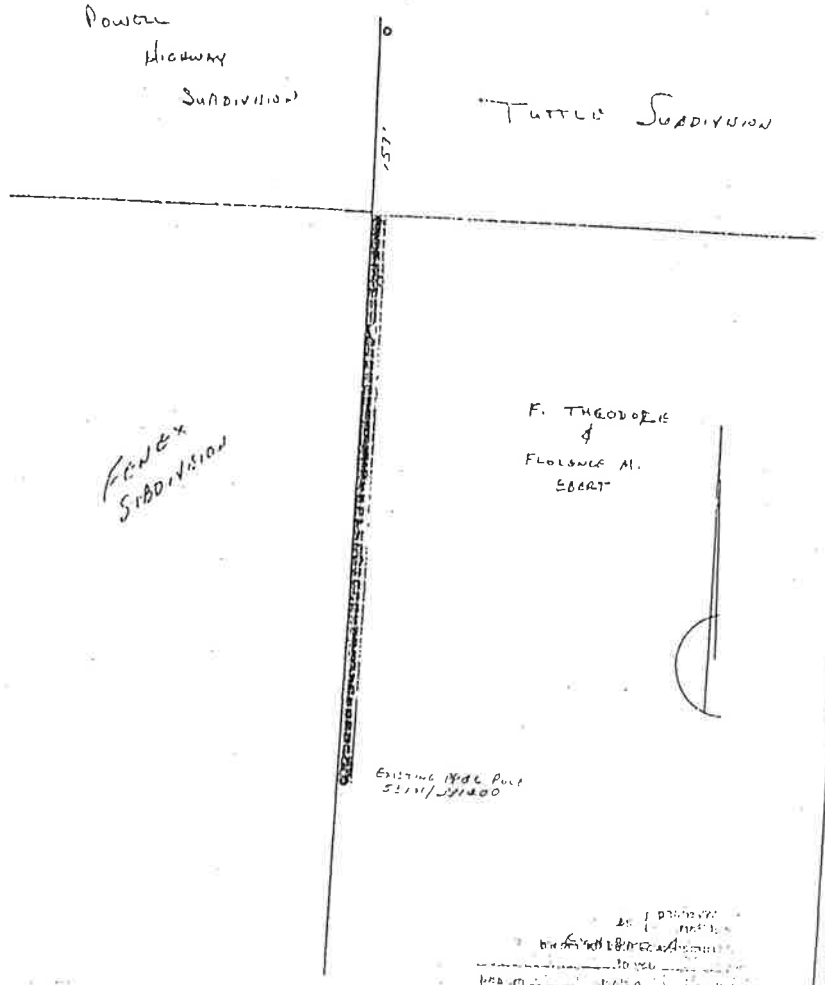
STATE OF Wyoming
County of Park } ss.

On this 12 day of June, 1984, personally appeared before me a notary public in and for said State, the within named F. Theodore & Florence M. Ebert to me known to be the identical persons described therein and who executed the foregoing instrument, and acknowledged to me that they executed the same freely and voluntarily for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year above written.

Notary Public for Wyoming
Residing at Cody
My commission expires Jan. 11, 1989

BOOK 101 PAGE 102



DISTRICT Pendleton Gas

NAME Fence-Ebert Access	FILE NO.	567-272
LOCATION [illegible]	ER NO.	2-708-567
MAP NO [illegible]	W.O.	10226
DRAWN [illegible]		

PACIFIC POWER & LIGHT COMPANY

E R SKETCH

SCALE ALTS

6-22-84

QUITCLAIM AND RELEASE OF RIGHT-OF-WAY AGREEMENT

KNOW ALL MEN BY THESE PRESENTS, that,

WHEREAS, Husky Pipeline Company, a Delaware Corporation, (HUSKY) is the present owner of a certain eight inch crude oil pipeline located in Park County, Wyoming, and of all easements and right-of-way grants pertaining thereto; and

WHEREAS, Husky has abandoned and is no longer using a portion of the existing pipeline, easements and rights-of-way;

NOW, THEREFORE, in consideration of the foregoing, HUSKY, to the extent of its right to do so, does hereby remise, release and quitclaim to the present surface owners of the tracts of land described on Exhibit "B", their heirs, successors, and assigns all of the right, title and interest of HUSKY in, to and under those certain Right-of-Way Agreements listed on Exhibit "A" attached hereto.

The lands under said Rights-of-Way being more particularly described as follows:

SEE EXHIBIT "B" ATTACHED HERETO

Excepting and reserving herefrom the above listed right-of-way grants insofar as the same pertain to telegraph and telephone lines and the right of ingress and egress to and from the subject properties of said grants to erect, maintain, operate and remove such telegraph or telephone lines, as previously reserved by Marathon Pipeline Company in Assignment dated January 18, 1961 and recorded January 31, 1961 in Book 254 at Page 109 of the records of the Clerk and Recorder of Park County, Wyoming.

EXECUTED This 17 day of [illegible], 1982.

ATTEST:

HUSKY PIPELINE COMPANY
a Delaware Corporation

[illegible]
Assistant Secretary

M. F. Westfall
M. F. Westfall
Vice President

EXHIBIT "A"

HUSKY NUMBER	GRANTOR	GRANTEE	DATE OF INSTRUMENT	RECORDED BOOK	RECORDED PAGE
RW-3058	Charles F. Noble, et ux	The Illinois Pipe Line Company	June 18, 1927	67	551
RW-3059	Arella I. Myers	The Illinois Pipe Line Company	June 18, 1927	67	562
RW-3060	Hattie Calfee	The Illinois Pipe Line Company	June 23, 1927	67	561 *
RW-3061	Samuel C. Parks, Jr. and Jacob M. Schwoob, Executors of the Estate of Louisa M. Cody	The Illinois Pipe Line Company	July 22, 1927	67	560
RW-3062	F. A. Ingraham, et ux	The Illinois Pipe Line Company	June 21, 1927	67	558
RW-3063	E. E. Newton, et ux	The Illinois Pipe Line Company	June 21, 1927	67	557
RW-3064	G. A. Holm, et ux	The Illinois Pipe Line Company	June 11, 1927	67	553
RW-3065	E. W. Lindsay, et ux	The Illinois Pipe Line Company	June 6, 1927	67	554
RW-3068	Lewis S. Reynolds, et ux	The Ohio Oil Company	May 22, 1958	228	2

BOOK 73 PAGE 666

13-6067

PARCEL I:
RW-3058

Township 53 North, Range 101 West, 6th P.M.
Section 28: W½SE¼, Resurvey Tract 40,

Now described as follows:

Claycomb Subdivision, and
Fair Acres Subdivision, and Resubdivisions thereof;

EXCEPT: That part of said W½SE¼ of Section 28 (Resurvey Tract 40) now described as Tract 1, Fair Acres Subdivision.

PARCEL II:
RW-3059

Township 53 North, Range 101 West, 6th P.M.
Section 33: NE¼NE¼, Resurvey Tract 71,

Now described as follows:

Tract 71 of the Tuttle Subdivision

PARCEL III:
RW-3060

Township 53 North, Range 101 West, 6th P.M.
Section 33: SE¼NE¼, Resurvey Tract 71

PARCEL IV:
RW-3068

Township 53 North, Range 101 West, 6th P.M.
Section 33: SE¼SW¼NE¼, Resurvey Tract 71

Now described as follows:

That part of Fenex Subdivision lying within the above described lands.

That part of the above described land excluded from the Fenex Subdivision.

PARCEL V:
RW-3061

Township 53 North, Range 101 West, 6th P.M.
Section 33: N½SE¼, Resurvey Tract 71

Now described as follows:

Tracts 71-11 through 71-15; 71-17, 71-18, 71-20 through 71-24 of the Cody Heights Subdivision.

Lots 1 through 7, Frontier Addition in Tract 71-19 of the Cody Heights Subdivision.

Tracts A and B; Lots 1 through 14 of Sheridan East Subdivision in Tract 71-16 of the Cody Heights Subdivision.

Block 2, Lots 1 through 6, Mountain View Addition in Tracts 71-8, 71-9, and 71-10 of the Cody Heights Subdivision.

That part of Tract 1; Block 2, Lots 1 through 29; Block 3, Lots 1 through 13; and Block 6 of Highland Manor Subdivision lying with the NW¼SE¼ Section 33, T53N, R101W, 6th P.M., Park County, Wyoming.

Block 1, Lots 1 through 15; Block 7, Lots 1 through 20; and part of Block 8, Lots 1 through 14 of Highland Manor Subdivision.

That unplatted portion of NW¼SE¼, Section 33, lying north of the Cody Heights Subdivision.

BOOK 73 PAGE 669

STATE OF COLORADO)
) ss.
COUNTY OF ARAPAHOE)

APPROVAL

The foregoing instrument was acknowledged before me this ____ day of _____, 1982, by M. F. Westfall, as Vice President, and _____ F. Anuta, as Assistant Secretary, of HUSKY PIPELINE COMPANY, a Delaware Corporation.

Witness my hand and official seal.

Notary Public

My Commission expires _____

State of Wyoming] ss.
County of Park
This instrument was filed for record on the 6 day of July in 82 at 4:55 o'clock P m. and duly recorded in Microfilm Book 73 on page 665
Register of Deeds
201

ORDINANCE 2020-03

AN ORDINANCE RELATING TO THE ANNEXATION TO THE CITY OF CODY, WYOMING OF LANDS OWNED BY HAROLD MUSSER

WHEREAS, notice of a public hearing to consider the annexation and zoning of the subject property was published in the Cody Enterprise on March 12 and 19th, 2020, and mailed to owners of properties within and within 140 feet of the subject property on March 4, 2020, as required;

WHEREAS, the Cody Planning and Zoning Board reviewed the annexation and accompanying zoning request at their March 24, 2020 regular meeting and recommend approval as requested;

WHEREAS, the City of Cody does not exercise authority granted under Wyoming Statue 15-3-202(b)(ii);

WHEREAS, a public hearing was held on April 7, 2020 before the City Council at their regular meeting, as advertised, at which meeting the City Council heard comments from all persons wishing to speak for or against the proposed ordinance;

WHEREAS, the Cody City Council makes the following findings in accordance with Section 402(a) of Article 4 of Chapter 1 of Title 15, Wyoming Statutes, for the reasons noted in the agenda summary:

(i) An annexation of the area is for the protection of the health, safety and welfare of the persons residing in the area and in the city or town;

(ii) The urban development of the area sought to be annexed would constitute a natural, geographical, economical and social part of the annexing city or town;

(iii) The area sought to be annexed is a logical and feasible addition to the annexing city or town and the extension of basic and other services customarily available to residents of the city or town shall, within reason, be available to the area proposed to be annexed (Making note that no utility services are needed or proposed for the annexed land);

(iv) The area sought to be annexed is contiguous with or adjacent to the annexing city or town, or the area meets the requirements of W.S. 15-1-407;

(v) If the city or town does not own or operate its own electric utility, its governing body is prepared to issue one (1) or more franchises as necessary to serve the annexed area pursuant to W.S. 15-1-410 (Not Applicable); and,

(vi) The annexing city or town, not less than twenty (20) business days prior to the public hearing required by W.S. 15-1-405(a), has sent by certified mail to all landowners and affected public utilities within the territory a summary of the proposed annexation report as required under subsection (c) of this section and notice of the time, date and location of the public hearing required by W.S. 15-1-405(a).

WHEREAS, the Cody City Council has thoroughly reviewed the matter and deems that it is in the best interest of the public and the City of Cody to approve the proposed ordinance;

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CODY, WYOMING:

Section 1. The following described territory is hereby annexed to the City of Cody, Wyoming:

Those lands located between the centerline of the Shoshone river and the South and East bank (right bank) of the Shoshone River, more particularly described on the attached survey identified as Exhibit "A", which by this reference is made a part hereof.

Section 2. The territory described in Section 1 of this ordinance is hereby made a part of Ward Number 3 of the City of Cody, Wyoming.

Section 3. The territory annexed to the City of Cody, Wyoming by this Ordinance is hereby zoned as follows:

That portion within Parcel A of Record of Survey recorded under Document #2016-2119 in Plat Cabinet N at Page 18, Records of Park County, WY, is hereby zoned Medium-Low Density Manufactured Home (R-2MH); and

That portion within the Amended Plat Frisby-Musser Subdivision, Records of Park County, WY, is hereby zoned Open Business/Light Industrial (D-3);

as outlined in Title 10, City of Cody code. The Official Zoning Map of the City shall be amended to show the annexation and zoning designation.

Section 4. The survey map of the annexation, a copy of which is attached as Exhibit "A", and which has been provided pursuant to W.S. 15-1-413, shall be filed pursuant to said statute.

This ordinance shall become effective after final passage and publication in the Cody Enterprise.

PASSED ON FIRST READING 4/7/2020
PASSED ON SECOND READING 4/21/2020
PASSED ON THIRD READING

_____
Matt Hall, Mayor

Attest:

_____
Cynthia Baker, Administrative Services Director